

BEDFORD TOWNSHIP MUNICIPAL AUTHORITY
County of Bedford, Pennsylvania

**WASTEWATER SYSTEM
RATES, RULES AND REGULATIONS**

ADOPTED: November 7, 2007

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Rules and Regulations governing the use of public sewers and drains, the installation and connection of building sewers, and the discharge of water and wastes into the public sewer system(s) and providing penalties for violations thereof:

WHEREAS, the federal government has enacted and amended the Federal Water Pollution Control Act now known as the Federal Clean Water Act (33 U.S.C. 1150 et seq.) and this Authority desires to remain in compliance therewith, and

WHEREAS, the Authority desires to regulate the use of the public sewer system operated by it will conform to the best sanitary engineering practices, and

WHEREAS, this Authority desires to regulate the use of public sewer system operated by it:

NOW, THEREFORE, BE IT RESOLVED, by the Bedford Township Municipal Authority, County of Bedford, Pennsylvania, as follows:

SECTION 1 DEFINITIONS

1.01 Unless the contract specifically indicates otherwise, the meaning of the terms used shall be as follows:

- A. Act, Clean Water Act: These terms shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- B. Application: Form upon which a prospective User signifies their desire for wastewater service. To be complete, the form will be accompanied with the appropriate service charges and/or fees, a schedule for installation of required facilities, and registration of the contractor who is to perform the installation.
- C. Applicant for Sewer Connection: Any Person who owns a Premises and applies to the Authority for the Installation of a Sewer Connection.
- D. Applicant for Sewer Service: Any User who applies to the Authority for Sewer Service via an existing or proposed Sewer Connection.
- E. Approval Authority: The Regional Administrator of Region III of the EPA
- F. Authority: The Bedford Township Municipal Authority, County of Bedford, Pennsylvania and its duly authorized representatives and employees.
- G. Authorized or Duly Authorized Representative of the User:
 - 1. If the User is a corporation:
 - a. A principal executive officer of at least the level of president, secretary, treasurer or vice president in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation.
 - b. A manager of one (1) or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and to initiate or direct other comprehensive measures to assure long-term environmental

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compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the user is a partnership or sole proprietorship: a general partner or proprietor respectively.
 3. If the User if a Federal, State or Local government facility:
 - a. A director or highest official appointed or designed to oversee the operation and performance of the activities of the government facility, or their designee.
 4. The individuals described in paragraph 1 through 3 above, may designate a Duly Authorized Representative if such representative, by name or position, is:
 - a. Identified in writing and submitted to the Authority Manager.
 - b. Has authorization for the overall operation of the facility from which the discharge originates.
 - c. Has overall responsibility for environmental matters for the company.
- F. Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR § 402.5(a)(1) and (b) and these Rules and Regulations. BMPs may include treatment requirements, operating procedures, and practices to control industrial discharges to the Wastewater System, plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Industrial Users shall be required to implement appropriate BMPs based upon pretreatment technologies in place. Such requirements shall be evaluated on a case-by-case basis and presented to the Industrial User by the Authority.
- G. B.O.D.: "Biochemical Oxygen Demand", the quantity of oxygen utilized in the biochemical oxidation of the organic matter in said sewage or industrial waste under standard laboratory procedure in 5 days at 20 degrees C., expressed in parts per million by weight.
- H. Building: Each single-family dwelling unit, Multiple Dwelling Unit, Multi-use Unit, store, shop, office, business, institutional, commercial or industrial unit contained within any structure, erected and intended for continuous periodic habitation, occupancy or use by human beings or animals and from which structure, sewage or wastes may be discharged into the Authority's Wastewater mains.
- I. Building Conduits: Pipes installed by the owner to convey sewage or waste from source to point of connection.
- J. Building Connection: Physical connection of the Wastewater System and any related facilities when applicable.
- K. Building Sewer: The pipeline constructed and owned by the property owner extending from the plumbing fixtures in a Building to the property line or easement line of sanitary sewer main.
- L. Categorical Pretreatment Standard or Categorical Standard: Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c)

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- of the Act (33 U.S.C. Section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter 1, Subchapter , Parts 405-471.
- M. Certificate of Sewage Compliance: An official statement from the BTMA Board of Directors or BTMA System Operator, which is being sold, and that the customer facilities have successfully passed an air pressure test. A Certificate of Sewage Compliance shall remain in effect for a period of ten (10) years.
- N. Connection Charge: Shall mean the charge imposed by this Authority under Section 4B(h) of the Municipality Authorities Act of 1945, as amended, payable upon connection of a Building to the Wastewater System.
- O. Control Authority: The term “Control Authority” shall refer to the Municipal Authority of the Borough of Bedford.
- P. Customer: The Owner of Premises that is connected to the Sewer Main via a Sewer Connection.
- Q. E.D.U. (Equivalent Dwelling Unit): For the purpose of calculating estimated sewage flows and minimum User Charges that will be generated by a connection to the Authority’s Wastewater System - an amount of waste equal to the amount usually and typically produced in a single-family dwelling unit, or that part of a multiple family dwelling, commercial or industrial establishment, in volume, strength and character as determined by the Authority.
- R. Developer: Any person who desires to construct, at their own cost and expense, a wastewater main or other extension to serve any one or more Buildings and to connect such system extension to the Wastewater System.
- S. Engineer: A registered professional engineer retained by the Authority, including any authorized member of the staff of the engineer.
- T. Garbage: Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage, and sale of produce.
- U. Grinder Pump: A device used to transport the wastewater from a pump tank to the Wastewater Main, installed at location where wastewater will not flow by gravity to the wastewater main or where Lateral ties into a pressure wastewater main.
- V. Hazardous Waste: Any solid waste which meets the criteria established pursuant to 40 CFR §261.3.
- W. High-strength Waste: Any industrial waste having a suspended solid content or B.O.D. appreciably in excess of that normally found in municipal sewage. For the purpose of these Rules and Regulations, any industrial waste containing more than 350 parts per million, of suspended solids, or having B.O.D. in excess of 300 parts per million, shall be considered a high-strength industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.
- X. Indirect Discharge or Discharge: The introduction of pollutants into the Wastewater System from any nondomestic source.
- Y. Illegal Storm or Surface Water Connections: The discharge of ground or surface water or the connection of downspouts, roof drainage, surface areaway drainage, or foundation or basement drainage into the sanitary sewer system.
- Z. Industrial Wastes: Any liquid, gaseous or water born wastes from industrial processes or commercial establishments.

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- AA. Inspector: The person or persons appointed by the Authority to inspect the Wastewater System (including both public, semi-public and private Wastewater System), service lines, connections and all other connections between building conduits and the Wastewater Mains.
- BB. Interference: the condition in which a discharge, alone or in conjunction with, discharges from other sources:
1. Inhibits or disrupts the processes or operations of the wastewater treatment plant or the sewage collection system, or the processing, use or disposal of the sludge.
 2. Is a cause of violation of any requirement of the Control Authority's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provision and regulations or permits issued thereunder (or more stringent State and Local regulations), §405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in and State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxics Substances Control and the Marine Protection, Research and Sanctuaries Act; or which results in, or increases the severity of, a violation of other State or national environmental statutes, rules or regulations.
- CC. Lateral: That part of the Wastewater System including the wye, saddle and pipe extending from the Wastewater Main to the property line, as owned and maintained by the Authority; and that part of the pipe extending from the property line to the Building, including observation ports, cleanouts, and other necessary appurtenances for service, as owned and maintained by the Owner.
- DD. May: Is permissive.
- EE. Multiple Dwelling Unit: Apartments, multi-family or multi-unit, and multi-family dwelling projects; does not include motels or hotels.
- FF. Multiple Use Unit: A combination of a single-family dwelling unit, store, shop, office, business, institutional, commercial or industrial unit contained within any structure or any Building determined by the Authority to have more than one use.
- GG. National Pretreatment Standards, Pretreatment Standard, or Standard: prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- HH. 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 that will be applicable to such source in 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

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- b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at the Existing Source, or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
 - 2. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
 - 3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program
 - i..any placement, assembly, or installation of facilities or equipment;
or
 - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- II. Owner: Any Person vested with ownership, legal or equitable, sole or partial, of real estate serviced by the Wastewater System.
- KK. Pass Through: Discharge of pollutants from the Wastewater System to the waters of the Commonwealth and either alone or in conjunction with other discharges, causes a violation of the Control Authority's NPDES permit or an increase in the magnitude or duration of any such violation; or the concentration of pollutants in the sludge so that the end use of the sludge causes or contributes to pollution, harm to the environment or a violation of any State or national sludge disposal regulation, guideline or standard.
- JJ. Person: An individual, firm, company, association, society, corporation or other group or entity.
- LL. pH: The logarithm to the base of 10 of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods of the Examination of Water & Sewage" published by the American Public Health Association.

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- MM. Pre-treatment Requirement: Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard as outlined in 40 CFR § 403.3(s), where Pretreatment is defined as, 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 Publicly Owned Treatment Works (POTW). This reduction or alteration can be obtained by the physical, chemical, or biological processes, process changes; or other means, except as prohibited by 40 CFR § 403.6(d).
- NN. POTW: Publicly Owned Treatment Works or “treatment works” as defined in Section 212 of the Clean Water Act (33 U.S.C. Section 1292) which is owned or operated in this instance by the Municipal Authority of the Borough of Bedford. This definition includes any sewers that convey wastewater to the Bedford Borough Water Treatment Plant.
- OO. Shall: Is mandatory.
- PP. Significant Noncompliance: The term Significant Noncompliance shall apply to Significant Industrial Users (or any other Industrial User that violates paragraphs 3, 4 or 8 of this Section and shall mean:
1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the sample pollutant parameter during a six-month (6) period exceed (by any magnitude), a numeric Pretreatment Standard of Requirement, including instantaneous limits as defined by 40 CFR § 403.3(I)
 2. Technical Review Criteria (TRC) violations, defined there as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month (6) period equal or exceed the product of the numeric Pretreatment Standard of Requirement, including instantaneous limits as defined by 40 CFR § 403.3(I) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
 3. Any other violation or a Pretreatment Standard or Requirement as defined by 40 CFR § 403.3(I) (daily maximum, long-term average, instantaneous limit, or narrative Standard that the Control Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
 4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW’s exercise of its emergency authority to halt or prevent such a discharge;
 5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining a final compliance;
 6. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, self-monitoring reports, and reports on compliance with compliance schedules;
 7. Failure to accurately report non-compliance; or

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8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.
9. Pursuant to the definition given for Significant Noncompliance the Control Authority recognizes the following items as additional types of Significant Noncompliance violations:
 - a. When a violation continues after notifying the User to resolve the violation within a specified time frame or the violation is of a serious nature then it becomes a Significant Noncompliance violation.
 - b. Failure to analyze listed pollutants according to an approved EPA procedure or an alternate analytical method approved by the Industrial Pretreatment Coordinator. The approved analytical method approved by the Industrial Pretreatment Coordinator. The approved analytical method must have method detection limits (MDL) lower than set Categorical or Local Limits, unless the User demonstrates matrix inhibition in the Wastewater to the satisfaction of the Industrial Pretreatment Coordinator.

In addition to the above compliance evaluation, the compliance history of the violation is considered for the enforcement assessment.

- QQ. Slug Load or Slug Discharge: Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 10 of these Rules and Regulations. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the Wastewater System's regulations, Local Limits or Permit conditions.
- RR. Tapping Fee: Shall mean the fee or charge imposed by the Authority under Section 4B(t) of the Municipality Authorities Act of 1945, as amended, paid in full prior to connection of a Building to the Wastewater System.
- SS. Tenant: Any building occupant other than the Owner who utilized the service of the Wastewater System.
- TT. Unpolluted water or waste: Any water or waste containing none of the following: free of emulsified grease or soil; acid or alkali; phenols or other substances imparting taste and odor to receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; obnoxious or odorous gases. It shall contain not more than 10,000 parts per million by weight or dissolved solids of chloride and not more than 10 parts per million each of suspended solids and B.O.D. The color shall not exceed 50 parts per million.
- UU. User: The party, whether Owner, tenant, agent or representative of the Owner, receiving wastewater service by the Authority for one or more families or a business or institutional unit on one property owned or tenanted by the party or parties. Special cases of the term "User" are defined below and those definitions shall prevail in all other sections of these Rules and Regulations unless specifically noted otherwise as part of that provision.
1. Residential User - All premises used only for human residency and which is connected to the Wastewater System.

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2. Commercial User - Any property occupied by a non-residential establishment not within the definition of an "Industrial User" and is connected to the Wastewater System. Refer to paragraph (3) below for a definition of "Industrial User".
3. Industrial User - A non-residential source of indirect discharge
4. Non-Significant Categorical Industrial User – A special case of an Industrial User which shall refer to any User subject to the determination criteria listed in 40 CFR § 403.3(v)(2).
 - a. Significant Categorical Industrial User if that User never discharges more than one hundred (100) gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler breakdown wastewater, unless specifically included in the Pretreatment Standard) and if the following conditions are met:
 - i. The User, prior to the Control Authority’s findings, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
 - ii. The User annually submits certification required pursuant to 40 CFR § 403.12(q) Section 12.23 B. of these Rules and Regulations together with any additional information necessary to support the certification statement; and
 - iii. The User never discharges untreated concentrated wastewater.
 - b. For purposes of these Rules and Regulations, Non-Significant Industrial Users may periodically be referred to simply as “Industrial Users” and shall be classified as either Tier 2 or Tier 3 discharger pursuant to Section 12.02 of these Rules and Regulations, dependent upon the provisions of that section.
5. Significant Industrial User
 - a. A subject to Categorical Pretreatment Standards; or
 - b. A User that:
 - i. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW treatment plant (excluding sanitary cooling, noncontact cooling and boiler blowdown wastewater); or
 - ii. Contributes process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the; POTW treatment plant; or
 - iii. Upon finding that a User meeting the criteria in Subsection 2. has no reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiate or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR § 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

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- VV. Use Charge: The annual rental or charge imposed by the Authority under Section 4B(H) of the Municipal Authorities Act of 1945, for the use or availability of use of the Wastewater System.
- WW. Waste Minimization Plan: A waste management approach that reduces the amount of toxicity of hazardous waste which involves but is not limited to source reduction, or prevention pollution at its source; substitution of less toxic raw materials, redesigning products, reusing resources and/or modifying production processes.
- XX. Wastewater Main: Any pipe or conduit that carries sanitary sewage or other wastes and is owned and operated by the Authority.
- YY. Wastewater System, Sewer System, Publicly-Owned Treatment Works (POTW): Term describes the entire publicly owned treatment works as defined by Section 212 of the Act (33 U.S.C. Section 1292) which is owned by the Municipal Authority of the Borough of Bedford. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of liquid nature of any conveyances, which convey wastewater to a treatment plant.

SECTION 2 GENERAL PROVISIONS

- 2.01 The purpose of these Rules and Regulations is to provide for the maximum possible beneficial public use of the Authority's Wastewater System through regulation of sewer connection, sewer use and wastewater discharges; to provide for the distribution of the costs for the Authority's Wastewater System; and to provide procedures for complying with the requirements contained herein.
- 2.02 The definitions of terms used in these Rules and Regulations shall apply to the discharge of all wastewater to facilities of the Authority. These Rules and Regulations provide for use of the Authority's Wastewater System, regulation of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, assurance that existing customers' capacity will not be preempted, approval of sewer construction plans, issuance of Wastewater Discharge Permits, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of these Rules and Regulations.
- 2.03 These Rules and Regulations shall apply to all Users of the Wastewater System.
- 2.04 Except as otherwise provided herein, the Authority shall administer, implement and enforce the provisions of these Rules and Regulations.
- 2.05 Any Person found in violation of these Rules and Regulations, or any requirement of a permit issued hereunder, may be served with a written notice stating the nature of the violation and providing a time limit for compliance. Any such notice given shall be in writing and served with a written notice stating the nature of the violation and providing a reasonable time for compliance. Any such notice given shall be in writing and served in person or by registered or certified mail. The notice shall be sent to the last address of the violator known to the Authority. Where the address is unknown, service may be made upon the owner of record of the property involved. If satisfactory action is not taken in the time allotted by the notice, violation penalties of these Rules and Regulations shall be implemented.
- 2.06 Any Person who continues to violate the discharge provisions of these Rules and Regulations beyond the time limit provided for, may be charged with commission of a misdemeanor and upon conviction thereof, shall be fined not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) for each day the violation continues, or may be subject to disconnection from the Authority's Wastewater System.
- 2.07 Each day or portion thereof a violation continues shall constitute a separate violation.
- 2.08 The Authority, bearing proper credentials and identification, shall be permitted to enter on to the properties at any reasonable time for the purposes of inspection, observation, measurement and sampling of the wastewater discharge to ensure that the discharge to the

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Authority's Wastewater System is in accordance with the provisions of these Rules and Regulations.

- 2.09 The Authority, bearing proper credentials and identification, shall be permitted to enter all private property through which the Authority holds an easement for purposes of inspection, observation, measurement, sampling, repair, and maintenance of any of the Authority's wastewater facilities lying within the easement. All entry and any subsequent work on the easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.
- 2.10 No agent or employee of the Authority shall have the right or authority to bind the Authority by any promise, agreement or representation contrary to the letter of intent of these Rules and Regulations.
- 2.11 While performing the necessary work on private properties, the Authority shall observe all safety rules established by the owner or occupant of the property and applicable to the premises.
- 2.12 No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Authority's Wastewater System. Any person who violates this section shall be guilty of a misdemeanor and, upon conviction, is punishable by a fine in an amount not to exceed three hundred dollars (\$300.00). Any damage to portions of the Authority's Wastewater System, including service laterals, must be immediately reported to the Authority and repairs made under the direction of Authority personnel.
- 2.08 All fees, penalties and charges payable under the provisions of these Rules and Regulations shall be paid to the Authority. Such fees and charges shall be as set forth herein.
- 2.09 All fees, penalties and charges collected under these Rules and Regulations shall be used for the sole purpose of constructing, operating or maintaining the general account of the Authority, or the retirement of debt incurred for same.
- 2.10 All fees and charges payable under the provisions of these Rules and Regulations are due and payable immediately upon the receipt of notice thereof from the Authority, unless otherwise provided in such notice. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as set forth herein.
- 2.13 A finding by any court or other jurisdiction that any part or provision of these Rules and Regulations is invalid shall not affect the validity of any other part or provision of these Rules and Regulations which can be given effect without the invalid parts or provisions.

SECTION 3 REQUIRED CONNECTIONS

- 3.01 No Owner of a Building shall be required to connect such Building to the Wastewater System if the Authority determines that the capacity of the wastewater collection, conveyance, or treatment facilities is insufficient to serve the Building.
- 3.02 Subject to the above, each Owner of a Building, within the Township that is within the criteria established by the Township's mandatory connection Ordinance, shall be required to connect the Building to the Wastewater System at the Owner's expense in accordance with the Authority's Rules and Regulations within sixty (60) days after the date of written notice to do so from the Authority.
- 3.03 While the Township's mandatory connection ordinance and Section 3.2 of these Rules and Regulations shall determine who shall be legally required to connect to the Wastewater System, the Authority establishes the following guidelines to assist the Authority in determining when to request the Township to enforce the mandatory connection ordinance. These guidelines shall not be binding upon the Township which may seek enforcement in situations outside the guidelines and shall not be legally binding upon the Authority. The guidelines shall be as follows:
- A. Buildings within 300 feet of a gravity wastewater main or existing service line which can be served by gravity flow shall be required to connect.
 - B. Buildings within 300 feet of a gravity wastewater main or existing service line which can be served by a pump shall be required to connect.
 - C. Buildings located beyond the distances set forth in A and B may be required to connect if the Authority, in its sole discretion, determines that such connection is appropriate after consideration of relevant factors such as the nature and type of use of the Building, the type and amount of anticipated flow, the site conditions, etc.
 - D. Buildings located within the distances set forth in A and B may be exempted from connection in the event that the Authority, in its sole discretion, determines that such exemption is appropriate after consideration of relevant factors such as extreme and unusual site conditions. Such an exemption, however, shall not be permanent and shall be subject to change by the Authority in the event that the Authority, in its sole discretion, determines that such change is appropriate.
 - E. These guidelines shall be subject to change or modification by the Authority at any time.

SECTION 4 FAILURE TO CONNECT

- 4.01 In the event any Owner refuses or neglects to connect within the sixty (60) day period, he shall be deemed to be in violation of the Authority's Rules and Regulations and Township Ordinances. Upon proper notice, the Authority may enter upon property and construct the connection. In such case the Authority shall, upon completion of the work, send an itemized bill of the cost of the construction of connection to Owner. In case of neglect or refusal by

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Owner to pay such bill within thirty (30) days, the Authority may file a municipal lien. No Owner of a Building shall connect any Building to the Wastewater System if the Authority determines in its discretion that the then available Wastewater System capacity is insufficient to serve the Building.

- 4.02 Any Person who fails to make a proper connection to the Wastewater System within the time specified after receipt of proper notice or after shall be referred to the Municipal Government for the imposition of appropriate fines or penalties.
- 4.03 The Authority may commence the imposition of rates and charges applicable to the Wastewater System against any Person who fails to make proper connection thereto, in consideration of the availability of service, at any time after 60 days from the date of notice to connect and may file and enforce a municipal lien to collect such rates and charges. This will not release the Person from connecting to the Wastewater System.

SECTION 5 CONDITIONS AND PROCEDURES FOR INITIAL SERVICE

- 5.01 No person shall make or cause to be made any connection with the Wastewater System until they have fulfilled all of the following conditions and procedures:
 - A. A person desiring to connect a building to the Wastewater System must first make a written application for a permit on the form furnished by the Authority, at least two (2) weeks before the connection is to be made, stating the building address, the name of the Owner and the User, the purpose for which service will be used and the size and configuration, Lateral and/or Building Sewer required. No work of any nature shall commence before the issuance of the connection permit by the Authority.
 - B. The application for connection permit must be signed by the Owner of the Building or his duly authorized agent. The terms of the connection permit, together with the Rules and Regulations of the Authority, shall regulate and control the provision of wastewater service to the Building.
 - C. The application for connection permit must be accompanied by the required Connection Charge, Tapping Fee and any other fees or charges established by the Authority which are payable prior to the time of connection. The excavator's name and phone number must be provided along with a current copy of their liability insurance.
 - D. The application for connection permit must contain indication of the date when the connection will be ready for inspection and the Building Sewer will be constructed.
 - E. The Owner will be granted a connection permit only upon meeting the Authority's application and permitting procedure.
 - F. The Authority will notify the Owner at the time connection permit is issued as to the location and configuration of the lateral installed by the Authority.
- 5.02 When an application has been made for a new service connection or for reinstatement or change in an existing service, it is assumed that the Building Sewer and all plumbing, piping,

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and fixtures which will be serviced are in proper order to receive the service; and the Authority shall not be liable for any accident, breaks or leakage arising in any way in connection with the Building Sewer and with the acceptance of wastewater flow or failure to accept wastewater flow, or the freezing of pipes or fixtures, nor for any damage to the building which may result from the usage or non-usage of wastewater service provided to such Building.

- 5.03 The Owner shall notify the Inspector at least seventy-two (72) hours prior to the time when the Building Connection will be made, in order that the Inspector can be present to inspect and approve the work of connection. The Owner shall not backfill over any lateral piping until the Inspector has given his approval. Also, the Owner shall not remove the plug or cap on the Authority's lateral until the Inspector has given his approval. Inspections shall be performed Monday through Friday 7:00am – 3:00pm only. After hours or weekend inspections shall be done for an additional inspection fee to be charged to the Owner.
- 5.04 At the time of inspection of the building connection, and prior thereto in accordance with applicable easements, the Owner shall permit the Inspector full and complete access to all pipes, building sewer, drainage facilities and other appurtenances in each Building and about all parts of the property. No portion of the Building Sewer shall be covered over, or in any manner concealed, until after it is satisfactorily inspected and approved by Inspector by a written notation on the connection permit.
- 5.05 An air pressure testing requirement shall apply to all components of the service lateral from the foundation wall to the Connection Stub. In the case of new construction, the air pressure testing requirement shall apply to all under slab piping as well.
- 5.06 All components of service laterals shall be air tested wherein all components are pressurized with air to a minimum of five (5 p.s.i.) pounds per square inch and thereafter held for a period of fifteen (15) minutes with no noticeable loss of pressure. Details of such testing are prescribed in §312 of the International Plumbing Code as contained in the Pennsylvania Uniform Construction Code.
- 5.07 Requests for inspection or witnessing of the testing must be made a minimum of seventy-two (72) hours in advance of the requested time. The inspector will allow up to thirty (30) minutes per test. The witnessing of a test shall be for the actual test itself, not for the preliminary hook up or other work which precedes the actual test. In the event that a property does not pass the initial test, a fee will be assessed for each retest that is necessary. The inspector shall make the sole determination as to when the actual testing period commences and thereafter when the fifteen (15) minute duration of the test has expired. Inspections shall be performed Monday through Friday 7:00am – 3:00pm only. After hours or weekend inspections shall be done for an additional inspection fee to be charged to the Owner.

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- 5.08 In no case shall infiltration/exfiltration exceed fifty (50) gallons per day per inch diameter per mile of pipe, or such other amount as shall be determined by the Authority.

For example:

A 4-inch lateral is 40 lineal feet long

Allowable leakage:

50 gallons per day per inch diameter per mile x 4 inches x (40 ft/5280 ft per mile) = 1.5 gallons per day.

- 5.09 The Inspector shall signify his approval of the Building Sewer by endorsing his name and the date of approval on the connection permit.
- 5.10 Notwithstanding any other provisions to the contrary, the Authority shall at all times reserve the right to withhold the issuance of any permit for connection to the Wastewater system unless the applicant provides collateral or security as the Authority in its sole and absolute discretion deems adequate in the event the Owner or any successor fails to complete the proper construction.
- 5.11 The Authority will not permit connection to the Wastewater System unless adequate capacity to convey and treat the wastewater is available.
- 5.12 For sewer service installed to a Building that receives its water from a private well, a meter shall be installed on the line coming from the well for the purpose of measuring usage which shall be used to bill for the sewer service.

SECTION 6 SPECIFICATIONS AND STANDARDS FOR BUILDING SEWERS AND LATERALS

- 6.01 A separate Building Sewer and Lateral will be required for each Building whether constructed as a detached unit or as one of a pair or row. A single Building Sewer, and/or Lateral may be permitted to serve a school, factory, and other permanent Multiple Dwelling Unit or Multiple Use unit structure which does not have a solid vertical partition wall between each unit and whose individual units may not be subject to separate ownership, at the discretion of the Authority. The Authority, in its sole discretion, may permit multiple structures to be served by one building sewer only upon satisfactory proof from the Owner of the following: (1) the structures are under common use and ownership, (2) there is no reasonable likelihood that the structures will ever be severed from common use and ownership by sale, lease or otherwise, (3) there would be an undue hardship on the Owner, and (4) the method and type of connection shall be approved by the Authority's Engineer. An example of such a situation may be an Owner desiring sewage service for a detached garage on the same lot as the Owner's residence. If an exception is granted by the Authority,

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the Authority reserves the right to withdraw the exception in the event circumstances change so that the criteria set forth above is no longer met.

- 6.02 No repairs, alterations or additions to any Building Sewer, or Lateral shall be made unless the Person desiring to make them shall make application to and receive permission from the Authority.
- 6.03 No User shall be allowed to permit any other Persons or Building to use or connect with his building sewer, or lateral except upon written permission of the Authority.
- 6.04 The minimum size gravity Building Sewer for any Building shall be four (4) inch diameter pipe laid on a minimum grade of one quarter ($\frac{1}{4}$) inch per foot of length, and having permanently sealed water tight and gas tight joints. The size of the Building Sewer serving other than detached residential units by gravity shall be considered on an individual basis by the Authority.
- 6.05 No Building Sewer shall be installed which passes through property of persons other than the Owner of the Building to be served, unless the Owner of the Building to be served obtains a right-of-way from the Person through whose property it will pass. The right-of-way shall be recorded with the County Recorder of Deeds. The Owner of the Building to be served shall be responsible for maintenance of the Building Sewer.
- 6.06 When an Owner desires wastewater service to a Building which does not have an existing Wastewater Main or does not have an existing Wastewater Main of adequate capacity in the roadway abutting the building, such Owner shall be required to extend or replace the Wastewater Main at his sole cost. Size of the Wastewater Main and length that Wastewater Main will have to be extended shall be determined by the Engineer. The extension will require the written permission of the Authority, and, if appropriate, the receipt of proper Commonwealth permits in the name of the Authority obtained at the sole cost of the Owner.
- 6.07 No Building Sewer, or Lateral shall be placed by any Person in the same trench with a water or gas pipe or with any facility of a public service company or municipality, or within three (3) feet of any excavation or vault, unless permitted by the Authority.
- 6.08 All Building Sewers shall be placed on a six (6) inch aggregate base and backfilled with aggregate to at least six (6) inches above top of pipe. The pipe shall have at least thirty (30) inches of cover. The pipe shall be laid in a straight alignment. The aggregate shall be PennDOT 2B, 2A or 2RC unless otherwise approved by the Authority. Lines in load bearing areas must be properly compacted. Traceable trench pipe shall be used. Traps, standpipes, vents and inspection ports shall be covered with 2B, 2A or 2RC aggregate up to 6" below grade.
- 6.09 All excavation shall be guarded with barricades to protect the public from hazard.

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- 6.10 All Building Sewer shall be type SDR 35 PVC pipe conforming to ASTM D3034 or equal. Pipe and fittings shall have bell and spigot type elastomeric gasketed joints. Gaskets shall meet the requirements of ASTM F477. SDR 35 shall be used for vent and trap assemblies, and in load bearing areas if specifically approved by the Authority's inspector. Fernco fittings shall be placed on all stand pipes to prevent potential infiltration caused by ground freeze/thaw movement of pipes.
- 6.11 All work must comply with the General Specifications on file with the Bedford Township Municipal Authority.
- 6.12 Flow from basement and garage floor drains, sump pumps, French drains and downspouts are prohibited from entering the sewer system and shall not be connected to the building Sewer or Service Line unless the Authority determines that separation would cause undue hardship for the property owners and the basement is not susceptible to frequent flooding.
- 6.13 All service lines shall include a vertical riser pipe extended to grade from a tee in the pipe. The riser pipe shall be of the same diameter and material as the service line and shall be located within 5 feet of the point of connection to the sewer system. The pipe shall extend at least to finished grade and furnished with a screw-on cap to circumvent inflow and/or vandalism. The cap shall be protected by a cast iron framed cover approved by the Authority. Also, a running trap must be installed within twenty (20) feet of building. Buildings located in a floodplain must have vertical riser pipe extended above the first floor to prevent flood water inflow.
- 6.14 Unless otherwise authorized by the Authority, or its representative, cleanouts shall be provided in each House Connection and at intervals to permit complete rodding with a 100 feet (100') long auger or tape. Cleanouts shall be constructed using a sanitary tee fitting in the run of the pipe with a sanitary tee and riser to the ground surface. The riser pipe shall be provided with a standard 4" screw type ferrule. Any cleanouts in a load bearing area shall be protected by a cast iron framed cover.
- 6.15 All hotels, restaurants, boarding houses, and public eating places shall install grease tanks on the Service Lines. The grease tanks shall be of type and size as described elsewhere in these Rules and Regulations. All service stations, garages, factory buildings, or commercial establishments handling oils, petroleum products, washing cars, trucks, or other machinery shall install grease tanks or separator tanks of a size and type meeting the Authority's requirements.
- 6.16 Connections to the lateral sewer shall be made with an approved adaptor, coupling, reducing fitting or combination thereof. All fittings, couplings and adapters shall be installed and joined in accordance with the pipe manufacturer's recommendations. Piping from residence shall be connected to service lateral using a SDR 35 to SDR 35 adapter. No manhole shall be cored to make a connection less than ten (10) feet deep.

- 6.17 Projecting the smaller pipe in the larger and sealing will not be permitted.
- 6.18 All connections to Sewers shall be made at curb line, right-of-way or easement unless specifically authorized by the Authority. Where no Sewer Connection has been constructed, the connection to the Sewer main and the construction of the Lateral Sewer from the Sewer main to the curb line shall be made by the Authority unless other specific authorization is given by the Authority.
- 6.19 All construction, reconstruction and alterations of Sewer Connections and appurtenances shall be performed in a competent workmanlike manner in accordance with recognized standards of the plumbing trade and the specifications currently on file with the Authority. The Authority shall stop or require reconstruction of any work not forming to these standards or specifications.

SECTION 7 PROPERTIES REQUIRING SEWAGE GRINDER PUMPS

- 7.01 It may be determined that sewage grinder pumps are required to convey wastewater from certain properties to the Authority's sewer system. Prior to installation of a grinder pump unit, written approval of the Authority is required. Upon requesting approval to utilize a grinder pump, the Owner shall demonstrate to the Authority's satisfaction that alternate gravity service is not feasible and/or cost effective.
- 7.02 Upon notice from the Authority that a sewage grinder pump is necessary or appropriate, the Owner shall provide two (2) copies of detailed information for the Authority's review regarding the size, location and type of grinder pump unit, the pressure piping and connection to the Authority's sanitary sewer system. Owner shall provide additional information as required by the Authority to properly evaluate the proposed system.
- 7.03 Upon the Authority's approval of the location, materials and installation methods submitted, the Owner may proceed with purchasing and installing the system. Proper insurance certificates shall be provided before any excavation begins.
- 7.04 Prior to physical connection to the Authority Sanitary Sewer System, the Owner shall execute a document, provided by the Authority, that relieves the Authority of any responsibility for damages caused by a malfunction of any kind, including, but not limited to, check valves installed in the pressure lateral.
- 7.05 Installation and testing of the proposed system shall be subject to inspection by the Authority's designated Inspector. A minimum one (1) week notice of the date to begin the installation shall be provided to the Authority's Inspector.
- 7.06 The Owner shall be responsible for all installation costs, as well as normal operation, maintenance and repair costs for the grinder pump system. The Owner shall be responsible for determining if their existing electrical system is adequate for the pump load.

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- 7.07 For grinder pumps to be installed outside the building served, the Building Drain and Service line from the building to the grinder pump shall be installed and tested in accordance with the Authority's Specifications and Standards, as revised. No storm water from any source, such as downspouts, French drains or sump pumps, will be permitted to be connected to the system.
- 7.08 The grinder pump, tank, valves and other related appurtenances shall be provided, installed and tested in conformance with the latest edition of the Authority's General Specifications and with the manufacturer's recommendations.
- 7.09 All material exposed to wastewater shall have inherent corrosion protection; i.e., cast iron, fiberglass, stainless steel, PVC. Any exterior steel surfaces are to be suitably protected against corrosion.
- 7.10 The electrical supply line to the pump and alarm shall be installed in conduit and not placed directly above the sanitary sewer pipe.
- 7.11 Grinder Pump Units
- A. The minimum net storage capacity of the grinder pump unit shall be approximately 50 gallons for a single Equivalent Dwelling Unit (EDU). The grinder pump tank should be able to accommodate normal peak flows and emergency storage during a short power failure.
 - B. The grinder pump shall have the characteristics which will continue to produce flows of at least eight (8) gpm under all conditions.
 - C. Check and shut-off valves shall be employed to isolate the grinder pump unit from the house service line and the pressure laterals. Redundant check and shut-off valves, accessible from the surface through a curb box, shall also be required on the pressure lateral. Curb box lid shall be marked SEWER.
 - D. The pump shall be constructed with a positively-primed flooded suction configuration. As added assurance that the pump cannot lose prime even under negative pressure conditions in the discharge piping system, the pump shall be equipped with an integral anti-siphoning, air relief valve in the discharge piping just below the main check valve. This valve will automatically close when the pump is running and open when the pump is off.
 - E. Appropriate high water and overflow detection devices such as visual and/or audio alarm shall be provided. The grinder pump control panel shall contain a separate control circuit and breaker for the alarms.
 - F. Provisions shall be made to insure that the grinder pump operates under power load fluctuations and contains integral protection against back siphonage and over pressure.
 - G. The grinder pump unit shall be capable of reducing any material in the wastewater which enters the grinder unit to such size that the material will pass through the pump unit and pressure sewer without plugging or clogging. No screens or other devices

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- requiring regular maintenance shall be used to prevent trashy material from entering the grinder pump.
- H. If the grinder pump unit is installed outside the residence, provision must be made for access, as well as protection from weather, buoyancy, and vandalism. Inside installations shall be quiet and free from electrical and/or health hazards. All installations shall be certified by nationally recognized independent testing laboratories, such as the Underwriter's Laboratories, Inc., the National Sanitation Foundation, NFPA 70 of the National Electric Code and any applicable local codes.
 - I. The grinder pump unit must be capable of being removed without dewatering the collection tank.
 - J. In situations where the grinder pump will be permitted to discharge to an existing Authority owned force main, the Owner must provide a unit that will be capable of operation under conditions when the force main is pressurized to its maximum possible pressure times 1.25. This maximum pressure varies dependent upon the force main being connected to and the value shall be obtained from the Authority prior to sizing the grinder pump.
 - K. If the grinder pump is expected to convey more than 1,000 gallons of sewage per day, consideration shall be given to installing a duplex grinder pump system. Each pump must be of the same type and model as the pump approved for the simplex units. The pump tank, discharge pumping, valves, electrical controls and other appurtenances relative to the duplex grinder pump system shall be in accordance with the manufacturer's or supplier's recommendations. The pumps should alternate operation to minimize wear on any single pump. Liquid level sensors should be adjusted so that the two pumps do not routinely operate simultaneously. The cost of installing a second pump shall be the responsibility of the Owner.
 - L. If the Owner chooses to install only one pump in an installation receiving more than 1,000 gallons per day, the Owner shall submit to the Authority a letter or maintenance agreement from a person or company stating that said person or company can provide to the Owner a replacement pump within 24 hours, if it is determined that the Owner's pump must be removed to be repaired or replaced.
 - M. Except as provided in this section, a grinder pump or a duplex pump system shall serve only one structure. The Authority, in its sole discretion, may permit multiple structures to be served by one grinder pump or grinder pump system only upon satisfactory proof from the Owner of the following: (1) the structures are under common use and ownership, (2) there is no reasonable likelihood that the structures will ever be severed from common use and ownership by sale, lease or otherwise, (3) there would be an undue hardship on the Owner, and (4) the method and type of connection shall be approved by the Authority's Engineer. An example of such a situation may be an Owner desiring sewage service for a detached garage on the same lot as the Owner's residence. If an exception is granted by the Authority, the Authority reserves the right to withdraw the exception in the event circumstances change so that the criteria set forth above is no longer met.
 - N. When installation of a grinder pump is required as part of an Authority sewer extension project the grinder pump assembly shall be supplied by the Authority. The

grinder pump assembly shall be installed by a certified contractor at the Owner's expense as per Authority specifications in the Rules and Regulations.

- O. When installation of a grinder pump is required as part of an Authority sewer extension project the grinder pump assembly shall be maintained and repaired by the Authority at the expense of the Authority unless such maintenance or repair is necessary due to negligence or abuse of the Owner which caused the maintenance or repair to be necessary. In such case of negligence or abuse the full amount of the repair will be billed to the Owner.
- P. When installation of a grinder pump is required as part of an Authority sewer extension project the Owner shall sign a Grinder Pump Easement & Maintenance Agreement with the Authority.

7.12 Pressure Laterals

- A. No pressure sewer less than one (1) inch inside diameter shall be provided. The required size shall be determined to maintain low frictional losses in the system and a minimum scouring velocity of two feet per second at all points in the system.
- B. All piping, fittings and associated materials to be used shall have a rated capacity in excess of the maximum pressure anticipated in the lateral. HDPE pipe with a pressure rating that exceeds the maximum pressure to be encountered is acceptable piping material.
- C. The pressure lateral piping shall be buried at a depth of a minimum of four (4) feet.
- D. Thrust blocks shall be provided for all fittings and at all locations where horizontal and/or vertical deflections are made.
- E. Pressure and vacuum release valves shall be employed at appropriate locations. Pressure laterals should be constructed on a gradually ascending slope to minimize air binding.
- F. The pressure lateral shall be color taped or coded to distinguish between sanitary sewer and water main, and the direction of flow should be indicated on all pressure sewers inside the buildings.
- G. Bedding and backfill shall be in accordance with Authority specifications and manufacturer's recommendations, whichever is more stringent.
- H. Earth dams shall be provided in the pressure lateral trench at locations required by the Authority's Inspector.
- I. Pressure lateral testing shall be in accordance with Authority requirements.
- J. All pressure laterals shall have a redundant check valve installed within the lateral to prevent backflow from the sewer main or force main.
- K. The check valve shall be the same size as the pressure lateral and of the gravity-operated flapper type. The check valve will provide a full-ported passageway when open and shall introduce a friction loss of less than 6 inches of water at a maximum rated flow. A non-metallic hinge shall be an integral part of the flapper assembly providing maximum degrees of freedom for assured seating at a very low back pressure.

7.13 Connection to Sanitary Sewer System

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- A. A pressure Connection to a gravity sewer shall terminate in a manhole; or be made with a service saddle, and corporation stop. A curb stop and curb box complete with stationary rod and lid shall be located at the property line. The curb box shall have an asphalt based coating and be labeled Sewer.
- B. All Connections to a Sewage Force Main that are of less than two (2) inches in diameter shall utilize a corporation stop. All connections to polyvinyl chloride (PVC) Force Main of any size, and ductile iron pipe of less than six (6) inches in diameter, shall also utilize a saddle. The saddle shall have a single strap and be of bronze construction with corporation stop threads. The corporation stop shall have a bronze body with AWWA C-800 thread dimensions and AWWA taper inlet threads and be equipped with compression connection for pressure service lateral material used. If the connection is two inches or greater in diameter, a tee and gate valve shall be used.
- C. All Pressure Service Lines less than 2 inches in diameter shall be equipped with a curb stop and box; located at the property line and with the top mounted flush with the ground surface. The curb stop shall be of bronze construction with check, without drain, and be equipped with compression connections for pressure service lateral. The curb boxes shall be complete with stationary rod and lid, or equal, with asphalt based paint coating and labeled Sewer.

SECTION 8 - GREASE INTERCEPTOR REQUIREMENTS FOR THE SANITARY SEWER SYSTEM

8.01 Definitions

- A. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:
 - 1. "Building discharge line system" means a sewer line or lines maintained and controlled by private persons for the purpose of conveying sewage from the waste producing location to the sanitary sewer collection system, also referred to as "service line".
 - 2. "C.U.F." or "categorical use factor" means a number used as a weight factor in the calculation of grease interceptor sizing. The categorical use factor is based on the type of facility and what activities that facility is involved in.
 - 3. "Common grease interceptor" means an interceptor to which grease wastes are directed from more than one facility having different operators or type of operations, such as in a food court.
 - 4. "Director" means the director or manager of the Authority, or designee, who has been given the administrative authority to enforce this chapter.
 - 5. "Food courts" mean areas predominantly found in shopping centers or amusement parks and festivals where several food preparation establishments having different owners may be sharing seating space and/or plumbing facilities.

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6. "Food service facility" means any facility which cuts, cooks, bakes, prepares or serves food, or which disposes of food-related wastes.
7. "Garbage grinder" means a device which shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer collection system.
8. "Generator" means a user, by site, who produces wastes from the user's process operations. The generator is responsible for assuring that the produced waste is disposed of in accordance with all federal, state and local disposal regulations.
9. "Grease" means a material composed primarily of fatty matter from animal or vegetable sources or from hydrocarbons of petroleum origins. The terms "oil and grease" or "oil and grease substances" shall be deemed as grease by definition.
10. "Grease interceptor" means a device so constructed as to separate and trap or hold, oil and grease substances from the sewage discharged from a facility in order to keep oil and grease substances from entering the sanitary sewer collection system. "Under the sink" grease interceptors shall not be construed as meeting the grease interceptor definition in this chapter.
11. "NPDES" means National Pollution Discharge Elimination System under which the Bedford Borough Wastewater Treatment Plant is permitted.
12. "POTW" means publicly owned treatment works or "treatment works" as defined by Section 212 of the Clean Water Act (33 U.S.C. Section 1292) which is owned or operated in this instance by the Municipal Authority of the Borough of Bedford. This definition includes any sewers that convey wastewater to the Bedford Borough Wastewater Treatment Plant.
13. "Pretreatment administrator" means an individual representing the Authority who is charged with the responsibility of administering the provisions of the pretreatment program to ensure compliance by users with applicable laws, rules, regulations, resolutions and ordinances relative to the concentration(s) of substances found in the waste stream of facilities connected to the POTW.
14. "Sewage" means the liquid and water-carried domestic or industrial wastes from dwellings, commercial establishments, industrial facilities and institutions, whether treated or untreated. The terms "waste" and "wastewater" shall be deemed as sewage by definition.
15. "Transporter" is a user who transfers waste from the site of a generator to an approved site for disposal or treatment. The transporter is responsible for assuring that all federal, state and local regulations are followed regarding waste transport.
16. "Under the sink grease interceptor" means a device placed under, or in close proximity to, sinks or other facilities likely to discharge grease in an attempt to separate, trap or hold oil and grease substances to prevent their entry into the sanitary sewer collection system. Such "under the sink grease interceptors" are not "grease interceptors" for purposes of this chapter because

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they are generally undersized and located too close to the grease discharging source to effectively prevent substantial amounts of grease from entering the sanitary sewer collection system.

17. "User" means the owner or operator of a facility meeting or coming under the herein-described food service categories.
18. "Waste" means the liquid and water-carried domestic or industrial wastes from dwellings, commercial establishments, industrial facilities and institutions, whether treated or untreated. Wastes may include but not be limited to discharges from scullery sinks, pot and pan sinks, dishwashing machines, soup kettles and floor drains located in areas where grease-containing materials may exist. The terms "sewage" and "wastewater" shall be deemed as waste by definition.

8.02 General Criteria - Waste Discharge Requirements.

- A. Waste which contains grease may be discharged into the sanitary sewer collection system only under the conditions of this chapter.
- B. When grease containing materials are processed through garbage grinders, the waste from said garbage grinders shall be directed to the grease interceptor.
- C. Toilets, urinals, and other similar fixtures shall not discharge through the grease interceptor.
- D. All waste shall enter the grease interceptor through the inlet pipe only.

8.03 General Criteria - Design.

- A. Grease interceptors shall be constructed in accordance with the design(s) approved by the Authority and shall have a minimum of two compartments with fittings designed for grease retention. Other grease removal devices or technologies not meeting the grease interceptor definition in Section 8.01 shall be subject to the written approval of the Authority. Such approval shall be based on demonstrated removal efficiencies of the proposed technology. "Under the sink" grease interceptors shall not be approved.
- B. There shall be an adequate number of access points for cleaning all areas of the grease interceptor. Covers shall be gas tight in construction.
- C. In areas where additional weight loads may exist, the grease interceptor shall be designed to have adequate load-bearing capacity.

8.04 General Criteria - Location.

Each grease interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning and removal of the intercepted grease. A grease interceptor may not be installed in any part of a building where food is handled. Location of the grease interceptor shall meet the approval of the Authority or its designee. Location of the grease interceptor shall meet the approval of the Authority.

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8.05 General Criteria - Grease Interceptor Size.

A. Each food service facility shall be served by an approved grease interceptor(s). "Food courts" shall be considered a single facility for the purpose of this chapter.

1. The grease interceptor capacity for food service facilities with seating or beds (including restaurants, cafeterias, hospitals, schools, institutions, care facilities, clubs, bars and dance halls) shall be calculated according to the formula:

$$\text{Size} = \text{T.O.R.} \times \text{C.U.F.} \times 2.5 \times \text{S.C.}$$

Where:

Size =	Total volume (in gallons) of the grease interceptor
T.O.R.=	Turnover rate which averages two meals (place settings) per table per hour
C.U.F. =	Categorical use factor
2.5 =	The average water (in gallons) used per place setting
S.C.=	Seating capacity in subject facility (or bed usage for care facilities)

2. The grease interceptor capacity for food service facilities without seating or beds (including deli stores with meat cutting, super markets with meat cutting, bakeries and butcher shops) shall be calculated according to the formula:

$$\text{Size} = \text{H.O.} \times \text{C.U.F.} \times 10$$

Where:

Size =	Total volume (in gallons) of the grease interceptor
H.O.=	Number of hours of operation per day
C.U.F.=	Categorical use factor

3. All grease interceptors shall have a capacity of not less than seven hundred fifty gallons nor exceed a capacity of three thousand gallons. If the size calculated using the formulas of this chapter exceed three thousand gallons, then multiple units installed in parallel shall be used.

8.06 Specific Criteria - Determination of Grease Interceptor Size.

A. Food service categories were devised based on the type of kitchen facilities in use and the type of facility.

1. Category A - Restaurants/Cafeterias

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- a. Full or limited service with the capability to serve or prepare one hundred or more meals per day.
 - b. Plumbing fixtures: pot sinks, two or three compartment sinks, hand sinks, mop sinks, floor sinks and one dishwasher, all connected or to be connected to the grease interceptor.
 - c. Equipment: A minimum of one grill or one fryer and one to three ovens.
 - d. Formula: $2.0 \times \text{C.U.F.} \times 2.5 \times \text{seating}$
 - e. $\text{C.U.F.} = 1.0$; $2.0 \times 1.0 \times 2.5 \times \text{seating}$
2. Category A-1
- a. Same criteria as the previous category with the following additions listed:
 - b. Plumbing fixtures: Garbage grinder connected to the grease interceptor.
 - c. Equipment: Same as Category A.
 - d. Formula: $2.0 \times \text{C.U.F.} \times 2.5 \times \text{seating}$
 - e. $\text{C.U.F.} = 1.25$; $2.0 \times 1.25 \times 2.5 \times \text{seating}$
3. Category A-2
- a. Same criteria as Category A-1 with the following additions and differences listed:
 - b. Plumbing fixtures: For each additional garbage grinder and dishwasher there will be a factor of .25 added to the categorical use factor (C.U.F.).
 - c. Equipment: For each additional "wok" stove, deep fryer and grill there will be a factor of .50 added to the categorical use factor.
 - d. Formula: $2.0 \times \text{C.U.F.} \times 2.5 \times \text{seating}$
4. Category B
- a. This category is for hospitals, schools, institutions and care facilities.
 - b. Formula: Hospitals/schools: $2.0 \times \text{C.U.F.} \times 2.5 \times \text{bed usage or seating}$
 - c. $\text{C.U.F.} = 0.75$; $2.0 \times 0.75 \times 2.5 \times \text{bed usage or seating}$
 - d. Institutions/care facilities: $2.0 \times \text{C.U.F.} \times 2.5 \times \text{bed usage/seating}$
 - e. $\text{C.U.F.} = 1.0$; $2.0 \times 1.0 \times 2.5 \times \text{bed usage/seating}$
5. Category C
- a. This category is for clubs, bars and dance halls with limited food service facilities
 - b. Formula: $0.25 \times \text{C.U.F.} \times 2.5 \times \text{seating}$
 - c. $\text{C.U.F.} = 1.0$; $0.25 \times 1.0 \times 2.5 \times \text{seating}$
 - d. Note: The formulas for categories A through C will be adjusted by the following when necessary:
 - i. A value of .25 will be added to the categorical use factor for each dishwasher or garbage grinder directed to the grease interceptor above the number of one each.
 - ii. A value of .50 will be added to the C.U.F. for each additional deep fryer or grill above the number of one each.

6. Category D
 - a. This category encompasses deli stores with meat cutting facilities, supermarkets with meat cutting or bakery capabilities, retail and wholesale bakery facilities, and butcher shops.
 - b. Formula: (Hours of operation) x C.U.F. x 10
 - c. C.U.F. = 4.0; (Hours of operation) x 4.0 x 10 \
 - d. For each of the following conditions a factor of .50 is to be added to the C.U.F. value of 4.0 when dealing with meat cutting:
 - i. More than one floor drain;
 - ii. Complete cooking of meats.
 - e. When dealing with retail type bakeries or supermarkets that have bakery facilities in addition to a deli and/or meat cutting, the bakery shall be sized separately using the same formula as above with the depletion of the .50 adjustment for the complete cooking of meats. There is an adjustment of an addition of 1.5 to the C.U.F. when dealing with bakeries that are wholesale only or are of the industrial classification.
7. Category E
 - a. This category is for food courts or "common" grease interceptors.
 - b. Common grease interceptors shall be sized by separating each of the potential contributors by category, then calculating a grease interceptor size for each separate food court tenant, and then combining the calculations to determine the total common grease interceptor size. When seating is shared among several tenants, the seating capacity for each facility shall be calculated by dividing the total number of seats by the number of facilities.
8. Category F
 - a. This category is for all other types of food manufacturing. It shall include but not be limited to commissaries, commercial kitchens and caterers. Grease interceptors must be sized on an individual case by case basis. Whenever a manufacturing operation is evaluated, it must be noted that a manhole for monitoring purposes will be required in addition to a minimum of a one thousand five-hundred-gallon grease interceptor.
9. Category G
 - a. This category shall include all apartment complexes or areas of intensified dwelling which are found by the Authority to be contributing an excessive amount of grease to the sanitary sewer collection system. When such an area is found to be contributing grease in quantities sufficient to cause main line stoppages or necessitate increased maintenance on the sanitary sewer collection system in order to keep main line stoppages from

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occurring, said user(s) shall be directed to cease discharging grease and/or be required to install a grease interceptor. For grease interceptor sizing, each case shall be evaluated separately.

8.07 Alternative Grease Interceptor Systems

- A. Alternative grease interceptors may be considered on a case-by-case basis by the Authority.
- B. All requests for alternative system approval shall be made in writing with supporting sizing calculations, drawing and applicable product literature for consideration.
- C. All approved alternative systems shall be subject to an enhanced inspection period of 6-months to confirm operational adequacy. Should the system permit carryover, user shall be required to remedy documented issues at his sole expense.

8.08 Installation Requirements.

- A. New Facilities. On or after the effective date of the rules and regulations in this chapter, all facilities likely to discharge grease, which are newly proposed or constructed, or existing facilities which shall be expanded or renovated to include a food service facility where such facilities did not previously exist, shall be required to install an approved, properly operated and maintained grease interceptor.
 - 1. Sizing calculations shall be in accordance to the formulas listed herein and shall be installed prior to the opening or reopening of said facilities.
- B. Existing Facilities. On or after the effective date of these Rules and Regulations, all existing food service facilities shall be required to install an approved, properly operated and maintained grease interceptor when any of the following conditions exist:
 - 1. The facilities are found by the Authority to be contributing grease in quantities sufficient to cause sanitary sewer line stoppages or necessitate increased maintenance on the sanitary sewer collection system in order to keep main line stoppages from occurring. The compliance date under this subsection will be determined by the Authority.
 - 2. Remodeling of the food preparation or kitchen waste plumbing facilities which are subject to issuance of a building permit. The compliance date under this subsection will be determined by the Authority.
- C. Extensions. Any requests for extensions to these required installation dates must be made in writing to the Authority, at least seven days in advance of the compliance date. The written request shall include the reasons for the user's failure or inability to comply with the compliance date set forth, the additional time needed to complete the remaining work, and the steps to be taken to avoid future delays.

8.08 Grease Interceptor Maintenance.

- A. Pumping. All grease interceptors shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids. Decanting or

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discharging of removed waste back into the interceptor from which the waste was removed or any other grease interceptor, for the purpose of reducing the volume to be disposed, is prohibited.

- B. Pumping Frequency. Grease interceptors must be pumped out completely a minimum of once every three months, or more frequently as needed to prevent carry over of grease into the sanitary sewer collection system, unless it can be demonstrated to the Authority that the pumping frequency can be extended past the three-month period.
- C. Disposal of Grease Interceptor Pumpage. All waste removed from each grease interceptor must be disposed of at a facility permitted by regulating authorities to receive such waste in accordance with the provisions of this chapter. In no way shall the pumpage be returned to any private or public portion of the sanitary sewer collection system or the sewage treatment plant, without prior written approval from the Authority.
- D. Additives. Any additive(s) placed into the grease interceptor or building discharge line system on a constant, regular or scheduled basis shall be reported to the Authority. Such additives shall include, but not be limited to, enzymes, commercially available bacteria or other additives designed to absorb, purge, consume, treat or otherwise eliminate grease and oils. The use of additives shall in no way be considered as a substitution to the maintenance procedures required herein.

8.09 Permit Requirements.

- A. Permit. It is unlawful for any facility producing grease to discharge waste into the sanitary sewer collection system without authorization from the Authority. Authorization shall be given in the form of a "grease discharge permit." Application for a permit shall be made to the Authority. If, after examining the information contained in the grease discharge permit application, it is determined by the Authority that the proposed discharge does not conflict with the provisions of this chapter and any applicable permit fee is paid, a permit shall be issued allowing the discharge of such wastes into the sanitary sewer collection system. Each grease discharge permit shall be issued for a time not longer than five years from the date of the permit. The user shall apply for permit reissuance a minimum of ninety days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Authority during the term of the permit as limitations or requirements as identified in this chapter are modified or other just causes exist. The user shall be informed of any proposed changes in the issued permit at least thirty days prior to the effective date of the change(s). Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- B. As a condition precedent to the granting of a permit, the permittee under this section will agree to hold harmless the Authority and the Authority's employees from any liabilities arising from the permit holder's operations under this permit.
- C. Fees.
 - 1. Permit Fees. Fees for grease discharge permits shall be set by the Authority. The fees shall be established to ensure full cost recovery and shall include but

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not be limited to the cost of field, administrative, engineering and clerical expenses involved.

2. Every food service facility which does not have an approved grease interceptor or other approved grease removal system shall be subject to an annual permit fee. The fees cover the costs associated with grease removal expenses incurred by the Authority.
3. Annual permit fee shall be applied to the permittee's quarterly sewer service bill and be paid in accordance with the schedule set forth in the billing document. See Fee Schedule for current permit fees.

8.10 Administrative Requirements.

A. Manifest. All pumpage from grease interceptors must be tracked by a manifest which confirms pumping, hauling and disposal of waste. This manifest shall contain the following information:

1. Generator information:
 - Name
 - Address
 - Volume pumped
 - Date and time of pumping
 - Signature of generator verifying generator information
2. Transporter information:
 - Company name
 - Address
 - Driver name and signature verifying transporter information
3. Receiving facility information:
 - Facility name
 - Address
 - Date and time of receiving signature verifying receipt of waste

Upon receipt of the waste, the receiving facility shall send one copy of each manifest to the following address: Bedford Township Municipal Authority, 1007 Shed Rd, Ste 102, Bedford, PA 15522.

B. Maintenance Log. A log indicating each pumping for the previous twelve months shall be maintained by each facility required to install a grease interceptor. This log shall include the date, time, amount pumped, hauler and disposal site, and shall be kept in a conspicuous location for inspection. Said log shall be made immediately available to any representative of the Authority upon request.

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- C. Reporting. The reporting periods shall be January 1st through March 31st; April 1st through June 30th; July 1st through September 30th; and October 1st through December 31st of each year. Reports, along with a copy of service receipt, shall be submitted to BTMA by 3:30 pm on April 10th, July 10th, October 10th and January 10th each year. Failure to submit a quarterly report with proof of service may result in the suspension of water service until proper documentation is submitted.

8.11 Unapproved Grease Traps and Grease Collection Systems

- A. Any facility that currently does not have an approved grease interceptor system installed shall collect used grease/oil in a grease trap or containers and utilize the services of a disposal company for removal of used grease/oil from the premises.
- B. Quarterly reports shall be submitted as per section 8.10.C for all used grease and oil removed from the premises.
- C. Grease traps must be inspected and cleaned regularly to avoid grease/oil being discharged into the public sewer system. A service log shall be kept and a copy submitted as part of the quarterly report.
- D. If any unapproved grease trap/collection system is found to be deficient the Authority shall require the installation of a grease interceptor system as per Section 8.06.

8.12 Monitoring, Inspection and Entry.

- A. Monitoring. When required for the purposes of this chapter, the user shall provide, operate and maintain, at user's expense, safe and accessible monitoring facilities (such as a suitable manhole) at all times to allow observation, inspection, sampling and flow measurement of the building sewer or internal drainage systems. There shall be ample room in or near such monitoring facility to allow accurate sampling and preparation of samples for analysis. When the physical location and hydraulic conditions are suitable, a manhole or similar facility existing on the sanitary sewer collection system may be utilized as the user's manhole when agreed to by both the user and the Authority.
- B. Inspection and Entry. Authorized personnel of the Authority, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this chapter, at any reasonable time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this chapter.

8.13 Emergency Suspension of Services.

- A. The Authority may suspend water or sewer service when such suspension is necessary, in the opinion of the Authority, in order to stop an actual or threatened discharge which:
 - 1. Presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment;
 - 2. Causes stoppages or excessive maintenance to be performed to prevent stoppages in the sanitary sewer collection system.
 - 3. Causes interference to the POTW; or

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4. Causes the Authority to violate any condition of its NPDES permit.
- B. Any person notified of a suspension of the water or sewer service shall immediately (within one hour) stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the Authority shall take such steps as deemed necessary, including immediate (within one hour) severance of water or sewer service, to prevent or minimize damage to the Wastewater System, sewer connection, its receiving stream or to individuals. The Authority shall reinstate the water or sewer service when such conditions causing the suspension have passed or been eliminated unless termination proceedings in Section 14.11 of the Rules and Regulations are initiated against the user.. A detailed written statement submitted by the user describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to the Authority within fifteen (15) days of the date of occurrence.

8.14 Violation.

- A. It is unlawful for any user to discharge into the sanitary sewer collection system in any manner which is in violation of this chapter or of any condition set forth in this chapter.

8.15 Enforcement.

- A. The Authority shall have the administrative authority to enforce this chapter. Whenever the Authority finds that any user has violated or is violating this chapter, or any prohibition, limitation, or requirements contained herein, the Authority will implement the Control Authority's Enforcement Response plan. Enforcement response necessary to initiate corrective action may include but not be limited to the following:
 1. Notice of Violation. The Authority may serve upon any user a written notice stating the nature of violation. Within thirty (30) days of the date of notice, a plan for the satisfactory correction thereof shall be submitted to the Authority by the user.
 2. Administrative Order. When the Authority finds that a user has violated or continues to violate the provisions set forth in this chapter, or the order issued thereunder, the Authority may issue an order for compliance to the user responsible for the discharge. Orders may contain any requirements as might be reasonable, necessary and appropriate to address the noncompliance, including but not limited to the installation of pretreatment technology, additional self-monitoring and management practices.
 3. Consent Order. The Authority is empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period specified by the order. Consent orders shall have the

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same force and effect as administrative orders issued pursuant to subsection 2 of this section.

8.16 Administrative Penalty.

- A. Notwithstanding any other remedies or procedures available to the Authority, any user who is found to have violated any provision of this chapter, or any order issued hereunder, may be assessed an administrative fine /penalty as outlined in the Enforcement Response Plan. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessment may be added to the user's next scheduled sewer service charge and the Authority shall have such other collection remedies as are available at law.

8.17 Request for Hearing and Appeal.

- A. Hearing. Any person affected by a penalty, order or directive of the Authority issued pursuant to this chapter may, within thirty (30) days of the issuance of such penalty, order, or directive, request a hearing before the Authority to show cause why such should be modified or made to not apply to such person. Such request shall be in writing and addressed to the Authority. The Authority or a designee shall hold the requested hearing as soon as practical after receiving the request, at which time the person affected shall have an opportunity to be heard. At the conclusion of the hearing, the Authority shall issue a written response to the person requesting the hearing affirming, modifying or rescinding the penalty, order, or directive at issue.
- B. Appeal. Any person aggrieved by the decision of the Authority may appeal such decision in accordance with the laws of the Commonwealth of Pennsylvania and the County of Bedford.

8.18 Criminal Penalties.

- A. Any person who shall be convicted of violating any provision of this chapter or any permit or order issued hereunder shall be deemed guilty of a summary offense and shall be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation. Each day that any such violation occurs shall constitute a separate offense and shall be punishable as a separate violation. If upon trial of any person found guilty of an offense hereunder, it shall appear to the court that the violation complained of is continuing, the court shall enter such order as it shall deem appropriate to cause the violation to be abated. The provisions of this section are independent of and in addition to any administrative or other legal action that may be taken by the Control Authority under the provisions of this chapter.

8.19 Separability.

- A. If any part or parts of this chapter shall be held to be invalid, such invalidity shall not affect the remaining parts of this chapter. The governing body declares that it would have passed remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid.

SECTION 9 EXTENSION OF WASTEWATER SYSTEM

- 9.01 Any Developer shall comply with the provisions of this section.
- 9.02 A request for service which would require the Authority to operate and maintain additional pumping facilities (which would be an additional operation and maintenance cost for the Authority) will be discouraged.
- 9.03 The Developer shall secure appropriate planning approval from the Department of Environmental Protection for the proposed project in accordance with Act 537. Upon request, the Authority will supply letters stating the availability of water and wastewater service, and execute those portions of a planning module dealing with wastewater collection and conveyance capacity. The Developer is cautioned that approvals are required from agencies other than the Authority.
- 9.04 The Developer shall submit three (3) copies of plans for any proposed extension of the Wastewater System to the Authority for review comments, recommendations and approval on 24" x 36" sheets showing plan views to a scale of not less than 1" = 50' and profiles to a scale of not less than 1" = 5' vertically and 1" = 50' horizontally, a north point, a suitable title block date and the name of the Developers' Engineer and imprint of his registration seal and signature.
- 9.05 Prior to final acceptance of any Wastewater System extension by the Authority, the Developer shall furnish to the Authority "Record Drawings" showing the location of all Wastewater Mains, manholes, cleanouts, and Laterals relative to permanent landmarks such as buildings, trees, utility poles or property corners; including the angle and distance between manholes or cleanouts, the top and invert elevation of each manhole and cleanout.
- 9.06 Easements for Wastewater Mains and Laterals, constructed outside of dedicated street rights-of-way shall be recorded in the name of the Authority. Permanent easements shall be twenty (20) feet wide with vehicle access from street for maintenance purposes. It is recommended that a temporary construction easement five (5) feet wide on each side of the permanent easement be obtained to accommodate modern construction equipment.
- 9.07 All construction shall comply with the General Specifications on file with the Authority.
- 9.08 Construction of wastewater facilities extensions will not be permitted until proper Municipal approvals, Commonwealth permits and easements (if necessary) have been obtained in the name of the Authority by and at the sole cost and expense of the Developer. The Developer must also submit three (3) copies of Shop Drawings for Authority review and approval prior to initiating construction. A copy of approved shop drawings shall be kept on site at all times. No materials shall be installed without prior shop drawing approval.

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- 9.09 Depending on the layout of existing wastewater collection system and/or potential for future development beyond the area in question, the required size of a Wastewater Main extension could vary, based upon Engineer review and recommendations.
- 9.10 Laterals shall be installed while Wastewater Main extension is being constructed. All connections to a new Wastewater Main shall utilize a polyvinyl chloride (PVC) wye conforming to ASTM D3034 or equal. Minimum pipe size shall be 8" for a wastewater main extension. Minimum pipe size shall be 6" for all service laterals to property line.
- 9.11 The Wastewater Mains and all appurtenances shall be subject to full time inspection by the Authority's representative at the sole cost of the Developer. If the installation of the Wastewater Mains or appurtenances has been properly made, written approval will be furnished to the Developer or his designated representative. If the work is not satisfactory, the Authority's representative shall advise what must be done to meet the Authority's requirements.
- 9.12 No Wastewater Main extension constructed by a Developer will be approved for use and service by the Authority until the Wastewater Main is formally approved in writing, by the Authority, all connections, charges, tapping fees and inspection fees have been paid, the Wastewater Main extension has been legally dedicated to the Authority and as-built drawings have been submitted to the Authority and approved.
- 9.13 The Developer shall be responsible for all necessary repairs to the extension for a one-year period from the date of formal approval by the Authority.
- 9.14 Any extensions of the Wastewater System or connections to any Building not located in the Township shall not be made until the Owner of such Building shall obtain written consent of the host Municipality and the Authority.

SECTION 10 MAINTENANCE, REPAIR AND INSPECTION

- 10.01 The Authority shall retain ownership of and have the ultimate responsibility for the use, operation, maintenance, and repair of the Wastewater System from the terminal point of the interceptors up to and including property line or easement line of each user. The owners of any Building connected to the Wastewater System shall notify the Authority of any condition on his property which threatens the proper operation and integrity of the Wastewater System.
- 10.02 The Building Sewer shall be the responsibility of the Owner and shall be maintained and repaired by the Owner at his own cost. Any repairs of the Building Sewer connection shall be subject to the direction, approval, and inspection of the Authority.

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- 10.03 The Authority reserves the right at any time to excavate or allow the excavation of any Wastewater System component.
- 10.04 The Authority shall in no event be responsible for the maintenance of, or any damage resulting from wastewater escaping from the Building Sewer from the connection or any other pipe or fixture on the inlet side of the point of connection.
- 10.05 The Owner shall maintain the Building Sewer in good condition at all times under penalty of discontinuance of service by the Authority. However, should a break or other accident occur in the Owner's property which would threaten the Authority's Wastewater System or its capacity, the Authority reserves the right to discontinue service without notice until such time as the condition is corrected.
- 10.06 In the case of leakage, either into, or out of the sewers, the location of which is not readily apparent, the Authority will upon request of the user excavate in and about the point of connection for the purpose of determining the responsibility for the leak. The Authority shall assume the costs of work if it's found that the leak is located between the point of connection and the sewer main. If the leak is determined to be between the point of connection and the building, the owner shall reimburse the Authority for actual costs of the work repaired to determine responsibility.
- 10.07 The Authority may at any time require User to install in connection with his service pipes, such vents, traps, gates, or other apparatus as may be, in the opinion of the Authority, required for the safeguarding and protection of the Authority's or Owner's property. The building sewer shall be installed according to the specifications and details provided by the Authority.
- 10.08 When the Owner desires to replace or relocate any Building Sewer, the cost of such change shall be borne entirely by the Owner, and shall be subject to the prior written consent of the Authority. If existing service line is abandoned, pipe must be excavated and capped at the property line. The owner will be charged an inspection fee and possibly an additional service fee if flows increase.
- 10.09 Duly authorized employees or representatives of the Authority shall have the right to enter on the premises of any person, firm, corporation or other entity connected to the System for the purpose of inspection, observation, measurement, sampling, testing, inspection of connections or fixtures, for a disconnection of service, for enforcement of these Rules and Regulations and for other such purposes for the protection of public health and property and the effective, orderly operation of the Sanitary Sewer System. Authority employees or representatives shall bear proper credentials and identification and display the same when requested. By virtue of being connected to and receiving service from the Authority's System, each person, firm, corporation or other entity receiving said services acknowledges and authorizes Authority employees or representatives to enter upon their premises for the

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aforesaid purposes, including closed circuit televising (CCTV) of all buried and under slab piping of the premises and any type of testing including air pressure, water pressure and smoke testing.

- 10.10 Closed circuit televising, or video inspection, may be performed for the purpose of locating a line obstruction or blockage. If it is determined that the location of such obstruction is within the Customer's Sewer Lateral or Building Drain, the cost of the video inspection and all work necessary to remove such obstruction, including work performed by any sub-contractor, shall be the responsibility of the property Owner.
- 10.11 Video inspection may be performed to determine or expose the release of grease, oil or fats into the Authority's System. In the event of a blockage in the Authority's System caused by the failure of an establishment to provide or maintain a Grease and/or Oil separation device within its facilities, the cost of correcting, repairing and eliminating such System blockage shall be the responsibility of the establishment or establishments causing the back up or blockage.
- 10.12 Video inspection may be performed to document the existence of Inflow and Infiltration (I&I) entering the System through a Customer's Sewer Lateral or Building Drain.
- 10.13 Any Customer, found to be in violation of the Authority's Rules and Regulations, by allowing any quantity of Inflow and Infiltration into the Sanitary Sewer System, shall be required to bring all buried pipelines into compliance. The Customer shall be notified, by certified mail, to correct said condition.
- 10.14 Within thirty (30) days of the date of the notification, a corrective action plan must be presented to the Authority. This plan shall include a signed contract with a prospective contractor as well as the specific date of repair. The scope of work must be significant, as determined by the Authority. All such repairs must be completed, and the system brought into compliance, within ninety (90) days from the date of the original notification.
- 10.14 Compliance must be proven at the time of inspection by an air pressure test as outlined (currently as Section 312) of the International Plumbing Code. If a portion(s) of the said system fails to meet compliance standards, additional repairs must be completed and tested until the entire system has been determined to be in compliance; all within the original ninety (90) day time frame. Failure to bring all buried pipelines into compliance within the ninety (90) day time frame shall be deemed a violation of these Rules and Regulations. In such circumstances, the Authority shall take one or more of the following enforcement actions.
 - A. The Authority may file a civil action in order to enforce the penalty clause of the applicable Ordinance.
 - B. The Authority may apply a surcharge of thirty-five (35%) percent to the customer's service charge until such time that required repairs are made.
 - C. The Authority may discontinue water service to the property, and disconnect the

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non-compliant Sewer Lateral from the Sewer Main.

- D. The Authority may enter the property to correct the condition(s) and collect the cost of such correction(s) plus ten (10%) percent of all costs. The Authority, in such event, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

10.15 Sanitary Sewer Lateral Testing

A. Lateral Testing by Authority

- 1. The Authority and its employees are authorized to initiate Lateral testing or other testing or inspection for purposes of discovering or locating the inflow of prohibited sources of water to the Wastewater System. The Authority is authorized to retain the services of a qualified contractor to perform the Lateral testing or other testing or inspection. Persons owning Improved Property connected to the Wastewater System are required to grant access to the Authority and its employees and/or the Lateral testing contractor and to permit lateral testing or other testing or inspection. No person shall refuse access to property for purposes of lateral testing or other testing or inspection.

B. Lateral Testing by the Owner at Transfer of Property

- 1. Effective June 1, 2024, prior to the Sale or transfer of improved property, which has been provided sanitary sewer service by the Authority, said property must successfully pass an air pressure test. This regulation pertains to all residential and non-residential properties.

C. Installation of Observation Port and Clean Out

- 1. The Authority shall install (if not already present), on every existing improved property, a minimum 6" viewport at the point of connection to the sewer main required by this Section. If an existing improved property does not currently have a viewport, please contact the BTMA office.
- 2. Each Owner of every improved property shall install (if not already present) a cleanout near the building foundation prior to conducting the testing required by this Section.
- 3. Installation of viewports for new/future development(s) shall be at the expense of the property owner.

D. Testing Standards

- 1. An improved property shall be deemed to have passed the testing required by Section 10.15(A)(1) and Section 10.15(B)(1) when it has been tested as required herein, the test has been witnessed by an Authority representative, and it has been properly documented on an Inspection Record that the Improved Property is in compliance with the following standards:
 - a. All components of service laterals shall be air tested wherein all components are pressurized with air to a minimum of five (5 p.s.i.) pounds per square inch and thereafter held for a period of fifteen (15) minutes with no noticeable loss of pressure.

E. Repairs and Remediation

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1. In the event the testing reveals that the improved property does not meet the standards set forth in Section 10.15(A)(1) and Section 10.15(B)(1), or in the event the Authority representative witnessing the test identifies any illegal connections, the illegal connections shall be eliminated and/or the Lateral be repaired, replaced, or rehabilitated at the Owner's expense, and the Improved Property shall be re-tested within six (6) months of the date of this the notice

F. Inspection Fees and Procedures

1. The Owner shall be responsible for ensuring that the observation port and cleanout required by Section 10.15(C)(1 and 2) are installed prior to scheduling a test and shall have the testing contractor present and prepared to begin the test at the time scheduled. Requests for inspection or witnessing of the testing must be made a minimum of seventy-two (72) hours in advance of the requested time. The Authority will allow a maximum of thirty (30) minutes per test and the witnessing shall be for the actual test itself, not for preliminary hook up or other work which precedes the actual test. (NOTE: It is the intent of this Regulation that the Authority Inspector is scheduled only to witness a passing Air Test.) The Authority representative shall make the sole determination as to when the actual testing period commences and thereafter when the duration of the test has expired. Upon successful completion of the testing required by this Section, the Authority representative shall signify his/her approval by affixing his/her signature and dating the completed "Certificate of Sewage Compliance" from the BTMA Board of Directors or BTMA Manager. The Owner shall pay a fee to witness the testing to the Authority of twenty-five dollars (\$25.00) for the initial test and any subsequent pressure test(s).
2. Should a sewer lateral need to be replaced, an inspection shall be conducted by a BTMA representative prior to backfilling. Please be advised that the Owner shall pay an inspection fee to the Authority of two hundred dollars (\$200.00).

G. Enforcement

1. Failure to perform the required testing shall be deemed a violation of these Rules and Regulations. In such circumstances, the Authority shall take one or more of the following actions:
 - a. The Authority may apply a surcharge to the customer's quarterly bill. The surcharge to be assessed shall be based on the customer's usage as follows:
 1. 1st Quarter 50%
 2. 2nd Quarter 75%
 3. 3rd Quarter and Beyond 100%The applicable surcharge shall be assessed until such time that required repairs are made.

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- b. The Authority may discontinue water service to the property, and disconnect the non-compliant sewer lateral from the sewer main.
- c. The Authority may enter the property to correct the condition(s) and collect the cost of such correction(s), plus ten (10%) percent of all costs. The Authority, in such event, shall have the right and power to enter upon the offending premises to accomplish the foregoing.
- d. The requirements of this Regulation may also be enforced by the Authority in an action in Equity brought in the Court of Common Pleas of Bedford County, Pennsylvania.

SECTION 11 UNLAWFUL USE OF WASTEWATER SYSTEM

- 11.01 No person connected to the Authority's Wastewater System shall discharge or cause to be discharged into the Wastewater System any storm water surface drainage, ground drainage, roof runoff, subsurface drainage, cooling water, spring water, or foundation drainage, or connect or cause to be connected to the Wastewater System in any way within or without the building of any pipe, tile, or other conduit which has the capacity or purpose of conveying such waters.
- 11.02 No Person shall connect, cause to be connected, or allow any other Person to connect to the Wastewater System any Building or other source of water or wastewater other than that for which the connection permit is or has been issued.
- 11.03 No Person shall connect, cause to be connected, or allow any other Person to connect, in any way to the Wastewater System any septic tank, cesspool, privy vault, or other depository of sewage or wastes, or cause or allow any discharge from any of the depositories to the Wastewater System, unless otherwise approved in writing by the Authority. Any septic tank, privy vault, cesspool, sinkhole, or similar receptacle which has not been designated by the Authority as part of the Wastewater System shall be abandoned, cleaned and filled at the expense of the Owner thereof in the manner to be described by the Inspector or Engineer.
- 11.04 No person shall make, or cause to be made, any cross connection between any pipe, fixture, or other appurtenance connected in any way to the Wastewater System and any public or private component of any potable water system or source whereby, in the opinion of the Authority, the potential exists for vacuums or back siphonage which could permit sanitary wastes to enter a potable water system or source.

SECTION 12 PROHIBITED WASTES AND REGULATION OF DISCHARGES

- 12.01 General Prohibitions
- A. No User shall discharge or cause to be discharged, directly or indirectly, any pollutant or wastewater which causes Pass Through or Interference in the Wastewater System. These general prohibitions apply to all Users of the Wastewater System

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whether or not they are subject to categorical Pretreatment Standards or any other National, State or local Pretreatment Standards or Requirements.

- B. The discharge of excessive amounts of Unpolluted Water or Waste to the Wastewater System is expressly prohibited. The Authority reserves the right to define the amount it deems excessive in each particular instance.
- C. The discharge of household garbage to the Wastewater System is expressly prohibited.
- D. The discharge of wastewater to the Wastewater System from any property or Building other than for which a permit has been issued in accordance with these Rules and Regulations, is expressly prohibited.

12.02 Specific Prohibitions

- A. No Users shall discharge or cause to be discharged, directly or indirectly, into the Wastewater System any pollutants, substances, or wastewater having the following characteristics:
 - 1. Any liquid, solid or gas, which by reason of its nature or quantity is, 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 persons, the Wastewater System or its operation.
 - a. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.
 - b. At no time shall the closed cup flashpoint of the discharged wastewater be less than one hundred forty (140) degree Fahrenheit (sixty (60) degrees Centigrade) using the test methods specified in 40 CFR 261.21.
 - c. Prohibited materials include, but are not limited to, the following substances in concentrations which cause exceedance of the above standard: gasoline, kerosene, naphtha, benzene, ethers, alcohols, peroxides, chlorates, perchlorates, bromates and carbides.
 - 2. Wastes having a pH lower than 6.0 or higher than 9.0 or having any corrosive properties capable of causing damage or hazards to structures, equipment or personnel of the Wastewater System.
 - a. Where the Authority deems it advisable, it may require any person discharging industrial wastes to install and maintain, at his own expense, in a manner approved by the Authority or its designated representative, a suitable device to continuously measure and record the pH of the wastes so discharged. These records shall be made available to the Authority upon request.
 - 3. Heat in the amounts which will inhibit biological activity in the treatment plant resulting in Interference, but in no case heat in such quantities which causes the temperature at the treatment plant to exceed one hundred four

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- (104) degrees Fahrenheit (forty (40) degrees Celsius) or is less than thirty-two (32) degrees Fahrenheit (zero (0) degrees Celsius).
4. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the Wastewater System. Prohibited substances include, but are not limited to: Wastes greater than one-half (1/2) inch in any dimension, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, hair, chemical or paint residues, greases, lime slurry or any other material that, in the opinion of the Authority, may cause an obstruction to the flow in the sewers or otherwise interfere with the proper operations of the Wastewater System.
 5. 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 Wastewater System.
 6. 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 Wastewater System in a quantity that may cause acute worker health and safety problems;
 8. Trucked or hauled pollutants shall not be accepted.
 9. Wastes containing any noxious or malodorous gas or substance which either singularly or by interaction with sewage or other wastes is, in the opinion of the Authority likely to create a public nuisance or hazard to life, or prevent entry to sewage structures for their maintenance and repair.
 10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Control Authority's NPDES permit.
 11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
 12. Any substance which will cause the Control Authority to violate its NPDES and/or State Water Quality Management Permit or applicable receiving water quality standards.
 13. Detergents, surface-active agents or other substances causing excessive foaming in the Wastewater System.
 14. Any material that would be classified as hazardous waste pursuant to 40 CFR Part 261.
 15. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
 16. Medical Wastes, except as specifically authorized by (the Control Authority Superintendent) in an individual wastewater discharge permit.
 17. Wastewater causing, along or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

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18. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l.

B. Pollutants, substances or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the Wastewater System.

12.03 National Categorical Standards

A. If the categorical standards for a particular industrial user are more stringent than local limits or other requirements imposed under this Section, then the categorical Standards shall apply. The Categorical Pretreatment Standards, which are found in 40 CFR Chapter 1, Subchapter N, Part 405-471 are hereby incorporated into the industrial pretreatment program as program requirements for those industrial users subject to such categorical standards. The Control Authority may make modifications to the national categorical Pretreatment Standards so long as provision for that modification exists in 40 CFR § 403.6(c). Any modification to the published categorical standards will be reflected in the individual discharge permit issued to the User.

1. Modifications to Categorical Pretreatment Standards under this provision shall be limited to the conversion of mass limits to equivalent concentration limits or vice versa. Any such conversion will be completed in accordance with the provisions of 40 CFR § 403.6(c).
2. When Categorical Pretreatment Standards are expressed only in terms of pollutant concentrations, an Industrial User may request that the Authority convert the limits to equivalent mass units. The determination to convert concentration limits to mass limits is entirely at the discretion of the Control Authority. To make such a request, the Industrial User must meet the following requirements listed in 40 CFR § 403.6(c)(5).
 - a. To be eligible for equivalent mass limits, the User must:
 - i. Employ or demonstrate that it will employ water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;
 - ii. Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard and not have used dilution as a sustainable for treatment;
 - iii. Provide sufficient information to establish a facility's actual average daily flow rate for all wastestreams based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and long-term average production rate must be representative of current operating conditions;

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- iv. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
 - v. Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the User's request for equivalent mass limits.
- b. An Industrial User subject to equivalent mass limits must:
- i. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - ii. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - iii. Continue to record the facility's production rates and notify the Control Authority whenever production rates are expected to vary by more than twenty (20) percent from its baseline production rates. Upon notification of a revised production rate, the Authority must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - iv. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph 10.03(A)(2)(a)(i) of these Rules and Regulations so long as it discharges under an equivalent mass limit.
- c. Should equivalent mass limits be established, the Authority shall:
- i. Calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the User by the concentration-based daily maximum and monthly average standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
 - ii. Upon notification of a revised production rate, reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - iii. Retain the same equivalent mass limit in subsequent control mechanism terms if the User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment. The User must also be in compliance with the provisions of 40 CFR § 403.17 regarding the prohibition of bypass.

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- d. The Control Authority shall not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.
- B. No person shall discharge or cause to be discharged to any Wastewater System, wastewaters containing substances subject to an applicable federal categorical pretreatment standard promulgated by EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this section. Compliance with such applicable treatment standards shall be within three years of the date the standard is promulgated; provided however, compliance with a categorical pretreatment standard for new sources shall be required upon promulgation.
- C. Equivalent limitations calculated in accordance with paragraph (A) above are deemed pretreatment standards pursuant to 40 CFR § 403.6(c)(7) and Section 307(d) of the Act. The Authority shall document how the equivalent limits were derived and make this information publicly available. Once incorporated into its control mechanism, the User must comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

12.04 State Requirements

- A. State requirements and limitations on discharges shall apply in any case where they are more stringent than National Requirements and limitations or those established under this Section.

12.05 Local Requirements

- A. The Control Authority may establish and review and enforce local limits regulating the discharge of specific pollutants by industrial users pursuant to 40 CFR Part 403 5(c). Local limits development to prevent pass through or interference, or to implement prohibitive discharge standard shall be approved by the approval authority.
- B. Local limits may be established for any substance which is discharged, or is likely to be discharged, to the sewer system.
- C. Local limits may limit concentration, mass or a combination of the two, as defined by the Control Authority.
- D. The procedure for the calculation of local limits may be as recommended by the approval authority or otherwise considered appropriate by the Control Authority.
- E. Local limits shall be calculated for pollutants, as deemed necessary, to prevent interference and pass through. In addition, local limits may be calculated to prevent the discharge of toxic materials in amounts that pose a threat to worker health and safety, or have the potential to cause physical, chemical or biological damage to the Wastewater System; or such other factor as deemed appropriate by the Control Authority.

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- F. Local limits are applicable to all significant industrial users and may be included in wastewater discharge permits. Local limits may be imposed on discharges from other users as deemed appropriate by the Control Authority.
- G. Discharging any pollutant in excess of a local limit established for that pollutant shall constitute an unauthorized discharge.
- H. Specific effluent limits shall not be developed and enforced without individual notice to person or persons or groups who have requested such notice and an opportunity to respond.
 - 1. Any changes to local limits will be enacted by modification to these Rules and Regulations through adoption of a resolution by the Authority. Resolutions shall only be adopted at a meeting of the Authority Board with the opportunity of public participation.
- I. The Control Authority may develop Best Management Practices, by ordinance or in individual wastewater discharge permits, to implement Local Limits and Requirements of Section 12.
- J. The following local limits for pollutants have been established by the Control Authority to protect against Pass Through or Interference. No person shall discharge wastewater containing any of the following substances in solution or in suspension in concentrations exceeding those shown in the following table on the basis of Daily Maximum, and instantaneous maximum, as measured by an acceptable method in accordance with Section 14.18B.:

Pollutant	Local Limits (mg/l) Daily Maximum
Nitrogen-Ammonia	65
Arsenic	0.13
Cadmium	0.02
Chromium	2.94
Copper	1.14
Cyanide (T)	1.15
Lead	0.79
Mercury	0.07
Molybdenum	0.32
Nickel	0.78
Selenium	0.43
Silver	0.68
Sodium	175
TDS	850
Zinc	1.34

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Other	
Aluminum	10
Iron	7
Oil and Grease	100
Phenolics	1
pH	
pH	6-9 S.U.

Table Note: For the local limits noted above, at no time shall the pollutant concentration of a 24-hour composite grab sample exceed 1.25 times daily maximum limit listed above for the pollutant (not including pH). Should these limits be exceeded, it shall constitute an instantaneous violation. The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The Industrial Pretreatment Coordinator may impose mass limitations in addition to, or in place of, the concentration-based limitation above. All test procedures shall conform to an approved analysis method as indicated in 40 CFR Part 136. For the pollutants listed in the table above, where multiple grab samples are collected during the same day, the average would be used for determining compliance with the daily maximum limit, while compliance with the instantaneous maximum limit would be determined based on each individual grab sample result.

The following parameters will be considered Surcharge parameters and monitored and billed based on the Municipal Authority of the Borough of Bedford’s Surcharge Program:

BOD	300 mg/l	24-hr composite
TSS	350 mg/l	24-hr composite
Total Phosphorus	10 mg/l	24-hr composite

- K. The above limits where the wastewater is discharged into the Wastewater System. All concentrations for metallic substances are for total metal unless indicated otherwise. The Control Authority may impose mass limitations in addition or in lieu of the concentration-based limitations above.
- L. Should the Authority determine that any Person is contributing to the Wastewater System any of the above substances, the Control Authority shall notify the Person of the violation, and develop effluent limitations for such person to correct the interference with the Wastewater System. Any expenses incurred by the Control Authority for treatment or cleanup due to improper disposal will be the responsibility of the Person.
- M. In situations such as quantifying batches, spills, and slug loads that may have an impact of the POTW, it receiving stream, or sludge quality, the Control Authority may utilize single grab sample data in lieu of composite data to indicate noncompliance with Federal, State, and local pretreatment standards and conform the basis of an enforcement action.

12.06 Prohibition on Dilution

- A. No 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 Pretreatment Standard or Requirement unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Control Authority may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

12.07 Right of Revision

- A. The Authority reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the Wastewater System consistent with the purpose of this ordinance.
- B. Nothing in this section shall be construed as preventing any special agreement or arrangement between the Control Authority and any User of the Wastewater System whereby the wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable.

12.08 Penalties

- A. Any User in violation of these rules and regulations shall be subject to the fees outlined in the Fee Schedule. Any User who fails to pay applicable fees or recurring violations shall be subject to discontinuation of service as defined in Section 18.
- B. Any User causing the Control Authority to be in violation of any Agreement or Permits shall pay any and all costs, fees, surcharges or penalties imposed against the Control Authority under such Agreement within thirty (30) days after a written demand there for sent by the Authority to such User.

SECTION 13 PRETREATMENT OF WASTEWATER

13.01 Pretreatment Facilities

- A. Users shall provide wastewater treatment as necessary to comply with these Rules and Regulations and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 12 of these Rules and Regulations within the time limitations specified by EPA, the State, or Authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Authority under the provisions of these Rules and

Regulations.

13.02 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Authority may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewer, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the Wastewater System and determine the User's compliance with the requirements of these regulations.
- B. The Control Authority may require any person discharging into the Wastewater System to install and maintain, on their own property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil and sand interceptors shall be provided when, in the opinion of the Control Authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Authority, shall comply with Section 8 of these regulations, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired in accordance with Section 8 of these Rules and Regulations by the User at their expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

13.03 Change in Operations

- A. Any industrial user contemplating or planning a substantial change in the manufacturing process, raw materials, auxiliary processes, pretreatment processes or other changes which may result in substantial changes to wastewater character, composition, volume or rate of flow, shall notify the Control Authority in writing at least thirty (30) days prior to making such a change, or, if the change is not planned thirty (30) days or more in advance, immediately upon the decision to make such a change. If a change in wastewater characteristics occurs without the knowledge of the industrial user, the industrial user shall report the change immediately (within one hour) upon becoming aware of it. The report shall include all information necessary to determine the effect on the wastewater from the change. The Control Authority may require the industrial user to undertake a compatibility study to demonstrate to the satisfaction of the Control Authority that the wastewater to be discharged is compatible with the sewer system, will not affect any requirements imposed upon the Control Authority (including sludge disposal requirements) and will not otherwise adversely affect the Wastewater System.
- B. The Authority may, on receipt of such a report:
 - 1. Continue an existing wastewater discharge permit in effect.
 - 2. Require application for a new wastewater discharge permit.
 - 3. Modify an existing wastewater discharge permit to reflect the changed nature of

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the waste.

4. Rescind and reissue an existing wastewater discharge permit in order to make substantial changes in wastewater discharge permit conditions.
5. Revoke an existing wastewater discharge permit or require the industrial user to cease or prevent the discharge.
6. Take such other action as it deems appropriate.

13.04 Slug Loads and Spills

- A. Each industrial user shall provide protection from spills or accidental discharges that may result in unauthorized discharges or slug load discharges. Facilities to prevent spills and slug loads shall be provided and maintained at the owner or industrial user's own cost and expense.

- B. NOTIFICATION:
In the case of a spill or slug load or other unauthorized discharge, it is the responsibility of the industrial user to, immediately (within one hour) upon discovery of the spill, slug load or other unauthorized discharge, telephone or notify the Control Authority of the waste (concentration and volume), corrective actions being taken or planned and expected duration.

- C. NOTICE TO EMPLOYEES:
A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a spill or other unauthorized discharge. Employers shall insure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

- D. WRITTEN NOTICE:
Within five (5) days following a spill, slug load or other unauthorized discharge, the industrial user shall submit to the Authority a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the sewer system, fish kills or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties or other liability which may be imposed in accordance with Section 14 and 15 of these Rules and Regulations or applicable law. This notice requirement may be waived by the A Control Authority for an industrial user which is not required to submit a plan under subsection (D), below.

- E. SPILL PREVENTION CONTROL AND COUNTERMEASURE (SPCC) PLAN:
 1. All significant industrial users existing at the time of the enactment of these regulations shall complete and submit for approval a SPCC Plan, or provide acceptable evidence that such a plan is not necessary for their facility, within **nine (9) months** of the enactment of these regulations.
 2. No significant industrial user who commences discharge to the sewer system after the effective date of these regulations shall be permitted to introduce pollutants into the sewer system until it has completed and submitted for

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- approval an SPCC plan or provided acceptable evidence that such a plan is not necessary for their facility. The Control Authority, at its discretion, may require an SPCC Plan for any other industrial user.
3. The Control Authority shall evaluate whether the Significant Industrial User needs a plan or other action to control Slug Discharges. For Industrial Users identified prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Users must be evaluated within one (1) year of being designated a Significant Industrial User. The results of such activities shall be available to the Control Authority immediately of any changes at its facility affecting potential Slug Discharge. If the Control Authority decides that a slug control plan is needed; the plan shall contain; at a minimum, the following elements:
 - a. Description of discharge practices, including non-routine batch discharges;
 - b. Description of stored chemicals;
 - c. Procedures for immediately (within one hour) notifying the Control Authority of any accidental or Slug Discharge, that would violate a prohibition under Section 40 CFR Section 403.5 (b) with procedures for follow-up written notification with five (5) days as required by Section 13.04.D of these Rules and Regulations; and
 - d. Procedures to prevent adverse impact from any accidental 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.
 4. SPCC plans shall be submitted to the Control Authority for review and shall be approved by the Control Authority before implementation of the plan or construction of any required facilities. Review and approval of such plans, facilities and operating procedures by the Control Authority shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of the industrial pretreatment program, nor shall such a review and approval be deemed to constitute any assurance or warrant on the part of the Control Authority as to the effectiveness or safety of the SPCC plan.
 - a. All control SPCC plans and slug control plans shall be evaluated by the Control Authority for compliance with these Rules and Regulations and applicable standards pursuant to 40 CFR Part 403. The User shall be notified of any plan deficiencies by the Control Authority within twenty-four (24) hours of the Control Authority's acknowledgement of said deficiency. Based upon the severity of that deficiency, the Control Authority will establish a schedule for the User to resubmit a revised plan that complies with the applicable standards. Failure to submit a timely revised plan will constitute a violation of the terms of these Rules and Regulations and shall be subject to penalties pursuant to Section 15 of

these Rules and Regulations.

13.05 Pretreatment Program Implementation

- A. The Control Authority shall maintain records of procedures necessary to ensure compliance with the requirements of a Pretreatment Program and make those records available to the Regional Administrator or Director upon request.
- B. The Control Authority shall, from time to time, update its wastewater survey information as necessary to identify and locate all possible Industrial Users which might be subject to the Control Authority's Pretreatment Program. Such a compilation, made under 40 CFR 403.8(f)(2)(i) shall be made available to the Regional Administrator or Director upon request. This wastewater survey information shall include identification of the character and volume of pollutants contributed to the Wastewater System by Industrial Users.
- C. Any Industrial User identified in this wastewater survey pursuant to 40 CFR 403.8(f)(2)(i) shall be notified of applicable Pretreatment Standards and any applicable requirements under Sections 204(b) and 405 of the Clean Water Act and subtitles C and D of the Resource Conservation and Recovery Act. Each Industrial User identified in the approved wastewater survey pursuant to 40 CFR 403.8(f)(6) shall be notified of its status as such and of all applicable requirements as a result of such status within thirty (30) days of such approval.

SECTION 14 WASTEWATER DISCHARGE PERMITS

14.01 Requirement for Wastewater Discharge Permits

- A. No Significant Industrial User shall discharge wastewater into the Wastewater System without first obtaining an individual wastewater discharge permit from the Control Authority, except that a Significant Industrial User that has filed a timely application pursuant to Section 14.03 of these Rules and Regulations may continue to discharge for the time period specified therein.
- B. All industrial dischargers shall file with the Control Authority, a complete wastewater discharge permit application. The application shall contain wastewater information on the nature, characteristics or any other aspect deemed necessary by the Control Authority for determination of compliance with these Rules and Regulations, NPDES permit conditions, and state and federal law.
 - 1. The Control Authority reserves the right to require periodic updates to the wastewater information.
 - 2. Information requested and designated by the discharger as confidential is subject to the conditions of confidentiality – SEE SECTION 14.21.
 - 3. The Control Authority reserves the right, at its sole discretion, to deny the issuance of a wastewater discharge permit, or to issue such a permit conditionally.
- C. Where a User owns, operates or occupies properties designated as an industrial discharger at more than one location, separate information shall be required for each location as may be required by the Control Authority.

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- D. The Control Authority may require other Users to obtain wastewater discharge permits as necessary to carry out the purposes of these regulations.
- E. Discharge of any industrial waste to the Wastewater System without a wastewater discharge permit or any violation of the terms and conditions of a wastewater discharge permit shall be deemed an unauthorized discharge subject to the penalties provided herein.
- F. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of these Rules and Regulations and subjects the wastewater discharge permittee to the sanctions set out in Section 15 of these Rules and Regulations. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

14.02 Industrial Tier Classifications

- A. Industrial Users shall be classified as the following:
 - 1. Tier 1: Industrial User meets any definition of Significant Industrial User (SIU) as defined by these Rules and Regulations.
 - 2. Tier 2: Industrial User does not meet SIU requirements. Facility segregates industrial flows for haul off, but intermittently discharges of wastes with potential for pass through or interference.
 - 3. Tier 3: Industrial User does not meet SIU requirements and primarily hauls off waste streams of concern. Regular water stream presents minimal risk for pass through interference.
 - 4. Tier 4: Any User that does not meet the established criteria for an Industrial User pursuant to Section 1.01 of these Rules and Regulations and that has the potential to discharge an industrial or combined wastestream that exceeds any local limit promulgated by Section 12.05 of these Rules and Regulations.
 - a. A User may only receive this classification if the total industrial wastewater discharge from that User does not exceed the equivalent flow of one Equivalent Dwelling Unit (EDU) as established in the most recent Municipal Wasteload Management Report prepared by the Control Authority pursuant to Title 25, Chapter 94 of the Pennsylvania Code.
 - b. Any User that may otherwise meet the criteria established for a Tier 4 User above and that discharges more than the equivalent flow of one EDU of industrial wastewater shall be classified as a Tier 3 User.

14.03 Wastewater Discharge Permitting: Existing Conditions

- A. Any User required to obtain a wastewater discharge permit who was discharging wastewater into the Wastewater System prior to the effective date of these Rules and Regulations and who wishes to continue such discharges in the future, shall, within forty-five (45) days after said date, apply to the Control Authority for a wastewater

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discharge permit in accordance with Section 14.05 of these regulations, and shall not cause or allow discharges to the Wastewater System to continue after ninety (90) days of the effective date of these regulations unless a wastewater discharge permit has been issued by the Control Authority.

14.04 Wastewater Discharge Permitting: New Connections

- A. Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the Wastewater System must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 14.05 of these regulations, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

14.05 Wastewater Discharge Permitting: Permit Application Contents

- A. All Users required to obtain a wastewater discharge permit must submit a permit application. The Control Authority may require Users to submit all or some of the following information as part of a permit application:
1. Identifying Information.
 - a. The name and address of the facility, including the name of the operator and owner.
 - b. Contact information, description of activities, facilities, and plant production processes on the premises;
 2. Environmental Permits.
 - a. A list of any environmental control permits held by or for the facility.
 3. Description of Operations.
 - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the Wastewater System from the regulated processes.
 - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the Wastewater System;
 - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - d. Type and amount of raw materials processed (average and maximum per day);
 - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - f. This information shall be made available to the Regional Administrator or Director upon request.
 4. Time and duration of discharges;

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5. The location for monitoring all wastes covered by the permit;
6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the Wastewater System 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).
7. Measurement of Pollutants. If monitoring is required as part of a permit application, it shall be completed in accordance with Section 14.13 and 14.18 of these Rules and Regulations.
8. A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional Pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.
9. If additional pretreatment and/or operation and maintenance will be required to meet Pretreatment Standards or Requirements; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or operation and maintenance must be submitted. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The Control Authority requires the development of a compliance schedule by each User for the installation of technology required to meet applicable pretreatment standards and requirements and requires the submission of all notices and self-monitoring reports by the User as are necessary to assess and assure compliance by the User with pretreatment standards and requirements including, but not limited to, the reports required in 40 CFR § 403.12.
 - a. Where the Industrial User's categorical Pretreatment Standard has been modified by a removal allowance (40 CFR § 403.7), the combined waste stream formula (40 CFR § 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR § 403.13) at the time the User submits the report required by this section, the information required by shall pertain to the modified limits.
 - b. If the categorical Pretreatment Standard is modified by a removal allowance (40 CFR § 403.7), the combined waste stream formula (40 CFR § 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR § 403.13) after the User submits the report, any necessary amendments to the information requested shall be submitted by the User to the Control Authority within 60 days after the modified limit is approved.
 - c. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans,

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completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

- d. No increment referred to in paragraph 14.05(A)(9)(c) of this section shall exceed 9 months.
- e. Not later than 14 days following each date in the schedule and the final date or compliance, the Industrial User shall submit a progress report to the Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Control Authority.

10. Any other information may be deemed necessary by the Control Authority to evaluate the permit application.

- B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

14.06 Application Signatories and Certifications

- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 14.23(A).
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Authority prior to or together with any reports to be signed by an Authorized Representative.

14.07 Wastewater Discharge Permit Decisions

- A. The Control Authority will evaluate the data furnished by the User and may require additional information. Within forty-five (45) days of receipt of a complete permit application, the Control Authority will determine whether to issue a wastewater discharge permit. The Control Authority may deny any application for a wastewater discharge permit.

14.08 Wastewater Discharge Permit Issuance

- A. **WASTEWATER DISCHARGE PERMIT DURATION**
A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Control Authority. Each wastewater discharge permit will indicate a specific date upon which it will expire. The industrial user shall apply for reissuance of the

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wastewater discharge permit a minimum of ninety (90) days prior to the expiration of the industrial user's existing wastewater discharge permit.

B. WASTEWATER DISCHARGE PERMIT CONTENTS

1. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Control Authority to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the Wastewater System.
2. Wastewater discharge permits shall contain:
 - a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - b. A statement that the wastewater discharge permit is nontransferable without prior notification to the Authority in accordance with Section 14.10 of these regulations, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - c. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards in 40 CFR Part 403, categorical Pretreatment Standards, local limits, and State and local law;
 - d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law, applicable general Pretreatment Standards in 40 CFR Part 403, Categorical Pretreatment Standards, and local limits. The Control Authority shall receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with self-monitoring requirements in 40 CFR §403.12.
 - e. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 - f. Requirements to control Slug Discharge, if determined by the Control Authority to be necessary.
3. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
 - a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - b. 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 treatment works;
 - c. Requirements to include chain of custody forms provided by an accredited laboratory in the Commonwealth of Pennsylvania responsible for analysis

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or other quality control mechanism in any self-monitoring reports submitted to the Control Authority. All chain of custody forms must include, at minimum, the following:

- i. Name (s) of sample collector (s)
 - ii. Sample identification number(s)
 - iii. Date and time of sample collection
 - iv. Location of sample collection
 - v. Applicable matrix
 - vi. Preservative used (if applicable)
 - vii. List of analytes for which analysis has been requested
 - viii. Collection method (“grab” or “composite”)
 - ix. Names and signatures of all persons handling the sample in the field and the laboratory
- d. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 - e. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the Wastewater System;
 - f. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the Wastewater System;
 - g. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices. For all facilities with multi-tenant buildings, a separate sampling point will be required for each user that is subject to the pretreatment requirements;
 - h. A statement that compliance with the wastewater 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 individual wastewater discharge permit; and
 - i. Other conditions as deemed appropriate by the Control Authority to ensure compliance with these Rules and Regulations, and State and Federal laws, rules, and regulations.

14.09 Modifications of Wastewater Discharge Permits

- A. The Control Authority may modify an individual wastewater 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 User’s operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 3. A change in the Wastewater System 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 the Control Authority’s Wastewater System, Control Authority personnel, or the

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- receiving waters;
- 5. Violation of any terms or conditions of the wastewater discharge permit;
- 6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater 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 individual wastewater discharge permit;
- 9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 14.10.
- 10. To restrict the discharge of wastewater with certain characteristics should the nature of that wastewater create a reasonable potential to cause Interference or Pass Through or otherwise adversely impact the operation and maintenance of the Wastewater System.
- 11. To require implementation of additional Best Management Practices for the means of pretreatment utilized by the Industrial User to protect the Wastewater System and/or safeguard public health and safety as outlines in Section 1.01(G) of these Rules and Regulations.

14.10 Transfer of Wastewater Discharge Permits

- A. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Control Authority and the Control Authority approves the transfer of the wastewater discharge permit. The notice to the Control Authority must include a written certification by the new owner or operator which:
 - 1. States that the new owner and/or operator 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 individual wastewater discharge permit.
 - 4. Certifies that a copy of the existing permit will be provided to the new owner and/or operator.

14.11 Revocation of Wastewater Discharge Permits

- A. The Control Authority may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - 1. Failure to notify the Control Authority of significant changes to the wastewater prior to the changed discharge;
 - 2. Failure to provide prior notification to the Control Authority of changed conditions pursuant to Section 13 of these Rules and Regulations;
 - 3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - 4. Falsifying self-monitoring reports and certification statements;

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5. Tampering with monitoring equipment;
 6. Refusing to allow [the Superintendent] timely access to the facility premises and records;
 7. Failure to meet effluent limitations;
 8. Failure to pay fees and/or fines;
 9. Failure to pay sewer charges;
 10. Failure to meet compliance schedules;
 11. Failure to complete a wastewater survey or the wastewater discharge permit application;
 12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 13. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or these regulations.
- B. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

14.12 Reissuance of Wastewater Discharge Permits

- A. A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 14.05 and 14.08 of these regulations, a minimum of ninety (90) days prior to the expiration of the User's existing wastewater discharge permit.
- B. If a User has applied for reissuance in accordance with this Section, and the wastewater discharge permit is not renewed on or before the expiration date through no fault of the User, then the existing wastewater discharge permit shall remain in effect pending a decision on the application for reissuance by the Control Authority.

14.13 Baseline Monitoring Reports

- A. Users that become A. Users that become subject to new or revised Categorical Pretreatment Standards are required to comply with the reporting requirements described in this section even if that User had previously been designated as a Non-Significant Industrial User. The following provisions shall also apply to any User subject to a newly promulgated Categorical Pretreatment Standard (i.e. an existing source) that has not previously submitted an application for a wastewater discharge permit as required by Section 14 of these Rules and Regulations.
- B. Users to which the provisions of this Section apply must submit a report to the Control Authority with contains all information listed in paragraph C below:
1. Existing Categorical Industrial Users currently discharging or scheduled to discharge to the Wastewater System shall submit a report to the Control Authority within either one hundred eighty (180) days of the effective date of a Categorical Pretreatment Standard or the final administrative decision on a

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category determination conducted under 40 CFR § 403.6(a)(4), whichever is later.

2. Categorical New Sources and sources that become Categorical Industrial Users or Significant Industrial Users subsequent to the promulgation of an applicable categorical standard shall submit a report to the Control Authority at least ninety (90) days prior to commencement of discharge. In addition to the requirements of paragraph C below, New Sources shall also report the method of pretreatment intended for use to meet applicable categorical standards. A New Source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.
- C. Users described above shall submit the information set forth below:
1. Information: The User shall submit the name and address of the facility, including the name of the operator and owner(s).
 2. Permits: The User shall submit a list of any environmental control permits held by or for the facility.
 3. Description of Operations: The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates any points of discharge to the Wastewater System from the regulated processes.
 4. Flow Measurement: The User shall submit information showing the measured average daily and maximum flow, in gallons per day, to the Wastewater System from each of the following:
 - a. Regulated process streams; and
 - b. Other streams as necessary to allow use of the combined wastestream formula as described in 40 CFR § 403.6(e).
 - c. The Authority may allow for verifiable estimates of these flows at its sole discretion.
 5. Measurement of Pollutants:
 - a. The User shall report Categorical Pretreatment categorically regulated processes for existing sources.
 - b. In addition, the results of sampling and analysis identifying the nature and concentration (or mass where required by the standard or by the Control Authority) of regulated pollutants in the discharge from each regulated process shall be provided.
 - c. Instantaneous, Daily Maximum, and long-term average concentrations (or mass, where required) shall be reported.
 - d. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - e. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists per 40 CFR 403.12(b)(5)(iv). If other wastewaters are mixed with the regulated wastewater prior to

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- pretreatment, the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula as described in 40 CFR § 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR § 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority.
- f. Sampling and analysis shall be performed in accordance with Section 14.18 of these Rules and Regulations. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator; per 40 CFR 403.12(b)(5)(v).
 - g. The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - h. The baseline report shall indicate the time, date and place of sampling and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the Wastewater System.
6. Compliance Certification: The User shall submit a statement, reviewed by the User's Authorized Representative as defined in Section 1.01(E) 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 and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 7. Compliance Schedule: If additional pretreatment and/or operation and maintenance is required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or operation and maintenance must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.
 - a. The schedule shall contain progress increments in the form of date for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (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

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- and conducting routine operation);
 - b. No increment referred to above shall exceed nine (9) months;
 - c. The User shall submit a progress report to [the Superintendent] no later than fourteen (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 User to return to the established schedule; and
 - d. In no event shall more than nine (9) months elapse between such progress reports to [the Superintendent].
8. Signature and Report Certification: All baseline monitoring reports must be certified in accordance with Section 14.23(A) of these Rules and Regulations and 40 CFR §403.12 (I). Reports must also be signed by an Authorized Representative as defined in Section 1.01(G) of these Rules and Regulations.

14.14 Categorical Compliance Reports

- A. Within ninety (90) days following the date for final compliance with applicable categorical standards or, in the case of a new source, following the commencement of the introduction of wastewater into the Wastewater System, any industrial user subject to Pretreatment Standards and Requirements shall submit to the Control Authority a report in accordance with 40 CFR §403.12 (d), including information indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by categorical standards and the average and maximum daily flows for those process units in the industrial user's facility which are limited by such categorical standards. The report shall certify that the information contained therein concerning wastewater constituents and flows is representative of discharges during normal work cycles. The report shall also state whether the applicable Categorical Pretreatment Standards are being met on a consistent basis and, if not, what additional operation and management practices and/or pretreatment is necessary to bring the industrial user into compliance with the applicable categorical standards, and including a schedule for completion of the required actions in the form described in 40 CFR §403.12 (b)(7). Such a schedule shall not have a compliance date later than that established for the applicable categorical standard. This statement shall be signed by an authorized representative of the industrial user in accordance with Section 14.23 and 40 CFR §403.12 (1) and 403.6 (a) (2) (ii) and signed by a certified professional. For Industrial Users subject to equivalent mass or concentration limits established by the Authority in accordance with the procedures in 40 CFR Section 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

14.15 Periodic Compliance Reports

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- A. The reports required in paragraphs (B) through (F) of this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration (or production and mass, where requested by the Control Authority) or pollutants contained therein which are limited by applicable pretreatment standards.
 - 1. The sampling and analysis may be preformed by the Control Authority in lieu of the User. Where the Control Authority performs the required sampling and analysis in lieu of the User, the User will not be required to submit the compliance certification required under subsequent paragraphs of this section. In addition, where the Control Authority collects all the information required for the report, including flow data, the User will not be required to submit the report.
- B. Any Industrial User subject to Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the Wastewater System, shall report to the Control Authority on a form prescribed by the Control Authority, at least twice a year during the m months of June and December, unless required more frequently as Standard necessary to determine the compliance status of the User.
- C. For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in § 403.6(c), the report required by paragraph A. and B. shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph A. shall include the User's actual average production rate for the reporting period.
- D. For Significant Industrial Users subject to categorical standards, the report shall contain certification of compliance with those standards, signed by a certified professional.
- E. Significant Industrial Users not subject to Categorical Pretreatment Standards must submit to the Control Authority at least once every six months (on dates determined by the Control Authority in the User's individual discharge permit) a description of the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period as required in the User's discharge permit. In cases where a local limit requires compliance with a BMP, the User must submit documentation to determine the compliance status of that User. These reports must be based on sampling and analysis performed in the period covered by the report and in accordance with the techniques described in 40 CFR Part 136. Sampling and analysis may be performed by the Control Authority in lieu of the User when applicable pursuant to paragraph A above.

14.16 Reporting and Resampling of Discharge Limit Violations

- A. If, upon receipt of valid sampling and testing results, an industrial user becomes aware that a violation of discharge limits or Pretreatment Standards or Requirements

has occurred, the industrial user shall, within twenty-four (24) hours of becoming aware of the violation, notify the Control Authority of this fact. Also, except as otherwise approved by the Control Authority and provided by 40 CFR §403.12 (g)(2)(i) and (ii), the industrial user shall also resample and analyze its discharge(s) for each parameter found to be in violation within ninety-six (96) hours and report the result of the resampling and analysis to the Control Authority within thirty (30) days of becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control Authority will perform the repeat sampling and analysis unless it notifies the Industrial User of the violation and requires the Industrial User to perform repeat analysis.

- B. Each significant industrial user shall have a duty, on receipt of validly obtained sampling and analysis results, of inspecting the results and determining if any wastewater discharge permit condition has been violated. Failure to examine and compare testing results with wastewater discharge permit conditions shall not be a valid defense for failure to comply with these reporting conditions.
- C. The Authority, upon receipt of self-monitoring reports provided by an Industrial User, shall compare the reported values to applicable discharge standards, existing compliance schedules, and industrial discharge permit conditions. The Authority shall promptly notify the User within twenty-four (24) hours of becoming aware of the violation.
- D. The User shall immediately (within one hour), upon acknowledgement of any discharge that could cause problems to the Wastewater System or otherwise violate the terms of these Rules and Regulations, notify the Control Authority of said discharge. The Control Authority shall perform a technical evaluation of the potentially problematic discharge and follow-up with the User at the completion of said evaluation. Should any violations of Pretreatment Standards or Requirements or individual permit conditions have occurred, the User will be notified of the violation and any penalties that are to be levied against the User in accordance with Section 14 of these Rules & Regulations.

14.17 Notification of the Discharge of Hazardous Waste

- A. Any User who commences the discharge of hazardous waste shall notify the Control Authority, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the Wastewater System of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such a notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the Wastewater System, the notification shall contain the following information to the extent such information is known and readily available to the User:
 - 1. An identification of the hazardous constituents contained in the wastes;

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2. An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month;
 3. And an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
- A. All notifications required pursuant to paragraph (A) above must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 13.03 of these Rules and Regulations. The notification requirement in this section does not apply to pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 14.14 and 14.15 of these Rules and Regulations.
 - B. Dischargers are exempt from the requirements of paragraphs (A) and (B) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR § 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR § 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
 - C. In the case of any new regulations under Section 3001 of the RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Control Authority, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the the discharge of such substance within ninety (90) days of the effective date of such regulations.
 - D. In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
 - E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these Rules and Regulations, a permit issued thereunder, or any applicable Federal or State law.

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14.18 Sampling and Analysis

- A. The Control Authority shall perform waste stream sampling and analyses for each industrial user at least once per year unless specified 40 CFR § 403.8(f)(2)(v)(A),(B),(C) and in accordance with its wastewater discharge permit or otherwise required by the Control Authority. The associated costs of sampling and analyses shall be fully reimbursed by the industrial user.
- B. All sampling and analysis performed in compliance with wastewater discharge permit conditions, to prepare the reports required in subsections 14.13, 14.14, 14.15 and 14.16 of this Section, or as otherwise required by the Control Authority, shall be accomplished using techniques specified in 40 CFR, Part 136. Unless otherwise required, all sampling should be performed during a normal production day and should reflect the usual and typical wastewater discharge of the user. As outlined in the 40 § CFR 403.12(g)(3) MABB reserves the right for alternative sampling techniques, such as time-proportional composite sampling or grab sampling as long as the samples are representative of the discharge and the decision to allow the alternative sampling is documented in the Industrial User file by MABB.
 - 1. Except as indicated in Sections 2. and 3. below, or alternate sampling procedures approved by the Control Authority as noted above. the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24- hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Authority as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
 - 2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
 - 3. For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 12.13-12.15 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by paragraphs in Section 12.15 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

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- C. The industrial user may monitor more frequently than otherwise required by the Control Authority. If the industrial user monitors any pollutant, subject to effluent limitations at the location designated for compliance monitoring, more frequently than otherwise required by the Control Authority, using the procedures set forth in 40 CFR, Part 136, or otherwise required, the results of such monitoring shall be included in the calculation and reporting of the data submitted to the Control Authority.
- D. Measurements, tests and analyses of the characteristics of wastewater shall be performed by a qualified laboratory, which is certified by the Pennsylvania Department of Environmental Protection. At the request of the Control Authority, qualifications shall be submitted for review.
- E. The industrial user shall ensure that all monitoring and analytical equipment it uses to monitor or otherwise analyze the pollutants discharged to the sewer system are periodically calibrated and maintained at intervals which ensure the accuracy of measurements.
- F. If sampling results indicate that the industrial user has exceeded an effluent limitation, the Control Authority, as an enforcement response to such violation, may require the industrial user to undertake increased sampling. Upon notification from the Control Authority, the industrial user shall undertake such additional monitoring as directed.
- G. Sampling schedules will be set by the Control Authority and the User may not be made aware of testing schedule. At a minimum,, sampling shall be conducted on a semi-annual basis in accordance with Section 14.18 and a location determined by the Control Authority in issuance of the User’s individual industrial discharge permit.
- H. The Control Authority shall randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Sampling and monitoring parameters shall be those established by the User’s individual discharge permit in accordance with categorical Pretreatment Standards or local discharge limits as applicable by the User. The Control Authority reserves the right to sample in additional parameters outside of any designated local limits or categorical standards it deems necessary to determine discharge quality, investigate, or ensure the quality of effluent to the sanitary sewer system. The Control Authority shall inspect and sample the effluent from each Significant Industrial User at least once per year, except as otherwise specified below:
 - 1. Where the Control Authority has determined that the Industrial User meets the criteria for classification as a Non-Significant Categorical Industrial User, the Authority shall evaluate, on an annual basis, whether that User continues to meet the established criteria in 40 CFR § 403.3(v)(2).
 - 2. Where the User has notified the Control Authority of a Slug Discharge as defined in Section 1.01 of these Rules and Regulations or is otherwise suspected to have released a Slug Discharge into the Wastewater System, a Slug Discharge evaluation shall be conducted in accordance with the following provisions:
 - a. An immediate (within one hour) “grab” sample of the industrial

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wastestream at a point most representative of the confirmed or potential slug discharge shall be collected and disseminated to an accredited laboratory for analysis. The extent of such analysis, including the analytes to be tested, shall be determined by the Control Authority as required to adequately identify the presence or absence of suspected pollutants.

- i. Sampling may be conducted by the User, or the Authority may collect a sample in lieu of the User. All sampling shall be conducted in accordance with Section 14.18 of these Rules and Regulations.
 - ii. A “grab” sample shall involve the collection of a sample of representative wastewater in bulk at one point in time. The sample shall be a minimum of 200 mL in volume.
 - iii. Multiple samples may be required if deemed necessary by the laboratory to conduct the analysis requested by the Authority in accordance with paragraph (a) above.
- b. Depending on the nature and/or severity of the discharge, the following actions may be taken by the Control Authority or required of the User.
- i. Notification may be sent to appropriate regulatory authorities or emergency response agencies. Such a determination will be made by the Control Authority and acknowledgement sent to the User during the Slug Discharge evaluation. Reporting requirements associated with a Slug Discharge are outlined in Section 13.04 of these Rules and Regulations.
 - ii. The Control Authority may require immediate (within one hour) termination of discharge to the Wastewater System. This action shall be reserved for cases where continued discharge of wastewater poses serious risk to public health and safety, the environment, or the Wastewater System. The Control Authority may complete the work required to terminate discharge or may require that the User complete this work. Such a determination will be made by the Control Authority to ensure an expedient response.
- c. If the User notifies the Control Authority of a Slug Discharge, Control Authority personnel will closely inspect and monitor the Wastewater System for a minimum of one (1) week following the notification by the User. If the Control Authority becomes aware of the confirmed or potential Slug Discharge through any means other than notification by the User, inspection and monitoring of the Wastewater System shall be conducted for as long as is reasonably practicable to ascertain the nature or extent of

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admissible in enforcement proceedings or judicial actions.

14.19 Monitoring Facilities

- A. The Control Authority may require an industrial user to provide and operate at the industrial user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the wastewater or industrial waste discharge. The monitoring facility should normally be situated on the industrial user's premises. The Control Authority may, when such a location would be impractical or cause undue hardship on the industrial user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user.
- C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Control Authority's requirements and all applicable local construction standards and specifications.
- D. Construction shall be completed within ninety (90) days following written notification by the Control Authority, unless the industrial user can show, to the Control Authority's satisfaction, that a longer time period is necessary.
- E. The Control Authority, and its representatives, will have unrestricted access to the facility to inspect the sampling and monitoring equipment.

14.20 Inspection

- A. The Control Authority and its duly authorized representatives, including contractors, may inspect the facilities of any User to ascertain whether the purpose of the section is being met and all requirements are being complied with. Persons or occupants of the premises where wastewater is created or discharged shall allow the Control Authority or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of any of their duties. Areas which are subject to inspection include, but are not limited to, areas which could result in wastewater discharge to the sewer, such as manufacturing areas and chemical storage areas; pretreatment facilities; spill prevention and control facilities; hazardous waste generation areas; industrial self-monitoring facilities and areas where relevant documentation is kept or stored. The Control Authority and approval authority and their agents shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto their premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the Control Authority and approval authority will be permitted to enter, without delay, for the purpose of performing their specific responsibilities. It shall not be inferred, however, that the Control Authority is authorized to enter upon property of any

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industrial user under this subsection for any purpose in the event such entry is not otherwise allowable under Pennsylvania law.

14.21 Confidentiality

- A. Information and data on an industrial user obtained from reports, questionnaires, wastewater discharge permit applications, monitoring programs and from inspections shall be available to the public or any governmental agency without restriction unless the industrial user specifically requests at the time of submission, by stamping the words “Confidential Business Information” on each page containing such information. The Industrial User must be able to demonstrate to the satisfaction of the Control Authority that the release of such information, processes or methods of production are entitled to protection as trade secrets of the industrial user. Wastewater constituents and characteristics shall not be recognized as confidential. Information and data provided to the Authority which is effluent data shall be available to the public without restriction. All other information which is submitted to the State or the Authority shall be available to the public at least to the extent provided by 40 CFR 2.302.
- B. When requested by the person furnishing a report and supported by evidence acceptable to the Control Authority as to need for protection as confidential material, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to the Control Authority and, upon request, to governmental agencies for uses related to the this Section, the Control Authority’s NPDES permit, any State permit and/or industrial pretreatment program. In addition, such portions of a report shall be available for use by the EPA, the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report.
- C. When information accepted by the Control Authority as confidential is transmitted to any government agency, a notification to the industrial user may be provided listing the confidential information transmitted and the governmental agency requesting it. The person seeking confidentiality protection of the information shall bear the burden of demonstrating to the governmental agency that such information is entitled to confidential protection.

14.22 Records

- A. Users subject to the reporting requirements of these Rules and Regulations shall retain and make available for inspection and copying, all records of information and results obtained pursuant to any monitoring activities required by these Rules and Regulations; any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with BMPs. Records shall include the date, exact place, method, 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. These

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records shall remain available for a minimum of three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with these rules and regulations, or where the industrial user has been notified of a longer retention period by the Control Authority.

- B. The industrial user shall furnish to the Control Authority, ~~within a reasonable time~~, within fifteen (15) days any information which the Control Authority may request to determine whether cause exists for modifying, reissuing, suspending or revoking a wastewater discharge permit or to determine industrial user compliance. The industrial user shall also furnish to the Control Authority, upon request, copies of records required to be kept. Where the industrial user becomes aware that it failed to submit any relevant fact in an application for a wastewater discharge permit, or submitted incorrect information in an application for a wastewater discharge permit, report to the Control Authority or in any other correspondence or communication pertaining to its industrial wastewater discharge, it shall promptly submit such facts or information.

14.23 Certification Statements

- A. The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 14.06; Users submitting baseline monitoring reports under section 14.13 and 40 CFR § 403.12 (l); Users submitting reports on compliance with the Categorical Pretreatment Standard under Section 14.14 and 40 CFR § 403.12 (d); and Users submitting periodic compliance reports required by Section 14.15 and 40 CFR § 403.12 (e) and (h). The following certification statement must be signed by an Authorized Representative as defined in Section 1.

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.

- B. A facility determined to be a Non-Significant Categorical Industrial User pursuant to 40 CFR§ 403.3(v)(2) and Section 1.01 of these Rules and Regulations must annually submit the following certification statement, signed in accordance with the signatory requirements listed in Sections 14.06 and 1.01E of these Rules and Regulations. This certification must accompany any alternative report required by the Control Authority.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards promulgated under 40 CFR, (provide the applicable categorical standard) Chapter I, Subchapter N, I certify that, to the best of my knowledge and belief that during the period [starting month, day, year] to [ending month, day, year]: (a) the facility as [facility name]

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met the definition of a Non-Significant Categorical Industrial User as described in 40 CFR § 403.3(v)(2); (b) the facility complied with all applicable pretreatment standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information.

14.24 Permit Fees

- A. Permit and usage fees are designed to provide for the recovery of costs from industrial users of the wastewater system for the implementation of the Industrial Pretreatment Program. Permit and usage fees are comprised of the following:
 - 1. Fees for reimbursement costs of setting up and operating the Industrial Pretreatment Program;
 - 2. Fees for monitoring, inspections and surveillance procedures;
 - 3. Fees for reviewing response plans, corrective action plans, construction plans, etc.;
 - 4. Fees for Industrial Discharge Permit applications;
 - 5. Fees for filing appeals;
 - 6. Fees for consistent removal (by Wastewater Treatment Plant) of pollutants otherwise subject to Categorical Standards; and
 - 7. Other fees as the Authority may deem necessary to carry out the requirements contained herein.
- B. Current permit fees shall be assessed to all permit holder and applicable fees can be found on the Fee Schedule.

SECTION 15 DISCHARGE ENFORCEMENT, PENALTIES & REMEDIES

15.01 Administrative Enforcement Remedies

- A. Right to Refuse
 - 1. The Control Authority reserves the right to refuse to accept wastewater or combinations of wastewater, which are discharged in violation of the terms or conditions of the industrial pretreatment program, or any permit or written directions issued by the Control Authority pursuant to the conditions of the industrial pretreatment program. The Control Authority may take such steps as it deems necessary, as outlined in the Section, to compel discontinuance of use of the sewer system or to require pretreatment of industrial wastes in order to comply with the provisions of the Section. The Control Authority may exercise its right of refusal by denial of issuance of a wastewater discharge permit; in such a case the discharge of industrial waste by the industrial user in question is prohibited.
 - 2. Discharge of any industrial waste to the sewer system by a Significant Industrial User, or by any other user required to have a permit in accordance with Section 14, without a wastewater discharge permit is an unauthorized discharge and may be subject to the penalties provided herein.

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- B. No Action
 - 1. The Control Authority reserves the right to make a “no action” decision regarding any potential or confirmed noncompliance with these Rules and Regulations or any wastewater discharge permit. Such a decision does not absolve the User from liability or damages should the Control Authority or any other applicable regulatory seek to initiate an enforcement action for any violations by the User.
- C. Phone Call
 - 1. In the event of a User’s noncompliance with these Rules and Regulations, any wastewater discharge permit, or other applicable regulations, the least severe enforcement action shall be a Phone Call to the User. In this call, the Control Authority shall discuss the nature of a violation and potential remedies that may assist the User in returning to compliance with these Rules and Regulations and any wastewater discharge permits.
 - 2. It should be noted that observance of this enforcement action is a formality and may be bypassed in favor of more severe enforcement actions at the discretion of the Control Authority.
 - 3. Failure to implement those corrective actions discussed in this Phone Call or otherwise return to compliance may subject the User to more severe enforcement actions as outlined in subsequent paragraphs of this section of the Rules and Regulations.
- D. Meeting
 - 1. An impromptu or informal meeting with a User may be utilized to address violations that are minor in nature. The meeting shall take place during a sampling or inspection visit to the User’s facility and will be conducted with any official responsible for the operation of the process or processes that discharge, directly or indirectly, into the Wastewater System.
 - 2. Such a meeting may be utilized to notify the User that the Control Authority is concerned about a potential or confirmed violation of these Rules and Regulations and/or the User’s discharge permit, to obtain an explanation regarding a confirmed or potential violation, to discuss possible solutions, and to suggest that subsequent violations of the same type may be dealt with by more severe means, as outlined in subsequent paragraphs of this section.
- E. Increased Monitoring and/or Reporting Frequency
 - 1. A User may be required to increase the frequency of monitoring and/or reporting beyond the minimum established by these Rules and Regulations or by the User’s discharge permit to address violations by Users that have demonstrated a history of noncompliance.
 - 2. Should increased monitoring frequency be required by the Control Authority, sampling to support those monitoring efforts may be conducted by the User or the Control Authority in lieu of the User. In all cases, provisions of Section 14.18 of these Rules and Regulations shall apply to sampling and analysis of wastewater.
 - 3. Increased monitoring frequency may be imposed by the Control Authority as a modification to the User’s discharge permit or in conjunction with other

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enforcement responses as deemed appropriate by the Control Authority.

4. Increased monitoring may be automatically triggered by certain conditions described in the User's discharge permit. Such language will be included in the permit at the time of issuance or reissuance following expiration.
- F. Modification of Discharge Permit Effluent Limitations
1. Additional effluent limitations, including, but not necessarily limited to, the imposition of additional statistical bases, may be enacted for Users with a history of noncompliance with discharge permit conditions or provisions of these Rules and Regulations. An example of such a limitation would be the introduction of a limit on the daily maximum for a User currently required to limit effluent concentration on a monthly average basis.
- G. Notice of Violation
1. Whenever the Control Authority finds that any industrial user has violated or is violating these Rules and Regulations, its wastewater discharge permit or any prohibition, limitation or requirements contained herein, the Authority may serve upon such industrial user a written notice stating the nature of the violation and require a response within a specified time. Responses required of industrial users may include, but are not restricted to, actions, plans, compliance schedules or written explanation.
- H. Public Notice of Non-Compliant Users
1. The Control Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements as defined in Section 1.01PP of these Rules and Regulations. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs 3., 4., or 8. of Section 1.01 PP.)
 2. The Control Authority reserves the right to provide additional public notice of noncompliance by any Industrial User at its sole discretion. Such notification may occur more frequently than once per year and may stem from noncompliance that does not meet the criteria for Significant Noncompliance.
 3. The Control Authority further reserves its rights to implement any special community awareness steps, as an enforcement response, to deter noncompliance of Industrial Users with discharge permit conditions or these Rules and Regulations.
- I. Show Cause Hearing

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1. The Control Authority may direct any industrial user who causes or allows an unauthorized discharge to enter the sewer system, or who violates any condition or requirement of the industrial pretreatment program or its wastewater discharge permit, to show cause before the Control Authority why the proposed enforcement action should not be taken. A written notice may be served on the industrial user specifying the time and place of a hearing to be held by the Control Authority regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the industrial user to show cause before the Control Authority why the proposed enforcement action should not be taken. The notice of the hearing may be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation if the industrial user is a corporation.
2. The Control Authority may itself conduct the hearing and take the evidence, or may designate any of its members or any representative to:
 - a. Issue in the name of the Control Authority notices of hearings request the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 - b. Take the evidence.
 - c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Control Authority for action thereon.
3. At any hearing held pursuant to the Section, testimony taken may be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
4. After the Control Authority has reviewed the evidence, it may, in writing, direct the industrial user to take certain actions to correct the unauthorized discharge or to achieve compliance. The action which may be directed include, but are not limited to:
 - a. Installation of pretreatment facilities or equipment.
 - b. Modification or additions to existing pretreatment facilities or equipment.
 - c. Initiation of management practices which are required to alter the nature of the industrial waste being discharged.
 - d. Development or implementation of SPCC plans or other measures.
 - e. Other measures found to be necessary to correct the unauthorized discharge or other noncompliance.
 - f. The direction may be in the form or a schedule of compliance, setting date by which certain actions shall be taken.
 - g. Failure of an industrial user to comply with written direction issued pursuant to a heading constitutes a violation of this Section.

J. Written Directions

1. Written Directions are official notifications in which the Control Authority

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specified actions and deadlines which the User must meet to remain in compliance with or correct a violation of a discharge permit or these Rules and Regulations. Issuance of Written Directions may be issued following a Show Cause Hearing (as outlined in Section 15.01(I) above) or without such a formality. The Control Authority may issue Written Directions without the conductance of a Show cause Hearing if it is determined that such directions are necessary to correct conditions or remedy continuing violations of these Rules and Regulations, any wastewater discharge permit, or any other requirements of the Industrial Pretreatment Program, the Authority, or Federal or State regulations.

2. Failure of a User to comply with Written Directions in accordance with the contents of the directions constitutes a violation of these Rules and Regulations and subjects the User to appropriate enforcement actions as outlined in Section 15 of these Rules and Regulations.
3. Written Directions may be provided in the form of an Administrative Order or a Compliance Order, depending on the nature of the violation.
 - a. An Administrative Order shall be issued to the User in response to a violation of these Rules and Regulations, provisions of a discharge permit, or other applicable regulations that is administrative in nature. Measures to correct that violation and a corresponding schedule of corrective actions will be outlined in the directions from the Authority.
 - i. Examples of violations which may result in the issuance of Administrative Orders include, but are not limited to, a failure to submit a Periodic Compliance Report on the prescribed cadence and inadequate report contents.
 - b. A Compliance Order shall be issued to the User in response to a violation as described above that is technical in nature and relates to a failure to comply with effluent limits or other similar conditions imposed upon the User by these Rules and Regulations, any wastewater discharge permit, or other applicable regulations.
 - i. An example a of violation which may result in the issuance of Compliance Orders includes, but is not limited to, exceedance of a local limit or Categorical Pretreatment Standard.

K. Administrative Fines and Civil Penalties

1. The Control Authority may issue fines to any User as a means of escalating enforcement action following one or more of the actions outlined in preceding paragraphs of Section 15 of these Rules and Regulations, in response to

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Significant Noncompliance, or as otherwise described in these Rules and Regulations. Fines shall be assessed in addition to any fees that the Control Authority requires be reimbursed by the User for administration of the program, collection of samples, or analysis of those samples.

2. Fines shall be assessed on an escalating schedule for each instance that the Control Authority deems appropriate to assess a fine. The schedule may be updated from time to time by the adoption of a resolution by the Control Authority.
 - a. The current Fine Schedule is attached to these Rules and Regulations for reference. Two distinct schedules are included, the first of which is for self-reported violations and the other of which pertains to violations discovered by the Control Authority or in some manner that was not initiated by the User.
 - i. Escalation of fines shall proceed sequentially from “First Offense” level to “Second Offense” level and finally to “Third Offense” level regardless of how the violation was discovered. For example, a user who self-reports a violation and is assessed a “First Offense” violation from the appropriate schedule shall be assessed a “Second Offense” violation from the second table if the second offense was not self-reported by the User.
 - b. The escalating schedule of fines shall be maintained for one (1) year based on a rolling 365-day period. Should a User be assessed an Administrative Fine and 365 days lapse before the Control Authority assesses another fine, that User shall be assessed the lowest level of Administrative Fine as applicable pursuant to the most recent Fine Schedule.
3. Any user assessed an Administrative Fine shall remit payment in the appropriate amount to the Control Authority within thirty (30) days of receipt of notice of the fine amount. Failure to remit payment within thirty (30) days shall subject the User to additional penalties regarding delinquency pursuant to Section 15.02(B) of these Rules and Regulations.
4. Civil penalties for violation of a Pretreatment Requirement or infractions of the Rules and Regulation can be assessed for each occurrence. Civil penalties are assessed under the provisions of the Rules and Regulations; civil penalties will be assessed by the municipality in which documented infractions originate. In addition to its authority under the Pennsylvania Municipality Authorities Act, the Authority also has the power to assess penalties under Pennsylvania law (35 P.S. §752, enacted as Act 9 of 1992 - the Publicly Owned Treatment Works Penalty Law, hereinafter "Act 9").

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5. Administrative Fines and Civil Penalties are defined in Table B1 and B2 of the Enforcement Response Procedures and Table A

L. Consent Order

1. A Consent Order is an agreement between the Control Authority and a User regarding the implementation of significant corrective actions. As part of the execution of a Consent Order, the User shall assume responsibility for its noncompliance with these Rules and Regulations, any wastewater discharge permit, or other applicable regulations and shall agree to correct the cause of such violation.
2. The contents of a Consent Order shall be determined by the Control Authority and may include, but shall not be limited to, a detailed compliance schedule and list of corrective actions that must be taken in order to regain compliance with these Rules and Regulations.
3. Execution of a Consent Order shall require the signature of both the Control Authority Chairman (or duly authorized representative) and an individual responsible for the implementation of the order on behalf of the User.
4. Failure to properly implement the corrective actions listed in the Consent Order or failure to comply with the provisions in the detailed compliance schedule shall constitute a violation of these Rules and Regulations and shall subject the User to enforcement actions outlined in Section 15.

M. Revocation of Permit

1. Any industrial user who violates the following conditions of the Section, or applicable State or Federal regulations, is subject to having its wastewater discharge permit revoked.
 - a. Failure of an industrial user to factually report the wastewater constituents and characteristics of its discharge in any application for a wastewater discharge permit, or in any reports required by these Rules and Regulations.
 - b. Failure of the industrial user to report significant changes in operations, or wastewater constituents and characteristic as in these Rules and Regulations.
 - c. Refusal of reasonable access to the industrial user's premises for the purpose of inspection or monitoring.
 - d. Violation of conditions of the wastewater discharge permit.
2. Any industrial user notified of a revocation of its wastewater discharge permit may be required to immediately (within one hour) stop or eliminate the discharge (even if an appeal of the revocation notice is pending). In the event of a failure of the industrial user to comply voluntarily with the notice of revocation, the discharge shall be considered an unauthorized discharge and the Control Authority may take such steps as deemed necessary, which may include immediate severance (within one hour) of the connection between the building sewer and the sewage collection

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system to prevent of minimize damage to the sewer system or endangerment to the environment or any property or person.

N. Suspension of Permit

1. The Control Authority may suspend the wastewater discharge permit when such suspension is necessary, in the opinion of the Control Authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment; causes or may cause interference or pass through; or cause or may cause the Control Authority to violate any condition of an NPDES permit or any other Federal or State law, rule, regulation or permit condition.
2. Any industrial user notified of a suspension of its wastewater discharge permit may be required to immediately (within one hour) stop or eliminate the discharge (even if an appeal of the suspension notice is pending). In the event of a failure of the industrial user to comply voluntarily with the notice of suspension, the discharge shall be considered an unauthorized discharge and the Control Authority may take such steps as deemed necessary, including immediate (within one hour) severance of the connection between the building sewer and the sewage collection system to prevent of minimize damage to the sewer system or endangerment to the environment or any property or person.
3. If a wastewater discharge permit has been suspended as a result of an unauthorized discharge, which discharge resulted in or contributed to damages to the sewer system or to any person or property, the wastewater discharge permit shall not be reinstated until such time as all such damage claims have been satisfied.
4. The Control Authority may reinstate the wastewater discharge permit upon submission of proof by the industrial user of the elimination of the unauthorized discharge or correction of the noncompliance for which the suspension was imposed.

O. Severance/Plugging Sewer Lateral

1. In cases of extended noncompliance in which enforcement actions described in preceding paragraphs have proven ineffective in causing a User to return to compliance with these Rules and Regulations, any wastewater discharge permit, or other applicable regulations, the Control Authority may sever, plug, or otherwise terminate a User's connection to the Wastewater System.
2. The Control Authority may also utilize this means of enforcement in special cases where immediate (within one hour) cessation of discharge from a User is required to safeguard public health and safety or to protect the Wastewater System from damage. In such cases, prior enforcement actions need not be required.
3. Notice and Opportunity to Respond Prior to Termination or Refusal of Service:
 - a. **Notice Requirement.** Except in emergency situations as defined in subsection (d.), prior to terminating wastewater treatment services, refusing to provide service, or otherwise discontinuing acceptance of wastewater from and Industrial User, the Control Authority shall provide written notice to the Industrial User specifying:

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- The proposed action (termination, refusal, or other restriction of service);
 - The reason(s) for the proposed action, including specific permit violations or other grounds under the Rules and Regulations;
 - The effective date of the proposed action; and
 - The Industrial User's right to respond or request reconsideration.
 - b. **Opportunity to Respond.** The Industrial User shall be provided **ten (10) days** from the date of receipt of such notice to submit a written response or request an informal meeting with the Control Authority to discuss the proposed action.
 - c. **Final Determination.** Following review of the Industrial User's response, if any, the Control Authority shall issue a written determination affirming, modifying, or rescinding the proposed action. The Control Authority's decision shall be final unless otherwise provided under applicable appeal procedures.
 - d. **Emergency Situations.** In cases where continued discharge poses an **imminent endangerment to the health or welfare of persons, the environment, or the POTW**, or would cause the POTW to violate its NPDES permit conditions, the Control Authority may immediately suspend service or refuse wastewater acceptance without prior notice. The Industrial User shall be notified as soon as reasonably practicable and afforded an opportunity to respond after the emergency has been addressed.
- P. Civil Actions
 1. If any person violates the provisions of the industrial pretreatment program, including local, national or State pretreatment requirements, categorical standards or any wastewater discharge permit or written directions issued by the Control Authority, the Control Authority may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Bedford County or any other appropriate forum.
- Q. Injunctive Relief
 1. If any person;
 - a. Causes or permits an unauthorized discharge to occur.
 - b. Otherwise violates the conditions imposed by these Rules and Regulations or any wastewater discharge permit, schedule or written directions issued by the Authority or any National or State pretreatment requirement.
 - c. Discharges wastewater or industrial waste which otherwise presents or may present an endangerment to the environment or which threatens to interfere with the operations of the Sewer System.
 2. The Control Authority may commence an action in the Court of Common Pleas of Bedford County or any other appropriate forum for injunctive relief to stop the discharge or violation, or to require compliance with the applicable condition.
- R. Equitable Relief

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1. The Control Authority reserves the right to seek the recovery of damages caused by a User (“Equitable Relief”) in a court of law. The Authority also reserves the right to request that specific actions (“Specific Performance”) be required of a User. The provisions of this paragraph should not be construed to preclude the Control Authority from seeking other forms of Equitable Relief as appropriate based upon the nature and severity of damages caused by a User of the Wastewater System.
- S. Criminal Penalties
1. Criminal penalties may be sought against User or representatives of any User that perform actions befitting of such recourse. Examples of such actions include, but shall not be limited to, falsification of records, interference with the Control Authority’s monitoring efforts, or other criminal actions.
 2. Criminal penalties shall never be imparted by the Control Authority; rather the Control Authority reserves the right to initiate criminal investigations and the filing of criminal actions were deemed appropriate. Criminal penalties must be sought under the ordinances of the municipality in which the purported violation occurred under Pennsylvania statute or law.
- T. Referral to EPA or Pennsylvania DEP
1. The Control Authority may, as it deems appropriate, refer any instance or repeated cases of noncompliance with these Rules and Regulations, any wastewater discharge permit, or other applicable regulations to the Pennsylvania Department of Environmental Protection (“DEP”) and/or the Environmental Protection Agency (“EPA”). Those agencies may subject the User in noncompliance with appropriate penalties afforded to each agency under applicable law.
 2. The Control Authority (or a duly authorized representative) reserves the right to joint in any lawsuit or otherwise assist the DEP or EPA, including the provision of sworn testimony.
- U. Surcharge for Certain Abnormal Wastes
1. Please refer to the Fee Schedule, as adopted by resolution from time to time.
- V. Right of Appeal
1. A User user may appeal the enforcement actions including NOV’s, Monetary penalties and fines, Administrative Orders, Compliance Orders, Cease and Desist, Show Cause, permit Suspension or revocation, termination of service, the denial of a wastewater discharge permit or conditions contained in a wastewater discharge permit. An appeal is subject to the following requirements.
 - a. The appeal must be made in writing to the Control Authority.
 - b. The appeal must be made in thirty (30) calendar days from the date of receipt of the wastewater discharge permit, or notice of denial, suspension, modification or revocation of a wastewater discharge permit being appealed by the industrial user.

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- c. Failure to perfect an appeal within the applicable time period shall result in a waiver of the legal rights to contest any violation or administrative order, the amount of any penalty, or any adjudication by the control authority.
 - d. The appeal must state the specific provisions of a wastewater discharge permit or the specific directions or actions of the Authority which are being
 - e. The appeal must state the reasons for the appeal of each provision.
 - f. The appeal may suggest alternate or revised provisions to replace those appealed.
 - g. An appeal of a wastewater discharge permit may include a request to stay specific permit conditions pending the outcome of the appeal. Any such request shall include all factual and legal justification for such a request. Filing of a request does not stay any condition of a wastewater discharge permit. Such a stay must be approved by the Control Authority, as provided in subsection (4) below.
 - h. The User must forward to the Control Authority with the notice of appeal the amount of fine or civil penalty initially assessed by the Control Authority for placement in the Control Authority's interest bearing escrow account with any Pennsylvania bank pending the outcome of the appeal. All interest earned shall go to the prevailing party.
2. Provisions specifically mandated by Federal or State regulations (ex. compliance with categorical standards) shall not be appealed. Conditions which, in the opinion of the Control Authority, would constitute a hazard or pose a potential threat of pollution, if stayed, shall not be stayed during an appeal.
3. An appeal shall be made to the Control Authority and may be reviewed by the Control Authority or, at its sole discretion, may be reviewed by any designated representative(s) of the Authority, provided:
- a. The reviewer shall not be the Control Authority Manager.
 - b. The reviewer shall not be the Control Authority Chairman.
 - c. The reviewer(s) reviewing the appeal shall report in writing to the Control Authority the results of the review. The report should contain, at a minimum:
 - i. A summary of each item appealed, the appellant's reasons for appeal and appellant's proposed remedies, if any.
 - ii. The finding of merit for each point, and the reason(s) for finding.
 - iii. For each point found to be with merit, a proposed remedy, and a finding that the proposed remedy is allowable under these Rules and Regulations, and all applicable Federal, State and Local rules, regulations and laws.
4. The Control Authority or a board appoint by the Control Authority for the purpose, shall review the appeal and any report prepared as provided by subsection (3) and, at one (1) or more regular or special public meetings, take any additional testimony offered by the appellant, the reviewer, the Control Authority Manager or other interested party. The Control Authority may, within a

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reasonable time, decide to:

- a. Grant a stay or wastewater discharge permit conditions pending a decision on the merits of a permit appeal.
- b. Grant the appeal or portions of the appeal, applying such remedies as it deems proper.
- c. Deny the appeal.
- d. The decision by the Control Authority constitutes final administrative action.

W. If the Control Authority or any hearing board appointed by the Control Authority shall have as a member any person who has a financial, legal or other proprietary interest in the industrial user bringing the appeal, such person shall recuse himself from any vote which shall determine the decision of the body in regard to the appeal.

X. Affirmative Defenses to Discharge Violations

1. Upset

- a. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c), below, are met.
- c. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - i. An upset occurred and the User can identify the cause(s) of the upset;
 - ii. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - iii. The User has submitted the following information to the Control Authority within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - A description of the indirect discharge and cause of noncompliance;
 - The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the

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- noncompliance is expected to continue; and
 - Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - iv. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
 - v. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
 - vi. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
2. Bypass
- a. For the purposes of this Section,
 - i. Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.
 - ii. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - b. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this Section.
 - c. Bypass Notifications
 - i. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority at least ten (10) days before the date of the bypass, if possible.
 - ii. A User shall submit oral notice to the Control Authority of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration

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of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

d. Bypass

- i. Bypass is prohibited, and the Control Authority may take an enforcement action against a User for a bypass, unless
 - Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - The User submitted notices as required under paragraph 13.01W.2.c. of this section.
- ii. The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in paragraph (d)(i) of this Section.

X. Enforcement Response Plan

1. The Control Authority Chairman and the Control Authority Manager may be guided by the Enforcement Response Plan when reviewing industrial user reports, inspection results and other compliance information, and when taking enforcement action or recommending to the Authority enforcement action in response to noncompliance.

Y. Significant Violators

1. The Control Authority shall publish annually, in the local daily newspaper a list of Industrial users that were found to be in significant noncompliance as defined in Section 1.01 PP and per the requirements of Section 15.01 H.1 above. (retracted entire section)

Z. Responsible Officials

1. Except as may be otherwise provided herein, the Control Authority Chairman shall administer and enforce the provisions of these Rules and Regulations. The

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Control Authority Chairman may delegate any or all power granted by these Rules and Regulations to the Control Authority Manager or to others as he or she deems appropriate.

2. The Board of the Municipal Authority of the Borough of Bedford shall reserve certain responsibilities associated with the oversight of the Industrial Pretreatment Program.
 - a. The Board Members shall be responsible for hearing and ruling upon appeals from permittees.
 - b. Board Members shall also be responsible for the conducting of Show Cause Hearings. The Board may appoint a representative or representatives to conduct such a hearing on its behalf. Such a decision shall be made at the sole discretion of the Board.

15.02 Penalties

- A. Any person who violates any provision of these Rules and Regulations or the permits issued hereunder may be subject to a civil monetary penalty pursuant to applicable law, not less than \$1,000 per violation, per day. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein –(see Fee Schedule) the Control Authority may recover reasonable attorney’s fees, court costs, court reporters’ fees and other expenses of litigation by appropriate suit at law against the person found to have violated these Rules and Regulations of the orders and permit issued hereunder. Except for a violation which has been subject to a civil or criminal penalty by the Control Authority, nothing shall be deemed to preclude the Control Authority from commencing an action for penalty of twenty-five thousand (\$25,000) dollars per day for each violation pursuant to 35 Pa. C. S. §752.1 et seq. (Publicly Owned Treatment Works Penalty Law, Act of March 26, 1992, P.L. 23, No. 9), subject to the appeal procedures as specified in Title 2, Pa. C. S.
- B. Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of 10% of the unpaid balance, and interest shall accrue thereafter at a rate of 0.5% per month. A lien against the User’s property shall be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the Authority to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the Authority may convene a hearing on the matter. In the event the User’s appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an Administrative Fine shall no be a bar against, nor a prerequisite for, taking any other action against the User.
- E. 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 these Rules and Regulations, individual wastewater discharge permit, or order issues herein, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Rules and Regulations shall, upon

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conviction, be punished by a fine of the maximum amount permissible pursuant to applicable law. Fines shall be levied on a per-violation and per-day basis.

- F. In addition to any applicable civil or criminal penalty, the user is liable for:
1. All damage which its discharge causes to the sewer system or WWTP if that damage is caused, in whole or in part, by the industrial user's noncompliance with its wastewater discharge permit or with any applicable law, ordinance, regulation, rule or pretreatment requirement.
 2. Any penalty imposed upon the Control Authority (whether by judicial or administrative penalty action) where the violation of the Control Authority was caused or increased in severity by the industrial user, either alone or in conjunction with discharge(s) from other source(s).

15.03 Remedies Not Exclusive

- A. The enumeration of remedies in subparts of this section does not restrict their application and shall not be deemed to preclude any other Control Authority remedies, enforcement responses or other causes of action including those available under common law. Nothing in these Rules and Regulations, the Enforcement Response Plan or any other provision of the Control Authority's pretreatment program shall be intended to limit the enforcement discretion of the Control Authority to enforce pretreatment requirements as otherwise provided for by law.

15.04 Special Agreements and/or Waiver or Pretreatment Requirements

- A. Nothing contained in these Rules and Regulations shall be construed as prohibiting special agreements between the Control Authority and a person discharging industrial wastes or wastewaters to the sewer system, or for the Control Authority to otherwise waive requirements hereunder, when conditions and circumstances making such special agreements or waiver advisable and/or necessary, in the opinion of the Control Authority are present; provided, however, that:
1. National categorical pretreatment standards and prohibitive discharge standards (including the general and specific prohibitions set forth at 40 CFR §403.5 (a) and (b) shall not be waived.
 2. In no case shall a special agreement or waiver of local limits allow for an industrial user to discharge any pollutant which, along or in combination with other regulated industrial user discharges, would reasonably be expected to exceed the mass loadings determined by the Control Authority as acceptable to the sewage treatment plant based upon considerations of, among other things, interference, pass through and sludge contamination. The Control Authority may consider other factors (e.g. effect of the discharge on the WWTP, future expansion, etc.), as it deems appropriate. In no event shall special agreement or waiver allow the sum of the loadings allocated to industrial loadings to exceed the values set forth in any local limits analysis completed by the Control Authority.
 3. The Authority may require an industrial user requesting a special agreement or waiver adjusting effluent limitations to submit supporting documentation indicating why the industrial user cannot reasonably expect to meet the effluent limitation

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contained in its wastewater discharge permit, setting forth an expeditious schedule for achieving compliance with such limitations, and including such other information as the Authority may require. In granting any special agreement or waiver the Control Authority may impose time limitations upon any reduced requirements and provide a compliance schedule for achieving compliance. In granting any special agreement or waiver, the Authority may impose any other conditions deemed necessary to implement the purposes of these Rules and Regulations.

4. If granting a special agreement or waiver would result in increased costs to the Control Authority (e.g. treatment monitoring, sludge disposal costs), the Control Authority may condition the special agreement or waiver upon the agreement of the industrial user to pay those costs, and to provide security adequate in the judgment of the Authority to assure payment of said costs.
 5. All waivers for pollutants not present or expected to be present shall be issued in accordance with [40 CFR 403.8(f)(1)(iii)(B)(4) & 403.12(e)(2).
 6. All reduced monitoring approvals shall be issued in accordance with [40 CFR 403.12(e)(3).
- B. Where an Industrial User believes that a special agreement or waiver of pretreatment requirements is warranted based on the nature of that User's operations and discharge(s) to the Wastewater System, the User may submit, in writing, a request to the Control Authority for such an arrangement. All requests shall be accompanied by supporting documentation detailing why the User believes the request is appropriate. Unsubstantiated requests lacking such documentation may be rejected by the Control Authority without further review. Requests shall be submitted to the Control Authority at a regularly scheduled public Authority meeting and will be evaluated by the Control Authority on a case-by-case basis. The Control Authority shall return written directions to the User in a timely manner indicating the Control Authority's decision regarding the request and any additional information which must be provided by the User in accordance with 13.04 A.3. above.
- C. Any special agreement or waiver of local limits granted by the Control Authority shall be reflected in the User's wastewater discharge permit. The granting of any such request shall only be made at a regularly scheduled Control Authority meeting. If granting such a request requires the amendment of the User's existing permit, the Control Authority reserves the right to require the User to pay such administrative costs as are necessary to complete the amendment.

SECTION 16 BILLING

- 16.01 Failure to receive a bill from the Authority shall not exempt the User from the responsibility to make prompt payment. The presentation of a bill to the User is only a matter of accommodation.
- 16.02 Whenever ownership of a Building is transferred, the new Owner must notify the Authority in writing for the continuation of the service as provided for in Section 21. Failure to do so will

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result in the discontinuance of the wastewater service.

- 16.03 The Owner of each Building is ultimately responsible for the payment of all wastewater bills. Only an Owner will be furnished a bill for services rendered. An Owner may allow a Tenant or other user to remit payment.
- 16.04 Billings shall be rendered on a monthly basis for large users or customers and on a quarterly basis for all others. Upon written request and approval, a customer who is billed on a quarterly basis may be switched to billing on a monthly basis.
- 16.05 Billing shall begin when connection is made and/or meter is installed.
- 16.06 A minimum bill shall be generated for any structure for which service is connected regardless of residence status or usage. In the event that service has been shut off by the Authority for non-payment or at the request of the property owner, a minimum bill shall continue to be generated for the account.
- 16.07 Wastewater usage will be calculated based on water usage through an Authority water meter. If a meter ceases to provide a reading and after two unanswered attempts by the Authority to contact the Owner to correct the issue the Owner will be billed the average previous usage or 10,000 gallons, whichever is greater.
- 16.08 If a meter malfunction is the result of negligence on the part of the Owner (i.e. meter freezing and breaking, destruction of meter) then the Owner shall be charged for the meter replacement.

SECTION 17 LATE PAYMENTS

- 17.01 The Authority shall set a due date for monthly customers no less than 21 days from the bill date; no less than 30 days from the bill date for quarterly customers. Payment must be received in the Authority office by 3:30pm on the due date to avoid a late penalty.
- 17.02 Charges for service shall be subject to a ten percent (10%) penalty if not received in the office by 3:30pm on the due date. If not paid within thirty (30) days after the due date the bill amount plus the penalty shall bear interest from the due date at a rate of one and one half percent (1.5%) per month or fraction thereof until paid.
- 17.03 The Authority shall have the right to terminate water service (if provided by the Authority) to the delinquent premises no less than 20 days after the due date for monthly customers; no less than 30 days after the due date for quarterly customers. The Authority shall not restore service to the delinquent premises until all delinquent balances against the same and the service termination and restoration fees have been paid in full by cash or money order.
- 17.04 In the case of a tenant, service termination will be in compliance with the Utility Service Tenants Rights Act (USTRA), which requires at least 37 days' notice to the landlord and at least 30 days'

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notice to the tenant before shut off can occur. As per Pennsylvania Statute the property owner is responsible for charges incurred from municipal services rendered. The same provision for penalties, interest and service shut off fees apply.

SECTION 18 DISCONTINUANCE OF SERVICE

- 18.01 Application for wastewater service may be canceled or wastewater service and/or water service disconnected for any of the following reasons:
- A. Failure of User to pay wastewater bill and other charges when due.
 - B. Tampering with any service pipe or permitting tampering by others.
 - C. Use of wastewater service by a User for any purpose other than described in the application.
 - D. Use of wastewater service by a User at any location other than described in the application.
 - E. Unlawful use of Wastewater System by a User or discharge of prohibited wastes into the Wastewater System by a User.
 - F. Vacancy and demolition of Building.
 - G. Failure of User to maintain Building Sewer in good order.
 - H. Refusal of access to property to authorized representatives of the Authority.
 - I. Failure to comply with any wastewater use restrictions which may be imposed.
 - J. Violation by User of any of the Rules and Regulations.
 - K. Pursuant to any other laws of the Commonwealth of Pennsylvania.
- 18.02 Any damage to the Building Sewer and/or Wastewater Mains caused by careless undermining or by negligent excavating or backfilling of excavation for private drains, sewers, or other purpose shall be chargeable to the person causing damage, and if the charge to repair is not paid, the Authority reserves the right to discontinue wastewater service.
- 18.03 The Authority shall have the right to interrupt wastewater service without notice in case of breakdowns or for other unavoidable causes, or for the purpose of making necessary repair or connections. Reasonable notice will be given when practicable. In no case shall the Authority be liable for any damage or inconvenience suffered.
- 18.04 When two or more buildings are supplied through a single wastewater service, any violation of the Rules and Regulations of the Authority by any one Owner shall be deemed a violation by all, and the authority may enforce compliance with this rule by shutting off the entire service, except that action shall not be taken until the non-violating Owner(s) has been given a reasonable notice and opportunity to install separate connection.
- 18.05 Disconnection of Service Due to Demolition of Building
- A. Any person desiring to demolish, or otherwise permanently remove a building from a property served by municipal sewer or otherwise permanently disconnect a building from a property served by municipal sewer must apply to the Authority for permanent disconnection of service.

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- B. Written notice of approval of the proposed disconnection will be made by the Authority to the applicant within seven (7) days following a regularly scheduled Authority meeting.
- C. For disconnection of sewer service, the property owner shall physically remove sewer service connection piping from the building served to the property line or edge of right of way. The Authority's lateral shall be plugged with a blank expanding elastomeric plug or satisfactory PVC Plug or Cap. The property owner shall place a 2" X 4" Hemlock stake at the end of each lateral serving the property. Each stake shall be cut off 6" above the ground level and the depth to the sewer lateral shall be noted on the stake. The property owner shall restore the ground surface to its original condition following piping removal and plugging of the lateral connection(s). Plugging activities shall be witnessed by the Authority or their representative before being covered. The structure must then be removed from the property or all plumbing fixtures removed from the structure rendering the structure uninhabitable. This work shall be completed at the Owner's expense. Contractors shall provide current liability insurance certificate prior to excavating.
- D. Reasonable and customary fees may be charged by the Authority to cover Authority expenses incurred for application processing and disconnection inspection services.

SECTION 19 CHANGING RULES, REGULATIONS AND RATES

- 19.01 The Authority reserves the right to change or amend from time to time these Rules, Regulations and Rates for wastewater service, in a manner provided by law.

SECTION 20 CHARGES PAYABLE UPON CONNECTIONS

- 20.01 Upon making application for the issuance of a permit to connect a new Building or to connect an additional use, the Authority will prepare a written estimate of the cost of Authority construction for the installation, connection charge, the tapping fee, the permit fee and the inspection fee.
- 20.02 A tapping fee (capacity charge) payable to the Authority for purchase of treatment plant capacity and conveyance system capacity shall be due at the time of connection. Calculations of this capacity shall be the number of EDUs times two thousand dollars (\$2,000.00) per EDU for new construction. When connecting to the public system is required as part of an Authority sewer extension project the tapping fee shall be calculated at one thousand dollars (\$1,000) per EDU. The tap fee shall be subject to the provisions of any grant awarded for the construction of a sewer extension project.

A capacity surcharge of seven hundred and fifty dollars (\$750.00) per EDU will be calculated, collected and rendered to the Municipal Authority of the Borough of Bedford for every new sewer connection.

- 20.03 A connection fee of \$400.00 will be charged in addition to the tapping fee for each Building Sewer sought, payable at the time of connection. This is only for a 4" or 6" diameter gravity lateral, or a

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one and one quarter (1.25) inch diameter pressure service line, where the wastewater main fronts directly on the property desiring to be connected and the actual cost of installation of the lateral is less than \$400.00. This fee represents the average cost of the tapping connection which only includes the actual tap or connection to the main (being a wye or saddle connection). The cost of installing the service lateral from the connection shall be borne by the property owner.

- 20.04 An inspection fee of one hundred dollars (\$100.00) is to be paid by the Owner for Connection of a 4" or 6" diameter gravity or a one and one quarter (1.25) inch diameter pressure Service Line serving a single family dwelling. This fee is to cover the Authority's average cost of inspection of the Service Line installed by Owner.
- 20.05 A facilities fee for the necessary equipment to record and bill for usage shall be paid for by the property owner. Such equipment may include a meter, meter pit, MXU, etc. The amount charged to the property owner shall be equal to the amount which was charged to the Authority for the purchase of such necessary equipment.
- 20.06 For a Service Line other than the above, an inspection fee in an amount equal to the actual cost of engineering review and inspection work performed by the Authority will be charged to the Owner. Upon making application for the issuance of a permit for Connection, the Authority will prepare a written estimate of the cost of engineering review and inspection, if requested.
- 20.07 For a Service Line other than the above, a tapping fee in an amount equal to the actual cost of providing capacity to serve the customer will be charged to the Owner. The minimum tapping fee will be two thousand dollars (\$2,000.00). Upon taking application for the issuance of a permit for Connection, the Authority will prepare a written estimate of the cost of the tapping fee in accordance with Act 203, if requested.
- 20.08 The Person desiring wastewater service shall furnish and install the Building Sewer at his sole cost.
- 20.09 The actual building and connection to the sewer system must be made within one year of the payment of the charges and fees specified under this Section. If requested prior to the actual connections being made to the sewer main, the Authority will refund the fees and charges less 10% administrative fee. After one year, a new application must be made with appropriate fees and charges paid to the Authority.
- 20.10 The number of EDU's constituting each type of Building for purpose of calculating the connection charges shall be determined as follows:

<u>Classification</u>	<u>No. of EDUs</u>
1. Single Family Dwelling	1

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2. Two Family Dwelling	2
3. Apartment House:	
a. One or two bedroom apartment	1
b. Each additional bedroom	½
4. Mobile Home	1
5. Retail Store	1
6. Business Office or Professional Office:	
a. Five (5) or less employees	½
b. Each additional 5 employees over 5 or fraction thereof	½
7. Business or industry <u>not</u> providing showers for employees:	
a. Ten (10) or less employees	1
b. Each additional 5 employees over 10 or fraction thereof	½
8. Each improved property having a commercial (1.2 horsepower or greater) garbage grinder, for each such grinder	1
9. Hotel or Motel (in addition to restaurant facilities) per rental room	½
10. Restaurant, club, or tavern, per twenty (20) seats or fraction thereof	1
11. Church	1
12. Service Station or automobile repair garage:	
a. Three (3) bays or less (without car wash facilities)	1
b. Three (3) bays or less (with car wash facilities)	2
c. Each additional bay over 3	½
13. School, per 22 pupils or operating personnel	1
14. Laundromat, per five (5) washers or fraction thereof	1
15. Car Washing Establishment:	
a. Per bay (using recycled water)	1
b. Per bay (not using recycled water)	2
16. Bowling Alley (in addition to restaurant facilities) per six (6) lanes or	1

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fraction thereof

- | | |
|---|---|
| 17. Barber Shop: | |
| a. Two (2) chairs or less | ½ |
| b. Each additional chair | ½ |
| | |
| 18. Beauty Shop: | |
| a. One (1) chair | 1 |
| b. Each additional chair | ½ |
| | |
| 19. Retail store with meat and/or vegetable preparation facilities, per employee food preparation station | 1 |

20.11 The number of Equivalent Dwelling Units applicable to Commercial Establishments and Industrial Establishments shall be computed on the basis of the average daily number of full and part-time employees (including the owner(s) and employer(s) for the calendar quarter preceding the date of connection. The Owners of such facilities shall be responsible for advising the Authority in writing of the number of employees upon connection to the Wastewater System and upon request of the Authority. The Authority will perform a review approximately two (2) years after the date of initial connection and if flows and/or number of employees are significantly higher than the figures presented at the time of the initial service request, the Authority will require that an additional tap fee be paid to correspond with the actual figures. The number of Equivalent Dwelling Units applicable to Schools shall be computed on the highest monthly average daily attendance of pupils (plus faculty, administrators and staff) during the twelve (12) months preceding the date connection. The Owners of such facilities shall be responsible for advising the Authority in writing of the number of pupils, faculty, administrators and staff in attendance as an average daily figure upon connection or upon request of the Authority.

20.12 Establishments that do not fall under any of the above classifications may be asked to provide water records from similar establishments or calculations to determine an EDU value for the establishment.

SECTION 21 SCHEDULE OF RATES AND CHARGES

21.01 Rates

Rates for wastewater service for single family dwellings, individual units in Multiple Dwelling Units, and individual uses in Multiple Use Units are based upon metered water consumption. For structures without public water the domestic well water will be metered. The quarterly charge for wastewater service shall be as follows:

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METERED CONSUMPTION

RATE

Up to 6,000 gallons per quarter	\$129.24 per quarter
Up to 2,000 gallons per month	\$ 43.08 per month
Each 1,000 gallons in excess of minimum	\$ 21.54 per 1,000 gallons

21.02 Minimum Charge

The minimum quarterly charge for wastewater service is one hundred twenty-nine dollars and twenty four cents (\$129.24) per quarter. The minimum monthly charge is forty-three dollars and eight cents (\$43.08) A minimum charge will be billed to every structure connected to the public sewer system regardless of in-residence status.

21.03 Returned Check Charge

A charge of \$25.00 will be assessed for any check or ACH debit which has been presented to the Authority for payment on an account that has been returned by the payer bank for any reason. A late fee may also be assessed if proper payment is not made prior to the due date.

21.04 Service Termination or Resumption Rates

Any Owner desiring wastewater service from a previously discontinued service and each new Owner of a Building already connected must submit an Application for service. No service shall be furnished by the Authority to an Owner until all arrears for wastewater service, repairs, or other charges then incurred or previously owed with respect to the Building shall have been paid by cash or money order, or satisfactory arrangement for payment has been made.

Any Owner desiring a temporary or permanent discontinuance of wastewater service shall notify the Authority in writing of this desire for terminating service. The Authority, upon terminating service, shall make a final water meter reading and the final wastewater bill shall be due and payable within ten (10) days of termination of service. In order to be granted a permanent discontinuation of wastewater billing the structure must be rendered uninhabitable by removing all plumbing fixtures from the structure and lateral must be disconnected from the public system. Structure and disconnection must be inspected by a BTMA employee. Any Owner wanting to reconnect a property that was “permanently” disconnected will be required to make a new application and pay applicable facility and inspection fees.

Any Owner desiring to transfer ownership of property and wastewater service shall notify the Authority in writing of this desire and a final water meter reading and wastewater bill will be prepared at no charge to the Owner. The bill shall be due and payable within ten (10) days of transfer.

21.05 Service Fees

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After hours charges will be based on actual cost for equipment and labor of the Authority for service calls.

21.06 Normal Business Hours

Open Monday through Friday

Service Hours 7:00 a.m. to 3:00 p.m.

Office Hours 7:30 a.m. to 3:30 p.m.

SECTION 22 REPEALER

- 22.01 In the event any provision, section, sentence, clause or part of the Rates, Rules and Regulations shall be held by any Court or Administrative tribunal of competent jurisdiction to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of the Authority that such remainder shall be and shall remain in full force and effect.
- 22.02 All parts of these Rates, Rules and Regulations which are inconsistent herewith expressly shall be and are repealed.
- 22.03 These Rates, Rules and Regulations shall supersede any previously adopted Rules and Regulations of the Authority.

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Revisions

- Revised: April 2021 – Updated Section 21.01 Rates to include rates effective January 1, 2021
- Revised: September 2021 – Updated Section 12.05(G) Summary of Local Limits and Recommendations for Industrial Users
- Revised: December 2021 – Updated Section 20.10 EDU Classifications/No. or EDUs
- Revised: September 7, 2022 – Updated Sections 12, 14 & 15 related to Industrial Discharge and Permitting
- Revised: May 3, 2023 – Resolution 2023-1 adopting revised Local Limits.
- Revised: February 7, 2024 – Approved Sanitary Sewer Pressure Testing at Property Transfer
- Revised: January 8, 2025 – Resolution 2025-01 adopting revised Local Limits per MABB Industrial Pretreatment Program related to Discharges of the Sanitary Sewer System.
- Revised: February 5, 2025 – Resolution 2025-01 adopting revised Wastewater Rules, Rates, and Regulations in their entirety.
- Revised: March 4, 2026 – Resolution 2026-04 Adopting revised Rule, Rates and Regulations as amended per MABB Rules and Regulations adopted Resolution 2026-01S as part of the Industrial Pretreatment Program.