

NORRISTOWN MUNICIPAL WASTE AUTHORITY

RATES, RULES & REGULATIONS

EFFECTIVE DATE: AUGUST 1, 2012

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NOTE: ALL EXHIBITS ATTACHED HERETO ARE INCORPORATED HEREIN AND MADE PART OF THESE RATES, RULES, AND REGULATIONS.

Exhibit "A"	Pretreatment Rules and Regulations – Local Limits
Exhibit "B"	Pretreatment Rules and Regulations – Enforcement Response Plan Civil Assessment Policy
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Exhibit "D"	Sewer Specifications

ARTICLE I – INDUSTRIAL HARMFUL AND PROHIBITED WASTES

SECTION 1 – GENERAL PROVISIONS

1.1 Purpose and Policy

1. The objectives of this Article I of the Rates, Rules and Regulations (“Rules”) are:

A. To prevent the introduction of pollutants into the wastewater collection and treatment system owned and operated by the Norristown Municipal Waste Authority (“Authority”) which will interfere with its operation, contaminate the biosolids generated at STP, or otherwise be incompatible with the system;

B. To prevent the introduction of pollutants into the wastewater collection and treatment system of the Authority that will be inadequately treated and thus will pass-through the STP into the receiving waters or the atmosphere;

C. To protect the environment, the general public and Authority personnel against the hazards associated with discharges of toxic or otherwise incompatible pollutants into the Sewer System;

D. To improve the opportunity to recycle and reclaim the wastewater and biosolids from the STP;

E. To provide for the equitable distribution of costs associated with the development and implementation of the Authority’s industrial pretreatment program, and other improvements to the wastewater collection and treatment system; and

F. To help assure compliance with the National Pollution Discharge Elimination System (“NPDES”) permit, biosolids use and disposal requirements, the Clean Water Act, the General Pretreatment Regulations, and any other federal or state laws which with the applicable municipalities and Authority must comply.

The Rules will be implemented by the Authority through issuance of permits to those industrial users deemed a significant industrial user or industrial user, through monitoring, reporting and enforcement of the Rules with the permitted users, and through enforcement of general requirements for all other users. The Rules also assume that the capacity of the sewer system allocated to existing users shall not be

preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

The Rules shall apply to all persons who are users or significant industrial users of the collection systems serviced by the Authority. Except as otherwise provided herein, the provisions of the Rules shall be administered and implemented by the Authority.

Nothing contained in the Rules shall be construed as preventing any special agreement or arrangement between the Authority and any significant industrial users allowing a waste of unusual strength or character to be accepted by the Authority through special agreements in writing, executed prior to such acceptance, containing safeguards, limitations, and conditions acceptable to the Authority. Any such agreement or arrangement shall not allow a discharge that exceeds Categorical Standards.

1.2 Abbreviations

The following abbreviations, when used in the Rules, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BMP – Best Management Practices
BMR – Baseline Monitoring Report
CFR – Code of Federal Regulations
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
IU – Industrial User
mg/l – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
STP – Norristown Sewage Treatment Plan
TSS – Total Suspended Solids
U.S.C. – United States Code

1.3 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Article I only, shall have the meanings hereinafter designated. Words in the present tense include the future.

The singular numbers includes the plural number. The plural number includes the singular number. The word “shall” is mandatory, while the word “may” is permissive.

1. Act: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

2. Administrative Order: A document prepared by the Authority which directs an industrial user to undertake or to cease specific activities and which carries specific assessments to be enforced when addressing continued noncompliance. The Administrative Order may contain a Compliance Schedule specifying the time frame by which the industrial user must perform certain activities which will ultimately result in compliance with all requirements contained in the Order.

3. Approval Authority: The Administrator or the Regional Administrator of EPA.

4. Authorized or Duly Authorized Representative of the User:

a. If the user is a corporation:

- i. The president, secretary, treasurer, or a 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 to meet Industrial Waste Discharge Permit requirements; and where Authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b. If the user is a partnership, limited liability or sole proprietorship: a general partner, manager or proprietor, respectively.
 - c. If the user is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - d. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the Authority.
5. Average Daily Flow: The wastewater discharge volume from the most recent calendar quarter divided by the number of calendar days in that quarter.
6. Biochemical Oxygen Demand: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
7. Best Management Practices: means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in §403.5(a)(1) and (b) of the Act. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
8. Bypass: The intentional diversion of waste streams from any portion of an industrial user's facility for pretreatment.
9. Categorical Industrial User: Any industry subject to Pretreatment Standards as specified in 40 CFR, Chapter 1, Subchapter N, as may hereafter be amended or modified, establishing quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced to a treatment plan by existing or new industrial users in specific industrial subcategories.

10. Categories: The five (5) separate group of violations:

- Sampling, Monitoring and Reporting Violations
- Effluent Limits Violations
- Compliance Schedule Violations
- Unauthorized Discharges
- Noncompliance Violations Detected Through Field Inspections

11. Chemical Oxygen Demand: The quantity of oxygen, expressed in mg/L, required to chemically oxidize the organic and inorganic matter in a water or wastewater sample under the standard laboratory procedure. The standard laboratory procedure shall be that in the latest edition of “Standard Methods for the Examination of Water and Sewage” published by the American Public Health Association.

12. Compatible Pollutant: Shall mean BOD, COD, Total Suspended Solids, Total Kjeldahl Nitrogen, phosphate, and fecal coliform bacteria.

13. Daily Maximum: The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

14. Daily Maximum Limit: 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.

15. Discharge Permit: A permit issued by Authority authorizing the discharge of tank truck or hauled waste at the STP.

16. Enforcement Response Plan (“ERP”): A plan developed by the Authority that details the response that will be taken for various violations of the Rules, a Categorical Pretreatment Standard, or any other applicable law. The ERP is a supplement to and made a part of the Rules.

17. Engineer: The Authority’s consulting engineer.

18. EPA: The United States Environmental Protection Agency, including, where appropriate, the Administrator or other duly authorized official of said agency.

19. Equivalent Dwelling Unit: Any source of wastewater into the Authority sewer system that has the following Monthly Average wastewater characteristics.

Flow	275 gallons per day
Ammonia-Nitrogen	25 mg/L
BOD	250 mg/L
Phosphate	10 mg/L as P
Total Suspended Solids	250 mg/L
Total Kjeldahl Nitrogen	40 mg/L as N

20. Event: Any violation of the Rules which occurs within any one (1) of the categories.

21. Existing Source: Any course of discharge that is not a “New Source”.

22. Garbage: Solid wastes from the domestic and commercial preparation, cooking and dispensing of foods, and from the commercial handling, storage and sale of produce.

23. Grab sample: A sample that is taken from a waste stream on a one-time basis is over a period of time not to exceed fifteen minutes, with no regard to the flow in the waste stream.

24. Holding Tank Waste: Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

25. Indirect Discharge: The discharge or introduction of pollutants into the sewer system, including holding tank waste discharged into the system as outlined in 40 CFR Part 403.3(i) and Sections 307(b), (c) and (d) of the Act.

26. Industrial User: Any person discharging Industrial wastewater to the sewer system.

27. Industrial wastewater: Any water which, during a manufacturing, or processing operation, including those regulated under Sections 307(b), (c) or (d) of the Act, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product, or any other water contaminated by an industrial process, and distinct from Sanitary Sewage.

28. Industrial Waste Discharge Permit: A permit authorizing a person to deposit or discharge Industrial wastewater into the sewer system.

29. Instantaneous Limit: The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

30. Interference: A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts, the STP processes or operations which contributes to a violation of any requirement of the Authority's NPDES Permit of a decrease in treatment efficiency. The term includes inhibition or disruption of sewage sludge use or disposal from the STP in accordance with Section 405 of the Act or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act ("SWDA"), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the STP.

31. Isolated Violation: A violation which would otherwise give rise to civil penalty assessment hereunder for an Event which has not occurred for a term of three (3) years or greater.

32. Legal Action: Depending on the circumstances of the violation may refer to any civil penalty assessment of any other appropriate lawful remedy provided or permitted by the Rules.

33. Local Discharge Limits or Local Limits: Numerical limitations on the concentration, mass or other characteristics of wastes or pollutants, discharged to the sewer system by industrial users, and which are developed by the Authority to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b), as set forth on Exhibit "A" and incorporated in the Rules.

34. Manager: The person designated by the Authority to supervise the operation of the STP and collection system and who is charged with certain duties and responsibilities by the Rules, or his duly authorized representative.

35. Medical Waste: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

36. Monthly Average: The sum of all daily discharges measures during a calendar month divided by the number of daily discharges measured during that month.

37. Monthly Average Limit: The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during that month.

38. National Pollutant Discharge Elimination System Permit: A permit issued pursuant to Section 402 of the Act.

39. National Pretreatment Standards, Pretreatment Standards or Standards: Any regulation or requirement containing specific or general pollutant discharge limitations established in accordance with Sections 307 (b) and (c) of the Act which applies to all industrial users in the sewer system.

40. National Prohibited Discharge Standard or Prohibited Discharge: Any regulation developed under the Authority of 40 CFR, Section 403.5.

41. New Source:

a. 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:

i. The building, structure, facility, or installation is constructed at a site at which no other source is located; of

ii. The building, structure, facility, or installation totally replaces the process of production equipment that causes the discharge of pollutants at an Existing Source;

or

- iii. The production or wastewater generating process of the building, structure, facility or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- b. 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 above but otherwise alters, replaces, or adds to existing process or production equipment.
- c. Construction of a New Source as defined under this Paragraph has commenced if the owner of operator has:
 - i. Begun, or caused to begin, as part of a continuous onsite construction program any placement, assembly, or installation of facilities or equipment; of
 - ii. Begun, or caused to begin any significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation or new source facilities or equipment; or
 - iii. Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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.

42. Non-contact Cooling Water: Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.

43. Notice of Violation (NOV): An official communication from the Authority to the industrial user documenting that a pretreatment violation has occurred.

44. Qualified Professional: Registered professional engineer skilled in the field of wastewater treatment.

45. Pass Through: Discharge through the STP that exists in quantities or concentrations, alone or with discharges from other sources, will cause a violation of any condition of the Authority's NPDES Permit, including an increase in the magnitude or duration of a violation.

46. Pennsylvania Department of Environmental Protection ("PaDEP"): The Department of Environmental Protection of the Commonwealth of Pennsylvania, or any department or agency of the Commonwealth succeeding to the existing jurisdictions or responsibility of the Department of Environmental Protection.

47. pH: The logarithm of the reciprocal of the hydrogen ion concentration expressed as moles per liter.

48. Pollutant: 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, rocks, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics or wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

49. Pretreatment: The reduction in 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 in lieu of discharging or otherwise introducing such Pollutants into the sewer system. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d).

50. Pretreatment Requirement: Any substantive or procedural requirement related to Pretreatment, other than a National Categorical Pretreatment Standard, imposed on an industrial user.

51. Pretreatment Standard: Any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Sections 307 (b) and (c) of the Act, which applies to industrial users. This term includes National Categorical Pretreatment Standards, Prohibited Discharges, and Local Discharge Limits.

52. Prohibited Discharge Standards or Prohibited Discharges: Absolute prohibitions against the discharge of certain substances; these prohibitions appearing Section 2.1 of this Article.

53. Septic Tank Waste: Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

54. Sewage Treatment Plant or STP: The Authority owned treatment works, as defined by section 212 of the Act (33 U.S.C section 1292). This definition includes any devices or systems used in the storage, treatment, recycling, and reclamation of sewage or industrial waste of a liquid nature.

55. Show-Cause Hearing: An official meeting between the authorized representative of the Authority and the industrial user to seek the resolution of conditions and violations. The Show-Cause Hearing may also result in the Authority issuing an Administrative Order to the industrial user.

56. Significant Industrial User: Any industrial user that (1) is subject to the National Categorical Pretreatment Standards; or (2) discharges twenty-five thousand (25,000) or more per day of Industrial wastewater, or (3) contributes a waste stream which makes up five percent or more of the dry weather compatible pollutant capacity of the STP; or (4) has a reasonable potential, as determined by the Authority, or EPA, to adversely affect the STP by Interference, Pass Through Pollutants, sludge contaminations, to endanger collection system and STP personnel, or to violate any applicable Pretreatment Standard.

57. Significant Noncompliance (“SNC”): An industrial user is in significant noncompliance if its violations meet one or more of the following criteria.

- a. Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all the measurements taken during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits;
- b. Technical Review Criteria (“TRC”) violations, defined as those violations in which 33 percent or more of all of the measurements for each parameter measured taken during a six-month period equal or exceed the product of a numeric Pretreatment Standard or Requirement, including instantaneous limits times the applicable TRC multiplier (TRC multiplier equals 1.4

for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants with numerical limits, except pH);

c. Any other violation of a Pretreatment Standard or Requirement (daily maximum, longer-term average or instantaneous) that the Authority determines has caused, alone or in a combination with other discharges, an Interference or Pass-Through at the STP (including endangering the health of a POTW personnel or the general public);

d. Any discharge of a pollutant that has caused imminent endangerment to the health of STP personnel, the environment or the general public; or has resulted in the Authority exercising any emergency Authority to halt or prevent such a discharge;

e. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule date, or a compliance schedule milestone contained in the user's Industrial Waste Discharge Permit or enforcement action for starting construction, completing construction, or attaining final compliance;

f. Failure to provide, within forty-five (45) day after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with a compliance schedules;

g. Failure to accurately report incidents of noncompliance; or

h. Any other violation or group of violations, which may include a violation of Best Management Practices, that the Authority determines will adversely affect the overall implementation of its Industrial Pretreatment Program.

58. Significant Violation: Any incident that results in a violation of the Authority's NPDES Permit or biosolids disposal requirements, or has a toxic effect on the receiving waters.

59. Slug Load: Any discharge at a flow rate of concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this Article. 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 Authority's regulations, Local Limits or Permit conditions.

60. Slug Control Plan: A report prepared by an industrial user and provided to the Authority in accordance with the Rules which details the existing and proposed facility plans and operating procedures to be followed by that user in the event of a Slug Load.

61. Standard Industrial Classification ("SIC"): A classification pursuant to the latest Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

62. Standard Methods: The latest edition of "Standard Methods for the Examination of Water and Wastewater", a manual published by the American Public Health Association specifying analytical procedures for testing and analysis of wastewater.

63. State: Commonwealth of Pennsylvania.

64. Stormwater: Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

65. Surcharge: An additional charge for the treatment of extra-strength wastewater in excess of the basic charge for treatment of wastewater.

66. Termination of Services: The issuance of a formal notice of termination by the Authority to an industrial user for continued or severe violations of Significant Noncompliance (SNC).

67. Total Suspension of Solids ("TSS"): The total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater and is removable by laboratory filtration as prescribed in Standard Methods.

68. Total Kjeldahl Nitrogen ("TKN"): The sum of the organic nitrogen and ammonia nitrogen present in wastewater, as measured by standard laboratory procedure as described in Standard Methods.

69. Twenty-four Hour Composite Sample: A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples collected at regular intervals, not exceeding one (1) hour, during a twenty-four hour time span. The sample may be collected either as a time composite sample

(composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of discharge flow) or as a flow proportional composite sample (collected as either 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 aliquots).

70. Upset: A condition in which the stability of the biological mass of organism used to treat the wastewater or wastewater solids is disrupted or negatively affected in any way.

71. User or Industrial User: A source of Indirect Discharge or customer.

72. Wastewater: Liquid and water-carried industrial wastes and sewage from structures including residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the sewer system.

SECTION 2 – PROHIBITIONS AND RESTRICTIONS ON ALL USERS

2.1 General Discharge Restrictions

Except as otherwise provided in the Rules, no user shall discharge or cause to be discharged to the sewer system any sewage, industrial wastewater, or other matter or substance.

A. Having a temperature which will inhibit biological activity at the STP resulting in Interference, but in no case with a temperature at the introduction into the sewer system which exceeds 120 degrees F or is less than 40 degrees F, and in no case heat in such quantities that the temperature of the influent to the STP exceeds 104 degrees F.

B. Containing petroleum oils, non-biodegradable cutting oils, or other products of mineral oil origin, animal fats, oil wax, or grease or other similar substances, (collectively called “oil and grease”) in amounts that will cause Pass Through or Interference.

C. Containing any liquids, solids, or gases at concentrations, which are, 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 the sewer system or to the operation of the STP. Prohibited materials include, but are not limited to, gasoline, fuel oil, kerosene, naphtha, paint products, sulfides, and any substance having a closed cup

flashpoint of less than one hundred and forty (140) degrees Fahrenheit using the test methods specified in 40 CFR 261.21.

D. Containing 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 STP.

E. Containing solid or viscous substances at concentrations which will cause obstruction to the flow in a sewer or other Interference such as but not limited to: ashes, cinders, spent lime, stone dust, sand, mud, straw, shavings, metals, glass, rags, grass clippings, feathers, tar, plastics, wood, whole blood, paunch manure, bentonite, lye, building materials, rubber, asphalt residues, hairs, bones, leather, porcelain, china, ceramic wastes, polishing wastes, or glass grindings.

F. Having a pH, stabilized, lower than 5.0 or higher than 10.0 or having any other corrosive or scale performing property capable of causing damage or hazard to structures, equipment, bacterial action, or personnel of the sewer system.

G. Containing pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure, cause a Pass Through or Interference in the sewer system, constitute a hazard to humans, animals or plants, create a toxic effect in the receiving waters of the STP, or to exceed any limitation set forth in a National Categorical Pretreatment Standard.

H. Containing any noxious or malodorous liquids, gases, or solids which, either singly or by interaction with other wastes are sufficient to create a public nuisance or result in toxic gases, vapors or fumes in the sewer system in a quantity that will cause worker health and safety problems.

I. Containing objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

J. Containing radioactive substances of such half-life or concentration as may exceed limits which are prohibited by applicable State or Federal regulations.

K. Prohibited by any permit, statute, rule, regulation, and ordinance issued or promulgated by any public agency, including the State or Federal regulations.

L. Containing any substance which shall cause the STP to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or be in noncompliance with any criteria, guidelines, or regulations affecting sludge use or disposal promulgated pursuant to the Solid Waste Control Act, or State Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

M. Containing Medical Wastes, except as specifically approved by the Authority.

N. Containing non-biodegradable complex carbon compounds.

O. Constituting a Slug Load.

P. Containing Stormwater from pavements, area ways, roofs, foundation drains or other sources.

Q. Containing any Garbage with particles greater than one-half (1/2) inch in size.

R. Containing pesticides, unless upon written request, special permission is obtained from the Authority.

2.2 Compatible Pollutant Limitations

All wastewater entering the sewer system shall comply with the following typical Average Monthly domestic wastewater levels unless otherwise stated in writing by the Authority by way of an Industrial Waste Discharge Permit, and at no time shall exceed the Local Limits (see Exhibit "A"). Wastewater with concentrations greater than the domestic concentrations, but less than the local limits is considered Extra strength wastewater and may be subject to a surcharge.

Parameter	Maximum Concentration (mg/L)
Ammonia Nitrogen	25
Carbonaceous Biochemical Oxygen Demand	250
Oil and Grease	100
Total Suspended Solids	250

2.3 Trucked or Hauled Wastewater

A. Tank truck or hauled waste discharges to the sewer system are prohibited, except as authorized hereinafter.

B. Tank truck or hauled wastes may only be discharged at the STP upon the issuance of a Discharge Permit by the Authority.

C. Tank truck or hauled wastes authorized for discharge shall be discharged only at the location, time and at a rate fixed by the Discharge Permit.

D. Tank truck or hauled waste discharges shall not include any Industrial wastewater.

E. Prior to discharge, the tank truck or hauled waste shall be subject to inspection and sampling by the Authority.

F. Tank truck or hauled waste discharged shall be subject to rate and charges in accordance with a schedule established by the Authority, as amended from time to time.

SECTION 3 - PROHIBITIONS AND RESTRICTIONS ON INDUSTRIAL USERS

3.1 General

No person shall discharge Industrial wastewater into the sewer system in violation of Section 2 hereof and unless the person discharging the same has submitted a complete and accurate Industrial Waste Discharge Questionnaire to the Authority in the form prescribed by the Manager, and has been issued an Industrial Waste Discharge Permit or has been issued a written determination by the Manager that a Permit is unnecessary for the discharge described in the questionnaire.

Where a proposed discharge is believed by the Authority to have a reasonable potential for adversely impacting the sewer system, the Authority may require treatability studies to be performed by the industrial user on the proposed wastewater in order to demonstrate its compatibility with the sewer system. When such studies are required by the Authority, they shall be preceded by the submittal of a sewer treatability study plan by the industrial user to the Authority for review and approval. All costs associated with preparing the treatability study plan and performing the treatability study shall be borne by the industrial user. The Authority reserves the right to reject any treatability plan it feels is inadequate to show the treatability of a given wastewater.

3.2 Qualitative Limits

A. The Authority shall establish Local Discharge Limits regulating the discharge of specific Pollutants to the sewer system by industrial users. Local Discharge Limits may be established for any substance which is discharged, or likely to be discharged, to the sewer system.

B. Local Discharge Limits may limit concentration, mass, or a combination of the two, where a local limit or conventional pollutant standard is expressed only in terms of concentration of a pollutant in wastewater, the Manager may impose equivalent mass limits, expressed as mass of pollutant discharged per day, based on the applicable concentration limit and permitted effluent flow from the User.

C. The procedure for the calculation of Local Discharge Limits shall be as recommended by the Approval Authority.

D. Local Discharge Limits shall be calculated to prevent Interference; Pass Through; the discharge of toxic materials in toxic amounts; threats to worker health and safety; and physical, chemical, or biological damage to the sewer system.

E. Local Discharge Limits applicable to industrial users shall be adopted by separate resolution of the Authority and included in all Industrial Waste Discharge Permits.

F. Discharging any Pollutant in excess of a Local Discharge Limit established for that Pollutant shall be a violation of the Rules.

3.3 Spills or Slug Loads

A. All industrial users shall provide and maintain at their own expense facilities adequate to prevent an accidental discharger or Slug Load of any substance stored or used at the industrial user's facilities that, if discharged into the sewer system, will violate any of the provisions of Sections 2.1 or 3.2 of this Article. Slug Control Plans shall be submitted, as requested, to the Authority, detailing the facility plans and operating procedures to be utilized by the industrial user for this protection. Slug Control Plans shall contain, at a minimum, the following information:

1. A description of discharge practices, including non-routine discharges;
description of stored chemicals;

2. Procedures for immediately notifying the Authority of accidental discharges and Slug Loads into the sewer system;
3. Procedures to prevent adverse impacts from such discharges and procedures to prevent recurrence of all such discharges.

All existing industrial users shall also provide the Authority with a copy of its Slug Control Plan, or demonstrate to the satisfaction of the Authority that such a plan is not needed, within 180 days of the adoption of the Rules. Any industrial user proposing to connect to the sewer system shall submit a copy of its Slug Control Plan to the Authority for approval, or demonstrate to the satisfaction of the Authority they are not needed, before connection to the sewer system. Review of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of the Rules.

B. In the case of a Slug Load to the sewer system of any Pollutant, the industrial user shall immediately notify by telephone the Manager of the incident. The notification shall include information regarding the location of the discharge, the kind of pollutants involved, the concentration and volume of the discharge and corrective actions planned or taken.

C. Within five (5) days following a Slug Load, the industrial user shall submit to the Manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the users of any liability on account thereof.

D. A notice shall be permanently posted by each industrial user on a bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge or Slug Load. Employers shall inform all employees, who may cause or allow a Slug Load to occur, of the emergency notification procedure.

3.4 National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter 1, Subchapter N, Parts 405-471. If the National Categorical Pretreatment Standards for any industrial user are

more stringent than limitations imposed under the Rules for industrial users in that subcategory, then the Pretreatment Standards shall apply and are hereby incorporated in the Rules. The Authority shall notify all affected industrial users of the applicable reporting requirements under 40 CFR, Section 403.12. If an industrial user, subject to a National Categorical Pretreatment Standard, has not previously submitted an Application for an Industrial Waste Discharge Permit, the user shall apply for a Permit within 90 days of promulgation of the National Categorical Pretreatment Standard.

3.5 Dilution Prohibition

Except where expressly authorized to do so by an applicable Pretreatment Standard or Pretreatment Requirement, no industrial user shall increase the use of process water, or in any other way attempt to dilute a discharge as partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The Authority may impose mass limitations (in addition to those imposed under Section 3.3) on users in cases where the imposition of mass limitations is appropriate.

3.6 State Requirements

State requirements and limitations on Industrial wastewater discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in the Rules.

3.7 Authority's Right of Revision

The Authority reserves the right to establish more stringent limitations or requirements on discharges to the sewer system.

3.8 Industrial Waste Discharge Permits

A. General

1. No significant industrial user shall connect to or discharge wastewater to the sewer system without an Industrial Waste Discharge Permit. Non-significant industrial users may also be required to have an Industrial Waste Discharge Permit depending on the nature and quantity of their discharge, subject to the Authority's discretion.
2. Industrial users that are not required by the Authority to have an Industrial Waste Discharge Permit may discharge Industrial wastewater to the sewer system, but are

required to comply with all other provisions of the Rules. If an industrial user makes changes to the processes, flow, wastewater concentration, wastewater characteristics, or other operations reported in the most recent Industrial Waste Discharge Questionnaire filed by the user with the Authority, user shall immediately upon becoming aware such a change has occurred, or ninety (90) days prior to such a change if it is planned, notify the Authority of the change and a determination will be made by the Authority whether the change(s) necessitate the issuance of an Industrial Waste Discharge Permit to the user.

3. Where an industrial user, subject to a newly promulgated National Categorical Pretreatment Standard, has not previously submitted an application for an Industrial Waste Discharge Permit, the user shall, within 90 days after the promulgation of the application National Categorical Pretreatment Standard:
 - a. Obtain an Industrial Waste Discharge Permit; and
 - b. Provide the baseline monitoring information required by 40 CFR 403.12 (b). This information shall be incorporated into the application for an Industrial Waste Discharge Permit.

B. Permit Application

1. All industrial users shall file with the Authority a complete and accurate Industrial Waste Discharge Permit application in the form prescribed by the Authority.
2. The application for an Industrial Waste Discharge Permit shall be fully completed and verified in writing by the industrial user, or a duly authorized and knowledgeable officer, agent or representative thereof. The application shall contain in units and terms appropriate for evaluation, such scientific or testing data, or other information, as may be required by the Authority and shall pay an application fee and shall reimburse the Authority for all expenses incurred as a result of the processing of the signed application. The Authority shall have, at its discretion, the right to inspect the premises, equipment and material, and laboratory testing facilities of the applicant.

3. Notwithstanding the above, the applicant shall provide the following minimum information to the Authority.
 - a. Name and address of the user; name, title, and telephone number of responsible official; name, title, and phone number of person to contact for information about the Industrial Waste discharge;
 - b. Description of the industry and the manufacturing process or operations that occur there and the types of products that are produced;
 - c. Applicable Standard Industrial Classification Codes for activities conducted at the facility;
 - d. Statement on whether the industry is subject to compliance with National Categorical Pretreatment Standards and which ones apply;
 - e. Indication and description of the sources of or the processes that produce Industrial wastewater;
 - f. Wastewater constituents and characteristics as required by the Authority and as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained on 40 CFR, Part 136, as amended. If the discharge is from a proposed new discharge, wastewater characteristics shall be estimated;
 - g. Volume of Industrial wastewater to be discharged to the sewer system and the methods of measuring same. Flow volume information shall include the time and duration of the discharge and the average daily and thirty (30) minute peak wastewater Flow rates including monthly, and seasonal variations, if any;
 - h. Description of any wastewater treatment facilities or processes used or proposed to be used to treat the Industrial wastewater flow rates including monthly, and seasonal variations, if any;

- i. Schematic flow diagram showing the existing and proposed sources of Industrial wastewater and the on-site treatment processes.
 - j. The quantity of sludge removed from the system and their method and location of disposal.
 - k. Description of any other wastes that are removed from the system, their quantities, and methods and locations of disposal.
 - l. List of raw materials used or stored on the premises, their material safety data sheets or other appropriate document, their approximate quantity of usage on a monthly basis, and its use by the user.
 - m. Plans and specifications for a sampling manhole.
 - n. A list of any additional environmental control permits held by or for the facility, such as air quality permits, RCRA permits, stormwater management permits, etc.
 - o. Such additional information as the Authority shall request.
4. The Industrial Waste Discharge Permit application shall be reviewed by the Authority Manager who will determine whether a Permit will be required for the discharge.

No Industrial Waste Discharge Permit shall be issued to an industrial user whose discharge of materials to sewers, whether shown upon the application or determined after inspection and testing conducted by the Authority, is not in conformance with Federal, State, or the Authority statutes, or resolutions. If an application is denied, the Manager shall state in writing the reason or reasons for denial, and said written communication shall be delivered to the relevant Municipality and the applicant.

5. If the Manager denies an application for an Industrial Waste Discharge Permit, the Authority Board shall review the denial, provided the industrial user gives written notice requesting the review, with appropriate support information within thirty (30) days after receipt of the denial. The Authority Board shall review the Industrial Waste Discharge Permit application, the written denial, and such other evidence and matters as the

applicant shall present at its next regular meeting following receipt of the user's request for the review. The Board's decision shall be provided to the user within ten (10) days of the meeting and shall be final.

6. If, based on the characteristics of the industrial user's waste discharge, additional pretreatment and/or operation and maintenance procedures are required to meet any Authority, municipal, State or Federal Pretreatment Standards, the user shall submit to the Authority, prior to issuance of the Industrial Waste Discharge Permit the shortest reasonable schedule, as determined by the Authority, by which the user will provide such additional pretreatment. The Authority shall include an acceptable compliance schedule in the user's Industrial Waste Discharge Permit. The completion date in this schedule shall be no later than the compliance date established by EPA for the applicable National Categorical Pretreatment Standards. The following conditions apply to this schedule:
 - a. The schedule shall contain increments of progress in the forms of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the significant industrial user to meet the applicable Pretreatment Standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).
 - b. No increment shall exceed nine months.
 - c. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit to the Authority a report including, as a minimum whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Authority.

C. Permit Modifications

Industrial Waste Discharge Permits may be modified by the Authority at any time when conditions warrant. As soon as possible following the promulgation of a National Categorical Pretreatment Standard, the Industrial Waste Discharge Permit of users subject to such standards shall be revised, if necessary, to require compliance with such standard within the time prescribed by such standard.

D. Permit Conditions

1. Industrial Waste Discharge Permits shall be expressly subject to all provisions of the Rules and all other applicable regulations, resolutions, user charges and fees established by the Authority. Permits shall contain the following:
 - a. Effluent Limits, including best management practices, based on applicable general pretreatment standards 40 CFR, Part 403, categorical standards, local limits, and state and local law;
 - b. Requirements for submission of technical reports or discharge reports, including the information to be contained and the signatory requirements of these reports;
 - c. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Authority, including compliance records with regard to effluent limits and any best management practices, and affording the Authority access thereto.
 - d. Requirements for notification of the Authority in advance of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the sewer system;
 - e. Requirements for notification of slug discharges;
 - f. List of prohibited charges;
 - g. Statement of duration of the permit;
 - h. Notification of the Rules regarding transferability;
 - i. Notification of penalties provided for noncompliance;

- j. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- k. Right of entry requirements for authorized representatives of the Authority; and
- l. Indemnification of the Authority on account of the discharge.

Permits may also contain other requirements, including but not limited to:

- a. Limits on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;
 - b. Requirements for installation and maintenance of inspection and sampling facilities and pretreatment facilities;
 - c. Compliance schedules; and
 - d. Other conditions as deemed appropriate by the Authority to ensure compliance with the Rules, municipal ordinances or other requirements.
2. Issuance of an Industrial Waste Discharge Permit in no way relieves the industrial user from any liability on account of its discharge into the sewer system, whether discharge is permitted thereby or not.

E. Permit Duration

Industrial Waste Discharge Permits shall be issued for a one-year period. If the Authority elects not to cancel the permit on before its anniversary, the permit will automatically renew itself for another period of one (1) year upon payment by the user of the applicable permit renewal fee, however in no case shall the permit duration exceed five years before it is reissued . The terms and conditions of the permit shall be subject to modifications by the Authority during the term of the permit. The user shall be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change. The Authority shall use its best efforts to inform the user at least sixty (60) days prior to the effective date. In the event that such changes require major changes in Pretreatment by the user, and the user's failure to comply with the major changes in Pretreatment by the user, and the user's failure to comply with the amended discharge requirements does not itself or with other failures to comply put the Authority in

substantial danger of violating any agreement, permit, regulation or law, then the user shall be allowed a reasonable period of time, as determined by the Authority, to comply with the changes provided the user requests a time extension and submits to the Authority an implementation schedule acceptable to the Authority within the sixty (60) days period.

F. Permit Transfer

Industrial Waste Discharge Permits are issued to a specific industrial user for a specific operation. An Industrial Waste Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation within the approval of the Authority. The succeeding owner of user shall also comply with the terms and conditions of the existing Industrial Waste Discharge Permit.

G. Waste Characteristic Change:

Any industrial user who plans or becomes aware of a change in the method of operation or in the Pretreatment facilities which will increase the concentration of Pollutants which are regulated by the Rules or the volume of wastewater discharged to the sewer system, shall notify the Authority of the change at least ninety (90) days prior to such change. If required by the Authority, the industrial user shall apply for an Industrial Waste Discharge Permit that reflects the proposed changes. The new Industrial Waste Discharge Permit will be subject to a fee to reimburse the Authority for all expenses incurred as a result of the processing of the permit. Approval or denial of a new Industrial Waste Discharge Permit shall be regulated by the procedures established hereunder for the issuance of an original permit.

H. Files

The Authority shall maintain files in which copies of all Industrial Waste Discharge Permits, revisions thereto, and supporting data will be filed for reference. Files shall be maintained for a period of at least five (5) years. This period of retention shall be extended during the course of any unresolved litigation regarding the user or the STP or when requested by the Authority, the Director of EPA or the Regional Administrator of EPA.

3.9 Reporting Requirements for Industrial Users

A. Baseline Monitoring Report

1. Where a significant industrial user, subject to the National Categorical Pretreatment Standard, has not previously submitted the baseline monitoring information required by 40 CFR 403.12 (b), the user shall, within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard, provide this information to the Authority. The report shall include all items required by 40 CFR 403.12 (b).
2. A New Source, or a user proposing to discharge wastes into the sewer system that is subject to a National Categorical Pretreatment Standard, shall submit to the Authority the baseline monitoring report required by 40 CFR 403.12 (b) at least 90 days prior to commencement of discharge from the regulated process or facility.

B. Compliance Date Report

Within ninety (90) days following the date for final compliance with applicable National Categorical Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the sewer system, any industrial user subject to National Categorical Pretreatment Standards shall submit to the Authority a report indicating the nature and concentration of all Pollutants in the discharge from the regulated process which are limited by Categorical Standards, and the average and maximum daily flow from these process units in the user's facility which are limited by such Categorical Standards. The report shall state whether the applicable Categorical Standards are being met on a consistent basis and, if not, which additional operations and maintenance and/or Pretreatment are scheduled to bring the user into compliance with the applicable Categorical Standards. This statement shall be signed by an Authorized Representative of the user and certified by a Qualified Professional.

C. Periodic Compliance Reports

1. Each permitted industrial user shall submit to the Authority, during the months of April, July, October and January, or as specified in the user's Industrial Waste Discharge Permit or by the Authority, a complete and accurate report indicating the nature and

concentration of Pollutants in the discharge during the reporting period which are regulated by the Industrial Waste Discharge Permit. All monitoring data obtained for purposes of determining compliance with the Industrial Waste Discharge Permit by certified analytical techniques must be reported by the user. In addition, this report, where applicable, shall include a record of all daily flows which during the reporting period, exceed the maximum daily flow listed in the Industrial Waste Discharge Permit. At the discretion of the Authority and in consideration of such factors as high or low flow rates, holidays, budget cycles, etc., the Authority upon written request from the user, may agree to alter the months during which the above reports are to be submitted. The report shall also contain the following certification statement signed by the Authorized Representative of the user:

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.

2. The Industrial wastewater discharged into the sewer system shall be sampled and analyzed by and at the expense of the industrial user, and copies of the original laboratory reports listing the results of the analyses and the analytical methods used shall be submitted to the Authority, with the user's periodic compliance report required in Section 3.10.B.1 of this Article. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the user shall submit documentation as required by the Control Authority or the applicable Standards to

determine compliance with the Standard. Frequency of sampling and analyses shall be quarterly, or as specified by the Industrial Waste Discharge Permit or the Authority.

Unless otherwise stated in the Industrial Waste Discharge permit, all samples are to be time composite samples for the period of discharge or for twenty-four (24) hours, whichever is less, with sampling intervals of not more than one (1) hour. The samples shall be analyzed for the substances and characteristics required by the user's Industrial Waste Discharge Permit and shall be representative of the conditions occurring during the reporting period. The user shall follow the proper sample preservation and analysis techniques detailed in 40 CFR 136 or other approved techniques approved by the Authority.

3. All records and information resulting from the monitoring activities required by the Industrial Waste Discharge Permit, including documentation associated with Best Management Practices shall be retained by the industrial user for at least five years. This period of retention shall be extended during the course of any unresolved litigation regarding the user or the STP or when requested by the Authority or the Director of EPA or the Regional Administrator of EPA.

D. Non-complying Discharge Report

If sampling performed by an industrial user indicates a violation of the Rules, an applicable Pretreatment Standard, or the user's Industrial Waste Discharge Permit, the user shall notify the Authority within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within 30 days after becoming aware of the violation.

3.10 Monitoring Facilities

A. If required by the Authority, Permitted industrial users shall provide, operate and maintain, at their own expense, any facilities necessary for monitoring, compliance, inspection, sampling and flow measurement of its Industrial Waste discharge. The monitoring facility should normally be situated on the

user's premises, but when such a location would be impractical or cause undue hardship on the user, the Authority may 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, subject to applicable municipal laws of the Municipality.

B. The monitoring facility shall be constructed in accordance with plans and specifications approved by the Authority. There shall be ample room in or near such facility to allow accurate sampling and preparation samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. The facility shall be located as to be accessible at all times to persons authorized by the Authority. By obtaining an Industrial Waste Discharge Permit, the user consents to the entry upon its land, and agrees to facilitate such entry, by representatives of the Authority, and consents to the use of the monitoring facility for observation, sampling and measuring of the wastewater discharge at all times.

3.11 Inspection and Sampling

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

3.12 Pretreatment

A. Users shall provide wastewater treatment and flow-equalizing facilities as necessary to comply with the Rules and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 or the Rules within the time limitations specified by EPA, the State or

Manager, whichever is more stringent. Any facilities required to pre-treat or flow-equalize wastewater to a level in compliance with the provisions of the Rules shall be provided, operated, and maintained at the user's sole expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to the Authority for review before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent in compliance with the provisions of the Rules. Any subsequent changes in the Pretreatment facilities, flow-equalizing facilities, or method of operation shall be reported to and approved by the Authority prior to the user's initiation of the changes.

B. An industrial user may allow a bypass which does not cause Pretreatment Standards to be violated, but only for essential maintenance to assure efficient operation. If the user knows in advance of the need for a bypass, it shall submit prior notice to the Authority if possible, at least ten (10) days before the date of the bypass. A user shall give oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Authority within twenty-four (24) hours from the time the user becomes aware of the bypass.

A written report shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written report 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.

C. All records relating to compliance with Pretreatment Standards and Pretreatment Requirements shall be made available to officials of the EPA upon request.

D. The Authority shall have access to all such Pretreatment facilities and flow-equalizing facilities are required by the Rules at all reasonable times for purposes of inspection and testing.

E. Either Municipality or other governmental entity to whose sewer system an industrial user is connected shall reimburse the Authority for all of its expenses incurred as a result of review, monitoring,

application processing, sampling, or any other activities conducted by the Authority and directly related to ensuring the industrial user's compliance with the provisions of the Rules.

3.13 Hazardous Waste Discharge Notification

A. An industrial user discharging any quantity of waste to the sewer system, which, if otherwise disposed of, would be an acute hazardous waste under 40 CFR 261, shall provide a one-time notification to the Authority, the EPA Region III Waste Management Division Director, and the State hazardous waste authorities.

B. The notification required by Section 3.14.A of this Article shall include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, the type of discharge (continuous, batch or other), and a certification that the industrial user 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. If the user discharges more than 100 kilograms of such waste in a month to the sewer system, the notification shall also include an identification of the hazardous constituents contained in the waste, an estimation of the mass and concentration of such constituents discharged during the month, and an estimation of the mass of constituents expended to be discharged by the user to the sewer system during the following 12 month period.

C. If an industrial user discharges a non-acute hazardous waste under 40 CFR 261 to the sewer system, the user shall provide the one-time notification described in Section 3.14.B of this Article, if the total mass of hazardous waste discharged to the sewer system during any month exceeds fifteen kilograms.

3.14 Confidential Information

A. Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits, notifications, and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing and is able to demonstrate to the Authority's satisfaction that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

B. When requested by the person furnishing a report, those portions of a report that have been accepted by the Authority as confidential, shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to the Rules, the NPDES Permit, State Disposal System permit and/or the State or Federal Pretreatment Programs; provided, however, that such portions of any report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

C. When information accepted by the Authority as confidential is transmitted to any governmental agency by the Authority, a notification to the industrial user shall be provided by the Authority listing the confidential information transmitted, and the governmental entity requesting the information.

3.15 Measuring Volumes of Wastewater

A. The flow volume used to determine wastewater flows and Surcharges shall be specified in the Industrial Waste Discharge Permit and be based on:

1. Direct wastewater metering, or
2. Metered water use, or
3. Such other method acceptable to the Authority.

B. If required by an Industrial Waste Discharge Permit, industrial users shall install and use any meter or measuring device specified therein at the user's own expense. Unless specified otherwise, the Authority shall be responsible for the reading of all meters or measuring devices. The Authority may read the meters from time to time at its discretion. The meters and devices shall be made available for meter reading at any reasonable time. Required meters shall be calibrated annually by a factory certified meter representative.

3.16 Charges and Fees

The Authority may adopt Charges and other fees for implementing and enforcing the pretreatment program. These charges and fees relate solely to the matters covered by the Rules and are separate from any and all other Charges and other fees chargeable by the Authority to which the user is connected.

Such Charges and fees shall include the following:

- A. Fees for reimbursement of the costs of setting up and implementing the Industrial Pretreatment Program.
- B. Fees for monitoring, inspections, and sampling associated with the Industrial Pretreatment Program;
- C. Fees for reviewing accidental discharge procedures and construction plans;
- D. Fees for review of permit applications;
- E. Fees associated with the review of permit appeals;
- F. Fees for consistent removal by the Authority of pollutants otherwise subject to federal pretreatment regulations;
- G. Other fees the Authority may deem necessary to carry out the requirements contained herein.

SECTION 4 - ENFORCEMENT

Included in the Rules are the steps and procedures to be taken by the Authority for violation of the Rules, also known as the Authority's Enforcement Response Plan ("ERP"). The ERP is set forth in this Section 4 and the provisions set forth on Exhibit "B" which is incorporated in the Rules.

4.1 Notification of Violation

Wherever the Authority or a Municipality wherein a user is located finds that the user has violated or is violating the Rules, an Industrial Waste Discharge Permit, or any prohibition, limitation or requirements contained herein, or has failed to provide the Manager with the information needed to accurately determine compliance with any Pretreatment Standard or Requirement, or the Authority may, and the Municipality at the direction of the Authority shall, serve upon such a person a written notice of violation. The notice may require a response in the form of a plan, explanation, compliance schedule, or

other appropriate response within a specified time period. Compliance with any such requirement is mandatory.

4.2 Significant Non-compliance

The Authority will publish on an annual basis in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the STP a list of those industrial users which, at any time during the previous twelve (12) months, were in Significant Noncompliance as defined in this Article.

4.3 Immediate Suspension by Municipality of Discharge Presenting Imminent Danger by Any User

The Municipality may order the suspension of discharge of wastewater by any user when so directed by the Authority. The Authority may direct such a suspension when such suspension is necessary, in the opinion of the Authority, in order to stop an actual or threatened discharge which presents an imminent danger or harm to people or to the environment or of Interference (“Dangerous Discharge”).

Any user notified of an order to suspend shall comply therewith immediately. In the event of a failure of the users to comply voluntarily with the suspension order, the Authority shall taken such steps as it deems necessary, including immediate severance of the sewer connection, to affect the suspension of discharge of the user’s wastewater into the sewer system. The Authority shall permit reinstatement of the discharge upon proof satisfactory to itself of the elimination of the imminent and substantial danger referred to above. The user shall submit a detailed written statement to the Authority describing the causes of the actual or threatened discharge and the measures taken to prevent any future occurrence within 15 days of the date of the first such discharge or threat of discharge.

Nothing herein shall be construed to prohibit the Authority from seeking injunctive relief hereunder or at common law or taking other enforcement action in connection with a Dangerous Discharge.

4.4 Termination of Service of Any User

Any user who violates any condition of the Rules, applicable State and Federal regulations or an Industrial Waste Discharge Permit if applicable, is subject, in addition to any civil or criminal penalties which may be imposed, to having its service terminated and/or Industrial Waste Discharge Permit revoked.

4.5 Legal Action by Municipalities

If any user violates the provisions of the Rules, Federal or State, Pretreatment Requirements, or any order related to sewer service of the Municipality wherein the industrial user is located, the Municipality may and, at the direction of the Authority shall, commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas, Montgomery County.

4.6 Civil Penalty Assessment Policy for Industrial Users

The Authority has adopted within its ERP a formal, written civil penalty assessment policy as indicated within Exhibit "B" hereof and which may be modified from time to time and make the same available to the public. Industrial users participating in the pretreatment program established herein shall be given notice of the policy.

4.7 Uses of Civil Penalties Collected by the Authority

Civil penalties collected pursuant hereto shall be placed in a restricted account and shall only be used for the repair of damage and any additional maintenance needed or any additional costs imposed as a result of a violation for which the penalty was imposed, to pay any penalties imposed upon Authority by the federal or state government for violation of Pretreatment Standards, for the costs incurred by the Authority to investigate and take enforcement action that resulted in a penalty being imposed, for the monitoring of discharges in a Pretreatment Program. Funds remaining in the restricted account after the foregoing uses have been met may be used for capital improvements to the STP.

4.8 Procedure for Assessment of Civil Penalties Against Industrial Users

The Authority has adopted civil penalties assessments against any industrial user who violates a provision of the Rules or its Industrial Waste Discharge Permit, that is in Significant Non-compliance, or which fails to respond adequately to any Notice of Violation issued by the Manager, in accordance with the Authority penalty assessment. In assessing such penalties, the Authority shall provide the non-complying user with the opportunity to show cause why a civil penalty pursuant to relevant provisions within Exhibit "B" hereto should not be assessed. Notice shall be served upon the industrial user specifying the time and place of a hearing to be held by the Authority for that purpose.

If the hearing is held, the Authority Board or its designated “hearing officer” (which may be a Board member, its solicitor, consulting engineer or an Authority employee other than the Manager) will conduct the hearing and take evidence thereat, and shall proceed to:

1. Issue in the name of the Authority notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
2. Take the evidence; and
3. Transmit a report of the evidence and hearing including transcripts and other evidence, together with recommendations to the Authority for action thereon.

Testimony at the hearing shall be under oath and recorded. A transcript shall be made available to anyone upon payment of the charges therefore.

After the hearing, if the hearing was before the Board of Authority or, after receipt of the report of evidence and hearing together with the recommendation of the hearing officer, the Authority may assess a civil penalty as set forth in the ERP.

Notice of such assessment shall be sent to the industrial user against whom the assessment has been made together with a description of the applicable appeals process, including the name, address and telephone number of the person responsible for accepting an appeal.

4.9 Injunctions Against Violations of Pretreatment Standards

The Authority may seek injunctive relief against the violation of any Pretreatment Standard in any of the following circumstances:

1. A discharge from an industrial user presents an imminent danger of substantial harm to the STP or the public;
2. A discharge from an industrial user presents an imminent or substantial endangerment to the environment.
3. A discharge from an industrial user causes the Authority to violate any condition of its NPDES permit.

4. An industrial user has shown a lack of ability or intention to comply with a Pretreatment Standard.

The Authority may also seek injunctive relief against any violation of Section 3 hereof or otherwise to the extent permitted by law.

4.10 Right to Appeal

The industrial user may pay either the amount of any assessment, fine, penalty or injunctive relief as provided in the ERP as set forth in the Rules, including Exhibit “B” hereof.

SECTION 5 - VALIDITY

All provisions of the EPA and all other resolutions, rules, and all procedures of the Authority which are inconsistent with this Article of the Rules are hereby invalid to the extent of the inconsistency or conflict.

ARTICLE II - GENERAL

SECTION 1 - DEFINITIONS

The following definitions shall apply only to Articles II, III, IV and V, hereof, to the exclusion of Article I hereof.

- A. "Account" is the record maintained by the water provider indicating charges and party primarily responsible for payment of such charges.
- B. "Authority" shall mean the "Norristown Municipal Waste Authority."
- C. "Branch Lateral" is the portion of a sewer lateral which is not a shared lateral.
- D. "Building" is each separately owned, leased, or occupied part of a structure whether standing alone or physically connected either vertically or horizontal, whether residential, commercial or industrial including but not limited to single-family residences, apartments, rowhouses or townhouses, duplex or twin houses, row of stores, condominiums, or any combinations thereof.
- E. "Charges" are all tapping fees, fees, rates, rents, and any other obligations of a customer created under the Rules.
- F. "Customer" is one who utilizes the services of Authority's Sewer System or an owner who is legally obligated to connect to Authority's Sewer System and is obligated to pay to Authority for such services whether or not any agreement has been signed with Authority.
- G. "Developer" is one who utilizes for its development the services of Authority's Sewer System or an owner of a development who is legally obligated to connect to Authority's Sewer System, and is obligated to pay to Authority for such services; a developer shall be required to enter into an Improvement Agreement with Authority.
- H. "Development" shall mean any project, improvement, building or other structure upon any property requiring subdivision and land development approval pursuant to the Ordinances of the Municipality.
- I. "Dwelling Unit" herein shall mean any house, apartment, room, group of rooms, mobile home, house trailer, or other enclosure occupied or intended for occupancy as separate living quarters.

J. "Equivalent Dwelling Unit" (sometimes called "EDU") shall be the measure of sewer usage based upon determinations set forth in the Rules or other based on the daily usage of 275 gallons, or fraction thereof in such instances where calculation are based upon water usage provided by water provider.

K. "Improvement Agreement" shall mean any agreement entered into between the Authority and a developer related to charges, engineering design and improvements required of a developer under the Rules.

L. "Landlord" is an owner of a property who permits another person to occupy all or a portion of such property.

M. "Municipality" is the Municipality of Norristown, Montgomery County, Pennsylvania.

N "Owner" is one who owns, in fee, any property that is connected or proposed to be connected to Authority's Sewer System, or one who owns, in fee, property through which a sewer line has been or will be constructed as occupant or as a landlord of the tenant occupied property.

O. "Permittee" is a customer as defined here.

P. "Person" is any individual, group, sole proprietor, partnership, company, corporation or any other entity or group of entities.

Q. "Property" includes both land and structure within the Municipality. .

R. "Rules" shall be these Rates, Rules and Regulations as set forth herein or as may be duly changed or modified by resolution of the Authority adopted at a Public Meeting.

S. "Sanitary Sewer" or "Sewerage" is human excrement and gray water (such as household showers, dishwashing operations; and the like) from a household, and toilet wastes from residences, business buildings, institutions, commercial and industrial establishments.

T. "Sewer Charges" are sewer service rental charges lawfully imposed by the Authority pursuant to the Rules

U. "Sewer Lateral" is a pipe, sewer service line or conduit connected from a building into the Sewer System intended to convey sewage.

V. "Sewer Service" is all service provided by the Authority related to the collection, conveyance and treatment of sewage within its Sewer System.

W. "Sewer System" is a pipe, hose, conduit, interceptor, manhole or facility owned or operated by the Authority to which sanitary sewage flows, including the Authority's Sewage Treatment Plan as defined in Article I of the Rules.

X. "Shared Lateral" is the portion of a sewer lateral used to serve more than one property.

Y. "Structure" is anything built, constructed, or erected with a fixed location on land, or attached to something having a fixed location on the land.

Z. "User" is a customer as defined herein.

AA. "Water Provider" is the entity, company or utility providing public water service to a property.

SECTION 2 – BILLING AND COLLECTING

A. The Authority shall bill and collect Sewer Charges consistent with the provisions of the Rules.

B. In the event that a customer believes that the Sewer Charge is incorrect due to excessive or abnormal water usage, it is the responsibility of the customer to contact water provider and have the water service checked by a licensed plumber. If it is confirmed by the water provider that the water usage indicated is incorrect, the Authority may adjust the Sewer Charges accordingly.

SECTION 3 – WATER SHUT OFF

A. If outstanding Sewer Charges reach \$200.00 for a particular account and the account has been delinquent for at least 60 days, shut off procedures will be initiated. The only exception to this dollar threshold is the default of a payment plan associated with a shut off, as may be provided in the Rules.

B. The shut off procedures shall be as follows:

1. Shut off notice will be sent by regular mail or email to the owner of the subject property advising that the Authority will request the water provider to shut off the water service within 15 days after the date of the notice.
2. The shut off notice will be posted by Authority personnel or its agent at the subject property within 5 days after the sending of the written notice.

3. After completion of the 15 days, the property address will be provided to the water provider and the water shut off will be scheduled, provided the Authority has not received a written statement under oath from the customer stating that the customer has a just defense to the claim, either for medical reasons or because of a water leak on the property.
- C. For any building that the customer is a landlord the following procedures will apply:
1. Shut off notice will be sent by regular mail or email to the address of the landlord advising the landlord that the Authority will request water provider to shut off the water service within 40 days after the date of the notice.
 2. Shut off notice will, at minimum, contain the following:
 - a. Amount owed by the landlord for the account in question;
 - b. Date on which the water service will be discontinued;
 - c. Date on which the Authority will notify the tenants of the proposed termination of water service and their rights;
 - d. Statement of the obligation of the landlord to: (1) provide the Authority with the names and addresses of every affected tenant or (2) pay the amount due the Authority; or (3) make an arrangement with the Authority to pay the balance. Statement will also indicate that this list must be provided or payment or arrangement must be made within 7 days of receipt of the shut off notice and further indicate the penalties and liability which the landlord may incur by failure to comply.
 - e. Statement of the right of the landlord to stay the notification of tenants by filing a petition with the Court disputing the right of the Authority to cause termination of water service.
 3. Notice will be sent by regular mail or email to each affected tenant at least 7 days after the shut off notice was sent to the landlord and at least 30 days before the proposed termination of water service. The tenant notice will, at a minimum, contain the following:
 - a. Date on which the shut off notice was sent;
 - b. Date on which the water service will be discontinued;
 - c. Statement of the circumstances under which water service may be continued;
 - d. Amount owed by the landlord for the account in question and that the landlord has not yet paid the amount due or made an arrangement to pay the amount due;
 - e. Statement of the statutory rights of the tenant to: (1) deduct the amount of any direct payment to the Authority from any rent payments then or thereafter due; (2) be protected against any retaliation by the landlord for exercising such statutory right; and (3) recover money damages from the landlord for any such retaliation;

- f. Explanation of the manner in which the tenant may make payment to the Authority on account of nonpayment by the landlord. The Authority will not accept a payment plan from the tenant;
 - g. Telephone number of the Authority which the tenant may call for an explanation;
 - h. Statement that the information in the notice to the tenants was also posted where it is likely to be seen by the affected tenants;
4. The tenant notice will be posted by the Authority personnel or agent at the property within 5 days after the sending of the notice.
5. After completion of the 40 days, the property address will be provided to water provider and the water shut off will be scheduled, provided the landlord has not filed an unresolved petition with the Court disputing the right of the Authority to cause termination of the water service and further provided that the tenants have not exercised their rights to continued service.

D. Customer can stop the shut off of water service after receiving notification by the Authority pursuant to the Rules upon either;

1. Payment by cash, certified check, cashier's check or money order or customer check of all arrearages;
2. Written agreement between the customer and the Authority that provides for the following: (1) payment of one-half (50%) of the arrearages at the time of signing; (2) payment of the remaining balance of the arrearages on a monthly basis over a period not to exceed six (6) months, with the minimum monthly payment being \$50.00; and (3) payment of the normal monthly Sewer Charges. Failure to satisfy any item in the payment plan will be considered a default and the amount outstanding will become immediately due. The Authority will send another shut off notice but it will not be required to post the notice and will not accept a new payment plan.

E. If the water service is shut off pursuant to the Rules, it will not be turned on except upon payment by cash, certified check, cashier's check or money order of all arrearages plus a service charge in accordance with the Authority's Fee Schedule attached hereto as Exhibit "C".

SECTION 4 - LIENS

A. All Charges imposed by the Authority, may be filed as a lien on the property, including rental properties with sewer accounts in the name of the tenant. All liens shall be filed in the Office of the Prothonotary of Montgomery County, Pennsylvania and shall be collected in the manner provided by law.

B. At least 30 days in advance of filing a lien, the Authority will send a letter by regular mail to the appropriate address of the owner of the property as set forth in Section 6 hereof notifying the owner of the pending action to be taken and the reason for this action.

C. When a lien has been filed, it shall not be released until payment by cash, certified check, cashier's check, money order or customer check of all arrearages, lien fees, legal fees, filing fees, costs, late fees and interest charges. For a customer check the Authority will not release the lien until the check has cleared the bank.

D. A lien may be filed on the property in any one of the following instances:

1. Subsequent to the termination of water service caused by non-payment of a delinquent Sewer Charges even if the account is in the name of the tenant.
2. Non-payment of an obligation owed to the Authority which is in excess of \$50.00.
3. Upon the written direction of the Executive Director of the Authority indicating the basis for the need to file, other than as provided above.

E. The legal fees of the Authority shall be payable in accordance with the Authority's Fee Schedule attached hereto as Exhibit "C".

SECTION 5 – ADDRESS OF RECORD

Every customer who has a connection to the Sewer System, or who has a lateral installed to their property, shall provide Authority initially, and thereafter keep Authority advised, as to the customer's correct mailing address.

SECTION 6 – RIGHT OF ACCESS

Authority may access at reasonable times any part of any property connected to the Sewer System for purpose of inspection, measurement, sampling, or testing, or for the performance of other functions

relating to services rendered by Authority, including termination of service wherever applicable under the Rules, upon obtaining permission or authorization to make such access.

SECTION 7 – AUTHORIZATION TO CARRY OUT DUTIES

The proper officers and employees of Authority are authorized and directed to do, or cause to be done, all things and to take all action necessary for the proper operation of Authority, including, but not limited to, all legal action necessary to enforce collection of any Charges.

SECTION 8 – NON-LIABILITY OF AUTHORITY

In applying for and making use of Sewer Services, each customer expressly stipulates and agrees that, in consideration of Authority's furnishing such service Authority shall be released from any claim of any kind made by the customer against the Authority, including but not limited to:

- A. Termination of Sewer Service or damages from any broken, clogged, or stopped main of Authority or any pipe or attachment to Authority's facilities;
- B. Any deficiency or failure in supplying Sewer Service occasioned by cessation of service to make repairs;
- C. Any temporary restrictions in the use of Sewer Service during emergency periods;
- D. Any restrictions or orders imposed by any government or governmental agency;
- E. Failure of Sewer Service from any other cause or lawful purpose whatsoever.

SECTION 9 – SEWER BLOCKAGES

A. The Authority shall be responsible for maintaining the Sewer System. The owner of any property is responsible for sewers upon the property, which normally consist of sewer lateral and internal plumbing that connect the property to the Sewer System.

B. In the event blockage of any sewer line is determined to be in the Authority's Sewer System, the Authority personnel will attempt to clear the blockage as soon as possible. The affected property owner will not be charged for this service.

C. In the event a blockage in the Authority's Sewer System was caused by roots or obstructions emanating from the property owner's property, the Authority personnel will attempt to remove the roots or

obstructions as soon as possible from the Authority's sewer line only. The property owner is responsible for the removal of any roots or obstructions in the property lateral or any internal plumbing.

D. In the event a blockage in the Authority's Sewer System was caused by a substance emanating from the property owner in violation of Ordinance No. 07-01 of 2007 of the Municipality of Norristown, as such may be amended from time to time (commonly referred to as the Fats, Oil and Grease Ordinance), then such property owner responsible for the blockage due to the aforementioned violation will be responsible for the costs incurred by the Authority personnel to remove the blockage from the Authority's sewer line. Such costs will be based on labor costs, equipment costs, and applicable overhead expenses of the Authority, as determined by the Authority.

E. In the event that a blockage is not located in the Authority's Sewer System, the Authority will so notify the individual reporting the interruption of service. It will then be the property owner's responsibility to contact a licensed plumber to determine the location of the blockage and to promptly remove such blockage and make all necessary repairs.

F. The property owner or his/her contractor must notify the Authority at least 48 hours prior to excavating in the area where the property owner's lateral ties into the Authority's sewer line. The Authority will inspect all connections to its Sewer System. The property owner must obtain all appropriate permits from the Municipality before excavating.

G. In the event a blockage is the responsibility of the Authority, then the Authority will pay all reasonable costs to remediate damages caused by the blockage. Such costs will be limited to cleaning, dehumidification, and deodorization, as necessary and as determined in the sole discretion of the Authority to be reasonable. The Authority will not be responsible for replacing or repairing any furniture, rugs, household items or other personal property.

SECTION 10 - COMPLAINTS

Complaints with regard to the service furnished or the Charges or any other bills rendered by Authority, shall be made in writing to the office of Authority.

SECTION 11 – MISCELLANEOUS PROVISIONS

A. All fees of the Authority to the exclusion of Sewer Service rental charges are payable in advance before any work or requested action shall be performed by the Authority.

B. All escrow fees shall be payable in advance to the Authority in accordance with the various contracts and agreements requiring such escrow fees.

C. Failure of any customer to receive a bill for services referenced in the Rules shall not be considered an excuse for nonpayment, or shall fail to result in an extension of the period of time during which the charge is payable. The presentation of a bill to the customer is only a matter of courtesy and not a waiver of the Rules by the Authority.

D. In the event that that the Sewer Charges cannot be precisely calculated, the Executive Director of the Authority, upon all records and information available related to the public water usage of the customer shall reasonably determine the amount of the Sewer Charges.

E. The Authority may determine, in its sole discretion, that a customer is financially incapable of payment when due of any bill or invoice for charges. Upon determination that a financial hardship exists as to such customer the Authority may extend payments and/or suspend imposition of late charges or process of collection in a manner as the Authority shall from time to time deem appropriate.

F. Authority reserves the right to adopt, revise, change, amend, and re-adopt, or add to, from time to time, the Rules and the owner and Consumer, by accepting Authority's services, agrees to be bound by any such changes whether or not expressly notified thereof.

G. The provisions of any portion of the Rules are several and if any provision or part thereof shall be held illegal, invalid or unconstitutional, it shall not affect or impair any remaining provisions or parts of the Rules, as though the Rules would have been adopted as if such invalid or unconstitutional provisions had not been included therein.

ARTICLE III – SEWER RATES, FEES, AND OTHER CHARGES

SECTION 1 – IMPOSITION OF SEWER RENTALS OR CHARGES

Property served by the Sewer System or required to be connected into the Sewer System shall be imposed an annual sewer rental or charge, payable monthly based upon the metered potable water determined by the water provider and charges as set forth in the Authority's Fee Schedule.

SECTION 2 – IMPOSITION OF TAPPING CHARGES

A. The Authority imposes upon any property connecting to any part of the Sewer System, a tapping fee as specified by Act 57 of 2003 and in accordance with the Authority's Fee Schedule, for each equivalent dwelling unit (EDU).

B. The tapping fee shall be due and payable at the time application is made to Authority to make any tap, or date such application should have been made, whichever date shall first occur.

SECTION 3 – IMPOSITION OF APPLICATION FEES

A. The Authority imposes upon any property or development connecting to any part of the Sewer System an application fee in accordance with the Authority's Fee Schedule.

B. The application fee shall be due and payable at the time that request is made by an owner or developer inquiring into a future connection to the Sewer System.

SECTION 4 – EQUIVALENT DWELLING UNIT

A. In calculating tapping fees hereunder, an EDU is defined as being 275 gallons per day. The aforementioned notwithstanding, a single-family residence or dwelling, flat or apartment or other living or household unit, whether classified as a townhouse, semi-detached dwelling, duplex, apartment, garden apartment or other classification or a private dwelling or living unit, is hereby classified and determined to be one (1) EDU.

B. An EDU shall be computed to the next higher whole number. Fractions or decimal points of EDU's shall not be used.

C. Authority shall have sole discretion to establish EDU determinations for any structure used or intended to be used, in whole or in part, for non-residential purposes. The following schedule shall be used to determine EDUs for tapping fee purposes for non-residential purposes.

<u>USE</u>	<u>Space Calculation Basis</u>	
	<u>NO. OF EDU'S</u>	<u>AREA OR UNIT</u>
Warehouse	1.0	10,000 sq. ft
Light Industrial (Sanitary waste only; process waste to be calculated on a case by case basis)	1.0	2,000 sq. ft.
Retail Store	1.0	2,000 sq. ft.
Commercial and/or Office	1.0	2,000 sq. ft.
Motel/Hotel Room	0.5	1 Unit
Auto Service Station	2.0	1 Pumping Island
Nursing Home Room	0.5	1 Unit
Hospital Room	0.75	1 Unit

<u>USE</u>	<u>Volume Calculation Basis</u>	
	<u>NO. OF EDU'S</u>	<u>AREA OR UNIT</u>
Restaurant – Regular		20 gpd/seat
Restaurant – Fast Food		30 gpd/seat
Bar/Cocktail Area		10 gpd/seat
Hairdresser		50 gpd/chair
Self-Service Laundry		350 gpd/ per washer
Movie Theater		5 gpd/seat
Doctor's Office and Dentist's Office		275 gpd
Bowling Alley		275 gpd per alley
Public/Private School		20 gpd/person
Day Care School		20 gpd/person
Funeral Home		275 gpd/viewing room
Car Wash - Manual		Per Washing Bay 5 EDU's
Car Wash – Automatic		Per Washing Bay 20 EDU's

D. Other uses not classified hereinabove shall be determined by Authority in its sole discretion. Additional classifications, or modification of the above schedule may be established by Authority, from time to time, as it deems necessary.

E. In the case of combination of uses in any structure, each use shall be rated according to its applicable classification as provided in the Rules. The Authority's determination of EDU's for each use shall be totaled.

F. Portions of any building serving as a place of worship or meditation, fire house or emergency services station may not be charged a tapping fee.

G. Whenever any building connected to the Sewer System is converted, enlarged or remodeled or additional buildings are constructed on a property so as to create or establish additional uses or an intensification of existing uses which result in a corresponding increase in the EDU's additional tapping fees shall be payable to the Authority in accordance with Sections 2 and 4 of this Article

H. Authority may, but shall not be required to, re-determine the number of equivalent dwelling units for which each use in a structure will be rated in the future for Sewer Charges based upon the readings from the water meter for a period of twelve (12) consecutive months.

I. No reduction in tapping fees shall be made by Authority, if the readings reveal a lower indicated Tapping Fee than that estimated by Authority, unless otherwise provided in an Improvement Agreement.

J. The amount of the tapping fee, as specified in Authority's Fee Schedule, shall be reduced by a factor of fifty (50) percent for a property situated in the Norristown Redevelopment Area, as designated by the Municipality and the Montgomery County Redevelopment Authority in accordance with the Pennsylvania Urban Redevelopment Law, provided the or property is either:

- a) Designated by the Municipality as a deteriorated area under the Local Economic Revitalization Tax Assistance Act (LERTA), or
- b) Located in a Keystone Opportunity Zone (KOZ) or Keystone Opportunity Expansion Zone (KOEZ), or

- c) Designated by the Municipality to receive funding through the Tax Increment Financing (TIF) Guarantee Program

and further provided that all of the pertinent local taxing authorities, i.e., the Municipality, County of Montgomery, and Norristown Area School District, have agreed by Resolution or some other means to participate in the specific program implementation.

SECTION 5 – PAYMENT OF TAPPING FEES

A. All tapping fees imposed by the Authority shall be payable at the time of application for connection to the Sewer System or at such other time as the property owner and the Authority agree or, in the case of projects to serve an existing development, such fees shall be payable at a time to be determined by the Authority. The Authority retains the right to require the payment or other posting of security for any tapping fees imposed hereby before the guarantee of any capacity to the property owner.

B. Any tapping fee imposed by the Authority shall be in addition to any fees imposed by the Municipality, or by the Authority, any charges assessed or collected against such property in connection of such Sewer System by the Authority whether by the assessment on a benefit method or according to the front foot rule, and any rents or other charges fixed, charged or imposed by the Authority or the Municipality by reason of the use, or availability for use, of the Sewer System by the property.

SECTION 6 – LAUNDROMAT TAPPING FEES

A. Notwithstanding any provisions to the contrary set forth in the Rules, the tapping fees imposed upon a laundromat can be paid over a four (4) year installment period in five (5) equal installments if elected by the owner of the Property whereupon the laundromat is located. Interest will not be charged during the installment period, provided payments are made in a timely manner. The initial payment will be due before the property sewer lateral is permitted to connect to the Authority Sewer System. Subsequent annual payments will be due on or before the anniversary date of the initial payment. Failure to make an annual payment, as prescribed herein, will be considered a default, whereupon the entire unpaid balance of the tapping fees imposed shall immediately become due and owing. The Authority may take the appropriate action against the owner of the property, including the filing of a lien upon the property. In the event that

any annual payment is not made, interest will be charged on the remaining balance retroactive to the date of the initial payment. Such interest will be imposed, to the extent permissible by law, in addition to any other charges that may be assessed by the Authority in connection with the filing of a lien.

B. The method of payment set forth in this Section 6 shall be conditioned upon the Authority obtaining an installment agreement, in form prepared by the Authority, setting forth the terms of payment, executed by the owner of the laundromat and the owner of the property duly acknowledged and in form recordable in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania.

C. On or about the anniversary date of the initial payment during each year of the installment period, as indicated in the subject installment agreement, Authority will review the water usage data for the laundromat for a previous 12-month period and will calculate the average daily usage per washer in order to compare such actual usage with the designated amount of 350 gallons per day/per washer utilized in the determination of the initial total tapping fees assessed. Notwithstanding any provisions of the Rules to the contrary, in the event that the average daily usage per washer is greater or lesser than 350 gallons, the tapping fee will be adjusted accordingly, the previous tapping fee paid will be credited, and the balance will be prorated equally over the remaining payments then owing pursuant to provisions herein.

SECTION 7 – OTHER FEES AND CHARGES

A. When water is turned off for non-payment of sewer bills or failure to comply with the Rules, a fee shall be charged in accordance with the Authority's Fee Schedule.

B. The fee to turn on water service is included in the turn off fee in accordance with the Authority's Fee Schedule.

C. When Authority personnel is requested to make a service call to a property and it is found that the problem does not involve malfunction of the Authority's Sewer System, then Authority may charge subject customer the charges for a service call in accordance with the Authority's Fee Schedule.

D. The Authority shall charge a fee in accordance with the Fee Schedule to prepare a Letter of Certification for Sewer Service.

E. If a check or any other type instrument received by Authority in payment of any Authority's charges is returned due to insufficient funds, or for any other reason, the customer shall pay a fee in accordance with the Authority's Fee Schedule to Authority, in addition to any other charges then due and payable.

F. Fees shall be charged in accordance with the Authority's Fee Schedule for any copy or copies of Authority documents and plans pursuant to and in compliance of the provision of the duly adopted open records requirements of the Authority and applicable state law.

G. For obtaining a sample, transporting the sample to a qualified laboratory, and cost of having laboratory analyze the sample to determine biochemical oxygen demand (BOD) and concentration of suspended solids (SS), or any other test required or deemed necessary by Authority, (whether or not requested by the customer), there shall be a Charge in accordance with the Authority's Fee Schedule.

SECTION 8 - INTEREST CHARGES

Except as specifically indicated to the contrary in the Rules or as a term provided in any agreement entered into by the Authority, all municipal liens, claims and charges shall cause interest thereon to be charged at the rate of ten (10) percent per annum, simple interest, or such maximum lesser interest rate as is permitted by law to be charged by the Authority. In addition thereto, a separate fee will be charged for the costs associated with the filing of any municipal lien in accordance with the Authority's Fee Schedule.

SECTION 9 – IMPROVEMENT AGREEMENTS

A. Subsequent to the payment of any Application Fee by a developer to the Authority, such developer shall be required to enter into a Standard Professional Services Agreement with the Authority for the purpose of providing funds to the Authority in the event engineering, legal and administrative services are anticipated by the Authority to be expended to assist the developer in all relevant matters related to the subject development or other improvements deemed applicable by the Authority. Authority shall charge developer an administration fee in accordance with the Authority's Fee Schedule.

B. Prior to any developer obtaining approval from Authority to provide sewer services to a development or section of the development or other improvements deemed applicable by the Authority,

developer shall be required to enter into a standard Developer's Improvement Agreement with Authority. Authority shall charge developer a fee in accordance with the Authority's Fee Schedule. If special conditions necessitate changes, special work, amendments or supplements to the Developer's Improvement Agreement, additional fees and charges shall be made to developer for cost of making any change in accordance with the Authority's Fee Schedule. The Developer's Improvement Agreement shall set forth the various fees, obligations and requirements of the developer, including the posting of such security and escrow funds as shall be determined appropriate by the Authority consistent with all applicable laws.

C. Extension agreements for the extension of time under the Developer's Improvement Agreement or an Assignment Agreement for assigning a Developer's Improvement Agreement to another developer or other assignee shall be prepared by the Authority in accordance with the Rules and in accordance with the Authority's Fee Schedule.

D. Authority shall charge developer an administrative fee in accordance with the Authority's Fee Schedule for the administration by the Authority related to all Improvement Agreements set forth hereinabove in this Section 9.

SECTION 10 – EXPENSES OF AUTHORITY PERSONNEL

When Authority is requested, or required, to have any of its personnel perform any engineering, inspection, administration, testing, review, or other work, or perform any services for any system or facility, for either a customer, a developer, owner or other person, Authority shall charge such party in accordance with the Authority's Fee Schedule.

SECTION 11 - ENGINEERING, LEGAL AND/OR CONSULTING EXPENSES

When Authority is requested, or required, as Authority shall determine, to have any work or services performed by its consulting engineer, solicitor, or any other outside consultant for a customer, developer, owner or any person, Authority shall charge such party as may reasonably be charged by such professional plus an additional administration fee of 15 percent of the charges.

SECTION 12 – FLUSHING FEES

When Authority is requested to flush sewer lines, or is required to, as Authority shall determine, as part of the inspection of a developer's work, Authority shall charge for such flushing in accordance with the Authority's Fee Schedule.

SECTION 13 – UNUSUAL CIRCUMSTANCES

The Authority shall provide no adjustments or modifications for charges based upon water usage to fill swimming pools, watering of lawns, operation of fountains and similar devices and the like. Nothing herein contained shall be deemed to prohibit Authority from entering into separate agreements with any owner with respect to charges to be imposed in those cases when due to seasonal fluctuations or other unusual circumstances, the charges to the customer shall be deemed by Authority to be unfair or inequitable without an appropriate adjustment.

SECTION 14 – ADJUSTMENTS AND MODIFICATIONS

A. A non-residential sewer customer may apply for relief of the Authority for Sanitary Sewer Charges by written form or manner as shall be provided by the Authority, its consulting engineer or administration.

B. The Authority shall request funds from such applicant customer in such amount or amounts as the Authority may, from time to time, deem required and necessary to reimburse the Authority's consulting engineer, its other professionals and staff in evaluating the method of determination of reduced sanitary sewer flow placed into the sanitary sewer facilities of the Authority.

C. The methodology incurred by such applicant customer requesting modification of its Sewer Charges shall be through the use of either an additional water meter or meters (commonly known as deduct meters) or sanitary sewer meters, all of which must be acceptable to the Authority's consulting engineer as to the nature of such meters, their installation, location and accessibility to monitor, read, adjust, repair and replace.

D. Such applicant customer shall be required to submit such plans of such nature and specificity as required by the Authority's consulting engineer setting forth, in reasonable detail, the proposed

installation of meters, lines and accessory facilities or ancillary facilities required to accomplish the proposed purpose of indicating reduced actual sanitary sewer flows. Such applicant customer's plans must be sealed by an engineer registered in Pennsylvania.

E. Such applicant customer shall submit an annual report reflecting accumulated readings of the approved meter(s), annual certification of such meter(s) and other information and documentation as required by the Authority's consulting engineer.

F. Such applicant customer shall be approved for such reductions effective on the date of issuance by the Authority's consulting engineer that the installation, as approved by the Authority's consulting engineer, has been completed in all respects consistent with this Section 14 and the acceptable standards and specifications of the Authority.

G. The Authority shall then make use of the calculation of the sanitary sewer flows as adjusted and approved by the Authority's consulting engineer effective the date of approval.

H. As the sole and exclusive rate adjustment, the Authority shall reimburse or credit such applicant customer having received approval by the Authority's consulting engineer, at the Authority's discretion, on an annual basis or before March 31st of each applicable year.

ARTICLE IV – SEWER RULES AND REGULATIONS

SECTION 1 – REGULATIONS FOR CONNECTIONS

A. No person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner any sewer or any part of the Sewer System without first obtaining , in writing, applicable approvals and permits from Authority and from the Code Enforcement Office of the Municipality, or other appropriate Municipality officials.

B. Request for approval from Authority, as required under Subsection A above, shall be made by the owner of the property served or to be served or a duly authorized agent who shall give satisfactory proof of this authority.

C. No person shall make, or cause to be made, any connection of any property to the Sewer System until such person shall have fulfilled each of the following conditions:

1. Notified the appropriate Municipality officials of the desire and intention to connect to the Sewer System, and shall have satisfied all Municipality requirements with respect to such connection;
2. Applied for and obtained approvals and permits, as required under Subsection A above; and
3. Provide Authority and Municipality at least forty-eight (48) hours notice of the time when such connection will be made so that Authority and Municipality may supervise and inspect the work of connection and conduct necessary testing; and
4. Furnished satisfactory evidence to Authority that all tapping fees and all other charges imposed by Authority have been paid.
5. Furnished satisfactory evidence to Authority that planning approval is in accordance with all applicable requirements of the DEP.

D. Each property shall be connected separately and independently with the Sewer System. Grouping of more than one sewer service on a single Sanitary Sewer lateral line shall not be permitted, except as approved by Authority, in its sole discretion, under special circumstances and for good sanitary

reasons but then only after special permission of Authority, in writing, shall have been secured. Such exception shall be subject to the Rules. Cost or expense to owner shall not be considered good reason for grouping.

Vertical condominiums shall be permitted to use a single sewer service lateral but shall pay all fees and charges imposed on each as a separate dwelling unit. Location of connection to the sewer lateral shall be subject to approval by Authority.

E. All costs and expenses of connecting any structure to the Sewer System shall be borne by the owner and such owner shall indemnify and save harmless Authority from any and all loss or damage that may be occasioned, directly or indirectly, by Authority as a result of, or caused by the connection with Sewer System, whether said loss or damage is due to, or caused by, or alleged to be caused by, the negligence of owner or Authority or the agents, servants, workmen, or contractors of any of them.

F. All structures shall be connected to the Sewer System at the place designated by Authority. The invert of a sewer lateral at the point of connection shall be at a higher elevation than the invert of the Sewer System to which the connection is to be made. A proper joint, as Authority shall determine, shall be made and the connection of the sewer service lateral line to the Sewer System line shall be made secure and watertight. Connection of sewer service line to sewer service lateral shall be inspected by the Municipality and/or Authority.

G. Every sewer lateral of any property shall be maintained at all times in a sanitary and safe operating condition by the owner.

H. Every excavation for connection to Sewer System shall be guarded adequately with sufficient barricades and lights to adequately protect all persons from damage or injury. Authority is empowered to determine sufficiency and adequacy of such protection. Streets, sidewalks, and other property disturbed in the course of connecting to the Sewer System shall be restored at the cost and expense of owner in a manner satisfactory to Authority and all other governmental entities having jurisdiction.

I. An owner who desires to connect a structure to Sewer System where no sewer service lateral has been installed to the property on which such structure is located shall be required, at owner's sole cost

and expense, and at no cost and expense to Authority, to install a lateral from the property to be served by the Sewer System. The installation of such lateral shall be made in accordance with Authority's current specifications for the installation of sewer service laterals attached as Exhibit "D" and the installation shall be subject to inspection by Authority and the Municipality prior to the time the trench is backfilled. If the sewer service lateral trench is backfilled prior to inspection owner shall be required to excavate the trench to expose such lateral for inspection.

J. Connection of individual house laterals into the Sewer System shall not be allowed without written approval by Authority. Any owner desiring to connect to the Sewer System shall make such a request in writing to Authority and shall submit detailed plans of the proposed connection. Authority shall not be required to permit such connection if it is not in the best interest of Authority, as determined by Authority.

K. Before any connection into Sewer System is made the owner who desires to connect agrees (in writing if writing is requested by the Authority), to protect, defend, indemnify, and forever hold harmless from any liability, or claim of liability, on account of any personal injury or property damage, resulting from, or alleged to result from, the connection of the property into Sewer System, regardless of whether the liability, claims of liability, personal injury, property damage, or claim of personal injury or property damage, results from, or is alleged to result from, any carelessness, recklessness, or negligence on the part of Authority, its officers, agents, workmen, or employees.

L. Any property that can not feasibly connect to the Sewer System by standard, conventional gravity means shall be permitted, upon the determination of the Authority, to install a grinder pump, as specified by the Authority.

M. Nothing contained in this Section 1 of this Article with respect to any approval of the Authority shall relieve any person from complying with the codes and ordinances of the Municipality.

SECTION 2 – REGULATIONS GOVERNING ADMISSION OF WASTES INTO THE SEWER SYSTEM

A. No person shall discharge, or cause to be discharged, into the Sewer System any sanitary sewage or industrial sewage except in conformity with Article I of the Rules.

B. Authority reserves the right to refuse permission to connect to the Sewer System and to compel discontinuance of use of the Sewer System, or to compel pretreatment of wastes by an establishment, in order to prevent discharge deemed harmful or which might have a deleterious effect upon the Sewer System or any part thereof or to comply with provisions of any agreement for sewage transportation and treatment between Authority and any other Municipality or any other governmental entity.

SECTION 3 – PROHIBITED WASTES

No person shall discharge, or cause to be discharged, any storm water, surface water, spring water, ground water, roof runoff, subsurface drainage, building foundation drainage, cellar drainage, drainage from roof leader connections, and overflow or drainage from cesspools, into the Sewer System.

SECTION 4 – PERMITS FROM GOVERNMENTAL AND OTHER AGENCIES

A. In addition to any Authority permits and Charges, customer shall obtain and pay for all other permits required by the Municipality and any governmental entity.

B. Customer shall comply with all requirements of such entities, including methods of construction, types of material, methods of backfill, methods of repaving, methods of protection and warning, and all other applicable specifications imposed by such entity.

C. Developers shall obtain all permits required by any applicable governmental entities having a legal requirement for permits prior to executing any Developer's Improvement Agreement with Authority.

D. Applications for permits shall be based upon designs and plans that have been reviewed by Authority's engineer, and such plans shall incorporate all changes, corrections, and modifications requested at that time by Authority's engineer.

E. No work shall be commenced until all applicable permits and approvals as referenced in this Article IV have been issued and all required agreements have been executed.

ARTICLE V – SANITARY SEWER LATERAL INSPECTIONS

SECTION 1 - REQUIREMENT

A periodic sewer lateral inspection is recommended by the Authority to insure that rainwater is not entering the Sewer System and overloading the sewage treatment plant. Whenever ownership of a property, which is situated in the Municipality, is being transferred, evidence of such inspection shall be required indicating that the subject sewer lateral complies with the Rules and applicable ordinance of the Municipality. The inspection is not required in the event that either the Authority or the Municipality has issued a certification within a three (3) year period immediately preceding the actual transfer date of the property indicating that the subject lateral complies with the Rules and applicable ordinance of the Municipality. No such property transfer requirements shall apply if the property is a condominium unit (as indicated herein) situated in a building with other condominium units and not directly connected to the sewer lateral. The sewer lateral inspection and any requisite work must be finalized prior to the date of transfer as provided in this Article V.

SECTION 2 - PROCEDURES

A. An owner, trustee, realtor or other responsible agent of the owner (the “Applicant”) can request a sewer lateral inspection by submitting to the Authority a completed and signed (by the owner of the property) Sewer Lateral Authorization Form along with the sewer lateral inspection and certification fee in an amount provided in the Authority’s Fee Schedule. The Authority will be responsible for coordinating and obtaining the necessary video, review/analysis, and documentation. A copy of the video, the review/analysis, the Sewer Lateral Certificate of Compliance or Deficiency Report, and the Sewer Certification will be given to the Applicant generally within seven (7) business days from the submittal of the application and check.

B. Authority will utilize the services of a contractor selected by the Authority to televise the sewer lateral (the “Contractor”). The equipment of the contractor must meet the criteria established by the Authority.

Based on the information provided in the Sewer Lateral Authorization Form, the Authority will provide the contractor with the following information:

- Name, address, and telephone number of any and all owners and/or the agent(s) representing the owner.
- Address and description of the property
- Settlement date for the sale of the property

C. The contractor will notify the Authority of the date of the televising inspection and the Authority, in turn, will inform the property owner or its agent of the date. The assignment must be completed within three (3) business day after notification by the Authority, unless it is determined by the Authority that a shorter or longer amount of time is satisfactory in light of the settlement date or scheduling conflicts.

D. Whenever possible, the contractor will perform the inspections from the cleanout to the sewer main and from the cleanout to the building. To the extent that the contractor is unable to televise the sewer lateral from the cleanout to the building, then it will be the responsibility of the contractor to obtain entrance to the building and televise from inside the building to the cleanout.

The contractor shall inspect the sewer lateral line segments for the following:

- Clear and unobstructed flow.
- Consistence of pipeline slope, such as, sags in the line which may allow standing water.
- Integrity of pipeline structure and joints, including any cracks, material intrusions, joint separations, or other abnormalities in the pipeline structure.
- Infiltration of all joints, connections and at transition.

E. The contractor will provide to the Authority a log sheet and two (2) DVDs for each property inspected. One DVD will be provided to the property owner along with the review/analysis of the video results; the other DVD and the log sheet will be retained by the Authority.

F. The Authority will utilize the services of a technician (or a firm) qualified to review and analyze the video provided by the televising contractor. The technician will base the review on an evaluation of the visual defects from the video and will assess the conditions of the sewer lateral based, to a great extent, on the rating system developed by the National Association of Sewer Service Companies (NASSCO). The technician will note any deficiencies or defects that could permit rainwater or any other

prohibited substance from entering the sewer lateral and eventually the sewer main, in violation of the General Code of the Municipality (“Code”), Authority Rules, or the requirements and specifications of the Authority or the terms of the Consent Decree or the Rules and regulation of the Pennsylvania Department of Environmental Protection. Broken pipe, offset, and/or distorted joints, root intrusion, and significant sags in the pipe constitute some of the deficiencies that do not satisfy the requirements referenced herein.

G. The technician will issue to the Applicant either a Sewer Lateral Certificate of Compliance or a Deficiency Report, depending on the results of the video review and analysis. The Deficiency Report will specify the reasons that a sewer lateral is not in compliance, the work that will need to be done in order for a Sewer Lateral Certificate of Compliance to be issued, and the estimated costs of the repairs or replacements.

H. The Authority will maintain a record of all certificates issued, including the date of issuance. A Sewer Lateral Certificate of Compliance will be valid for three (3) years, unless terminated by the Authority for good cause due to intervening events.

I. It is the responsibility of the property owner to hire and pay a licensed plumbing contractor to make any and all requisite sewer lateral repairs or replacements, as indicated in the Deficiency Report, in accordance with the Rules, regulations, and specifications of the Authority and the Code. The property owner is also responsible for obtaining from the Municipality any pertinent permits, such as a sidewalk or plumbing permit.

J. After the requisite repairs or replacements are completed by the contractor, the contractor or the Applicant must call the Authority to schedule an inspection of the repaired or replaced sewer lateral. Inspections require a minimum notice of 48 hours. If the repairs involved the replacement of all or a portion of the sewer lateral, then the work area should be protected but left uncovered. The Authority representative will inspect the sewer lateral and determine if the repairs or replacement are acceptable. If the repairs involved the treatment of root intrusion or the use of cured in place pipe (CIPP) lining or some other trenchless repair, then the property owner will provide the Authority with a DVD of the work completed onsite. In either event if the work passes inspection, the Authority will issue a Sewer Lateral Certificate of Compliance.

K. If the repairs or replacement are not acceptable, then the contractor or the Applicant will be notified in writing and the work will need to be corrected accordingly. It will be the responsibility of the property owner to follow the procedures outlined in Subsections I and J above until the work passes inspection, and the Authority issues a Sewer Lateral Certificate of Compliance.

L. If the repairs or replacement cannot be completed in time for the date of transfer, a temporary sewer lateral certificate or authorization can be issued by the Authority. This temporary authorization will allow either party (buyer or seller) to assume responsibility for completing the required work within a reasonable period of time, not exceeding 90 days. The Authority will require the grantor (seller) and grantee (buyer) to execute an Escrow Agreement in conjunction with the temporary sewer lateral certificate. The Escrow Agreement will, among other things, designate the party that will be responsible for completing the requisite work and set the amount to be provided in an escrow account, which will be equal to 125 percent of the estimated cost, as stated in the Deficiency Report and an administrative fee as indicated on the Authority's Fee Schedule.

M. The Rules for addressing a shared sewer lateral inspection, in the event that the inspection determines that there is a defect in the shared lateral or branch lateral of the property, shall result in the following events:

1. Property owner will install separate sewer lateral from the building to the sewer main. A tapping fee will not be charged by the Authority for this new connection.
2. Property owner will cap the connection from the building to its connection with the branch lateral.
3. Remaining property owners will be permitted to retain connection to their branch laterals and shared lateral and shall remain responsible for the maintenance and repair of their respective branch lateral and the shared lateral to the exclusion of the property owner who has the capped branch lateral and separate sewer lateral.

EXHIBIT A

NORRISTOWN MUNICIPAL WASTE AUTHORITY

PRETREATMENT RULES AND REGULATIONS

LOCAL LIMITS

All industrial uses shall abide by the following mandates for Local Limits, as such may be amended from time to time.

<u>PARAMETER</u>	<u>CONCENTRATION (mg/l)</u>
cBOD	671.23
Aluminum – Total	11.22
Ammonia-nitrogen	90.75
Arsenic – Total	0.01
Cadmium – Total	0.02
Chromium – Total	0.04
Copper – Total	0.60
Cyanide – Total	0.15
Lead – Total	0.15
Mercury – Total	0.01
Molybdenum – Total	N/A
Nickel – Total	0.43
Oil/Grease	248.92
Selenium – Total	0.05
Silver – Total	0.26
TSS	628.72
Zinc – Total	5.81

EXHIBIT B

**NORRISTOWN MUNICIPAL WASTE AUTHORITY
 PRETREATMENT RULES AND REGULATIONS
 ENFORCEMENT RESPONSE PLAN
 CIVIL PENALTY ASSESSMENT POLICY**

Violation	Circumstance	Penalty Assessment (per day per violation)
<i>Sampling, Monitoring, And Reporting Violations</i>		
Failure to sample, monitor or report information	Continued violation or failure to respond to previous NOV	Up to \$1,000;
Failure to notify Authority of Slug Discharge	Isolated or continued violation with no known effects on the public Sewer System	Up to \$1000;
Failure to notify Authority of Slug Discharge	Significant violation with known upset or damages to the public Sewer System and/or the environment	Up to \$25,000;
Deficiencies in reporting, sampling, or monitoring	Continued violation or failure to respond to previous NOV	Up to \$1,000;
Falsification of information in sampling, monitoring or reporting submittals	Evidence of intent or negligence	Up to \$25,000;
Inadequate record keeping, files missing or incomplete	Continued violation; or delayed or inadequate response to previous NOV	Up to \$1,000;
<i>Effluent Limits Violations</i>		
Violation of local or categorical pretreatment limits, or violation of best management practices requirement	Inadequate response to previous NOV, or continued violation not considered a Significant Violation and/or does not result in the user being considered in Significant Noncompliance (“SNC”)	Up to \$1,000;
Violation of local or categorical pretreatment limits, or violation of best management practices requirement	Violation(s) classified as Significant Violation or which results in the user being considered in SNC;	Up to \$25,000;
<i>Compliance Schedule Violations</i>		
Missed interim or major milestone date;	Reporting violation, or delayed or inadequate response to previous NOV, or delays which will cause lateness in other interim dates;	Up to \$1,000;

Violation	Circumstance	Penalty Assessment (per day per violation)
<i>Unauthorized Discharge</i>		
Discharge without a permit or Authority approval	Continued violations with no known upset or damages to the Authority's wastewater treatment facilities and/or environment or inadequate response to previous NOV	Up to \$25,000;
Discharge without a permit or Authority approval	Isolated or continued discharge resulting in a Significant Violation	Up to \$25,000;
Failure to Submit a sewer discharge permit application	Reporting violation; industrial user has failed to submit a sewer discharge permit application within the allotted thirty (30) calendar days. There is no known interference or damage to the Authority's wastewater treatment facilities and/or the environment	Up to \$1,000;
<i>Noncompliance Violations Detected Through Field Inspections</i>		
Entry denial, coping or records denied	Any instance	Up to \$1,000;
Unintentional violation of sampling procedures, including failure to follow proper sampling location, type or collection techniques	Any instance	Up to \$1,000;
Proven intentional violation of procedures, including failure to follow proper sampling location, type or collection techniques	Any instance	Up to \$25,000;

EXHIBIT B

NORRISTOWN MUNICIPAL WASTE AUTHORITY PRETREATMENT RULES AND REGULATIONS ENFORCEMENT RESPONSE PLAN ENFORCEMENT ACTION

1.0 SAMPLING, MONITORING AND REPORTING VIOLATIONS

1.1 **Noncompliance** – Failure to sample, monitor, or report required information during specified time frames;

Circumstances – Isolated violation; or delayed response which is received after notification of the industrial user by the Authority;

Response – A Notice of Violation (“NOV”) is mailed via certified mail by the Authority’s Industrial Pretreatment Program Coordinator to the industrial user requiring a written explanation for the violation along with the missing report within thirty (30) calendar days of the certified receipt of the NOV.

1.2 **Noncompliance** – Failure to sample, monitor, or report required information during specified time frames;

Circumstances – Continued violation; and/or failure to respond to a previous NOV that may also result in user being in SNC;

Response – A NOV is mailed via certified mail by the Authority’s Industrial Pretreatment Program Coordinator to the industrial user requiring attendance at a Show-Cause Hearing.

If no response is received within fifteen (15) calendar days of the certified receipt of the NOV, an Administrative Order is issued to the industrial user by the Authority’s Solicitor ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties up to \$1,000 per day per violation, may also be commenced.

For users in SNC at any time during the year the following will also apply: The Authority will publish on an annual basis in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTP a list of those industrial users which, at any time during the previous 12 months, were in SNC.

1.3 **Noncompliance** – Failure to notify the Authority of a slug discharge or significant change in operating and/or discharge conditions;

Circumstances – Isolated violation with no known effects on the Authority’s wastewater treatment facilities;

Response – A NOV is mailed via certified mail by the Authority’s Industrial Pretreatment Program Coordinator to the industrial user requiring a written explanation for the violation within five (5) calendar days of the certified receipt of the NOV.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties up to \$1,000 per day per violation, may also be commenced.

- 1.4 Noncompliance** – Failure to notify the Authority of a slug discharge or significant change in operating and/or discharge conditions;

Circumstances – Continued violation with no known effects on the Authority’s wastewater treatment facilities; and/or delayed or inadequate response to previous NOV that may also result in user being in SNC;

Response – A NOV is mailed via certified mail by the Authority’s Industrial Pretreatment Program Coordinator to the industrial user requiring attendance at a Show-Cause Hearing.

If no response is received within fifteen (15) calendar days of the certified receipt of the NOV, an Administrative Order is issued to the industrial user by the Authority’s Solicitor ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties up to \$1,000 per day per violation, may also be commenced.

For user in SNC at any time during the year the following will also apply: The Authority will publish on an annual basis in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTP a list of those industrial users which, at any time during the previous 12 months, were in SNC.

- 1.5 Noncompliance** – Failure to notify the Authority of a slug discharge or significant change in operating and/or discharge conditions;

Circumstances – Significant Violation with known upset or damages to the Authority’s wastewater treatment facilities and/or the environment;

Response – An Administrative Order is mailed via certified mail by the Authority’s Solicitor to the industrial user ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected, within five (5) calendar days of the certified receipt of the Order.

Depending on the circumstances of the violation, proceedings to initiate a civil legal action, including penalties of up to \$25,000 per day per violation, or monetary costs equal to those needed for repairing any damage incurred to the Authority’s wastewater treatment facilities as a result of the violation will also be commenced by the Solicitor.

- 1.6 Noncompliance** – Deficiencies in reporting, sampling, or monitoring such as missing information, incomplete reports, uncertified data, etc.;

Circumstances – Isolated violations;

Response – A NOV is mailed via certified mail by the Authority’s Industrial Pretreatment Program Coordinator to the industrial user requiring a written explanation for the delinquency along with corrective actions to be taken within thirty (30) calendar days of the certified receipt of the NOV.

1.7 Noncompliance – Deficiencies in reporting, sampling, or monitoring, such as missing information, incomplete reports, uncertified data, etc.;

Circumstances – Continued violation; or delayed or inadequate response to previous NOV that may also result in user being in SNC;

Response – A NOV is mailed via certified mail by the Authority’s Industrial Pretreatment Program Coordinator to the industrial user requiring attendance at a Show-Cause Hearing.

If no response is received within thirty (30) calendar days of the certified receipt of the NOV, an Administrative Order is mailed via certified mail by the Authority’s Solicitor ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties up to \$1,000 per day per violation, may also be commenced.

For users in SNC at any time during the year the following will also apply: The Authority will publish on an annual basis in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTP a list of those industrial users which, at any time during the previous 12 months, were in SNC.

1.8 Noncompliance – Falsification of information in sampling, monitoring, or reporting submittals;

Circumstances – Evidence of intent or negligence;

Response – An Administrative Order is mailed via certified mail by the Authority’s Solicitor to the industrial user ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected, within five (5) calendar days of the certified receipt of the Order.

If no response is received within five (5) calendar days of the certified receipt of the Order proceedings to initiate a civil or criminal legal action, including penalties up to \$25,000 per day per violation, or calculated using EPA’s Guidance for Calculating Economic Benefit of Noncompliance, and possible suspension/termination of services will be commenced by the Authority’s Solicitor.

1.9 Noncompliance – Inadequate record keeping, files missing or incomplete;

Circumstances – Isolated violation;

Response – An NOV is mailed via certified mail by the Authority’s Industrial Pretreatment Program Coordinator to the industrial user requiring an immediate written explanation for the violation(s) and how it will be corrected within thirty (30) calendar days of the certified receipt of the NOV.

1.10 Noncompliance – Inadequate record keeping, files missing or incomplete;

Circumstances – Continued violation; or delayed or inadequate response to previous NOV;

Response – A NOV is mailed via certified mail by the Authority’s Industrial Pretreatment Program Coordinator to the industrial user requiring attendance at a Show-Cause Hearing.

If no response is received within fifteen (15) calendar days of the certified receipt of the NOV, an Administrative Order is mailed via certified mail by the Authority's Solicitor to the industrial user ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected within fifteen (15) days calendar days of the certified receipt of the Order. Proceedings to initiate a civil or criminal legal action, including penalties up to \$1,000 per day per violation, may also be commenced.

2.0 EFFLUENT LIMITS VIOLATIONS

2.1 Noncompliance – Violation of local or categorical pretreatment limits, or violation of best management practices requirement;

Circumstances – Isolated violation;

Response – A NOV is mailed via certified mail by the Authority's Industrial Pretreatment Program Coordinator to the industrial user requiring an immediate written explanation for the violation. The user is also required to re-sample the discharge and submit these results within thirty (30) days of becoming aware of the violation.

2.1 Noncompliance – Violation of local or categorical pretreatment limits, or violation of best management practices requirements;

Circumstances – Inadequate response to previous NOV, or continued violation not considered a Significant Violation and/or does not result in the user being considered in Significant Noncompliance ("SNC");

Response – A NOV is mailed via certified mail by the Authority's Industrial Pretreatment Program Coordinator to the industrial user requiring attendance at a Show-Cause Hearing.

If no response is received within thirty (30) calendar days of the certified receipt of the NOV, proceedings to initiate a civil legal action, including penalties of up to \$1,000 per day per violation, and possible termination of services will be commenced by the Authority's Solicitor.

2.2 Noncompliance – Violation of local or categorical limits, or violation of best management practices requirement;

Circumstances – Violation(s) classified as Significant Violation or which results in the user being considered in SNC;

Response – An Administrative Order is mailed via certified mail by the Authority's Solicitor to the industrial user requiring the user to provide a written explanation for the violation(s) and how it will be corrected within fifteen (15) calendar days of the certified receipt of the NOV. The order may contain a time schedule by which the user must achieve compliance.

If no response is received within fifteen (15) calendar days of the certified receipt of the Order proceedings to initiate a civil or criminal legal action, including penalties up to \$25,000 per day per violation, or calculated using EPA's Guidance for Calculating the Economic Benefit of Noncompliance, and possible suspension/termination of services will be commenced by the Authority's Solicitor.

For users in SNC at any time during the year the following will also apply: The Authority will publish on an annual basis in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTP a list of those industrial users which, at any time during the previous 12 months, were in SNC.

3.0 COMPLIANCE SCHEDULE VIOLATIONS

3.1 Noncompliance – Missed interim or major milestone date;

Circumstance – Reporting violation which will not cause lateness in other interim dates;

Response – A NOV is mailed via certified mail by the Authority’s Industrial Pretreatment Program Coordinator to the industrial user requiring an immediate written explanation for the delinquency along with the items required.

If no response is received within thirty (30) calendar days of the certified receipt of the NOV, an Administrative Order is mailed via certified mail by the Authority’s Solicitor to the industrial user ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order.

3.2 Noncompliance – Missed interim or major milestone date;

Circumstances – Reporting violation, or delayed or inadequate response to previous NOV, or delays which will cause lateness in other interim dates;

Response – A NOV is mailed via certified mail by the Authority’s Industrial Pretreatment Program Coordinator to the industrial user requiring an immediate written explanation for the delinquency along with the required items within fifteen (15) calendar days of the certified receipt of the NOV. In this response, the user must also provide a specific date when the elapsed date will be met and the probability of meeting the next scheduled requirement.

If no response is received within fifteen (15) calendar days of the certified receipt of the NOV proceedings to initiate a civil or criminal legal action, including penalties up to \$1,000 per day per violation, or calculated using EPA’s Guidance for Calculating the Economic Benefit of Noncompliance, and possible suspension/termination of services will be commenced by the Authority’s Solicitor.

4.0 UNAUTHORIZED DISCHARGE

4.1 Noncompliance – Discharge without a permit or Authority approval;

Circumstances – Isolated violation with no known upset or damages to the Authority wastewater treatment facilities or the environment;

Response – A sewer discharge permit application is issued to the industrial user by the Authority’s Industrial Pretreatment Program Coordinator that is to be completed and submitted to the Authority for approval within thirty (30) calendar days of discovery of the unauthorized discharge.

4.2 Noncompliance – Discharge without a permit or Authority approval;

Circumstances – Continued violations with no known upset or damages to the Authority’s wastewater treatment facilities and/or environment; or inadequate response to previous NOV;

Response – A NOV along with a sewer discharge permit application is mailed via certified mail to the industrial user by the Authority’s Industrial Pretreatment Program Coordinator that is to be completed and submitted to the Authority for approval within fifteen (15) calendar days of the certified receipt of the NOV. Proceedings to initiate a civil or criminal legal action, including penalties up to \$25,000 per day per violation, may also be commenced.

4.3 Noncompliance – Discharge without a permit or Authority approval;

Circumstances – Isolated or continued discharge resulting in a Significant Violation;

Response – An Administrative order is mailed via certified mail by the Authority’s Solicitor to the industrial user within five (5) calendar days of the incident requiring an immediate halt to the discharge and a written explanation for the unauthorized discharge.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties of \$25,000 per day per violation or monetary costs equal to the damages incurred at the Authority’s wastewater treatment facilities, will also be commenced by the Authority’s Solicitor. Sewer discharge privileges in the form of a sewer discharge permit are also delayed until proper application forms are submitted and approved by the Authority and all fines are paid in full by the violator. The Authority’s Solicitor will also discuss the violation with the Attorney’s Office to determine if criminal charges are warranted.

4.4 Noncompliance – Failure to submit a sewer discharge permit application;

Circumstances – Reporting violation; industrial user has failed to submit a sewer discharge permit application within the allotted thirty (30) calendar days. There is no known interference or damage to the Authority’s wastewater treatment facilities and/or the environment;

Response – An Administrative Order is mailed via certified mail by the Authority’s Solicitor to the industrial user. If no application is received within fifteen (15) calendar days of the certified receipt of the Order, proceedings to initiate a civil or criminal legal action, including penalties up to \$1,000 per day per violation, will commence.

5.0 NONCOMPLIANCE VIOLATIONS DETECTED THROUGH FIELD INSPECTIONS

5.1 Noncompliance – Entry denial, copying of records, denied;

Circumstances – Any instance;

Response – Proceedings to initiate immediate judicial action in the form of a warrant will be taken against the industrial user by the Authority’s Solicitor and Attorney’s Office;

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties up to \$1,000 per day per violation, may also be commenced.

5.2 Noncompliance – Unintentional violation of sampling procedures, including failure to follow proper sampling location, type or collection techniques;

Circumstances – Any instance;

Response – A NOV is mailed via certified mail by the Authority’s Industrial Pretreatment Program Coordinator to the industrial user requiring an immediate written explanation for the violation and a plan of action to amend the violation within thirty (30) calendar days of the certified receipt of the NOV.

Depending on the circumstances of the violation, proceedings to initiate a civil or criminal legal action, including penalties up to \$1,000 per day per violation, may also be commenced.

5.3 Noncompliance – Proven intentional violation of procedures, including failure to follow proper sampling locations, type or collection techniques;

Circumstance – Any instance;

Response – An Administrative Order is mailed via certified mail by the Authority’s Solicitor to the industrial user ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order. If conditions are not adhered to, proceedings to initiate civil or criminal legal action, including penalties of \$25,000 per day per violation or equal to the cost of repairing any damages to the treatment facilities as a result of the violation(s), will be commenced.

Exhibit C

NORRISTOWN MUNICIPAL WASTE AUTHORITY

FEE SCHEDULE

(Effective January 1, 2014)

Administrative Fee for Developer Agreements	\$250.00
Authority Personnel	Hourly rate plus 50% plus material costs plus 15%
Connection or Application (under Act 57 of 2003)	\$100.00
Customer Facilities Fee (under Act 57 of 2003)	N/A
Consulting Engineering Fees	Pass thru costs plus 15%
Copies	
Any public record document	\$0.25 per page
Blueprints of any plan or drawing	\$5.00 per page
Flushing Fee	To Be Determined
Legal Fee	Pass thru costs plus 15%
Letter of Certification	\$25.00
Lien Legal Fee	\$234.00
Rates	
Service Charge per month	\$9.80
Usage from 0 to 2,300 gallons per month	\$1.59 per 1,000 gallons
Usage over 2,300 gallons per month	\$5.84 per 1,000 gallons
Returned Checks	\$30.00
Service Call (minimum charge)	\$45.00
Sewer Lateral Inspection Fee	\$350.00
Tapping Fee – Per Equivalent Dwelling Unit	
Capacity Component	\$1,600.00
Collection Component	\$2,500.00
Total	\$4,100.00
Water Turn On and Off	\$100.00

Revised: November 13, 2013 by Resolution No. 2013-11-01 and February 12, 2014 by Resolution No. 2014-02-01