

BOROUGH OF CONSHOHOCKEN AUTHORITY
RULES & REGULATIONS
SECTION 3 - NONDOMESTIC WASTES

3.1 GENERAL

3.1.1 Purpose and Policy

The objectives of these Rules and Regulations are:

- To prevent the introduction of pollutants into the Borough of Conshohocken Authority's wastewater collection and treatment system which will interfere with its operation, contaminate the biosolids generated at the wastewater treatment plant, or will otherwise be incompatible with the system;
- To prevent the introduction of pollutants into the Authority wastewater collection and treatment system which will be inadequately treated and thus will pass-through the system into the receiving waters or the atmosphere;
- To protect the environment, the general public and Authority personnel against the hazards associated with discharges of toxic or otherwise incompatible pollutants into the sewer system;
- To improve the opportunity to recycle and reclaim Industrial/Commercial wastewaters and biosolids from the wastewater treatment system;
- To provide for equitable distribution of the cost for the development and implementation of the Authority's Industrial/Commercial Pretreatment Program, and other improvements to the wastewater collection and treatment system;
- To help assure Authority compliance with its National Pollutant Discharge Elimination System (NPDES) permit, biosolids use and disposal requirements, the Clean Water Act, the General Pretreatment Regulations, and any other state or federal laws which with the Authority must comply.

These Rules and Regulations will be implemented by the Authority through issuance of permits to those Industrial/Commercial Users deemed a Significant Industrial/Commercial User, through monitoring, reporting, and enforcement of the Rules and Regulations with these Significant Industrial/Commercial Users; and through enforcement of general requirements for all other Users. These Rules and Regulations also assumes that the capacity of the sewer system allocated to existing customers will not be pre-empted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

These Rules and Regulations shall apply to persons located both within and outside the Authority's political jurisdiction, including those in one of the contributing municipalities, who are Significant Industrial/Commercial Users, as defined herein, of the collection system serviced by the Authority. Except as otherwise provided herein, the provisions of these Rules and Regulations shall be administered and implemented by the Authority, and enforced by the Authority and the contributing municipalities, where applicable.

Nothing contained in these Rules and Regulations shall be construed as preventing any special agreement or arrangement between the Authority and any Significant

Industrial/Commercial Users within the Authority or one of the contributing municipalities, allowing a waste of unusual strength or character to be accepted by the Authority through special agreements in writing, executed prior to such acceptance, containing safeguards, limitations, and conditions acceptable to the Authority. Any such agreement or arrangement shall not allow a discharge that exceeds Categorical Standards.

3.1.2 User Classification System

To assist in the development and administration of the Municipal Industrial Pretreatment Program (MIPP), the Industrial/Commercial users were classified into four categories.

- Significant Industrial/Commercial Users (Class I)
- Minor Industrial/Commercial Users (Class II)
- Insignificant Industrial/Commercial Users (Class III)
- Industrial/Commercial Users (Unclassified)

These classifications are defined as follows:

Class I

A Class I industry is any industry which conforms to any one of the following: 1) is subject to federal categorical standards; 2) discharges a nondomestic wastestream of 25,000 gallons per day (gpd) or more; 3) contributes a nondomestic wastestream which makes up 5% or more than the average dry weather hydraulic or organic capacity of the treatment plant; 4) has in its wastestream any of the 126 priority pollutants; 5) or has a reasonable potential to adversely affect the Authority's wastewater collection system and/or treatment plant, as determined by the Executive Director or Authority Engineer.

Class II

These are Industrial/Commercial users that discharge nondomestic pollutants to the public sewer in amounts that, on a routine basis, have an insignificant impact on the system. However, these Industrial/Commercial users do have the potential to impact the collection or treatment system or violate the prohibited discharge limitations in the Authority's Rules and Regulations. This class also includes industries which present the potential to cause sewer obstructions, slug loads, or chemical spills.

Class III

This class includes those industries that discharge primarily sanitary wastes or are considered to have an insignificant impact on the Publicly Owned Treatment Works (POTW). These firms should be inspected periodically to ensure routine grease trap and oil/water separator maintenance and to determine if there has been any change in the discharge to the Authority's wastewater collection system and/or treatment plant.

Unclassified

These Industrial/Commercial users are eliminated from further consideration. This class includes industries that discharge only sanitary wastes, have dry processes, and are considered to have no adverse impact on the Authority's wastewater collection system and/or treatment plant.

3.2 REGULATIONS

3.2.1 General

No User or Significant Industrial/Commercial User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause a pass-through or interference in the Authority's wastewater collection and treatment system, will create a hazard to the environment, the general public or Authority personnel, or will cause the Authority to violate any General Pretreatment Regulation, National Pollutant Discharge Elimination System (NPDES) permit or biosolids requirement. These general prohibited discharge standards apply to all such Users of a wastewater collection and treatment system, whether or not the User is subject to National Categorical Pretreatment Standards or any other national, State, or local pretreatment standards or requirements. Each User shall provide the Authority with a Material Safety Data (MSD) sheet for each substance the User discharges to the Authority.

A User or Significant Industrial/Commercial User shall not contribute the following substances to any wastewater collection and treatment system:

- Any liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosive hazard, or be injurious in any other way to the wastewater collection and treatment system or to the operation of the wastewater collection and treatment system. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL). Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, hydrides, sulfides, aldehydes, peroxides, chlorates, perchlorates, bromates and carbates, and any other substance which presents a fire hazard or other hazard to the sewer system, including any material or wastestream exhibiting a closed cup flashpoint of less than 140 degrees Fahrenheit (i.e. wastestreams whose vapors ignite or burn at temperatures below 140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21.
- Solid or viscous substances which may cause obstruction to the flow in a sewer, pass through or other interference with the operation of the wastewater treatment facilities or collection system, such as, but not limited to grease, garbage with particles greater than one-half-inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust,

metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, mud, glass grinding, polishing wastes, petroleum oil, non-biodegradable cutting oil or mineral oil products which will interfere or cause pass-through at the Authority's treatment plant.

- Any wastewater having a pH less than 6.0, or greater than 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the wastewater collection and treatment system. At the Authority's sole discretion, an Industrial/Commercial user may be permitted for a minimum pH of 5.0 and a maximum pH of 10.0.
- Any wastewater containing toxic pollutants in sufficient quantity, either alone or in conjunction with other pollutants, that will cause a pass-through or interference in the Authority's wastewater collection and treatment system, will create a hazard to the environment, the general public or Authority personnel, to create a toxic effect in the Authority's facilities or the receiving waters, exceed a limitation set forth in a categorical pretreatment standard or will cause the Authority to violate any General Pretreatment Regulation, NPDES permit or biosolids requirement. These general prohibitions apply to all such Users of a wastewater collection and treatment system, whether or not the User is subject to National Categorical Pretreatment Standards or any other national, State, or local pretreatment standards or requirements. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Clean Water Act.
- Any noxious or malodorous liquids, gases, vapors, solids, or fumes which either alone or in conjunction with other wastes, are sufficient to create a public nuisance or hazard to life, cause health and safety problems, or are sufficient to prevent entry into the sewers for maintenance and repair.
- Any substance which may cause the wastewater collection and treatment system's effluent or any other product of the wastewater collection and treatment system such as residues, biosolids, or scums to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the wastewater collection and treatment system cause the wastewater collection and treatment system to be in noncompliance with biosolids use or disposal criteria, guidelines, or regulations developed under Section 405 of the Clean Water Act; any criteria, guidelines, or regulations affecting biosolids use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the biosolids management method being used.
- Any substance which will cause the Authority to violate its NPDES Permit or the receiving stream water quality standards.

- Any wastewater with, in the sole opinion of the Authority, objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
- Any wastewater having a temperature which will inhibit biological activity in the wastewater collection and treatment system treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the wastewater collection and treatment system which exceeds 40°C (104°F).
- Any pollutants, including oxygen demanding pollutants (BOD, COD, etc.), released at a flow rate and/or pollutant concentrations which cause interference to the wastewater collection and treatment system or which otherwise violate the users permit restrictions. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than 15 minutes more than five (5) times the average 24-hour concentration, quantities, or flow during normal operations.
- Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the IPP Coordinator in compliance with applicable State or federal regulations.
- Any wastewater which causes a hazard to human life or creates a public nuisance.
- Any sludge, screenings or other residues from the pretreatment of Industrial/Commercial wastes.
- Stormwater, groundwater, roof runoff, subsurface drainage, or cooling water, unless expressly permitted by the User's permit.
- Any medical wastes.
- Trucked or hauled wastes except at a point of discharge indicated by the Executive Director or his duly authorized agent.
- Any waste that would be considered hazardous if disposed of in a manner other than discharge to a sewer.
- All hazardous wastes per 40 CFR 261.

When one of the contributing municipalities or the Authority determines that a User or Significant Industrial/Commercial User is contributing to the wastewater collection and treatment system any of the above enumerated substances in such amounts as to interfere with the operation or cause pass-through of the system, the Authority shall advise the User of the impact of such contribution on the wastewater collection and treatment system, and develop effluent limitations for such User to correct the

violation. The remedies provided in this section are cumulative in nature and are in addition to any other remedies provided in these Rules and Regulations.

The Authority may also take enforcement action(s) against the non-complying User or Significant Industrial/Commercial User, whether or not the User or Significant Industrial/Commercial User was given prior notification of the violation by the Authority. Such action may include the Authority filing actions in the Montgomery County Courthouse. If the Authority files Court action, the Authority shall be entitled to a reimbursement of reasonable attorney fees from the non-complying User.

3.2.2 Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial sub-category, the Federal Standard, if more stringent than limitations imposed under these Rules and Regulations for sources in the sub-category, shall immediately supersede the limitations imposed under these Rules and Regulations. Each User or Significant Industrial/Commercial User shall be responsible to notify the Authority and the Contributing Municipality of changes to its status under the Federal, State, or local regulations. The National Categorical Pretreatment Standards found in 40 CFR Part 405-471 are hereby incorporated into these Rules and Regulations.

Where a categorical pretreatment standard is expressed only in terms of the mass or the concentration of a pollutant in wastewater, the Authority may impose equivalent concentration or mass limits in accordance with 40 CFR Part 403.6(c) as follows:

1. Concentration and mass limits. Pollutant discharge limits in categorical Pretreatment Standards will be expressed either as concentration or mass limits. Wherever possible, where concentration limits are specified in standards, equivalent mass limits will be provided so that local, State or Federal authorities responsible for enforcement may use either concentration or mass limits. Limits in categorical Pretreatment Standards shall apply to the effluent of the process regulated by the Standard, or as otherwise specified by the standard.
2. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial/Commercial Users.
3. The Authority calculating equivalent mass-per-day limitations under paragraph (2) of this section shall calculate such limitations by multiplying the limits in the Standard by the Industrial/Commercial User's average rate of production. This average rate of production shall be based not upon the designed production capacity but rather upon a reasonable measure of the Industrial/Commercial User's actual long-term daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected production.

4. A Control Authority calculating equivalent concentration limitations under paragraph (2) of this section shall calculate such limitations by dividing the mass limitations derived under paragraph (3) of this section by the average daily flow rate of the Industrial/Commercial User's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the Industrial/Commercial User's actual long-term average flow rate, such as the average daily flow rate during the representative year.
5. When the limits in a categorical Pretreatment Standard are expressed only in terms of pollutant concentrations, an Industrial/Commercial User may request that the Authority convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the sole discretion of the Authority, except that the Authority may establish equivalent mass limits only if the Industrial/Commercial User meets all the following conditions in paragraph (5)(i)(A) through (5)(i)(E) of this section.
 - i. To be eligible for equivalent mass limits, the Industrial/Commercial User must:
 - A. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of the conversion to equivalent mass limits
 - B. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - C. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and long-term average production rate must be representative of current operating conditions;
 - D. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - E. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial/Commercial User's request for equivalent mass limits.
 - ii. An Industrial/Commercial User subject to equivalent mass limits must:
 - A. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - B. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device and shall provide copies of all such records to

the Authority upon demand. The Industrial/Commercial User shall maintain such records for a period of no less than three (3) years;

- C. Continue to record the facility's production rates and notify the Authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates as determined in paragraph (5)(i)(C) of this section. 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
 - D. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph (5)(i)(A) of this section so long as it discharges under an equivalent mass limit.
- iii. The Authority shall establish equivalent mass limits pursuant to the following:
- A. Must calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial/Commercial User by the concentration-based daily maximum and monthly average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - B. Upon notification of a revised production rate, must reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - C. May retain the same equivalent mass limit in subsequent control mechanism terms if the Industrial/Commercial 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 rate used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to paragraph 3.2.6 of this section. The Industrial/Commercial User must also be in compliance with 40 CFR 407.17 (regarding the prohibition of bypass).
- iv. The Authority may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.
6. The Authority may convert the mass limits of the categorical Pretreatment Standards at 40 CFR parts 414, 419 and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial/Commercial Users under the following conditions:
- i. When converting such limits to concentration limits, the Authority must use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419,

and 455 and document that dilution is not being substituted for treatment as prohibited by paragraph 3.2.6 of this section.

- ii. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Authority Engineer in conjunction with Executive Director shall impose an alternate limit using the combined wastestream formula in 40 CFR Part 403.6(e).
- iii. A user may request a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR Part 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard. In the event that the Authority has more stringent standards than those contained in the categorical Pretreatment Standards herein referenced, the user must also request a variance from local regulations, and must prove, to the satisfaction of the Authority, that factors relating to its discharge are fundamentally different from factors considered by the Authority than those considered when developing the standards.
- iv. A Industrial/Commercial user may request a net gross adjustment to a categorical standard from the Authority in accordance with these regulations and 40 CFR 403.15.

3.2.3 Modification of Federal Categorical Pretreatment Standards

Where the Authority's wastewater treatment plant achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Authority may apply to the Approval Authority for modifications of specific limits in the Federal Pretreatment Standards.

3.2.4 Specific Pollutant Limitations

All wastewater entering either the Authority's or one of the contributing municipality's collection system shall be pretreated to typical domestic levels unless otherwise stated in writing by the Authority by way of the Significant Industrial/Commercial User Permit.

Typical domestic levels for compatible pollutants shall be:

Parameter	Maximum Concentration (mg/l)
Biochemical Oxygen Demand (BOD ₅)	250 ⁽¹⁾
Total Suspended Solids (TSS)	250 ⁽¹⁾
Phosphorus (Total as P)	10
Ammonia Nitrogen (NH ₃ -N)	25 as N ⁽¹⁾
Total Kjeldahl Nitrogen (TKN)	40 as N ⁽²⁾
Oil and Grease	100

- (1) At the Authority's discretion, users may exceed the maximum concentrations listed for these parameters, but will be surcharged according to the Authority's "High-Strength" Surcharge Formula as follows: [(Analytical results – surcharge limit) by (total quarterly flow) by (surcharge rate) by 8.34]/1,000,000 = quarterly surcharge fee for individual parameter.
- (2) At the Authority's discretion, the TKN limit may be exceeded but it is not a addition parameter.

In addition, no User shall contribute toxic pollutants to the Authority's sewer system in excess of the following local limit concentrations shown on Table No. 1:

TABLE NO. 1
SECTION 3 – NONDOMESTIC WASTES
LOCAL LIMIT PARAMETER MAXIMUM CONCENTRATION

Parameter	Maximum Concentration (mg/l) ⁽¹⁾
Arsenic	0.88
Cadmium	0.28
Chromium (Total)	57.21
Copper	4.41
Cyanide	5.52
Lead	1.33
Mercury	0.08
Molybdenum	5.25
Nickel	4.57
Selenium	1.15
Silver	13.08
Zinc	8.06

(1) Concentrations apply at the point where the waste enters the Authority contributing system wastewater collection system. For users subject to categorical standards, categorical concentrations apply at the end of the process wastestream. All concentrations for metallic substances are for "total" metal unless indicated otherwise. At its discretion, the Authority may impose mass limitations in addition to or in place of the concentration based limitations above.

In cases where any user requires greater than five percent (5%) of the Authority's treatment plant's capacity on an average daily mass basis, more stringent limitations may be imposed

3.2.5 Authority's Right of Revision

The Authority reserves the right to require each of the contributing municipalities to establish by ordinance, resolution and/or Rules and Regulations, limitations or requirements as least as stringent as the Authority's for Users whose wastewater is ultimately treated at the Authority's wastewater treatment plant, in order to comply with the objectives presented in Section 3.1 of these Rules and Regulations.

The Authority reserves the right to establish by Rules and Regulations, permitting or other means more stringent limitations or requirements on discharges to the wastewater system if deemed necessary. In no event shall these Rules and Regulations prevent the Authority from enforcing more stringent limitations on individual Users or Significant Industrial/Commercial Users when, in the Authority's sole discretion, it is deemed necessary, convenient or advisable.

3.2.6 Dilution

No User or Significant Industrial/Commercial 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 the limitations contained in the federal Categorical Pretreatment Standards, these Rules and Regulations, or with any other pollutant-specific limitation developed by the Authority, one of the contributing municipalities, State, or Federal agencies.

3.2.7 Accidental or Slug Discharge

Each Significant Industrial/Commercial User shall provide protection from accidental or slug discharge of prohibited materials or other substances that have the potential to cause interference with the operation of the collection and conveyance system, or cause interference or pass through at the wastewater treatment facility and are regulated by these Rules and Regulations, permit requirements, federal or Commonwealth requirements. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the User's or Significant Industrial/Commercial User's own cost and expense. In the case of an "accidental discharge", it is the responsibility of the User to immediately telephone and notify the Authority's Executive Director of the incident at (610) 828-0979. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions taken to minimize and eliminate the violation.

The Authority assumes no responsibility or liability associated with any such "accidental discharge." Responsibility for repair, correction or elimination of the violation shall remain solely with the Significant Industrial/Commercial User that caused the violation, whether or not the violation was intentional, reckless, negligent, and/or caused by third parties. Failure to repair, correct or eliminate any violation or to immediately notify the Authority of an accidental discharge will subject the User to the enforcement remedies identified in Section 3.5 of these Rules and Regulations.

In addition, the Authority will evaluate at least annually, or more frequently as needed, whether a Significant Industrial/Commercial User needs to develop or update a Slug Control Plan. Detailed Slug Control Plans showing facilities and operating procedures to provide slug control protection shall be submitted to the Authority's IPP coordinator for review and approval prior to implementation or anytime at the Authority's request. A Slug Control Plan shall contain, at a minimum, the follow information:

1. a description of discharge practices, including routine or non-routine batch discharges;
2. a description of new and spent chemical storage procedures;
3. procedures for immediately notifying the Authority's IPP Coordinator or Wastewater Treatment Executive Director of any accidental or slug discharge, including personnel responsible for such notifications;
4. procedures to prevent adverse impact from an accidental or slug discharge. Such procedures shall include, but are not limited to, inspection and maintenance of chemical storage areas, handling and transferring of raw and finished products and chemicals, control of site runoff, worker training, building of containment structures, available containment equipment, and contacted environmental services which assist the User in fulfilling these plans.

A Significant Industrial/Commercial User who commences contribution to the wastewater collection and treatment system after the effective date of these Rules and Regulations shall not be permitted to introduce pollutants into the system until a Slug Control Plan has been approved by the Authority. Review and approval of such plans and operating procedures shall not relieve the Significant Industrial/Commercial User from the responsibility to modify its facility, as necessary, to meet the requirements of these Rules and Regulations as they exist or as they may be modified in the future.

The Authority shall determine, on an individual case basis, if the provisions of this section are required to be implemented by a User other than a Significant Industrial/Commercial User. The Authority shall have sole discretion regarding the need for submission and implementation of a Slug Control Plan by any user of the collection and conveyance system and/or the wastewater treatment plant.

3.2.8 Written Report

Within five (5) days following an accidental or slug discharge, the Significant Industrial/Commercial User shall submit to the Authority and, where applicable, to the contributing Municipality a detailed written report which shall contain the following information:

1. the cause of the non-compliance;
2. the approximate time that this condition had occurred and the anticipated time in which it has been or will be corrected;
3. the steps taken by the User to reduce and minimize the impact of the non-compliance;
4. the steps taken by the User to prevent a re-occurrence of the conditions which caused or led to the accidental discharge or slug loading, and to mitigate any expense, loss, damage or other liability which may have incurred as a result of

damage to the Authority's facilities or aquatic life or any other damage to person or property.

Such report shall not relieve the Significant Industrial/Commercial User of any fines, civil penalties, or other liability which may be imposed as described in this article, the Authority Enforcement Response Plan, or any other applicable law/regulation. The Significant Industrial/Commercial User may be subject to fines, civil penalties or other liability by the Authority as well as other governmental agencies.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility services by the U.S. Postal service, the date of receipt of the report by the Authority shall govern.

If the Authority is fined or penalized by the EPA, DEP or any other environmental agency due to a Significant Industrial/Commercial User's violation(s), said User shall be responsible for paying the fine, penalty and any additional legal, engineering and/or administrative costs the Authority incurs as a result of the violation(s).

3.2.9 Notice to Employees

Notice shall be permanently posted on the Significant Industrial/Commercial User's bulletin board or other prominent place advising employees whom to call in the event of an accidental or slug discharge. Employers shall ensure that all employees who may be involved with hazardous materials or may cause such a discharge are aware of such emergency notification procedures. At the Authority's discretion, a Significant User may be required to put a training program in place to teach the User's employees how to react if there is an accidental discharge.

3.3 FEES

3.3.1 Purpose

It is the purpose of this section to provide for the recovery of costs from Users and Significant Industrial/Commercial Users of the Authority's treatment system for the implementation of the requirements established herein. The applicable charges or fees shall be set forth in the Authority's Schedule of Charges and Fees, which may be amended from time to time.

3.3.2 Charges and Fees

The Authority may adopt charges and fees from time to time, which may include:

- fees for reimbursement of the costs of setting up and operating the Authority's Industrial Pretreatment Program;
- fees for monitoring, inspections, surveillance, and sampling associated with the Industrial Pretreatment Program or violations thereof;

- fees for reviewing both accidental and slug discharge procedures, and proposed construction that would change pretreatment or slug discharge process. This section does not supersede any escrow or Professional Services Agreement requirements otherwise required by the Authority;
- fees for review of permit applications;
- fees associated with the review of permit appeals;
- fees for consistent removal by the Authority of pollutants otherwise subject to federal pretreatment standards;
- surcharge fees for the recovery costs associated with treating "high-strength" wastewater
- other fees the Authority and/or the Contributing Municipality may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by Section 3 of these Rules and Regulations and are separate and distinct from all other fees chargeable by the Contributing Municipality and/or the Authority.

3.4 ADMINISTRATION

3.4.1 Wastewater Discharges

It shall be unlawful to discharge any wastewater to any sanitary sewer in any area under the jurisdiction of, or within the service area of, the Borough of Conshohocken Authority or one of the contributing municipalities, except as authorized in writing by the Authority in accordance with the provisions of these Rules and Regulations or the User's permit. The Authority may require any unpermitted or permitted Users of the sewer system to provide any information needed to determine compliance with these Rules and Regulations or other applicable local, state or federal laws, rules or regulations. These requirements include, but are not limited to:

- wastewater discharge peak rate and volume records over a specified time period;
- information on raw materials, processes, and products affecting wastewater volume and quality;
- quantity and disposition of specific liquid, biosolids, oil solvent, or other materials which may impact the operations of the Authority sewer system;
- an as-built plot plan of all sewer facilities on the User's property including the number and location of all sewer lateral connections to the Authority's sewer system;

- details of control measures taken by the User to prevent and control stormwater, drainage, roof runoff, from entering the Authority's sewer system.
- details of any significant changes to the nature or quantity of the User's discharge, including increased flows of 25 percent or more, or the promulgation of a categorical pretreatment standard which applies to their discharge;

All users must notify the Authority, EPA, and the PADEP of discharges to the sewer system which, if disposed of in any other manner, would be considered a hazardous waste under Federal regulations 40 CFR 261.

Costs incurred for developing the information described above shall be paid by the User, and are in addition to all other sewer use, permit, and surcharge fees charged by the Authority or one of the contributing municipalities.

The User shall be responsible for obtaining and submitting all applicable Borough, Authority, County, Regional, State, or Federal permits or planning documents required for approval of a sewer connection.

3.4.1 Significant Industrial/Commercial User Permits

All users proposing to connect to or contribute to the POTW shall complete and file a questionnaire provided by the Authority.

The questionnaire shall be filed with the Authority at least 90 days prior to connecting to or contributing to the Authority's facilities.

The Authority will evaluate the data furnished by the proposed user and may require additional information. After evaluation and acceptance of the data furnished, users who are required to obtain a permit shall be notified of the fact and will be sent a permit application to be completed and submitted to the Authority. A fee for the permit application will be assessed in accordance with the Authority's application procedures and fee schedule that is in place at the time the permit application is sent to the proposed User.

All Users proposing to, or already connected into the Authority's sewer system, which are deemed a Significant Industrial/Commercial User through Authority's review of the waste questionnaire, permit application, or other information obtained by the Authority, must obtain a Wastewater Contribution Permit from the Authority prior to commencing discharge.

In addition, whenever an existing User other than a Significant Industrial/Commercial User becomes subject to a new National Categorical Pretreatment Standard, the User must re-apply with the Authority for a Significant Industrial/Commercial User Wastewater Contribution Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. The Authority will notify

each User when said User becomes subject to a new Standard, but the User's failure to receive notice shall not excuse compliance with the new Standard.

3.4.2 Permit Application

Any User required to obtain a permit shall complete and file with the Authority, an application in the form prescribed by the Authority, accompanied by the required permit filing fee. In support of the application, all non-residential users shall submit in units and terms appropriate for evaluation, and signed in compliance with Section 3.4.8 of these regulations, the following information:

name, address, and location of the facility (if it is different from the address of the discharge into the Authority's facilities);

- SIC number, according to the Standard Industrial Classification Manual, Bureau of the Budget 1987, as amended;
- wastewater constituents and characteristics, including but not limited to those parameters listed in Section 3.2 of these Rules and Regulations, as determined by an approved analytical laboratory in compliance with 40 CFR 403.12(1). This sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Clean Water Act, and contained in 40 CFR 136, as amended.
- time and duration of wastewater contribution;
- average daily and instantaneous peak wastewater flow rates, including daily, monthly, and seasonal variation, if any;
- site plans, floor plans, mechanical and plumbing plans and details to show all points of discharge, including but not limited to, all sewers, floor drains, sewer connections, and appurtenances by the size, location and elevation;
- description of activities, facilities, and plant processes on the premises, including all materials which have a potential for entering the sewer system either accidentally or intentionally;
- the nature and concentration of any pollutants in the discharge which are limited by any Authority, Borough, State, or Federal pretreatment standards; and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not whether additional operation and maintenance (O&M), source reduction efforts and/or additional pretreatment required for the Significant Industrial/Commercial User to meet applicable pretreatment standards.
- Information necessary to demonstrate compliance with best management practice as provided for in 40 CFR 403.12(b).

- Best Management Practices to be employed by the user, must be available upon request and subject to modification by the Authority.
- If additional pretreatment and/or O &M will be required to meet the pretreatment standards, the schedule by which the Significant Industrial/Commercial User will provide such additional pretreatment. The Authority reserves the right to require the User to dispose of all wastewater offsite pending the completion of the schedule referenced below. For Significant Industrial/Commercial Users subject to Federal categorical Standards, the completion date in this schedule can be no later than the compliance date established by the EPA for the applicable pretreatment standard. The following shall also apply to this schedule:
 - (i) 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 facilities required for the Significant Industrial/Commercial User to meet the applicable pretreatment standards. This may include, but is not limited to, dates for installing a sampling manhole, hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.
 - (ii) No increment referred to in paragraph (i) shall exceed six (6) months;
 - (iii) No later than 14 days following each date in the schedule and the final date for compliance, the Significant 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 Significant Industrial/Commercial User to return the construction to the schedule established. In no event shall more than six (6) months elapse between such progress reports to the Authority.
- Each product produced by type, amount, process or processes, and rate of production;
- Type and amount of raw materials processed (average and maximum per day, with seasonal variations, if applicable);
- Number and type of employees, the hours of plant operation, and the proposed or actual hours of pretreatment system operation.
- Any other information, including baseline monitoring reports from categorical users, as may be deemed by the Authority to be necessary in evaluating the permit application.
- A list of all other environmental control permits held by or for the facility.

The Authority will evaluate the data furnished by the Significant Industrial/Commercial User, and will notify the User of any additional information necessary to complete the application review process. After evaluation and acceptance of the data supplied, the Authority may approve the issuance of a Significant Industrial/Commercial User permit subject to terms and conditions provided herein.

The Authority may also deny requests for increased discharges when they do not meet applicable pretreatment standards and requirements, or when they would cause the POTW to violate its NPDES permit or any other regulations.

3.4.3 Permit Conditions

Significant Industrial/Commercial User permits shall be expressly subject to all provisions of these Rules and Regulations and all other applicable regulations, User charges, and fees established by the Authority and/or the Contributing Municipality by way of separate Rules and Regulations. The permit may contain, but is not limited to the following requirements:

- Statement of duration;
- Statement of non-transferability;
- All applicable pretreatment standards for their discharge, including best management practices;
- Limits on average and maximum flow rate and time of discharge, or requirements for flow regulations and equalization;
- Requirements for installation and maintenance of inspection and sampling facilities;
- Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
- Compliance standards;
- Requirements for submission of technical reports or discharge reports (see Section 3.4.4);
- Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Authority; and affording the Authority access thereto;
- Requirements for prior notification to the Authority and the contributing municipality of any new introduction of wastewater constituents or any

substantial change in the volume or character of the wastewater constituents being introduced into the wastewater collection system;

- Requirements for notification of slug discharges as per Section 3.2.7;
- Requirements for development and implementation of a slug control plan including specific slug control measures;
- Specification of type and amount of raw materials processed (average and maximum per day);
- Statement of all applicable civil or criminal penalties for non-compliance;
- Other conditions as deemed necessary by the Authority to ensure compliance with these Rules and Regulations.

Failure to include any of the above listed requirements in any permit or other document shall not constitute a waiver on the part of the Authority of its ability to require compliance with any of the Rules and Regulations.

3.4.4 Reporting Requirements in Permits

3.4.4.1 Compliance Data Report

Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a new source, or renewal of existing permits, following commencement of the introduction of wastewater into the sewer system, any Significant Industrial/Commercial User subject to federal Categorical Pretreatment Standards shall submit to the Authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements. The report shall include the executed certification statement listed in Paragraph 3.4.8. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and provide information necessary to demonstrate compliance with BMPs (as provided for in federal regulations §403.8(f)(1)(iii)(B)(3) and §403.12(d)), and if not, what additional O&M, BMP(s), and/or pretreatment is necessary to bring the Significant Industrial/Commercial User into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the Significant Industrial/Commercial User and certified by a qualified professional engineer.

Based on the review of this data, the Authority may re-issue the Wastewater Contribution Permit for this Significant Industrial/Commercial User as soon as possible after incorporating the applicable standards.

3.4.4.2 Periodic Compliance Reports

- a. Every Significant Industrial/Commercial User shall have their wastewater sampled and analyzed at a frequency specified in the Wastewater Contribution Permit. Each User shall be responsible for paying the cost of sampling. The Authority, in its sole discretion, may conduct additional sampling as needed.

In order to obtain a representative sample, the required sampling frequency may be based on the following:

- Intervals necessary to obtain representative data;
- Amount of historical data on type of industry discharging and discharge of specific industry;
- Impact of Industrial/Commercial User's wastes on the Authority's operations, receiving water body and sludge disposal methods;
- Types of pollutants being analyzed;
- Regulatory Requirements;
- Seasonal variations;
- User pretreatment facility reliability;
- Scheduled discharge of unusual strength or magnitude;
- Best Management Practice(s) as provided for in federal regulations §403.12(e), (h);
- Samples must be representative of the material proposed to be discharged in accordance with §403.12(g)(3).

- b. The frequency and number of pollutants analyzed will be specific for each industry or User. Where the user is subject to a BMP, the periodic report must include information necessary to demonstrate compliance with the BMP. Unless allowed otherwise, the Authority shall perform all permit compliance sampling. The analysis shall be performed at a user selected and Authority approved laboratory at the sole cost to User. The Authority may at any time perform additional sampling if it believes the conditions of these Rules and Regulations are not being met. The Significant Industrial/Commercial User must submit to the Authority during the months of July and January, unless required more frequently by the Authority, an updated report indicating any process, production or flow rate change which occurred during the previous six month period. This report shall be in addition to any reporting requirements imposed upon the User by the Authority related to accidental or slug discharges. This report will also include a record of all quarterly flow which exceeded the average daily flow allowed in the permit. At the sole discretion of the Authority, and in consideration of such factors as local high or low flow rates, holiday, budget

cycles, etc., the Authority may agree to alter the months during which the above reports are to be submitted. This report shall be signed by an authorized representative of the user.

In the event that the results of the analysis exceed the pretreatment standards given in the Wastewater Contribution Permit, the Permittee shall provide immediate verbal notification to the Borough of Conshohocken Authority's IPP Coordinator or WWTP Executive Director. On the permittee's behalf, the Authority shall also repeat sampling and request analyses. Permittee shall submit the results of the analyses to the Borough of Conshohocken Authority's IPP Coordinator or WWTP Executive Director within thirty (30) days after becoming aware of the violation(s).

3.4.4.3 Notification of Process Changes

Significant Industrial/Commercial Users shall report any process, production, material, or infrastructure changes to the Authority prior to initiation of the change. Changes that affect the potential for slug discharges shall specifically be reported to the Authority prior to the initiation of the change. The Authority may require the posting of an escrow and review by legal counsel and/or engineering professionals.

3.4.5 Permit Duration

Permits shall be issued by the Authority for a specified time period, not to exceed five years. The duration of permits is within the Authority's sole discretion. All Significant Industrial/Commercial Users shall apply for re-issuance of their Wastewater Contribution Permit a minimum of 180 days prior to the expiration of their 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 Section 3.2 are modified or other just cause exists. A Significant Industrial/Commercial User shall be informed of any changes in its permit at least 30 days prior to the effective date of change. Where necessary, a schedule for complying with these changes or new conditions may also be issued by the Authority.

3.4.6 Permit Modifications

Upon the promulgation of a National Categorical Pretreatment Standard, a Significant Industrial/Commercial User subject to such standards shall have their Wastewater contribution permit revised to require compliance with such standards, though the addendum shall be effective immediately upon promulgation of such standards, regardless of whether the Authority issues a new permit.

3.4.7 Permit Transfer

Wastewater Contribution Permits are issued to a specific Significant Industrial/Commercial User for a specific operation. These permits shall not be reassigned, transferred, or sold to a new owner, or Significant Industrial/Commercial user, different premises, or used for a new or changed operation, without prior written consent of the Authority.

3.4.8 Signatory Requirement

All reports, applications, or other information required to be submitted under these Rules and Regulations shall be signed by an authorized representative of the Industrial/Commercial user and shall contain the following certification:

“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 ensure 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. I am authorized to make these statements on behalf of the User/ Applicant.”

3.4.9 Monitoring Facilities

The Authority shall require monitoring facilities to be provided and operated at the user's own expense to allow inspection, sampling and flow measurement of the user's building sewer and/or internal drainage system. The monitoring facilities should normally be situated on the user's premises, but the Authority may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. The monitoring facility must be accessible 24 hours a day.

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 and the user's sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

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

3.4.10 Sampling Requirements

All measurements, tests, and analyses required for determining the characteristics of waters and wastewaters to which reference is made in these Rules and Regulations shall be performed in accordance with 40 CFR 136. Sampling methods, locations, times, duration, and frequencies are to be determined on an individual basis, and will be specified in the individual Wastewater Contribution Permits issued to the Significant Industrial/Commercial Users.

Significant Industrial/Commercial Users may conduct self-monitoring activities that provide for sampling events more frequently than the requirements given in their

Wastewater Contribution Permit. All sampling required by these Rules and Regulations, or otherwise conducted to demonstrate compliance with discharge requirements shall be representative of the normal discharges occurring during the reporting period and conducted in accordance with 40 CFR 136, 40 CFR 403.12(g)(3) and 40 CFR 403.12(g)(4) and these regulations.

40 CFR 403.12(g)(3) and 40 CFR 403.12(g)(4) sampling requirements, as of January 1, 2010, are as follows:

40 CFR 403.12(g)(3) “The reports required in paragraphs (b), (d), (e) and (h) of this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial/Commercial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial/Commercial User file for that facility or facilities. 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 & 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 Control Authority, as appropriate.”

40 CFR 403.12(g)(4) “For sampling required in support of baseline monitoring and 90-day compliance reports required in paragraphs (b) and (d) of this section, 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 (e) and (h) of this section, the Control Authority shall require the number of grab samples necessary to assess and assure compliance by Industrial/Commercial Users with Applicable Pretreatment Standards and Requirements.”

NOTE: the most recent version of the Federal Regulations cited above in this section shall be applicable to the user. The user shall be responsible for obtaining and applying the most recent version of these regulations.

3.4.11 Inspection and Sampling

The IPP Coordinator and/or Wastewater Treatment Executive Director shall inspect the facilities of any Significant Industrial/Commercial User. The purpose of said inspection is to ascertain whether the User is complying with these Rules and Regulations and all of the requirements contained herein. Persons or occupants of premises connected to the sewerage collection system shall allow the Authority's representative ready access during all working hours to all parts of the premises for the purpose of inspection, sampling, records examination and/or copying, or in the performance of any of his duties. The Authority has the right to set upon a Significant Industrial/Commercial User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. The Authority will give reasonable notice to the User prior to any inspection.

Where a Significant Industrial/Commercial User has security measures in force which require proper identification and clearance before entry into his premises, the Significant Industrial/Commercial User shall make necessary arrangements with his security guards so that upon presentation of suitable identification, personnel from the Authority, PADEP, or the EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

3.4.12 Pretreatment

Users and Significant Industrial/Commercial Users shall provide necessary wastewater treatment as required to comply with both these Rules and Regulations and any applicable Federal Categorical Pretreatment Standards within the time limitations as specified by the Authority or in the Federal Pretreatment Regulations. Any equipment or facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained at the User's expense. The Authority may require that detailed plans showing the pretreatment facilities and operating procedures be submitted to the Authority for review and shall be deemed acceptable to the Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve a User from the responsibility of modifying his facility as necessary to produce an effluent acceptable to the Authority under the provisions of these Rules and Regulations. Any changes in the pretreatment facilities or method of operation, or any change which could result in new or increased discharge of pollutants, shall be reported to and be accepted by the Authority prior to the User's initiation of the changes. Changes that affect the potential for slug discharges must be reported to and accepted by the Authority prior to the User's or Significant Industrial/Commercial User's initiation of the changes. Any proposed changes must be submitted in writing.

Users with the potential to discharge oils and grease in amounts greater than those specified in Section 3.2.4 Specific Pollutant Limitations, must have installed, at the owner's expense, grease traps to prevent such a discharge from occurring. Grease traps must be cleaned and maintained on a regular basis by the owner. All Users must also comply with any and all regulations contained in the Code of the Borough of Conshohocken.

3.4.13 Recordkeeping Requirements

Users subject to the recordkeeping requirements of this section shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring or reporting requirements required in these Rules and Regulations, including any monitoring activities undertaken by the User independent of these requirements. Records shall include the exact date and time of sampling, the date and time of analysis, the name of the person(s) collecting and analyzing all samples, the methodology used in analyzing the samples, and the results of these analyses. These records (including documentation associated with BMP's) shall be maintained by the user and shall be available for review for a minimum of three years, in accordance with 40 CFR 403.12(o). In matters of litigation between the User and the Authority, where the Authority deems it necessary and/ or there are violations, or where specifically requested by the EPA, the retention period is extended indefinitely, and records shall not be destroyed unless/until the Authority gives the User written notice that the records can be destroyed.

All records relating to compliance with pretreatment standards shall be made available to the contributing municipalities, Authority, PADEP, or EPA upon request.

3.4.14 Confidential Information/ Right To Know

If the Authority receives a Right To Know Request for information that was initially provided by a vendor, independent contractor, developer, or other third party, and the Authority reasonably believes that the information contained therein may contain a trade secret or confidential proprietary information, or is otherwise not subject to public disclosure pursuant to the laws of the Commonwealth of Pennsylvania, the Authority shall notify the third party of such request for a record. Failure of the vendor, independent contractor, developer or other third party to identify the record in question as confidential or to request that same be held from public disclosure at the time that the record is submitted to the Authority shall be at the risk of said third party. The Authority assumes no liability for the disclosure of records not previously identified as potentially exempt from public disclosure.

If the record was so identified, or if the Authority determines that the record is potentially exempt from public disclosure, the Authority shall take reasonable steps to contact the third party that originally provided the record to determine whether the third party desires to assert an exemption from public disclosure.

In no event shall the Authority be required to withhold records that are clearly public records subject to disclosure. The Authority reserves the right to require any third party requesting that a record be kept confidential to assume all legal costs, including court costs, attorneys' fees and potential sanctions, prior to denying any request for records.

3.4.15 Falsifying Information

Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to these Rules and Regulations or User or Significant Industrial/Commercial User permit, or falsifies, tempers with, or knowingly renders inaccurate any monitoring device or method required under these Rules and Regulations shall be punished as provided by law and shall be subject to the fines set forth in Paragraph 3.6.

3.5 ENFORCEMENT

Violation of these Rules and Regulations or any condition of a User's permit may result in sanctions as outlined herein, including but not limited to:

- Public notification of non-compliance
- Suspension/Termination of Permit
- Civil Penalties, fines, injunctive relief
- Other relief as the Authority may be entitled to pursuant to the laws of the Commonwealth of Pennsylvania

3.5.1 Notification of Violation

Whenever the Authority finds that any User has violated or is violating these Rules and Regulations, their Wastewater Contribution Permit, or the General Pretreatment Regulations, the Authority shall serve by certified mail upon the User a written Notice of Violation (NOV). Within 5 business days of the certified receipt of the NOV, the User must submit to the Authority a written response which contains the following information:

- Cause of non-compliance;
- Steps taken to correct the non-compliance and the time by which the violation will be corrected;
- Steps taken by the User to prevent re-occurrence of the condition(s) leading to the non-compliance;
- The signature of an authorized representative of the user that certifies to the validity of the report;
- Other relevant information;
- Even if the User follows the above steps, the Authority reserves the right to assess fines and/or charges for any violations.

The remedies listed in this Section are cumulative.

3.5.2 Show-Cause Hearing

The Authority may order any user:

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- Who violates their wastewater permit, these Rules and Regulations, or any order issued by the Authority;
- Who allows an unauthorized discharge to enter the Authority wastewater collection and treatment system;
- Who provides an inadequate response to a previous notice of violation;
- Whose actions results in conditions which could cause the Authority to violate its NPDES permit or biosolids quality requirements; or
- Whose actions results in a hazardous situation with the Authority wastewater collection and treatment systems.

To show cause why the enforcement action should not be taken.

Notice shall be served on the user specifying the time and place of a hearing to be held by the Authority regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Authority why the enforcement action should not be taken.

The notice of hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.

The Authority may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee to:

- (a) Issue in the name of the Authority notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (b) Take the evidence;
- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Authority for actions thereon;
- (d) Make recommendations to the Board of Directors.

At any hearing held pursuant to these Rules and Regulations, testimony taken must be under oath and can be recorded stenographically if the User pays for a stenographer.

After the Authority has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives, as are

necessary and appropriate, may be issued in addition to any fines and surcharges assessed for the violation.

Any user aggrieved by the enforcement of this article may take an appeal to the Court of Common Pleas of Montgomery County, Pennsylvania, in accordance with the provisions of the Local Agency Law, 2 Pa.C.S.A. §105 et seq. A failure to appeal in accordance with the Local Agency Law shall result in a waiver of all legal rights to contest the action taken at the show cause hearing.

3.5.3 Administrative Order

Whenever the Authority finds that any user has violated or continues to violate these Rules and Regulations, permit conditions or orders, the Authority may issue an order to the user responsible for the discharge containing specific requirements with which the user must comply. The order may contain but shall not be limited to the following requirements:

- Following a specified time period sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operating;
- Conditions as might be reasonably necessary and appropriate to address the non-compliance, including the installation of pretreatment technology, additional self-monitoring and/or management practices;
- Compliance schedule.

3.5.4 Public Notification of Non-Compliance

The Authority shall annually publish in the largest daily newspaper published or circulated in the Authority a list of the Users and Significant Industrial/Commercial Users determined to be in Significant Non-compliance (as defined in Section 1.1 of these Rules and Regulations) during the preceding 12 months. The notification shall also summarize any enforcement actions taken against those Users by the Authority during the same 12 months in accordance with 40 CFR 403.8(f)(2)(vii).

3.5.5 Suspension/Termination of Permit

The Authority may immediately suspend a permit when such suspension is necessary in the sole opinion of the Authority to stop an actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes interference to the wastewater treatment process; or causes the Authority to violate any condition of its NPDES permit or biosolids quality requirements.

Any user notified of a suspension of his permit under this section shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Authority may take steps as deemed

necessary to prevent or minimize damage to the Authority's system or endangerment to any individuals. The Authority may reinstate the permit upon proof of the elimination of the noncomplying discharge by user, payment of any damages, fines, penalties, or costs associated with the discharge, and the submission of a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. This statement must be submitted to the Authority within 5 days of the date of the occurrence.

Additionally, any user is subject to suspension/termination of his permit for violation of applicable state and federal regulations or by reason of the commission of any of the following acts:

- a. Failure to report factually on discharge wastewater constituents and characteristics.
- b. Failure to report significant changes in operations or wastewater constituents and characteristics.
- c. Refusal to permit reasonable access to the premises for inspection and monitoring.
- d. Violations of the conditions of the permit.

Non-compliant users will be notified of the proposed termination of their permit in writing.

3.5.6. Right to Appeal

3.5.6.1 Appeal

A User, upon receipt of notification of suspension or revocation of a User permit or Significant Industrial/Commercial User permit, may appeal the decision in writing to the Authority with a statement of reasons therefore within ten (10) days of the notice. Such an appeal shall not be cause for the discharge to continue if the suspension or revocation was issued to stop a harmful contribution under Section 3.5.2. A User who seeks to appeal shall pay a filing fee of three hundred (\$300.00) dollars.

3.5.6.2 Notice of Hearing

Thereafter, upon notice in writing given to the permit holder or any agent or officer thereof at least five (5) days prior to the time fixed therefore, Authority shall convene and conduct a hearing on the propriety or lack thereof of the notice of suspension or revocation. The cost of the stenographic transcript of such a proceeding shall be borne by the Appellant.

3.5.6.3 Method of Decision

The findings and determinations of the Authority shall be in writing and shall be mailed certified or registered mail to the user or to his duly-authorized representative within forty-eight (48) hours of the hearing, with a certified copy thereof to be filed with the Authority's WWTP Executive Director who originally served the notice of suspension or revocation. The determination shall be binding both upon the Authority and all parties in interest.

3.5.6.4 Action Following Appeal Decision

If the decision of the Authority sustains the notice of suspension or revocation of permit, the User shall be given ten (10) days' notice of the new date of suspension or revocation by the Authority.

The User may also appeal the decision to the Court of Common Pleas of Montgomery County, Pennsylvania, in accordance with the provisions of the Local Agency Law, 2 Pa.C.S.A. §105 et seq.

3.6 CIVIL PENALTY ASSESSMENT/INJUNCTIVE RELIEF POLICY

3.6.1 General Civil Penalty Categories

The Authority's Enforcement Response Plan Guidelines have been separated into six categories of pretreatment violations as listed below:

1. Sampling, monitoring and reporting violations.
2. Effluent limits violations.
3. Compliance schedule violations.
4. Incident response.
5. Unauthorized discharge.
6. Non-compliance violations detected through field inspections.

3.6.2 Civil Penalty Assessment

As described within the Borough of Conshohocken Authority's Enforcement Response Plan (ERP), the Authority may seek civil penalties and/or injunctive relief against Industrial/Commercial users who fail to comply with the requirements of the Authority's Rules and Regulations or their Wastewater Contribution Permit.

Civil penalties vary from \$500 up to \$25,000 per day per violation depending on the severity of the violation and other factors. In civil penalty assessment, the Authority will consider all of the following factors:

- Damage, as estimated by the Authority's engineer or other professional, to the Authority's treatment plant or collection system, the environment, or collection system personnel, resulting from the violation;
- The Industrial/Commercial user's history of past violations;

- The economic benefit gained by the Industrial/Commercial users as a result of non-compliance;
- The violator shall also be responsible for reasonable legal and/ or engineering fees.
- The violator shall also be required to indemnify the Authority for any fines, costs, surcharges, fees or other expenses imposed upon the Authority due to the violation(s).

Other relevant factors.

The general civil assessment policy of the Borough of Conshohocken Authority is given in the Authority's Enforcement Response Plan (copies of which may be obtained by contacting the IPP Coordinator at (610) 828-0979 or SClark@conshohockensa.com). All fines listed were developed in accordance with the Publicly Owned Treatment Works Penalty Law (Pennsylvania Act 9), and will be assessed on a per day, per violation basis. The fines shown are maximum penalties, which the Authority has the right to reduce or waive in certain circumstances, in the sole discretion of the Authority.

All civil penalties collected pursuant to the Authority's Civil Penalty Assessment Policy will be placed in a restricted account, and shall be used by the Authority for the repair of damage and any additional maintenance or other costs resulting from the violation(s) on which the penalty was imposed. If the authority is assessed penalties by any state or federal agency as a result of violating any pretreatment standards, the User responsible for causing the violation shall be responsible for paying the assessed penalties in addition to the costs incurred by the Authority to investigate and initiate enforcement actions against the non-complying discharging User (including legal and engineering fees), for additional monitoring costs associated with the non-complying Industrial/Commercial user, and for capital improvements to the treatment plant or collection system required by the Pretreatment Program. Any remaining funds may be used for capital improvements to the treatment plant or collections system not required by the Pretreatment Program.

The Authority's ability to seek civil penalties against non-complying users shall apply to all Industrial/Commercial users of the Authority's wastewater collection and treatment system regardless of political boundary. The civil penalties may be sought in the Court of Common Pleas of Montgomery County, Pennsylvania and to that end jurisdiction is hereby conferred in law and equity upon such courts.

3.6.3 Injunctive Relief

Where necessary, the Authority shall also have the power to obtain injunctive relief against any Industrial/Commercial users who are in violation of a Pretreatment Standard or Requirement in accordance with 40 CFR 403.8(f)(1)(vi)(A).

Injunctive relief may also be issued against a non-complying Industrial/Commercial user if the court determines that other enforcement actions available to the Authority would not be adequate to affect prompt correction of the condition or violation. In addition to injunctive relief, the Authority may also be granted civil penalties according to Section 3.6.1 of these rules and regulations or any other relief outlined in this section or allowed by law.

The Authority's ability to seek injunctive relief against non-complying Industrial/Commercial user shall apply to all Industrial/Commercial users regardless of political boundary. The injunctive relief may be sought in the Court of Common Pleas of Montgomery County, Pennsylvania, and to that end a jurisdiction is hereby conferred in law and equity upon such courts.

3.6.4 Right to Appeal

The Industrial/Commercial user charged with any penalty previously described shall have 30 days to pay the proposed penalty in full, or, if the Industrial/Commercial user wishes to contest either the amount of the penalty or the fact of the violation, the Industrial/Commercial user must file an appeal of the action within 30 days of receiving notice.

3.7 SEVERABILITY

If any provision, paragraph, word, section, or article of these Rules and Regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

3.8 CONFLICT

All other Rules and Regulations and parts of Rules and Regulations inconsistent or conflicting with any part of these Rules and Regulations are hereby repealed to the extent of such inconsistency or conflict.

END OF SECTION