

SMITHFIELD SEWER AUTHORITY

Monroe County, Pennsylvania

RESOLUTION NO. 4-2008

**A RESOLUTION OF THE BOARD OF SMITHFIELD SEWER AUTHORITY TO
ESTABLISH REGULATIONS GOVERNING INDUSTRIAL WASTE AND
IMPOSING REQUIREMENTS FOR INDUSTRIAL WASTE PRETREATMENT.**

WHEREAS, this Authority, pursuant to powers vested in it and pursuant to the request and consent of the Township of Smithfield, Monroe County, Pennsylvania (the "Township"), has constructed certain wastewater collection, conveyance and treatment facilities and has also acquired conveyance and treatment capacity within facilities owned by Borough of East Stroudsburg required for rendering sewer service in and for portions of the Township (collectively the "Sewer System"); and

WHEREAS, this Authority desires to establish regulations governing the industrial waste and imposing requirements for industrial waste pretreatment and to provide requirements for administration and enforcement.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Board of this Authority as follows:

Section 1. Purpose and policy. This Resolution sets forth uniform requirements for direct and indirect contributors into the Sewer System.

A. These provisions assist the Authority and East Stroudsburg in complying with all applicable state and federal laws, including but not limited to the Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.) and the Federal General Pretreatment Regulations (40 CFR 403). The objectives of these provisions are:

1. To prevent the introduction of pollutants into the facilities which will interfere with the operation of the facilities or contaminate the resulting sludges and biosolids.

2. To prevent the introduction of pollutants into the facilities that will pass through the facilities, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the facilities.

3. To help protect both personnel who work at the facilities and to help protect the public from unnecessary biological or chemical hazards.

4. To improve the opportunity to recycle and reclaim wastewater, sludge and biosolids from the facilities.

5. To provide for fees and surcharges for equitable distribution of the cost of the facilities and the cost of operation of the facilities.

6. To enable the Authority and East Stroudsburg to comply with its national pollution discharge elimination system permit conditions, sludge use, biosolids use and disposal requirements, and any other federal or state laws to which the facilities are subject.

7. To provide a database for future facility designs and operation work.

B. This Resolution (i) defines certain terms and provides for the regulation of direct and indirect contributors to the facilities through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users; and (ii) authorizes monitoring, inspection, and enforcement activities; and (iii) requires user testing and reporting; and (iv) provides for the setting of fees for the equitable distribution of costs resulting from the treatment of nondomestic wastewater and of the costs resulting from the program established herein.

C. This Resolution and the fees authorized by this Resolution shall apply to the users of the Authority's Sewer System.

D. This Resolution establishes fines and penalties for noncompliance with the regulations and establishes additional provisions for corrective action in cases of such noncompliance.

Section 2. Definitions and word usage.

A. The following words, terms and phrases when used in this Resolution shall have the meaning described in this Section, except where the context specifically indicates otherwise:

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.

ACT 537 — The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, 35 P.S. §750.1 et seq., as amended from time to time.

APPROVAL AUTHORITY — The Regional Administrator of the EPA.

AUTHORIZED REPRESENTATIVE OF AN INDUSTRIAL/COMMERCIAL USER — An authorized representative of an industrial/commercial user may be:

- (1) For a corporation: a responsible corporate officer of the level of president, vice president, secretary or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation.
- (2) Or alternatively, for a corporation: the manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (3) A general partner or proprietor if the Industrial/Commercial User is a partnership or proprietorship, respectively.
- (4) For a federal, state, or local government: a director or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
- (5) A duly authorized representative of the individual designated above if (a) the authorization is made in writing by the individual or (b) the authorization specifies either an individual or position having responsibility for the overall operation of the facilities from which the indirect discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and (c) the written authorization is submitted to Enforcement Officer.

AUTHORITY — Smithfield Sewer Authority and its officials, agents and employees.

AUTHORITY PLANT — The wastewater treatment plant and facilities located in Smithfield Township owned and operated by the Authority, together with any capital additions thereto.

AVERAGE DAILY FLOW — A measurement of wastewater flow calculated by dividing the total wastewater flow under consideration for the 30 days immediately preceding the date of calculation by the number 30.

BEST MANAGEMENT PRACTICES or BMPS — Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 3. 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.

BIOSOLIDS — Nutrient-rich organic material resulting from the reclamation of wastewater.

BOD (BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures, for five days at 20° C usually expressed as a concentration in milligrams per liter (mg/l). The standard

laboratory procedure shall be that found in the latest EPA approved edition of standard methods.

BYPASS — The intentional diversion of waste streams from any portion of an industrial/commercial user's treatment facility.

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD — Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of The Act (33 U.S.C. §1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

COLLECTION SYSTEM — All of the wastewater collection facilities constructed or to be constructed, which convey wastewater toward the Authority Plant or the East Stroudsburg Plant, including but not limited to, sewers, interceptors, force mains, metering devices, pumping stations and other appurtenances.

COMPOSITE WASTEWATER SAMPLE — A combination of individual samples of water or wastewater collected at selected intervals, generally hourly for some specific period, to minimize the effect of the variability of the individual sample. Individual samples may have equal volume or may be roughly proportioned to the flow at the time of sampling.

CONTROL AGENCIES — The DEP, EPA and any and all governmental agencies, including East Stroudsburg, who have a right to control treatment, transportation and disposal of wastewater.

COOLING WATER — The water discharged from any recirculating, evaporative type cooling tower system or evaporative cooling pond for any use such as air conditioning, refrigeration, process cooling system, or combination cooling and process air scrubbing water system, and in which the makeup water impurity concentrations have been elevated due to evaporation, and/or to which antiscaling chemicals, corrosion inhibition chemicals, and/or EPA approved antimicrobial chemicals have been added.

DEP — The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor thereto.

DIRECT DISCHARGE — The discharge of treated or untreated wastewater directly to the waters of the Commonwealth.

DISSOLVED SOLIDS — The anhydrous residues of the dissolved constituents in water or wastewater as determined by the standard laboratory procedure set forth in the latest edition of standard methods.

EAST STROUDSBURG — The Borough of East Stroudsburg, Monroe County, Pennsylvania, and its officials, agents, and employees.

EAST STROUDSBURG PLANT — The sewage treatment plant and facilities, located in East Stroudsburg Borough, owned by East Stroudsburg and operated by East Stroudsburg,

together with any capital additions thereto.

ENFORCEMENT OFFICER — The entity appointed by the Board of the Authority to administer and enforce the provisions of this Resolution, include the issuance of permits, collection of fees, imposition of administrative penalties, and institution and prosecution of enforcement actions. The Enforcement Officer may be an individual person, a firm or corporation, or a municipal corporation.

ENVIRONMENTAL PROTECTION AGENCY or 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.

EXISTING SOURCE — Any source of discharge, the construction or operation of which commences prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of The Act.

FACILITIES — The Authority collection system, Authority Treatment Plant and, where applicable, East Stroudsburg Plant, collectively, together with all capital additions.

GARBAGE — The animal and vegetable solid waste resulting from the domestic and commercial 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 without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

GROUNDWATER — Water which is contained in or passing through the ground.

HOLDING TANK WASTE — Any waste from tank trucks, pump trucks, holding tanks, septic tanks, chemical toilets, campers, trailers or similar devices delivering waste of a sanitary and/or domestic origin.

IMPROVED PROPERTY — Any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary wastewater and/or industrial wastewater shall be or may be discharged.

INDIRECT DISCHARGE — The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307 (b), (c) or (d) of The Act.

INDUSTRIAL PRETREATMENT PROGRAM — A program administered by the owner of the POTW that meets the criteria established in 40 CFR 403.8 and 403.9, and which has been approved by a regional administrator or state director in accordance with 40 CFR 403.11 and which has been approved by the Enforcement Officer and, if required, East Stroudsburg.

INDUSTRIAL USERS and INDUSTRIAL/COMMERCIAL USERS — A source engaged in commercial or industrial activities of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of The Act, 33 U.S.C. §1342.

INDUSTRIAL WASTE/INDUSTRIAL WASTEWATER — Solid, liquid or gaseous substances, waterborne waste or form of energy discharged or escaping in the course of any industrial, manufacturing, trade, or business process or in the course of development, recovering or processing of natural resources, but not sanitary wastewater. Including any and all wastes, other than sanitary wastewater, discharged from industrial establishments, certain commercial establishments, including but not limited to hospitals and restaurants, and other similar business or institutional activities, and additionally in any other respects as such term is defined in the Pennsylvania Clean Streams Law, Act of June 22, 1937, as amended, 35 P.S. §691.1 et seq. (the "Clean Streams Law").

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT — The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE — A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes and/or biosolids processes, use or disposal; and therefore, is a cause of: (1) a violation of any requirement of the Authority or East Stroudsburg NPDES Permit (including an increase in the magnitude or duration of a violation); and/or (2) the prevention of sludge and/or biosolids use or disposal by the POTW in accordance with Section 405 of The Act, or any criteria, guidelines, or regulations developed pursuant to the Solids Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection, Research and Sanctuaries Act, or more stringent state criteria, including those contained in any state sludge management plan prepared pursuant to Title IV (Subtitle D) of SWDA applicable to the method of disposal or use employed by the POTW.

MANHOLE — A structure leading from the surface of the ground to a sewer, permitting access to the sewer.

MGD — A million gallons per day, based on average daily flow.

MG/L — Milligrams per liter.

MUNICIPAL OWNER — The municipality and/or municipal authority that owns any portion of any collection system that may be used for the conveyance of sanitary wastewater and/or industrial wastewater from a user.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or 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 and which appears in 40 CFR, Chapter I, Subchapter N, §§405-471. (Same as "categorical pretreatment standard" or "categorical standard.").

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT or NPDES PERMIT — A permit issued pursuant to Section 402 of The Act (33 U.S.C. §1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD — Any regulation developed under the authority of Section 307(b) of The Act and 40 CFR 403.5.

NEW SOURCE –

- (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of The Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that: (a) the building, structure, facility or installation is constructed at a site at which no other source is located; or (b) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (c) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (2) Construction on a site at which an existing source is located results in modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsections (1)(b) or (1)(c) above but otherwise alters, replaces or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this subsection has commenced if the owner or operator has: (a) begun, or caused to begin as part of a continuous on-site construction program: [1] any placement, assembly, or installation of facilities or equipment; or [2] significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for placement, assembly or installation of new source facilities or equipment; or (b) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts of feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

NEW USER — A new connection generating a new sewage flow and/or an existing customer and point of connection that is either:

- (1) Applying for an increase in building size or sewer usage by way of land development approval or planning module approval or application for reserved sewer capacity; and
- (2) An existing customer at an existing point of connection or a new point of connection who is or is not expanding or modifying their building but who is expanding, changing or intensifying the use of its property in such a way as to add residential dwelling units or commercial or industrial establishments or portions thereof or change or intensify the use of the property served by the POTW.
- (3) An existing customer at an existing point of connection who is not expanding its building or changing their usage but is generating a substantial increase in flow, with their existing facilities.

NONCONTACT COOLING WATER — Water used for cooling to which the only pollutant added is heat and which does not come into direct contact with any raw material, chemicals added for scale and corrosion inhibition, antimicrobial chemicals, intermediate product, waste product, or finished product.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of an improved property.

PASS THROUGH — A discharge which exits the POTW into the waters of the commonwealth in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of any applicable NPDES permit (including an increase in the magnitude and duration of violation).

PEAK FLOW — Any flow which exceeds 1.7 times the average daily flow.

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.

pH — The reciprocal of the logarithm, Base 10, of the hydrogen ion concentration, and is used as an indicator of the acidity or alkalinity of a solution, expressed in standard units.

PLANT — the Authority Plant and/or the East Stroudsburg Plant.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, biosolids, munitions, filter backwash, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, SS, turbidity, color, BOD, COD, toxicity, or odor).

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

POTW — See "publicly owned treatment works."

POTW TREATMENT PLANT — That portion of the POTW designed to provide treatment of wastewater.

PRETREATMENT — The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing such pollutants into the facilities and/or a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment imposed on a user, other than a national pretreatment standard.

PRETREATMENT STANDARDS or STANDARDS — Prohibited discharge standards, categorical pretreatment standards, and local limits.

PUBLICLY OWNED TREATMENT WORKS or POTW — A "treatment works" as defined by Section 212 of the Act, 33 U.S.C. §1292, which is owned by the Authority, East Stroudsburg, or a municipal owner. This definition includes any devices and systems used in the collection, transfer, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature. It also includes pipes, sewers, and other conveyances only if they convey wastewater to a POTW treatment plant.

REQUIREMENT(S) — Any and all local, state and federal laws, case law, statutes, regulations (including but not limited to these regulations), rules, guidelines, policies, permits, approvals and other standards or requirements of control agencies, as amended and/or changed.

SANITARY SEWER — A sewer which carries sanitary wastewater and/or authorized industrial/commercial wastes and to which storm, surface, and ground waters are not intentionally admitted.

SANITARY WASTEWATER — All normal water-carried household and toilet waste from kitchens, water closets, lavatories, laundries and bathrooms, especially, but not limited to, wastes typical to households, from sanitary conveniences wherever located or existing.

SEPTIC TANK WASTE — Waste from a settling tank in which settled sludge is in immediate contact with the wastewater flowing through the tank and the organic solids are decomposed by anaerobic bacterial action.

SEWAGE — All water-carried waste defined as sewage in Act 537, including sanitary wastewater and industrial wastewater.

SEWER — A pipe or conduit for carrying sanitary wastewater or authorized industrial wastewater.

SIGNIFICANT INDUSTRIAL USER (SIU) –

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that: (a) discharges an average of 25,000 gallons per day or more of process wastewater to the facilities and/or POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or (b) contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of any individual POTW treatment plant; or (c) has in its wastes toxic pollutants as defined pursuant to § 307 of The Act or Pennsylvania statutes and rules; or (d) is designated as such by the Enforcement Officer, East Stroudsburg, DEP, or the EPA on the basis that it has a reasonable potential for adversely affecting the facilities operation and/or the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the facilities; and/or the POTW's operation or for violating any pretreatment standard or requirement, the Enforcement Officer and/or East Stroudsburg may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SIGNIFICANT NONCOMPLIANCE (SNC) — For significant industrial users (SIUs) shall include:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the wastewater measurements, including laboratory analyses taken during a six-month period, exceed a numeric pretreatment standard or requirement or instantaneous limits by any amount;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the wastewater measurements, including laboratory analyses for each pollutant parameter taken during a six-month period, equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable factors listed herein. The TRC factors are listed as follows: 1.4 for BOD, SS and fats, oils and grease and 1.2 for all other pollutants except pH;
- (3) Any other discharge violation of a pretreatment standard or requirement that the Enforcement Officer or East Stroudsburg determines has caused, alone or in combination with other discharges, interference or pass-through or has endangered the health of POTW personnel or the general public;
- (4) Any discharge of a pollutant that has caused an imminent endangerment to the public or to the environment or has resulted in the Enforcement Officer's or East Stroudsburg's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the scheduled date, a compliance schedule

milestone contained in an industrial waste discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;

- (6) Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations which may include a violation of best management practices which the Enforcement Officer or East Stroudsburg determines will adversely affect the operation of the facilities or the implementation of the Authority's or East Stroudsburg's pretreatment program.

SLUDGE — The accumulated solids separated from liquids, such as wastewater, during processing, and/or the precipitate resulting from coagulation or sedimentation of wastewater.

SLUG or SLUG LOAD — A discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards, including, but not limited to, an accidental spill or noncustomary batch discharge.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the Standard Industrial Classification Manual issued by the United States, Office of Management and Budget.

STANDARD METHODS — An abbreviated expression used to denote standard methods for the examination of water and waste water, a manual published by the American Public Health Association specifying official analytical procedures for the measurement of wastewater parameters.

STATE — Commonwealth of Pennsylvania.

STORMWATER — Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snow melt.

SUSPENDED SOLIDS (SS) — 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.

TOTAL SOLIDS — The sum of dissolved and undissolved constituents in water or wastewater as determined by laboratory analysis in accordance with standard methods.

TOXIC SUBSTANCES — Any substance or combination of substances that: (a) is listed as toxic in regulations promulgated by the Administrator of the EPA under the provision of Section 307(a) of The Act, or other acts, or (b) is present in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with the operation of the POTW, including any wastewater treatment process, to constitute a hazard to humans or animals, to

create a public nuisance, or to create any hazard in the POTW or in the receiving waters of the POTW.

UNAUTHORIZED WASTE — Any waste which is not in compliance with the provisions of these regulations, or which is discharged into the POTW by a person in violation of any provision contained in this Resolution.

USER — A source of indirect discharge or wastewater into the POTW and/or any person who contributes, causes or permits contribution of discharge or wastewater into the POTW.

WASTEWATER — The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WASTEWATER SYSTEM — The wastewater collection systems, pumping stations, Interceptor systems and treatment plants, operated by the municipalities and/or their authorities and which directs flow to one of the Plants.

WATERS OF THE COMMONWEALTH — All streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the commonwealth or any portion thereof.

B. Whenever the term "shall" is used in this Resolution, it is mandatory; "may" is permissive.

C. Any other term used herein shall be defined by the definitions established in the following documents: (1) DEP regulations and, if none appear there, (2) EPA regulations.

D. Interpretations.

1. The words "hereof," "herein," "hereto," "hereby," and "hereunder" refer to this Resolution.

2. Every "request," "requisition," "order," "demand," "application," "notice," "statement," "certification," "consent" or similar action hereunder shall, unless the form thereof is specifically provided, be in writing signed by a duly authorized officer of the person making, sending, issuing or publishing the item.

3. Words importing persons include firms, associations, corporations, and all parties hereto and all words imparting the singular number include the plural number and vice-versa.

E. Abbreviations. The following abbreviations shall have the designated meanings:

BMP – Best Management Practice
BOD – Biochemical Oxygen Demand
CFR – United States Code of Federal Regulations
COD – Chemical Oxygen Demand
DEP – Department of Environmental Protection
EPA – United States Environmental Protection Agency
GPD – Gallons Per Day
l – Liter
mg – Milligrams
MGD – Million Gallons Per Day
mg/l – Milligrams per Liter
NPDES – National Pollutant Discharge Elimination System
POTW – Publicly Owned Treatment Works
SIC – Standard Industrial Classification
SWDA – Solid Waste Disposal Act, 42 U.S.C. § 6091 et seq.
SS – Suspended Solids
USC – United States Code

Section 3. General prohibitions.

A. No user shall introduce or cause to be introduced, directly or indirectly, into the POTW any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all users of the POTW, whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

B. No user shall introduce or cause to be introduced, directly or indirectly, any stormwater, surface water, spring water, groundwater, roof runoff, subsurface drainage, building foundation drainage, or cellar drainage, into the POTW.

C. No user shall introduce or cause to be introduced, directly or indirectly, into the POTW any of the following pollutants, substances, or wastewater:

1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or their operating personnel, or to the operation of the POTW, including, but not limited to, waste streams with a closed cup flash point of less than 140° F or 60° C using the test methods specified in 40 CFR 261.21. 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 5% nor any single reading be over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, fuel oil, kerosene, naphtha, benzene, toluene, xylene, paint products, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the Enforcement Officer, East Stroudsburg, the state or EPA

has notified the user is a fire hazard or a hazard to the POTW.

2. Wastewater having a stabilized pH as defined in Table 1 of Section 5.D of this Resolution, maximum allowable concentration, or wastewater having any other corrosive or scale-forming property capable of causing damage or hazard to structures, equipment, biological and/or bacterial action or damages to processes and/or injury to personnel of the POTW.

3. Any solids or viscous substances which may cause obstruction to the flow in a sewer or collection system or other interference with the operation of the POTW such as, but not limited to, fats, oils and grease, garbage with particles greater than ½ inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, cotton, wool, plastics, gasoline, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes, bentonite, lye, building materials, rubber, leather, porcelain, china, ceramic wastes, polishing wastes, or other solid or viscous substances capable of causing obstruction or other interference with the operation of the POTW.

4. Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

5. Wastewater having a temperature at the point of user discharge higher than 150° F, or any wastewater which will inhibit biological activity at the POTW(s) but in no case any wastewater which causes the temperature at the influent of the POTW to exceed 104° F (40° C) or is less than 32° F (0° C).

6. Containing any petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through.

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

8. Trucked or hauled pollutants, except at discharge points and except using procedures as approved by the Enforcement Officer, in accordance with this Resolution.

9. Noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance, or to prevent entry into the POTW for maintenance and repair, or that may cause acute worker health and safety problems.

10. Liquids, gases or solids which impart color which cannot be removed by normal methods or the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the POTW's effluent,

thereby violating the NPDES Permit. Color (in combination with turbidity) shall not cause the POTW effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonably established norm for aquatic life.

11. Any radioactive materials or isotopes of such half-life or concentration as may exceed applicable local, state or federal regulations.

12. Stormwater, surface water, spring water, contaminated or uncontaminated groundwater, artesian well water, remediated contaminated groundwater, roof runoff, subsurface drainage, building foundation drainage, or cellar drainage.

13. Any toxic substances in sufficient quantity which, either singly or by interaction with other wastewater or pollutants, may injure or interfere with any wastewater treatment process, may constitute a hazard to humans or animals, or may create a toxic effect in the receiving waters of the POTW.

14. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludge, biosolids, 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 POTW cause the POTW to be in noncompliance with sludge and/or biosolids recycling or disposal criteria 40 CFR 503, guidelines or regulations developed under Section 405 of The Act; any criteria, guidelines or regulations affecting sludge and/or biosolids use or disposal developed pursuant to the SWDA, the Clean Air Act, the Toxic Substance Control Act or state criteria applicable to the sludge and/or biosolids management method being used.

15. Any substance which will pass through and as a result cause the POTW(s) to violate its NPDES permit or its DEP permit or the receiving stream's water quality standards.

16. Any lagoon wastes.

17. Wastewater of such character and quantity that unusual attention or expense is required to handle such materials in the POTW, as determined by the Enforcement Officer.

18. Any wastewater of such character and quantity that unusual attention or expense is required to handle it at the facilities, except as may be subject to a surcharge and approved by the Enforcement Officer and East Stroudsburg.

19. Any waste listed as hazardous or having the characteristics of hazardous waste as listed in 40 CFR 261.

D. No user shall introduce or cause to be introduced whole blood directly or indirectly, into the POTW unless specifically authorized by the Enforcement Officer. Such authorization shall be limited to a maximum of 12 gallons per day allowable flow from any

user. Such authorization shall be by way of a permit condition for those users that require industrial waste discharge permits (i.e., major or minor industrial users) or by way of written letter of authorization for permit exempt industrial users.

E. No user shall introduce or cause to be introduced boiler blowdown directly or indirectly into the POTW unless specifically authorized by the Enforcement Officer. Such authorization shall be limited to only those users that can demonstrate to the Enforcement Officer that their boiler blowdown will not cause a violation of any discharge criteria listed in this Resolution, including but not limited to temperature and pH criteria. Such authorization shall be by way of permit conditions for those users that require industrial waste discharge permits (i.e., major or minor industrial users) or by way of written letter of authorization for permit exempt industrial users.

F. No user shall introduce or cause to be introduced noncontaminated and or noncontact cooling or process water and or condensate into the POTW unless specifically authorized by the Enforcement Officer. Such authorization shall be limited to a maximum of one quarter gallon per minute or 360 gallons per day allowable flow from any user. Such authorization shall be by way of a permit condition for those users that require industrial waste discharge permits (i.e., major or minor industrial users) or by way of written letter of authorization for permit exempt industrial users.

Section 4. National Categorical Pretreatment Standards. The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Enforcement Officer may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

B. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Enforcement Officer shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

C. A User may obtain an EPA variance from a Categorical Pretreatment Standard if the industrial user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.

D. An industrial user may obtain a net gross adjustment to a Categorical Standard in accordance with 40 CFR 403.15.

Section 5. Local limits.

A. Local limits on the concentration of special pollutants are hereby established for all industrial users as listed in Subsection D. These limits are established in accordance with 40 CFR 403.5(C).

B. The Enforcement Officer may establish alternate special pollutant discharge

limitations in individual industrial waste discharge permits, but only in accordance with regulatory requirements. At no time will the summation of the industrial user's discharges be greater than the allowable industrial headworks loading as defined in 40 CFR Part 403. The specific pollutant discharge limitations, if more stringent than the National Categorical Pretreatment Standard shall immediately supersede that National Categorical Pretreatment Standard. To the extent that any federal or state requirements and limitations on discharges are more stringent than the local limits, the most stringent requirement and limitations shall apply.

C. The pollutant concentrations shall be measured in a representative sample collected at the point of discharge of the industrial user to the Authority Sewer System. The concentrations shall be based on a twenty-four-hour composite wastewater sample, except however, for certain pollutants the industrial user may request and the Enforcement Officer may allow that this concentration be determined by analyses of grab sample. Certain pollutants such as temperature and grease must be determined on the basis of a grab sample (see Section 25). Any sampling criteria shall be described in the industrial waste discharge permit.

D. Maximum allowable monthly average concentration.

Table 1

Maximum Allowable Concentration**

Local Limit (mg/l)
Service Area

Pollutant (Total)	Authority Plant	East Stroudsburg Plant
Ammonia-N	30.0	30.0
Antimony	2.0	2.0
Arsenic	0.05	0.05
Barium	1.0	1.0
BOD 5	300	300
Cadmium	0.05	0.015
Chloroform	0.10	0.10
Chromium (hex)	0.14	0.14
Chromium (total)	0.10	0.10
Copper	0.20	0.07
Cyanide	0.18	0.18
Dichlorobromomethane	0.007	0.007
Iron (total)	6.0	6.0
Lead	0.10	0.10
Mercury	0.0002	0.0002
Molybdenum	0.145	0.145
Nickel	0.848	0.848
Oil and grease	100	100
Phenol	4.0	0.120
Phosphorus as PO _H	30.0	30.0
Selenium	0.032	0.032
Silver	0.20	0.01
Thallium	0.450	0.450
Zinc	0.30	0.15
pH*	Standard units 6.0 to 9.0	Standard units 6.0 to 9.0
Total Suspended Solids	350	350

NOTES:

*pH is expressed as an upper and lower limit, not a maximum allowable concentration.

**Daily maximum limit is two times the monthly average limit.

E. If the pollutant concentrations or loads in excess of those specified in this Resolution are discharged, or are proposed to be discharged to the POTW, or which in the judgment of the Enforcement Officer, pollutant concentrations and/or loads may have a deleterious effect upon the POTW, the Enforcement Officer may do any or all of the following and/or take additional actions as may be provided herein upon giving notice to the industrial user and/or discharger:

1. Require, by way of informal notice, by telephone, to the industrial user, immediate discontinuance of the waste discharge until such time as it meets the requirements;

2. Reject the waste;

3. Require pretreatment to reduce characteristics to maximum limits permitted by this Resolution;

4. Require control over the quantities and rates of discharge.

F. In no circumstance shall an industrial user discharge or cause to be discharged into the POTW any of the substances listed in Subsection D without first filing an industrial waste discharge permit application and receiving written approval by the Enforcement Officer, as described in Sections 9 and 10.

G. Whenever a person has received written authorization from the Enforcement Officer to discharge any polluted water, wastewater or industrial waste containing any of the substances or possessing any of the characteristics referred to in Section 4 and/or Section 5 of this Resolution, such discharge shall be subject to the continuing approval, inspection and review of the Enforcement Officer. Where the wastewater is conveyed to the East Stroudsburg Plant, the industrial user is also subject to the regulations of East Stroudsburg. If, in the opinion of the Enforcement Officer or East Stroudsburg, such discharges are causing or will cause damage to the POTW, the Enforcement Officer or East Stroudsburg, as applicable, shall order the person causing such discharge to cease doing so forthwith, or take other appropriate action, as may be required by the Enforcement Officer or East Stroudsburg to eliminate the harmful discharge.

H. No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Enforcement Officer may impose mass limitations on industrial users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Section 6. Pretreatment requirements.

A. Industrial users shall design, construct, operate and maintain pretreatment facilities whenever necessary to reduce pollutant concentrations and/or amounts or industrial users shall modify their Wastewater to achieve compliance with this Resolution. The review or approval of pretreatment facility plans, specifications and operating procedures by the Enforcement Officer and its consulting engineer shall not excuse, mitigate or provide any defense to any violations by the industrial user of this Resolution or any federal, state or local requirements.

B. The construction of required pretreatment facilities shall be accomplished in

accordance with a responsible completion schedule prepared by the industrial user and approved by the Enforcement Officer. If, in the opinion of the Enforcement Officer, the schedule prepared by the industrial user is not reasonable, a completion schedule shall be established by the Enforcement Officer.

C. Any industrial user required by the Enforcement Officer to provide pretreatment facilities, or desiring to, or required to modify existing pretreatment facilities shall not commence construction or modifications of such pretreatment facilities until:

1. Construction drawings, specifications, completion schedule and other pertinent information relating to the proposed facilities have been submitted to the Enforcement Officer; and

2. The Enforcement Officer provides written approval for the construction of the proposed facilities.

D. When approved in writing by the Enforcement Officer and placed in operation, pretreatment facilities shall be continuously maintained in satisfactory and effective operation by the industrial user, at his sole expense. The Enforcement Officer shall have the right to inspect said pretreatment facilities at any reasonable time to insure such are being properly maintained and operated.

E. Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Section 7. Accidental discharge/slug load control plans and response. The Enforcement Officer shall evaluate at least once which industrial waste discharge permit holders need an accidental discharge/slug control plan with reevaluations as necessary.

A. The Enforcement Officer may require any industrial user to develop, submit for approval, and implement such a plan. Alternatively, the Enforcement Officer may develop such a plan for any industrial user. An accidental discharge/slug control plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;

2. Description of stored chemicals;

3. Procedures for immediately notifying the Enforcement Officer and East Stroudsburg of any accidental spill or slug discharge; and

4. Procedures to prevent adverse impact from any accidental spill or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

B. Accidental and/or Problem Discharges. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Resolution and from discharges that could cause problems to the operations of the wastewater facilities, including any slug loadings. Facilities to prevent accidental or problem discharge of prohibited materials shall be provided and maintained at the Owner's or user's own cost and expense.

C. Written Notice. Within five (5) days of following an accidental or problem discharge, the user shall submit to the Authority 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 user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the wastewater facilities, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fine, civil penalties, or other liability which may be imposed by this Resolution or other applicable law.

D. Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental or problem discharge. Employers shall ensure that all employees who may cause or suffer such an accidental or problem discharge to occur are advised of the emergency notification procedure.

Section 8. Miscellaneous regulations.

A. Drainage of swimming pools. Filter backwash lines shall be discharged to the POTW as follows:

1. Sand filter backwash may be discharged directly to the POTW.
2. Diatomaceous earth filter backwash shall be prohibited from discharge to the POTW.

B. Fats, grease, oil or sand traps. Fats, grease, oil, or sand traps shall be installed by the industrial user when, in the opinion of the Enforcement Officer or East Stroudsburg, they are necessary for the proper handling of liquid wastes containing floatable grease in such amounts as are likely to cause obstruction to the flow in a sewer or collection system or other interference with the operation of the POTW, or are necessary for the proper handling of any flammable waste, sand, or other harmful ingredients. Such traps shall not be required for private living quarters or dwelling units. All such traps shall be of a type and capacity acceptable to the Enforcement Officer and East Stroudsburg and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining the fats, grease, oil or sand traps the industrial user and the owner (if different persons) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Enforcement Officer and East Stroudsburg. Any removal and hauling of the collected materials not performed by industrial user's and/or owner's personnel must be performed by

currently licensed waste disposal firms.

C. Garbage grinders. The use of mechanical garbage grinders producing a finely divided mass, properly flushed with an ample amount of water shall be discouraged but may be permitted. However, no such mechanical garbage grinder to serve premises used for nonresidential purposes shall be installed until permission for such installation is obtained from the Enforcement Officer. No garbage grinder shall be connected so as to discharge through a grease trap. Use of mechanical garbage grinders to serve commercial purposes may result in surcharges as described in Section 13.

D. Flow equalization. The Enforcement Officer shall have the right to require industrial users having large variations in the rate or strength of waste discharged to install suitable regulating devices for equalizing flows and/or loads to the POTW.

E. Hauled wastewater.

1. Septic tank waste may be introduced into a POTW only at locations designated by the Enforcement Officer and East Stroudsburg, and at such times as are established by the Enforcement Officer and East Stroudsburg. Such waste shall not violate this Resolution or any other requirement. Septic tank waste haulers shall obtain waste discharge permits.

2. The Enforcement Officer shall require haulers of industrial waste to obtain industrial waste discharge permits, and the Enforcement Officer may require generators of hauled industrial waste to obtain industrial waste discharge permits. The Enforcement Officer also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Resolution.

3. No load may be discharged without prior consent of the Enforcement Officer. Industrial waste haulers may discharge loads only at locations designated by the Enforcement Officer and East Stroudsburg. The Enforcement Officer may collect samples of each hauled load to ensure compliance with applicable standards. The Enforcement Officer may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Section 9. Industrial waste discharge permit.

A. General. All industrial users connected to and using the POTW or proposing to connect to and use the POTW, including new users and new sources (as defined herein) shall

apply to the Enforcement Officer and, if applicable, to East Stroudsburg, for an industrial waste discharge permit. Certain industrial users will be required to obtain industrial waste discharge permits. Certain small industrial users will be eligible for permit exemptions, as specifically set forth herein.

B. Permit application. All industrial users or proposed industrial users shall complete and file with the Enforcement Officer and, if applicable, to East Stroudsburg, an application in the form prescribed and accompanied by a permit application fee as may be established by the Authority by resolution. Existing industrial users shall apply for an industrial waste discharge permit within 60 days after the effective date of this Resolution. New users shall apply at least 90 days prior to the anticipated date for connecting to and/or using a collection system served by the facilities. In support of the application, the user shall submit the following information:

1. Name and address of industrial user and location of discharge, and (if different) the name and address of the owner of the improved property being served.
2. Wastewater characteristics and their relationship to National Categorical Pretreatment Standards, and the local limits established by regulation. Sampling and analysis for this information shall be performed in accordance with techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or applicable techniques for the pollutant in question, sampling and analysis shall be performed in accordance with procedures approved by EPA.
3. Standard Industrial Classification (SIC) codes of wastewater characteristics.
4. Time and duration of industrial waste discharge.
5. Average daily and peak flow rates (including daily, monthly and seasonal variations if appropriate).
6. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections and appurtenances by size, location and elevation.
7. Description of process producing industrial waste.
8. Description of product and approximate rate of production.
9. Description of raw materials processed.
10. Number of employees, hours of operation, and projected hours of operation of pretreatment system (if applicable).
11. Additional information required by the Enforcement Officer as necessary to evaluate the permit application.

C. Application signatories and certification. All industrial waste discharge permit applications and industrial user reports shall be signed by an authorized representative of the industrial user and shall contain the following certification statement:

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

D. Procedures. The procedure to be followed by the Enforcement Officer in acting on industrial waste discharge permit applications shall be as follows. Within 30 days of receipt of the application, the Enforcement Officer shall notify the applicant in writing by first class mail to the address appearing on the application:

1. That the wastewater proposed to be discharged is acceptable and a permit will be issued by the Enforcement Officer upon receipt of a permit issuance fee as may be established by the Authority by resolution; or

2. That based upon the current facts as set forth in the application and accompanying data the applicant is currently exempt from permit and reporting requirements; or

3. That the wastewater proposed to be discharged is unacceptable; or

4. That the wastewater proposed to be discharged will be acceptable and a permit will be issued by the Enforcement Officer, provided certain action is taken and maintained by the applicant, specifying the terms and conditions thereof and upon receipt of a permit issuance fee as may be established by the Authority by resolution; or

5. That the Enforcement Officer requires further information, studies or tests, specifying the requirements thereof, before it can determine whether the proposed discharge is or is not acceptable.

E. Permit classification and permit waivers.

1. Industrial users shall be classified for the purposes of this Resolution into one of three categories as follows: major industrial user; minor industrial user and permit exempt industrial user.

2. Major industrial users are those industrial users that meet any of the following conditions:

- (1) Are significant industrial users;
- (2) Discharges more than 25,000 gpd of industrial wastewater;
- (3) Discharges more than 50 pounds per day of BOD;
- (4) Discharges more than 50 pounds per day of SS;
- (5) Discharges more than 20 pounds per day of fats, oil, or grease;
- (6) Discharges more than three pounds per day of total phosphorus (P);

or

- (7) Discharges more than 10 pounds per day of ammonia nitrogen.

3. Minor industrial users are those industrial users that do not meet the criteria to be classified as either a "major industrial user" or a "permit exempt industrial user."

4. Permit exempt industrial users are those industrial users that meet all of the following criteria:

- (1) Discharges less than 2,500 gpd;
- (2) Discharges less than five pounds per day of BOD;
- (3) Discharges less than five pounds per day of SS;
- (4) Discharges less than two pounds per day of fats, oil, and/or grease;
- (5) Discharges less than 0.3 pounds per day of total phosphorus (P); and
- (6) Discharges less than one pound per day of ammonia nitrogen.

5. The Enforcement Officer will determine the classification of the industrial user based upon the information provided by the industrial waste discharge permit application and any other information available to the Enforcement Officer.

6. If the industrial user is determined by the Enforcement Officer to be a permit exempt industrial user, the industrial user shall be exempt only from the permit and annual or quarterly reporting requirements (Section 10), inspection manhole requirements (Section 11) and the surcharge payment requirements (Section 13) of this Resolution. Permit exempt industrial users shall not be exempt from any other requirements.

7. If the industrial user is determined by the Enforcement Officer to be a minor industrial user, the industrial user shall be allowed to utilize the reduced reporting

requirements specified in Section 10.B.

8. If upon information received from the industrial users and/or available to the Enforcement Officer based upon on-site inspection, flow tests or wastewater sampling and testing, and/or available to the Enforcement Officer from other reliable sources, the Enforcement Officer determines that an industrial user's classification should change then (in that event) the Enforcement Officer shall serve notice upon the industrial user of the proposed change(s), at least 30 days prior to the effective date of that change(s) and the industrial user, thereafter, shall be required to comply with all requirements imposed upon that revised classification of industrial user.

9. The flow and loading criteria set forth in this section shall be based on peak day conditions as estimated or measured.

F. Permit conditions. Industrial waste discharge permits shall be issued subject to all provisions of this Resolution and all other applicable requirements, user charges and surcharges (if applicable) and fees established by the Authority. Permits shall include any or all of the following:

1. A statement that indicates industrial waste discharge permit duration, which in no event shall exceed five years.

2. A statement that the waste discharge permit is nontransferable without prior notification to the Enforcement Officer and, if applicable, East Stroudsburg, in accordance with Subsection H of this Section, and provisions for furnishing the new owner or operator with a copy of the existing waste discharge permit.

3. The unit charge or schedule of user charges and/or surcharges for the wastewater to be discharged to the POTW.

4. Limits on the average and maximum wastewater characteristics.

5. Limits on average and maximum rates and time of discharge or requirements for flow regulation and equalization.

6. Requirements for installation and maintenance of inspection and sampling facilities.

7. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.

8. Compliance schedules.

9. Requirements for submission of discharge reports.

10. Requirements for maintaining operating records relating to wastewater

discharge and affording the Enforcement Officer and East Stroudsburg access thereto.

11. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW.

12. Requirements for the development and implementation of spill/slug control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges.

13. Requirements for the development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

14. A statement that compliance with the waste discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the waste discharge permit.

15. Other conditions as deemed appropriate by the Enforcement Officer for individual permittees to ensure compliance with requirements.

16. A statement that the conditions of the permit incorporate this Resolution, as amended from time to time, and a copy of this Resolution, as of the date of the permit issuance shall be delivered with the permit, but the lack of delivery or receipt of this Resolution shall not be considered a defect in the permit.

17. Requirements for the development and implementation of best management practices necessary to ensure compliance with applicable requirements.

G. Permit duration. An industrial waste discharge permit shall be issued for a specified time period, not to exceed five years, or it may be issued to expire on a specific date. The industrial user shall apply in writing for permit reissuance a minimum of 180 days prior to the expiration of an existing permit. The terms and conditions of the permit shall be subject to modification by the Enforcement Officer during the term of the permit as limitations or requirements are modified or other just cause exists. The Enforcement Officer shall serve notice on the industrial user of that proposed change(s) at least 30 days prior to the effective date of that change(s). Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

H. Permit transfer. Industrial waste discharge permits are issued to a specific user for a specific operation. A permit may not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation, such as a new user, without the previous written approval of the Enforcement Officer. Any application for a permit transfer must include a written certification that the new user (or new owner, as applicable):

1. States that the user (or owner) has no immediate intent to change the facility's operations and processes;

2. Identifies the specific date on which the transfer is to occur; and

3. Acknowledges full responsibility for complying with the existing waste discharge permit.

I. Waste characteristic change. Any user or owner who is discharging industrial waste into the POTW and who contemplates a change in the method of operation or in the pretreatment facilities which will alter the type of industrial waste then being discharged into the POTW shall apply for a new industrial waste discharge permit at least 30 days prior to such change. The revised industrial waste discharge permit will be subject to a permit modification issuance fee as may be established by the Authority by resolution. Approval or disapproval of a modified permit shall be regulated by the procedures established hereunder for the issuance of an original permit.

J. Separation of wastes. Where the user can prove to the satisfaction of the Enforcement Officer that there is a complete separation of sanitary wastewaters from industrial wastes within an industrial establishment, with only the sanitary wastewater discharged to the POTW and submits a written certification thereof pursuant to Section 9, no industrial waste discharge permit will be required.

K. Public notification. The Enforcement Officer, at the expense of the applicant for an industrial waste discharge permit, shall publish a notice of intent to issue any initial or major modifications to an industrial waste discharge permit in a newspaper of general circulation at least 14 days prior to issuance. The notice shall indicate a location where the application for the permit may be reviewed and an address where written comments may be submitted.

L. Permit appeals. Upon receipt by the Enforcement Officer of written request from an interested party, the Enforcement Officer will provide the interested party with written notice of a final permit decision by first class mail to the address provided by that party. Any person so notified, including the permittee, may appeal the terms of the industrial waste discharge permit, in writing, to the Enforcement Officer within 30 days of the date of notice of its issuance, subject to the following:

1. No appeal shall be considered complete unless accompanied by the appeal fee established by resolution of the Authority.

2. Failure to submit a timely appeal shall be deemed to be a complete waiver of all rights which could have been included in the appeal.

3. The effectiveness of the industrial waste discharge permit shall not be stayed pending final decision on the appeal.

4. The appeal must be in writing and the person so appealing must state the grounds for his appeal. If the appellant is the permittee, the permittee shall indicate the provisions of the permit to which objection is made, the reasons for the objection,

and the alternative conditions, if any, permittee seeks to be placed in the permit.

5. If the appellant desires a hearing on the appeal, the appellant must request a hearing in their appeal notice. Any hearing will be conducted in accordance with the provisions of Local Agency Law, 2 Pa.C.S. §551 et seq.

6. The Enforcement Officer shall issue a written decision granting or denying the appeal, as appropriate. If, after reviewing the appeal and any evidence which may be presented, the Enforcement Officer determines that the appeal should be granted, the Enforcement Officer shall reissue the permit, as modified, or revoke the permit if the appeal requested revocation. Appeals from all final determinations of the Enforcement Officer shall be made to Monroe County Court of Common Pleas in accordance with the provisions of the Local Agency Law, 2 Pa.C.S. §751 et seq.

M. Industrial waste discharge permit modifications by the Enforcement Officer. The Enforcement Officer may modify an industrial waste discharge permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
2. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of waste discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to POTW, personnel, or the receiving waters;
5. Violation of any terms or conditions of the industrial waste discharge permit or these regulations;
6. Misrepresentations or failure to fully disclose all relevant facts in the industrial waste discharge permit application or in any required reporting;
7. Revision of, or a grant, of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
8. To correct typographical or other errors in the industrial waste discharge permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator, pursuant to Section 9.

N. Industrial waste discharge permit revocation. The Enforcement Officer may

revoke an industrial waste discharge permit for good cause, including, but not limited to, the following reasons:

1. Failure to notify the Enforcement Officer of significant changes to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to the Enforcement Officer of changed conditions pursuant to Section 20;
3. Misrepresentation or failure to fully disclose all relevant facts in the industrial waste discharge permit application;
4. Falsifying self-monitoring reports;
5. Tampering with monitoring equipment;
6. Refusing to allow the Enforcement Officer timely access to the facility premises and records;
7. Failure to meet effluent limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges and costs;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the industrial waste discharge permit application;
12. Failure to provide a completed application for a permit transfer in accordance with Section 9 for a new user or owner; or
13. Violation of any pretreatment standard or requirement, or any terms of the industrial waste discharge permit or this Resolution.

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

Section 10. General reporting requirements for permittee.

A. Each major industrial user permittee shall submit a quarterly Industrial Waste Contribution Report to the Enforcement Officer on or before April 15, July 15, October 15, and January 15 for the preceding calendar quarter.

B. Each minor industrial user permittee shall submit an Industrial Waste Contribution Report only once per year, prior to the anniversary date of its permit. The Enforcement Officer may require more than one report per year as a permit condition.

C. The Industrial Waste Contribution Report shall be on a form provided by the Enforcement Officer and shall indicate the nature and concentration of pollutants in the industrial waste effluent. The waste characteristics shall be based on the results of analysis of the waste performed by a qualified laboratory acceptable to the Enforcement Officer. Upon specific approval of the Enforcement Officer the permittee may elect to employ laboratories owned by the industrial user or owner for the analysis of certain parameters being monitored. At least once per year, a split sample shall be analyzed for all parameters being monitored in-house by both the in-house laboratory and a qualified independent laboratory. The results of both laboratories shall then be submitted to the Enforcement Officer for review. The Enforcement Officer may deny and/or withdraw the approval for the use of laboratories owned by the industrial user or owner at any time. This report shall also include the average daily flow for the reporting period.

D. At the discretion of the Enforcement Officer and in consideration of such factors as production schedules, budget cycles, etc., the Enforcement Officer may agree to alter the months during which the above reports are to be submitted.

E. Significant industrial users shall also be subject to the reporting requirements of Sections 15 through 25.

Section 11. Sampling, flow measurement, testing and inspection.

A. All major industrial users and minor industrial users shall install at their expense a suitable control manhole (together with meters if required by the Enforcement Officer as a condition of the permit) and other appurtenances in the private connecting sewer lateral to provide for inspection, sampling and measurement of the waste. The control manhole should normally be situated on the user's premises, but the Enforcement Officer may, when such a location would be impractical or cause undue hardship on the user, allow the control manhole to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near the control manhole to allow accurate sampling and preparation of samples for analysis. The control manhole, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Construction of the control manhole shall be completed within 90 days following the date of written notice by the Enforcement Officer.

B. In the event that no control manhole has been constructed, the control manhole shall be considered to be the nearest downstream manhole in the POTW to the point at which the building sewer is connected.

C. Users discharging industrial waste to the POTW shall provide the Enforcement Officer the opportunity of access at any time, upon reasonable notice, to any improved property served by the POTW as shall be required for purposes of inspection, measurement,

sampling, testing and records examination to ascertain whether the purpose of this Resolution is being met and all requirements are being complied with, and for performance of other functions relating to service rendered by the Enforcement Officer. The Enforcement Officer 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.

D. All measurements, samplings, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Resolution shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis must be performed in accordance with procedures approved by EPA.

E. Twenty-four-hour composite wastewater samples shall be considered the standard for all sampling performed in accordance with this Resolution, except where grab samples are required in Section 25. Other appropriate sampling procedures may be acceptable at the discretion of the Enforcement Officer, if previously approved and included as part of the permit conditions.

F. The costs of all measurement, sampling, testing, inspection and other monitoring activities incurred by the Enforcement Officer while enforcing the provisions of this Resolution shall be the sole responsibility of and paid by the applicable industrial user. Such costs shall be additional user charges and shall be charged directly to the industrial user using the same procedures for billing and collection as used for the billing and collection of surcharges, as described in Section 13.

Section 12. Pretreatment charges and fees.

A. The Authority may adopt by resolution from time to time charges and fees which may include, but are not limited to, the following:

1. Fees for reimbursement of costs of setting up and operating the Authority's pretreatment program, including, but not limited to, legal and engineering costs;
2. Fees for industrial waste discharge permit application;
3. Fees for monitoring, inspections and surveillance procedures; including the cost of collecting and analyzing an industrial user's discharge and reviewing monitoring reports submitted by industrial users;
4. Fees for filing appeals;
5. Fees for consistent removal by the Authority or East Stroudsburg, as applicable, of pollutants otherwise subject to Federal Categorical Pretreatment Standards; and
6. Other fees as the Authority may deem necessary to carry out the requirements of this Resolution.

B. These fees relate solely to matters covered by this Resolution and are separate from other fees, fines and penalties chargeable by the Authority and East Stroudsburg.

Section 13. Strength Surcharges.

A. Certain portions of the facilities have been designed to accommodate treatment of wastewater BOD, suspended solids, phosphorus and ammonia nitrogen. Certain costs of operations of the facilities are incurred by the Authority and/or East Stroudsburg for the removal of BOD, suspended solids, phosphorus and ammonia nitrogen from the wastewater flows. If all users discharged wastewater with similar concentration of BOD, suspended solids, phosphorus and ammonia nitrogen, then the imposition of user rates on the flow basis would be fair and equitable. Certain users of the facilities, however, discharge wastewater with concentrations of BOD, suspended solids, phosphorus and ammonia nitrogen that are significantly greater than average concentrations of these pollution parameters. Since the Authority and/or East Stroudsburg have provided certain equipment and expend certain operating costs that are provided to accommodate the treatment of BOD, suspended solids, phosphorus and ammonia nitrogen, it has been determined that those costs of equipment and operation should be allocated onto the users on a pro rata basis for those users that discharge their waste with concentrations of BOD, suspended solids, phosphorus and ammonia nitrogen that exceed the average waste load concentrations. This allocation is hereby imposed by a strength surcharge as described by this Resolution. Because of the high cost of analyzing BOD, suspended solids, phosphorus and ammonia nitrogen concentrations this strength surcharge will only be imposed upon users that generate large wastewater flows. This strength surcharge are imposed only on major and minor industrial users. (Discharges generated by major industrial users and minor industrial users containing concentrations of BOD and/or suspended solids in excess of 250 mg/l shall be subject to a surcharge factor. Discharges generated by major industrial users and minor industrial users containing concentrations of phosphorus in excess of 15 mg/l and/or ammonia nitrogen concentrations in excess of 50 mg/l shall be subject to a surcharge factor.) This surcharge factor shall be applied to the standard user fee.

B. For the purposes of this section, the term "standard user fee" shall be the average cost the Authority incurs to treat wastewater of normal strength at the Authority Plant.

C. The major industrial user and minor industrial user shall be charged their regular customer charge for wastewater directly by the Authority. This charge shall be paid to the Authority.

D. The strength surcharge imposed by this Resolution are separate charges that will be charged directly by the Authority and/or East Stroudsburg on the major industrial user and minor industrial user and this separate charge will be payable directly to the Authority and/or East Stroudsburg, as applicable. The strength surcharge factors shall be imposed on the standard user fees as described above in Subsection B, and not on the regular customer charges described in Subsection C.

E. The strength surcharge factors shall be imposed on the standard user fees as

described above in Subsection B, and not on any base minimum quarterly charge.

F. The strength surcharge factors shall be imposed on standard user fees calculated on existing industrial user flows and not projected or future flows and, and therefore, no strength surcharge shall be imposed upon any user reservation fee or tapping fee that may be required by other Resolutions.

G. The strength of the total wastes used for establishing strength surcharges for the Authority POTW shall be determined on at least one monthly 24-hour composite sample collected by the Authority or its designated representative. Additional samples may be required if repeated violations of the local limits occur.

H. Any non-residential user discharging waste to the Authority POTW with a monthly average BOD concentration greater than 200 mg/l or COD concentration greater than 400 mg/l and/or ammonia nitrogen concentration greater than 18.0 mg/l and/or total phosphorus concentration greater than 5.0 mg/l and/or total suspended solids concentration greater than 150 mg/l, in each case measured at the source, will pay a strength surcharge in addition to the applicable standard user fee. Such strength surcharge shall be in addition to and not in substitution for any actions, remedies, or penalties described elsewhere in this Resolution.

The strength surcharge shall be based on the operating costs for the Authority's facilities during the previous calendar year. A cost per pound of pollutant shall be determined by dividing the total annual operating costs, (including general and office, treatment plant and operating reserve costs) by the total pounds of pollutants (BOD or COD, ammonia nitrogen, phosphorus and total suspended solids) treated during the same period. The resultant cost per pound of pollutant is then utilized to determine the surcharge amount. Strength surcharges are calculated according to the following general equation:

$$\text{Surcharge} = [(\text{Pollutant concentration} - \text{Surcharge limit}) \\ \times (\text{Total Billing Period Flow, mg}) \times 8.34 \times (\text{Cost per lb.})]$$

I. The strength of the total wastes used for establishing strength surcharges for the Authority POTW shall be determined by qualified industrial user discharge monitoring data and/or on at least one monthly 24-hour composite sample collected by the Authority or its designated representative. Additional samples may be required if repeated violations of the local limits occur.

J. Strength surcharge factors for the East Stroudsburg POTW shall be computed on the basis of the measured or estimated concentration of pollutants for data as may be available to the Authority and/or East Stroudsburg, as applicable. The basis for the calculation of these factors shall be average daily loading concentrations based upon thirty-day averages. If the data is available based upon an analysis of daily testing of twenty-four-hour composite wastewater samples, that data will be used to compute the surcharge factor. If less detailed data is available, the Authority or East Stroudsburg, as applicable, shall use its discretion to select the loading concentration based upon the best available information. This concentration data may, therefore, only be based upon an analysis of periodic grab samples. If the industrial user objects to the loading concentration used for the calculation

of these factors the industrial user can provide the Authority or East Stroudsburg, as applicable, with more complete test data.

K. The establishment of concentration loads for billing purposes shall be made no more frequently than annually, unless otherwise established for major industrial users, as quarterly as a condition of the industrial waste discharge permit. That is, the Authority and/or East Stroudsburg, as applicable, shall establish the surcharge factor annually (except as noted) and bill for the following year using that factor.

L. Surcharge factor. For the major industrial user and/or minor industrial user whose discharge has a total BOD concentrations in excess of 250 mg/l, and/or suspended solids concentrations in excess of 250 mg/l, and/or phosphorous concentrations in excess of 15 mg/l, and/or ammonia nitrogen concentrations in excess of 50 mg/l, a surcharge factor will be applied to the standard user fee to arrive at the industrial surcharge bill. This surcharge is imposed upon major industrial users and minor industrial users to allow the pro rata normal costs incurred by the Authority and/or East Stroudsburg, as applicable, to provide the facilities and facility operation and maintenance for removal of BOD, suspended solids, phosphorus and ammonia nitrogen when discharged into the POTW in a concentration higher than the concentration of those components in sanitary wastewater. The surcharge factor will be established by resolution the Authority and/or East Stroudsburg, as applicable.

Section 14. Flow Surcharge. The permitted flow is the purchased capacity of the collection system and the wastewater treatment facility operated by the Authority and/or East Stroudsburg, as applicable. Wastewater discharged in excess of this permitted flow by the Permittee will be cause for a flow surcharge. The basis for this surcharge is the following:

When the recorded volume or flow of the wastewater exceeds any of the following stated Permit limitations:

Daily Maximum Flow
Daily Average Flow/Month

The calculation used for flow surcharges is:

$$\text{Flow Surcharge} = (\text{Recorded/reported flow in gallons} - \text{permitted flow in gallons}) \\ \times \text{cost per gallon as reflected in the Discharge Permit}$$

Repeated flow surcharge conditions will require the Permittee to purchase additional capacity for the collection system and wastewater treatment facility at the then current prescribed rate. Failure to do so in a timely manner is cause for the Permittee to be subject to all of the enforcement actions available to the Authority.

Section 15. Collection. Any and all charges, costs, fees, surcharges, expenses, etc., shall in addition to other methods provided in this Resolution or in other requirements be due and collectible by the Authority in the same manner as sewer charges are due and collectible by the Authority.

Section 16. Baseline monitoring reports.

A. Within either 180 days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the Enforcement Officer a report which contains the information listed in Subsection B below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Enforcement Officer a report which contains the information listed in Subsection B below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Industrial users described above shall submit the information set forth below.

1. Identifying information. The name and address of the facility, including the name of the operator and owner.

2. Environmental permits. A list of any environmental control permits held by or for the facility.

3. Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

4. Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

5. Measurement of pollutants.

(1) The Categorical Pretreatment Standards applicable to each regulated process.

(2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Enforcement Officer, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 25.

(3) Sampling shall be performed in accordance with procedures set out in Section 25.

(4) 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 Enforcement Officer or East Stroudsburg or the applicable standards to determine compliance with the standard.

6. Certification. A statement, reviewed by the authorized representative of the industrial user and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

7. Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section shall meet the requirements set out in Section 17.

8. Signature and certification. All baseline monitoring reports must be signed and certified in accordance with Section 9.C.

Section 17. Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by Section 16.B.7:

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

B. No increment referred to above shall exceed nine months;

C. The industrial user shall submit a progress report to the Enforcement Officer no later than 14 days following each date in the schedule and the final date of compliance, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the industrial user to return to the established schedule; and

D. In no event shall more than nine months elapse between such progress reports to the Enforcement Officer.

Section 18. Reports on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to

the Enforcement Officer a report containing the information described in Section 16.B. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 9.C.

Section 19. Periodic compliance reports.

A. All major industrial users shall cause to be submitted to the Enforcement Officer original monitoring results from an independent laboratory at a frequency determined by the Enforcement Officer but in no case less than four times per year (by March, June, September and December). The monitoring results shall indicate the nature and concentration of pollutants in the discharge which are limited by pretreatment standards. The independent laboratory shall be of the user's choice and approved by the Enforcement Officer and will conduct all sampling without prior notice to the user. Measured or estimated average and, if required, maximum daily flows for the reporting period shall be obtained from the municipality and caused to be submitted to the Enforcement Officer quarterly. 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 Enforcement Officer or the applicable standards to determine compliance with the standard at least quarterly. All periodic compliance reports must be signed and certified in accordance with Section 9.C.

B. All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. Wastewater meters shall be calibrated at least annually, water meters shall be calibrated at least once every 10 years. The failure of an industrial user to keep its monitoring facility(ies) in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

C. If an industrial user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Enforcement Officer, using the procedures prescribed in Section 25, the results of this monitoring shall be included in the report.

Section 20. Reports of changed conditions. Each user must notify the Enforcement Officer and, if applicable, East Stroudsburg, of any planned changes to the user's operations or system which might affect the potential for a slug discharge or has the potential to alter the nature, quality or volume of its wastewater at least 30 days before the change.

A. The Enforcement Officer may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an industrial waste discharge permit application under Section 9.B.

B. The Enforcement Officer may issue an industrial waste discharge permit under Section 9.F or modify an existing industrial waste discharge permit under Section 9.I in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, the term "changes" include, but are not limited to, flow increases of 20% or greater and the discharge of any previously unreported pollutants.

Section 21. Reports of potential problems.

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load that may cause potential problems for the POTW, a user shall immediately telephone and notify the Enforcement Officer and, if applicable, East Stroudsburg, of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

B. Within five days following such discharge, the user shall, unless waived by the Enforcement Officer, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Resolution.

C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection A. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

Section 22. Reports from unpermitted users. All industrial users not required to obtain an industrial waste discharge permit shall provide appropriate reports to the Enforcement Officer as the Enforcement Officer may require.

Section 23. Notice of violation/repeat sampling and reporting. If sampling performed by an industrial user indicates a violation, the industrial user must notify by telephone the Enforcement Officer and, if applicable, East Stroudsburg, within 24 hours of becoming aware of the violation and shall provide written notice within five days. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Enforcement Officer within 30 days after becoming aware of the violation. The industrial user is not required to resample if the Enforcement Officer monitors at the industrial user's facility at least once a month, or if the Enforcement Officer samples between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

Section 24. Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of an industrial waste discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise

specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

Section 25. Sample collection.

A. Except as indicated in Subsection B below, the industrial user must collect wastewater samples using flow-proportional twenty-four-hour composite wastewater sample collection techniques. The Enforcement Officer may authorize the use of time-proportional sampling or a grab sample where the industrial user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

B. Samples for fats, oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab sample collection techniques.

Section 26. Timing. Unless otherwise indicated, written reports shall be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of actual receipt of the report shall govern.

Section 27. Record keeping. Industrial users subject to the reporting requirements of this Resolution shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities or BMPs required by this Resolution and any additional records of information obtained pursuant to monitoring activities or BMPs undertaken by the industrial user independent of such requirements. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. Also records necessary to demonstrate compliance with applicable BMPs must be kept. This may include records of pH or flow meter calibration. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the Authority and, if applicable, East Stroudsburg, or where the user has been specifically notified of a longer retention period by the Enforcement Officer or East Stroudsburg.

Section 28. Right of entry, inspection and sampling. The Enforcement Officer shall have the right to enter the premises of any user to determine whether the user is complying with all requirements and any industrial waste discharge permit or order issued hereunder. Users shall allow the Enforcement Officer access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Enforcement Officer will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Enforcement Officer shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

C. The Enforcement Officer may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Enforcement Officer and shall not be replaced. The costs of clearing such access shall be borne by the user.

E. Unreasonable delays in allowing the Enforcement Officer access to the user's premises shall be a violation of this Resolution.

Section 29. Search warrants. If the Enforcement Officer has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Resolution, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Enforcement Officer designed to verify compliance with requirements, this Resolution or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Enforcement Officer may seek issuance of a search warrant from the Court of Common Pleas of Monroe County.

Section 30. Confidential information. Information and data on a user obtained from reports, surveys, industrial waste discharge permit applications, industrial waste discharge permits, and monitoring programs, and from the Enforcement Officer's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Enforcement Officer, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted in writing at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Section 31. Publication of users in significant noncompliance. The Enforcement Officer shall publish annually, in a newspaper of general circulation published in Monroe County, a list of the users which, during the previous 12 months, were in significant noncompliance (SNC) with applicable industrial waste pretreatment standards and/or requirements.

Section 32. Administrative enforcement remedies.

A. Notification of violation. When the Enforcement Officer finds that a user has violated, or continues to violate, any provision of this Resolution, an industrial waste discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Enforcement Officer may serve upon that user a written notice of violation pursuant to Section 34. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted in writing by the user to the Enforcement Officer. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Enforcement Officer to take any other action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

B. Consent orders. The Enforcement Officer may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Subsections D and E and shall be judicially enforceable. Issuance of a consent order shall not be a bar against, or a prerequisite for, taking any other action against the user.

C. Show cause hearing.

1. The Enforcement Officer may order a user which has violated, or continues to violate, any provision of this Resolution, an Industrial waste discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Hearing Board as set forth in Subsection C(2) and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

2. The Hearing Board shall conduct the hearing and is authorized to act as follows.

(1) The Hearing Board may issue notices of hearings requesting the attendance and testimony of witnesses and production of evidence relevant to any matter involved in such hearings.

(2) At any hearing pursuant to this section, testimony shall 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 therefor.

(3) After the Hearing Board has reviewed the evidence, it may issue an order to the user responsible for the violation, directing that following a specific time period, the sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives deemed necessary and appropriate may be issued by the Hearing Board, including the assessment of cost associated with the hearing.

3. The Board of the Authority shall appoint the Hearing Board. The Board of the Authority may, if it desires, appoint itself as the Hearing Board. Members of the Hearing Board shall serve at the pleasure of the Authority.

D. Compliance orders. When the Enforcement Officer finds that a user has violated, or continues to violate, any provision of this Resolution, an Industrial waste discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Enforcement Officer may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided by installing and properly operating adequate treatment facilities, devices, or other related appurtenances, sewer service may be discontinued. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

E. Cease and desist orders.

1. When the Enforcement Officer finds that a user has violated, or continues to violate, any provision of this Resolution, an industrial waste discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Enforcement Officer may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

2. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

F. Administrative fines.

1. Notwithstanding any other provision in this Resolution, when any user has violated or continues to violate any provision of this Resolution, the industrial waste discharge permit, any order issued hereunder or any other pretreatment standard or requirement, said user shall be assessed an amount not to exceed \$2,500 for each violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

2. In addition to the penalties provided herein, the Enforcement Officer may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Resolution or the orders, rules, regulations and permits issued hereunder. Unpaid charges, fines and penalties shall constitute a lien against an individual user's property.

3. Users desiring to appeal such fines must file a written appeal along with payment in full of the fine assessed within 10 days of being notified of the fine. The Enforcement Officer shall convene a hearing on the matter within 15 days of receiving the appeal and payment, in full, of the fine assessed from the user. Appeals under this provision shall be conducted in the same manner as set forth in Subsection C(2).

4. The Enforcement Officer may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

5. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

G. Emergency suspensions.

1. The Enforcement Officer may immediately suspend a user's discharge, after attempted telephone call to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Enforcement Officer may also immediately suspend a user's discharge, after notice by telephone and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment, and/or cause or may cause a violation of the NPDES Permit of the POTW.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Enforcement Officer may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Enforcement Officer may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Enforcement Officer that the period of endangerment has passed, unless the termination proceedings in Subsection H are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Enforcement Officer prior to the date of any show cause or termination hearing under Subsection C or Subsection H.

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

H. Termination of discharge.

1. In addition to other provisions of this Resolution, any user who violates the following conditions is subject to discharge termination:

(1) Violation of the industrial waste discharge permit conditions;

(2) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

(4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;

(5) Violation of the required pretreatment standards; or

(6) Failure to pay surcharges, or user charges, or applicable costs, penalties or fines.

2. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Subsection C why the proposed action should not be taken. Exercise of this option by the Enforcement Officer shall not be a bar to, or a prerequisite for, taking any other action against the user.

Section 33. Judicial enforcement remedies.

A. Injunctive relief. When a user has violated, or continues to violate, any provision of this Resolution, an industrial waste discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Enforcement Officer may petition the Court of Common Pleas of Monroe County for the issuance of a preliminary or permanent injunction, or both, as appropriate, which restrains or compels the specific performance of the industrial waste discharge permit, order, or other requirements imposed on activities of the user. The Enforcement Officer may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for,

taking any other action against a user.

B. Civil penalties.

1. In addition to proceeding under any other remedy available at law or equity for violation of this Resolution, the industrial waste discharge permit, any order issued hereunder or any other pretreatment standard or requirement, the Enforcement Officer may assess civil penalties against any user who has violated or continues to violate any of the provisions of this Resolution, the industrial waste discharge permit, any order issued hereunder or any other pretreatment standard or requirement. Civil penalties may be assessed whether or not the violation was willful or negligent.

2. Any user who has violated or continues to violate any of the provisions of this Resolution, the industrial waste discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Enforcement Officer for a civil penalty not to exceed \$25,000, plus actual damages incurred by the POTW per violation, per day as the violation continues. Each violation for each separate day shall constitute a separate and distinct offense under this section.

3. In addition to the above-described penalty and damages, the Enforcement Officer may recover reasonable attorneys fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses.

4. The Enforcement Officer shall petition the court to impose, assess and recover all such sums.

5. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

6. Filing a suit for civil penalties shall not be a bar against nor a prerequisite for taking any other action against a user.

C. Criminal prosecution.

1. A user who willfully or negligently violates any provision of this Resolution, an industrial waste discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, thereof, be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than 30 days, or both.

2. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Resolution, an industrial waste discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders

inaccurate any monitoring device or method required under this Resolution shall, upon conviction, be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than 30 days, or both.

D. Remedies nonexclusive. The remedies provided for in this Resolution are not exclusive. The Enforcement Officer may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Enforcement Officer's and, if applicable, East Stroudsburg's enforcement response plan. The Enforcement Officer may take other action against any User when the circumstances warrant, and the Enforcement Officer is empowered to take more than one enforcement action against any noncompliant user.

Section 34. Notice provisions.

A. Whenever the terms of this Resolution provide for any action to be taken, including notice and the service of documentation with respect to enforcement of the terms of this Resolution, including termination of discharge, said notices and opportunities to respond shall be provided in addition to the user, to the owner of the improved property served by the POTW, if the owner is different than the user.

B. Every notice, request, requisition, order, demand, application, statement, report, certification, consent, or similar action hereunder shall, unless the form thereof is specifically provided, be in writing signed by the user or the authorized representative of the user making, sending, issuing or publishing the item pursuant to Section 9.C, or in the case of East Stroudsburg, signed by the Manager or his duly authorized representative, and served by personal service or registered or certified mail (return receipt required), unless otherwise specifically indicated. Service upon any authorized representatives of user as defined herein shall constitute service upon the user.

Section 35. Responsibility of owners of improved property. The owner of each improved property connected to the wastewater 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 Resolution and requirements.

Section 36. Waiver of rights. The failure of the Authority to insist upon strict performance of this Resolution or any of the terms or conditions thereof shall not be construed as a waiver of any of its rights hereunder.

Section 37. Amendments. The Authority reserves the right to adopt, from time to time, such additional regulations it shall deem necessary and proper in connection with use and operation of the facilities, which regulations shall become and shall be construed as part of this Resolution.

Section 38. Severability. In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Resolution, it being the intent of the Authority that the remainder of the Resolution shall be and shall remain in full force and effect.

Section 39. Repeals. All resolutions or parts of resolutions inconsistent herewith expressly are repealed. Provided, however, this Resolution shall not repeal or modify any of the provisions of the Rate Resolution, Tapping Fee Resolution, or any resolution or agreement relating to the reservation of capacity in the Sewer System.

Section 40. Effective Date. This Resolution shall take effect and be in force on 10-13-08, 2008.

DULY ADOPTED this 13th day of October, 2008, by the Board of Smithfield Sewer Authority, in lawful session duly assembled.

SMITHFIELD SEWER AUTHORITY

Attest:


(Assistant) Secretary

By:


(Vice) Chairman

[AUTHORITY SEAL]