

BRODHEAD CREEK REGIONAL AUTHORITY WASTEWATER RULES AND REGULATIONS

ARTICLE I POLICY AND PURPOSE

The Rules and Regulations set forth uniform requirements for contributors to the Brodhead Creek Regional Authority's Wastewater Treatment Plant through the independently owned municipal collection systems (the Publicly Owned Treatment Works ("POTW")) thereby allowing the Authority to comply with applicable State and Federal laws, and rules and regulations regarding the Discharge of Wastewater including, but not limited to, the Authority's NPDES Permit and DRBC Docket, the Federal Water Pollution Control Act (Clean Water Act) of 1977 (33 U.S.C.§1251, *et seq.*), the General Pretreatment Regulations (40 C.F.R., Part 403), National Categorical Pretreatment Standards (13 U.S.C.§1347) and Title II of the Solid Waste Disposal Act (42 U.S.C.§6901, *et seq.*, also known as the Resource Conservation and Recovery Act) and its implementing regulations (40 C.F.R.§261), and the Pennsylvania Sewage Facilities Act (35 P.S.§§750.1,*et seq.*)

The objectives of the Rules and Regulations are:

- (1) To prevent the introduction of Pollutants into the POTW which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of Pollutants into the POTW which will pass through the system, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim Wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the operating cost of the Wastewater Treatment Plant.

(5) To establish the obligations and duties of the Collection System Owners (CSO) as same relate to the individual Discharges of Wastewater by their customers through the Collection System of the Wastewater Service Area.

(6) To impose upon each CSO an obligation to maintain a level of influent Discharged (for hydraulic, organic, and dissolved solids limits) within established parameters as set forth in the Cooperation Agreement, Treatment Agreements, or as may be required by Legal Requirements.

(7) To establish responsibility and impose obligations and duties for Persons Discharging Commercial Waste into the POTW to comply with Legal Requirements and these Rules and Regulations.

(8) To establish a Pretreatment Program for Significant Industrial Users through the use of a Wastewater Discharge Permit in order to protect the POTW and the receiving waters.

(9) To establish penalties for Users Discharging Wastes into the POTW in violation of these Rules and Regulations, and, where applicable, WDPs.

These Rules and Regulations are intended to assist the Authority in ensuring compliance with the above obligations. The Rules and Regulations shall apply to all CSOs and CS Customers. The obligation to ensure compliance with the Rules and Regulations by individual customers of the respective Collective Systems shall primarily reside with the CSO. The intent of the provisions relating to the WDP is to authorize the Authority to have primary enforcement and regulatory control of Significant Industrial Users Discharging Commercial Wastes into the POTW by establishing a Pretreatment Program, as authorized by the Cooperation Agreement and the Treatment Agreements. The Authority shall regulate Significant Industrial Users, Categorical Discharges and violative Commercial Wastes through the establishment of a

Pretreatment Program and the use of Wastewater Discharge Permits. The Authority shall have primary enforcement regulatory authority for all Dischargers required to be in its Industrial Pretreatment Program and/or to obtain an Authority-issued Wastewater Discharge Permit. The CSOs shall have primary enforcement and regulatory control of fats, oils, and grease Discharged into their respective Collection Systems, excluding Discharges which are also subject to Industrial Pretreatment Requirements. The Authority shall retain control of all aspects of the Industrial Pretreatment Program.

In order to achieve the requirements of the Cooperation Agreement and Treatment Agreement, each CSO shall implement these Rules and Regulations in conjunction with the official Rules and Regulations for their respective Collection System. The Pretreatment Rules and Regulations shall be adopted by the Wastewater Municipalities by ordinance (Borough of Stroudsburg and the Townships of Pocono, Hamilton, and Stroud). It is the obligation of any CSO which expands its service area beyond its municipal boundary to ensure that any other municipality whose citizens contribute to the POTW pass the Pretreatment Rules and Regulations by ordinance. Each ordinance shall also designate the Authority as an agent of the Wastewater Municipality and the CSO for the purpose of enforcing the Authority's Pretreatment Program and compliance with Legal Requirements.

This procedure will allow the Authority to implement a uniform set of Industrial Pretreatment Rules and Regulations governing the three (3) existing Collection Systems and their Customers. The purpose of establishing a uniform set of Industrial Pretreatment Rules and Regulations is to ensure that each CSO and their respective customers are treated fairly, all the while, protecting the investment that each Wastewater Municipality has made in its own Collection System and the Wastewater Treatment Plant.

ARTICLE II
DEFINITIONS AND ABBREVIATIONS

Section 1: Defined Terms for Article III.

The terms defined in Article II, Section 2 below, whenever used or referred to in other Articles of these Rules and Regulations, shall have the respective meanings indicated or incorporated herein unless a different meaning clearly appears from the context. All defined terms will appear as capitalized terms. If there is a difference between the definitions contained in these Rules and Regulations and the definitions contained in the respective Sewage Treatment Agreements, then those differences shall be first interpreted to reconcile the meaning of the definitions. If a conflict exists between the definitions which are non-reconcilable, then the definitions in the Sewage Treatment Agreements prevail for the purpose of interpreting Article III regarding Collection System Owners liabilities and responsibilities.

Section 2: Defined Terms for Articles IV, V, and VI.

The terms defined in this Section, whenever used or referred to in these Rules and Regulations, shall have the respective meanings indicated or incorporated herein unless a different meaning clearly appears from the context. All defined terms will appear as capitalized terms.

DEFINITIONS AND ABBREVIATIONS

“The Act” shall mean the Municipalities Authorities Act of the General Assembly of the Commonwealth of Pennsylvania approved May 2, 1945, P.L. 382, as continued by an Act of the General Assembly of the Commonwealth of Pennsylvania approved June 19, 2001, P.L. 22 (53 P.S. §§5601 *et seq.*).

“Act 167 Plan” shall mean the Act 167 Brodhead-McMichaels Creek Watershed Stormwater Management Plan in effect in each municipality in the Act 537 service area and as approved by the DRBC, as the same may be amended from time to time.

“Act 537 Plan” shall mean the “Official Act 537 Plan Update Regional Sewage Facilities Plan for Stroud Township, Stroudsburg Borough, Pocono Township, and Hamilton Township, Monroe County, Pennsylvania dated May, 2009” prepared for the Authority, as the same may be amended, supplemented, restated or superseded from time to time.

“Ammonia-Nitrogen (NH₃-N)” shall mean ammonia-nitrogen determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136 or any successor regulation.

“Approval Authority” shall mean the Administrator of the EPA Program.

“Authority” shall mean the Brodhead Creek Regional Authority, a municipality authority existing and governed under the Act, acting by and through its Board, and including any authorized Persons acting on its behalf.

“Authority Manager” shall mean the individual, appointed by the Authority’s Board of Directors, responsible for the day-to-day operation of the Authority and the

administration of Authority Rules and Regulations applying to Users discharging Wastewater to the POTW. The term “Authority Manager” shall also include his or her designee.

“Authorized Representative” shall mean a representative of a CS Customer as follows: (a) by a responsible corporate officer, if the Commercial CS Customer submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means either of the following:

i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

ii. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures 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 permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the Commercial CS Customer submitting the documents is a partnership or sole proprietorship, respectively.

(c) The principal executive officer or director having responsibility for the overall operation of the Discharging Facility if the Commercial CS Customer submitting the documents is a federal, state, or local governmental entity, or their agents.

(d) By a duly authorized representative of the individual designated in paragraph (a), (b), or (c) of this section if:

i. the authorization is made in writing by the individual described in paragraph (a), (b), or (c);

ii. the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or a Wastewater superintendent, or a position of equivalent responsibility, or having overall responsibility of environmental matters for the company; and

iii. the written authorization is submitted to the Authority.

“Authority Wastewater Engineer” shall mean a Person or Persons appointed by Authority as its consulting engineer, qualified to pass upon engineering questions relating to the Treatment Plant, and having a favorable reputation for skill and experience in supervising the design, construction and operation of such facilities. If such Person is an individual, he shall be a professional engineer duly registered under laws of the Commonwealth. If such Person is a partnership, corporation or association, it shall have a partner, officer, employee or member who is a professional engineer duly registered under laws of the Commonwealth.

“Best Management Practices” (BMP) shall mean the technical guidance accepted as industry standard and as established by the Authority, EPA, and/or DEP so as to implement

the purpose of §435(a) (i) and (b) of the Clean Water Act as it exists or as modified from time to time.

“Black Water” shall mean any sewage or sanitary Wastewater.

“Board” shall mean the Board of Directors of the Authority.

“BOD-5/Biochemical Oxygen Demand” shall mean the quantity of oxygen, expressed in milligrams per liter, utilized in the carbonaceous biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20°) degrees centigrade, which standard laboratory procedure shall be as set forth in the latest publication of 40 CFR Part 136 or any successor regulation.

“Borough Code” shall mean the Borough Code of the Commonwealth of Pennsylvania found at Pa.C.S.A. 53 P.S. §§48101, *et seq.*

“Bypass” shall mean the intentional diversion of wastes from any portion of a treatment facility.

“Chemical Oxygen Demand” (COD) shall mean the chemical reaction of any substance which exhibits oxygenation in the presence of a strong oxidizer expressed in mg/L.

“Chief Operator” shall mean the individual, licensed by the Commonwealth of Pennsylvania, responsible for the day to day operation of the Treatment Plant and works in conjunction with the Authority Manager in the implementation of the regulations controlling Discharges into the POTW.

“Clean Water Act” shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. §§1251, *et seq.*

“Collection Systems” shall mean, collectively, the Stroud Collection System, the Stroudsburg Collection System, the Pocono Collection

System, and any sewage collection and conveyance systems owned by new Wastewater Municipalities joining the Wastewater System pursuant to the Cooperation Agreement.

“Collection Systems Owners” (CSO) shall mean Stroud Township and the Stroud Township Sewer Authority, Pocono Township, the Borough of Stroudsburg, and any new Wastewater Municipalities which join the Wastewater System pursuant to the terms of the Cooperation Agreement. This term shall also collectively include the term “Wastewater Municipalities” unless the context clearly delineates a separation.

“Combined Sewer” shall mean a sewer designed to receive both sewage and storm water runoff which has been approved for such purpose.

“Commercial CS Customer” shall mean any non-residential CS Customer.

“Commercial Waste” shall mean any liquid, gaseous or water-borne Wastes from industrial processes or commercial establishments.

“Commonwealth/State” shall mean the Commonwealth of Pennsylvania.

“Common Grease Interceptor” shall mean a device to which grease Wastes are directed from more than one facility having different operations.

“Composite Sample” shall mean a sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample collected either as a constant sample

volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.

“Control Authority” shall mean the Authority.

“Cooling Water” shall mean the water Discharged from any such use as air conditioning, cooling, or refrigeration, or to which the only Pollutant added is heat which shall be differentiated as follows:

(a) Uncontaminated shall mean water used for cooling purposes only that has no direct contact with any raw material, intermediate, or final product and that does not contain a level of contaminants detectably higher than that of the intake water.

(b) Contaminated shall mean water used for cooling purposes only that might become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials or Wastewater.

“Cooperation Agreement” shall mean the Amended and Restated Intermunicipal Cooperation Agreement dated May 1, 2010, as well as the First Supplement to the Amended and Restated Intermunicipal Cooperation Agreement dated November 1, 2010, all between the Borough of Stroudsburg, the Township of Hamilton, the Township of Pocono, the Township of Smithfield, the Township of Stroud, the Stroud Township Sewer Authority and the Brodhead Creek Regional Authority, and any subsequent amendment thereto.

“CS Customer” shall mean a Person who has been authorized by a Collection System Owner to deposit Waste into a Collection System and which is contractually or legally obligated to pay the Collection System Owner for use of

that Collection System. The CS Customer is responsible to assure that each User, who has been authorized to deposit waste into that CS Customer's sewer lateral, deposits such waste in accordance with all Federal, State, and Local disposal laws, and rules and regulations.

"Customer" shall mean a Person, including a Collection System Owner, or CS Customer, which contractually utilizes the Treatment Plant as authorized by the Authority and who is responsible for payment therefor, as provided by the Cooperation Agreement and/or a Sewage Treatment Agreement.

"Daily Average Flow" (DAF) shall mean the average quantity of influent Wastewater/treated effluent measured over a twenty-four (24) hour period averaged over a single month, expressed in GPD or MGD.

"Daily Maximum" shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

"Daily Maximum Limit" shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

"DEP" shall mean the Department of Environmental Protection of the Commonwealth or any successor Commonwealth departments or agencies having statutory responsibility for regulating or permitting the Treatment Plant.

"Developed Property" shall mean any property within the Act 537 Plan service area which was an Improved Property on the date a mandatory

connection notice to connect that property to the Collection System was issued by a CSO.

"Discharge" shall mean either: (1) when used in terms of Waste or Wastewater entering a Collection System or the Treatment Plant, the introduction of Pollutants into the POTW from a Collection System or any non-domestic source regulated under Section 307(b), (c), or (d) of the Clean Water Act; or (2) when used in terms of Pollutants entering waters of the United States from the Treatment Plant, the meaning provided in Section 502 of the Clean Water Act.

"Domestic Wastes" shall mean the normal water-borne Wastes from a typical Dwelling Unit.

"DRBC" shall mean the Delaware River Basin Commission, having regulatory powers over the effluent Discharged by the Treatment Plant and its receiving stream.

"DRBC Project or Docket" shall mean the DRBC Docket No. D-1986-011 CP-3 dated May 8, 2013, as the same may be amended and in effect from time to time.

"Dwelling Unit" shall mean any single family home, apartment unit, condominium, room, group of rooms, house trailer or other enclosure occupied or intended for single family residential occupancy.

"Effluent Limit" shall mean the effluent limitations set forth in **Exhibits "A" and "E"** of the Sewage Treatment Agreements for the purposes of Article III, as the same may be revised from time to time by applicable Legal Requirements as defined and set forth in the Cooperation Agreement and the Sewage Treatment Agreements and together with other limitations imposed by Regulatory Authorities from time to time, on Pollutants discharged from the Treatment Plant; or for an SIU, Effluent Limit shall mean the effluent limitations as set forth in a Wastewater

Discharge Permit issued by the Authority, including limits established by Legal Requirements for Commercial Waste Discharged into or from the Treatment Plant.

“EPA” shall mean the United States Environmental Protection Agency or any successor federal department or agency having statutory responsibility for regulating or permitting the Treatment Plant.

“Existing Commercial CS Customer” shall mean a Commercial CS Customer which is connected to a Collection System and is not establishing a New Connection.

“Extra Strength Wastes” shall mean:

(a) Wastewater which exceeds the Influent Limits established for a Collection System as set forth in the CSOs’ respective Sewage Treatment Agreements and/or Wastewater, which has a composition in excess of the respective constituent limits set forth in their respective Sewage Treatment Agreements, as otherwise mandated from time to time by any Regulatory Authority; or

(b) Wastewater Discharged by an SIU which exceeds the Influent Limits established for a Wastewater Discharge Permit and has a composition in excess of the authorized Discharge constituent limits set forth in the SIUs WDP, as otherwise mandated from time to time by any Regulatory Authority.

“Fats, Oils, and Grease (FOG)” shall mean fats, oils and grease as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136 or any successor regulation.

“First Class Township Code” shall mean the First Class Township Code of the Commonwealth of Pennsylvania, found at Pa.C.S.A. 53 P.S. §§ 55101, et seq.

“Food Processing Facility (FPF)” shall mean any facility which commercially cuts, cooks, bakes, prepares, or serves food, or which disposes of food related Wastes. This definition includes but is not limited to restaurants, food courts, bulk service kitchens, cafeterias and food manufacturing plants, and adult care facilities.

“Garbage” shall mean solid Wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

“General Pretreatment Regulations” shall mean the General Pretreatment Regulations found at 40 C.F.S. Part 403.

“Grab Sample” shall mean a single “dip and take” sample collected at a representative point in the Discharge stream in less than fifteen (15) minutes without regard to flow or time.

“GPD” shall mean gallons of Wastewater Discharged during a twenty-four (24) hour period commencing 12:00 midnight, prevailing time, on any particular calendar day and ending at 12:00 midnight, prevailing time the following calendar day.

“Grease Interceptor” shall mean a large tank or device so constructed as to separate and trap or hold fats, oil, and grease substances from the sewage discharged from a facility in order to keep fats, oil, and grease substances from entering the Collection System.

“Hamilton” shall mean the Township of Hamilton, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors, and including any authorized Person acting on its behalf.

“Hauler” shall mean one who transfers Waste from the site of a user to an approved site for disposal or treatment. The hauler is

responsible for assuring that all Federal, State, and local regulations are followed regarding Waste transport.

“Hydraulic Allocation” shall mean the proportional quantity of Treatment Capacity assigned to each Wastewater Municipality expressed in GPD or MGD as set forth in their respective Sewage Treatment Agreements except as may be adjusted from time to time by the Authority (1) in order to comply with requirements of Regulatory Authorities or as may be necessary to safeguard the continued operation of the Treatment Plant or as the Wastewater Municipalities may otherwise agree; (2) resulting from a Capital Project; or (3) resulting from an increase or decrease in the Rated Capacity.

“Improved Property” shall mean any property within the Regional Act 537 service area, as may be amended, upon which there is constructed/erected a commercial, residential or industrial structure currently being utilized for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure Wastewater shall or may be Discharged into a Collection System.

“Industrial User” shall mean a source of Discharge into a Collection System from a process or processes involved in the manufacturing of a product or rendering of a service.

“Inflow and Infiltration (I&I)” shall mean any surface water, ground water, or precipitation which enters a Collection System by any means.

“Influent Limits” shall mean the Influent Waste limitations and total dissolved solids limitations as set forth herein in both constituent concentration (mg/L) or daily load (ppd), as the same may be revised from time to time by applicable Legal Requirements and together with other limitations imposed by Regulatory Authorities from time to time on Wastewater

treated at the Treatment Plant. Influent Limits for Wastewater Discharge Permittees are set forth in Section F of the WD Permit.

“Instantaneous Maximum Concentration” shall mean the maximum limit allowable concentration of a Pollutant determined from the analysis of any discrete or composited sample collected independent of the industrial flow rate and the duration of the sampling event.

“Instantaneous Measurement” shall mean an Instantaneous Measurement for the monitoring requirements of this permit is defined as a single reading, observation, or measurement.

“Interference” shall mean a Discharge from a Collection System and/or from an SIU issued a WDP which, alone or in conjunction with a Discharge or Discharges from other sources, inhibits or disrupts the Treatment Plant, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the NPDES Permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent Commonwealth or local regulations: Section 405 of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§1251, *et seq.*; the Solid Waste Disposal Act, including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); all applicable Commonwealth laws and regulations contained in any Commonwealth sludge management plan prepared pursuant to Schedule D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

“Instantaneous Peak Flow” shall mean the peak quantity of influent Wastewater/treated

effluent measured at a single point in time, expressed in GPD or MGD.

“IPP” shall mean the Industrial Pretreatment Program established by the Authority and adopted by a CSO, as the same may be amended, supplemented, replaced or superseded from time to time.

“IPP Facility” shall mean any structure or device constructed or maintained by a Significant Industrial User at SIU’s expense in order to meet compliance with its IPP permit limitations.

“IPP Monitoring Facility” shall mean any monitoring facility used by a CSO, SIU, or the Authority for the purpose of monitoring Wastewater Discharge from an SIU’s facility.

“IPP Notice of Violation” shall mean the notice sent to a Significant Industrial User by the Authority for violation of any Industrial Pretreatment Permit condition or requirement.

“IPP Surcharge Notice” shall mean the notice sent to a Significant Industrial User by the Authority for violation of Extra Strength Waste under the Rules and Regulations set forth herein.

“Legal Requirements” shall mean, collectively, all applicable environmental (including influent, treatment and Discharge standards and permits then in effect), land use or other laws, regulations, orders, ordinances, codes, restrictions, permits and other requirements imposed by Regulatory Authorities or by agreement of the Municipalities including but not limited to the Cooperation Agreement and the respective Sewage Treatment Agreements.

“Lower Explosive Limit” shall mean the lower limit of flammability or explosibility of a gas or vapor at ordinary ambient temperatures expressed in percent of the gas vapor in air by volume.

“May” when used shall mean an action which is permissive.

“Maximum Day Flow” (MDF) shall mean the maximum quantity of influent wastewater/treated effluent measured over a twenty-four (24) hour period, expressed in GPD or MGD.

“Medical Waste” shall mean “Infectious Waste” or “Chemotherapeutic Waste” as those terms are defined in 25 Pa.Code §271.1 or any successor regulation. The term “Medical Waste” does not include substances which have been disinfected or inactivated in accordance with a DEP permit authorized pursuant to 25 Pa.Code Ch. 284.

“MGD” shall mean millions of GPD of Wastewater.

“Monitoring Frequency” shall mean:

(a) Daily Monitoring Frequency (DMF) shall mean sampling which is required each and every day with a reporting requirement on the 15th of the succeeding month in which the samples were taken.

(b) Quarterly Monitoring Frequency (QMF) shall mean sampling which is required every three (3) months or in default of a specific three (3) month period, March, June, September, and December. If there is no Discharge from the sample month, Permittee shall sample during the month in which the Discharge is available. Quarterly sampling shall consist of three (3) samples collected in a two (2) week period.

(c) Semiannual Monitoring Frequency (SMF) shall mean that sampling is required in the months of June and December. Semiannual sample shall consist of three (3) samples collected in a two (2) week period.

(d) Annual Monitoring Frequency (AMF) shall mean that sampling is required in the month of June. If there is no Discharge during the sampling month, Permittee shall sample during the earliest subsequent month when Discharge is available. Annually sample shall consist of a single sample collected at any time during the appropriate month.

(e) A Permit Issuance Frequency (PIF) shall mean that sampling is required within six (6) months of the issuance/renewal of the permit. A Permit Issuance sample shall consist of a single sample collected at any time during the appropriate time period.

“Monthly Average” shall mean the arithmetic mean of the values for effluent samples collected during a calendar month or specified thirty (30) day period (as opposed to a rolling thirty (30) day window).

“Municipality” and “Municipalities” shall mean, individually and collectively, Stroud, Stroudsburg, Pocono, Hamilton and Smithfield and each New Member, as approved, pursuant to the Cooperation Agreement.

“National Categorical Pretreatment Standard or Pretreatment Standard” shall mean any regulation containing Pollution Discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. §1347) which applies to a specific category of Industrial Users.

“National Prohibitive Discharge Standard or Prohibitive Discharge Standard” shall mean any regulation developed under the authority of 307(b) of the Clean Water Act and 40 C.F.R., §403.5.

“New Commercial CS Customer” shall mean a Commercial CS Customer which is establishing a New Connection.

“New Connection” shall mean either (1) the physical connection for the first time on or after October 22, 2009 of a building, facility or parcel to a Collection System or (2) any significant change in quality or quantity of Wastewater associated with a use of an existing connection to service additional parcels or land areas beyond the area previously approved for connection.

“Nitrate Nitrogen” shall mean total nitrate nitrogen as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136, or any successor regulation.

“Noncompliance” shall mean a violation of a condition or requirement for discharge by a User provided for by a Legal Requirement, these Rules and Regulations, and/or a permit issued by the Authority.

“Non-Significant Categorical Industrial User” shall mean an Industrial User subject to categorical Pretreatment Standards under 40 C.F.R. §403.6 and 40 C.F.R. Chapter 1, Subchapter N which, as determined upon a finding by the Authority, never Discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(i) The Industrial User, prior to the Authority’s finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(ii) The Industrial User annually submits the certification statement required in 40 C.F.R. §403.12(q) together with any additional information necessary to support the certification statement;

(iii) The Industrial User never discharges any untreated concentrated Wastewater; and

(iv) The Industrial User has been issued a WDP by the Authority for a five (5) year period in which there have been no violations.

“North American Industrial Classification System” (NAICS) shall mean a system used by government and businesses to classify the type of economic activity at a particular government or business establishment according to the primary activity taking place at that particular location. This system is widely used in Canada, Mexico and the United States.

“NPSPCP” shall mean a Non-Point Source Pollution Control Plan.

“Occupied Building” shall mean any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure sanitary Wastewater is or may be Discharged.

“Organic Allocation” shall mean that portion of the Treatment Plant’s design organic capacity that has been allocated, or assigned, by or to a Collection System Owner, an individual municipality or individual Discharger to the POTW, pursuant to the respective Sewage Treatment Agreements or a Wastewater Discharge Permit issued by the Authority.

“Organic Loading” shall mean the pound of Biochemical Oxygen Demand, expressed as pound of BOD/Day, contained in the influent to the Treatment Plant in any given twenty-four (24) hour period. The organic load is calculated using the following formula:

$$\text{Biochemical Oxygen Demand, mg/l} \times \text{Flow, MGD} \times 8.34 = \text{Organic Loading as Lbs. BOD/Day}$$

“PaPUC” shall mean the Pennsylvania Public Utility Commission, and any successor commission or agency thereof.

“Pass Through” shall mean a Discharge from a Collection System which exits the Treatment Plant into waters of the United States in quantities or concentrations which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of any requirement of the NPDES Permit, including an increase in the magnitude or duration of a violation.

“Peak Hour Flow” (PHF) shall mean the peak quantity of influent Wastewater/treated effluent measured over any one-hour period, expressed in GPD or MGD.

“Person” or **“Persons”** shall mean an individual, a partnership, an association, a corporation, a joint stock company, a non-profit corporation, a limited liability company, a trust, an unincorporated association, a municipality, a municipality authority or any other group or legal entity recognized as legally existing.

“Pocono” shall mean the Township of Pocono, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its governing body, and acting on behalf of the users within Pocono and Hamilton attached to the Pocono Collection System, and including any authorized Person acting on its behalf.

“Pocono Service Area” shall be the area served by the Pocono Collection System as described in the Act 537 Plan and co-terminus with the areas served by the Authority in Pocono, Hamilton, and Tobyhanna Townships set forth in the DRBC Project Approval.

“Pocono Collection System” shall mean that certain sewage collection and conveyance system and appurtenant facilities and properties being constructed by Pocono and, upon completion, to be owned, operated and maintained by or on behalf of Pocono, together with any additional facilities and properties and extensions thereof that hereafter may be

acquired by Pocono in connection therewith, serving customers in Pocono, Tobyhanna Township as a bulk rate customer, and certain customers in Hamilton connected thereto (excluding any part of the Stroud Collection System).

“Pollutant” shall mean dredged spoil, solid Waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, Chemical Wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, Agricultural and Industrial Wastes, and certain characteristics of Wastewater (*e.g.* pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

“Premises Accessible to the Public Sanitary Sewage System” shall mean any real estate adjoining and adjacent to, or having access to any street, alley or right-of-way in which a sewer is located which ultimately connects to, the public sanitary sewage system.

“Pretreatment Coordinator” shall mean the Authority Manager, or his designee who shall have the primary responsibility for the implementation and enforcement of the Authority’s Pretreatment program.

“Pretreatment or Treatment” shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by a Brodhead Creek Regional Authority authorized physical, chemical, or biological process, or process change by other means, except as prohibited by 40 C.F.R.§403.6(d).

“Pretreatment Requirements” shall mean any substantive or procedural requirement related to pretreatment.

“Prohibited Discharge” shall mean the Discharge to the POTW (i) containing Extra Strength Wastes that limit the ability of the Authority to meet the permitted discharge limits set by its NPDES permit and other Legal Requirements; (ii) containing any of the pollutants, substances or materials which are prohibited as described in these Rules and Regulations; and/or (iii) that otherwise limits the ability of the Authority to meet the permitted discharge limits set by its NPDES permit and other Legal Requirements.

“Publicly Owned Treatment Works” (POTW) shall mean the Treatment Plant and any Collection System utilizing the Treatment Plant, including devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial Wastes of a liquid nature. It also includes sewers, pipes, and other conveyances that convey Wastewater to the Treatment Plant.

“Rated Capacity” shall mean the allowable hydraulic and Waste load volume of Wastewater which can be treated by the Treatment Plant, as specified in the NPDES permit(s) issued by DEP for the Treatment Plant, or as may be further limited or otherwise constrained or increased by amendments to such permit(s) or the actions of other Regulatory Authorities.

“Record Drawings” means the best available depictions of the facilities in question, which may include measured drawings, as-built surveys, contractor’s plans, annotations or mark-ups, inspector’s notes or other similar written depictions and summaries revised after, used during or prepared prior to construction.

“Regulatory Authorities” shall mean (a) with respect to the Authority, collectively, EPA, DEP, DRBC, and any other local, county, regional, Commonwealth or federal authority having jurisdiction on the date hereof or that may have jurisdiction at any time in the future over any aspect of the Treatment Plant including

influent, operations, treatment, land use, effluent, solid Wastes and emissions; and (b) with respect to the Collection System Owner, and any User of a Collection System, collectively, EPA, DEP, DRBC, PaPUC, and any other local, county, regional, Commonwealth or Federal authority having jurisdiction on the date hereof or that may have jurisdiction at any time in the future over any aspect of the Collection System(s) including influent, collections, conveyance, operations, land use, effluent, rate setting, solid Wastes and emissions.

“Resource Conservation and Recovery Act” (RCRA) shall mean Title II of the Solid Waste Disposal Act (42 U.S.C. §§6901, *et seq.*), and its implementation regulations (40 C.F.R. §§261, *et seq.*), as they currently exist or as may be amended or replaced from time to time.

“Rules and Regulations of the Authority” shall mean the rules and regulations promulgated by the Authority, pursuant to the authority set forth in the Sewage Treatment Agreements, and in effect from time to time relating to Treatment Capacity limits, Influent Limits, Effluent Limits, I&I remediation, IPP requirements, grease and sand traps, and Prohibited Discharges, and as set forth herein.

“Sanitary Sewage” shall mean all Domestic Wastes and Commercial Wastes (but excluding Prohibited Discharges).

“Sanitary Sewer” shall mean a sewer, which carries sanitary Wastewater, and to which storm, surface and ground waters are not authorized.

“Sanofi Agreement” shall mean the Agreement between Sanofi Pasteur, Inc. and Pocono Township dated October 3, 2008 and which is referred to in Section 5.1.10 of the Cooperation Agreement, dated May 10, 2010, and attached thereto as Exhibit “G.”

“Second Class Township Code” shall mean the Second Class Township Code of the Commonwealth of Pennsylvania, found at Pa.C.S.A. 53 P.S. §§65101, *et seq.*

“Sediment Traps” shall mean a device designed to retain inorganic material such as cinders, gravel, and sand to prevent Discharge of same into the Collection System.

“Septage” shall mean any Wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks; *provided* that such term shall not include any Wastewater transported to the Treatment Plant by or at the direction of the Authority due to a New Connection, a temporary reduction or disruption in the flow of Wastewater through a Collection System.

“Sewer” shall mean any pipe or conduit constituting a part of any Collection System used or usable for Wastewater collection purposes.

“Sewer Lateral” shall mean a sewer line or lines maintained and controlled by CSO Customer for the purpose of conveying sewage from the Waste producing location to the Collection System.

“Sewage Treatment Agreement/Treatment Agreements” shall mean the Sewage Treatment Agreement signed by the respective Collection System Owners and Stroud Township with the Authority including all modifications, amendments, supplements and restatements hereto made and delivered from time to time in accordance with the provisions contained therein.

“Sewage Treatment Fee” shall mean the annual fee determined by the Authority and payable by CSO in monthly increments or otherwise as specified herein in an aggregate annual amount equal to the sum of (a) the Operating Expense Charge, (b) the Debt Service Charge, (c) the

Reserve Charge(s), and (d) such other amounts payable by a Collection System Owner to the Authority under the terms of the respective Sewage Treatment Agreements.

“Significant Industrial User” (“SIU”) shall mean any Commercial CS Customer of a Collection System or the Treatment Plant who (i) is subject to Categorical Pretreatment Standards under 40 C.F.R. §403.6 and/or 40 C.F.R. Chapter 1, Subchapter N; (ii) Discharges an average of 25,000 gallons per day or more of process Wastewater to the Treatment Plant (excluding sanitary, noncontact cooling and boiler blowdown Wastewater); (iii) contributes a process Wastestream which makes up five (5%) percent or more of the average dry weather hydraulic or organic capacity of the Treatment Plant; (iv) has the potential to Discharge FOG into the Treatment Plant in excess of allowable limits; or (v) is designated as such by the Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the Treatment Plant’s operation or for violating any Pretreatment Standard or requirement (in accordance with 40 C.F.R. §403.8(f)(6)).

“Significant Non-Compliance” shall mean the continuous violation of a condition or requirement for a Discharge by a User of the POTW provided for by Legal Requirements, these Rules and Regulations, or a permit issued by the Authority.

“Significant Violation” shall mean:

(a) The Discharge of one or more Prohibited Discharge(s) into the Collection System and/or

(b) The occurrence of an event or circumstance, caused in whole or in part by a User’s non-compliance with the applicable Sewage Treatment Agreements, WDPs, and/or Legal Requirements, such that the Authority’s ability to fully comply with all Legal Requirements imposed upon it or otherwise

relating to its operation of the Treatment Plant such that the occurrence may cause the Treatment Plant processes to be hindered, delayed or jeopardized; or

(c) A violation by a User of the POTW of a condition or requirement set forth in a WDP.

“Slug,” “Slug Discharge,” or “Slug Load” shall mean any Discharge at a flow rate or concentration, which could cause a violation of the Prohibited Discharge standards. 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 violates the Rules and Regulations of the Authority or Legal Requirements.

“Smithfield” shall mean the Township of Smithfield, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors, and including any authorized Person acting on its behalf.

“Standard Industrial Classification” shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

“Storm Sewer” shall mean a sewer which is intended to carry storm water runoff, surface waters, groundwater drainage, etc., but which is not intended to carry any Wastewater or polluted industrial Waste.

“Storm Water” shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

“Storm Water Runoff” shall mean that portion of the storm water which reaches a channel, trench or sewer.

“Stroud” and “Stroud Township” shall mean the Township of Stroud, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors, and including any authorized Person acting on its behalf.

“Stroud Authority” shall mean the Stroud Township Sewer Authority, a municipality authority incorporated by Stroud Township and governed by the Act, acting by and through its Board, and acting on behalf of the users within Stroud and Hamilton attached to the Stroud Collection System, and including any authorized Person acting on its behalf to collect Wastewater in the Stroud Service Area and transmitting such Wastewater through the Stroud Collection System to the Treatment Plant.

“Stroud Collection System” shall mean that certain sewage collection and conveyance system and appurtenant facilities and properties owned, operated and maintained by the Stroud Authority, together with any additional facilities and properties and extensions thereof that hereafter may be acquired by the Stroud Authority in connection therewith, serving customers in Stroud and certain customers in Hamilton connected thereto (excluding any part of the Pocono Collection System).

“Stroud Service Area” shall be the area served by the Stroud Collection System as described in the Regional Act 537 Plan, as may be amended, and co-terminus with the area served by the Authority in Stroud Township set forth in the DRBC Project Approval and shall exclude those Wastewater Users in Stroud served by East Stroudsburg.

“Stroudsburg” shall mean the Borough of Stroudsburg, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Council, including any authorized Person, acting on its behalf.

“Stroudsburg Collection System” shall mean that certain sewage collection and conveyance system and appurtenant facilities and properties owned, operated and maintained by Stroudsburg, together with any additional facilities and properties and extensions thereof that hereafter may be acquired by Stroudsburg in connection therewith, serving customers in Stroudsburg.

“Stroudsburg Service Area” shall be the area served by the Stroudsburg Collection System as described in the Act 537 Plan and co-terminus with the area served by the Authority in Stroud Township set forth in the DRBC Project Approval.

“Surcharge Notice Collection System Owner” shall mean the notice of violation of effluent limits or hydraulic capacity provided by the Authority to a Collection System Owner with the intent to impose a surcharge pursuant to Article 5, §5.4 of the Cooperation Agreement and Article VII of these Rules and Regulations.

“Suspended Solids” shall mean the total suspended matter that floats on the surface of, or is suspended in, water, Wastewater or other liquids, and which is removable by laboratory filtering.

“SWDA” shall mean the Solid Waste Disposal Act, 42, U.S.C. §§6901, *et seq.*

“TKN” shall mean Total Kjeldahl Nitrogen as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136 or any successor regulation.

“Tobyhanna Collection System” shall mean the Wastewater Collection System owned and operated by Tobyhanna Township, a Township of the Second Class, located in Monroe County, Pennsylvania, which delivers Wastewater exclusively through the Pocono Township Collection System to the WWTP and which is a

customer of Pocono Township through a separate Intermunicipal Sewage Collection and Disposal Services Agreement.

“Tobyhanna Township” shall mean the Township of Tobyhanna, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors, and including any authorized Person acting on its behalf.

“Total Dissolved Solids” (TDS) shall mean total dissolved solids as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136 or any successor regulation.

“Total Phosphorous” (P) shall mean total phosphorous as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136, or any successor regulation.

“Total Residual Chlorine” shall mean residual chlorine as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136 or any successor regulation.

“Total Suspended Solids” (TSS) shall mean the weight of solids retained by a glass fiber (GF/F filters 0.7-um pore-size) dried to constant weight in an oven at 103° - 105° C. The concentration of Total Suspended Solids shall be expressed in units of mg/l using the following formula:

Total Suspended Solids, mg/l = $\frac{\text{Final (Dry) Filter Weight (mg)} - \text{Initial (Wet) Filter Weight (mg)}}{\text{Volume of Liquid Sample Filtered, in liters}}$

“Toxic Pollutant” shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of

the Environmental Protection Agency or any other regulatory authority with jurisdiction.

“Treatable Wastewater” shall mean the amount of Wastewater the Authority can continue to treat.

“Treatment Capacity” shall mean:

(a) for a Collection System – the contractual right of each Wastewater Municipality to Discharge its respective Hydraulic Allocation and Waste Load Allocation in amounts which do not cause the Treatment Plant to exceed its Effluent Limits, in accordance with the Cooperation Agreement and as memorialized in each Collection System Owner’s Sewage Treatment Agreement;

(b) for a SUI – the allocation of Hydraulic and Waste loadings authorized by the Authority in a WDP (with consent of the applicable CSO) to be Discharged into the POTW in accordance with Legal Requirements and these Rules and Regulations.

“Treatment Plant” shall mean the Authority Treatment Plant, as currently existing and as improved by the 4.5 MGD Upgrade, and all other facilities acquired or constructed by Authority for the treatment and disposal of Wastewater conveyed by the Collection Systems, together with any future additions, improvements, expansions, enlargements and modifications thereto, and replacements thereof; *specifically excluding, however*, the Collection Systems and any property or funds of Authority owned or encumbered as part of Authority’s public water system.

“Under the Sink Grease Trap” shall mean 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 Collection System.

“United States” shall mean the United States of America.

“Untreatable Wastewater” shall mean the amount of wastewater the Authority is obligated to treat, but cannot.

“Upset” shall mean for the purposes of a WDP, an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.

“User” shall mean any Person authorized, by a Collection System Owner and/or the Authority, to Discharge Waste directly into a sewer lateral or collection line inside the Wastewater Service Area.

“Violation Collection System Owner” shall mean (a) the discharge of any Extra Strength Waste by a Collection System Owner; or (b) any other breach by a Collection System Owner of any term of its Sewage Treatment Agreement, the Cooperation Agreement, any Legal Requirement, and/or the Rules and Regulations of the Authority, which violation does not constitute a Significant Violation but nonetheless (i) causes or may cause a minor disruption of the operations of the Treatment Plant and/or an increase in Operating Expenses, and/or (ii) impedes the rights of another Collection System Owner to utilize its respective Treatment Capacity as and when needed by such Collection System Owner, in each case resulting in fees or expenses incurred by the Authority.

“Waste” shall mean any matter deposited into a Collection System of the POTW regardless of form.

“Waste Load Allocation” shall mean the quantity or concentration of influent Wastewater constituents:

(a) for a Collection System Owner – assigned to each Wastewater Municipality, expressed in milligrams per liter (mg/L) or pounds per day (ppd) set forth in Tables I and II and Schedule 1 in Exhibit E of the Sewage Treatment Agreements, as the same may be adjusted from time to time by the Authority in order to comply with requirements of Regulatory Authorities and permits and as may be necessary to safeguard the continued operation of the Treatment Plant;

(b) for an SIU – expressed in milligrams per liter (mg/L) or pounds per day (ppd) as set forth in the WDP issued by the Authority, as the same may be adjusted from time to time by the Authority in order to comply with requirements of Regulatory Authorities and permits and as may be necessary to safeguard the continued operation of the Treatment Plant.

“Wastewater” shall mean any liquid and water-carried Commercial Wastes or Domestic Wastes, including sewage, from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

“Wastewater Discharge Permit” (“WDP”) shall mean a permit required to be obtained by a CS Customer in accordance with the IPP Rules and Regulations.

“Wastewater Discharge Permittee” shall mean the Person who has been issued a WDP by the Authority pursuant to these Rules and Regulations.

“Wastewater Municipality” or “Wastewater Municipalities” shall mean, individually or collectively, Stroud, Stroudsburg and Pocono and any new Municipality who shall join the

Wastewater System pursuant to the Cooperation Agreement.

“Wastewater Rate District” shall mean the separate districts established by the Authority based upon the differing costs of providing services to customers in such districts.

“Wastewater Service Area” shall mean, for the purpose of these Rules and Regulations, the

collection area served by the POTW including those portions identified in the Regional Act 537 Plan, as amended, and as designated in the DRBC Project.

“Weekly Average” shall mean the arithmetic mean of the values for effluent samples collected over a period of seven (7) consecutive days.

Section 3: Abbreviations

These Abbreviations are used throughout the Rules and Regulations. The Abbreviations are abbreviations of defined terms. This Table of Abbreviations is provided for the ease of the reader.

BOD-5	Biochemical Oxygen Demand – 5 day
BMP	Best Management Practices
CS	Collection System
CSL	Collection System Line
CSO	Collection System Owner
DEP	Pa. Department of Environmental Protection
DRBC	Delaware River Basin Commission
FICA	First Supplement to Amended and Restated Intergovernmental Cooperation Agreement
FOG	Fats, Oils and Grease
GPD	Gallons Per Day
ICA	Amended and Restated Intergovernmental Cooperation Agreement
I & I	Inflow and Infiltration
IPP	Industrial Waste Water Pretreatment Plan
MGD	Millions Gallons Per Day
NH3-N	Ammonia-Nitrogen
NPDES	National Pollution Discharge Elimination System
NPSPCP	Non-Point Source Pollution Control Plan
NAICS	North American Industrial Classification System
P	Total Phosphorous
POC	Pocono Township
POTW	Publicly Owned Treatment Works
PUC	Pa. Public Utility Commission
R & R	Rules and Regulations
RCRA	Resource Conservation Recovery Act
ST	Stroud Township
STBG	Stroudsburg Borough
STSA	Stroud Township Sewer Authority
SIU	Significant Industrial User
TDS	Total Dissolved Solids
TRC	Total Residual Chlorine
TSS	Total Suspended Solids
TKN	Total Kjeldahl Nitrogen
W	Water
WDP	Wastewater Discharge Permit
WW	Waste Water
WWM	Waste Water Municipality
WWTP	Waste Water Treatment Plant

ARTICLE III
RULES AND REGULATIONS FOR COLLECTION SYSTEM OWNERS

Section 1: Defined Terms for Article III.

The terms defined in Article II, whenever used or referred to in Article III of these Rules and Regulations, shall have the respective meanings indicated or incorporated therein unless a different meaning clearly appears from the context. All defined terms will appear as capitalized terms. If there is a difference between the definitions contained in these Rules and Regulations and the definitions contained in the respective Sewage Treatment Agreements, then those differences shall be first interpreted to reconcile the meaning of the definitions. If a conflict exists between the definitions which are non-reconcilable, then the definitions in the Sewage Treatment Agreements prevail for the purpose of interpreting Article III regarding Collection System Owners' liabilities and responsibilities.

Section 2: Obligations of Collection System Owners

2.1. Obligation of Collection System Owners. Each CSO shall be responsible for all components of its Collection System and the Wastewater deposited therein as follows:

(a) A CSO is solely responsible for (and the Authority shall have no obligation, financial or otherwise, to undertake, pay for or finance) all operating expenses, construction costs, and other capital expenditures relating to the collection, handling, treatment and/or disposal of any storm water or other I & I within the Collection System in accordance with all Legal Requirements.

(b) Each CSO shall design its Collection System to properly collect and transmit, and upon completion of any line or improvement will be able to properly collect and transmit, Sanitary Sewage in amounts not less than the Treatment Capacity (Hydraulic and

Waste Load Allocation) allocated to their respective Collection System as set forth in their respective Sewage Treatment Agreements, and as the same may be amended from time to time.

(c) Each CSO shall establish and bill all tapping fees and service rates, fees and charges payable by all users of the Collection System, in amounts to be sufficient at all times to allow CSO to pay Sewage Treatment Fees as and when due and owing to the Authority.

(d) Each CSO will timely pay to the Authority a Sewage Treatment Fee, as calculated by the Authority in accordance with Article 8 of the Sewage Treatment Agreements, on the first day of each month unless subsequently modified by agreement of the CSO and the Authority.

(e) Each CSO shall be financially responsible for the funding of all capital improvements, upgrades, additions and replacements to its own Collection System and shall be solely responsible for, and shall fully pay, all costs to construct and re-construct, and shall undertake and make all capital improvements, upgrades and additions to its Collection System as and when requested by the Authority in order to comply with the CSO's and/or the Authority's Legal Requirements.

(f) Each CSO will comply with all applicable Legal Requirements relating to the construction, operation, management and expansion of, setting of rates with respect to service provided by, and improvements to their Collection System, including obtaining all required permits, road restoration, traffic controls and similar Legal Requirements.

(g) Each CSO shall take any and all actions necessary to remedy any defect or condition of its Collection System which, individually or in combination with conditions of other Collection Systems, the Collection System Owner could reasonably expect to, hinder, limit,

delay, or jeopardize the Authority's full and timely compliance with all Legal Requirements relating to the POTW.

(h) Each CSO shall require any municipality, which is not a member municipality of the Authority, wherein any Person within that non-member municipality is utilizing the CSO's Collection System, to duly adopt and impose rules and regulations which will require all such Persons to comply with the Rules and Regulation of the Authority, including the Industrial Pretreatment provisions, so that the same are applicable to all Persons within that non-member municipality's service area.

(i) Each Collection System Owner shall prohibit and prevent, by ordinance, the Discharge by any CS Customer into its Collection System of: (i) any substance other than by and through permanent, direct pipe connections; and (ii) Septage, including without limitation the contents of septic tanks of existing establishments when they first connect to the Collection System, unless prior written permission is granted by the Authority. Each Collection System Owner shall cooperate in the enforcement of such ordinance(s) by the Authority. The ordinances shall provide for fines for violations in the maximum amount permitted by law.

(j) At the request of the Authority, each CSO will establish rules and regulations to enable the CSO to comply with its Treatment Capacity limits, Influent Limits, I & I limitations, IPP requirements, FOG, and Sediment Trap requirements, limitations on New Connections, and prohibitions on storm water and Prohibited Discharges, as required by the Cooperation Agreement and the respective Sewage Treatment Agreements. Such rules and regulations established by a CSO shall substantially conform in all material respects with the Rules and Regulations of the Authority. A CSO will not amend such rules and regulations in

order to establish less stringent requirements, limitations and prohibitions parameters as imposed the Rules and Regulations of the Authority.

(k) Each CSO shall grant to the Authority legal authority, as its agent and on its behalf, to enforce all ordinances, resolutions, rules and regulations enacted or adopted from time to time by the CSOs or the Authority regarding the Collection System and Waste deposited therein.

(l) Each CSO shall provide the Authority, upon the Authority's demand, with (i) access to its Collection System, including subsurface conditions and (ii) sampling data, inspection reports, meter data, correspondence with Regulatory Authorities, and other available or reasonably ascertainable data to implement and enforce the terms of Cooperation Agreement, the Sewage Treatment Agreement, and Authority's licenses and permits relating to the Treatment Plant and these Rules and Regulations.

(m) Each CSO will maintain Record Drawings relating to all aspects of its Collection System including all connections thereto and shall provide same to the Authority upon request.

(n) Each CSO shall continuously maintain, at its own expense, proper connection of its Collection System to the Treatment Plant, at the existing points of connection or at such other points of connection as shall be acceptable to the CSO and the Authority. The Authority shall have the right to pre-approve, in its reasonable discretion, any proposal by a CSO for additional or alternative connections, or modifications to such points of connection. A CSO shall deliver through such point(s) of connection all Sewage originating within that CSO's respective Service Area.

(o) Each CSO shall be responsible for accommodating within their respective influent Discharge(s), the Discharge of total dissolved solids (“TDS”) authorized for Sanofi Pasteur as set forth in the Cooperation Agreement. In the event of an NPDES violation for TDS Discharged from the Treatment Plant, as contemplated in, **Article III, Section 2.2(a)(xxiv)**, the CSOs shall undertake a study to track down the sources of TDS which may have contributed excess TDS and potentially caused the NPDES violation. The Authority and CSOs shall determine whether a particular source is contributing excess TDS to the POTW and the CSO to which any excess contributor of TDS Discharges shall require that the excess contributor reduces the amount of TDS Discharged to the POTW sufficiently to bring the Treatment Plant into NPDES compliance and accommodate Sanofi Pasteur’s TDS Discharge as described in the Cooperation Agreement.

(p) Each CSO shall be responsible for all Waste deposited into its Collection System. Each CSO shall be responsible to require that each CS Customer depositing Waste into the Collection System does so in accordance with all Legal Requirements.

(q) Each Collection System must be managed by a DEP Certified, Licensed Wastewater Operator at all times as required by PaDEP or any other governmental authority with jurisdiction.

Section 3: Allocation of Treatment Capacity; Measurement of Flow.

3.1. Allocation of Treatment Capacity in the Treatment Plant.

Each CSO shall have the contractual right, subject to the provisions of the Cooperation Agreement, Treatment Agreement, and Legal Requirements, to Discharge Sewage from its Collection System, up to the limits of that CSO’s Treatment Capacity, into the POTW. The influent limitations imposed upon CSOs utilizing the POTW are set forth in their respective

Sewage Treatment Agreements, which are incorporated herein by reference as though fully set forth.

3.2. General Discharge Prohibitions.

(a) No CSO shall introduce, allow its CS Customers to introduce or cause to be introduced to the POTW, directly or indirectly, any Pollutant or Wastewater which causes Pass Through or Interference. These general prohibitions apply to all CS Customers of a Collection System whether or not the CS Customer is subject to National Categorical Pretreatment Standards or any other National, State or Local Pretreatment Standards or Requirements. A CSO or CS Customer may not contribute the following substances to the POTW:

i) Pollutants which create a fire or explosive hazard in the Treatment Plant, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 C.F.R. §261.21;

ii) Wastewater having a pH less than 5.0 or more than 10.0; or otherwise causing corrosive structural damage to the Treatment Plant or equipment;

iii) Solid or viscous substances in amounts which will cause obstruction of the flow in the Collection System or Treatment Plant resulting in Interference;

iv) 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 Treatment Plant;

v) Wastewater having a temperature greater than 140 degrees F (60 degrees C), or which will inhibit biological activity in the Treatment Plant resulting in

Interference, but in no case Wastewater which causes the temperature at the introduction into the Treatment Plant to exceed 104 degrees F (40 degrees C);

vi) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

vii) Pollutants which result in the presence of toxic gases, vapors, or fumes within the Treatment Plant in a quantity that may cause acute worker health and safety problems;

viii) Trucked or hauled Pollutants, unless prior written permission is granted by the Authority;

ix) Noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other Wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

x) 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 Treatment Plant's NPDES Permit;

xi) Wastewater containing any radioactive Wastes or isotopes except in compliance with applicable State or Federal regulations;

xii) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, untreated swimming pool drainage, condensate, de-ionized water, Noncontact Cooling Water, and unpolluted Wastewater, reasonably deemed objectionable by the Authority;

xiii) Sludge, screenings, or other residues from the Pretreatment of Industrial Wastes;

xiv) Medical Wastes, except as specifically authorized by the Authority in an individual Wastewater Discharge Permit;

xv) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

xvi) Detergents, surface-active agents, or other substances at concentrations or loadings which might cause excessive foaming in the Treatment Plant;

xvii) Fats, oils, or greases (FOG) of animal or vegetable origin in concentrations greater than (300) mg/L;

xviii) Wastewater causing two readings on an explosion hazard meter at the point of Discharge into the Treatment Plant, or at any point in the Treatment Plant, of more than twenty-five (25%) percent or any single reading over ten (10%) percent of the Lower Explosive Limit of the meter.

xxix) Any Waters or Wastes containing total solids of such character and quantity that unusual attention or expense is required to handle such materials at the Treatment Plant, except as may be approved in writing by the Authority and supported by the Authority's engineers.

xix) Any rate of Discharge taking on the proportions of a Slug. This applies likewise to Domestic Waste.

xxi) Any cesspool, septic tank, porta-potty, or holding tank Discharges, unless approved by the Authority.

xxii) Any sewage, Water or Waste of such character and quantity that unusual attention or expense is required to handle such materials at the Treatment Plant, except as may be approved in writing by the Authority and supported by the Authority's engineers.

xxiii) Any sewage, Water or Waste containing substances in demonstrated sufficient quantities, which when admixed in the total plant Influent Wastewaters, will interfere with the biochemical processes of the Treatment Plant or the ultimate disposal of sludge or that will pass through the Treatment Plant and cause the effluent to exceed any Legal Requirements. No specific limits have been set herein. Actual Treatment Plant performance will be the basis for setting such limits.

xxiv) Wastewater which contains Total Dissolved Solids (TDS) which cannot be removed by the treatment process, which consequently passes on to the Treatment Plant's effluent, thereby violating the Treatment Plant's NPDES Permit except as may be approved in writing by the Authority and supported by the Authority's engineers;

xxv) Wastewaters Discharged to the Treatment Plant shall contain no floatable or non-emulsified fats, oils and greases of animal or vegetable origin high enough to cause Interference or Pass Through. The Authority may order a reduction in the level of fats, oils and grease of mineral, petroleum or unknown origin and of animal or vegetable origin being introduced into a Customer's Collection System regardless of point of origin where the existing limits cause adverse impacts to the Collection System and/or Treatment Plant.

xxvi) 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 Treatment Plant.

Nothing herein shall preclude a CSO from establishing more stringent or additional prohibitive Discharges to these general Discharge Prohibitions as to the Users on that Collection System. If a CSO establishes more stringent or additional prohibitive Discharges by Rule or Regulation or by contract with its Customer, then those more stringent or additional prohibitive Discharges

shall apply to WDPs for that Collection System how applicable. This provision is incorporated into **Article V, Section 1.1.**

3.3. Specific Pollutant Limitations. No CSO or CS Customer shall Discharge Wastewater into the Collection System containing in excess of:

Local Waste Characteristic Limits

<u>Parameter</u>	<u>Discharge Limit mg/l</u>
Arsenic (As)	5.0
Barium (Ba)	100.0
Benzene	0.5
Cadmium (Cd)	1.0
Carbon Tetrachloride	0.5
Chlordane	0.03
Chlorobenzene	100.0
Chloroform	6.0
Chromium (Cr)	5.0
o-Cresol	200.0
m-Cresol	200.0
p-Cresol	200.0
Cresol	200.0
2,4-D	10.0
1,4-Dichlorobenzene	7.5
1,2-Dichloroethane	0.5
1,1-Dichloroethylene	0.7
2,4-Dinitrotoluene	0.13
Endrin	0.02
Heptachlor	0.008
Hexachlorobenzene	0.13
Hexachlorobutadiene	0.5
Hexachloroethane	3.0
Lead (Pb)	5.0
Lindane	0.4
Mercury (Hg)	0.2
Methoxychlor	10.0
Methyl ethyl ketone	200.0
Nitrobenzene	2.0
Pentachlorophenol	100.0
Pyridine	5.0
Selenium (Se)	1.0
Silver (Ag)	5.0
Tetrachloroethylene	0.7
Toxaphene	0.5
Trichloroethylene	0.5
2,4, 5-Trichlorophenol	400.0
2,4,6-Trichlorophenol	2.0
2,4,5-TP (Silvex)	1.0

Additional Specific Pollutant Discharge Limitations, as provided in 40 C.F.R. §§403, *et seq.*, and 40 C.F.R. §§261, *et seq.*, shall apply to all Users of the POTW. Nothing herein shall limit a CSO from implementing more stringent requirements than are set forth herein. If more stringent Pollutant Discharge limitations are adopted by a CSO either through the CSO's Rules and Regulations or through a contractual agreement between the CSO and a customer of its Collection System, then those more stringent Specific Pollutant Discharge Limitations shall be utilized in the issuance of WDPs for the Collection System, as applicable. This provision shall be specifically incorporated into **Article V, Section 1.2.**

3.4. Prohibition of Septage. A CSO shall not deliver Septage from its system to the Treatment Plant, unless prior written permission is granted by the Authority. A CSO shall not allow any CS Customer and/or User of its Collection System to deliver septage from any source in its system to the Treatment Plant, unless prior written permission is granted by the Authority.

3.5. Prohibition of Rules and Regulations Violations. A CSO shall neither allow itself nor any CS Customer and/or User to Discharge Wastewater into its Collection System which violates the Rules and Regulations of the Authority.

3.6. Incorporation of Pretreatment Categorical Standards. Each CSO shall adopt by ordinance, or in the case of the Stroud Authority by resolution, the Authority's Industrial Pretreatment Rules and Regulations which incorporate the Federal Categorical Pretreatment Standards (40 C.F.R. §403.1 and the Resource Conservation Recovery Act, 40 C.F.R. §§261, *et seq.*) as part of each CSO's Rules and Regulations, and shall prohibit any User of their Collection System from Discharging Waste with Effluent Limits in excess of the amounts contained therein. Each CSO shall assist the Authority in enforcing compliance of same for all applicable CS Customers.

Section 4: Measurement of Effluent.

4.1. Measurement of Sewage Flow to the Treatment Plant.

The quantity of Sewage delivered by a Collection System shall be determined by the methods established in Article 7, Section 7.2 in the respective Sewage Treatment Agreements which provisions are incorporated herein as if fully set forth.

4.2. Meter and Sampling. Metering and sampling of a Collection System shall be performed in accordance with Article 7, Section 7.2.6(a)(b)(c) of the respective Sewage Treatment Agreements, which provisions are incorporated herein as if fully set forth

Section 5: Approval of New Connection to a Collection System.

5.1. Prohibited Connections - Approval of New Connection to a Collection System. A CSO shall not authorize or permit any New Connection for the collection and conveyance of Wastewater to the POTW:

(a) to any area outside of the area described as the “Area Served” in the DRBC Docket without prior approval from DRBC and the Authority;

(b) to any User/Customer in violation of the Regional Act 537 Plan, as amended.

5.2. Conditions for Connection. In order to assure compliance with applicable Legal Requirements governing connections to and use of the POTW, no CSO shall authorize or permit a New Connection to a Collection System unless and until all of the following conditions shall be satisfied:

(a) written confirmation has been obtained from the DRBC Project Review Section that either: i) an NPSPCP approved by the DRBC is in place for the development or that portion of the Wastewater Service Area where the owner/developer seeking the New Connection

predates the DRBC approval of the Municipal Act 167 Plan in force for the Collection System Service Area in which the New Connection is sought; or ii) DRBC Project Approval requirements are no longer required or have been waived by DRBC with respect to such New Connection;

(b) the owner/developer of the proposed New Connection has submitted an application to the Authority and the CSO requesting such proposed New Wastewater Service Connection in the form of application developed by the Authority, as may be amended from time to time;

(c) the Authority has provided written acknowledgement of the availability of Treatment Capacity to the CSO and the owner/developer of the proposed New Connection, subject to such conditions and requirements as may be specified in such acknowledgement;

(d) the CSO has provided written notification to the owner of the proposed New Connection and the Authority of available collection and conveyance capacity, subject to such conditions and requirements as may be specified in that notice;

(e) the owner/developer submits to the Authority and CSO written evidence of the owner/developer's receipt of a DEP-approved planning module amending the Act 537 Plan or a written waiver of the requirement for such module;

(f) the owner/developer, for each New Non-Residential Connection, has filled out and filed a Wastewater Discharge Survey and, if required, thereafter obtained a Wastewater Discharge Permit;

(g) no New Connection to a newly constructed building or premises shall be authorized to a Collection System unless such newly-constructed building or premises is equipped with plumbing fixtures and fittings that comply with the water conservation

performance standards contained in the Pennsylvania Uniform Construction Code or any more stringent permitting requirement then imposed by any Regulatory Authority;

Section 5: Chapter 94 Reports.

6.1. The CSO shall provide by February 28th of each year all documents and information regarding the Collection System requested by the Authority and necessary for the Authority to complete its Chapter 94 Report, including the following:

(a) all documents and information regarding the Collection System requested by the Authority and necessary for the Authority to complete its Chapter 94 Report;

(b) a description of all maintenance program activities conducted by the CSO with respect to its Collection System within the preceding year;

(c) any other information required by DEP and/or which may reasonably be required by the Authority to properly complete the Chapter 94 Report;

(d) an affidavit of the accuracy of all of the foregoing;

(e) any information, to the extent applicable, required under the Authority's Special Condition B.I.C.4 of NPDES Permit or DRBC Docket with respect to Discharges to its Collection System; and

(f) any other information and/or data reasonably needed by the Authority to comply with its reporting obligations.

Section 7: Procedures Regarding Excess Flow and Loadings, Prohibited Discharges; Violations and Surcharges Applicable to a Collection System(s).

Procedures for the handling of excess flow and loadings, prohibited Discharges; violations and surcharges applicable to a CSO and its Collection System shall be in accordance with Article 5, of the Cooperation Agreement, and Articles 6 and 9 of the Sewage Treatment Agreements.

7.1. Late Payments; Payment of Disputed Charges and Delay Surcharges.

The Authority may impose charges, surcharges, interest, and penalties as provided in Articles 6 and 9 of the Sewage Treatment Agreements for a Collection System Owner's failure to pay any financial obligation owed to the Authority in a timely fashion.

7.2. Remedies for Failure to Treat.

In the event a CSO fails to properly own, maintain, and operate its Collection System in accordance with the Authority's Legal Requirements, the Authority shall have all legal remedies set forth in the Cooperation Agreement and each respective Sewage Treatment Agreement, available to enforce compliance.