



**CITY OF LEBANON AUTHORITY**

**WASTEWATER TREATMENT PLANT**

**INDUSTRIAL PRETREATMENT REGULATIONS**

*City of Lebanon Authority*  
*Wastewater Treatment Plant*



**FEBRUARY 2020**

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**RESOLUTION NO. 2020-2**

A RESOLUTION OF THE CITY OF LEBANON AUTHORITY (“THE AUTHORITY”) ADOPTING AND IMPLEMENTING INDUSTRIAL PRETREATMENT REGULATIONS APPLICABLE TO ALL DIRECT AND INDIRECT INDUSTRIAL USERS OF THE AUTHORITY’S WASTEWATER TREATMENT PLANT.

WHEREAS, the Authority is a municipality authority created and existing pursuant to the Municipalities Authorities Act, 53 Pa. C.S.A. §5601-5622; and

WHEREAS, the Authority owns and operates a wastewater collection and treatment system serving the City of Lebanon and certain surrounding municipalities; and

WHEREAS, the Authority has previously adopted uniform requirements for direct and indirect contributors into the wastewater collection and treatment system to comply with all then applicable State and Federal laws including the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403) implementing these requirements by Resolution No. 1995-5 and 2009-5; and

WHEREAS, the Federal Environmental Protection Agency has mandated the adoption of new standards and requirements including new industrial discharge limits which the Authority is required to adopt and implement.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED BY THE BOARD OF THE CITY OF LEBANON AUTHORITY:

1. The City of Lebanon Authority hereby adopts and implements all of the provisions, requirements and procedures set forth at length in the “CITY OF LEBANON AUTHORITY WASTEWATER PRETREATMENT PLANT INDUSTRIAL PRETREATMENT REGULATIONS”, a copy of the revised Regulation is attached hereto and incorporated herein.

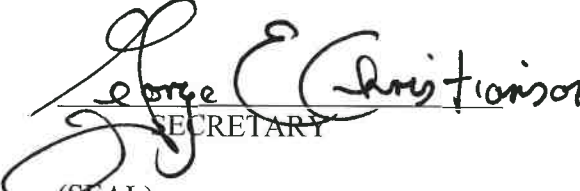
2. If any provision, paragraph, section or article of this resolution is invalidated by any Court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

3. All other resolutions and parts of resolutions inconsistent or conflicting with any part of this resolution are hereby repealed to the extent of such inconsistency or conflict.

4. This resolution shall become effective immediately upon passage and approval.

APPROVED AND SO RESOLVED THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2020.

CITY OF LEBANON AUTHORITY

  
SECRETARY  
(SEAL)

  
CHAIRMAN

## SECTION 1: General Provisions.

### 1.1 Purpose and Policy

This Resolution sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Lebanon Authority and enables the Authority to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this resolution are:

- A. To prevent the introduction of pollutants into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.
- B. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- C. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and,
- D. To provide for equitable distribution of the cost of the municipal wastewater system.

This resolution provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This resolution shall apply to all users in the City of Lebanon and to persons outside the City who are, by contract or agreement with the Authority, Users of the Authority's POTW.

The Wastewater Systems Director shall administer, implement, and enforce the provisions of this resolution or designate a person or company for this purpose. "Authority" will be used to specify the responsibilities of the Wastewater Systems Director or their designees.

### 1.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this resolution, shall have the meanings hereinafter designated:

- A. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- B. Ammonia Nitrogen. As used in this article means all nitrogen that exists in aqueous solution as either ammonium ion or ammonia.
- C. Approval Authority. The Director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

- D. Authority. Refers to the City of Lebanon Authority
- E. Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice-president, if the industrial User is a corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- F. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures, five (5) days at 20°C expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- G. Best Management Practices or BMP's. Means schedule of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in Section 2.1. A and B. BMP's include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- H. Building Sewer. A sewer conveying wastewater from the premises of a User to the POTW.
- I. Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
- J. City. The City of Lebanon
- K. Control Authority. The term "control authority" shall refer to the "Approval Authority", defined hereinabove: or the Wastewater Systems Director if the Authority has an approved Pretreatment Program under the provisions of 40 CFR, 403.11.
- L. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- M. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Pennsylvania.
- N. Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- O. Grab Sample. An individual sample collected in less than 15 minutes, without regard for flow or time (must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds and other parameters as specified in regulation.)
- P. Hazardous Waste Any material qualifying as such under any Federal or State regulations or any material responsible for inhibition, pass through, or sludge contamination at the POTW.
- Q. Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

- R. Indirect Discharge. The discharge or the introduction of non-domestic pollutants from any source regulated under section 307 (b) or 8 of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- S. Industrial User or IU. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act. (33 U.S.C. 1342).
- T. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, it's treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Authority's NPDES Permit or a prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solids Waste Disposal Act, including Title 2 commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substance Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- U. National Categorical Pretreatment Standard of Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and 8 of the Act (33 U.S.C. 1317) which applies to a specific category of industrial Users.
- V. National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).
- W. National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the Authority of 307(b) of the Act and 40 CFR, Section 403.5
- X. New Source. 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 if such Standards are therefore promulgated in accordance with that section, provided that:
1. The building, structure, facility, or installation is constructed at a site at which no other source is located: or
  2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
  3. The production or wastewater generating process of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is 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.

4. 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 of Section 2 and 3 above but otherwise alters, replaces, or adds to existing process or production equipment.
  5. Construction of a New Source as defined by this paragraph has commenced if the owner or operator has:
    - a. Begun or caused to begin, as part of a continuous on site construction program any replacement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, 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.
- Y. Pass Through. The Discharge of pollutants through the POTW alone or in conjunction with a discharge or discharges from other sources into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirements of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- Z. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- AA. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solutions.
- BB. Phosphorous. As used in this article means elemental phosphorous in its combined or uncombined forms as determined by using standard laboratory procedures.
- CC. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- DD. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- EE. POTW. Publicly Owned Treatment Works. Specifically, the City of Lebanon Authority's Wastewater Treatment Plant. See Publicly Owned Treatment Works.



- FF. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).
- GG. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard imposed on an industrial user.
- HH. Pretreatment Standards or Standard. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- II. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- JJ. Publicly Owned Treatment Works (POTW). A treatment works as defined by section 212 of the act, (33 U.S.C. 1292) which is owned in this instance by the Authority. This definition includes any sewers, that convey wastewater to the POTW, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this resolution. "POTW" shall also include any sewers that convey wastewaters to the POTW from person outside the City who are, by contract or agreement with the Authority, users of the Authority's POTW.
- KK. Shall is mandatory: May is permissive.
- LL. Significant Industrial User or SIU. Any Industrial User of the Authority's wastewater disposal system who (1) has a discharge flow of 25,000 gallons or more per average work day, or (2) has a flow greater than 5% of the flow in the Authority's wastewater treatment system, or (3) is subject to a categorical Pretreatment Standard, or (4) is found by the Authority, State Control Agency, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- MM. Significant Noncompliance or SNC. The Authority or a designee of the Authority shall publish annually, a list of the Users which, at any time during the previous 12 months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The terms Significant Noncompliance shall be applicable to all Significant Industrial Users and shall mean:
1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66%) or more of all measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits as defined in Section 2;
  2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous Limits, as

defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

3. Any other violation of a Pretreatment Standard or Requirement as defined in Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the 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, or has resulted in the Authority's exercise of their emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual Wastewater Contribution Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide within forty-five (45) days after the due date, any required reports, reports on compliance with categorical Pretreatment Standards, periodic self-monitoring reports, and reports on compliance schedules;
7. Failure to accurately report non compliance; or
8. Any other violation(s), which may include a violation of Best Management Practices, which the Authority determines will adversely affect the operation or implementation of the local pretreatment program.

NN. Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of this Resolution.

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

PP. State. State of Pennsylvania

QQ. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

RR. Authority. The person designated by the Authority to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

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

TT. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulation promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Act or other Acts.

- UU. User. Any person who contributes, causes or permits the contribution of wastewater into the Authority's POTW.
- VV. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- WW. Wastewater Contribution Permit. As set forth in Section 4.2 of this resolution.
- XX. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

### 1.3 Abbreviations

The following abbreviations shall have the designated meanings.

BOD	- Biochemical Oxygen Demand.
CFR	- Code of Federal Regulations.
COD	- Chemical Oxygen Demand.
EPA	- Environmental Protection Agency.
l	- Liter.
mg	- Milligrams.
mg/l	- Milligrams per liter.
N	- Ammonia Nitrogen
NPDES	- National Pollutant Discharge Elimination System.
P	- Phosphorous
pH	- The negative log of the hydrogen ion concentration as determined by standard methods.
POTW	- Publicly Owned Treatment Works.
ppm	- Parts per million
SIC	- Standard Industrial Classification.
SWDA	- Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
U.S.C.	- United States Code.
T.S.S.	- Total Suspended Solids.

## SECTION 2. Regulations.

### 2.1 General Discharge Prohibitions

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the collection system, POTW or cause pass through. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State, or Local Pretreatment Standards or Requirements. A user may not contribute the following substances to any POTW:

- A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or to be injurious in any other way to the POTW or to the operation of the POTW. 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 (LED) of the meter. Nor shall the discharge of a waste stream with a closed cup flash point of less than 140<sup>o</sup> Fahrenheit be allowed. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substance which the Authority, the State or EPA has notified the User is are a fire hazard or a hazard to the system.
- B. Solid or Viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through, garbage with particles greater than one-half inch (2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt, residues, residues from refining, or processing of fuel, mud, or glass grinding or polishing wastes.
- C. 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 POTW.
- D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- E. Any pollutants which result in the production of toxic gases, vapors, or fumes within the POTW or collection system in a quantity that may cause acute worker health and safety problems.

- F. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- G. Any substance which may cause the POTW'S effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- H. Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
- I. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- J. Any wastewater having a temperature that will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104<sup>0</sup>F) unless the POTW treatment plant is designed to accommodate such temperature.
- K. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities or pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- L. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Authority in compliance with applicable State or Federal regulations.
- M. Any wastewater which causes a hazard to human life or creates a public nuisance.
- N. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Authority
- O. Any trucked or hauled wastes unless discharged at points designated by the POTW.
- P. Wastewater causing alone or in conjunction with other sources, the POTW's effluent to fail a toxicity test or any requirements of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation).
- Q. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- R. Medical wastes except as specifically authorized by the Authority in a Wastewater Contribution Permit.

- S. Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW.
- T. Fats, oils, or greases of animal or vegetable origin in concentrations capable of causing POTW problems.

When the Authority determines that a User is contributing to the POTW, any of the above enumerated substances in such amounts as to Interfere with the operation of the POTW, the Authority shall: (1) Advise the User of the impact of the contribution on the POTW: and (2) Develop effluent limitation(s) for such User to correct the Interference with the POTW.

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 POTW.

## 2.2 Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this resolution for sources in that subcategory, shall immediately supersede the limitations imposed under this resolution. The Authority shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

## 2.3 Modification of Federal Categorical Pretreatment Standards

Where the Authority's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Authority may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Authority may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

## 2.4 Local Limits

- A. The Authority is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following Daily Maximum Limits.

- a. Arsenic: 0.2118 mg/l
- b. Cadmium: 0.0326 mg/l
- c. Chromium: 1.6385 mg/l
- d. Copper: 1.2792 mg/l
- e. Lead: 1.2838 mg/l
- f. Mercury: 0.0074 mg/l
- g. Nickel: 4.8158 mg/l
- h. Silver: 1.0783 mg/l
- i. Zinc: 4.0904 mg/l
- j. Cyanide: 0.9297 mg/l
- k. pH (Std. Units): Not less than 6.0 nor greater than 9.0.

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 Authority may impose mass limitations in addition to the concentration-based limitations above.

- C. The Authority may develop Best Management Practices (BMPs), by resolution or in individual Wastewater Contribution Permits to implement Local Limits and the requirements of Section 2.1.

## 2.5 State Requirements

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

## 2.6 Authority's Right of Revision

The Authority or an authorized representative thereof, reserves the right to establish by resolution and or permit, more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 1.1 of this resolution.

## 2.7 Excessive Discharge

- 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 the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Authority or State.
- B. The Authority reserves the right to require any industry having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows.
- C. Industrial or commercial establishments discharging sewerage and industrial wastes to the sewer system having an average five-day biochemical oxygen demand (BOD<sub>5</sub>) greater than 215 parts per million (ppm), a suspended solids concentration greater than 250 ppm, a total phosphorous (as P) content greater than 11 ppm or a total ammonia nitrogen (as N) content greater than 20 ppm shall pay a strength of waste surcharge, in addition to applicable volume charges, equal to 1/10 of one percent for each ppm by which the BOD<sub>5</sub> exceeds 215 ppm, plus 1/10 of one percent for each ppm by which the suspended solids exceeds 250 ppm, plus one and 1/10 of one percent for each ppm by

which the P concentration exceeds 11 ppm plus 7/10 of one percent for each ppm by which the ammonia-nitrogen exceeds 20 ppm.

<b>Pollutant</b>	<b>Exceedance Level</b>	<b>Waste Fee Surcharge</b>
average five-day biochemical oxygen demand (BOD <sub>5</sub> )	215 ppm	0.1% for each ppm above 215 ppm
suspended solids concentration	250 ppm	0.1% for each ppm above 250 ppm
total phosphorous (as P) content	11 ppm	0.1% for each ppm above 11 ppm
total ammonia nitrogen (as N) content	20 ppm	0.7% for each ppm above 20 ppm

Surcharges shall be applicable to billing for sewer rental rates currently in effect at the time of billing. The strength of sewerage and industrial waste to be used for establishing the amount of surcharge shall be determined at least once annually either:

1. By suitable sampling and analyses of the waste for a three-day period, during which time the strength of waste discharged or production is at a maximum;
2. By relating production of waste strength at the time of sampling to waste strength at maximum production if sampling is not performed at the time of maximum production;
3. From estimates made by the Authority; or
4. From known relationships of products produced to strengths of wastes for those industries where such factors have been established.

In establishing waste strengths for surcharge purposes, analysis shall be made in accordance with procedures approved for the analysis of non-potable water by a PADEP Laboratory accredited for the analysis.

## 2.8 Accidental Discharges/Slug Discharge Control Plans

The Authority shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The Authority may require any User to develop, submit for approval, and implement such a plan or take such other actions that may be necessary to control slug discharges. Alternately, the Authority may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Authority of any accidental or Slug Discharge, as required by Section 4.3.6 of this Resolution; 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.



### **SECTION 3. Fees**

#### 3.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from the Users of the Authority's Wastewater disposal system for the implementation of the program established herein. The established charges or fees shall be set forth in attachment "A" of this resolution.

#### 3.2 Charges and Fees

The Authority may adopt charges and fees which may include:

- A. Fees for reimbursement of costs of setting up and operating the Authority's Pretreatment Program;
- B. Fees for monitoring, inspections and surveillance procedures;
- C. Fees for reviewing accidental discharge procedures and construction;
- D. Fees for permit applications;
- E. Fees for filing appeals;
- F. Fees for consistent removal (by the POTW) of pollutants otherwise subject to Federal Pretreatment Standards;
- G. Other fees as the Authority may deem necessary to carry out the requirements contained herein.

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

### **SECTION 4. Administration**

#### 4.1 Wastewater Discharges

It shall be unlawful to discharge without an Authority permit to any natural outlet within the City of Lebanon, or in any area under the jurisdiction of said Authority, and/or to the POTW any wastewater except as authorized by the Authority in accordance with the provisions of this resolution.

#### 4.2 Wastewater Contribution Permits

##### 4.2.1 General Permits

All significant users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Contribution Permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 180 days after the effective date of this resolution.

#### 4.2.2 Permit Application

Users required to obtain a Wastewater Contribution Permit shall complete and file with the Authority, an application in the form prescribed by the Authority. Existing users shall apply for a Wastewater Contribution Permit within 30 days after the effective date of this resolution, and proposed users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- A. Name, address, and location, (if different from the address);
- B. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- C. Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this resolution as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- D. Time and duration of contribution;
- E. Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- G. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- H. Where known, the nature and concentration of any pollutants in the discharge which are limited by any Authority, 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) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;
- I. If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standards:

The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

2. No increment referred to in paragraph (1) shall exceed nine months.
  3. Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Authority.
- J. Each product produced by type, amount, process or processes and rate of production.
  - K. Type and amount of raw materials processed or processes and rate of production.
  - L. Number and type of employees, and hour of operation of plant and proposed or actual hours of operation of pretreatment system:
  - M. Any other information as may be deemed by the Authority to be necessary to evaluate the permit application.

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

#### 4.2.3 Permit Modifications

Within 3 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame described by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by 4.2.2, the User shall apply for a Wastewater Contribution Permit within 90 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Authority within 90 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (h) and (I) of section 4.2.2.

#### 4.2.4 Permit Conditions

Wastewater Contribution Permits shall be expressly subject to all provisions of this resolution and all other applicable regulations, user charges and fees established by the Authority. Permits may contain the following:

- A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- B. Limits on the average and maximum wastewater constituents and characteristics.;

- C. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- D. Applicable BMP's
- E. Requirements for installation and maintenance of inspection and sampling facilities.
- F. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- G. Compliance schedules:
- H. Requirements for submission of technical reports or discharge reports (see 4.3);
- I. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Authority, and affording the Authority access thereto;
- J. Requirements for approval by the Authority for any new introduction of wastewater constituents or any change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system before discharge commences.
- K. Requirements for notification of slug discharges as per 5.2;
- L. Requirements for the development and submittal of a Spill Prevention Control and Countermeasure Program;
- M. 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.
- N. Other conditions as deemed appropriate by the Authority to ensure compliance with this resolution.

#### 4.2.5 Permits Duration

Permits shall be issued for a specified time period, not to exceed two years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 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 Section 2 are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

#### 4.2.6 Permit Transfer

Wastewater Contribution Permits are issued to a specific User for a specific operation. A Wastewater Contribution Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation. without the approval of the Authority.

#### 4.3 Reporting Requirements for Permittee

##### 4.3.1 Baseline Monitoring Report

- A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Authority a report that contains the information listed in paragraph B, below. At least ninety (90) days prior to the commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Authority a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
1. Identifying information including the name and address of the facility including the name of the operator and owners.
  2. The User shall submit a list of any environmental control permits held by or for the facility.
  3. The User shall submit a brief description of the nature, average and current rate of production, and Standard Industrial Classification of the operations conducted by the User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  4. The User shall submit information showing the measured average daily and maximum daily flow in gallons per day as defined in 40 CFR 403.12(b)(4).
  5. The User shall identify the pretreatment standards applicable to each regulated process as defined in 40 CFR 403.12 (5).
  6. Measure of pollutants.

The User shall take at least one representative sample to compile that data necessary to comply with the requirements of this paragraph.

Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no

pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternative concentration or mass limit has been calculated in accordance with 40 CFR 403(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

The Authority may allow submission of a baseline monitoring report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

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 discharges to the POTW.

This report, reviewed by an authorized representative of the IU and certified to by a qualified professional shall state whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or pretreatment is required for the IU to meet the pretreatment standards.

If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards, the shortest schedule by which the IU will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standards and Requirements.

**Signature and Report Certification.** All baseline monitoring reports must be certified in accordance with section 4.3.2(1) of this resolution and signed by an Authorized representative as defined in Section 1.2(5).

Further, once in compliance, any IU subject to Categorical Pretreatment Standards, or in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently by the Pretreatment Standard or by the Control Authority, or the Approval Authority, a report indicating the nature and concentration of the pollutants in the effluent which are limited by such Categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period. Where the Control Authority has imposed mass limitations on IU's, this report shall include the mass of pollutants regulated by Pretreatment Standards in the discharge from the IU.

All analyses shall be performed in accordance with procedures established by the Administrator pursuant to section 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

#### 4.3.2 Periodic Compliance Reports

- A. Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of discharge into the POTW, and all IU's classified as Significant, shall submit to the Authority during the months of July and January unless required more frequently in the Pretreatment Standard or by the Authority, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards. This report shall contain the following oath: "I have personally examined and am familiar with the information submitted in the attached document and I hereby certify under penalty of law that this information was obtained in accordance with the requirements of paragraph 403.6 (a). Moreover based upon my inquiry of those individuals immediately responsible for obtaining the information reported herein, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment." In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph (b)(4) of this section. At the discretion of the Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Authority may agree to alter the months during which the above reports are to be submitted.
- B. The Authority may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Authority, or pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. (Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.)
- C. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- D. If a User subject to the reporting requirements in this section monitors any pollutant more frequently than required by the Authority, using the procedures

described in Section 4.3.4 of this Resolution, the results of this monitoring shall be included in this report.

#### 4.3.3 Reports from Unpermitted Users

All Users not required to obtain a Wastewater Contribution Permit shall provide appropriate reports to the Authority as may be required for the successful operation of the POTW.

#### 4.3.4 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by the User indicates a violation, the User must notify the Authority within twenty four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within thirty (30) days after becoming aware of the violation. The User is not required to re sample if the POTW monitors at the User's facility at least once a month, or if the POTW samples between the User's initial sampling and when the User receives the results of this sampling.

#### 4.3.5 Reports of Changed Conditions

Each User must notify the Authority of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before implementing the change.

- A. The Authority may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Contribution Permit Application under Section 4.2 of this resolution.
- B. The Authority may issue a Wastewater Contribution Permit under section 4.2.2 of this Resolution in response to changed conditions.

#### 4.3.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non routine, episodic nature, a non customary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such discharge, the User shall, unless waived by the Authority, submit a detailed written report describing the cause(s) of the discharge and the measure(s) to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this resolution.



- C. A notice shall be permanently posted on the Users bulletin board or other prominent place advising employees to call in the event of a discharge described in paragraph A above. Employers are to ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Authority immediately of any changes at its facility affecting the potential for a slug discharge.
- E. The discharge of hazardous wastes is prohibited.

#### 4.3.7 Sample Collection

- A. Except as indicated in Section B, below, the user must collect wastewater samples representative of normal discharge conditions using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, The Authority may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

#### 4.3.8 Record Keeping

Users subject to the reporting requirements of this Resolution shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this resolution and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements and documentation associated with Best Management Practices established under Section 2.4.C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Authority, or where the User has been specifically notified of a longer retention period by the Authority.

#### 4.4 Monitoring Facilities

The Authority shall require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system. The monitoring facility 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.

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 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. Construction shall be completed within 90 days following written notification by the Authority.

#### 4.5 Inspection and Sampling

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

#### 4.6 Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this resolution and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained as the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provisions of this resolution. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority prior to the user's initiation of the changes.

The Authority shall annually publish in the daily newspaper a list of the Users which were not in compliance with any Pretreatment Requirements or Standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

#### 4.7 Confidential Information

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge information, processes or methods of productions entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Resolution, the National Pollution Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Authority as confidential, shall not be transmitted to any governmental agency or to the general public by the Authority until and unless a ten-day notification is given to the User.

## **SECTION 5. Enforcement**

### **5.1 Harmful Contributions**

The Authority may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the 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, to the environment, causes Interference to the POTW or causes the Authority to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. 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 severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Authority shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Authority within 15 days of the date of occurrence.

### **5.2 Revocation of Permit**

Any User who violates the following conditions of this resolution or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of Section 5 of this resolution.

- A. Failure of a User to factually report the wastewater constituents and characteristics of his discharge;
- B. Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- C. Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- D. Violation of conditions of the permit.

### 5.3 Notification of Violation

Whenever the Authority finds that any User has violated or is violating this resolution, Wastewater Contribution Permit, or any prohibition, limitation or requirement contained herein, the Authority may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Authority by the User.

### 5.4 Consent Orders

The Authority is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the Industrial User responsible for the noncompliance. Such orders will include specific action to be taken by the Industrial User to correct the noncompliance within a time period also specified by the order. Consent Orders are to have the same force and effect as orders issued pursuant to section 5.7 below. The issuance of CONSENT ORDERS shall be governed by the adopted Enforcement Response Guide.

### 5.5 Cease and Desist Orders

When it is learned that an Industrial User has violated or continues to violate this resolution or any permit or order issued hereunder, the Authority or his authorized representative may issue an order to Cease and Desist all such violations and direct those persons in noncompliance to:

- A. Comply forthwith
- B. Take such appropriate or remedial action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

Cease and Desist Orders are to have the same force and effect as orders issued pursuant to section 5.7 below. The issuance of CEASE AND DESIST ORDERS shall be governed by the adopted Enforcement Response Guide.

### 5.6 Compliance Orders

When it is learned that an Industrial User has violated or continues to violate this resolution or any permit or order issued hereunder, the Authority or his authorized representative may issue an order to the Industrial User responsible for the discharge directing that 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 operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance including the installation of pretreatment technology, additional self monitoring, and management practices. Compliance Orders are to have the same force and effect as orders issued pursuant to section 5.7 below. The issuance of COMPLIANCE ORDERS shall be governed by the adopted Enforcement Response Guide.

## 5.7 Show Cause Hearing

### 5.7.1 Unauthorized Discharge

The Authority may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the Authority why the proposed enforcement action should not be taken. A 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 proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation. Violations which shall initiate the show cause process include but are not limited to:

- A. Isolated exceedance of local or federal standards resulting in harm to the environment or POTW.
- B. Recurring exceedance of local or federal standards resulting in harm to the environment or POTW.
- C. Submission of improperly signed or certified reports to POTW after notification of same.
- D. Reports which tend to be late or not submitted.
- E. Repeated failure to report spills.
- F. Compliance Schedule milestones are missed by more than 30 days or a delay of less than 30 days will affect the final milestone.
- G. Repeated use of dilution in lieu of pretreatment.

### 5.7.2 Show Cause Meeting Responsibilities

The Authority may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the assigned department 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 action thereon.

### 5.7.3 Testimony and Transcripts.

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

### 5.7.4 Discontinuation of Service

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.

## 5.8 Legal Action

If any Industrial User is in noncompliance with any Federal, State, or Authority Pretreatment Standards, Requirements, or the Authority Resolution, in accordance with the revised Federal Regulations issued October 17, 1988 (section 403.8(f)(1)(vi)(A)), the Authority's Attorney may seek civil or criminal penalties in at least the amount of \$1,000.00 per day for each violation but not more than \$25,000 per day for each violation.

## **SECTION 6: Penalty: Costs**

### 6.1 Injunctive Relief

When the Authority or other person designated by the Authority finds that a User has violated, or continues to violate, any provision of this resolution, a Wastewater Contribution Permit, or order issued hereunder, or any other Pretreatment Standard or requirement, the Authority or any other person designated by the Authority may petition the Lebanon County Court through the Authority's Solicitor for the issuance of a temporary or permanent injunction, as appropriate, to restrain or compel the specific performance of the Wastewater Contribution Permit, order, or other requirement imposed by this resolution on activities of the User. The Authority or other person designated by the City of Lebanon Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the User.

### 6.2 Civil Penalties

Any User who is found to have violated an Order of the Authority or who willfully or negligently failed to comply with any provisions of this Resolution and the orders, rules, regulations and permits issued hereunder, shall pay a Civil Penalty of not less than One Thousand Dollars nor more than Twenty-Five Thousand Dollars for each offense. 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, the City of Lebanon Authority may recover reasonable Attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suite at law against the person found to have violated this Resolution or the Orders, rules, regulations, and permits issued hereunder.

### 6.3 Criminal Prosecution

- A. A User who willfully or negligently violates any provision of this resolution, an individual Wastewater Contribution Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be punished in accordance with applicable State Law.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be punished in accordance with State Law 18 Pa. C. S. A. Sections 4904 Unsworn Falsification to Authorities. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this resolution, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this resolution, shall, upon conviction, be punished in accordance with State Law 18 Pa. C. S. A. Sections 4904 Unsworn Falsification to Authorities.

### 6.4 Remedies Nonexclusive

The remedies provided in this resolution are not exclusive. The Authority or other person designated by the Authority may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the City of Lebanon Authority's Enforcement Response Plan. However, the Authority or other person designated by the Authority may take other action against any User when the circumstances warrant. Further, the Authority or other person designated by the Authority is empowered to take more than one enforcement action against any noncompliant User.

### 6.5 Administrative Fines

When the Authority or other person designated by the Authority finds that a User has violated, or continues to violate, any provision of this Resolution, a Wastewater Contribution Permit or an Order issued hereunder, or any other Pretreatment Standard or requirement, the Authority or other person designated by the Authority may fine such User in an amount of not less than \$1,000 per day nor more than \$25,000 per day per violation. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or long term discharge limits, fines shall be assessed for each day during the period of violation.

Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of 2% of the unpaid balance, and interest shall accrue thereafter at a rate of 5 percent per month. A lien against the User's property will be sought for unpaid charges, fines, and penalties.

User's desiring to dispute such fines must file a written request for the Authority or other person designated by the Authority to reconsider the fine along with full payment of the fine amount within fourteen (14) calendar days of being notified of the fine. Where a request has merit, the Authority or other person designated by 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 or other person designated by the Authority

may add the costs of preparing Administrative Enforcement Actions, such as notices and orders, to the fine.



**SECTION 7. Industrial Sewer Connection Application**

The undersigned being the \_\_\_\_\_  
of the \_\_\_\_\_ property located at  
\_\_\_\_\_  
\_\_\_\_\_

does hereby request a permit to \_\_\_\_\_ an  
industrial sewer connection serving \_\_\_\_\_  
\_\_\_\_\_, which company is engaged in:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

at said location.

1. A plan of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A".

2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as Exhibit "B".

3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, representative analyses, and compliance with any applicable Pretreatment Standard or Requirements, is attached hereunto as Exhibit "C".

4. The name and address of the person or firm who will perform the work covered by this permit is:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In consideration of the granting of this permit the undersigned agrees:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the Authority.

2. To accept and abide by all provisions of Resolution No. 2009-5 of the City of Lebanon Authority, and of all other pertinent Resolutions or regulations that may be adopted in the future.

3. To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the wastewater treatment system of the industrial wastes involved, in an efficient manner at all times, and at no expense to the Authority.

4. To cooperate at all times with the Authority and his representatives in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.

5. To notify the Authority immediately in the event of any accident, or other occurrence that occasions contributor to the wastewater treatment system of any wastewater or substances prohibited or not covered by this permit.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

\$ \_\_\_\_\_ inspection fee paid on \_\_\_\_\_

Application approved and permit granted:

\_\_\_\_\_ Wastewater Systems Director's signature

\_\_\_\_\_ Date

## APPENDIX A - FEES

### FEES FOR RECOVERY OF INDUSTRIAL PRETREATMENT EXPENSES:

Preparation of Wastewater Contribution Permit	\$100.00
Notices of Violation Administrative Fee	\$150.00
Orders and other administrative work *	\$75.00/hour
Required Annual Industrial Inspection	\$75.00/hour
Perform Sampling Event	\$100.00
Lab Testing	Cost + 20%

*\* Covers initial assessment of Industry and possible activities such as reclassification, etc.*