

The Municipal Authority of the Borough of Bedford,
County of Bedford, Pennsylvania

**Establishing Rules and Regulations
Governing the Furnishing of Sanitary Sewer Service**

ADOPTED: January 7, 2026 via Resolution 2026-01S

SANITARY SEWER RULES AND REGULATIONS

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

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

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

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

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

SECTION 1: DEFINITIONS

1.01 Unless the context specifically indicates otherwise, the meaning of the terms use shall be as follows:

- A. Act, Clean Water Act: These terms shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- B. Application: Form upon which a prospective user signifies their desire for sewer service.
- C. Applicant for Sewer Connection: Any Person who owns a Premises and applies to the Authority for the installation of a Sewer Connection.
- D. Applicant for Sewer Service: Any User who applies to the Authority for Sewer Service via an existing or proposed Sewer Connection.
- E. Approval Authority: The Regional Administrator of Region III of the EPA.
- F. Authority or Authority Chairman: The Municipal Authority of the Borough of Bedford, County of Bedford, Pennsylvania and its duly authorized representatives and employees.
- G. Authorized or Duly Authorized Representative of the User:
 - 1. If the User is a corporation:
 - a. A principal executive officer of at least the level of president, secretary, treasurer or vice president in charge of a principal business

function or any other person who performs similar policy or decision-making functions for the corporation.

- b. A manager of one (1) or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including have the explicit or implicit duty of making major capital investment recommendations and initiate and direct other comprehensive measure to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permits requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- 2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- 3. If the User is a Federal, State or Local governmental facility:
 - a. A director or highest official appointed or designed to oversee the operation and performance of the activities of the government facility, or their designee.
- 4. The individuals described in paragraph 1 through 3, above, may designate a Duly Authorized Representative if such representative, by name or position, is:
 - a. Identified in writing and submitted to the Authority Manager.
 - b. Has authorization for the overall operation of the facility from with the discharge originates.
 - c. Has overall responsibility for environmental matters for the company.
- H. Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR § 403.5(a)(1) and (b) and these Rules and Regulations. BMPs also include treatment requirements, operating procedures, and practices to control industrial discharges to the Wastewater System, plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Industrial Users shall be required to implement appropriate BMPs based upon pretreatment technologies in place. Such

requirements shall be evaluated on a case-by-case basis and presented to the Industrial User by the Authority.

- I. B.O.D.: “Biochemical Oxygen Demand”, the quantity of oxygen utilized in the biochemical oxidation of the organic matter in said sewage or industrial waste under standard laboratory procedure in 5 days at 20 degrees C., expressed in parts per million by weight.
- J. Borough: Borough of Bedford, Bedford County, Pennsylvania.
- K. Building: Each single-family dwelling unit, multiple dwelling unit, multi-use unit, store, shop, office, business, institutional, commercial or industrial unit contained within any structure, erected and intended for continuous periodic habitation, occupancy or use by human beings or animals and from which structure sewage or wastes may be discharged into the Authority’s sewer mains.
- L. Building conduits: Pipes installed by the owner to convey sewage or waste from source to point of connection.
- M. Categorical Pretreatment Standard or Categorical Standard: Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- N. Connection/Tap Fee: The charge assessed by the Authority against new users of the Wastewater System for the purpose of reimbursing the capital costs related to the construction, expansion and maintenance of the Wastewater System.
- O. Control Authority: The term “Control Authority” shall refer to the Municipal Authority of Bedford Borough.
- P. Customer: The Owner of a Premises that is connected to a Sewer Main via a Sewer Connection.
- Q. Developer: Any person who desires to construct, at their own cost and expense, a Wastewater System extension to serve any one or more buildings and to connect the Wastewater System extension to the Wastewater System.
- R. E.D.U. (Equivalent Dwelling Unit): For the purpose of calculating estimated sewage flows and minimum User Charges that will be generated by a connection to the Authority’s Wastewater System - a single-family dwelling or that part of a multiple family dwelling, commercial or industrial establishment with flow equal to five thousand (5,000) gallon per quarter with waste having strength and character equal to what is usually and typically produced by residential

connections as determined by the Authority. See Section 18.03(B) for determining the minimum User Charge per E.D.U.

- S. Engineer: A registered professional engineer retained by the Authority, including any authorized member of the staff of the engineer.
- T. Garbage: Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage, and sale of produce.
- U. Hazardous Waste: Any solid waste which meets the criteria established pursuant to 40 CFR §261.3.
- V. High-strength waste: Any industrial waste having a suspended solid content or B.O.D. appreciably in excess of that normally found in municipal sewage. For the purpose of these Rules and Regulations, any industrial waste containing more than 350 parts per million, of suspended solids, or having B.O.D. in excess of 300 parts per millions, shall be considered a high-strength industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.
- W. Indirect Discharge or Discharge: The introduction of pollutants into the Wastewater System from any nondomestic source.
- X. Industrial wastes: Any liquid, gaseous or water borne wastes from industrial processes or commercial establishments.
- Y. Inspector: The person or persons appointed by the Authority to inspect the Wastewater System (including both public, semi-public, and private Wastewater System), service lines, connections and all other connections between building conduits and the sewer mains.
- Z. Interference: the condition in which a discharge, alone or in conjunction with discharges from other sources:
 - 1. Inhibits or disrupts the processes or operations of the wastewater treatment plant or the sewage collection system, or the processing, use or disposal of sludge.
 - 2. Is a cause of a violation of any requirement of the Authority's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provision and regulations or permits issued thereunder (or more stringent State or local regulations), §405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge

management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxics Substances Control, and the Marine Protection, Research and Sanctuaries Act; or which results in or increases the severity of a violation of other State or national environmental statutes, rules or regulations.

- AA. Lateral: That part of the Wastewater System including the wye, saddle and pipe extending from the Sewer Main to the property line, as owned and maintained by the Authority; and that part of the pipe extending from the property line to the Building, including observation ports, cleanouts, and other necessary appurtenances for service, as owned and maintained by the Owner.
- BB. May: Is permissive.
- CC. National Pretreatment Standards, Pretreatment Standard, or Standard: prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- DD. New Source:
 - 1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
 - 2. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of

Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program
 - i. any placement, assembly, or installation of facilities or equipment; or
 - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- EE. Owner: Any person vested with ownership, legal or equitable, sole or partial, of real estate service by the sewer system.
- FF. Pass Through: Discharge of pollutants from the Sewer System to the waters of the Commonwealth and either alone or in conjunction with other discharges, causes a violation of the Authority's NPDES permit or an increase in the magnitude or duration of any such violation; or the concentration of pollutants in the sludge so that the end use of the sludge causes or contributes to pollution, harm to the environment, or a violation of any State or national sludge disposal regulation, guideline or standard.
- GG. Person: An individual, firm, company, association, society corporation, or other group or entity.
- HH. pH: The logarithm to the base 10 of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods of the Examination of Water and Sewage" published by the American Public Health Association.
- II. Pre-treatment Requirement: Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard as outlined in 40 CFR 403.3(s), where

Pretreatment is defined as, the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; process changes; or by other means, except as prohibited by 40 CFR § 403.6(d).

- JJ. Service Line: That part of the sewer system including the wye, saddle, and pipe extending from the sewer main to the property line (connection).
- KK. Sewer Connection: That part of the sewer system extending from the end of the service line to the plumbing fixtures in the building.
- LL. Sewer Main: A pipe or conduit that carries sanitary sewage and other wastes and is owned by the Authority.
- MM. Sewer Service: The process whereby sewer is carried from residential, commercial and/or industrial sites to a wastewater treatment plant for processing.
- NN. Shall: Is mandatory.
- OO. Significant Noncompliance: The term Significant Noncompliance shall apply to Significant Industrial Users (or any other Industrial User that violates paragraphs 3, 4 or 8 of this Section) and shall mean:
 - 1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the sample pollutant parameter during a six-month (6) period exceed (by any magnitude), a numeric Pretreatment Standard or Requirement, including instantaneous limits as defined by 40 CFR 403.3(l)
 - 2. Technical Review Criteria (TRC) violations, defined here as those in which thirty- three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
 - 3. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the Control Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW

personnel or the general public);

4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
6. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self- monitoring reports, and reports on compliance with compliance-schedules;
7. Failure to accurately report non-compliance; or
8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.
9. Pursuant to the definition given for SNC the Control Authority recognizes the following items as additional types of SNC violations:
 - (a) When a violation continues after notifying the User to resolve the violation within a specified time frame or the violation is of a serious nature then it becomes a SNC violation.
 - (b) Failure to analyze listed pollutants according to an approved EPA procedure or an alternate analytical method approved by the Industrial Pretreatment Coordinator. The approved analytical method must have method detection limits (MDL) lower than set Categorical or Local Limits, unless the User demonstrates matrix inhibition in the Wastewater to the satisfaction of the Industrial Pretreatment Coordinator.

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

- PP. Slug Load or Slug Discharge: Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 10 of these Rules and Regulations. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass

Through, or in any other way violate the Wastewater System's regulations, Local Limits or Permit conditions.

- QQ. Suspended Solids: Solids that either float on the surface or are in suspension in water, sewage, industrial waste or other liquids, and which are removable by laboratory filtration.
- RR. Tenant: Any building occupant other than the owner who utilizes the services of the sewer system.
- SS. Unpolluted water or waste: Any water or waste containing none of the following: free or emulsified grease or soil; acid or alkali: phenols or other substances imparting taste and odor to receiving waters: toxic or poisonous substances in suspension, colloidal state or solution; obnoxious or odorous gases. It shall contain not more than 10,000 parts per million by weight or dissolved solids of chloride and not more than 10 parts per million each of suspended solids and B.O.D. The color shall not exceed 50 parts per million.
- TT. User: The party, whether Owner, tenant, agent or representative of the Owner, receiving wastewater service by the Authority for one or more families or a business or institutional unit on one property owned or tenanted by the party or parties. Special cases of the term "User" are defined below and those definitions shall prevail in all other sections of these Rules and Regulations unless specifically noted otherwise as part of that provision.
1. Residential User - All premises used only for human residency and which is connected to the Sewer System.
 2. Commercial User - Any property occupied by a non-residential establishment not within the definition of an "Industrial User" and is connected to the Sewer System. Refer to paragraph (3) below for a definition of "Industrial User."
 3. Industrial User – A non-residential source of indirect discharge.
 4. Non-Significant Categorical Industrial User – A special case of an Industrial User which shall refer to any User subject to the determination criteria listed in 40 CFR § 403.3(v)(2).
 - a. The Authority may designate an Industrial User as a Non-Significant Categorical Industrial User if that User never discharges more than one hundred (100) gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and if the following conditions are met:

- i. The User, prior to the Authority's findings, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
 - ii. The User annually submits certification required pursuant to 40 CFR § 403.12(q) and Section 12.23 B. of these Rules and Regulations together with any additional information necessary to support the certification statement; and
 - iii. The User never discharges untreated concentrated wastewater.
 - b. For the purposes of these Rules and Regulations, Non-Significant Industrial Users may periodically be referred to simply as "Industrial Users" and shall be classified as either a Tier 2 or Tier 3 discharger pursuant to Section 12.02 of these Rules and Regulations, dependent upon the provisions of that section.
- 5. Significant Industrial User –
 - 1. A User subject to categorical pretreatment standards; or
 - 2. A User that:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, cooling, noncontact cooling, and boiler blowdown wastewater);
 - b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the Control Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
 - 3. Upon a finding that a User meeting the criteria in Subsection 2. has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.
- UU. User Charge: The rental or charge imposed by the Authority for the use of the Wastewater System.
- VV. Waste Minimization Plan: A waste management approach that reduces the amount of toxicity of hazardous waste which involves but is not limited to source

reduction, or prevention pollution at its source; substitution of less toxic raw materials, redesigning products, reusing resources and/or modifying production processes.

WW. Wastewater System, Sewer System, Publicly-Owned Treatment Works (POTW): Terms describe the entire publicly owned treatment works as defined by Section 212 of the Act (33 U.S.C. Section 1292) which is owned by Municipal Authority of Bedford Borough. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

SECTION 2: GENERAL PROVISIONS

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

- 2.08 The Authority, bearing proper credentials and identification, shall be permitted to enter properties at any reasonable time for the purposes of inspection, observation, measurement, and sampling of the wastewater discharge to ensure that discharge to the Authority's wastewater facilities is in accordance with the provisions of these rules and regulations.
- 2.09 The Authority, bearing proper credentials and identification, shall be permitted to enter all private property through which the Authority holds an easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any of the Authority's wastewater facilities lying within the easement. All entry and any subsequent work on the easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.
- 2.10 No agent, or employee of the authority shall have the right or authority to bind the Authority by any promise, agreement or representation contrary to the letter of intent of these rules and regulations.
- 2.11 While performing the necessary work on private properties, the Authority shall observe all safety rules established by the owner or occupant of the property and applicable to the premises.
- 2.12 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the Authority's wastewater facilities. Any person who violates this section shall be guilty of a misdemeanor and, upon conviction, is punishable by a fine in an amount not to exceed three hundred dollars (\$300.00).
- 2.13 A finding by any court or other jurisdiction that any part or provision of these rules and regulations is invalid shall not affect the validity of any other part or provision of these rules and regulations which can be given effect without the invalid parts or provisions.

SECTION 3: CONDITIONS AND PROCEDURES FOR INITIAL SERVICE

- 3.01 No person shall make or cause to be made any connection with the sewer system until they have fulfilled all of the following conditions and procedures:
- A. Any person desiring the introduction of a service line and/or connection from the Authority's mains into their building must first make a written Application for a Sewer Connection on the form furnished by the Authority, at least two (2) weeks before the service is required, stating the address location, the name of the user, the purpose for which service will be used and the size of service line and connection desired and other information, as requested. No work of any nature shall commence before the issuance of the aforementioned permit.
 - B. The application must be signed by the owner of the building or his duly authorized agent. The application together with the rules and regulations of the Authority shall regulate and control the provision of sewer service to the building.
 - C. The application must be accompanied by the required service line charge and any other fees established by the Authority.
 - D. The application must contain indication of the date when the connection will be ready for inspection and making connection.
 - E. The owner will be granted a permit upon meeting the Authority's application procedure.
- 3.02 When an application has been made for a new service or for reinstatement or change in an existing service, it is assumed that all plumbing, piping, and fixtures which will be serviced are in order to receive the service; and the Authority shall not be liable for any accident, breaks or leakage arising in any way in connection with the acceptance of sewage flow or failure to accept sewage flow, or the freezing of pipes or fixtures, nor for any damage to the building which may result from the usage or non-usage of sewer service provided to the building.
- 3.03 The Customer shall notify the inspector, at least twenty-four (24) hours prior to the time when connection will be made, in order that the inspector can be present to inspect and approve the work of connection.
- 3.04 At the time of inspection of the connection, the owner shall permit the inspector full and complete access to all pipes, and drainage facilities in each building and about all parts of the property. No portion of the connection shall be covered over, or in any manner concealed, until after it is inspected and approved by the inspector.
- 3.05 The Authority may require the owner to hydrostatically, pneumatically, dye or smoke test the connection, at the discretion of, and in a manner determined by the Authority. In no

case shall infiltration/exfiltration exceed one hundred (100) gallons per day per inch diameter per mile of pipe.

- 3.06 The inspector shall signify his approval of the connection by endorsing his name and the date of approval on the permit.
- 3.07 Notwithstanding any other provisions to the contrary, the Authority shall at all times reserve the right to withhold the issuance of any permit for connection to the sewer system unless the applicant provides collateral or security as the Authority in its sole and absolute discretion deems adequate to insure a fund from which all costs and expenses can be paid for the construction of any necessary connection from the existing sewer main to the owner's property in the event the owner or any successor fails to complete the construction.
- 3.08 The Authority shall not permit connection to the sewer system unless adequate capacity to convey and treat the wastewater is available and not legally committed to other users.

SECTION 4: CONNECTION/TAP FEES

4.01 Connection/tap fees in conformance with the following schedule shall be paid to the Authority concurrent with the filing an application for service:

- A. Residential or Non-Residential Sewer Connection where a service line exists at the time of application – please refer to the current Fee Schedule.
- B. Residential or Non-Residential Sewer Connection where a new service line must be installed by the Authority – please refer to the current Fee Schedule.

SECTION 5: SPECIFICATIONS AND STANDARDS

- 5.01 A separate connection shall be required for each building whether constructed as a detached unit or as one of a pair or row. Townhouses and rowhouses shall have separate connections for each unit. A single connection may be permitted to serve a school, factory, or other permanent multiple dwelling unit or multiple use unit structure whose individual units may not be subject to separate ownership, at the discretion of the Authority.
- A. Existing connections to the Wastewater System that serve three (3) or more residential units shall be exempted from the rule described in 5.01 above. Under no circumstances shall a new connection to the Wastewater System be exempted from this rule.
- 5.02 No repairs, alterations or additions to any connection shall be made unless the person desiring to make them shall first make application to and receive permission from the Authority.
- 5.03 No user shall be allowed to permit any other persons or buildings to use or connect with his connection except upon written permission of the Authority.
- 5.04 The minimum size gravity connection for any buildings shall be four (4) inch diameter pipe laid on a minimum grade on one quarter (1/4) inch per foot of length and having permanently sealed watertight and gas tight joints. The minimum size pressure connection shall be one and one quarter (1.25) inch diameter. The size of the connection serving other than detached residential units shall be considered on an individual basis by the Authority.
- 5.05 Service lines and/or connections shall not be installed when the connection passes through property which at the time may be the property of persons other than the owner of the building to be served, unless the owner of the building to be served obtains a right-of-way from the person whose property the connection will pass through. The right-of-way shall be recorded with the County Recorder of Deeds. The connection of the service line to the connection shall be placed at the limit of right-of-way abutting the sewer main. The owner of the building to be served shall be responsible for maintenance of the connection. No other person may connect to the connection.
- 5.06 When an Owner desires sewer service to a building which does not have any existing sewer main or an existing sewer main of adequate capacity in the roadway abutting the building, the owner shall be required to extend the sewer main at his sole cost. Size of the sewer main and length that sewer main will have to be extended shall be determined by the engineer. The extension shall require the written permission of the Authority, and, if appropriate, the proper Commonwealth Permits obtained in the name of the Authority at the sole cost of the owner.

- 5.07 No connection shall be laid in the same trench with a water or gas pipe or with any facility of a public service company, or within three feet of any excavation or vault.
- 5.08 All connections shall be placed with at least four (4) inches of No. 57 limestone aggregate between pipe and any boulder or rock strata. All connection pipe shall have at least thirty (30) inches of cover, mechanically tamped in layers not to exceed twelve (12) inches. All connection pipe will be laid in a straight alignment. Under driveways, connection pipe shall be placed on a four (4) inch No. 57 limestone aggregate base and backfilled with No. 57 limestone aggregate to at least twelve (12) inches above top of pipe. Where rock is encountered on the trench bottom, over-excavate six (6) inches and backfill with No. 57 limestone aggregate.
- 5.09 All excavations required for connection lines shall be guarded with barricades to protect the public from hazard.
- 5.10 All gravity services lines shall be type SDR 35 PVC pipe conforming to ASTM D3034 or equal. Pipe and fittings shall have bell and spigot type elastomeric gasketed joints. Gaskets shall meet the requirements of ASTM F477. PVC Schedule 40 pipe conforming to ASTM D-1785 may be used for vent and trap assemblies.
- 5.11 All work must comply with the General Specifications on file with the Municipal Authority of the Borough of Bedford.
- 5.12 Floor drains/Foundation/French/Driveway/Yard drains and any other drains or pumps which are designed to drain surface or ground water are prohibited from the sewer system and shall not be connected to the Building Sewer or Service Line. For floor drains located within a building that have the potential to discharge unpermitted or prohibited wastestreams, the control authority may require permanent closure or plumbing modifications to ensure discharge quality.
- 5.13 All service lines shall include a vertical riser pipe extended to grade from a tee in the pipe. The riser pipe shall be of the same diameter and material as the service line and shall be located as close as possible to edge of right of way or easement. The pipe shall be terminated at least 2" below the finished ground elevation and furnished with a screw-on cap to circumvent inflow and/or vandalism. The riser shall be enclosed in an approved casting and set on a concrete base. All materials shall conform with the Authority's specifications and costs of material/installation shall be the responsibility of the owner.
- 5.14 Unless otherwise authorized by the Authority or its representative, cleanouts shall be provided in each House Connection and at intervals to permit complete rodding with a 100 feet (100') long auger or tape. Cleanouts shall be constructed using a wye fitting in the run of the pipe with a 45-degree bend and riser to the ground surface. The riser pipe shall be provided with a standard 4" screw type ferrule. Any cleanouts in a load bearing area shall be protected by a cast iron framed cover.

- 5.15 All hotels, restaurants, boarding houses, and public eating places shall install grease traps on the Service Lines. The grease traps shall comply with the requirement of Section 9 in these Rules and Regulations. All service stations, garages, factory buildings, or commercial establishments handling oils, petroleum products, washing cars, trucks, or other machinery shall install pre-treatment measure in accordance with Uniform Plumbing Code requirements and shall be approved by the Authority.
- 5.16 Connections to the lateral sewer shall be made with an approved adaptor, coupling, reducing fitting or combination thereof. All fittings, couplings and adapters shall be installed and joined in accordance with the pipe manufacturer's recommendations.
- 5.17 Projecting the smaller pipe in the larger and sealing will not be permitted.
- 5.18 All connections to Sewers shall be made at curb line, right-of-way or easement unless specifically authorized by the Authority. Where no Sewer Connection has previously been constructed, the connection to the Sewer main and the construction of the Lateral Sewer from the Sewer main to the curb line shall be made by the Authority unless other specific authorization is given by the Authority.
- 5.19 All construction, reconstruction, and alterations of Sewer Connections and appurtenances shall be performed in a competent workmanlike manner in accordance with recognized standards of the plumbing trade and the specifications currently on file with the Authority. The Authority shall stop or require reconstruction of any work not forming to these standards or specifications.

SECTION 6: EXTENSION OF SEWER SYSTEM

- 6.01 Any developer in addition to the foregoing, shall comply with the provisions of this Section.
- 6.02 A request for service for buildings where sewer main would be below an elevation which would require pumping facilities as determined by the engineer, which would be an additional operation and maintenance cost for the Authority will be discouraged.
- 6.03 The developer shall submit five (5) copies of plans for the proposed extension of the sewer system to the engineer for review, comments, recommendations and approval on 24" x 36" sheets showing plan views to a scale of 1" = 50' and profiles to a scale of 1" = 10' vertically and 1" = 50' horizontally, a north point, a suitable title block, date and the name of the developers engineer and imprint of his registration seal.
- 6.04 Prior to final acceptance of any sewer system extension by the Authority, the developer shall furnish to the Authority "Record Drawings" showing the location of all sewer mains, manholes, and service connections relative to permanent landmarks such as distance between manholes, the top and invert elevation of each manhole, and the location of all service connections relative to the nearest manhole both upstream and downstream.
- 6.05 Easements for sewer mains and service lines constructed outside of dedicated street rights-of-way shall have written approval of required widths and be recorded in the name of the Authority.
- 6.06 All construction shall comply with the General Specifications on file with the Authority.
- 6.07 Construction of sewer system extensions will not be permitted until proper Municipal approvals, Commonwealth permits and easements (if necessary) have been obtained in the name of the Authority at the sole cost and expense of the Developer. The Developer must also submit Shop Drawings for Authority review and approval prior to initiating construction. A copy of approved shop drawings shall be kept on site at all times. No materials shall be installed without prior shop drawing approval.
- 6.08 Depending on layout of existing sewer collection system and/or potential for future development beyond the area in question, the size of a sewer main extension could vary, based upon engineer review and recommendations.
- 6.09 Service lines shall be installed while sewer main extension is being constructed.
- 6.10 The Authority will make the connection of the sewer main extension to the sewer system. The developer shall furnish the necessary fitting and/or manhole to make the connection.
- 6.11 The sewer mains and all appurtenances shall be subject to full-time inspection by the Authority's representative at the sole cost of the developer. If the installation of the sewer mains or appurtenances has been properly made, written approval will be

furnished to the developer or his designated representative. If the work is not satisfactory, the inspector shall advise what must be done to meet the Authority requirements.

- 6.12 No sewer main extension constructed by developer will be approved for use and acceptance by the Authority until the sewer main is formally approved by the Authority, all connection and inspection fees have been paid, the Authority has been reimbursed in full for all inspection costs incurred by the inspector during construction, the extension has successfully passed testing requirements, maintenance requirements have been satisfied and the sewer main extension has been dedicated to the Authority.

SECTION 7: MAINTENANCE AND REPAIR

- 7.01 The Authority shall have the ultimate responsibility for the use, operation, maintenance, and repair of the sewer system from the terminal point of the interceptors up to and including the point of connection.
- 7.02 All connections to the sewer system are the responsibility of the Customer and shall be maintained and repaired by the owner at his own cost. The repairs to the connection shall be subject to the direction, approval, and inspection of the Authority.
- 7.03 The Authority reserves the sole right to excavate or allow excavation of any sewer system component.
- 7.04 The Authority shall in no event be responsible for maintenance, or damage done by sewage escaping from the connection or any other pipe or fixture on the inlet side of the point of connection.
- 7.05 The Customer shall keep the connection from the service line to the building in good condition at all times under penalty of discontinuance of service by the Authority. However, should a serious break or other accident occur on the owner's property which would threaten the Authority's sewer system or its capacity, the Authority reserves the right to discontinue service without notice until such time as the condition is corrected.
- 7.06 In the case of leakage, either into, or out of the sewers, the location of which is not readily apparent, the Authority will upon request of the user excavate in and about the point of connection for the purpose of determining the responsibility for the leak. The Authority shall assume the costs of work if it's found that the leak is located between the point of connection and the sewer main. If the leak is determined to be between the point of connection and the building, the owner shall reimburse the Authority for the actual costs of the work required to determine responsibility.
- 7.07 The Authority may at any time require user to install in connection with his service pipes, such vented, traps, gates, or other apparatus as may be in the opinion of the Authority required for the safeguarding and protection of the Authority's or Customer's property.
- 7.08 When it is necessary to renew an existing service line, the Authority will renew service line of the same size in the same location as the old one. If the owner, for his own convenience, desires the new service line at some other location, and agrees to pay all expenses of terminating the old service line at the main wye or tee, and all the costs of a new wye or tee on the main and any additional pipe, excavation, and resurfacing, if any, the Authority will place the new service line at the location desired if possible.
- 7.09 When the Customer desires a change in location or size of an existing service line, the cost of the change shall be borne entirely by the Customer.
- 7.10 Sanitary Sewer Lateral Testing

A. Lateral Testing by Authority

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

B. Testing by Owner

1. The Owner of every improved property connected to the Wastewater System shall pneumatically test, in accordance with the standards and procedures set forth herein, all buried portions of each Lateral from the Point of Connection to the foundation of the structure. The testing required by this Section must be completed on or before July 1, 2022.

C. Installation of Observation Port and Clean Out

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

D. Testing Standards

1. An improved property shall be deemed to have passed the testing required by Section 7.10(B)(1) when it has been tested as required herein, the test has been witnessed by an Authority representative, and it has been properly documented on an Inspection Record that the Improved Property is in compliance with the following standards:
 - a. Testing by air wherein all buried piping is pressurized with air to a minimum of five pounds per square inch (5 psi) and thereafter held

for a period of fifteen (15) minutes with no noticeable pressure drop.

E. Required Repairs and Remediation

1. In the event the testing reveals that the improved property does not meet the standards set forth in Section 7.10(D)(1), or in the event the Authority representative witnessing the test identifies any illegal connections, the illegal connections shall be eliminated and/or the Lateral be repaired, replaced, or rehabilitated at the Owner's expense, and the Improved Property shall be re-tested within six (6) months of the date of the notice. If the condition does not create a health hazard, and the original test was conducted on or before July 1, 2022, the Authority, upon request of the Owner, may extend the deadline for the elimination of illegal connections and completion of repairs, replacements, and rehabilitation until November 30, 2022.

F. Inspection Fees and Procedures

1. The Owner shall be responsible for ensuring that the observation port and cleanout required by Section 7.10(C)(1 and 2) are installed prior to scheduling a test and shall have the testing contractor present and prepared to begin the test at the time scheduled. Requests for inspection or witnessing of the testing must be made a minimum of seventy-two (72) hours in advance of the requested time. The Authority will allow a maximum of thirty (30) minutes per test and the witnessing shall be for the actual test itself, not for preliminary hook up or other work which precedes the actual test. (NOTE: It is the intent of this Regulation that the Authority Inspector is scheduled only to witness a passing Air Test.) The Authority representative shall make the sole determination as to when the actual testing period commences and thereafter when the duration of the test has expired. Upon successful completion of the testing required by this Section, the Authority representative shall signify his/her approval by affixing his/her signature and dating the completed "Certificate of Sewage Compliance." The Owner shall pay a fee to witness the testing to the Authority of twenty-five dollars (\$25.00) for each and every test and/or re-test. The Authority will waive the fee for the initial test for each Improved Property during the calendar year 2022.
2. Should a sewer lateral need to be replaced, an inspection shall be conducted by a MABB representative prior to backfilling. Please be advised that an inspection fee shall apply. Please refer to the current Fee

Schedule. The Authority will waive the inspection fee for the calendar year 2022.

G. Enforcement

1. Failure to perform the required testing by July 1, 2022 or completing the necessary improvements by November 30, 2022 shall be deemed a violation of these Rules and Regulations. In such circumstances, the Authority shall take one or more of the following actions:
 - a. The Authority may apply a surcharge to the customer's quarterly bill. The surcharge to be assessed shall be based on the customer's usage as follows:
 - i. 1st Quarter 50%
 - ii. 2nd Quarter 75%
 - iii. 3rd Quarter and Beyond 100%
 - b. The applicable surcharge shall be assessed until such time that required repairs are made.
 - c. The Authority may discontinue water service to the property, and disconnect the non-compliant sewer lateral from the sewer main.
 - d. The Authority may enter the property to correct the condition(s) and collect the cost of such correction(s), plus ten (10%) percent of all costs. The Authority, in such event, shall have the right and power to enter upon the offending premises to accomplish the foregoing.
 - e. The requirements of this Regulation may also be enforced by the Authority in an action in Equity brought in the Court of Common Pleas of Bedford County, Pennsylvania.

H. Definitions

1. Capitalized terms not otherwise defined herein shall have the meanings set forth in the Authority Rules and Regulations.

SECTION 8: UNLAWFUL USE OF SEWER SYSTEM

- 8.01 No person connected to a service line of the Authority's sewer system shall discharge or cause to be discharged into the sewer system any storm water, surface drainage, ground drainage, roof runoff, subsurface drainage, spring water, or foundation drainage, or connect or cause to be connected to the sewer system in any way within or without the building of any pipe, tile, or conduit which as the capacity or purpose of conveying such waters.
- 8.02 No person shall connect, cause to be connected, or allow any other person to connect to the sewer system any building or other source of water or waste other than that for which the permit is or has been issued.
- 8.03 No person shall connect, cause to be connected, or allow any other person to connect, in any way to the sewer system any septic tank, cesspool, privy vault, or other depository of sewage or wastes, or cause or allow any discharge from any of the depositories to the sewer system, unless otherwise approved in writing by the Authority.
- 8.04 No person shall make, or cause to be made, any cross connection between any pipe, fixture, or other appurtenance connected in any way to the sewer system and any public or private component of any potable water system or source whereby, in the opinion of the Authority, the potential exists for vacuums or back siphonage which could permit sanitary wastes to enter a potable water system or source.

SECTION 9: GREASE INTERCEPTOR REQUIREMENTS

9.01 Definitions

- A. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:
1. "Building discharge line system" means a sewer line or lines maintained and controlled by private persons for the purpose of conveying sewage from the waste producing location to the sanitary sewer collection system, also referred to as "service line".
 2. "C.U.F." or "categorical use factor" means a number used as a weight factor in the calculation of grease interceptor sizing. The categorical use factor is based on the type of facility and what activities that facility is involved in.
 3. "Common grease interceptor" means an interceptor to which grease wastes are directed from more than one facility having different operators or type of operations, such as in a food court.
 4. "Director" means the director or manager of the Authority, or designee, who has been given the administrative authority to enforce this chapter.
 5. "Food courts" mean areas predominantly found in shopping centers or amusement parks and festivals where several food preparation establishments having different owners may be sharing seating space and/or plumbing facilities.
 6. "Food service facility" means any facility which cuts, cooks, bakes, prepares or serves food, or which disposes of food-related wastes.
 7. "Garbage grinder" means a device which shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer collection system.
 8. "Generator" means a user, by site, who produces wastes from the user's process operations. The generator is responsible for assuring that the produced waste is disposed of in accordance with all federal, state and local disposal regulations.
 9. "Grease" means a material composed primarily of fatty matter from animal or vegetable sources or from hydrocarbons of petroleum origins. The terms "oil and grease" or "oil and grease substances" shall be

deemed as grease by definition.

10. "Grease interceptor" means a device so constructed as to separate and trap or hold, oil and grease substances from the sewage discharged from a facility in order to keep oil and grease substances from entering the sanitary sewer collection system. "Under the sink" grease interceptors shall not be construed as meeting the grease interceptor definition in this chapter.
11. "NPDES" means National Pollution Discharge Elimination System under which the Bedford Borough Wastewater Treatment Plant is permitted.
12. "POTW" means publicly owned treatment works or "treatment works" as defined by Section 212 of the Clean Water Act (33 U.S.C. Section 1292) which is owned or operated in this instance by the Municipal Authority of the Borough of Bedford. This definition includes any sewers that convey wastewater to the Bedford Borough Wastewater Treatment Plant.
13. "Pretreatment administrator" means an individual representing the Authority who is charged with the responsibility of administering the provisions of the pretreatment program to ensure compliance by users with applicable laws, rules, regulations, resolutions and ordinances relative to the concentration(s) of substances found in the waste stream of facilities connected to the POTW.
14. "Sewage" means the liquid and water-carried domestic or industrial wastes from dwellings, commercial establishments, industrial facilities and institutions, whether treated or untreated. The terms "waste" and "wastewater" shall be deemed as sewage by definition.
15. "Transporter" is a user who transfers waste from the site of a generator to an approved site for disposal or treatment. The transporter is responsible for assuring that all federal, state and local regulations are followed regarding waste transport.
16. "Under the sink grease interceptor" means a device placed under, or in close proximity to, sinks or other facilities likely to discharge grease in an attempt to separate, trap or hold oil and grease substances to prevent their entry into the sanitary sewer collection system. Such "under the sink grease interceptors" are not "grease interceptors" for purposes of this chapter because they are generally undersized and located too close to the grease discharging source to effectively prevent substantial amounts of grease from entering the sanitary sewer collection system.

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

9.02 General Criteria - Waste Discharge Requirements

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

9.03 General Criteria - Design

- A. Grease interceptors shall be constructed in accordance with the design(s) approved by the Authority and shall have a minimum of two compartments with fittings designed for grease retention. Other grease removal devices or technologies not meeting the grease interceptor definition in Section 9.01 shall be subject to the written approval of the Authority. Such approval shall be based on demonstrated removal efficiencies of the proposed technology. "Under the sink" grease interceptors shall not be approved.
- B. There shall be an adequate number of access points for cleaning all areas of the grease interceptor. Covers shall be gas tight in construction.
- C. In areas where additional weight loads may exist, the grease interceptor shall be designed to have adequate load-bearing capacity.

9.04 General Criteria - Location

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

designee. Location of the grease interceptor shall meet the approval of the Authority.

9.05 General Criteria - Grease Interceptor Size

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

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

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

Where:

Size = Total volume (in gallons) of the grease interceptor

T.O.R. = Turnover rate which averages two meals (place settings) per table per hour

C.U.F. = Categorical use factor

2.5 = The average water (in gallons) used per place setting

S.C. = Seating capacity in subject facility (or bed usage for care facilities)

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

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

Where:

Size = Total volume (in gallons) of the grease interceptor

H.O. = Number of hours of operation per day

C.U.F. = Categorical use factor

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

9.06 Specific Criteria - Determination of Gravity Grease Interceptor Size

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

1. Category A - Restaurants/Cafeterias

- a. Full or limited service with the capability to serve or prepare one hundred or more meals per day.

- b. Plumbing fixtures: pot sinks, two or three compartment sinks, hand sinks, mop sinks, floor sinks and one dishwasher, all connected or to be connected to the grease interceptor.
 - c. Equipment: A minimum of one grill or one fryer and one to three ovens.
 - d. Formula: $2.0 \times \text{C.U.F.} \times 2.5 \times \text{seating}$
 - e. $\text{C.U.F.} = 1.0$; $2.0 \times 1.0 \times 2.5 \times \text{seating}$
- 2. Category A-1
 - a. Same criteria as the previous category with the following additions listed:
 - b. Plumbing fixtures: Garbage grinder connected to the grease interceptor.
 - c. Equipment: Same as Category A.
 - d. Formula: $2.0 \times \text{C.U.F.} \times 2.5 \times \text{seating}$
 - e. $\text{C.U.F.} = 1.25$; $2.0 \times 1.25 \times 2.5 \times \text{seating}$
- 3. Category A-2
 - a. Same criteria as Category A-1 with the following additions and differences listed:
 - b. Plumbing fixtures: For each additional garbage grinder and dishwasher there will be a factor of .25 added to the categorical use factor (C.U.F.).
 - c. Equipment: For each additional "wok" stove, deep fryer and grill there will be a factor of .50 added to the categorical use factor.
 - d. Formula: $2.0 \times \text{C.U.F.} \times 2.5 \times \text{seating}$
- 4. Category B
 - a. This category is for hospitals, schools, institutions and care facilities.
 - b. Formula: Hospitals/schools: $2.0 \times \text{C.U.F.} \times 2.5 \times \text{bed usage or seating}$
 - c. $\text{C.U.F.} = 0.75$; $2.0 \times 0.75 \times 2.5 \times \text{bed usage or seating}$
 - d. Institutions/care facilities: $2.0 \times \text{C.U.F.} \times 2.5 \times \text{bed usage/seating}$
 - e. $\text{C.U.F.} = 1.0$; $2.0 \times 1.0 \times 2.5 \times \text{bed usage/seating}$

5. Category C

- a. This category is for clubs, bars and dance halls with limited food service facilities.
- b. Formula: $0.25 \times \text{C.U.F.} \times 2.5 \times \text{seating}$
- c. $\text{C.U.F.} = 1.0$; $0.25 \times 1.0 \times 2.5 \times \text{seating}$
- d. Note: The formulas for categories A through C will be adjusted by the following when necessary:
 - i. A value of .25 will be added to the categorical use factor for each dishwasher or garbage grinder directed to the grease interceptor above the number of one each.
 - ii. A value of .50 will be added to the C.U.F. for each additional deep fryer or grill above the number of one each.

6. Category D

- a. This category encompasses deli stores with meat cutting facilities, supermarkets with meat cutting or bakery capabilities, retail and wholesale bakery facilities, and butcher shops.
- b. Formula: $(\text{Hours of operation}) \times \text{C.U.F.} \times 10$
- c. $\text{C.U.F.} = 4.0$; $(\text{Hours of operation}) \times 4.0 \times 10$
- d. For each of the following conditions a factor of .50 is to be added to the C.U.F. value of 4.0 when dealing with meat cutting:
 - i. More than one floor drain;
 - ii. Complete cooking of meats.
- e. When dealing with retail type bakeries or supermarkets that have bakery facilities in addition to a deli and/or meat cutting, the bakery shall be sized separately using the same formula as above with the depletion of the .50 adjustment for the complete cooking of meats. There is an adjustment of an addition of 1.5 to the C.U.F. when dealing with bakeries that are wholesale only or are of the industrial classification.

7. Category E

- a. This category is for food courts or "common" grease interceptors.

- b. Common grease interceptors shall be sized by separating each of the potential contributors by category, then calculating a grease interceptor size for each separate food court tenant, and then combining the calculations to determine the total common grease interceptor size. When seating is shared among several tenants, the seating capacity for each facility shall be calculated by dividing the total number of seats by the number of facilities.

8. Category F

- a. This category is for all other types of food manufacturing. It shall include but not be limited to commissaries, commercial kitchens and caterers. Grease interceptors must be sized on an individual case by case basis. Whenever a manufacturing operation is evaluated, it must be noted that a manhole for monitoring purposes will be required in addition to a minimum of a one thousand five-hundred-gallon grease interceptor.

9. Category G

- a. This category shall include all apartment complexes or areas of intensified dwelling which are found by the Authority to be contributing an excessive amount of grease to the sanitary sewer collection system. When such an area is found to be contributing grease in quantities sufficient to cause main line stoppages or necessitate increased maintenance on the sanitary sewer collection system in order to keep main line stoppages from occurring, said user(s) shall be directed to cease discharging grease and/or be required to install a grease interceptor. For grease interceptor sizing, each case shall be evaluated separately.

9.07 Alternative Grease Interceptor Systems

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

9.08 Installation Requirements

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

9.09 Grease Interceptor Maintenance

- A. Pumping. All grease interceptors shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other grease interceptor, for the purpose of reducing the volume to be disposed, is prohibited.

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

9.10 Permit Requirements

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

employees from any liabilities arising from the permit holder's operations under this permit.

C. Fees.

1. Permit Fees.

- a. Fees for grease discharge permits shall be set by the Authority. The fees shall be established to ensure full cost recovery and shall include, but not be limited to, the cost of field, administrative, engineering and clerical expenses involved.
- b. Every food service facility which does not have an approved grease interceptor or other approved grease removal system shall be subject to an annual permit fee. The fees cover the costs associated with grease removal expenses incurred by the Authority.
- c. Annual permit fee shall be applied to the permittee's quarterly sewer service bill and be paid in accordance with the schedule set forth in the billing document. See Fee Schedule for current permit fees.

9.11 Administrative Requirements

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

1. Generator information:

Name
Address
Volume pumped
Date and time of pumping
Signature of generator verifying generator information

2. Transporter information:

Company name
Address
Driver name and signature verifying transporter information

3. Receiving facility information:

Facility name
Address
Date and time of receiving signature verifying receipt of waste

4. Upon receipt of the waste, the receiving facility shall send one copy of each manifest to the following address: Municipal Authority of the Borough of Bedford, 244 West Penn Street, Bedford, PA 15522.
- B. Maintenance Log. A log indicating each pumping for the previous twelve months shall be maintained by each facility required to install a grease interceptor. This log shall include the date, time, amount pumped, hauler and disposal site, and shall be kept in a conspicuous location for inspection. Said log shall be made immediately available to any representative of the Authority upon request.
- C. Reporting. The reporting periods shall be January 1st through March 31st; April 1st through June 30th; July 1st through September 30th; and October 1st through December 31st of each year. Reports, along with a copy of service receipt, shall be submitted to MABB by 3:30 pm on April 10th, July 10th, October 10th and January 10th each year. Failure to submit a quarterly report with proof of service may result in the suspension of water service until proper documentation is submitted.

9.12 Unapproved Grease Traps and Grease Collection Systems

- A. Any facility that currently does not have an approved grease interceptor system installed shall collect used grease/oil in a grease trap or containers and utilize the services of a disposal company for removal of used grease/oil from the premises.
- B. Quarterly reports shall be submitted as per section 9.11.C for all used grease and oil removed from the premises.
- C. Grease traps must be inspected and cleaned regularly to avoid grease/oil being discharged into the public sewer system. A service log shall be kept and a copy submitted as part of the quarterly report.
- D. If any unapproved grease trap/collection system is found to be deficient the Authority shall require the installation of a grease interceptor system sized in accordance with Section 9.06.

9.13 Monitoring, Inspection and Entry

- A. Monitoring. When required for the purposes of this chapter, the user shall provide, operate and maintain, at user's expense, safe and accessible monitoring facilities (such as a suitable manhole) at all times to allow observation, inspection, sampling and flow measurement of the building sewer or internal drainage systems. There shall be ample room in or near such monitoring facility to allow accurate sampling and preparation of samples for analysis. When the physical location and hydraulic

conditions are suitable, a manhole or similar facility existing on the sanitary sewer collection system may be utilized as the user's manhole when agreed to by both the user and the Authority.

- B. Inspection and Entry. Authorized personnel of the Authority, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this chapter, at any reasonable time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this chapter.

9.14 Emergency Suspension of Services.

- A. The Authority may suspend water or sewer service when such suspension is necessary, in the opinion of the Authority, in order to stop an actual or threatened discharge which:
 - 1. Presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment.
 - 2. Causes stoppages or excessive maintenance to be performed to prevent stoppages in the sanitary sewer collection system.
 - 3. Causes interference to the POTW; or
 - 4. Causes the Authority to violate any condition of its NPDES permit.
- B. Any person notified of a suspension of the water or sewer service shall immediately (within one hour) stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the Authority shall take such steps as deemed necessary, including immediate (within one hour) severance of water or sewer service, to prevent or minimize damage to the Wastewater System, sewer connection, its receiving stream or to any individuals. The Authority shall reinstate the water or sewer service when such conditions causing the suspension have passed or been eliminated unless termination proceedings in Section 12.11 of the Rules and Regulations are initiated against the user. A detailed written statement submitted by the user describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to the Authority within fifteen (15) days of the date of occurrence.

9.15 Violation.

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

9.16 Enforcement.

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

9.17 Administrative Penalty.

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

9.18 Request for Hearing and Appeal.

- A. Hearing. Any person affected by a penalty, order or directive of the Authority issued pursuant to this chapter may, within thirty (30) days of the issuance of such penalty, order, or directive, request a hearing before the Authority to show cause

why such should be modified or made to not apply to such person. Such request shall be in writing and addressed to the Authority. The Authority or a designee shall hold the requested hearing as soon as practical after receiving the request, at which time the person affected shall have an opportunity to be heard. At the conclusion of the hearing, the Authority shall issue a written response to the person requesting the hearing affirming, modifying or rescinding the penalty, order, or directive at issue.

- B. Appeal. Any person aggrieved by the decision of the Authority may appeal such decision in accordance with the laws of the Commonwealth of Pennsylvania and the County of Bedford.

9.19 Criminal Penalties.

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

9.20 Separability

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

SECTION 10:PROHIBITED WASTES AND REGULATION OF DISCHARGES

10.01 General Prohibitions

- A. No User shall discharge or cause to be discharged, directly or indirectly, any pollutant or wastewater which causes Pass Through or Interference in the Sewer System. These general prohibitions apply to all Users of the Sewer System whether or not they are subject to categorical Pretreatment Standards or any other National, State or local Pretreatment Standards or Requirements.
- B. The discharge of excessive amounts of Unpolluted Water or Waste to the Sewer System is expressly prohibited. The Authority reserves the right to define the amount it deems excessive in each particular instance.
- C. The discharge of household garbage to the Sewer System is expressly prohibited, unless such garbage is properly shredded.
- D. The discharge of wastewater to the Sewer System from any property or Building other than for which a permit has been issued in accordance with these Rules and Regulations, is expressly prohibited.

10.02 Specific Prohibitions

- A. No Users shall discharge or cause to be discharged, directly or indirectly, into the Sewer System any pollutants, substances, or wastewater having the following characteristics:
 - 1. Any liquid, solid or gas, which by reason of its nature or quantity is, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to persons, the Sewer System or its operation.
 - a. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.
 - b. At no time shall the closed cup flashpoint of the discharged wastewater be less than one hundred forty (140) degree Fahrenheit (sixty (60) degrees Centigrade) using the test methods specified in 40 CFR 261.21.
 - c. Prohibited materials include, but are not limited to, the following substances in concentrations which cause exceedance of the above standard: gasoline, kerosene, naphtha, benzene, ethers, alcohols, peroxides, chlorates, perchlorates, bromates and carbides.

2. Wastes having a pH lower than 6.0 or higher than 9.0 or having any corrosive properties capable of causing damage or hazards to structures, equipment or personnel of the Sewer System.
 - a. Where the Authority deems it advisable, it may require any person discharging industrial wastes to install and maintain, at his own expense, in a manner approved by the Authority or its designated representative, a suitable device to continuously measure and record the pH of the wastes so discharged. These records shall be made available to the Authority upon request.
3. Heat in amounts which will inhibit biological activity in the treatment plant resulting in Interference, but in no case heat in such quantities which causes the temperature at the treatment plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius) or fall below thirty-two (32) degrees Fahrenheit (zero (0) degrees Celsius).
4. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the Sewer System. Prohibited substances include, but are not limited to: Wastes greater than one-half (1/2) inch in any dimension, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, hair, chemical or paint residues, greases, lime slurry or any other material that, in the opinion of the Authority, may cause an obstruction to the flow in the sewers or otherwise interfere with the proper operations of the Sewer System.
5. Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the Sewer System.
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the Sewer System in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants shall not be accepted.
9. Wastes containing any noxious or malodorous gas or substance which either singularly or by interaction with sewage or other wastes is, in the opinion of the Authority likely to create a public nuisance or hazard to life, or prevent entry to sewage structures for their maintenance and repair.

10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Authority's NPDES permit.
 11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
 12. Any substance which will cause the Authority to violate its NPDES and/or State Water Quality Management Permit or applicable receiving water quality standards.
 13. Detergents, surface-active agents or other substances causing excessive foaming in the Sewer System.
 14. Any material that would be classified as hazardous waste pursuant to 40 CFR Part 261.
 15. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
 16. Medical Wastes, except as specifically authorized by (the Superintendent) in an individual wastewater discharge permit.
 17. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
 18. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l.
- B. Pollutants, substances or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the Sewer System.

10.03 National Categorical Standards

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

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

- ii. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - iii. Continue to record the facility's production rates and notify the Authority whenever production rates are expected to vary by more than twenty (20) percent from its baseline production rates. Upon notification of a revised production rate, the Authority must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - iv. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph 10.03(A)(2)(a)(i) of these Rules and Regulations so long as it discharges under an equivalent mass limit.
- c. Should equivalent mass limits be established, the Authority shall:
 - i. Calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the User by the concentration-based daily maximum and monthly average standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
 - ii. Upon notification of a revised production rate, reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - iii. Retain the same equivalent mass limit in subsequent control mechanism terms if the User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment. The User must also be in compliance with the provisions of 40 CFR § 403.17 regarding the prohibition of bypass.
- d. The Authority shall not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.

- B. No person shall discharge or cause to be discharged to any Sewer System, wastewaters containing substances subject to an applicable federal categorical pretreatment standard promulgated by EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this section. Compliance with such applicable treatment standards shall be within three years of the date the standard is promulgated; provided however, compliance with a Categorical Pretreatment Standard for new sources shall be required upon promulgation.
- C. Equivalent limitations calculated in accordance with paragraph (A) above are deemed pretreatment standards pursuant to 40 CFR § 403.6(c)(7) and Section 307(d) of the Act. The Authority shall document how the equivalent limits were derived and make this information publicly available. Once incorporated into its control mechanism, the User must comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

10.04 State Requirements

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

10.05 Local Requirements

- A. The Authority may establish, review, and enforce local limits regulating the discharge of specific pollutants by industrial users pursuant to 40 CFR Part 403.5(c). Local limits development to prevent pass through or interference, or to implement prohibitive discharge standard shall be approved by the approval authority.
- B. Local limits may be established for any substance which is discharged, or is likely to be discharged, to the sewer system.
- C. Local limits may limit concentration, mass or a combination of the two, as defined by the Authority.
- D. The procedure for the calculation of local limits may be as recommended by the approval authority or otherwise considered appropriate by the Authority.
- E. Local limits shall be calculated for pollutants, as deemed necessary, to prevent interference and pass through. In addition, local limits may be calculated to prevent the discharge of toxic materials in amounts that pose a threat to worker health and safety, or have the potential to cause physical, chemical or biological

damage to the Sewer System; or such other factor as deemed appropriate by the Authority.

- F. Local limits are applicable to all significant industrial users and may be included in wastewater discharge permits. Local limits may be imposed on discharges from other users as deemed appropriate by the Authority.
- G. Discharging any pollutant in excess of a local limit established for that pollutant shall constitute an unauthorized discharge.
- H. Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.
 - 1. Any changes to local limits will be enacted by modification to these Rules and Regulations through adoption of a resolution by the Authority. Resolutions shall only be adopted at a meeting of the Authority Board with the opportunity for public participation.
- I. The Authority may develop Best Management Practices, by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 10.
- J. The following local limits for pollutants have been established by the Authority to protect against Pass-through or Interference. No person shall discharge wastewater containing any of the following substances in solution or in suspension in concentrations exceeding those shown in the following table on the basis of a Daily Maximum and instantaneous maximum, as measured by an acceptable method in accordance with Section 12.18B.:

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

Silver	0.68
Sodium	175
TDS	850
Zinc	1.34
Other	
Aluminum	10
Iron	7
Oil and Grease	100
Phenolics	1
pH	
pH	6-9 S.U.

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

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

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

- K. The above limits apply at the point where the wastewater is discharged into the Sewer System. All concentrations for metallic substances are for total metal unless indicated otherwise. The Authority may impose mass limitations in addition or in lieu of the concentration-based limitations above.
- L. Should the Authority determine that any Person is contributing to the Sewer System any of the above substances, the Authority shall notify the Person of the violation, and develop effluent limitations for such person to correct the interference with the Sewer System. Any expenses incurred by the Authority for

treatment or cleanup due to improper disposal will be the responsibility of the Person.

- M. In situations such as quantifying batches, spills, and slug loads that may have an impact on the POTW, its receiving stream, or sludge quality, the control authority may utilize single grab sample data in lieu of composite data to indicate noncompliance with Federal, State, and local pretreatment standards and conform the basis of an enforcement action.

10.06 Prohibition on Dilution

- A. No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Authority may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

10.07 Right of Revision

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

10.08 Penalties

- A. Any User in violation of these rules and regulations shall be subject to the fees outlined in the Fee Schedule. Any User who fails to pay applicable fees or recurring violations shall be subject to discontinuation of service as defined in Section 14.
- B. Any User causing the Authority to be in violation of any Agreement or Permits shall pay any and all costs, fees, surcharges or penalties imposed against the Authority under such Agreement within thirty (30) days after a written demand there for sent by the Authority to such User.

SECTION 11 PRETREATMENT OF WASTEWATER

11.01 Pretreatment Facilities

- A. Users shall provide wastewater treatment as necessary to comply with these Rules and Regulations and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 10 of these Rules and Regulations within the time limitations specified by EPA, the State, or Authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Authority for review and shall be acceptable to the Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Authority under the provisions of these Rules and Regulations.

11.02 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Authority may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewer, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the Sewer System and determine the User's compliance with the requirements of these regulations.
- B. The Authority may require any person discharging into the Sewer System to install and maintain, on their own property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Authority, shall comply with Section 9 of these regulations, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with Section 9 of these Rules and Regulations by the User at their expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

11.03 Change in Operations

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

11.04 Slug Loads and Spills

- A. Each industrial user shall provide protection from spills or accidental discharges that may result in unauthorized discharges or slug load discharges. Facilities to prevent spills and slug loads shall be provided and maintained at the owner or industrial user's own cost and expense.
- B. NOTIFICATION:
 - 1. In the case of a spill or slug load or other unauthorized discharge, it is the responsibility of the industrial user to, immediately (within one hour) upon discovery of the spill, slug load or other unauthorized discharge, telephone

or notify the

Authority of the location of the discharge, type of waste (concentration and volume), corrective actions being taken or planned and expected duration.

C. NOTICE TO EMPLOYEES:

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

D. WRITTEN NOTICE:

1. Within five (5) days following a spill, slug load or other unauthorized discharge, the industrial user shall submit to the Authority a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewer system, fish kills or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties or other liability which may be imposed in accordance with Sections 13 and 14 of these Rules and Regulations or applicable law. This notice requirement may be waived by the Authority for an industrial user which is not required to submit a plan under subsection E., below.

E. SPILL PREVENTION CONTROL AND COUNTERMEASURE (SPCC) PLAN:

1. All significant industrial users existing at the time of the enactment of these regulations shall complete and submit for approval a SPCC Plan, or provide acceptable evidence that such a plan is not necessary for their facility, within nine (9) months of the enactment of these regulations.
2. No significant industrial user who commences discharge to the sewer system after the effective date of these regulations shall be permitted to introduce pollutants into the sewer system until it has completed and submitted for approval an SPCC plan or provided acceptable evidence that such a plan is not necessary for their facility. The Authority, at its discretion, may require an SPCC Plan for any other industrial user.
3. The Authority shall evaluate whether each such Significant Industrial User

needs a plan or other action to control Slug Discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 1 year of being designated a Significant Industrial User. The results of such activities shall be available to the Authority upon request. Significant Industrial Users are required to notify the Authority immediately of any changes at its facility affecting potential for a Slug Discharge. If the Authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- a. Description of discharge practices, including nonroutine batch discharges;
 - b. Description of stored chemicals;
 - c. Procedures for immediately (within one hour) notifying the Authority of any accidental or Slug Discharge, including any discharge that would violate a prohibition under 40 CFR Section 403.5(b) with procedures for follow-up written notification within five days and as required by Section 11.04.D of these Rules and Regulations; and
 - d. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
4. SPCC plans shall be submitted to the Authority for review and shall be approved by the Authority before implementation of the plan or construction of any required facilities. Review and approval of such plans, facilities and operating procedures by the Authority shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of the industrial pretreatment program, nor shall such a review and approval be deemed to constitute any assurance or warrant on the part of the Authority as to the effectiveness or safety of the SPCC plan.
- a. All control SPCC plans and slug control plans shall be evaluated by

the Authority for compliance with these Rules and Regulations and applicable standards pursuant to 40 CFR Part 403. The User shall be notified of any plan deficiencies by the Authority within twenty-four (24) hours of the Authority's acknowledgement of said deficiency. Based upon the severity of that deficiency, the Authority will establish a schedule for the User to resubmit a revised plan that complies with applicable standards. Failure to submit a timely revised plan will constitute a violation of the terms of these Rules and Regulations and shall be subject to penalties pursuant to Section 13 of these Rules and Regulations.

11.05 Pretreatment Program Implementation

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

SECTION 12 WASTEWATER DISCHARGE PERMITS

12.01 Requirement for Wastewater Discharge Permits

- A. No Significant Industrial User shall discharge wastewater into the Wastewater System without first obtaining an individual wastewater discharge permit from the Authority, except that a Significant Industrial User that has filed a timely application pursuant to Section 12.03 of these Rules and Regulations may continue to discharge for the time period specified therein.
- B. All industrial dischargers shall file with the Authority, a complete wastewater discharge permit application. The application shall contain wastewater information on the nature, characteristics or any other aspect deemed necessary by the Authority for determination of compliance with these Rules and Regulations, NPDES permit conditions, and state and federal law.
 - 1. The Authority reserves the right to require periodic updates to the wastewater information.
 - 2. Information requested and designated by the discharger as confidential is subject to the conditions of confidentiality – SEE SECTION 12.21.
 - 3. The Authority reserves the right, at its sole discretion, to deny the issuance of a wastewater discharge permit, or to issue such a permit conditionally.
- C. Where a User owns, operates, or occupies properties designated as an industrial discharger at more than one location, separate information shall be required for each location as may be required by the Authority.
- D. The Authority may require other Users to obtain wastewater discharge permits as necessary to carry out the purposes of these regulations.
- E. Discharge of any industrial waste to the Sewer System without a wastewater discharge permit or any violation of the terms and conditions of a wastewater discharge permit shall be deemed an unauthorized discharge subject to the penalties provided herein.
- F. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of these Rules and Regulations and subjects the wastewater discharge permittee to the sanctions set out in Section 13 of these Rules and Regulations. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

12.02 Industrial User Tier Classifications

- A. Industrial Users shall be classified based on the following:
1. Tier 1: Industrial User meets any definition of Significant Industrial User (SIU) as defined by these Rules and Regulations.
 2. Tier 2: Industrial User does not meet SIU requirements. Facility segregates industrial flows for haul off, but intermittently discharges wastes with potential for pass through or interference.
 3. Tier 3: Industrial User does not meet SIU requirements and primarily hauls off waste streams of concern. Regular water stream presents minimal risk for pass through or interference.
 4. Tier 4: Any User that does not meet the established criteria for an Industrial User pursuant to Section 1.01 of these Rules and Regulations and that has the potential to discharge an industrial or combined wastestream that exceeds any local limit promulgated by Section 10.05 of these Rules and Regulations.
 - a. A User may only receive this classification if the total industrial wastewater discharge from that User does not exceed the equivalent flow of one Equivalent Dwelling Unit (EDU) as established in the most recent Municipal Wasteload Management Report prepared by the Authority pursuant to Title 25, Chapter 94 of the Pennsylvania Code.
 - b. Any User that may otherwise meet the criteria established for a Tier 4 User above and that discharges more than the equivalent flow of one EDU of industrial wastewater shall be classified as a Tier 3 User.

12.03 Wastewater Discharge Permitting: Existing Conditions

- A. Any User required to obtain a wastewater discharge permit who was discharging wastewater into the Sewer System prior to the effective date of these Rules and Regulations and who wishes to continue such discharges in the future, shall, within forty-five (45) days after said date, apply to the Authority for a wastewater discharge permit in accordance with Section 12.05 of these regulations, and shall not cause or allow discharges to the Sewer System to continue after ninety (90) days of the effective date of these regulations unless a wastewater discharge permit has been issued by the Authority.

12.04 Wastewater Discharge Permitting: New Connection

- A. Any User required to obtain a wastewater discharge permit who proposes to begin

or recommence discharging into the Sewer System must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 12.05 of these regulations, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

12.05 Wastewater Discharge Permitting: Permit Application Contents

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

Administrator or Director upon request.

4. Time and duration of discharges;
5. The location for monitoring all wastes covered by the permit;
6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the Sewer System from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
7. Measurement of Pollutants. If monitoring is required as part of a permit application, it shall be completed in accordance with Section 12.13 and 12.18 of these Rules and Regulations.
8. A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional Pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.
9. If additional pretreatment and/or operation and maintenance will be required to meet Pretreatment Standards or Requirements; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or operation and maintenance must be submitted. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The Authority requires the development of a compliance schedule by each User for the installation of technology required to meet applicable pretreatment standards and requirements and requires the submission of all notices and self-monitoring reports by the User as are necessary to assess and assure compliance by the User with pretreatment standards and requirements including, but not limited to, the reports required in 40 CFR § 403.12.
 - a. Where the Industrial User's categorical Pretreatment Standard has been modified by a removal allowance (40 CFR § 403.7), the combined waste stream formula (40 CFR § 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR § 403.13) at the time the User submits the report required by this section, the information required by shall pertain to the modified limits.
 - b. If the categorical Pretreatment Standard is modified by a removal allowance (40 CFR § 403.7), the combined waste stream formula (40 CFR § 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR § 403.13) after the User submits the report, any

necessary amendments to the information requested shall be submitted by the User to the Authority within 60 days after the modified limit is approved.

- c. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- d. No increment referred to in paragraph 12.05(A)(9)(c) of this section shall exceed 9 months.
- e. Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Authority.

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

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

12.06 Application Signatories and Certifications

- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 12.23(A).
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Authority prior to or together with any reports to be signed by an Authorized Representative.

12.07 Wastewater Discharge Permit Decisions

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

12.08 Wastewater Individual Discharge Permit Issuance

A. WASTEWATER DISCHARGE PERMIT DURATION

- 1. A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Authority. Each wastewater discharge permit will indicate a specific date upon which it will expire. The industrial user shall apply for reissuance of the wastewater discharge permit a minimum of ninety (90) days prior to the expiration of the industrial user's existing wastewater discharge permit.

B. WASTEWATER DISCHARGE PERMIT CONTENTS

- 1. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Authority to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the Sewer System.
- 2. Wastewater discharge permits shall contain:
 - a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - b. A statement that the wastewater discharge permit is nontransferable without prior notification to the Authority in accordance with Section 12.10 of these regulations, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - c. Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in 40 CFR Part 403, categorical Pretreatment Standards, local limits, and State and local law;
 - d. Self-monitoring, sampling, reporting, notification, and record-

keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on State, local law, applicable general Pretreatment Standards in 40 CFR Part 403, Categorical Pretreatment Standards, and local limits. The Authority shall receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in 40 CFR § 403.12.

- e. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 - f. Requirements to control Slug Discharge, if determined by the Authority to be necessary.
3. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
 - b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
 - c. Requirements to include chain of custody forms provided by an accredited laboratory in the Commonwealth of Pennsylvania responsible for analysis or other quality control mechanism in any self-monitoring reports submitted to the Authority. All chain of custody forms must include, at minimum, the following:
 - i. Name(s) of sample collector(s)
 - ii. Sample identification number(s)
 - iii. Date and time of sample collection
 - iv. Location of sample collection
 - v. Applicable matrix

- vi. Preservative used (if applicable)
 - vii. List of analytes for which analysis has been requested
 - viii. Collection method (“grab” or “composite”)
 - ix. Names and signatures of all persons handling the sample in the field and the laboratory
- d. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges.
 - e. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the Sewer System.
 - f. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the Sewer System.
 - g. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices. For facilities with multi-tenant buildings, a separate sampling point will be required of each user that is subject to the pretreatment requirements.
 - h. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit.
 - i. Other conditions as deemed appropriate by the Authority to ensure compliance with these Rules and Regulations, and State and Federal laws, rules, and regulations.

12.09 Modifications of Wastewater Discharge Permits

- A. The Authority may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 3. A change in the Wastewater System that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 4. Information indicating that the permitted discharge poses a threat to the Authority's Sewer System, Authority personnel, or the receiving waters;
 5. Violation of any terms or conditions of the wastewater discharge permit;
 6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 7. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
 8. To correct typographical or other errors in the individual wastewater discharge permit;
 9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 12.10; or
 10. To restrict the discharge of wastewater with certain characteristics should the nature of that wastewater create a reasonable potential to cause Interference or Pass Through or otherwise adversely impact the operation and maintenance of the Wastewater System.
 11. To require the implementation of additional Best Management Practices for the means of pretreatment utilized by the Industrial User to protect the Wastewater System and/or safeguard public health and safety as outlined in 1.01(I) of these Rules and Regulations.

12.10 Transfer of Wastewater Discharge Permits

- A. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Authority and the Authority approves the transfer of the wastewater discharge permit. The notice to the Authority must include a written certification by the new owner or

operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
2. Identifies the specific date on which the transfer is to occur; and
3. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.
4. Certifies that a copy of the existing permit will be provided to the new owner and/or operator.

12.11 Revocation of Wastewater Discharge Permits

- A. The Authority may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 1. Failure to notify the Authority of significant changes to the wastewater prior to the changed discharge;
 2. Failure to provide prior notification to the Authority of changed conditions pursuant to Section 11 of these Rules and Regulations;
 3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 4. Falsifying self-monitoring reports and certification statements;
 5. Tampering with monitoring equipment;
 6. Refusing to allow [the Superintendent] timely access to the facility premises and records;
 7. Failure to meet effluent limitations;
 8. Failure to pay fees and/or fines;
 9. Failure to pay sewer charges;
 10. Failure to meet compliance schedules;
 11. Failure to complete a wastewater survey or the wastewater discharge permit application;
 12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 13. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or these regulations.

- B. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

12.12 Reissuance of Wastewater Discharge Permits

- A. A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 12.05 and 12.08 of these regulations, a minimum of ninety (90) days prior to the expiration of the User's existing wastewater discharge permit.
- B. If a User has applied for reissuance in accordance with this Section, and the wastewater discharge permit is not renewed on or before the expiration date through no fault of the User, then the existing wastewater discharge permit shall remain in effect pending a decision on the application for reissuance by the Authority.

12.13 Baseline Monitoring Reports

- A. Users that become subject to new or revised Categorical Pretreatment Standards are required to comply with the reporting requirements described in this section even if that User had previously been designated as a Non-Significant Industrial User. The following provisions shall also apply to any User subject to a newly promulgated Categorical Pretreatment Standard (i.e. an existing source) that has not previously submitted an application for a wastewater discharge permit as required by Section 12 of these Rules and Regulations.
- B. Users to which the provisions of this section apply must submit a report to the Authority which contains all information listed in paragraph C below.
 - 1. Existing Categorical Industrial Users currently discharging or scheduled to discharge to the Wastewater System shall submit a report to the Authority within either one hundred eighty (180) days of the effective date of a Categorical Pretreatment Standard or the final administrative decision on a category determination conducted under 40 CFR § 403.6(a)(4), whichever is later.
 - 2. Categorical New Sources and sources that become Categorical Industrial Users or Significant Industrial Users subsequent to the promulgation of an applicable categorical standard shall submit a report to the Authority at least ninety (90) days prior to commencement of discharge. In addition to the requirements of paragraph C below, New Sources shall also report the method of pretreatment intended for use to meet applicable categorical

standards. A New Source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.

- C. Users described above shall submit the information set forth below.
1. Identifying Information: The User shall submit the name and address of the facility, including the name of the operator and owner(s).
 2. Permits: The User shall submit a list of any environmental control permits held by or for the facility.
 3. Description of Operations: The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates any points of discharge to the Wastewater System from the regulated processes.
 4. Flow Measurement: The User shall submit information showing the measured average daily and maximum flow, in gallons per day, to the Wastewater System from each of the following:
 - a. Regulated process streams; and
 - b. Other streams as necessary to allow use of the combined wastestream formula as described in 40 CFR § 403.6(e).
 - c. The Authority may allow for verifiable estimates of these flows at its sole discretion.
 5. Measurement of Pollutants:
 - a. The User shall report Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for existing sources.
 - b. In addition, the results of sampling and analysis identifying the nature and concentration (or mass where required by the standard or by the Authority) of regulated pollutants in the discharge from each regulated process shall be provided.
 - c. Instantaneous, Daily Maximum, and long-term average concentrations (or mass, where required) shall be reported.
 - d. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

- e. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists per 40 CFR 403.12(b)(5)(iv). If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula as described in 40 CFR § 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR § 403.6(e) this adjusted limit along with supporting data shall be submitted to the Authority.
 - f. Sampling and analysis shall be performed in accordance with Section 12.18 of these Rules and Regulations. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator; per 40 CFR 403.12(b)(5)(v).
 - g. The Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - h. The baseline report shall indicate the time, date and place of sampling and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the Wastewater System.
6. Compliance Certification: The User shall submit a statement, reviewed by the User's Authorized Representative as defined in Section 1.01(G) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.
7. Compliance Schedule: If additional pretreatment and/or operation and maintenance is required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment

and/or operation and maintenance must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

- a. The schedule shall contain progress increments in the form of 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 (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
 - b. No increment referred to above shall exceed nine (9) months;
 - c. The User shall submit a progress report to [the Superintendent] no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
 - d. In no event shall more than nine (9) months elapse between such progress reports to [the Superintendent].
8. Signature and Report Certification: All baseline monitoring reports must be certified in accordance with Section 12.23(A) of these Rules and Regulations and 40 CFR §403.12 (I). Reports must also be signed by an Authorized Representative as defined in Section 1.01(G) of these Rules and Regulations.

12.14 Categorical Compliance Reports

- A. Within ninety (90) days following the date for final compliance with applicable categorical standards or, in the case of a new source, following the commencement of the introduction of wastewater into the Wastewater System, any industrial user subject to Pretreatment Standards and Requirements shall submit to the Authority a report in accordance with 40 CFR §403.12 (d), including information indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by categorical standards and the average and maximum daily flows for those process units in the industrial user's facility which are limited by such categorical standards. The report shall certify that the information contained therein concerning wastewater constituents and flows is representative of discharges during normal work cycles.

The report shall also state whether the applicable Categorical Pretreatment Standards are being met on a consistent basis and, if not, what additional operation and management practices and/or pretreatment is necessary to bring the industrial user into compliance with the applicable categorical standards, and including a schedule for completion of the required actions in the form described in 40 CFR §403.12 (b)(7). Such a schedule shall not have a compliance date later than that established for the applicable categorical standard. This statement shall be signed by an authorized representative of the industrial user in accordance with Section 12.23(A) and 40 CFR §403.12 (1) and 403.6 (a) (2) (ii) and signed by a certified professional. For Industrial Users subject to equivalent mass or concentration limits established by the Authority in accordance with the procedures in 40 CFR Section 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

12.15 Periodic Compliance Reports

- A. The reports required in paragraphs (B) through (F) of this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration (or production and mass, where requested by the Authority) of pollutants contained therein which are limited by the applicable pretreatment standards.
 - 1. This sampling and analysis may be performed by the Authority in lieu of the User. Where the Authority performs the required sampling and analysis in lieu of the User, the User will not be required to submit the compliance certification required under subsequent paragraphs of this section. In addition, where the Authority collects all the information required for the report, including flow data, the User will not be required to submit the report.

- B. Any Industrial User subject to a Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the Wastewater System, shall report to the Authority on form prescribed by the Authority, at least twice a year during the months of June and December, unless required more frequently in the Pretreatment Standard or as deemed necessary by the Authority.
- C. The report required under the section shall contain the information required by 40 CFR §403.12 (e) and/or 403.12 (g), as applicable including, at a minimum, the nature and concentrations of all pollutants in the effluent which are limited by categorical standards or otherwise regulated by wastewater discharge permit, a record of any measured average and maximum daily flows and a statement of accuracy and completeness signed and certified by the authorized representative of the significant industrial user in accordance with 40 CFR §403.12 (1) and 403.6(a)(2)(ii). Reports shall also contain any other information as required by the Borough. In cases where the Pretreatment Standard requires compliance with a BMP (or pollution prevention alternative), the User shall submit documentation required by the Authority or the Pretreatment Standard necessary to determine the compliance status of the User.
- D. For Industrial Users subject to equivalent mass or concentration limits established by the Authority in accordance with the procedures in § 403.6(c), the report required by paragraph A. and B. shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph A. shall include the User's actual average production rate for the reporting period.
- E. For Significant Industrial Users subject to categorical standards, the report shall contain certification of compliance with those standards, signed by a certified professional.
- F. Significant Industrial Users not subject to Categorical Pretreatment Standards must submit to the Authority at least once every six months (on dates determined by the Authority in the User's individual discharge permit) a description of the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period as required in the User's discharge permit. In cases where a local limit requires compliance with a BMP, the User must submit documentation to determine the compliance status of that User. These reports must be based on sampling and analysis performed in the period covered by the

report and in accordance with the techniques described in 40 CFR Part 136. Sampling and analysis may be performed by the Authority in lieu of the User when applicable pursuant to paragraph A above.

12.16 Reporting and Resampling of Discharge Limit Violations

- A. If, upon receipt of valid sampling and testing results, an industrial user becomes aware that a violation of discharge limits or Pretreatment Standards or Requirements has occurred, the industrial user shall, within twenty-four (24) hours of becoming aware of the violation, notify the Authority of this fact. Also, except as otherwise approved by the Authority and provided by 40 CFR §403.12(g)(2)(i) and (ii), the industrial user shall also resample and analyze its discharge(s) for each parameter found to be in violation within ninety-six (96) hours and report the result of the resampling and analysis to the Authority within thirty (30) days of becoming aware of the violation. Where the Authority has performed the sampling and analysis in lieu of the Industrial User, the Authority will perform the repeat sampling and analysis unless it notifies the Industrial User of the violation and requires the User to perform the repeat analysis.
- B. Each significant industrial user shall have a duty, on receipt of validly obtained sampling and analysis results, of inspecting the results and determining if any wastewater discharge permit condition has been violated. Failure to examine and compare testing results with wastewater discharge permit conditions shall not be a valid defense for failure to comply with these reporting conditions.
- C. The Authority, upon receipt of self-monitoring reports provided by an Industrial User, shall compare the reported values to applicable discharge standards, existing compliance schedules, and individual discharge permit conditions. The Authority shall promptly notify the User within twenty-four (24) hours of becoming aware of any violation.
- D. The User shall immediately (within one hour), upon acknowledgement of any discharge that could cause problems to the Wastewater System or otherwise violate the terms of these Rules and Regulations, notify the Authority of said discharge. The Authority shall perform a technical evaluation of the potentially problematic discharge and follow-up with the User at the completion of said evaluation. Should any violations of Pretreatment Standards or Requirements or individual permit conditions have occurred, the User will be notified of the violation and any penalties that are to be levied against the User in accordance with Section 13 of these Rules and Regulations.

12.17 Notification of the Discharge of Hazardous Waste

- A. Any User who commences the discharge of hazardous waste shall notify the Authority, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the Wastewater System of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such a notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the Wastewater System, the notification shall contain the following information to the extent such information is known and readily available to the User:
1. An identification of the hazardous constituents contained in the wastes;
 2. An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month;
 3. And an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
- B. All notifications required pursuant to paragraph (A) above must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 11.03 of these Rules and Regulations. The notification requirement in this section does not apply to pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 12.14 and 12.15 of these Rules and Regulations.
- C. Dischargers are exempt from the requirements of paragraphs (A) and (B) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR § 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR § 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- D. In the case of any new regulations under Section 3001 of the RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Authority, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of

the discharge of such substance within ninety (90) days of the effective date of such regulations.

- E. In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- F. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these Rules and Regulations, a permit issued thereunder, or any applicable Federal or State law.

12.18 Sampling and Analysis

- A. The Authority shall inspect and sample the effluent from each industrial user at least once per year unless otherwise specified in 40 CFR § 403.8(f)(2)(v)(A),(B),(C) and in accordance with its wastewater discharge permit or as otherwise required by the Authority. The associated costs of sampling and analyses shall be fully reimbursed to the Authority by the industrial user.
- B. All sampling and analysis performed in compliance with wastewater discharge permit conditions, to prepare the reports required in subsections 12.13, 12.14, 12.15 and 12.16 of this Section, or as otherwise required by the Authority, shall be accomplished using techniques specified in 40 CFR, Part 136. Unless otherwise required, all sampling should be performed during a normal production day and should reflect the usual and typical wastewater discharge of the user. As outlined in the 40 CFR § 403.12(g)(3) MABB reserves the right for alternative sampling techniques, such as time-proportional composite sampling or grab sampling as long as the samples are representative of the discharge and the decision to allow the alternative sampling is documented in the Industrial User file by MABB.
 - 1. Except as indicated in Sections 2. and 3. below, or alternate sampling procedures approved by the Authority as noted above, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Authority. Where time-proportional composite sampling or grab sampling is authorized by the Authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for

other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Authority as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

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

3. For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 12.13-12.15 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Authority may authorize a lower minimum. For the reports required by paragraphs in Section 12.15 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.
- C. The industrial user may monitor more frequently than otherwise required by the Authority. If the industrial user monitors any pollutant, subject to effluent limitations at the location designated for compliance monitoring, more frequently than otherwise required by the Authority, using the procedures set forth in 40 CFR, Part 136, or otherwise required, the results of such monitoring shall be included in the calculation and reporting of the data submitted to the Authority.
- D. Measurements, tests and analyses of the characteristics of wastewater shall be performed by a qualified laboratory, which is certified by the Pennsylvania Department of Environmental Protection. At the request of the Authority, qualifications shall be submitted for review.
- E. The industrial user shall ensure that all monitoring and analytical equipment it uses to monitor or otherwise analyze the pollutants discharged to the sewer system are periodically calibrated and maintained at intervals which ensure the accuracy of measurements.
- F. If sampling results indicate that the industrial user has exceeded an effluent limitation, the Authority, as an enforcement response to such violation, may require the industrial user to undertake increased sampling. Upon notification from the Authority, the industrial user shall undertake such additional monitoring as directed.
- G. Sampling schedules will be set by the Authority and the User may not be made aware of testing schedule. At minimum, sampling shall be conducted on a semi-annual basis in accordance with Section 12.18 and at a location determined by the Authority in issuance of the User's individual discharge permit.
- H. The Authority shall randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Sampling and monitoring

parameters shall be those established in the User's individual discharge permit in accordance with categorical Pretreatment Standards or local discharge limits as applicable to the User. The Authority reserves the right to sample for any additional parameters outside of any designated local limits or categorical standards it deems necessary to determine discharge quality, investigate, or ensure the quality of effluent to the sanitary sewer system. The Authority shall inspect and sample the effluent from each Significant Industrial User at least once per year, except as otherwise specified below:

1. Where the Authority has determined that an Industrial User meets the criteria for classification as a Non-Significant Categorical Industrial User, the Authority shall evaluate, on an annual basis, whether that User continues to meet the established criteria in 40 CFR § 403.3(v)(2).
2. Where the User has notified the Authority of a Slug Discharge as defined in Section 1.01 of these Rules and Regulations or is otherwise suspected to have released a Slug Discharge into the Wastewater System, a Slug Discharge evaluation shall be conducted in accordance with the following provisions:
 - a. An immediate (within one hour) "grab" sample of the industrial wastestream at a point most representative of the confirmed or potential slug discharge shall be collected and disseminated to an accredited laboratory for analysis. The extent of such analysis, including the analytes to be tested, shall be determined by the Authority as required to adequately identify the presence or absence of suspected pollutants.
 - i. Sampling may be conducted by the User, or the Authority may collect a sample in lieu of the User. All sampling shall be conducted in accordance with Section 12.18 of these Rules and Regulations.
 - ii. A "grab" sample shall involve the collection of a sample of representative wastewater in bulk at one point in time. The sample shall be a minimum of 200 mL in volume.
 - iii. Multiple samples may be required if deemed necessary by the laboratory to conduct the analysis requested by the Authority in accordance with paragraph (a) above.
 - b. Depending on the nature and/or severity of the discharge, the following actions may be taken by the Authority or required of the User.

- i. Notification may be sent to appropriate regulatory authorities or emergency response agencies. Such a determination will be made by the Authority and acknowledgement sent to the User during the Slug Discharge evaluation. Reporting requirements associated with a Slug Discharge are outlined in Section 11.04 of these Rules and Regulations.
 - ii. The Authority may require immediate (within one hour) termination of discharge to the Wastewater System. This action shall be reserved for cases where continued discharge of wastewater poses serious risk to public health and safety, the environment, or the Wastewater System. The Authority may complete the work required to terminate discharge or may require that the User complete this work. Such a determination will be made by the Authority to ensure an expedient response.
- c. If the User notifies the Authority of a Slug Discharge, Authority personnel will closely inspect and monitor the Wastewater System for a minimum of one (1) week following the notification by the User. If the Authority becomes aware of the confirmed or potential Slug Discharge through any means other than notification by the User, inspection and monitoring of the Wastewater System shall be conducted for as long as is reasonably practicable to ascertain the nature or extent of damage due to that discharge.
 - i. This inspection and monitoring will be conducted to determine what, if any, deleterious effect is imparted upon the Wastewater System as a direct result of the Slug Discharge.
 - ii. The cost of all work completed by the Authority as part of this evaluation that is extraneous to normal operation and maintenance of the Wastewater System shall be reimbursed to the Authority by the User responsible for the Slug Discharge.
- d. Within sixty (60) days of receipt of the laboratory analysis described in paragraph (a) above, the Authority will provide an enforcement decision to the User.
 - i. This enforcement decision shall be in the form of an

Administrative Order and, if required, a Consent Order as described in Section 13.01L. of these Rules and Regulations.

- ii. All fees associated with sampling, testing, and administration of the Slug Discharge response on the part of the Authority shall be reimbursed to the Authority following the conclusion of the Slug Discharge evaluation. This shall include the cost of all work extraneous to normal operation and maintenance of the Wastewater System required to investigate the Slug Discharge.
- iii. In addition to those fees described above, an Administrative Fine (as described in Section 13.01K. of these Rules and Regulations) may be imparted as outlined in the Fine Schedule incorporated into these Rules and Regulations. This fine may be waived at the sole discretion of the Authority based on the outcome of the monitoring described in paragraph (c) above.
- e. Within thirty (30) days of receipt of the enforcement decision described in paragraph (d) above, the User shall remit payment to “Municipal Authority of the Borough of Bedford” in the amount outlined in the decision. Failure to remit payment within thirty (30) days of receipt of the enforcement decision shall subject the User to additional charges pursuant to 13.02B. of these Rules and Regulations.
- I. The Authority shall investigate all instances of noncompliance with Pretreatment Standards and Requirements, as indicated in any reports and notices required pursuant to 40 CFR § 403.12, or indicated by analysis, inspection, and surveillance activities described in 12.18(H) of these Rules and Regulations. Sample taking and analysis shall be undertaken with sufficient care to produce evidence admissible in enforcement proceedings or judicial actions.

12.19 Monitoring Facilities

- A. The Authority may require an industrial user to provide and operate at the industrial user’s own expense, monitoring facilities to allow inspection, sampling and flow measurement of the industrial wastewater or industrial waste discharge. The monitoring facility should normally be situated on the industrial user’s premises. The Authority may, when such a location would be impractical or cause undue hardship on the industrial user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by

landscaping or parked vehicles.

- B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user.
- C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Authority's requirements and all applicable local construction standards and specifications.
- D. Construction shall be completed within ninety (90) days following written notification by the Authority, unless the industrial user can show, to the Authority's satisfaction, that a longer time period is necessary.
- E. The Authority, and its representatives, will have unrestricted access to the facility to inspect the sampling and monitoring equipment.

12.20 Inspection

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

12.21 Confidentiality

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

12.22 Records

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

samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used and the results of such analyses. These records shall remain available for a minimum of three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with these rules and regulations, or where the industrial user has been notified of a longer retention period by the Authority.

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

12.23 Certification Statements

- A. The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 12.06; Users submitting baseline monitoring reports under section 12.13 and 40 CFR § 403.12 (l); Users submitting reports on compliance with the Categorical Pretreatment Standard under Section 12.14 and 40 CFR § 403.12 (d); and Users submitting periodic compliance reports required by Section 12.15 and 40 CFR § 403.12 (e) and (h). The following certification statement must be signed by an Authorized Representative as defined in Section 1:

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

- B. A facility determined to be a Non-Significant Categorical Industrial User pursuant to 40 CFR § 403.3(v)(2) and Section 1.01 of these Rules and Regulations must annually submit the following certification statement, signed in accordance with the signatory requirements listed in Section 12.06 and 1.01G. of these Rules and

Regulations. This certification must accompany any alternative report required by the Authority.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards promulgated under 40 CFR, (provide the applicable categorical standard) Chapter I, Subchapter N, I certify that, to the best of my knowledge and belief that during the period from [starting month, day, year] to [ending month, day, year]: (a) the facility described as [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 40 CFR § 403.3(v)(2); (b) the facility complied with all applicable pretreatment standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information:

12.24 Permit Fees

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

SECTION 13: DISCHARGE ENFORCEMENT, PENALTIES & REMEDIES

13.01 Administrative Enforcement Remedies

A. RIGHT TO REFUSE

1. The Authority reserves the right to refuse to accept wastewater or combinations of wastewater, which are discharged in violation of the terms or conditions of the industrial pretreatment program, or any permit or written directions issued by the Authority pursuant to the conditions of the industrial pretreatment program. The Authority may take such steps as it deems necessary, as outlined in the Section, to compel discontinuance of use of the sewer system or to require pretreatment of industrial wastes in order to comply with the provisions of the Section. The Authority may exercise its right of refusal by denial of issuance of a wastewater discharge permit; in such a case the discharge of industrial waste by the industrial user in question is prohibited.
2. Discharge of any industrial waste to the sewer system by a Significant Industrial User, or by any other user required to have a permit in accordance with Section 12, without a wastewater discharge permit is an unauthorized discharge and may be subject to the penalties provided herein.

B. NO ACTION

1. The Authority reserves the right to make a “no action” decision regarding any potential or confirmed noncompliance with these Rules and Regulations or any wastewater discharge permit. Such a decision does not absolve the User from any liability or damages should the Authority or any other applicable regulatory authority seek to initiate an enforcement action for any violations by the User.

C. PHONE CALL

1. In the event of a User’s noncompliance with these Rules and Regulations, any wastewater discharge permit, or other applicable regulations, the least severe enforcement action shall be a Phone Call to the User. In this call, the Authority shall discuss the nature of a violation and potential remedies that may assist the User in returning to compliance with these Rules and Regulations and any wastewater discharge permits.
2. It should be noted that observance of this enforcement action is a formality and may be bypassed in favor of more severe enforcement actions at the discretion of the Authority.

3. Failure to implement those corrective actions discussed in this Phone Call or otherwise return to compliance may subject the User to more severe enforcement actions as outlined in subsequent paragraphs of this section of the Rules and Regulations.

D. MEETING

1. An impromptu or informal meeting with a User may be utilized to address violations that are minor in nature. The meeting shall take place during a sampling or inspection visit to the User's facility and will be conducted with any official responsible for the operation of the process or processes that discharge, directly or indirectly, into the Wastewater System.
2. Such a meeting may be utilized to notify the User that the Authority is concerned about a potential or confirmed violation of these Rules and Regulations and/or the User's discharge permit, to obtain an explanation regarding a confirmed or potential violation, to discuss possible solutions, and to suggest that subsequent violations of the same type may be dealt with by more severe means, as outlined in subsequent paragraphs of this section.

E. INCREASED MONITORING AND/OR REPORTING FREQUENCY

1. A User may be required to increase the frequency of monitoring and/or reporting beyond the minimum established by these Rules and Regulations or by the User's discharge permit to address violations by Users that have demonstrated a history of noncompliance.
2. Should increased monitoring frequency be required by the Authority, sampling to support those monitoring efforts may be conducted by the User or the Authority in lieu of the User. In all cases, provisions of Section 12.18 of these Rules and Regulations shall apply to sampling and analysis of wastewater.
3. Increased monitoring frequency may be imposed by the Authority as a modification to the User's discharge permit or in conjunction with other enforcement responses as deemed appropriate by the Authority.
4. Increased monitoring may be automatically triggered by certain conditions described in the User's discharge permit. Such language will be included in the permit at the time of issuance or reissuance following expiration.

F. MODIFICATION OF DISCHARGE PERMIT EFFLUENT LIMITATIONS

1. Additional effluent limitations, including, but not necessarily limited to, the imposition of additional statistical bases, may be enacted for Users with a

history of noncompliance with discharge permit conditions or provisions of these Rules and Regulations. An example of such a limitation would be the introduction of a limit on the daily maximum for a User currently required to limit effluent concentration on a monthly average basis.

G. NOTICE OF VIOLATION

1. Whenever the Authority finds that any industrial user has violated or is violating these Rules and Regulations, its wastewater discharge permit or any prohibition, limitation or requirements contained herein, the Authority may serve upon such industrial user a written notice stating the nature of the violation and require a response within a specified time. Responses required of industrial users may include, but are not restricted to, actions, plans, compliance schedules or written explanation.

H. PUBLIC NOTICE OF NON-COMPLIANT USERS

1. The Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements as defined in Section 1.01 OO of these Rules and Regulations. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs 3., 4., or 8. of Section 1.01 OO.)
2. The Authority reserves the right to provide additional public notice of noncompliance by any Industrial User at its sole discretion. Such notification may occur more frequently than once per year and may stem from noncompliance that does not meet the criteria for Significant Noncompliance.
3. The Authority further reserves its rights to implement any special community awareness steps, as an enforcement response, to deter noncompliance of Industrial Users with discharge permit conditions or these Rules and Regulations.

I. SHOW CAUSE HEARING

1. The Authority may direct any industrial user who causes or allows an unauthorized discharge to enter the sewer system, or who violates any condition or requirement of the industrial pretreatment program or its wastewater discharge permit, to show cause before the Authority why the proposed enforcement action should not be taken. A written notice may be served on the industrial user specifying the time and place of a hearing to be held by the Authority regarding the violation, the reasons why the

action is to be taken, the proposed enforcement action and directing the industrial user to show cause before the Authority why the proposed enforcement action should not be taken. The notice of the hearing may be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation if the industrial user is a corporation.

2. The Authority may itself conduct the hearing and take the evidence, or may designate any of its members or any representative to:
 - a. Issue in the name of the Authority notices of hearings request the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 - b. Take the evidence.
 - c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Authority for action thereon.
3. At any hearing held pursuant to the Section, testimony taken may be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
4. After the Authority has reviewed the evidence, it may, in writing, direct the industrial user to take certain actions to correct the unauthorized discharge or to achieve compliance. The action which may be directed include, but are not limited to:
 - a. Installation of pretreatment facilities or equipment.
 - b. Modification or additions to existing pretreatment facilities or equipment.
 - c. Initiation of management practices which are required to alter the nature of the industrial waste being discharged.
 - d. Development or implementation of SPCC plans or other measures.
 - e. Other measures found to be necessary to correct the unauthorized discharge or other noncompliance.
 - f. The direction may be in the form or a schedule of compliance, setting date by which certain actions shall be taken.
 - g. Failure of an industrial user to comply with written direction issued

pursuant to a heading constitutes a violation of this Section.

J. WRITTEN DIRECTIONS

1. Written Directions are official notifications in which the Authority specified actions and deadlines which the User must meet to remain in compliance with or correct a violation of a discharge permit or these Rules and Regulations. Issuance of Written Directions may be issued following a Show Cause Hearing (as outlined in Section 13.01(I) above) or without such a formality. The Authority may issue Written Directions without the conductance of a Show cause Hearing if it is determined that such directions are necessary to correct conditions or remedy continuing violations of these Rules and Regulations, any wastewater discharge permit, or any other requirements of the Industrial Pretreatment Program, the Authority, or Federal or State regulations.
2. Failure of a User to comply with Written Directions in accordance with the contents of the directions constitutes a violation of these Rules and Regulations and subjects the User to appropriate enforcement actions as outlined in Section 13 of these Rules and Regulations.
3. Written Directions may be provided in the form of an Administrative Order or a Compliance Order, depending on the nature of the violation.
 - a. An Administrative Order shall be issued to the User in response to a violation of these Rules and Regulations, provisions of a discharge permit, or other applicable regulations that is administrative in nature. Measures to correct that violation and a corresponding schedule of corrective actions will be outlined in the directions from the Authority.
 - i. Examples of violations which may result in the issuance of Administrative Orders include, but are not limited to, a failure to submit a Periodic Compliance Report on the prescribed cadence and inadequate report contents.
 - b. A Compliance Order shall be issued to the User in response to a violation as described above that is technical in nature and relates to a failure to comply with effluent limits or other similar conditions imposed upon the User by these Rules and Regulations, any wastewater discharge permit, or other applicable regulations.
 - i. An example a of violation which may result in the issuance of Compliance Orders includes, but is not limited to, exceedance of a local limit or Categorical Pretreatment

Standard.

K. ADMINISTRATIVE FINES AND CIVIL PENALTIES

1. The Authority may issue fines to any User as a means of escalating enforcement action following one or more of the actions outlined in preceding paragraphs of Section 13 of these Rules and Regulations, in response to Significant Noncompliance, or as otherwise described in these Rules and Regulations. Fines shall be assessed in addition to any fees that the Authority requires be reimbursed by the User for administration of the program, collection of samples, or analysis of those samples.
2. Fines shall be assessed on an escalating schedule for each instance that the Authority deems appropriate to assess a fine. The schedule may be updated from time to time by the adoption of a resolution by the Authority.
 - a. The current Fine Schedule is attached to these Rules and Regulations for reference. Two distinct schedules are included, the first of which is for self-reported violations and the other of which pertains to violations discovered by the Authority or in some manner that was not initiated by the User.
 - i. Escalation of fines shall proceed sequentially from “First Offense” level to “Second Offense” level and finally to “Third Offense” level regardless of how the violation was discovered. For example, a user who self-reports a violation and is assessed a “First Offense” violation from the appropriate schedule shall be assessed a “Second Offense” violation from the second table if the second offense was not self-reported by the User.
 - b. The escalating schedule of fines shall be maintained for one (1) year based on a rolling 365-day period. Should a User be assessed an Administrative Fine and 365 days lapse before the Authority assesses another fine, that User shall be assessed the lowest level of Administrative Fine as applicable pursuant to the most recent Fine Schedule.
3. Any user assessed an Administrative Fine shall remit payment in the appropriate amount to the Authority within thirty (30) days of receipt of notice of the fine amount. Failure to remit payment within thirty (30) days shall subject the User to additional penalties regarding delinquency pursuant to Section 13.02(B) of these Rules and Regulations.

4. Civil penalties for violation of a Pretreatment Requirement or infractions of the Rules and Regulation can be assessed for each occurrence. Civil penalties are assessed under the provisions of the Rules and Regulations; civil penalties will be assessed by the municipality in which documented infractions originate. In addition to its authority under the Pennsylvania Municipality Authorities Act, the Authority also has the power to assess penalties under Pennsylvania law (35 P.S. §752, enacted as Act 9 of 1992 - the Publicly Owned Treatment Works Penalty Law, hereinafter "Act 9").
5. Administrative Fines and Civil Penalties are defined in Table B1 and B2 of the Enforcement Response Procedures and Table A

L. CONSENT ORDER

1. A Consent Order is an agreement between the Authority and a User regarding the implementation of significant corrective actions. As part of the execution of a Consent Order, the User shall assume responsibility for its noncompliance with these Rules and Regulations, any wastewater discharge permit, or other applicable regulations and shall agree to correct the cause of such violation.
2. The contents of a Consent Order shall be determined by the Authority and may include, but shall not be limited to, a detailed compliance schedule and list of corrective actions that must be taken in order to regain compliance with these Rules and Regulations.
3. Execution of a Consent Order shall require the signature of both the Authority Chairman (or duly authorized representative) and an individual responsible for the implementation of the order on behalf of the User.
4. Failure to properly implement the corrective actions listed in the Consent Order or failure to comply with the provisions in the detailed compliance schedule shall constitute a violation of these Rules and Regulations and shall subject the User to enforcement actions outlined in Section 13.

M. REVOCATION OF PERMIT

1. Any industrial user who violates the following conditions of the Section, or applicable State or Federal regulations, is subject to having its wastewater discharge permit revoked.
 - a. Failure of an industrial user to factually report the wastewater constituents and characteristics of its discharge in any application for a wastewater discharge permit, or in any reports required by

these Rules and Regulations.

- b. Failure of the industrial user to report significant changes in operations, or wastewater constituents and characteristic as required by these Rules and Regulations.
 - c. Refusal of reasonable access to the industrial user's premises for the purpose of inspection or monitoring.
 - d. Violation of conditions of the wastewater discharge permit.
2. Any industrial user notified of a revocation of its wastewater discharge permit may be required to immediately (within one hour) stop or eliminate the discharge (even if an appeal of the revocation notice is pending). In the event of a failure of the industrial user to comply voluntarily with the notice of revocation, the discharge shall be considered an unauthorized discharge and the Authority may take such steps as deemed necessary, which may include immediate (within one hour) severance of the connection between the building sewer and the sewage collection system to prevent or minimize damage to the sewer system or endangerment to the environment or any property or person.

N. SUSPENSION OF PERMIT

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

O. SEVERANCE/PLUGGING OF SEWER LATERAL

1. In cases of extended noncompliance in which enforcement actions described in preceding paragraphs have proven ineffective in causing a User to return to compliance with these Rules and Regulations, any wastewater discharge permit, or other applicable regulations, the Authority may sever, plug, or otherwise terminate a User's connection to the Wastewater System.
2. The Authority may also utilize this means of enforcement in special cases where immediate (within one hour) cessation of discharge from a User is

required to safeguard public health and safety or to protect the Wastewater System from damage. In such cases, prior enforcement actions need not be required.

3. Notice and Opportunity to Respond Prior to Termination or Refusal of Service:

(a) **Notice Requirement.** Except in emergency situations as defined in subsection (d), prior to terminating wastewater treatment services, refusing to provide service, or otherwise discontinuing acceptance of wastewater from an Industrial User, the Control Authority shall provide written notice to the Industrial User specifying:

- The proposed action (termination, refusal, or other restriction of service);
- The reason(s) for the proposed action, including specific permit violations or other grounds under these Rules and Regulations;
- The effective date of the proposed action; and
- The Industrial User's right to respond or request reconsideration.

(b) **Opportunity to Respond.** The Industrial User shall be provided **ten (10) days** from the date of receipt of such notice to submit a written response or request an informal meeting with the Control Authority to discuss the proposed action.

(c) **Final Determination.** Following review of the Industrial User's response, if any, the Control Authority shall issue a written determination affirming, modifying, or rescinding the proposed action. The Control Authority's decision shall be final unless otherwise provided under applicable appeal procedures.

(d) **Emergency Situations.** In cases where continued discharge poses an **imminent endangerment to the health or welfare of persons, the environment, or the POTW**, or would cause the POTW to violate its NPDES permit conditions, the Control Authority may immediately suspend service or refuse wastewater acceptance without prior notice. The Industrial User shall be notified as soon as reasonably practicable and afforded an opportunity to respond after the emergency has been addressed.

P. CIVIL ACTIONS

1. If any person violates the provisions of the industrial pretreatment program, including local, national or State pretreatment requirements,

categorical standards or any wastewater discharge permit or written directions issued by the Authority, the Authority may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Bedford County or any other appropriate forum.

Q. INJUNCTIVE RELIEF

1. If any person:
 - a. Causes or permits an unauthorized discharge to occur.
 - b. Otherwise violates the conditions imposed by these Rules and Regulations or any wastewater discharge permit, schedule or written directions issued by the Authority or any National or State pretreatment requirement.
 - c. Discharges wastewater or industrial waste which otherwise presents or may present an endangerment to the environment or which threatens to interfere with the operations of the Sewer System.
2. The Authority may commence an action in the Court of Common Pleas of Bedford County or any other appropriate forum for injunctive relief to stop the discharge or violation, or to require compliance with the applicable condition.

R. EQUITABLE RELIEF

1. The Authority reserves the right to seek the recovery of damages caused by a User ("Equitable Relief") in a court of law. The Authority also reserves the right to request that specific actions ("Specific Performance") be required of a User. The provisions of this paragraph should not be construed to preclude the Authority from seeking other forms of Equitable Relief as appropriate based upon the nature and severity of damages caused by a User of the Wastewater System.

S. CRIMINAL PENALTIES

1. Criminal penalties may be sought against Users or representatives of any User that perform actions befitting of such recourse. Examples of such actions include, but shall not be limited to, falsification of records, interference with the Authority's monitoring efforts, or other criminal actions.
2. Criminal penalties shall never be imparted by the Authority; rather, the Authority reserves the right to initiate criminal investigations and the filing of criminal actions where deemed appropriate. Criminal penalties must be

sought under the ordinances of the municipality in which the purported violation occurred or under applicable Pennsylvania statute or law.

T. REFERRAL TO EPA OR PENNSYLVANIA DEP

1. The Authority may, as it deems appropriate, refer any instance or repeated cases of noncompliance with these Rules and Regulations, any wastewater discharge permit, or other applicable regulations to the Pennsylvania Department of Environmental Protection ("DEP") and/or the Environmental Protection Agency ("EPA"). Those agencies may subject the User in noncompliance with appropriate penalties afforded to each agency under applicable law.
2. The Authority (or a duly authorized representative) reserves the right to joint in any lawsuit or otherwise assist the DEP or EPA, including the provision of sworn testimony.

U. SURCHARGE FOR CERTAIN HIGH-STRENGTH WASTES

1. Please refer to the Fee Schedule, as adopted by resolution from time to time.

V. RIGHT OF APPEAL

1. A User may appeal the enforcement actions including NOV's, Monetary penalties and fines, Administrative Orders, Compliance Orders, Cease and Desist, Show Cause, permit Suspension or revocation, termination of service, the denial of a wastewater discharge permit or conditions contained in a wastewater discharge permit. An appeal is subject to the following requirements:
 - a. The appeal must be made in writing to the Authority.
 - b. The appeal must be made in thirty (30) calendar days from the date of receipt of the wastewater discharge permit, or notice of denial, suspension, modification or revocation of a wastewater discharge permit being appealed by the industrial user.
 - c. Failure to perfect an appeal within the applicable time period shall result in a waiver of all legal rights to contest any violation or administrative order, the amount of any penalty, or any adjudication by the control authority.
 - d. The appeal must state the specific provisions of a wastewater discharge permit or the specific directions or actions of the Authority which are being contested.

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

4. The Authority or a board appoint by the Authority for the purpose, shall review the appeal and any report prepared as provided by subsection (3) and, at one (1) or more regular or special public meetings, take any additional testimony offered by the appellant, the reviewer, the Authority Manager or other interested party. The Authority may, within a reasonable time, decide to:
 - a. Grant a stay or wastewater discharge permit conditions pending a decision on the merits of a permit appeal.
 - b. Grant the appeal or portions of the appeal, applying such remedies as it deems proper.
 - c. Deny the appeal.
 - d. The decision by the Authority constitutes final administrative action.

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

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

1. Upset

- a. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c), below, are met.
- c. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - i. An upset occurred and the User can identify the cause(s) of the upset;
 - ii. The facility was at the time being operated in a prudent and

workman-like manner and in compliance with applicable operation and maintenance procedures; and

- iii. The User has submitted the following information to the Authority within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - A description of the indirect discharge and cause of noncompliance;
 - The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- iv. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- v. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- vi. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

2. Bypass

- a. For the purposes of this Section,
 - i. Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.
 - ii. Severe property damage means substantial physical damage to property, damage to the treatment facilities

which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this Section.

c. Bypass Notifications

i. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Authority at least ten (10) days before the date of the bypass, if possible.

ii. A User shall submit oral notice to the Authority of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

d. Bypass

i. Bypass is prohibited, and the Authority may take an enforcement action against a User for a bypass, unless

- Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance

during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- The User submitted notices as required under paragraph 13.01W.2.c. of this section.
- ii. The Authority may approve an anticipated bypass, after considering its adverse effects, if the Authority determines that it will meet the three conditions listed in paragraph (d)(i) of this Section.

X. ENFORCEMENT RESPONSE PLAN

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

Y. SIGNIFICANT VIOLATORS

1. The Authority shall publish annually, in the local daily newspaper a list of industrial users that were found to be in significant noncompliance as defined in Section 1.01 OO and per the requirements outlined in Section 13.01 H.1 above.

Z. RESPONSIBLE OFFICIALS

1. Except as may be otherwise provided herein, the Authority Chairman shall administer and enforce the provisions of these Rules and Regulations. The Authority Chairman may delegate any or all power granted by these Rules and Regulations to the Authority Manager or to others as he or she deems appropriate.
2. The Board of the Municipal Authority of the Borough of Bedford shall reserve certain responsibilities associated with the oversight of the Industrial Pretreatment Program.
 - a. The Board Members shall be responsible for hearing and ruling upon appeals from permittees.

- b. Board Members shall also be responsible for the conducting of Show Cause Hearings. The Board may appoint a representative or representatives to conduct such a hearing on its behalf. Such a decision shall be made at the sole discretion of the Board.

13.02 Penalties

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

tampers with, or knowingly renders inaccurate any monitoring device or method required under these Rules and Regulations shall, upon conviction, be punished by a fine of the maximum amount permissible pursuant to applicable law. Fines shall be levied on a per-violation and per-day basis.

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

13.03 Remedies Not Exclusive

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

13.04 Special Agreements and/or Waiver of Pretreatment Requirements

- A. Nothing contained in these Rules and Regulations shall be construed as prohibiting special agreements between the Authority and a person discharging industrial wastes or wastewaters to the sewer system, or for the Authority to otherwise waive requirements hereunder, when conditions and circumstances making such special agreements or waiver advisable and/or necessary, in the opinion of the Authority are present; provided, however, that:
 - 1. National categorical pretreatment standards and prohibitive discharge standards (including the general and specific prohibitions set forth at 40 CFR §403.5 (a) and (b) shall not be waived.
 - 2. In no case shall a special agreement or waiver of local limits allow for an industrial user to discharge any pollutant which, along or in combination with other regulated industrial user discharges, would reasonably be expected to exceed the mass loadings determined by the Authority as acceptable to the sewage treatment plant based upon considerations of,

among other things, interference, pass through and sludge contamination. The Authority may consider other factors (e.g. effect of the discharge on the WWTP, future expansion, etc.), as it deems appropriate. In no event shall special agreement or waiver allow the sum of the loadings allocated to industrial loadings to exceed the values set forth in any local limit's analysis completed by the Authority.

3. The Authority may require an industrial user requesting a special agreement or waiver adjusting effluent limitations to submit supporting documentation indicating why the industrial user cannot reasonably expect to meet the effluent limitation contained in its wastewater discharge permit, setting forth an expeditious schedule for achieving compliance with such limitations, and including such other information as the Authority may require. In granting any special agreement or waiver the Authority may impose time limitations upon any reduced requirements and provide a compliance schedule for achieving compliance. In granting any special agreement or waiver, the Authority may impose any other conditions deemed necessary to implement the purposes of these Rules and Regulations.
 4. If granting a special agreement or waiver would result in increased costs to the Authority (e.g. treatment monitoring, sludge disposal costs), the Authority may condition the special agreement or waiver upon the agreement of the industrial user to pay those costs, and to provide security adequate in the judgment of the Authority to assure payment of said costs.
 5. All waivers for pollutants not present or expected to be present shall be issued in accordance with [40 CFR 403.8(f)(1)(iii)(B)(4) & 403.12(e)(2).
 6. All reduced monitoring approvals shall be issued in accordance with [40 CFR 403.12(e)(3).
- B. Where an Industrial User believes that a special agreement or waiver of pretreatment requirements is warranted based on the nature of that User's operations and discharge(s) to the Wastewater System, the User may submit, in writing, a request to the Authority for such an arrangement. All requests shall be accompanied by supporting documentation detailing why the User believes the request is appropriate. Unsubstantiated requests lacking such documentation may be rejected by the Authority without further review. Requests shall be submitted to the Authority at a regularly scheduled public Authority meeting and will be evaluated by the Authority on a case-by-case basis. The Authority shall return written directions to the User in a timely manner indicating the Authority's decision regarding the request and any additional information which must be

provided by the User in accordance with 13.04 A.3. above.

- C. Any special agreement or waiver of local limits granted by the Authority shall be reflected in the User's wastewater discharge permit. The granting of any such request shall only be made at a regularly scheduled Authority meeting. If granting such a request requires the amendment of the User's existing permit, the Authority reserves the right to require the User to pay such administrative costs as are necessary to complete the amendment.

SECTION 14: DISCONTINUANCE OF SERVICE

- 14.01 Application for sewer service may be cancelled or sewer service and/or water service disconnected for any of the following reasons:
- A. Failure of user to pay sewer bill and other charges when due.
 - B. Tampering with any service pipe or permitting tampering by others.
 - C. Use of sewer service by a user for any purposes other than described in the application.
 - D. Use of sewer service by a user at any location other than described in the application.
 - E. Unlawful use of the sewer system by a user or discharge of prohibited wastes into the sewer system by a user.
 - F. Vacancy of building.
 - G. Failure of user to maintain connection in good order.
 - H. Refusal of access to property to authorized representatives of the Authority.
 - I. Failure to comply with any sewer use restrictions which may be imposed.
 - J. Violation by user of any of the rules and regulations.
 - K. Pursuant to any other laws of the Commonwealth of Pennsylvania.
- 14.02 No application for Sewer Service shall be accepted by the Authority, nor shall any Sewer Service be provided to any Applicant for Sewer Service if Applicant has a delinquent account with the Authority for service to a premises which is currently or was previously owned and/or occupied by the Applicant for Sewer Service.
- 14.03 Any damage to service line and/or sewer mains caused by careless undermining or by negligent excavating or backfilling of excavation of private drains, sewers or other purpose shall be chargeable to the person causing damage, and if the charge to repair service line and/or sewer main is not paid, the Authority reserved the right to discontinue sewer service.
- 14.04 The Authority shall have the right to interrupt sewer service without notice in case of breakdowns or for other unavoidable causes, or for the purpose of making necessary repairs or connections. Reasonable notice will be given when practicable. In no case shall the Authority be liable for any damage or inconvenience suffered.
- 14.05 When two or more buildings are supplied through a single sewer service, any violation of the rules and regulations of the Authority by any one owner shall be deemed a violation

by all, and the Authority may enforce compliance with this rule by shutting off the entire service.

SECTION 15: CHANGING RULES, REGULATIONS AND RATES

15.01 The Authority reserves the right to change or amend, from time to time, these rules and regulations and rates for sewer service, in a manner provided by law.

SECTION 16: BILLING

- 16.01 Billing for sewer service, including, but not limited to usage charges, penalties, interest, suspension of service(s), payment arrangements, returned payments and adjustments, follow the billing guidelines outlined in the Municipal Authority of the Borough of Bedford's Water Rules and Regulations.
- 16.02 Charges for sewer service are based off of the water meter reading.
- 16.03 The Customer is responsible for the payment of all billings, for and related to, the Sewer Service provided to a premises by the Authority.
 - A. The Customer may allow a Tenant to become a User and be the Applicant for Sewer Service; however, the Customer is ultimately responsible for making restitution to the Authority for any and all unpaid billings and other related costs.
- 16.04 Whenever ownership of a Building is transferred, the new Customer must notify the Authority in writing for the continuation of the service as provided for in Section 18. Failure to do so will result in the discontinuance of the wastewater service.
- 16.05 Billings will be rendered on a quarterly basis for all Users.

SECTION 17: CHARGES PAYABLE UPON CONNECTION

- 17.01 Upon making application for the issuance of a permit to connect a new Building or to connect an additional use, the Authority will prepare a written estimate of the cost of the Authority construction for the installation, connection charge, the tapping fee, the permit fee and the inspection fee.
- 17.02 A Connection/Tap fee shall be charged to the Customer for tapping onto the sewer line of the Authority. The fee is defined as the charge assessed by the Authority against new users of the wastewater system for the purpose of reimbursing the capital costs related to the construction, expansion and maintenance of the system, as outlined in the most current fee schedule. The tap is not permitted to be re-tapped or used for the draining of more than one house or one apartment of any apartment house, unless the applicable connection/tap fee is paid for each additional apartment.
- 17.03 The Customer desiring wastewater service shall furnish and install the Building Sewer at his sole cost.
- 17.04 The actual building and connection to the sewer system must be made within one year of the payment of the charges and fees specified under this Section. If requested prior to the actual connections being made to the sewer main, the Authority will refund the fees and charges less 10% administrative fee. After one year, a new application must be made with appropriate fees and charges paid to the Authority.

SECTION 18: SCHEDULE OF RATES AND CHARGES

- 18.01 A User Charge is hereby imposed upon the User which shall be connected to the Sewer System, for use of the Sewer System, whether such use is direct or indirect, and for services rendered by the Authority in connection therewith, and shall be payable as provided here in. At the discretion of the Authority, such User Charge may be imposed upon the User who refuses improperly to connect such Improved Property to the Sewer system, as compensation for the availability of services by the Authority in connection with the Sewer System.
- 18.02 The User Charge shall be payable by the User commencing the earlier of: 1) the date of actual, physical connection of a Building Sewer to the Wastewater System or 2) sixty (60) days from the date indicated on the notice to connect described in the municipality's mandatory connection Ordinance.
- 18.03 The User Charge for Users of the Wastewater System based upon the number of Equivalent Dwelling Units (E.D.U.) constituting such property is calculated as follows:
- A. Effective January 1, 2022, the minimum rate for each EDU shall be no less than \$74.25 per quarter for five thousand (5,000) gallons of waste. This rate may be revised as necessary by resolution of the Authority. Usage above and beyond the five thousand (5,000) gallon minimum is billed based on the current Fee Schedule.
 - B. The number of EDU's constituting each type of Building for the purpose of calculating the minimum User Charge shall be determined as follows:
 - 1. A building under one (1) roof and occupied by one (1) User; or
 - 2. A combination of buildings in one (1) enclosure or group and occupied by one (1) User; or
 - 3. One (1) side of a double building or house having a solid vertical partition wall; or
 - 4. A building, house or other structure, or any room, group of rooms or part thereof, occupied by more than one (1) User, the plumbing fixtures of which are used in common; or
 - 5. A building, house or other structure, or any room, group of rooms or part thereof occupied by more than one (1) User; the plumbing fixtures of which are not used in common; or
 - 6. Each room or group of rooms in a building, house or other structure occupied or intended for occupancy as a separate business or as separate living quarters by a family or other group of Users living together or by a

User living alone, the plumbing fixtures of which are not used in common;
or

7. Each apartment, office or suite of offices in a building or house having several apartments, offices or suites of offices and using in common one (1) or more hallways and one (1) or more means of entrance; or
8. Each mobile home or trailer occupied by one family or business; or
9. Each public school or municipal building; or
10. Any combination of the foregoing which, subject to appropriate ordinances enacted by the Municipalities, shall receive Sewer Service through a Sewer Connection.

C. Wastewater bills are due and payable regardless of the occupancy status of the Building(s). Bills will be discontinued only in the event that the owner physically disconnects the service at or near the original point of connection. The manner of disconnection shall meet the approval of the Authority, shall be inspected by the Authority and shall be paid for by the Customer. Reconnection procedures shall meet the same requirements.

18.04 In the case of a Multiple Use Unit sharing a common connection to the Wastewater System or a common structure, each such classification of Improved Property shall pay a separate User Charge, as though it was housed in a separate structure and had a direct and separate connection to the Wastewater System, computed in accordance with Section 18.03 (B) of these Rules and Regulations.

18.05 The Customer/User of any Building discharging domestic wastewater and/or Industrial Wastes into the Wastewater System shall furnish to the Authority, including by way of the application for connection permit, all information deemed essential or appropriate by the Authority for the determination of all applicable User Charges and surcharges. The costs of obtaining such information shall be borne by such Owner of the Improved Property.

In the event of the failure of the Customer/User to provide adequate information, the Authority shall estimate the applicable User Charge and surcharges based upon available information, until such time as adequate information is received. There shall be no rebate of past payments if the User's refusal to provide, or delay in providing, such information results in overpayment. Repeated failure of the Customer/User to provide adequate billing information shall result in the discontinuance of service.

18.06 Nothing herein contained shall be deemed to prohibit this Authority from entering into separate or special agreements with the Customer/User with respect to the User Charge, Connection Charges or Tapping Fees to be imposed in those cases where, due to special

or unusual circumstances, the User Charge set forth herein shall be deemed by this Authority, in its sole discretion, to be inequitable, or where it is in the best interests of this Authority to do so.

18.07 User Charges and surcharges, as applicable, shall be payable on a quarterly basis, on the due date established on the quarterly bill and cover a billing period consisting of the immediately preceding period. The Customer/User, that shall be required to connect to the Wastewater System during any quarterly period, shall pay a pro-rated User Charge for service for the balance of the quarterly period, plus applicable surcharges.

18.08 It shall be the responsibility of each Customer/User of the Building to provide the Authority with, and thereafter keep the Authority continuously advised of, the correct mailing address and telephone number of each User. Failure of any Customer/User to receive a bill for charges due and payable shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the period of time during which the bill shall be payable.

18.09 Every Customer of the Building shall remain liable for the payment of User Charges and surcharges until the later of 1) the receipt by the Authority of written notice by such Customer that the Building has been sold, containing the correct name and mailing address of the new Customer, or 2) the date on which title to the Building is transferred to a new Customer. Failure to provide notice renders a Customer continuously liable for any charges that may accrue until such time as the Authority has been properly notified of any change in ownership as described above.

18.10 Returned Check Charge

A charge, as established in the current Fee Schedule, will be assessed any time where a check which has been presented to the Authority for payment on account has been returned by the payer's bank for any reason.

18.11 Service Termination or Resumption Rates

A. No service shall be furnished by the Authority to a Customer/User until all arrears for wastewater service, repairs, or other charges then incurred or previously owed with respect to the building shall have been paid, or satisfactory arrangement for payment has been made.

B. Any Customer/User desiring a permanent discontinuance of wastewater service shall notify the Authority of this desire along with a payment of two hundred dollars (\$200.00) for the inspection of the terminated service. To have the service discontinued, the user must physically remove a section of pipe and satisfactorily plug the existing lateral. The Authority, upon terminating service, shall render a final bill. The bill shall be due and payable within fourteen (14) days of termination of service.

- C. Any Customer/User desiring to transfer ownership of property and wastewater service shall notify the Authority of this desire and a final bill will be prepared at no charge to the Customer/User. The bill shall be due and payable within fourteen (14) days of transfer.

18.12 Service Fees

- A. After hours – Charges will be based on actual cost for equipment, materials and labor of the Authority for service calls.
- B. Normal Business Hours
 - 1. Monday through Friday
 - 2. Office Hours – 9:00 a.m. to 4:00 p.m. Monday through Thursday and 9:00 a.m. to 3:00 p.m. Friday. Closed for lunch 12:00 p.m. – 1:00 p.m.

SECTION 19: CIRCUMSTANCES BEYOND OUR CONTROL

19.01 The Authority shall not be liable for damage to property unless it appears that such damage resulted from the negligence of the Authority or its employees and specifically, the Authority shall not be liable for damage occasioned by freezing, thawing, Acts of God, or any other circumstance beyond the Authority, or its employees, control.

SECTION 20: REPEALER

- 20.01 All prior rules and regulations with respect to the Wastewater System shall not be applicable after the effective date of these rules and regulations.
- 20.02 In the event any provision, section, sentence, clause or part of the Rates, Rules, and Regulations shall be held by any Court or Administrative tribunal of competent jurisdiction to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of the Authority that such remainder shall be and shall remain in full force and effect.

Municipal Authority of the Borough of Bedford
Revisions

Adopted: January 7, 2026 via Resolution 2026-01S