THE DELCORA STANDARDS, RULES,

AND REGULATIONS OF 2011

RESOLUTION NO. 2011-04

AS FIRST ADOPTED

APRIL 19, 2011

DELAWARE COUNTY REGIONAL

WATER QUALITY CONTROL AUTHORITY

DELAWARE COUNTY, PENNSYLVANIA

rev. 9/2013-revised Local Limits
rev. 9/2014-revised Pretreatment Fees
rev. 10/2026-revised Local Limits

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DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY
DELAWARE COUNTY, PENNSYLVANIA

RESOLUTION NO. 2011-04

ADOPTED

APRIL 19, 2011

ADOPTING STANDARDS, RULES AND REGULATIONS GOVERNING THE PROPER DISPOSITION OF ALL MANNER OF WASTEWATERS INTRODUCED INTO THE DELCORA WASTEWATER MANAGEMENT SYSTEM, INCLUDING THE ACCEPTANCE OF THESE WASTEWATERS AND THE CONNECTION TO AND THE CONTINUED USAGE OF DELCORA FACILITIES; ESTABLISHING THE PROCEDURES, ENFORCEMENT PROVISIONS AND FEE SYSTEM TO ADMINISTER THE REGULATIONS; AND OTHER MISCELLANEOUS MATTERS.

BE IT RESOLVED BY THE DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY (hereinafter referred to as DELCORA) as follows:

ARTICLE 100

GENERAL PROVISIONS

SECTION 101 - SHORT TITLE.

These Standards, Rules and Regulations shall be known as and may be cited as "The DELCORA Standards, Rules and Regulations of 2011."

SECTION 102 - DELCORA'S RESPONSIBILITY AND SERVICE AREAS.

(A) DELCORA was established by the Delaware County Commissioners on October 20, 1971, and organized in accordance with the Municipality Authorities Act of 1945 (P.L. 382, 53 P.S. 301 et seq. as amended and supplemented). DELCORA was authorized to exercise all powers granted under the Act to implement the county-wide wastewater management plan recommended by the November 1972 "Delaware County Regional Sewerage Project" report prepared by the Albright and Friel Division of Betz Environmental Engineers, Inc. DELCORA's role as implementation agency for the Delaware County Wastewater Management Plan involves the acquisition, holding, construction, improvement, maintenance, operation, owning and leasing of sewers, sewer systems, and sewerage treatment works (including works for the treatment and disposal of industrial wastewaters), and the contracting with individuals, corporations, municipal corporations, authorities, and other governmental bodies and regulatory agencies both

within and outside Delaware County as may be authorized and necessary in fulfilling the objectives of the regional plan.

(B) DELCORA shall define its service areas and establish the local limits for each by separate resolution, which resolution may be amended from time to time without affecting the validity of these Standards, Rules and Regulations.

SECTION 103 – PURPOSE.

(A) Wastewaters to be received, conveyed and treated by DELCORA will be discharged into waters of the Commonwealth of Pennsylvania, either from DELCORA owned facilities or through the City of Philadelphia's Southwest Water Pollution Control Plant. In order to effectively manage such wastewater facilities, it is essential that DELCORA set forth Standards, Rules and Regulations governing all manner of usage of its facilities and all attendant terms and conditions.

(B) Therefore, these Standards, Rules, and Regulations are necessary in order to ensure the following purposes:

(1) That all discharges comply with the provisions of the Clean Water Act of 1977, as amended, the Clean Streams Law of Pennsylvania, as amended, the Delaware River Basin Compact, and any other legislation which has been or may be enacted to govern such matters, and the corresponding rules and regulations, and permits which have been or may be duly adopted or issued pursuant to the above by United States Environmental Protection Agency (USEPA), Pennsylvania Department of Environmental Protection (PADEP), Delaware River Basin Commission (DRBC), or any other agency duly empowered to exercise such control;

(2) That DELCORA's wastewater collection, conveyance, and treatment facilities achieve their design operational performance and are efficiently and economically maintained;

(3) That pollutants are prevented from introduction into the system which may interfere with the treatment plant processes resulting in reduced performance, violation of permit conditions, degradation of receiving water quality, air quality or otherwise cause "Interference" as defined herein and in USEPA's pretreatment regulations, 40 CFR Part 403;

(4) That pollutants are prevented from introduction into the system which may Pass Through the system inadequately treated, causing violation of permit conditions, degradation of receiving water quality, air quality, or which otherwise may be incompatible with proper system function or cause "Pass Through" as defined herein and in USEPA's pretreatment regulations, 40 CFR Part 403;

(5) That pollutants are prevented from introduction into the system which may result in the contamination of sludge or resultant ash which minimizes available disposal options or limits the opportunity to recycle, reclaim or reuse wastewaters, sludges, or resultant ash from the system;

(6) That the structural integrity of all conveyance facilities, collection facilities, components facilities, and equipment comprising the DELCORA Wastewater Management System is maintained;

(7) That the health, safety and welfare of personnel and the general populace and the non-endangerment of the environment is fostered and promoted;

(8) That the cost associated with administering, operating and maintaining the DELCORA Wastewater Management System is equitably distributed in accordance with the benefit enjoyed in its existence and use; and

(9) That DELCORA's system is in compliance with Environmental Protection Agency Pretreatment Standards, 40 CFR Part 401 et seq., as amended, at present and hereinafter, establishing the responsibility of local governmental entities, industry and the public to implement National Pretreatment Standards.

(C) In order that the aforementioned purposes can be achieved, it is deemed necessary and proper to adopt Standards, Rules and Regulations governing discharges into the DELCORA system.

SECTION 104 - APPLICABILITY.

The DELCORA Standards, Rules and Regulations are applicable to all persons, municipalities, authorities, or industries, both within and outside Delaware County who are by contract, permit, or agreement Users of or discharge into the DELCORA Wastewater Management System. Users subject to this Resolution include both current Users and persons, municipalities, authorities, or industries which may hereafter become Users of the DELCORA Wastewater Management System. DELCORA's Standards, Rules and Regulations shall be applicable to all types of wastewater and all classes of Users whether by primary connection into a system administered by DELCORA or by secondary connection following collection and/or conveyance by any intermediate tributary User system into a DELCORA administered system and/or by discharge of trucked or hauled wastes to a designated point.

SECTION 105 - DECLARATION OF POLICIES AND GENERAL REQUIREMENTS.

(A) It is DELCORA's policy to establish hereby, by Resolution of its Board of Directors, Standards, Rules and Regulations governing the proper disposition of all manner of wastewaters introduced into the DELCORA Wastewater Management System. This Resolution is specifically directed toward acceptance of wastewaters, the connection to

and continued usage of DELCORA facilities comprising the system, establishment of procedures and enforcement provisions applicable to system usage, and the setting of fees for equitably distributing the costs to administer the regulations.

(B) It is also established that the following general policies and requirements shall prevail throughout:

(1) Uniformity of Standards. These Standards, Rules and Regulations shall be uniform and apply equally to all types of Users in the same class, in the same service area.

(2) Consistency With Other Programs. It shall be DELCORA's policy to be consistent with any regulations governing such matters as those addressed within these Standards, Rules and Regulations as may be duly established by any regulatory agency duly authorized and empowered to exercise such control. Agency regulations shall be deemed to constitute minimum standards of performance and DELCORA's intent to comply in satisfaction thereof may assume the form of either adherence to the Agency regulations, or the promulgation, alteration, or amendment of DELCORA regulations in affording administration of either an equivalent or more stringent standard. All dischargers tributary to DELCORA facilities in the Eastern Delaware County Service Area must also comply with all applicable standards of the Philadelphia Water Department so long as the user's discharge is conveyed to the City's Wastewater Collection System and where such standards are more stringent than the standards herein, the Philadelphia standards shall take precedence for the dischargers in the Eastern Service Area.

(3) Equivalent Municipal and Municipal Authority Requirements. All governmental entities discharging to the DELCORA Wastewater Management System shall enact suitable regulations or ordinances which at a minimum, offer equivalency with DELCORA's Standards, Rules and Regulations. The governmental entity shall also adopt an Ordinance or Resolution which imposes civil liability for the violation of DELCORA's Standards, Rules and Regulations. The maximum civil penalty liability shall equal a sum of at least one thousand dollars ($1,000.00) per day per violation and up to the maximum penalty or fine allowed by law. Such enactment is not intended to supersede codes or ordinances dealing with local preferences or prerogatives but to assure the capability to cooperatively and comprehensively support DELCORA's administrative responsibilities. When DELCORA wishes to seek civil penalties against a User, DELCORA shall notify the appropriate governmental entity, in writing, requesting that the governmental entity institute proceedings or delegate its authority to do so to DELCORA, provided however, that if proceedings are not instituted by the governmental entity or DELCORA is not notified of their intent to do so within fifteen (15) days, then such delegation automatically is granted to DELCORA, and

DELCORA may proceed to institute suit for civil penalties in accordance with these Standards, Rules and Regulations.

(4) User Compliance. It shall be each User's responsibility to comply with all applicable Agency and DELCORA regulations in a time and manner as stipulated by the issuing Agency(s) or DELCORA.

(5) Variances.

(a) Each user must comply with the standards set forth herein unless the user first requests and secures a variance from DELCORA. DELCORA will not grant a variance unless the user provides information by which DELCORA conclusively determines:

(i) DELCORA's local limitations shall be based on the USEPA approved headworks analysis. The limitations shall be set forth by DELCORA resolution.

(ii) That the variance will not adversely impact the operation of DELCORA's system in any other manner.

(iii) In no event shall any variance allow the total loading allocated to all industrial users for any pollutant to exceed the maximum allowable industrial loading set forth in the most recent headworks analysis submitted by the Authority and approved by the USEPA as part of DELCORA's Pretreatment Program.

(iv) In no event shall any variance permit the violation of a categorical standard (as defined in Section 107(A)(10) or any pretreatment standard or requirement found in 40 CFR 403.

(b) Such variances must be requested and supported by technical information substantiating the variance requested and the lack of impact on DELCORA operations. Approval of a variance must also be given by the City of Philadelphia for users in the Eastern Service Area. Variance approvals shall only be valid if granted in writing.

(c) DELCORA prohibits changes or variances of any categorical standard and/or federal pretreatment requirements.

SECTION 106 - INDUSTRIAL WASTE CONTROL PROGRAM.

It is the intent of this Resolution to establish a system of legal authority, procedures and resources to control the introduction of wastewater discharges into the DELCORA system

which is consistent with Title III of the Clean Water Act and regulations promulgated pursuant to the same, as published in 40 CFR Parts 401-471.

SECTION 107 - DEFINITIONS AND ABBREVIATIONS.

(A) The following terms shall be construed to have the following meanings in these Standards, Rules and Regulations except in those instances where the context clearly indicates otherwise.

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

(2) Agency (Regulatory Agency). Any Local, Municipal, State, Regional or Federal entity with jurisdiction over wastewater disposal or environmental matters in the POTW's service area.

(3) Approval Authority. The Director in a NPDES State with an approved State pretreatment program and the appropriate Regional Administrator of the USEPA in a non-NPDES State without an approved State pretreatment program.

(4) Authority (DELCORA). The Delaware County Regional Water Quality Control Authority, including agents or persons authorized to act on its behalf.

(5) Authorized Representative of Industrial 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 compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general 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 or sole proprietorship: a general partner 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 a through c, 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 DELCORA.

(6) Best Management Practices (BMPs). BMPs are management and operational procedures that are intended to prevent pollutants from entering a facility's wastestream or from reaching a discharge point. BMPs are defined in Title 40 of the Code of Federal Regulations (CFR) 403.3(e) as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in sections 403.5(a)(1) and (b). BMPs also 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.

(7) Biochemical Oxygen Demand (BOD_5). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20) degrees centigrade expressed in terms of concentration or loading.

(8) Building Lateral. A private sewer conveying wastewater from the premises of a User to the DELCORA Wastewater Management System or the City's Wastewater Collection System.

(9) Bypass. The intentional diversion of wastestreams from any portion of an Industrial User's pre-treatment facility.

(10) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by USEPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

(11) Categorical Industrial User. An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

(12) Chain of Custody. Written documentation such as receipts and record book entries to show the history of possession, custody and/or control of a sample from collection through analysis.

(13) City – the City of Philadelphia or the Philadelphia Water Department.

(14) Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

(15) Collection Facilities. The sewers, lift stations, pumping stations, force mains, and other POTW equipment, structures, and facilities used to collect wastewaters from individual Users within specific tributary districts and transport them to conveyance facilities for transmission to the treatment plant for processing.

(16) Combined Sewer (Combined Collector). A pipe or conduit intended to carry varying proportions of sanitary wastewater, industrial wastewater, stormwater, and/or non-contact cooling water.

(17) Commercial User. A source of discharge of sanitary wastewater to a public sewer system from premises used partially or entirely for commercial purposes with wastewater varying in composition, quantity, or quality from the characteristics or proportions exhibited by sanitary wastewater generated from typical domestic activities but such term does not include non-domestic source(s) of wastewater or industrial wastewater from commercial premises.

(18) Composite Sample. A sample prepared by combining discrete samples collected from the wastestream either at periodic time intervals or in proportion to the wastestream flow. The frequency of discrete sample collection is a function of variability of pollutant(s) concentration(s) and/or wastestream flow.

(19) Control Authority. DELCORA.

(20) Conventional Wastewater Pollutants. Pollutants so designated in accordance with Section 304(a)(4) of the Act as being effectively managed by secondary treatment as defined by 40 CFR Part 133.

(21) Conveyance Facilities. The interceptor, sewers, pumping stations, force mains, and other POTW equipment, structures, and facilities used to transport wastewater from tributary districts to centralized areas for wastewater treatment.

(22) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day or 24-hour period. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of a day. Where Daily Maximum Limits are expressed in terms of

concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(23) DELCORA Wastewater Management System. All components, piping, valving, equipment, structures, conveyance facilities, collection facilities and other sewerage facilities administered by DELCORA for purposes of wastewater collection, conveyance, and/or treatment.

(24) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania which may occur through DELCORA's or the City's stormwater conduits or combined sewer outfall structures.

(25) Domestic Source. Source of sanitary wastewater from a residential user.

(26) Environmental Protection Agency (USEPA). The United States Environmental Protection Agency (USEPA), or where appropriate the term may also be used as a designation for the Regional Water Management Division Director, the Regional Administrator or other duly authorized official of said agency.

(27) Existing Source. Any source of discharge that is not a "New Source".

(28) Flashpoint. The temperature at which a liquid or volatile solid gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid or within the test vessel. Flashpoint is determined by the test methods set forth in 40 CFR §261.21.

(29) Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

(30) Hauled Wastewater. Wastewater of a domestic or non-domestic nature from a User, which is delivered via truck or tanker and discharged into an approved discharge point at the POTW.

(31) Hazardous Pollutants. Substances so defined pursuant to criteria established within Section 311 of the Act.

(32) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, vacuum-pump tank trucks or trucked or hauled pollutants and/or sludge.

(33) Indirect Discharge or Discharge. Introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b)(c) or (d) of the Act.

(34) Industrial User. A source of indirect discharge to a POTW.

(35) Industrial Wastewater. The liquid or water-borne wastes from industrial or manufacturing processes. Unless specifically stated otherwise, this term shall not include sanitary sewage or sanitary wastewater components.

(36) 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.

(37) Interference. A discharge, alone or in conjunction with a discharge or discharges from other sources, which:

(a) inhibits or disrupts the POTW, its treatment processes, operations or maintenance activities, or its sludge and resultant ash processes, use, reuse, recycling or disposal; or

(b) causes a violation of any requirement of the POTW's operating permits (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use, recycling or reuse or disposal (including the resultant ash) in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local statutes and/or regulations): including but not limited to NPDES; Title V; solid waste processing permit; Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA); [including Title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA]; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

(38) Intermediate Conveyors (Intermediate Transmission). Any person(s) under express or implied contract or agreement with a POTW to accept secondary wastewater contributions through secondary system connection for subsequent conveyance or transmission into the POTW.

(39) Local Limit. Specific discharge limits developed and enforced by DELCORA or the City of Philadelphia upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

(40) Mass Loading. The mass of pollutant(s) discharged from a user's connection with respect to either time, or in cases of certain Industrial Users, in terms of characteristic production units.

(41) 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.

(42) Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(43) Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measure during a calendar month divided by the number of "daily discharges" measured during that month.

(44) National Prohibitive Discharge Standards (Prohibitive Discharge Standards, General Pretreatment Regulations). Any regulation containing pollutant discharge limits promulgated by the USEPA under the authority of Section 307(b) of the Act and as published in 40 CFR Part 403.

(45) 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 which 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 which no other source is located; or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(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 of

paragraphs (a)(ii) and (a)(iii) of this subsection but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this subsection has commenced if the owner or operator has:

(i) Begun, or caused to begin as a continuous on site construction program:

(1) Any placement, assembly, or installation of facilities or equipment; or

(2) Significant site preparation work including clearing, excavation, or removals of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(46) National Pollution Discharge Elimination System Permit (NPDES Permit). A permit issued to the POTW pursuant to Section 402 of the Act (33 U.S.C. §1342).

(47) Non-Contact Cooling Water (NCCW). Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(48) Non-domestic source. A source of wastewater which contains pollutants other than sanitary wastewater.

(49) Pass Through. A discharge which exits the POTW into waters or the atmosphere of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or a violation of any air emission standards set pursuant to the Clean Air Act.

(50) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns, whether

Users or not. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(51) pH. The logarithm (base 10) of the reciprocal of the hydrogen ion concentration in grams per liter of solution.

(52) Pollutant. Any liquid, solid or gaseous material including, but not limited to any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, Medical Wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, non-domestic sewage waste and agricultural waste discharged into water including conventional wastewater pollutants (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

(53) Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and/or radiological integrity of water.

(54) POTW (Publicly Owned Treatment Works). A treatment works as defined by Section 212, 33 S.S.C. §1292 of the Act, which is owned by a State or municipality [as defined by Section 502(4) of the Act, 33 U.S.C. §1362(4)]. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyance facilities only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the Act, 33 U.S.C. §1362(4), or the Authority which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For the purposes of these Standards, Rules and Regulations, "POTW" shall also include any sewers, pipes and other conveyances that convey wastewaters to the DELCORA Wastewater Management System and/or the city's Wastewater Collection System from persons outside the City in the Eastern Service Area.

(55) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes, or other means except as prohibited by 40 CFR §403.6(d). Pretreatment technology includes control equipment, such as equalization tanks or facilities, or protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with USEPA regulations, 40 CFR §403.6(e).

(56) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard.

(57) Pretreatment Standards or Standards. Pretreatment Standards shall mean Prohibited Discharge Standards (both National and State), Categorical Pretreatment Standards, and Local Limits.

(58) Process Wastewater. Any water which, during manufacturing or processing, 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, either discharged continuously, intermittently or as a batch discharge.

(59) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; as set forth in Sections 200 and 201 of this ordinance.

(60) Representative Sample. A sample extracted from the wastestream whose characteristics are completely indicative of overall wastestream quantity, quality, variations in same, and of the process generating the wastestream.

(61) Residential User/Domestic Source. A source of discharge of sanitary wastewater and/or domestic sewage to a public sewer system from premises used for residential purposes only.

(62) Residuals (Sludge, Resultant Ash). The solid or semi-solid by-product remaining after the processing of raw wastewater within physical, chemical and/or biological treatment units of the POTW into a condition suitable for release to the environment.

(63) Sanitary Sewer (Sanitary Collector). A pipe or conduit intended for carrying sanitary wastewater together with minor incidental quantities of storm, surface, and groundwaters which are not intentionally admitted.

(64) Sanitary Wastewater (Sewage). The liquid or water-borne wastes from residential, commercial or industrial establishments containing only waste of a domestic nature; that is, waste products, excrement, or other discharge from the bodies of humans or animals in addition to wastes from residential or incidental culinary and laundry activities.

(65) Shall is mandatory; May is permissive.

(66) Significant Industrial User.

(a) Except as provided in subsection (b) of this paragraph, this term means:

(i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR §403.6 and 40 CFR Chapter I, subchapter N; and

(ii) Any other Industrial User that:

(1) discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling water and boiler blowdown wastewater);

(2) contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic organic capacity or inorganic capacity of the POTW treatment plant; or

(3) is designated as such by DELCORA on the basis that the Industrial User has a potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(b) Upon a finding that an Industrial User meeting the criteria in (a)(ii) of this paragraph has no potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the POTW may at any time, in its sole discretion in accordance with 40 CFR 403.8(f)(6), and Section 309 herein, determine that such Industrial User is not a Significant Industrial User.

(67) Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards set forth in Sections 201 and 202 of these regulations. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violates the POTW's regulations, Local Limits or Permit conditions.

(68) Split Sample. A technique whereby a sample is divided into multiple aliquots for multiple analytical investigations.

(69) State. The Commonwealth of Pennsylvania.

(70) Standard Industrial Classification (S.I.C.). A classification pursuant to the latest edition of the Standard Industrial Classification Manual issued by U.S.G.P.O. or the North American Industry Classification System (NAICS) pursuant to the

latest edition of US NAICS Manual as published by the U.S. Office of Management and Budget.

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

(72) Stormwater Sewer (Storm Sewer, Storm Drain). A pipe or conduit intended for carrying stormwater.

(73) Total Suspended Solids (TSS). The total matter in water, wastewater or other liquids, and which is retained by laboratory filtering, expressed in terms of weight and concentration [milligrams per liter (mg/L)].

(74) Toxic (Priority) Pollutants. Any pollutant or combination of pollutants which have been so declared in regulations promulgated pursuant to Section 307(a) of the Act, or pursuant to Pennsylvania Statutes and rules, or as otherwise may be so discerned and classified by responsible agencies due to toxic health effects to the general populace and surrounding environs.

(75) User(s). Any person, municipality, municipal authority, industry, or other legal entity which contributes, causes or permits the contribution of wastewater into the DELCORA Wastewater Management System or the City's Wastewater Collection System. User categories defined herein include Residential Users, Commercial Users, Industrial Users, Municipal Authority Users, Significant Industrial Users and Intermediate Conveyors. Any User class may be a Primary User or a Secondary User pursuant to these regulations.

(76) Unpolluted Water. Water which does not contain a level of contaminants or pollutants detectably higher than that of the source of the water such as precipitation, surfacewater, groundwater, or other nonpolluted waters. However, in no case shall leachate be considered unpolluted water.

(77) Wastewater. The liquid and water-borne wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the POTW collection facilities.

(78) Wastewater Treatment Plant (WWTP) or Treatment Plant. That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial wastewater. Unless the context clearly indicates otherwise, this term is inclusive of both DELCORA's Treatment Plant and the City's Treatment Plant.

(79) Waters of the Commonwealth. All streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems,

drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the Commonwealth or any portion thereof.

(80) Wastewater Discharge Permit (Permit). A document of expressed authorization setting forth the terms and conditions for connecting to and subsequently contributing wastewaters to the POTW.

(B) The following abbreviations shall have the designated meanings:

BMP	-	Best Management Practice
BMR	-	Baseline Monitoring Report
BOD	-	Biochemical Oxygen Demand
CERCLA	-	Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §9601 et seq.
CIU	-	Categorical Industrial User
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
CWA	-	"Clean Water Act", also known as the Federal Water Pollution Control Act
DELCORA	-	Delaware County Regional Water Quality Control Authority
DRBC	-	Delaware River Basin Commission
EDTA	-	Ethylenediaminetetracetic Acid
GPD	-	Gallons Per Day
IU	-	Industrial User
L	-	Liter
mg	-	Milligrams
mg/L	-	Milligrams per liter
MGD	-	Millions of Gallons per Day

NCCW	-	Non-Contact Cooling Water
NELAC	-	National Environmental Laboratory Accreditation Conference
NPDES	-	National Pollutant Discharge Elimination System
NTA	-	Nitrilotriacetic Acid
PADEP	-	Pennsylvania Department of Environmental Protection
POTW	-	Publicly Owned Treatment Works
PWD	-	Philadelphia Water Department
RCRA	-	Resource Conservation and Recovery Act, 42 U.S.C. §6901, et seq.
SIC	-	Standard Industrial Classification
SIU	-	Significant Industrial User
SNC	-	Significant Non-Compliance
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq., as amended by RCRA
TPH	-	Total Petroleum Hydrocarbons
TSS	-	Total Suspended Solids
TTO	-	Total Toxic Organics
U.S.C.	-	United States Code
USEPA	-	United States Environmental Protection Agency
WWTP	-	Waste Water Treatment Plant

ARTICLE 200

REGULATIONS

SECTION 201 - GENERAL.

(A) No User shall discharge or cause to be discharged, into a POTW, primarily or secondarily, directly or indirectly, through any tributary, conveyance facility, collection facility or other intermediate means of transmission, any pollutant, substance, material, waste, wastewater or any other solid, liquid or gaseous matter which:

(1) Causes Interference or Pass Through; or

(2) Impairs the operation or performance of any element of the DELCORA Wastewater Management System and/or the City's Wastewater Collection System. Such impairment includes, but is not limited to, reduced effectiveness of the system's collectors, structures, equipment and treatment process, degradation of receiving waters, endangerment of the health, safety and welfare of DELCORA and/or City personnel, the general populace and surrounding environs, or a discharge which otherwise constitutes a nuisance.

(B) All Users are subject to these Standards, Rules and Regulations whether or not the User is subject to any other national, state, or local pretreatment standard(s) of requirement(s).

(C) The sections which follow set forth the criteria for establishing whether or not a wastewater is suitable for introduction into the DELCORA Wastewater Management System and/or the City's Wastewater Collection System. It shall be the POTW's determination as to whether any aspect of a User's discharge qualifies the discharge as acceptable, prohibited or rejected, or whether certain conditions or restrictions such as pretreatment, quantity/quality/mass loading control, or cost recovery considerations render the discharge acceptable.

(D) In the event that the USEPA hereafter promulgates National Pretreatment Standards which are more stringent than those herein, then all Users shall be subject to those more stringent standards. Further, the POTW may incorporate such new standards in any permit issued or modified after the effective date of the USEPA National Pretreatment Standards without the need to revise this Resolution.

(E) In the event that the City hereafter adopts regulations, ordinances or key elements which are more stringent than those herein, then all Industrial Users in the Eastern Service Area shall be subject to those more stringent standards so long as the discharge from the industrial user is treated by the City's POTW Treatment Plant. Further, the POTW may incorporate such new standards in any permit issued or modified after the effective date of the City's regulations, ordinances or key elements.

SECTION 202 - SPECIFIC PROHIBITIONS.

(A) No User shall discharge or cause to be discharged the following substances to a POTW:

(1) Any liquid, solid or gaseous pollutants which by reasons of the nature of quantity are, or may be, sufficient either alone or in interaction with other substances, to cause fire, explosion, or fire or explosion hazard in the POTW, including but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR §261.21, as more fully set forth in Section 216 herein;

(2) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.5 or higher than 10.0, as more fully set forth in Section 217 herein.

(3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference as more fully set forth in Sections 204, 213, 214 & 218 herein;

(4) Any pollutant, including oxygen demanding pollutants (BOD, COD, etc.) and suspended solids released in a discharge at a flow rate and/or pollutant concentration which will cause Interference or Pass Through with the POTW, as more fully set forth in Section 221 herein;

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference or Pass Through, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C/104°F, as more fully set forth in Section 215 herein;

(6) Vegetable oil, fats, lard, biodegradable oils, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through, as more fully set forth in Section 218 herein;

(7) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems, as more fully set forth in Sections 207 and 219 herein;

(8) Any trucked or hauled pollutants, or holding tank waste except at discharge points designated by the POTW, as more fully set forth in Sections 220 and 311 herein;

(9) Unpolluted waters such as stormwater, surfacewater, groundwater, roof runoff, subsurface drainage, non-contact cooling water or other unpolluted waters unless a variance has been granted, as more fully set forth in Section 203 herein;

(10) Any toxic or hazardous pollutants as more fully set forth in Section 207 herein;

(11) Any radioactive material as more fully set forth in Section 210 herein;

(12) Any pollutants in excess of local limitations as set forth in the User's permit and as more fully set forth in Sections 218, 219, 221 and 222 herein;

(13) Any pollutant, noxious or malodorous liquids, gases or solids which either alone or in interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers or treatment plant facilities for maintenance and repair without respiratory protection or other personal safety equipment as more fully set forth in Section 207 herein;

(14) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, resultant ash or scums, to be unsuitable for reclamation, recycling or reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge or resultant ash use, reuse, recycling or disposal criteria, guidelines or regulations developed under Section 405 of the Act, to the Solid Waste Disposal Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, or State law applicable to the sludge and resultant ash management methods being used by DELCORA and/or the City as more fully set forth in Section 208 herein;

(15) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards as more fully set forth in Section 209 herein;

(16) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions as more fully set forth in Section 211 herein;

(17) Any wastewater where there is a significant likelihood of producing toxic effects to biota in the influent, biological system or effluent of the POTW as more fully set forth in Section 207 herein; or

(18) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

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

(20) Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW;

(21) Medical Wastes, except as specifically authorized by DELCORA in an individual wastewater discharge permit.

(22) Any other materials or pollutants prohibited or limited in specific sections of this Article.

Pollutants, substances, or wastewater by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(B) In addition, the following activities are prohibited:

(1) No person shall discharge pollutants and/or wastewater into street inlets or through sewer manholes;

(2) No person who generates wastewater at one property shall discharge it at another property without approval from the POTW;

(3) No person shall discharge wastewater in quantities or at rates of flow which may have an adverse or harmful effect on or overload the POTW conveyance, collection facilities or wastewater treatment plant(s) or cause excessive additional treatment costs;

(4) No person shall discharge a wastewater flow contributing greater than 2,500 pounds per day of the five day Biochemical Oxygen Demand (BOD_5), or contributing greater than 1,750 pounds per day of total suspended solids or having a volume in excess of one (1) million gallons per day without specific approval in a permit issued by the POTW; and

(5) No person shall store or handle any material including hazardous substances defined by CERCLA, in any area draining to the POTW's collection facilities because discharge or leakage from such storage or handling may create an explosion hazard, may constitute a hazard to human beings, or animals or the receiving stream, or may have a deleterious effect in any other way upon the wastewater treatment facilities. Storage or handling of materials shall be subject to review by the POTW and the POTW may require a spill control plan with reasonable safeguards to prevent discharge or leakage of such materials into the DELCORA Wastewater Management System and/or the City's Wastewater Collection System.

(C) When the Authority determines that a User is contributing to the POTW amounts of wastewater described in paragraphs (A) (1 through 22) or is involved in activities described in paragraphs (B) (1 through 5) so as to cause Interference or Pass Through with the operation of the POTW, the Authority shall advise the User(s) of the impact of the contribution on the POTW and:

(1) may develop effluent limitation(s) for such User to correct the Interference or Pass Through with the POTW without the need to amend these Standards, Rules and Regulations; and

(2) may proceed with enforcement activities.

SECTION 203 - UNPOLLUTED WATERS.

(A) Unpolluted waters shall not be discharged into the POTW collection facilities unless allowed by paragraph (C) herein.

(B) With the exception of existing combined sewers in service prior to July 17, 1984, combined sewers are prohibited and all Users shall have separate conduits for collecting and conveying sanitary wastewater and unpolluted waters. No User shall intentionally discharge or allow to be discharged unpolluted waters to any DELCORA facility, but shall direct them to a stormwater drainage system, to a natural outlet, or as otherwise may be acceptable to the Regulatory Agencies.

(C) Unpolluted waters may be admitted by separate connection to an existing combined collector if:

(1) a release in accordance with paragraph (A) herein cannot be achieved;

(2) the practice is not in conflict with any applicable Agency policies or regulations; and

(3) DELCORA authorization is expressly sought and received.

Notwithstanding the above, the User shall immediately direct all unpolluted waters to a more appropriate point of disposal as soon as the same becomes available.

(D) In the event that a User must secure a NPDES permit from the PADEP or USEPA for its stormwater discharges, a copy of said permit shall be submitted to DELCORA.

SECTION 204 - OPERATIONAL IMPAIRMENT.

(A) No User shall discharge any pollutant which limits the POTW's ability to effectively operate its system to the fullest extent and capability.

(B) No User shall discharge solid or viscous materials which cause obstruction to the flow in the POTW resulting in Interference.

(C) No User shall discharge or allow a discharge(s) which would reduce collector hydraulic capacity, obstruct flow, cause premature failure and/or loss of integrity of any component of the POTW or prevent the various equipment from functioning as intended. Such materials include but are not limited to: grease, garbage, or other bulk solids with particles greater than one-half inch (1/2") in any dimension, guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood, blood products, feathers, ashes, cinders, sand, spent lime, paint, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, rubber, plastics, gas, tar, asphalt, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass or metal grinding or polishing wastes or any material which can be disposed of as solid waste.

SECTION 205 - MAINTENANCE IMPAIRMENT.

No User shall discharge any material which either alone or in interaction with other materials prevents or impairs system maintenance and repair. Conditions, unsuitable for proper system maintenance include, but are not limited to, presence of a fire or explosion hazard, presence or creation of noxious or malodorous solids, liquids, or gases, or any other material which the Authority believes to be hazardous to human health, safety, welfare, or constitutes a public nuisance.

SECTION 206 - PERFORMANCE IMPAIRMENT.

No User shall discharge material of a type or amount which causes Interference or Pass Through or which impairs sludge or resultant ash use, reuse, recycling or disposal practices. Upon determination that such impairment is occurring, the Authority shall institute measures to prohibit or control the introduction of the materials to a level consistent with proper facility performance.

SECTION 207 - TOXIC/HAZARDOUS POLLUTANTS.

(A) No User shall discharge any toxic or hazardous pollutant which, by virtue of its presence, source, volume, quantity, quality, concentration, or other physical, chemical, or biological criteria, either alone or in interaction with other substances, results in the discharge having an adverse effect upon any element of the POTW, constitute a hazard to humans and their environs, cause the POTW to violate applicable standards, exceed any limitation set forth in any National Pretreatment Standard, create a toxic effect on the influent, biological system or effluent of the POTW, violate the Clean Air Act, cause or contribute to a violation of water quality criteria or otherwise be considered toxic or hazardous and subject to regulation and disposal under other regulatory programs.

(B) No User shall discharge any pollutant which by virtue of its presence, source, volume, quantity, quality, concentration or other physical, chemical or biological criteria, either alone or in interaction with other substances, which results in the presence of toxic gases, vapors or fumes within DELCORA's Wastewater Management System and/or the City's Wastewater Collection System, in a quantity that may cause acute worker health and safety problems.

(C) No User shall discharge any pollutant, noxious or malodorous liquids, gases or solids which either alone or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient or prevent entry into the sewers or treatment plant facilities for maintenance and repair without respiratory protection or other personal safety equipment.

(D) DELCORA may establish local limits and/or include more stringent standards in a User's permit without the need to revise this Resolution, to prevent aquatic toxicity of its discharge, Interference, Pass Through, violations of the Clean Air Act, violation(s) of water quality criteria or to prevent the presence of toxic gases, fumes or vapors within the system in a quantity that may cause acute worker health or safety problems, or create a public nuisance or hazard to life.

SECTION 208 - SLUDGE MANAGEMENT.

No User shall discharge any material which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, resultant ash or scums to be unsuitable for reclamation and reuse or interfere with the reclamation process. In no case shall a material discharged to the POTW cause the POTW to be in noncompliance with sludge or resultant ash use, residue, recycling or disposal criteria, guidelines, or regulations developed under Section 405 of the Clean Water Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state law applicable to the sludge or resultant ash management method being used.

SECTION 209 - REGULATORY CONSTRAINTS.

Any material, either alone or in interaction with other materials, which causes the POTW to violate its operating permits, the receiving water quality standards, or any other Agency constrictions governing wastewater and sludge management as may be imposed by USEPA, PADEP, DRBC, or other Agencies having jurisdiction in such matters, shall be either prohibited or controlled to an extent necessary to ensure compliance with all Agency mandates.

SECTION 210 - RADIOACTIVE WASTES.

No radioactive material wastes or isotopes shall be discharged to the DELCORA Wastewater Management System unless its characteristics are governed by and in compliance with all applicable Local, State and Federal regulations, and such discharge is

expressly approved by DELCORA. In no case shall a User discharge or allow to be discharged a wastewater containing any radioactive wastes or isotopes of such half life or conditions as may exceed limits established in the most stringent of the applicable State, Local or Federal regulations.

SECTION 211 - COLOR.

No User shall discharge material(s) either singly or in interaction with other material(s) which imparts color within its wastewater which cannot be removed by POTW treatment facilities and consequently imparts color to the receiving waters, violating applicable water quality standards.

SECTION 212 - CHELATING AGENTS.

No User shall discharge any material containing ammonia, ammonia salts, NTA or derivatives, EDTA or derivatives, or other materials producing metallic complexes or chelating agents of such amount that in DELCORA's determination is detrimental to the treatment process or facilities.

SECTION 213 - GARBAGE SHREDDERS.

No User shall discharge improperly shredded domestic refuse to the system. The installation and operation of any garbage grinder equaling or exceeding three quarters horsepower (3/4 HP) rating shall be subject to DELCORA's review and express, written approval.

SECTION 214 - USUAL SYSTEM DEMANDS.

(A) All wastewaters other than those exhibiting typical domestic sanitary sewage volume and strength characteristics shall be considered an unusual system demand which requires express, written DELCORA authorization. Any wastewater which contributes in excess of 10% of any measure of system utilization for any component of the system shall likewise be considered an unusual system demand which requires express, written DELCORA authorization.

(B) No User shall release a slug load, have a flow rate or a discharge that contains a concentration or quantity of pollutants that exceed for any time period longer than fifteen (15) minutes, more than two (2) times the average twenty-four (24) hour permitted concentration, quantities or flow during normal operation. Notwithstanding the above, no User shall discharge any pollutants, at flow rates, concentrations or mass loading which the User knows or has reason to know will cause an adverse effect within the DELCORA Wastewater Management System or the City's Wastewater Collection System, or cause Interference or Pass Through.

SECTION 215 - TEMPERATURE.

No user shall discharge a wastewater whose temperature inhibits or unduly accelerates the POTW treatment plant processes resulting in Interference, but in any case, no User shall discharge a wastewater whose temperature exceeds 120°F or which shall cause the wastewater entering the POTW to exceed 104°F.

SECTION 216 - FIRE OR EXPLOSION HAZARD.

(A) No User shall discharge any liquid, solid or gaseous pollutants which by reason of their nature or quantity are or may be sufficient either alone or in interaction with other substances to cause fire, explosion, or fire or explosion hazard in the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which can create a fire or explosion hazard to the POTW.

(B) No User shall discharge wastewater which at anytime causes two successive explosion hazard meter reading exceeding five percent (5%) of the meter's lower explosive limit (L.E.L.) nor any single reading exceeding ten percent (10%) L.E.L. at either its point of introduction into the system or at any point within the system. Notwithstanding the above, no wastewater shall be introduced into the system whose Pensky Martens closed cup flash point is less than 140°F.

SECTION 217 - pH.

(A) No User shall discharge a wastewater with a pH less than 5.5 or greater than 10.0 as measured by a grab sample or wastewater which otherwise exhibits any other corrosive property capable of resulting in hazard or damage to collection facilities, conveyance facilities, structures, equipment and/or personnel or the POTW.

(B) No Industrial User measuring pH continuously at the point of discharge shall discharge wastes having a pH lower than 5.5 or higher than 10.0 at any time except for a period not to exceed a total of five (5) minutes in any one hour period. In the event that a periodic discharge of a pH lower than 5.5 or higher than 10.0 for a period exceeding five (5) minutes occurs, the Industrial User must notify DELCORA. The POTW may require that the Industrial User demonstrate that the pH will not exceed the range of 5.5 to 10.0 at a downstream point designated by the POTW. In no case may the Industrial User's discharge contain a pH less than 5.0 at the point of discharge into the POTW.

(C) In the event that the influent wastewater flow arriving at a treatment plant is outside the pH range of 6.5 to 8.5, POTW may limit the Industrial Users to that treatment plant to a pH range of 6.0 to 9.0, upon oral or written notice, for as long as POTW deems necessary.

(D) Hauled sludges and septic wastes shall not have a pH of less than 5.0 or greater than 11.0 or cause interference with the POTW.

SECTION 218 - OILS, GREASES.

No User shall discharge a wastewater whose total content of oils, waxes, and greases of mineral, petroleum, or unknown origin exceeds 100 p.p.m. at any time as shown by grab sample, or undergoes any form of phase separation due to temperature differentials which evolve solid or viscous substances which could impair the DELCORA Wastewater Management System and/or the City's Wastewater Collection System performance. The above concentration may be reduced by the POTW where it is demonstrated that the concentration is causing chronic or repeated adverse effects to the POTW.

SECTION 219 - FUMES AND GASES.

No User shall discharge any wastewater which because of its chemical nature or composition causes the sewer atmosphere to contain airborne chemical concentrations in exceedance of concentrations established by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR Part 1910, regardless of duration of exposure experienced by any individual, whether an OSHA, DELCORA, or contractor's employee, unless specific authorization is granted by DELCORA.

SECTION 220 - TRUCKED OR HAULED POLLUTANTS.

(A) No person shall discharge any trucked or hauled pollutants into the DELCORA Wastewater Management System except at discharge points designated by the POTW.

(B) Prior to any discharge of trucked or hauled pollutants into the DELCORA Wastewater Management System, written approval must be obtained from the POTW pursuant to Section 311 herein.

SECTION 221 - CONVENTIONAL POLLUTANTS.

No User shall discharge any conventional pollutant in a discharge at a flow rate and/or pollutant concentration which will cause Interference or Pass Through with the POTW or which is in excess of the daily maximum level set for such pollutant in this Article or in a User's permit.

SECTION 222 - SPECIFIC POLLUTANT LIMITATIONS.

(A) Unless otherwise provided in these regulations, no User shall discharge wastewater with pollutant levels exceeding local limitations as set by DELCORA in separate resolution(s). DELCORA may revise, amend or alter the separate resolution(s) setting forth local limitations without the need to revise this Resolution.

(B) No person shall discharge wastewater containing any of the USEPA Priority Pollutants in excess of standard background or domestic sanitary concentrations into POTW facilities or shall have any connection to the POTW without obtaining written permission from DELCORA.

(C) Chlorine and Ammonia. Limits on free chlorine and/or free ammonia content of the wastewater shall be set on a case by case basis to protect the POTW. In particular instances where a mist-free atmosphere is needed during inspection and maintenance of a sewer, or to protect the POTW, and is otherwise not attainable, DELCORA may direct the User to further reduce its discharge of chlorine and ammonia, either on a temporary or permanent basis in order to permit such inspection and maintenance and protect the POTW.

(D) State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in these regulations.

(E) DELCORA reserves the right to establish by permit more stringent limitations or requirements on discharges to the DELCORA Wastewater Management System and/or the City's Wastewater Collection System, if deemed necessary to comply with the objectives presented in Section 103 of this Resolution.

(F) Any current or future federal Categorical Pretreatment Standard published in 40 CFR Chapter I, Subchapter N, Parts 401-471, as amended, including standards promulgated for new sources, more stringent than limitations imposed under these regulations or by permit for sources in that category, shall supersede the limitations imposed under these Standards, Rules and Regulations. DELCORA may impose these more stringent limitations in permits without the need to revise this Resolution.

SECTION 223 - BEST MANAGEMENT PRACTICES.

(A) DELCORA may develop Best Management Practices (BMPs), by resolution or in individual wastewater discharge permits, to implement Local Limits and the requirements of Sections 201 and 202.

(B) Best Management Practices shall be used in addition to a state or national prohibition or categorical standard.

SECTION 224 - ACCIDENTAL DISCHARGE/SLUG DISCHARGE CONTROL PLANS.

(A) Each User shall provide protection from an uncontrolled release or accidental discharge of prohibited materials or other substances which may interfere with the POTW by developing a Spill Prevention Plan. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost

and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to DELCORA for review, and shall be approved by DELCORA before construction of the facility. Alternatively, DELCORA, at its option, may develop such a plan for any User and charge said User for its development.

An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharge;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying DELCORA of any accidental or Slug Discharge, as required by Section 224 of this resolution; and

(4) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

All existing Users shall complete such a plan within 3 months of notice to do so by DELCORA. No User who commences a new discharge to the POTW after the effective date of this Resolution shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by DELCORA. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to comply with these Standards, Rules and Regulations.

(B) Notification

(1) In the case of an uncontrolled release or accidental discharge of prohibited materials or substances, it is the responsibility of the User to immediately notify DELCORA of the incident by telephone. The notification shall include date, time, and location of discharge, type of waste including concentration and volume, duration of discharge, and any corrective actions taken by the User. If the User is within the Eastern Service Area, this notification shall also be given to the Philadelphia Water Department. A representative sample of the uncontrolled release or accidental discharge shall be properly retained by the User for DELCORA's inspection and/or analysis.

(2) Written Notice. Within five (5) days following an uncontrolled release or accidental discharge, the User shall submit to DELCORA a detailed written report of the incident. The report shall summarize all information concerning the

uncontrolled release as well as cite measures to be instituted by User in order to prevent similar future occurrences and a proposed compliance schedule. User's notifications shall not relieve the User of any expense, loss, damage to person or property or other financial liability which may be incurred by the Authority or owners of any tributary or receiving municipal systems as a result of the release, nor does it relieve the User of any fines, civil penalties, damages or liabilities imposed by these Standards, Rules and Regulations or other applicable law.

(C) Notice to Employees. A notice shall be permanently posted on the User's bulletin board(s) or other prominent places advising employees who to call in the event of an uncontrolled release or accidental discharge. Employers shall advise all employees, who may cause or be injured by such a discharge, of the emergency notification procedure.

(D) Each user is required to notify DELCORA immediately of any changes at its facility affecting the potential for a Slug Discharge.

SECTION 225 - EXCESSIVE DISCHARGE/DILUTION.

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in any National Pretreatment Standard, or in any other pollutant-specific limitation or pretreatment requirement developed by DELCORA or any federal, state or local Agency.

SECTION 226 - SERVICE SEVERANCE PROVISIONS.

All connections to the DELCORA Wastewater Management System, except residential connections for sanitary wastewater, shall incorporate means to sever the User's access to the system that are satisfactory to DELCORA prior to the acceptance of any discharge. Service severance may be instituted in such instances as violation of these Standards, Rules and Regulations, failure to satisfy service charge obligations, site abandonment or demolishment, or other similar acts of commission or omission. Installation of means of severance shall be deemed to complement and supplement any local codes governing connection fixtures and discontinuance of service and shall not be construed as a substitute for said codes.

SECTION 227 - INDUSTRIAL CONNECTIONS.

All Users authorized to discharge industrial wastewater shall do so by means of separate sanitary and industrial connections from the premises or to the POTW. All industrial connections shall be provided with service severance provisions and control structure provisions as set forth in Section 226 and 228.

SECTION 228 - CONTROL STRUCTURE.

(A) Each Industrial User shall provide a control structure which includes monitoring facilities for the purpose of inspection, observation, sampling and flow measurement of the User's industrial contribution prior to the acceptance of the discharge by the POTW. The control structure shall be furnished with such equipment as is acceptable to DELCORA and which it considers to be suitable for required volume and strength determinations. The control structure shall incorporate a lockable isolation device in satisfaction of the service severance provisions required in Section 226. The Industrial User's control structure shall be planned, designed and constructed to be safe, accessible at all times, and secure from unauthorized tampering, and continuously operated and maintained at the User's expense in a manner acceptable to DELCORA. This control structure shall also be suitable for use by the POTW to conduct its own monitoring of User's effluent. The control structure shall be installed at location(s) in its process wastewater discharge line(s) as may be necessary in satisfying all Federal, State and Local monitoring requirements, or as may otherwise be acceptable to DELCORA.

(B) Whether constructed on public or private property, the control structure shall be constructed in accordance with the Authority's requirements and all applicable local construction standards and specifications.

SECTION 229 - PRETREATMENT/EQUALIZATION FACILITIES.

(A) Each User shall be responsible for instituting such measures as may be necessary in ensuring that their discharge complies with these Standards, Rules and Regulations and the National Pretreatment Standards. These provisions may include pretreatment/equalization facilities to eliminate or control the loading, the amount, or rate of introduction of regulated substances into the system.

(B) Certain User(s) shall be deemed to contribute wastes which exhibit an inherent tendency toward system operations and maintenance impairment based solely upon the type of activity conducted on the premises. These Users shall provide pretreatment facilities to correct conditions deemed to cause impairment regardless of the actual volume and strength involved unless their omission is explicitly sought and authorized by DELCORA. Pretreatment facilities installed for this purpose address principally flammable and obstructing materials. Typical control devices may include oil and grease interceptors, separators, traps, sumps, baskets, screens, strainers or other baffled, piped or valved systems which rely upon physical phase separation in order to effect selective removal of waste components by physical properties such as size, shape, weight, volume relationship, and texture. Representative locations for such facilities and conditions requiring correction are cited herein or as may otherwise be specified within applicable local codes.

(C) Users falling within the following categories are required to install and utilize control devices as follows:

(1) Flammables, Oil, Grease Control. Control devices shall be provided and maintained at User's expense at the following locations: vehicle service stations, repair shops and washdown areas, maintenance facilities, food preparation operations, commercial garages, or facilities using such materials as feedstock.

(2) Sediment Control. Control devices shall be provided and maintained at User's expense at the following locations: vehicle washdown areas, quarries, and building and construction supply facilities.

(3) Hair and Lint Control. Control devices shall be provided and maintained at User's expense at the following locations: commercial hair treatment shops and commercial laundries.

(D) Notwithstanding the above, it shall be each User's responsibility to provide the pretreatment/equalization facilities necessary to assure compliance with applicable regulations and any permits issued to the User. Any facilities required to pretreat wastewater to a level acceptable to the POTW shall be planned, designed, constructed, provided, owned, operated, and maintained by the User at User's expense and shall be located so as to be accessible to inspection and cleaning. Detailed reports and drawings indicating the location, type, and capacity of all pretreatment facilities as well as associated operating procedures shall be submitted to DELCORA for review. DELCORA must expressly approve said facilities and procedures in writing prior to construction of the facilities. However, such review and acceptance of plans and procedures shall not relieve the User from the responsibility of modifying the facilities as necessary to produce an effluent acceptable to the POTW in a time and manner as directed by the Authority. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the Authority and be subject to the Authority's express, written, approval prior to User's initiation of the changes.

SECTION 230 - CONSTRUCTION STANDARDS.

DELCORA's "Standard Specifications for the Construction of Sanitary Sewers and Appurtenances", October 2000, as amended, shall serve as the basis of performance required in the construction of all sewerage works within its jurisdiction. This shall not preclude their being superseded or supplemented by additional DELCORA guidelines, DELCORA contract documents, or other more stringent Federal, State, or local performance criteria governing such considerations as health, plumbing, and building construction.

SECTION 231 - USER RESIDUALS MANAGEMENT.

All Users shall plan, design, construct, operate, maintain, or otherwise implement measures to ensure that the transport, treatment, storage, or disposal of all waste products or residuals (other than approved wastewaters) generated by a User's

manufacturing or treatment processes is done in a manner which excludes introduction of such materials into DELCORA's Wastewater Management System. These measures shall also include records fully demonstrating the proper disposition of these materials in full accordance with applicable law and regulations and shall be made available for DELCORA's inspection and photocopying upon request. Records required by USEPA and/or PADEP for such activities will generally satisfy this.

SECTION 232 - STRINGENCY/RIGHT OF REVISION.

DELCORA'S Standards, Rules, and Regulations shall be considered to conform with minimum standards of performance relative to sewer system usage regulations as may be duly established by any governmental unit duly authorized and empowered to exercise such regulatory control. DELCORA reserves the right to cause adherence to these Standards, Rules and Regulations or to otherwise promulgate, alter, or amend this Resolution in affording administration of an equivalent or more stringent nature by adoption of a Resolution setting forth same. Regulatory compliance shall be achieved within the time therein stipulated. Alternatively, DELCORA may effect changes to applicable permits to individual Users or classes of Users as occasioned by new regulations or to otherwise comply with objectives set forth in Section 103.

SECTION 233 – BYPASS.

(A) For the purposes of this Section,

(1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

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

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

(C) Bypass Notifications

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

(2) A User shall submit oral notice to DELCORA of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from

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

(D) Bypass

(1) Bypass is prohibited, and DELCORA may take an enforcement action against a User for a bypass, unless

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under paragraph (C) of this section.

(2) DELCORA may approve an anticipated bypass, after considering its adverse effects, if DELCORA determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

ARTICLE 300

ADMINISTRATION

SECTION 301 - ALL WASTEWATER DISCHARGE REGULATED.

It shall be unlawful for any person, industry, municipality, User or authority to install a connection to or discharge any wastewater into the DELCORA Wastewater Management System except as authorized in accordance with the provisions of this Resolution.

SECTION 302 - EXISTING RESIDENTIAL AND COMMERCIAL USERS.

All Residential and Commercial Users of any sewer system prior to July 17, 1984, are deemed to possess a Wastewater Connection Permit authorizing such connection/discharge. However, this shall not preclude either DELCORA, an authority, a municipality, or other agency having jurisdiction over such matters from reconditioning such a permit requiring additional regulation of wastewater quantity or quality if such reconditioning is deemed necessary by DELCORA to ensure compliance with these Standards, Rules and Regulations.

SECTION 303 - NEW PRIMARY RESIDENTIAL USERS.

After July 17, 1984, no connections or reconnections of residential premises directly to the DELCORA system can be made without first obtaining a DELCORA Connection Permit as prescribed herein prior to effectuating such connection and/or discharge. Residential Users shall follow the procedures for permitting in Section 307.

SECTION 304 - NEW SECONDARY RESIDENTIAL USERS.

After July 17, 1984, no connections or reconnections of residential premises to any system intermediate to DELCORA can be made without first obtaining a functionally equivalent authorization from the appropriate municipality and/or authority certifying compliance with their regulations and the service agreement between DELCORA, the municipality and/or the authority prior to effectuating such connection and/or discharge.

SECTION 305 - NEW PRIMARY COMMERCIAL USERS.

After July 17, 1984, no connection or reconnections of commercial facilities to the DELCORA system can be made without first obtaining a DELCORA Connection Permit as prescribed herein prior to effectuating such connection and/or discharge. Commercial Users shall follow the procedures for permitting in Section 307.

SECTION 306 - NEW SECONDARY COMMERCIAL USERS.

After July 17, 1984, no connections or reconnections of commercial facilities to any system intermediate to DELCORA can be made without first obtaining a functionally equivalent authorization from the appropriate municipality/authority certifying compliance with their regulations and the service agreement between DELCORA, the authority and/or the municipality prior to effectuating such connection and/or discharge.

SECTION 307 - PERMIT APPLICATION - RESIDENTIAL AND COMMERCIAL DISCHARGES.

(A) Persons required to obtain a DELCORA Connection Permit for residential and commercial discharge(s) shall complete and file with DELCORA an application in the form prescribed by DELCORA and accompanied by the applicable permit processing fee.

(B) In support of the application, the applicant shall submit the following information:

(1) Applicant (owner) name, address, and telephone number;

(2) Site location/address;

(3) Applicant's self-determination of applicable User class;

(4) Site classification (the contribution shall be classified as being either residential or commercial and shall be further classified by the number of units involved, using types and terms characteristic of the class of usage indicated);

(5) Wastewater volume and strength characteristics indicating average characteristics as well as any variations in same; if other than domestic in origin;

(6) Pertinent details concerning any pretreatment facilities required for applicant's contribution including pollutants to be controlled, method of control, and relevant design criteria (loading rates, volumes, etc.) (Not required for residential discharges);

(7) Two sets of location plans depicting all site structures, size and location of drainage piping, valving, and other appurtenances involved including any pretreatment facilities and points of connection to public facilities; and

(8) Name, address, and telephone number of the contractor/plumber executing the connection.

(C) DELCORA will evaluate the data and information furnished by the applicant and may require additional information. After evaluation and acceptance of the data furnished, DELCORA may issue a connection permit subject to the terms and conditions provided

herein. DELCORA may require the submission of an industrial discharge permit in accordance with Section 310 if the wastewater is of non-domestic origin.

SECTION 308 - INDUSTRIAL USERS.

All persons discharging industrial wastewater, whether direct to the DELCORA system or through intermediate system(s), must obtain a DELCORA Wastewater Discharge Permit pursuant to Section 310. Secondary Industrial Users must also obtain any connection(s) or discharge(s) permit(s) required by the owner of the tributary sewer system. Industrial Users connected to the DELCORA Wastewater Management System or to a tributary system who do not have a DELCORA Wastewater Discharge Permit must file an application immediately.

SECTION 309 - SIGNIFICANT INDUSTRIAL USERS.

(A) An Industrial User that:

(1) Is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or

(2) (i) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);

(ii) Contributes a process wastestream which makes up 5 percent (5%) or more of the average dry weather hydraulic organic capacity or inorganic capacity of the POTW treatment plant; or

(iii) Is determined by the POTW to have a potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement;

shall be designated by the POTW as a Significant Industrial User unless the POTW, in its sole discretion, makes a finding that the Industrial User meeting the criteria of Paragraph (A)(2) above, has no potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement. Designation as a Significant Industrial User shall be sufficient to require the Significant Industrial User to comply with the provisions herein regarding this class of Users.

(B) DELCORA shall notify each Significant Industrial User of its status within thirty (30) days of DELCORA's designation of a User as such.

(C) Notwithstanding the above, DELCORA may list or delist an Industrial User as a Significant Industrial User, on DELCORA's own initiative based on the criteria in

paragraph (A) herein. DELCORA shall notify said User of DELCORA's determination within thirty (30) days of DELCORA's re-designation of a User.

(D) Within thirty (30) days of the date of the notice of designation as a Significant Industrial user, the User so designated may file a petition with DELCORA requesting that the User be delisted as a Significant Industrial User. Such petition shall contain sufficient data and information to demonstrate to DELCORA's satisfaction that the User has no potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement. Within sixty (60) days of receipt of a petition, the POTW may grant or deny said petition.

(E) Significant Industrial Users shall follow the procedures for permitting in Section 310.

SECTION 310 - PERMIT APPLICATION - INDUSTRIAL WASTEWATER.

(A) Persons required to obtain a DELCORA Wastewater Discharge Permit for industrial wastewater pursuant to Sections 308 and 309, shall complete and file with DELCORA an application in the form prescribed by DELCORA and accompanied by the applicable permit processing fee.

(B) In support of the application, the applicant shall submit the following information in units and terms appropriate for evaluation:

(1) Applicant/owner's name, address, and location, (if different from the address);

(2) Applicant's self-determination of applicable User class;

(3) SIC number according to the Standard Industrial Classification Manual;

(4) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

(5) Each product produced by type, amount, process or processes and rate of production;

(6) Type and amount of raw materials processed (average and maximum per day);

(7) Number and type of employees, and hours of operations of plant and proposed or actual hours of operation of pretreatment system;

(8) Time and duration of contribution;

(9) Plant water balance including average daily, instantaneous and 30 minute peak wastewater flow rates, and including daily, monthly and seasonal variations, if any;

(10) Wastewater constituents and characteristics including but not limited to those mentioned in Section 201 and 202 of this Resolution as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the USEPA pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136, as amended;

(11) Process schematics, site plans, floor plans, mechanical and plumbing plans and details to show size, location and elevation of all sewers, sewer connections, and appurtenances including piping and valving configuration, meter(s), sampler(s), lockable isolator(s) from origin of wastewater generation through pretreatment (if applicable) to point of connection(s) to municipal system;

(12) Where known, the nature and concentration of any pollutants in the discharge which are limited by any municipal, authority, state, or federal pretreatment standards, and a statement regarding whether or not the applicable regulations are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the User to meet applicable requirements;

(13) (a) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(b) The following conditions shall apply to this schedule:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards which shall include such elements as concept design, treatment system design, operations manual development, system(s) construction, system(s) startup, system(s) optimization, and confirmation of compliance. No increment referenced in this paragraph shall exceed nine (9) months.

(ii) Not later than seven (7) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to DELCORA 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 DELCORA.

(14) A statement of Pretreatment considerations including the purpose (i.e. pollutants to be removed), control method employed, proposed loading rates, unit volumes, design capacities and including reports and drawings as available;

(15) Any other information as may be deemed by DELCORA to be necessary to evaluate the permit application; and

(16) Signature of the authorized representative of the Industrial User.

(C) DELCORA will evaluate the data furnished by the applicant and may require additional information. After evaluation and acceptance of the data furnished, DELCORA may issue a wastewater discharge permit subject to the terms and conditions provided herein.

SECTION 311 - HOLDING TANK AND HAULED WASTES.

(A) No person shall discharge holding tank wastes, trucked or hauled pollutants, sludge, scums or other residuals to the POTW except at a discharge point designated by the POTW and then only after prior written approval by the POTW.

(B) To obtain written approval by the POTW to discharge holding tank wastes, trucked or hauled pollutants, the person must submit the following information to the POTW:

(1) Name and address of person generating the waste, including any identification numbers such as USEPA generator numbers and/or the identification numbers;

(2) Name and address of transporter of waste, including any identification numbers such as an USEPA transporter number and/or tax identification number;

(3) Description of the type, volume and characteristics of the waste;

(4) Description of the process which generated the waste;

(5) The results of the current RCRA chemical analysis of the waste to determine if it exhibits hazardous characteristics or chemicals;

(6) Any other information requested by the POTW;

(7) Signature and certification under Sections 334 and 335 herein.

Upon receipt of these materials, the POTW may accept or deny the application to discharge holding tank waste, hauled or trucked pollutants, sludge, scum or other residuals.

(C) The POTW may place any of the conditions noted in Section 316 herein on its approval to accept holding tank waste, trucked or hauled pollutants and may issue a permit.

(D) Trucked and hauled wastes and pollutants are subject to all of the provisions in these Standards, Rules and Regulations.

SECTION 312 - COMMUNICATIONS.

(A) All communications involving permit acquisition, duration, renewal, modification, termination, suspension, revocation, notifications, or any other type of activity where confirmation of transmittal, receipt, and referral to responsible individuals is of the essence, including applications for written approvals, shall be conducted in writing, using U.S. Postal Service, Certified Mail, Return Receipt Requested, or by hand delivery, or any other system affording equivalent protection.

(B) Where enforcement action is involved, the notice shall cite the nature of the alleged violation, the enforcement action required by the Authority as the result of the violations and the actions being undertaken by the User in response.

SECTION 313 - APPLICATION SUBMISSION AND REVIEW PROCEDURES.

(A) All persons required to obtain a DELCORA Wastewater Discharge Permit shall make application to DELCORA in a form acceptable to DELCORA accompanied by the appropriate fees. Upon receipt of a Wastewater Discharge Permit application, DELCORA shall evaluate the application for its completeness and advise the applicant that the application is complete or that the application is incomplete and cite the deficiencies to be rectified by submission of additional documentation.

(B) Upon acceptance of data furnished, DELCORA shall declare the application complete and initiate evaluation of its technical merits. Where secondary industrial Wastewater Discharge Permits are involved, DELCORA shall either transmit a copy of the complete application to all Intermediate Conveyors or alternatively notify them of the availability of application documents for inspection at DELCORA's offices. Affected parties must transmit any comments relative to their ability to service the applicant's wastewater disposal needs to DELCORA within thirty (30) days of receipt of the application or the public notice. Failure to receive comments shall be construed as lack of objection with conditions presented within the permit application.

SECTION 314 - PUBLIC NOTICE OF PERMIT ISSUANCE.

(A) Public notice of a proposed wastewater discharge permit ("permit") may be published by the POTW in a newspaper of daily circulation within the geographical area of the discharge. The notice shall include at least the following:

(1) Name and address of each permittee;

(2) Each permittee's activity or operation which results in the discharge described in the wastewater discharge permit;

(3) Address and phone number of premises where a copy of the proposed permit may be requested;

(4) Notice of the thirty (30) day comment period required by this Section.

(B) There shall be a thirty (30) day period following publication of notice during which written comments may be submitted by the permittee or interested persons located within the POTW's wastewater processing service area. The POTW will make its final determination on a proposed permit following the comment period. The period for comment may be extended at the discretion of DELCORA for up to thirty (30) additional days.

SECTION 315 - PERMIT ISSUANCE PROCEDURES.

(A) Upon consideration of comments received relative to the permit application and criteria enumerated within Sections 309 and 310, DELCORA shall advise the applicant that his application for a Wastewater Discharge Permit has been either:

(1) Approved subject to the terms and conditions recited within its permit as outlined within Section 316 and including but not limited to necessary quantity or quality control or incremental cost assessments (surcharge); or

(2) Denied due to either the inability of an Intermediate Conveyor to properly manage the applicant's waste, the prohibition from accepting the applicant's waste or, in DELCORA's discretion, its inability to ensure the proper management of the applicant's waste in conjunction with applicable criteria for waste acceptability.

(B) Upon a determination relative to issuance of a Wastewater Discharge Permit, DELCORA shall notify the applicant and, where appropriate, Intermediate Conveyors of DELCORA's intended action. This notification shall set forth the permit terms and conditions (including its effective date) or shall cite the basis for denying issuance of the permit.

(C) Interested parties shall have thirty (30) days to object or respond to DELCORA's intended action by requesting an Administrative Hearing pursuant to Section 325 herein. Failure to request an Administrative Hearing within the time prescribed, renders the permit terms and conditions final and binding.

SECTION 316 - PERMIT CONDITIONS.

(A) Wastewater Discharge Permits shall be expressly subject to all provisions of this Resolution and all other applicable regulations, user charges and fees established by the Authority.

(B) Industrial permits may contain the following:

(1) Statement of purpose, term, regulated effluent(s), applicable regulations and causes for withdrawal of authorization to discharge.

(2) Limits on the average and maximum wastewater constituents and characteristics.

(3) Limits on the average and maximum rate and time of discharge or requirements for flow regulation and equalization

(4) Any variance from the typical requirements that the Authority is empowered with the discretion to modify and has considered substantial justification to warrant such a modification.

(5) Requirements for installation and maintenance of monitoring facilities, including provision for observing, measuring, sampling and stopping industrial effluent.

(6) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, institution of quality assurance/quality control measures, and reporting schedule.

(7) Site access provisions.

(8) Authority's option to monitor the effluent, the results of which prevail in case of discrepancy or dispute.

(9) Available enforcement mechanisms.

(10) Requirements for notification of slug discharges.

(11) Requirements for notification of the Authority for any new introduction of wastewater constituents or any substantial change in the volume or character of

the wastewater constituents being introduced into DELCORA's Wastewater Management System and/or the City's Wastewater Collection System.

(12) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Authority and affording the Authority to access and photocopy them.

(13) Requirements for notification of the authority or facility changes that affect the potential of slug discharge and requirements for submission of technical reports, discharge reports, the development and implementation of slug control measures, or other notifications.

(14) Requirements for notification of applicability of regulations promulgated by any Agency having jurisdiction in such matters after the effective date of the permit.

(15) Provisions allowing for the reopening of a permit when Agency regulations cause changed or additional requirements than those covered by these Standards, Rules and Regulations or permits issued pursuant thereto.

(16) Requirements for access to and photocopying of records developed for other Agency programs which involve matters of wastewater management.

(17) The unit charge, incremental cost assessment/surcharge, or schedule of User charges and fees currently in effect for the wastewater to be discharged to a public sewer.

(18) Compliance schedules.

(19) Best Management Plans. (BMPs)

(20) Requirement of specific performance of the terms and conditions of any permit or contract and/or payment of liquidated damages by the User.

(21) Signature and certification requirements.

(22) Other conditions as deemed appropriate by DELCORA to ensure compliance with this Resolution.

SECTION 317 - PERMIT ADMINISTRATION.

(A) The permit becomes effective when signed by DELCORA. Upon its issuance, a User's Wastewater Discharge Permit shall be considered its authorization to use the DELCORA Wastewater Management System, including all contributing components,

provided that the User complies with the terms and conditions of the permit and these Standards, Rules and Regulations.

(B) Except as noted in Section 320, said authorization shall be of fixed duration, shall be non-transferable, and shall be subject to periodic review and subsequent modification, termination, suspension, or revocation as stipulated elsewhere within this Article.

(C) The permittee shall be subject to enforcement action prescribed within Article 400 or as may otherwise be appropriate for improper use of the DELCORA system and for violation(s) of the permit.

SECTION 318 - PERMIT DURATION.

(A) Industrial wastewater permits authorizing industrial use shall be issued for specific time period with provision to expire on a specific date but in any event, shall expire within five (5) years of the date of issuance.

(B) DELCORA Wastewater Discharge Permits authorizing primary Residential or Commercial User contributions shall be in full force and effect for the duration that the permitted premises exhibits a specified material occupancy, producing wastewater of specified type, class, quantity, and quality, and is otherwise in conformance with all applicable regulations and excepting an enforcement action which may negate it.

SECTION 319 - PERMIT RENEWAL.

(A) Permittees which have demonstrated satisfactory past performance and wish to continue system usage shall apply to DELCORA for permit renewal a minimum of one hundred and eighty (180) days prior to expiration of the User's existing permit. DELCORA may either grant the renewal, modify and reissue the permit or deny the renewal or the permit in accordance with this Resolution. The User shall be notified of any proposed changes in the permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(B) All permit renewal communications shall be conducted in writing via the U.S. Postal Service using Certified Mail, Return Receipt Requested.

(C) Failure to acquire renewal shall not relieve the User from compliance with all conditions accompanying the permit's expiration, including the cessation of system usage.

(D) Where a permit has been appealed, the appeal shall only stay the disputed provision, not the entire permit unless the stay of the disputed provision would pose an immediate threat to the POTW or the public health safety and welfare. The remainder of the permit is enforceable.

SECTION 320 - PERMIT TRANSFER.

(A) Wastewater Discharge Permits are issued to a specific Industrial User at a specific premises for specific conditions and are non-transferable except as stated herein. A Wastewater Discharge Permit issued for Industrial Users shall not be reassigned or transferred or sold to a new owner, new User, different premises, or new or changed conditions without the approval of the Authority. The User must give the Authority at least thirty (30) days notice of a proposed transfer. If expressly sought and approved, any succeeding owner or user shall also comply with the terms and conditions of the existing permit until a new permit is issued by DELCORA. This section shall not prevent the Authority from requiring the submission of Wastewater Discharge Permit application documents from any succeeding owner or User for the conditions referenced above.

(B) A Wastewater Discharge Permit authorizing Residential or Commercial Users of the system may be transferred with title providing that previous material occupancy and wastewater characteristics will be maintained.

SECTION 321 - PERMIT MODIFICATION.

(A) Wastewater Discharge Permits are subject to modification at the User's initiative due to desired changes in site activities which would result in wastewater contribution characteristics differing from those which may have been previously authorized. Application for the modified conditions must be made in accordance with provisions governing issuance of any original permit. Any changes in site activities which would cause the wastewaters to exceed the requirements of the Wastewater Discharge Permit, Service Agreement, or this Resolution shall not be undertaken unless they are approved and duly incorporated into a modified permit by DELCORA.

(B) Wastewater Discharge Permits are subject to modification at the Authority's initiative in order to ensure compliance with new regulations or to otherwise ensure attainment of goals established within Section 103. Modified permits will be prepared subject to the same issuance provisions as set forth within Section 315 with effective dates consistent with either those established within the new regulations or those established within a schedule of compliance intended to expeditiously resolve any conditions preventing attainment of Section 103 goals.

(C) (1) Within one hundred and eighty (180) days of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of any User subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. In addition, the User with an existing wastewater discharge permit shall submit to the POTW, within ninety (90) days after the promulgation of an applicable Federal Categorical Pretreatment Standard, the information required by Section 310.

(2) Where a person, newly subject to a National Categorical Pretreatment Standard, was not previously required to submit an application for a wastewater discharge permit pursuant to Section 310, the person shall apply for a wastewater discharge permit within ninety (90) days after the promulgation of the applicable National Categorical Pretreatment Standard.

SECTION 322 - PERMIT TERMINATION.

A permittee's authorization to discharge wastewater to the DELCORA system shall be deemed to have terminated when the subject premises undergoes complete closure or changes in ownership, nature or business conducted, or type and characteristics of wastewater generated. No resumption of discharge of wastewater from the premises shall occur unless sought and authorized consistent with provisions for permit application, submission, review, transfer and issuance recited elsewhere within Article 300.

SECTION 323 - SERVICE AND PERMIT SUSPENSION.

(A) DELCORA may suspend the wastewater treatment service and/or a Wastewater Discharge Permit by issuing a Suspension Order when such suspension is necessary, in the opinion of DELCORA, to stop an actual or threatened discharge which:

(1) Presents or may present an imminent or substantial endangerment to the health or welfare of persons;

(2) Presents or may present an imminent or substantial endangerment to the environment;

(3) May cause or actually causes Interference or Pass Through with the DELCORA Wastewater Management System, and/or the City's Wastewater Collection System; or

(4) Causes DELCORA or the City to violate any condition of their NPDES Permits.

(B) Any User issued a Suspension Order shall immediately stop or eliminate its discharge to the POTW.

(C) In the event of a failure of the User to immediately comply voluntarily with the Suspension Order, DELCORA shall take such steps as deemed necessary including, but not limited to immediate severance of the sewer connection to prevent or minimize damage to the DELCORA Wastewater Management System, the City Wastewater Collection System or endangerment to any individuals and/or revocation of the permit.

(D) DELCORA may reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. Such

proof may be presented to DELCORA at a Pre-Hearing Conference to be held within twenty-four hours after the issuance of a Suspension, if requested by the User.

(E) Any User issued a Suspension Order is entitled to an Administrative Hearing pursuant to Section 325 of this Resolution; however, the Suspension Order shall remain in effect until otherwise determined as a result of the Administrative Hearing or Pre-Hearing Conference.

(F) A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to DELCORA within ten (10) working days of the date of occurrence which gave rise to the issuance of the Suspension Order.

SECTION 324 - PERMIT REVOCATION.

(A) Any User who violates the conditions of this Resolution, or applicable State, Federal or local law, including but not limited to the conditions noted below, is subject to having his wastewater discharge permit revoked in accordance with the procedures of this Resolution:

(1) Presents or may present an imminent or substantial hazard to life and property;

(2) Presents or may present a threat of impairment of any element of the POTW's system to the extent that it fails to fulfill its intended function;

(3) Presents or may present a general endangerment to the environment;

(4) Violation of any permit provisions or otherwise applicable regulations;

(5) Falsification of User-supplied information such as a permit application, various reports, records, and the like;

(6) Failure to comply with the terms and provisions of any enforcement action, notice or order(s).

(7) Denial of site access, failure to provide information or other failure to cooperate with the Authority or obstruct other necessary Authority functions pursuant to this Resolution; or

(8) Failure to pay service charges.

(B) Revocation of a User's Permit requires the User to immediately cease all wastewater contributions.

(C) Any User receiving a Notice of Permit Revocation shall have the same rights to a Pre-Hearing Conference and an Administrative Hearing as described in Section 325 and Section 326.

SECTION 325 - ADMINISTRATIVE HEARING.

(A) A person determined by DELCORA to have violated any permit condition or regulation promulgated by DELCORA shall be given written notice of the violation which shall be sent by Certified Mail, Return Receipt Requested. The Notice of Violation shall also state that such person has the right to a hearing pursuant to the Local Agency Law, 2 Pa.C.S.A. §§101-106 and 551-555. Such person must request such a hearing within twenty (20) days of the date of receipt of the Notice of Violation, order, notice or other action.

(B) DELCORA may order any User who causes or allows an unauthorized discharge to enter the DELCORA Wastewater Management System to show cause before the duly appointed Hearing Officer why enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the duly appointed Hearing Officer regarding the violations, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the duly appointed Hearing Officer why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

(C) The Board of Directors of DELCORA hereby appoints the Chairman of the Board or his designee as Hearing Officer with full power and authority to:

(1) Issue in the name of DELCORA, Notice(s) of Hearing(s) requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(2) Take evidence; and

(3) Adjudicate any matter under appeal.

(D) At any hearing held pursuant to this Section, all testimony will be taken under oath and may be stenographically recorded and a full and complete record may be kept of the proceedings. In the event all testimony is not stenographically recorded and a full and complete record of the proceedings is not deemed necessary by DELCORA, such testimony shall be stenographically recorded and a full and complete record of the proceeding shall be kept at the request of any party agreeing to pay the costs thereof.

(E) After the duly appointed Hearing Officer has reviewed the evidence, he or she shall issue an adjudication in writing, which shall contain findings and the reasons for the adjudication, and shall be served upon all parties or their counsel personally, or by mail.

(F) Any party may request a Pre-Hearing Conference in order to attempt to resolve any dispute. The request should be made in writing to the Executive Director of DELCORA.

(G) Ongoing Disputes. It is the intent of this Board that the change to the Standards, Rules and Regulations set forth in this Resolution shall govern any appeals ongoing as of its effective date, and that the Chairman or his designee replace the Executive Director as Hearing Officer for such ongoing appeals. The foregoing notwithstanding, nothing shall prohibit the Chairman from appointing the Executive Director as his designee to remain as Hearing Officer to preside over any such ongoing dispute. This Resolution shall not be interpreted to invalidate any action taken by the Executive Director in his capacity as Hearing Officer prior to its effective date in any ongoing or previously adjudicated appeal.

SECTION 326 - JUDICIAL REVIEW.

Any party may appeal the decision of the DELCORA Administrative Hearing Officer pursuant to the Pennsylvania Local Agency Law, 2 Pa.C.S.A. §§751-754 within the time prescribed. Failure to appeal within the prescribed time renders the determination of the Hearing Officer final and binding.

SECTION 327 - STANDARD OF PERMORMANCE FOR WASTEWATER MEASUREMENT AND ANALYTICAL TESTING

(A) All measurements, tests, and analyses of the characteristics of wastewaters shall be determined in accordance with the latest version of 40 CFR Part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants".

(B) Unless otherwise noted or required by any other regulations, all samples shall be obtained from an appropriate monitoring facility or control structure and must be representative of the conditions occurring at that time. The particular constituents involved shall determine such variables as sample type and sample collection, preservation and holding techniques. The permittee shall observe appropriate chain of custody procedures to ensure sample integrity from collection through analysis.

(C) All analytical procedures shall incorporate quality assurance and quality control provisions in order to ensure the reliability and validity of laboratory data. Permittees should consult the latest edition of U.S. EPA Publication USEPA-600/4-79-019, "Handbook for Analytical Quality Control in Water and Wastewater Laboratories".

(D) All analyses shall be conducted at an accredited PADEP or NELAC – accredited laboratory with demonstrated competency in water and wastewater testing and which is acceptable to DELCORA.

(E) DELCORA reserves the right to conduct split sample verification in support of permittee-furnished data. DELCORA's results shall be considered conclusive.

SECTION 328 - CONFIDENTIALITY.

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

(B) Any information or other submission (exclusive of User effluent data) may be stamped with the words "CONFIDENTIAL BUSINESS INFORMATION" on each page containing such information as the means for making such request. DELCORA will not consider any data on the User's wastewater discharge to the DELCORA wastewater management system as confidential, and such information will remain available to the public or other governmental agency without restriction regardless of any claim for confidentiality or granting of confidential status for any other User information. Confidential business information shall be kept by DELCORA in a secure location with only limited, authorized access.

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

SECTION 329 - INTERMEDIATE CONVEYOR REPORTS (CHAPTER 94).

Each municipality or municipal authority contributing wastewater to the DELCORA Wastewater Management System and/or the City's Wastewater Collection System either by connection to DELCORA facilities or by connection to other system(s) ultimately tributary to DELCORA facilities, shall prepare and submit to DELCORA an annual report summarizing significant developments in the management of wastewater within its jurisdiction. The content of this report shall be consistent with information required by PADEP's Chapter 94 Municipal Wasteload Management Report. In general, the annual

report shall summarize all permit activity, all changes (increases and reductions) in wastewater contribution to the User's system, current and future hydraulic and organic loadings, the current system wastewater facilities location plan, and sewer use regulations. This report shall be forwarded to DELCORA no later than March 1st following the calendar year covered by the report.

SECTION 330 - SELF MONITORING REPORTS.

(A) Any User, including Significant Industrial Users shall demonstrate compliance with terms and conditions of its Wastewater Discharge Permit, as well as regulations underlying this permit, by periodically monitoring its effluent and reporting the results of this monitoring to DELCORA. The reporting periods shall run from January 1 to June 30 and from July 1 to December 31 unless otherwise noted in the permit. Users shall submit their reports within thirty (30) days after the end of each reporting period. Users shall submit their reports at least semi-annually regardless of whether or not a permit has been issued.

(B) Effluent monitoring and reporting requirements will be established by the POTW upon consideration of such factors as wastewater complexity, variability, volume and strength.

(C) The permittee will be required to adhere to the specific sample type, sample frequency, parametric coverage, flow measurement and report form, contact, frequency and submission requirements set forth in its permit. In addition, the User shall comply with all general requirements for sampling and analysis as set forth in Section 327 herein.

(D) Failure to provide the required report within thirty (30) days after the due date shall be deemed significant noncompliance.

(E) This report, at a minimum, shall contain:

(1) Name of permittee;

(2) Identity of the facility;

(3) The Reference to User's permit number;

(4) Flow monitoring data, volume, rates, as prescribed in the permit;

(5) All data from the sampling event during the reporting period which conforms to Section 327 of these Regulations. All data must be representative of conditions occurring during the reporting period and reflect each parameter specified in the permit including the sample results, the sample frequency, sample type, and chain of custody records;

(6) A summary of any and all violations of these Standards, Rules and Regulations and/or permit violations occurring within the reporting period, including the date, the nature of the violation, the cause of the violation, if known, and actions taken to correct the violation;

(7) Certification as required by Section 334 herein;

(8) Signature(s) as required by Section 335 herein; and

(9) Any other information required by the POTW.

(F) DELCORA, at its option, may perform the sampling and analysis required by this section in lieu of the noncategorical Significant Industrial User. In the event that DELCORA chooses to exercise this option, the noncategorical Significant Industrial User will not be required to submit this report.

(G) In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by DELCORA or the Pretreatment Standard necessary to determine the compliance status of the User.

(H) Exemptions to the requirements herein shall be provided by DELCORA in writing.

SECTION 331 - SAMPLING REQUIREMENTS.

(A) The reports required by DELCORA must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. DELCORA requires that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by DELCORA. Where time-proportional composite sampling or grab sampling is authorized by DELCORA, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate USEPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved USEPA methodologies may be authorized by DELCORA, as appropriate.

(B) For sampling required in support of baseline monitoring and 90-day compliance reports required by Section 332(A), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by paragraphs (D) and (E) of this Section, DELCORA shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.

(C) All analyses shall be performed in accordance with procedures established by the USEPA pursuant to section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the USEPA.

(D) Periodic reports on continued compliance.

(1) Any Industrial User subject to a categorical Pretreatment Standard after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into POTW, shall submit to DELCORA during the months of June and December, unless required more frequently in the Pretreatment Standard or by DELCORA or the USEPA, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the required reporting period. DELCORA may require more detailed reporting of flows. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by DELCORA or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of DELCORA and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., DELCORA may modify the months during which the above reports are to be submitted.

(E) Reporting requirements for Industrial Users not subject to categorical Pretreatment Standards.

(1) DELCORA must require appropriate reporting from those Industrial Users with Discharges that are not subject to categorical Pretreatment Standards. Significant Non-categorical Industrial Users must submit to DELCORA at least once every six months (on dates specified by DELCORA) a description of the nature, concentration, and flow of the pollutants required to be reported by DELCORA. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by DELCORA to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the

period covered by the report, and in accordance with the techniques described in 40 CFR 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants and amendments thereto. This sampling and analysis may be performed by DELCORA in lieu of the significant non-categorical Industrial User.

SECTION 332 - REPORTING REQUIREMENTS.

(A) Baseline Monitoring Reports

(1) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to DELCORA shall submit to DELCORA a report which contains the information listed in paragraph (2), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to DELCORA a report which contains the information listed in paragraph (2), below. A New Source shall report the method of pretreatment it intends to use to meet applicable Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below.

(a) Identifying information. The User shall submit the name and address of the facility including the name of the operator and owners;

(b) Permits. The User shall submit a list of any environmental control permits held by or for the facility;

(c) Description of operations. The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operations(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of discharge to DELCORA from the regulated processes.

(d) Flow measurement. The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to DELCORA from each of the following:

(i) Regulated process streams; and

(ii) Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e). DELCORA may

allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(e) Measurement of pollutants.

(i) The User shall provide the following information required regarding the measurement of pollutants.

a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by DELCORA, of regulated pollutants in the discharge from each regulated process.

c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 331 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by DELCORA or the applicable Standards to determine compliance with the Standard.

(ii) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(iii) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternative concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to DELCORA.

(iv) Sampling and analysis shall be performed in accordance with Section 331.

(v) DELCORA may allow the submission of a baseline report which utilizes only historical data so long as the data provides

information sufficient to determine the need for industrial pretreatment measures;

(vi) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to DELCORA.

(f) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 107 (A) (5) and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(g) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set forth in Section 332 (B) of this ordinance

(h) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 332 (A) and signed by an Authorized Representative as defined in Section 107 (A) (5).

(B) Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 332 (A) (2) (g).

(1) The schedule shall contain progress in increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine (9) months;

(3) The User shall submit a progress report to DELCORA no later than fourteen (14) days following each date in the schedule and the final date of compliance including as a minimum, whether or not it complied with the increment of progress,

the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

(4) In no event shall more than nine (9) months elapse between such progress reports to DELCORA.

(C) Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to DELCORA a report containing the information described in Section 330 and Section 332(A)(2)(d)(e) and (f). For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 602 per **40 CFR 403.6(c)**, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Sections 334 and 335. All sampling will be done in conformance with Section 331.

SECTION 333 - PREPARATION/SUBMISSION OF OTHER REPORTS.

The passage of legislation and subsequent promulgation of regulations involving the management of wastewater and its residuals by agencies empowered to function in this regard may necessitate preparation of reports, drawings, or other forms of documentation. Should DELCORA be accorded the responsibility of implementing those regulations, then any new or additional requirements shall be considered as conditions whose compliance will be sought as part of a User's permit. Should DELCORA not be delegated responsibility for the implementation of those regulations, the permittee shall comply with the regulations with the responsible agency in a time and manner consistent with the regulations. All documentation prepared for this purpose shall also be submitted to DELCORA as a condition of the User's permit with DELCORA.

SECTION 334 - CERTIFICATION REQUIREMENT.

(A) All reports submitted pursuant to these Standards, Rules and Regulations, including baseline monitoring reports, reports on compliance with categorical pretreatment standards, Significant Industrial User reports and periodic reports on continued compliance, shall include the certification statement set forth in 40 CFR 403.6(a)(2)(ii) which states:

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

(B) All Significant Industrial Users subject to categorical pretreatment standards shall include in any report submitted pursuant to these Standards, Rules and Regulations, any applicable certifications as required in the categorical pretreatment standards.

SECTION 335 - SIGNATORY REQUIREMENT.

Baseline monitoring reports, reports on compliance with categorical pretreatment standards, Significant Industrial User reports and periodic reports on continued compliance shall be signed as specified in 40 CFR §403.12(l) and shall be subject to the provisions of Sections 334, 335, and 413 herein.

SECTION 336 - RECORD KEEPING REQUIREMENTS.

(A) All Users subject to the reporting requirements established herein or in the National Pretreatment Standards shall maintain records of all information resulting from any required monitoring activities, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 223. Such records shall include for all samples:

(1) The date, exact place, method and time of sampling and the name(s) of the person(s) taking the samples;

(2) The dates analyses were performed;

(3) The identity of a laboratory and/or persons who performed the analysis;

(4) The analytical techniques/methods used; and

(5) The results of such analyses.

(B) Records required to be maintained in this section shall be retained for a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the User or the POTW or when requested by the POTW, the PADEP, or the USEPA.

(C) Records required to be maintained by the User shall be made available for inspection and copying by the POTW, the PADEP, and the USEPA.

SECTION 337 - NOTIFICATION OF CHANGED DISCHARGE.

All Industrial Users shall notify DELCORA as soon as possible, in writing, in advance, of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under Section 338 herein and/or as required by 40 CFR 403.12(p).

SECTION 338 - NOTIFICATION OF DISCHARGE OF LISTED OR CHARACTERISTIC WASTES.

(A) All Industrial Users shall notify DELCORA, the USEPA Region III Director of the Waste Management Division, and the PADEP, in writing of any discharge into the POTW, of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include:

(1) The name of the hazardous waste as set forth in 40 CFR Part 261;

(2) The USEPA hazardous waste number;

(3) The type of discharge (continuous, batch or other); and

(4) If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent that such information is known and readily available to the Industrial User:

(a) An identification of the hazardous constituents contained in the wastes;

(b) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and

(c) An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

(B) (1) Initial notification(s) under this section by Industrial Users permitted as of August 23, 1990, shall be made before March 1, 1991.

(2) Industrial Users who commence discharging after August 23, 1990, shall provide notification no later than one hundred eighty (180) days after the discharge of any listed or characteristic hazardous waste under 40 CFR Part 261.

(C) Only one notification shall be submitted for each hazardous waste discharged. However, notwithstanding the preceding sentence, all Industrial Users shall also comply with Section 337 herein.

(D) This notification does not apply to pollutants already reported under self-monitoring reports under Sections 329, 330 and/or 331 herein.

(E) Users are exempt from the requirements of paragraphs (A), (B), (C) and (D) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month or of any quantity of actual hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification except that all Users shall also comply with Section 337 herein.

(F) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste, the User must comply with paragraph (A) above, with regards to the discharge of such substance within ninety (90) days of the effective date of such regulations.

(G) In the case of any notification made under paragraph (A) above, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated, to the degree determined to be economically practical.

SECTION 339 - NOTIFICATION OF POTENTIAL PROBLEMS.

All Users shall notify DELCORA immediately of all discharges that could cause problems to the POTW, including any slug loadings, uncontrolled releases or accidental discharges, in conformance with Section 224 herein.

SECTION 340 - NOTIFICATION OF VIOLATIONS.

(A) If sampling by an Industrial User indicates a violation of its permit or these Standards, Rules and Regulations, the User shall notify DELCORA within 24 hours of becoming aware of the violation.

(B) If sampling by an Industrial User indicates a violation, the User shall repeat the sampling and analysis, and submit the results of the repeated analysis to DELCORA within thirty (30) days after becoming aware of the violation, except that the User is not required to resample if:

(1) DELCORA or the City performs sampling at the Industrial User at a frequency of at least once per month; or

(2) DELCORA or the City performs sampling at the Industrial User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

(C) All sampling shall be performed in conformance with Section 327 and 331 herein.

SECTION 341 - SITE ACCESS AND INSPECTION.

POTW personnel shall be admitted to any site which is connected to the DELCORA Wastewater Management System for the purpose of inspection, record examination, monitoring, enforcement or any other form of surveillance deemed necessary in determining a User's compliance with these Standards, Rules and Regulations. The User shall allow the POTW to secure copies of any documents and production of such other information relevant to determining compliance with this Resolution. The POTW shall exert every effort to be reasonable in the exercise of this provision including, where feasible, scheduling such access in advance during times when the site is normally occupied. However, this shall not preclude the POTW from securing entrance upon minimal or with no notification at unusual times regardless of site occupancy if there is urgent cause for such admittance, or if reasons for access are not consistent with advance notice. In either case, whether scheduled or unannounced, site access shall not be unduly withheld; the presentation of suitable credentials shall entitle the bearer prompt site admittance. It shall be the User's responsibility to incorporate this requirement in any applicable security procedures employed so that prompt admittance for the performance of these specific responsibilities will not be impeded. Site personnel shall conduct POTW personnel to the necessary site locations and accompany them throughout the duration of the visit until they are conducted from the premises. Site access shall include provisions for the installation, operation and maintenance of sampling and monitoring devices and/or equipment by the POTW.

SECTION 342 - DELCORA DETERMINATIONS FINAL.

DELCORA detection and notification to any User concerning deficiencies involving compliance with any aspect of these Standards, Rules and Regulations shall be considered final and binding.

ARTICLE 400

ENFORCEMENT AND PENALTIES

SECTION 401 - VIOLATIONS.

(A) Any violation of these Standards, Rules and Regulations is an instance of noncompliance. Any person or permit holder or User shall be in violation of these regulations and subject to any and all penalties and remedies as set forth herein, if any of the following events occur:

(1) Failure to supply the POTW with accurate information of the type, format, frequency and content as the POTW may request;

(2) Failure to notify the POTW immediately after User becomes aware or should have become aware by exercise of reasonable diligence, of any release or discharge of any substances, pollutants, materials, wastes, wastewaters or any other solid, liquid or gaseous matter which may impair the operation or performance of any element of the DELCORA Wastewater Management System or the City's Wastewater Collection System;

(3) Failure to meet any compliance schedule issued by the POTW;

(4) Exceeding the effluent limits set by the POTW;

(5) Failure to comply with the monitoring requirements established by the POTW;

(6) Tampering, altering or in any way changing the information and data collected on the monitoring systems required by the POTW;

(7) Failure or refusal to provide the POTW access to any site or facility as required by this Resolution;

(8) Failure or refusal to provide the POTW access, review and photocopies, if requested, of documents or records maintained by the User or under the direction of the User as required by this Resolution;

(9) Failure to pay service charges and any special billings when due;

(10) Any other violation of applicable statute(s) or regulation(s); or

(11) Any other violation of the User's permit or this Resolution.

(B) Violations may be minor violations or major violations. Major violations are those that exceed the limits frequently and/or by a large quantity; impede the determination of compliance status; have the potential to cause or may have actually caused adverse environmental effects, health problems; or cause interference with POTW treatment plant's capability.

(C) Whenever DELCORA finds that any User has violated or is violating these Standards, Rules and Regulations, or any prohibition, limitation, or requirements contained herein or in a User's permit, DELCORA may serve by regular or certified mail upon such person a written Notice stating the nature of the violation. Notice by regular mail shall be deemed sufficient notice. The Notice provided by DELCORA shall set forth the findings of DELCORA, the section of the regulations or other law which has been violated, and the action required to correct the violation within a specified period of time.

SECTION 402 - SIGNIFICANT NONCOMPLIANCE.

(A) An Industrial User is in significant noncompliance if the violation meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Article 200 and Section 201;

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Article 200 and Section 201 multiplied by the applicable TRC value. The TRC values are:

(a) TRC = 1.4 for BOD, TSS, fats, oils and grease;

(b) TRC = 1.2 for all other pollutants except pH

(3) Any other violation of a Pretreatment Standard or Requirement as defined in Article 200, Section 201, and Section 401 (Daily, Maximum or long-term average, Instantaneous Limit, or narrative standard) that DELCORA determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a User permit, control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within thirty (30) days after the due date, required reports including but not limited to baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, Significant Industrial User reports and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; and/or

(8) Any other violation or group of violations, which may include violation of Best Management Practices (BMPs), which DELCORA determines will adversely affect the operation or implementation of the local Pretreatment program.

(B) Any violation that meets the criteria of paragraph (A) above shall be considered a major violation.

(C) At least once a year, DELCORA shall publish in the largest daily newspaper published in Delaware County, a notice to the public of Industrial Users which were in significant noncompliance. This notice shall include the name(s) and address(es) of the User and may also include additional information such as the duration of the violation, nature of the violation, compliance action taken (if any), whether the User is currently complying with a compliance schedule and whether the User has returned to compliance. At the discretion of DELCORA, the type of enforcement action undertaken may also be reported. This provision does not prohibit the publication of this notice in more frequent intervals or by the City for Users in the Eastern Service Area.

(D) DELCORA may also take such other enforcement response actions it deems necessary to bring the User into compliance with these Standards, Rules and Regulations.

SECTION 403 - ENFORCEMENT RESPONSE ACTIONS.

(A) If any person, User or other party is determined to be in noncompliance with these or any other regulations or ordinances promulgated by DELCORA or any other governmental agency with jurisdiction, any or all of the following enforcement response action(s) may be imposed:

(1) The suspension or revocation of any permit issued or the refusal to issue a permit;

(2) The reimbursement of any fines levied against DELCORA by any other agency as a result of said violation;

(3) The termination of wastewater treatment service;

(4) The payment of all monetary damages including system reconstruction damages incurred by the POTW as a result of said violation;

(5) The payment of damages, liquidated or otherwise, or extra service fees as set forth in the DELCORA Enforcement Response Guide and/or other resolutions;

(6) Payment of the cost of any additional monitoring or personnel required by the POTW in its sole discretion in determining that the violation has been satisfactorily corrected;

(7) The payment of all administrative, legal and other fees incurred as a result of the violation;

(8) Public notification of the violation;

(9) Inspection(s), telephonic, or written communications, and/or a notice of violation;

(10) The issuance of compliance orders or other administrative orders;

(11) Specific performance of the terms and conditions of any permit or contract shall be enforced;

(12) Injunctive or other equitable relief;

(13) Referral of the matter for criminal enforcement and/or the imposition of fines and/or penalties; or

(14) Any other legal remedy available to DELCORA.

(B) DELCORA shall consider the following factors in determining whether noncompliance is a minor violation or a major violation:

(1) Type of violation;

(2) Duration of the violation;

(3) Compliance history of the violator;

(4) Good faith of the violator; and

(5) Harm caused by the violation.

These factors shall be utilized to select an appropriate enforcement response action.

(C) Appropriate enforcement response actions may range from no action, an informal response action or formal response action dependent upon the nature of the violation (minor or major) as determined by DELCORA. Pursuit of one enforcement action by the POTW does not preclude other enforcement activities.

(D) Formal enforcement response actions may include:

(1) Administrative orders and compliance schedules;

(2) Civil suit for injunctive relief, civil penalties, fines and/or damages;

(3) Criminal proceedings; and/or

(4) Termination of service and/or revocation of a permit.

(E) DELCORA shall investigate instances of noncompliance by one or more of the following methods:

(1) Inspections including monitoring, sampling, document review (including as-built and as-designed plans and specifications), record review and interviews;

(2) Communications, written and/or oral;

(3) Review of past and current reports submitted by the User;

(4) Review of laboratory practices, procedures, protocols and/or quality assurance/quality control procedures;

(5) Requests for information;

(6) Interviews, meetings, statements; and/or

(7) Civil litigation discovery practices.

Investigations may be conducted by DELCORA staff, DELCORA's consultants or in the alternative, DELCORA's Solicitor.

(F) DELCORA shall issue an "Enforcement Response Guide" detailing its policy on enforcement. The Enforcement Response Guide may be updated or revised at any time without the need of amending this Resolution. The Enforcement Response Guide does not limit the range of enforcement response actions which DELCORA may undertake but rather it describes ranges of responses which may be appropriate for specific instances of noncompliance.

(G) Users in the Eastern Service Area, for as long as discharges of such Users are treated by the City, shall also be subject to the enforcement policies of the City as set forth in the City's Enforcement Response Guide.

SECTION 404 - PROCEDURE FOR REVOCATION OF PERMIT.

(A) Whenever DELCORA finds that any User has violated or is violating these regulations, the wastewater discharge permit, or any prohibition, limitation, or requirement contained herein, DELCORA shall serve by certified mail upon such person a written notice stating the nature of the violation.

(B) Within thirty (30) days of the date of the Notice of Violation the User must respond in writing. The response must state why the violation occurred, the steps taken to prevent its reoccurrence, and whether the violation has been corrected. If the User is unable to correct the violation within thirty (30) days, his response must include a plan for the satisfactory correction thereof.

(C) DELCORA shall consider the User's response, if any, before rendering its final determination Order. DELCORA's final determination Order may direct that:

(1) The User's Permit be immediately revoked;

(2) The User's Permit be revoked on a specific future date unless adequate treatment facilities, devices or other related appurtenances shall have been installed and existing treatment facilities, devices or other related appurtenances are properly operated; or

(3) The User's Permit shall continue in effect.

(D) Further orders and directives may be issued as are necessary and appropriate.

(E) If a User fails to immediately comply with DELCORA's final determination order, DELCORA may enforce the order by taking any or all of the actions stated in Section 403 and 405. In addition, DELCORA may seek any other administrative, legal, or equitable relief available.

(F) After termination, the User may apply to DELCORA to once again contribute wastewater into the DELCORA system. DELCORA may accept, deny, or condition acceptance of the application pursuant to Section 406.

SECTION 405 - ENFORCEMENT OF PERMIT REVOCATION.

If the User fails to immediately cease all wastewater discharges upon revocation of his wastewater discharge permit, DELCORA may order any of the following actions to be taken:

(A) Immediate severance of the User's sewer connection; or

(B) Any other action designed to immediately terminate the User's wastewater discharge.

SECTION 406 - REISSUANCE OF PERMIT AFTER REVOCATION.

(A) Where a User has failed to comply with the provisions of these Standards, Rules and Regulations or any order or previous permit issued hereunder, DELCORA may decline to reissue a Permit.

(B) A User must submit to DELCORA a plan to comply with the provisions of these regulations or any order or previous permit issued hereunder. At the very least, the plan must outline: (1) what will be done to comply; (2) what has been done to comply, and (3) what time frame will be required to comply.

(C) Prior to re-issuing a permit, DELCORA may require the User to:

(1) File with DELCORA a performance bond payable to DELCORA, in a sum not to exceed a value determined by DELCORA to be necessary to achieve consistent compliance; or

(2) Submit proof that it has obtained liability insurance acceptable to DELCORA, sufficient to restore or repair the POTW for damages that may be caused by the User's discharge.

SECTION 407 - LEGAL ACTION.

If any person discharges sewage, industrial wastes, or other wastes into DELCORA's Wastewater Management system or commits non-discharge violations including, but not limited to failure to submit reports, failure to allow on site inspections contrary to the provisions of these regulations, Federal or State Pretreatment Requirements, the permit, or any order of DELCORA, DELCORA may commence an action for appropriate legal and/or equitable relief in the appropriate court. DELCORA may delegate its authority to

pursue legal and/or equitable relief against the Users in the Eastern Service Area to the City of Philadelphia.

SECTION 408 - INJUNCTIVE RELIEF.

Whenever a User has violated or continues to violate the provisions of these regulations or permit or order issued hereunder, DELCORA may petition the court for the issuance of a temporary restraining order, a preliminary or permanent injunction (as may be appropriate) which restrains or compels the activities on the part of the Industrial User.

SECTION 409 - CEASE AND DESIST ORDERS.

When DELCORA finds that a User has violated or continues to violate these Standards, Rules and Regulations or any permit or order issued hereunder, DELCORA may issue an order to cease and desist all such violations and direct those persons in non-compliance to:

(A) Comply forthwith; or

(B) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

SECTION 410 - SERVICE SEVERANCE.

(A) Whenever a User has violated or continues to violate the provisions of these Standards, Rules and Regulations or an order or permit issued hereunder, wastewater discharge service to the Industrial User may be severed after notice of the violation and an opportunity to respond, and service will only recommence, in DELCORA's sole discretion, at the User's expense, after it has satisfactorily demonstrated its ability to comply and remain in compliance with these Standards, Rules and Regulations.

(B) In order to halt or prevent any discharge or pollutants to the POTW which reasonably appears to present an imminent or substantial endangerment to the health or the welfare of persons, wastewater discharge service to the Industrial User may be severed immediately after informal notice to the discharger and service will only recommence, at the User's expense, after the User has satisfactorily demonstrated its ability to comply.

(C) In order to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW, after notice to the discharger and an opportunity to respond, wastewater discharge service may be severed and service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

SECTION 411 - CRIMINAL SANCTIONS.

DELCORA may institute criminal proceedings against any person or User who violates these or any other regulations promulgated by DELCORA or any other governmental unit or Agency including but not limited to the U.S. Environmental Protection Agency and the Pennsylvania Department of Environmental Protection provided, however, that such action constitutes a violation of any State or Federal criminal statute as may be in effect at the time of the violation.

SECTION 412 - CIVIL AND EQUITABLE RELIEF.

If any person discharges wastewater, industrial wastewater, or other materials into the DELCORA Wastewater Management System contrary to the provisions of this Resolution, Federal or State requirements, or a permit, order, or regulation of DELCORA, DELCORA or the municipality in which the User is located, may commence an action for appropriate legal and/or equitable relief in courts of the Commonwealth of Pennsylvania or any other court having jurisdiction to grant the requested civil or equitable relief.

SECTION 413 - ADMINISTRATIVE PENALTIES.

(A) Assessment. In addition to proceeding under any other remedy available at law or equity for violation of pretreatment standards and/or requirements, DELCORA may assess a civil penalty upon an industrial user for the violation. The penalty may be assessed whether or not the violation was willful or negligent. The civil penalty shall not exceed $25,000 per day for each violation regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct offense under this section.

(B) Operational Upsets. For purposes of this section, a User's single operational upset which leads to simultaneous violations of more than one pretreatment standard or requirement shall be treated as a single violation as required by the Federal Water Pollution Control Act, 33 U.S.C. §1319(g)(3). In addition to any civil penalty imposed under this section, DELCORA may also recover its costs for re-establishing the operation of its affected facilities.

(C) Appeal. The Industrial User charged with the penalty shall have thirty (30) days to pay the proposed penalty in full, or, if the Industrial User wishes to contest either the amount of the penalty or the fact of the violation, the Industrial User must, within thirty (30) days, file with DELCORA an appeal of the action and request a hearing pursuant to The Local Agency Law, §§101-106 and 551-555. Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

SECTION 414 - FALSE STATEMENTS.

DELCORA may also institute enforcement proceedings of any type provided for in these Regulations against any person or User who knowingly makes any false statement(s), representation(s) or certification(s) in any application, record, report, plan or other document filed or required to be maintained pursuant to these regulations, or any wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these regulations.

SECTION 415 – LEGAL FEES.

The Hearing Officer shall have the authority to award DELCORA its attorney fees actually incurred in connection with the underlying violation of these Standards, Rules and Regulations.

ARTICLE 500

CHARGES AND FEES

SECTION 501 - PROGRAM ADMINISTRATION FEES.

(A) It is the intent of DELCORA to recover all costs of service through fees and User charges, and to properly assess all costs in relation to the service provided.

(B) DELCORA will periodically establish a fee schedule for administration of the permit program and these regulations. Fees will include Wastewater Discharge Permit fees, Administrative Hearing Fees, and such other fees which may be further prescribed to conduct the function established by this Resolution or by other applicable enactments. The fees will be included in separate resolutions describing DELCORA service charges which are enacted on an annual basis.

(C) DELCORA reserves the right to impose additional charges for processing permits which are unusually complex, or where testing, analyses and evaluation required of the applicant must be duplicated. In such situations, DELCORA will notify the applicant in advance of the additional fee due.

(D) All fees are due upon application for a permit and are not refundable should the permit not be issued.

SECTION 502 - USER SERVICE CHARGE.

(A) Separate resolutions describe DELCORA Service Charges imposed upon all Users of its facilities to produce the revenues required annually to cover system expenses.

(B) It is the responsibility of Municipal and Municipal Authority Users to levy sewer rents upon and collect revenues from Commercial, Industrial, Institutional and Residential Users in their service areas in amounts sufficient to generate the revenues required annually to meet their obligations to DELCORA under their Service Agreements.

ARTICLE 600

LOCAL LIMITATIONS AND NATIONAL CATEGORICAL STANDARDS

SECTION 601 – AUTHORITY.

DELCORA is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). Local limits will be approved by the USEPA and adopted by the DELCORA Board of Directors by Authority resolution.

SECTION 602 – NATIONAL CATEGORIAL PRETREATMENT STANDARDS.

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405 - 471.

(A) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, DELCORA may impose equivalent concentration or mass limits in accordance with Section 602 E.

(B) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, DELCORA may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

(C) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, DELCORA shall impose an alternate limit in accordance with 40 CFR 403.6(e).

(D) A categorical Industrial User may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section.

(1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to DELCORA. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.

(2) Criteria

(a) Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be

applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

(b) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(c) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

(d) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. DELCORA may waive this requirement if it finds that no environmental degradation will result.

(E) When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that DELCORA convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of DELCORA. DELCORA may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 602 (E)(1)(a) through 602 (E)(1)(e) below.

(1) To be eligible for mass limits, the Industrial User must:

(a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

(b) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

(c) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production. Both the actual average daily flow rate and the long term

average production rate must be representative of current operating conditions;

(d) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

(e) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(2) An Industrial User subject to equivalent mass limits must:

(a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(b) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(c) Continue to record the facility's production rates and notify DELCORA whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in Section 602 E(1)(c). Upon notification of a revised production rate, DELCORA will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 602 (E)(1)(a) of this Section so long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, DELCORA:

(a) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

(b) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(c) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average

daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 225. The Industrial User must also be in compliance with Section 233 regarding the prohibition of bypass.

(F) DELCORA may convert the mass limits of categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of DELCORA.

(G) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

(H) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(I) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify DELCORA within five (5) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying DELCORA of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

ARTICLE 700

MISCELLANEOUS PROVISIONS

SECTION 701 - SEVERABILITY STATEMENT.

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

SECTION 702 - CONFLICT STATEMENT.

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

SECTION 703 - ESTABLISHMENT OF EFFECTIVE DATE.

This Resolution shall have force and effect immediately upon its adoption.

SECTION 704 - REPEALER.

All resolutions or parts of resolutions inconsistent herewith are repealed to the extent of such inconsistencies. Resolution No. 91-03, as amended and codified by Resolutions No. 95-06 and No. 95-12, are hereby repealed in their entirety.

RESOLVED this 19th day of APRIL, 2011.

DELAWARE COUNTY REGIONAL WATER
QUALITY CONTROL AUTHORITY

[SEAL]

BY: Stanley A. Kester
Stanley Kester, Chairman

ATTEST: David H. Gorbey
David Gorbey, Secretary

DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY

RESOLUTION NO. 2026-12
ADOPTED OCTOBER 20, 2026

ESTABLISHING LOCAL LIMITS FOR DISCHARGE TO DELCORA FACILITIES UNDER THE INDUSTRIAL PRETREATMENT PROGRAM

BE IT RESOLVED by the Delaware County Regional Water Quality Control Authority ("DELCORA") that in accordance with Resolution 2026-12, that Local Limits for discharge to DELCORA facilities shall be as follows:

SECTION 101 – Short Title

This resolution shall be known and may be cited as The DELCORA Local Limitations.

SECTION 102 – Purpose

A. In order to effectively administer its Pretreatment Program, comply with NPDES Permit No. PA0027103 Part III.C.E as well as the provisions the Clean Water Act, 33 USC §§1251 et seq., as amended, and to fulfill the purposes set forth in DELCORA Standards, Rules, and Regulations, it is essential and necessary to impose local limitations upon all classes of non-domestic users.

B. In order that the aforementioned purposed can be achieved, it is deemed necessary and proper to adopt Local Limitations.

SECTION 103 - Authority

DELCORA is authorized to establish Local Limits pursuant to 40 CFR Part 403.5 C.

SECTION 104 - Applicability

A. DELCORA is comprised of Eastern and Western Service Areas. Limits for the Western Service Area are established to protect against Pass-through and Interference at the DELCORA Western Regional Treatment Plant. Limits for the Eastern Service Area are established to protect against Pass-through and Interference at the City of Philadelphia Southwest Water Pollution Control Plant.

B. The municipalities of the Eastern and Western Service Areas are defined in DELCORA's Service Area Map located at https://www.delcora.org/about-us/areas-served/. The local limits where the discharge occurs will be applied. For discharges to the Central Delaware County Authority, the most stringent limit will apply.

SECTION 105 – Local Limitations for the Eastern Service Area

A. For the Eastern Service Area, no person shall discharge wastewater containing in excess of the following:

Eastern Service Area & Philadelphia Limits

Pollutant	Daily Maximum (mg/L)	Monthly Average (mg/L)
Arsenic	0.15	0.10
Cadmium	0.2	0.1
Chromium, Total	7.0	4.0
Copper	4.5	2.7
Cyanide, Total	10.0	
Lead	0.69	0.43
Mercury	0.01	0.005
Nickel	4.1	2.6
Selenium	0.2	0.1
Silver	0.43	0.24
Zinc	4.2	2.6

B. No person shall discharge any of the substances listed below to the POTW without obtaining prior written approval of the City.

Acrylonitrile
Aldrin
Alpha BHC
Aluminum
Benzene
Benzo (a) pyrene
Benzotrichloride
Beryllium
Bis(2-ethylhexyl)phthalate (DEHP)
Bromobenzene
Bromodichloromethane
BromoforCarbon tetrachloride
Chlordane
Chlorobenzene
Chlorodibromomethane
Chloroethane
Chloroform
2-Chlorophenol
Cumene (Isopropylbenzene)
DDT/DDE/DDD
Dibutylphthalate
Dichlorobromomethane
bis (2-chloroethyl) ether
Dieldrin

Dioxins
Dimethyl Sulfoxide (DMSO)
Dimethylnitrosamine
Ethylbenzene
Heptachlor
Hexachlorobutadiene
Hexachlorobenzene
Iron
Lindane
Dichlorobenzene
Methyl chloride (Chloromethane)
Methyl Ethyl Ketone
Methyl Isobutyl Ketone
Molybdenum
Xylenes
o-Chlorotoluene
o-Dichlorobenzene
p-Dichlorobenzene
p-Chlorotoluene
Phenanthrene
Phenols
Pyrene
Styrene
Tetrachloroethylene (Perchloroethylene)
Titanium
Toluene
Toxaphene (chlorinated camphene)
Trichloroethylene
Vinyl chloride
Tetrachloroethane
1,1,2-Trichloroethane
Dichloroethane
1,1-Dichloroethlyene
1,1-Dichloropropene
trans-1,2-Dichloroethylene
1,2,3-Trichloropropane
cis-1,2-Dichloroethylene
1,2-Dibromo-3-Chloropropane
1,2-Dichloropropane
1,3-Dichloropropane
1,3-Dichloropropene
2,2-Dichloropropane
2,4-Dinitrophenol
2,4-Dinitrotoluene
3,3-Dichlorobenzidiene
Volatile Organic Sulfides

C. The City reserves the right to modify this list of materials prohibited from entering the POTW.

D. Polychlorinated Biphenyls (PCBs): The PCB content of waste shall be nondetectable by EPA method 608.

SECTION 106 – Local Limitations for the Western Service Area

A. For the Western Service Area, no person shall discharge wastewater containing in excess of the following:

Western Regional Treatment Plant Local Limits

Pollutant	Daily Maximum (mg/L)
Antimony	2.71
Arsenic	0.13
Cadmium	0.03
Chromium, Total	3.27
Copper	0.55
Cyanide, Total	0.3
Lead	0.4
Mercury	0.017
Nickel	1.02
Selenium	0.24
Silver	0.09
Zinc	2.46
PCB 1016	ND(1)
PCB 1221	ND(1)
PCB 1232	ND(1)
PCB 1242	ND(1)
PCB 1248	ND(1)
PCB 1254	ND(1)
PCB 1260	ND(1)
Benzene	1.5
Ethylbenzene	1.5
Toluene	1.5
Xylenes	1.5
Total CWA Section 307 toxic pollutants unless controlled otherwise elsewhere within these regulations	30
All other CWA Priority Pollutants not elsewhere regulated	No discharge without prior written approval of the Authority.

Notes:

1. Polychlorinated Biphenyls (PCBs): The PCB content of waste shall be nondetectable by EPA method 608. DELCORA reserves the right to require any User reporting a detection level above 5 ug/l to demonstrate that a lower detection limit is not achievable.

B. PROHIBITED POLLUTANTS

No person shall discharge wastewater containing any of the EPA Priority Pollutants listed herein into DELCORA's facilities without first obtaining written permission from DELCORA.

Aluminum
Barium
Benzidine
Benzo(a)pyrene
Bromobenzene
Bromochloromethane
Carbazole
Carbon Disulfide
p-Chloroaniline
o-Chlorotoluene
p-Chlorotoluene
Cobalt
Cumene
Dibenzofuran
Dichlorobromomethane
Dieldrin
Diisobutylenes
Endrin Ketone
2-Hexanone
Isopropylbenzene
2-Methylnaphthalene
2-Methylphenol (o-Cresol)
4-Methylphenol (p-Cresol)
Methoxychlor
MEK (Methyl Ethyl Ketone) (2-Butanone)
MIBK (Methyl Isobutyl Ketone)
Molybdenum
o-Nitroaniline
m-Nitroaniline
p-Nitroaniline
Styrene
Tin
Titanium
Vanadium
1,1,1,2 – Tetrachloroethane
1,1 – Dichloropropane
1,2,3 – Trichloropropane

1,2 – Dibromoethane
1,2 – Dibromo-3-Chloropropane
1,3 – Dichloropropane
2,2 – Dichloropropane
2,4,5 – Trichlorophenol

DELCORA reserves the right to modify this list of prohibited pollutants at any time as may become necessary by virtue of new State or Federal regulations.

SECTION 107 – Repealer

All resolutions or parts of resolutions inconsistent herewith are repealed to the extent of such inconsistencies. This resolution repeals Resolution 2013-12.

SECTION 109 – Effective Date

This Resolution shall be effective November 1, 2026.

RESOLVED this 20th day of October 2026.

DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY

[SEAL]

BY: James R. Kern
James Kern, Chairman

ATTEST:

Kenneth Schuster, Secretary

Rev. August 11, 2011

DELCORA

ENFORCEMENT RESPONSE PLAN

INTRODUCTION AND PURPOSE

Delaware County Regional Water Quality Control Authority (DELCORA), as the owner and operator of the publicly owned treatment works, has the primary responsibility for enforcing all pretreatment requirements found in the Clean Water Act, the regulations enacted thereto, DELCORA's Wastewater Control Regulations and the DELCORA wastewater discharge permit. (Hereinafter, all requirements and obligations found in these documents shall be referred to as "pretreatment requirements"). The purpose of this Enforcement Response Plan is to ensure that DELCORA's responsibility is carried out in a consistent, systematic, and timely fashion. The goals of this Enforcement Response Plan are as follows:

1. to identify all instances of non-compliance with the pretreatment requirements; and
2. to ensure that the industrial user returns to compliance as quickly as possible and to ensure its continuing compliance thereafter; and
3. to penalize industrial users for their violations of the pretreatment requirements; and
4. to deter future violations of the pretreatment requirements; and
5. to recover any expenses incurred by DELCORA attributable to an industrial user's non-compliance.

This Enforcement Response Plan consists of six (6) sections.

TABLE OF CONTENTS

1. SECTION I - IDENTIFYING NON-COMPLIANCE

   This section will discuss how non-compliance will be investigated and identified. It will identify those individuals responsible for determining non-compliance and specify time frames for making non-compliance determinations.

2. SECTION II - ENFORCEMENT RESPONSES

   This section will discuss the appropriate enforcement response for all anticipated types of industrial user pretreatment requirement violations. Individuals responsible for implementing the enforcement response will be identified and time frames for the initiation and completion of the enforcement response established.

3. SECTION III - CALCULATION OF FINES

   This section will identify those instances of non-compliance which require DELCORA to seek fines against the industrial user (IU). Also, the method used to calculate these fines will be addressed. Mitigating factors, which may be considered by DELCORA in reducing the fine amount, will then be addressed.

4. SECTION IV - COMPLIANCE SCHEDULES

   Compliance Agreements will be the standard method of bringing an IU back into compliance. The content of the document will be discussed in this section.

5. SECTION V - AMENDMENTS TO ENFORCEMENT RESPONSE PLAN

6. SECTION VI - SUMMARY OF ENFORCEMENT RESPONSE PLAN OBLIGATIONS OF DELCORA PERSONNEL

SECTION I - IDENTIFYING NON-COMPLIANCE

The pretreatment technician (PT), along with the Manager of the Pretreatment Unit (Manager) or his designee, have the responsibility of determining non-compliance with all pretreatment requirements. The PT will determine if violations of any pretreatment requirements have occurred by taking the following action:

A. Review of Baseline Monitoring Reports (BMR), 90 Day Compliance Reports (90DCR), Periodic Compliance Reports (PCR), Spill or Slug Discharge Reports (oral and written), Responses to NOV's, Compliance Schedule Reports, and other Reporting Obligations as Contained in the IU's Permit

The Manager will determine when all reports are due. Failure to make timely reports should be discovered within 10 days after the report's due date and the appropriate enforcement response discussed in Section II should be initiated.

All reports should be reviewed within 30 days upon receipt to determine if they are complete and whether they indicate any violation of the pretreatment requirements.

B. Independent Sampling Verification

The PT will independently sample all significant industrial users (SIU) at least twice per year and all industrial users (IU) at least once per year. The PT may sample an IU as many times per year as the Manager deems necessary in order to determine: 1) the potential for pretreatment violations; 2) the frequency, duration, and magnitude of the violations; 3) whether the IU is taking remedial actions to correct his violations of the pretreatment requirements; and 4) to ensure that the industrial user returns as quickly as possible to full compliance.

All samples shall be taken using standard chain of custody forms.

The DELCORA Central Laboratory or a designated contract laboratory will then analyze the sample for all parameters as designated by the PT and transmit its laboratory analysis to the Pretreatment Unit as follows: (1) for organics analysis: within 60 days of sample date; (2) for inorganics and conventional pollutants: within 30 days of sample date. Within 10 days thereafter, the laboratory's report will be reviewed by the PT for discharge violations. All lab results must be reproduced as a file copy to be attached to the chain of custody forms which will be placed in the IU's verification monitoring report (VMR) files. All IU's will be sent a copy of the lab results.

C. Inspections

All SIU's shall undergo a formal (comprehensive) inspection at least once per calendar year. All IU's shall undergo an informal inspection by the pretreatment technician at least once per year. The Manager and/or PT may conduct as many inspections of an IU as the Manager deems necessary to determine: 1) the potential for pretreatment violations, 2) the frequency, duration, and magnitude of the violations, 3) whether the IU is taking the corrective action as promised or as agreed to in his permit agreement or consent order, and 4) to ensure to the Manager's satisfaction that the industrial user is using its best efforts to return to compliance or prevent future non-compliance.

Formal pretreatment inspection forms shall be completed for the annual inspection and may be utilized for each subsequent inspection occurring that year. All completed inspection forms shall be placed in the IU's correspondence file. All IU's will be sent a copy of the completed formal inspection form.

D. Screening Process for Identifying SIU's

The formalized screening process for identifying SIU's is carried out on a continuing basis by the pretreatment unit within the process group and the Manager or his designee. This process determines whether industries and/or other non-domestic dischargers should be considered SIU's. This is accomplished through the use of annually-generated industrial directories, water company sales records, sewer sales records, business license listings or any other information which may become available.

Where information indicates that an IU could be classified as an SIU, then that industry shall undergo a formal inspection prior to a final determination by the Manager. A copy of the formal inspection shall be kept on file in the Pretreatment Unit. From this information, a permit shall be drafted and publicly noticed. A final permit shall then be issued. Upon issuance, the Manager or his designee shall assign a PT to monitor the permit.

E. Compliance Schedules

Certain industries will be operating under compliance schedules. These compliance schedules will establish milestone dates for actions to ensure compliance with pretreatment requirements (for example, hire an expert, purchase equipment, have equipment on line, etc.). The compliance schedule will also require the industry to notify the PT at each step as to whether the action has been completed. Compliance schedules may be contained in compliance agreements, administrative orders, consent decrees or the permit.

The PT must carefully monitor these compliance schedules to determine if the action has been completed on a timely basis and whether the proper notifications have been submitted. Violation of any compliance schedule deadline or notification requirement should be identified within 15 days after the milestone or reporting date has passed and the appropriate enforcement response discussed in Section II.A. should be initiated.

F. Records

The PT shall maintain all supporting documentation regarding all pretreatment violations and enforcement activities in the IU's active file for three (3) years. After three (3) years, the records shall be placed in storage.

SECTION II – ENFORCEMENT RESPONSES

A. Enforcement Response Options and Selection

All violations of the pretreatment requirements are instances of non-compliance and will receive a specific enforcement response. Pretreatment requirements are a matter of strict liability. Hence, good faith or lack of negligence on the industrial user's part is no defense to a violation of the pretreatment requirements.

The enforcement responses will range from notices of violation to formal civil litigation and/or termination of service, depending on the severity of the violation. A list of the enforcement responses, along with the personnel who will be implementing these responses, are described in Section II.E.

While similar violations will receive similar enforcement responses, as outlined in Section II. F, there is some inherent discretion within each enforcement response selection. For example, some violations will trigger either administrative action, formal civil litigation or permit revocation. The selection of the specific enforcement response option shall be at DELCORA's sole discretion.

B. Significant Non-Compliance (SNC)

An Industrial User is in significant non-compliance if the violation meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Article 200 and Section 201 of DELCORA's Sewer Use Ordnance;

2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Article 200 and Section 201 of DELCORA's Sewer Use Ordnance, multiplied by the applicable TRC value. The TRC values are:

   a) TRC = 1.4 for BOD, TSS, fats, oils and grease;
   b) TRC = 1.2 for all other pollutants except pH;

   Note: The City of Philadelphia uses different criteria and their criteria will apply in the Eastern Service Area.

3. Any other violation of a Pretreatment Standard or Requirement as defined in Article 200, Section 201, and Section 401 of DELCORA's Sewer Use Ordnance (Daily, maximum or long-term average, Instantaneous limit, or narrative standard) that DELCORA determines has caused, alone or in combination with

other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

5. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a User permit, control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

6. Failure to provide, within thirty (30) days after the due date, required reports including but not limited to baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, Significant Industrial User reports, and reports on compliance with compliance schedules;

7. Failure to accurately report non-compliance; and/or

8. Any other violation or group of violations, which may include a violation of Best Management Practices (BMPs), which DELCORA determines will adversely affect the operation or implementation of the local Pretreatment program.

C. Enforcement Response to SNC

Violations of the pretreatment requirements which constitute significant non-compliance are considered to be the most serious violations and therefore require a strong and immediate enforcement response. The enforcement response to any instance of significant non-compliance will be as follows:

1. All instances of significant non-compliance will be immediately called to the attention of the Manager or his designee.

2. If the SNC is such that imminent harm occurs to the DELCORA treatment plant, its employees or the environment, the Manager and, if required, the pretreatment attorney, will take immediate steps to cease the violation. This action may be either an immediate permit revocation, civil action with injunction or any other steps necessary to prevent the harm from continuing including the immediate termination of sewer service.

3. If the SNC is such that it will not cause imminent harm to the DELCORA treatment plant, its employees or the environment, then the Manager will promptly send the offending IU a Notice of Violation (as attached in Exhibit A) informing him that he is in significant non-compliance and that formal civil litigation and/or administrative action (which may include the revocation of the IU's wastewater discharge permit or termination of service) will be commenced if the matter cannot be resolved within 30 days from the date of that notice. DELCORA's Executive Director, at his discretion, should he decide to pursue civil litigation, may attach to this Notice of Violation a copy of a complaint in

equity which will be filed if a resolution does not occur within 30 days. The filing of this complaint or the initiation of administrative action may be delayed at the Executive Director's discretion and only in the following situations: (1) additional information needs to be gathered by DELCORA in order to frame the proper allegations and corrective measures asked for in the complaint or administrative order or; (2) where effluent violations result in SNC and the IU has agreed in writing to retain the services of a licensed, professional engineer specializing in wastewater pretreatment to design a pretreatment system. Additional time may be allowed for the engineer to prepare his report so that a compliance schedule can be formulated.

4. The pretreatment attorney, the Manager or his designee, and/or PT shall be available to meet with the offending industrial user during this 30 day period following the Notice of SNC.

5. If an agreement is reached involving the implementation of a compliance schedule, that compliance schedule shall be attached to, and become part of, the IU's Wastewater Discharge Permit.

6. SNC fines will be based on severity and/or duration.

7. If the SNC results in DELCORA being fined, damages to DELCORA or additional treatment costs being incurred by DELCORA, then the offending IU shall pay these costs to DELCORA.

8. At least once a year, DELCORA shall publish in the largest daily newspaper published in Delaware County, a notice to the public Industrial Users which were in significant non-compliance. This notice shall include the name(s) and address(es) of the User and may also include additional information such as the duration of the violation, nature of the violation, compliance action taken (if any), whether the User is currently complying with a compliance schedule and whether the User has returned to compliance. At the discretion of DELCORA, the type of enforcement action undertaken may also be reported. This provision does not prohibit the publication of the notice in more frequent intervals or by the City for Users in the Eastern Service Area.

9. In addition to utilizing the actions contained in numbers 1-8 immediately above, nothing shall preclude the pretreatment attorney, Executive Director or the Manager or his designee from taking additional actions to ensure an immediate return to compliance.

D. Enforcement Response Options

Abbreviation	Response
AO	Administrative Order
ATC	Additional Treatment Costs (Payment for all additional treatment costs incurred by DELCORA as a result of an IU's non-compliance with pretreatment requirements)
CL	Civil Litigation (which may include injunctive relief, if appropriate)
CR	Cost Recovery (Payment for all damages incurred by DELCORA as a result of an IU's non-compliance with pretreatment requirements)
CRIM	Referral for Criminal Prosecution
CS	Compliance Schedule
FD	Fine Discretionary
FM	Fine Mandatory
FR	Fine Recovery (The reimbursement of any fines levied against DELCORA by any other agency as a result of an IU's non-compliance with pretreatment requirements)
M	Meeting with IU to resolve non-compliance
NOV	Notice of Violation (Attached as Exhibit A)
R	Revocation of Wastewater Discharge Permit
SNC	Enforcement Response to Significant Non-Compliance (Section II.C)
T	Termination of Sewer Service

E. Enforcement Response Personnel

Abbreviation	Personnel
ATT	DELCORA's Pretreatment Attorney
M	Manager, Pretreatment Unit or Designee
L	Laboratory Personnel
PT	Pretreatment Technicians
ED	Executive Director or Director of Engineering (Designee)

F. Enforcement Responses

1. Effluent Limit Violation – by SIU

Nature of Violation	Enforcement Response	Personnel
a) Infrequent, no harm to DELCORA or environment	NOV	PT, M
b) Recurring, no harm to DELCORA or environment	level 1: NOV, M, FD level 2: CS, FM	PT, M M, ED
c) Violation causes harm to DELCORA or environment	SNC	M, ATT, ED
d) Chronic violations (see Section II. B.1)	SNC	M, ATT, ED
e) Accidental or slug discharge, isolated no harm	level 1: NOV, ATC level 2: CS, FD	PT, M M, ED
f) Accidental or slug discharge, recurring no harm	level 1: NOV, M, FD, ATC level 2: CS, FM, AO	PT, M M, ATT, ED
g) Accidental or slug discharge, harm to DELCORA	SNC	M, ATT, ED
h) Interference or pass through	SNC	M, ATT, ED
i) Any intentional violation without prior notice to and approval by DELCORA	level 1: CRIM, FM, AO, CL, FR, CR, ATC level 2: T	M, ATT, ED ED, ATT

2. POTW Verification Sampling Violation

Nature of Violation	Enforcement Response	Personnel
a) Effluent limit violation for any parameter	NOV, FD	PT, M
b) Resample, violations continue to be detected	level 1: NOV, M, CS, FD level 2: CL, AO, FM	PT, M M, ATT, ED

3. Self Monitoring (Sampling) Violation

Nature of Violation	Enforcement Response	Personnel
a) Failure to monitor as frequently as required in permit (1st violation)	NOV	PT, M
b) Recurring failure to monitor as required in permit after notification by DELCORA	level 1: NOV, M, FD level 2: AO, CL, FM	PT, M M, ATT, ED
c) Incomplete monitoring, monitoring fails to test for all permit parameters, 1st violation	NOV	PT, M
d) Incomplete monitoring, monitoring fails to test for all permit parameters, recurring violations	level 1: NOV, FD, M level 2: AO, CL, FM	PT, M M, ATT, ED
e) Failure to monitor in accordance with the procedures contained in the permit, 1st violation	NOV	PT, M
f) Failure to monitor in accordance with procedures contained in the permit, recurring	level 1: NOV, FD, M level 2: AO, CL, FM	PT, M M, ATT, ED

4. Reporting Violations

Nature of Violation	Enforcement Response	Personnel
a) Report is between 5 and 30 days late, isolated event	NOV, FD	PT, M

b) Report is between 5 and 30 days late, recurring events	NOV, M, FM	PT, M
c) Report is over 30 days late	SNC	M, ATT, ED
d) Report is improperly signed or certified (1st violation)	NOV	PT, M
e) Report is improperly signed or certified after notice by DELCORA	NOV, M, FD	PT, M
f) Failure to give one hour telephone notice to report accidental discharge, (spill or slug load) no harm (1st violation)	NOV	PT, M
g) Failure to give one hour telephone notice to report accidental discharge, (spill or slug load) no harm, recurring	level 1: NOV, M, FD level 2: AO, FM	PT, M M, ED
h) Failure to give one hour telephone notice to report accidental discharge, (spill or slug load), results in harm	SNC	M, ATT, ED
i) Failure to submit written report within five (5) days after accidental discharge (no harm) 1st violation	NOV	PT, M
j) Failure to submit written report within five (5) days after accidental discharge (recurring)	level 1: NOV, M, FD level 2: AO, FM	PT, M M, ED
k) Failure to notify DELCORA within 24 hours of becoming aware of a sample which violates the industrial user's effluent limits and to report the next sample that shows a return to compliance (1st violation)	NOV, FD	PT, M

l) Failure to notify DELCORA within 24 hours of becoming aware of a sample which violates the industrial user's effluent limits and to report the next sample that shows a return to compliance (recurring)	level 1: NOV, M, FD level 2: AO, CL, FM	PT, M M, ATT, ED
m) Failure to report non-compliance accurately	SNC, CRIM, T	M, ATT, ED

5. Compliance Schedule Violations [1]

Nature of Violation	Enforcement Response	Personnel
a) Missed milestone date by less than 45 days	NOV, FD	PT, M
b) Missed milestone date by 45 days or more [2]	SNC, T	M, ATT, ED
c) Failure to give notice as required in the compliance schedule (initial violation)	NOV, FD	PT, M
d) Failure to give notice as required in the compliance schedule, recurring	level 1: NOV, M, FD level 2: AO, FM	PT, M M, ED

[1] Penalties for violation of compliance schedule milestone dates may be contained in the compliance schedule itself, administrative order or consent decree. Where these penalty provisions exist, penalties for those violations will be levied in accordance with those terms and conditions. If no such provisions exist then the penalties will be levied in accordance with the above enforcement responses.

[2] If an IU wishes to avoid being in SNC, it must notify DELCORA in writing prior to being 45 days late and must explain its reasons for the delay. If DELCORA believes that the delay is caused by factors completely outside of the control of the industrial user then DELCORA may extend the milestone deadline. Such extension would therefore prevent the IU from violating its milestone date and therefore the IU would not be in SNC. DELCORA will not grant extensions unless the IU clearly establishes its entitlement in a timely manner.

6. Unauthorized Discharges (No Permit)

Nature of Violation	Enforcement Response	Personnel
a) IU unaware of requirement, no harm to DELCORA or environment	NOV, FD	PT, M
b) IU unaware of requirement, harm to DELCORA or environment	NOV, FM, AD	M, ATT, ED
c) Failure to apply for a permit continues after notice by DELCORA	level 1: NOV, FD level 2: AO, FM, T	PT, M M, ED
d) IU has failed to renew its wastewater discharge permit	level 1: NOV, FD level 2: AO, FM, T	PT, M M, ED

7. Other Permit Violations

Nature of Violation	Enforcement Response	Personnel
a) Waste streams are diluted in lieu of treatment, unintentional	level 1: NOV, FD, M level 2: CS, AO, CL, FD	PT, M M, ATT, ED
b) Waste streams are diluted in lieu of treatment, intentional	NOV, FM, CL, CRIM, T	M, ATT, ED
c) Inadequate record keeping, initial	NOV	PT, M
d) Inadequate record keeping, recurring, after notice by DELCORA	level 1: NOV, FD, M level 2: AO, FM	PT, M M, ATT, ED
e) Failure to mitigate non-compliance, initial	NOV, FD, ATC, CR	PT, M, ED
f) Failure to mitigate non-compliance after notice by DELCORA	level 1: NOV, FM, M, ATC, CR level 2: AO, CL, R, T	PT, M M, ATT, ED
g) Failure to allow inspector to inspect premises or to provide records as requested	level 1: NOV, FD, M level 2: AO, CL, FM, CRIM	PT, M M, ATT, ED

h) Failure to notify DELCORA in advance of any substantial change in volume or character of pollutants including any change in its hazardous waste notification	NOV, FD	PT, M

8. Violations of Best Management Practices (BMP)

Nature of Violation	Enforcement Response	Personnel
a) Violations of BMPs	NOV, FD depending on the circumstances	PT, M

G. Time Frame for Responses

1. Initial Enforcement Response (level 1)

a) Late Reports - Enforcement response should be initiated within 5 days after determination that report is late.

b) Report Review - After a report has been reviewed and any non-SNC violation determined, the appropriate response shall be initiated within 5 days.

c) All other non-SNC - violations Enforcement response of the pretreatment standards should be initiated within 10 days of discovery by DELCORA of the violation.

2. Escalating Enforcement Response (level 2)

The level 2 enforcement response should be initiated within 30 days after it is judged by DELCORA personnel that the level 1 response is ineffective in correcting the violation.

3. Significant Non-Compliance

Enforcement responses should be initiated according to the time frames established in Section II. C.

H. Additional Responses

The enforcement responses contained in Section II.F. are general guidelines and do not limit or restrict DELCORA's ability to take any other or more severe enforcement actions where DELCORA, in its sole discretion, deems it appropriate.

SECTION III – CALCULATION OF FINES

A. Section II. F., Enforcement Response, states those violations for which fines are mandatory or discretionary.

B. For those violations for which fines are discretionary, DELCORA will consider the following factors in determining whether fines should be assessed:

1. Reasons for non-compliance
2. Compliance History - DELCORA will examine the IU's history of compliance for the specific violation as well as for all other permit terms and conditions
3. Good faith compliance efforts - Good faith compliance efforts consist of the following actions:

   a) whether the IU has responded to the NOV within 30 days

   b) the actions the IU has taken or will take to ensure a return to compliance

   c) the timeliness of these corrective actions

C. Where the violation of a pretreatment standard requires a fine, either where a fine is mandatory or DELCORA has determined that a fine is appropriate pursuant to Section II. F. and III. B., the fine shall be $1,000 per violation per day. The $1,000 per violation per day fine is subject to increase to the maximum amount as allowed by law.

D. Calculation of Maximum Fines

The maximum amount of fines for pretreatment violations will be calculated as follows:

1. Fines for violations of the daily maximum effluent limit shall be $1,000 per day, up to the maximum allowed by law, for each and every parameter violated.
2. Violations of the monthly average effluent for any parameter shall be considered as violations for each and every day within that month and therefore a $1,000 per day fine, up to the maximum allowed by law, for all days in that month will be assessed.
3. For each day any report is late, a $100 fine will be assessed.
4. If an IU fails to self monitor then a fine of $1,000, up to the maximum allowed by law, will be assessed for each parameter that the IU fails to monitor.
5. Accidental Spill. A $1,000 fine will be assessed for each of the following: 1) the accidental spill, 2) the failure to give DELCORA one hour notice, if appropriate, and 3) the failure to follow-up with a five day notice of the spill, if appropriate.
6. All other violations will be assessed a penalty of $1,000 per day, up to the maximum allowed by law, for each day that the violation continues.

E. Reduction of Maximum Fines

The calculations in Section III. D. 1. through 6. are the maximum fines which can be assessed against an IU for violating the pretreatment requirements.

DELCORA has the discretion to reduce the maximum fine in accordance with the general guidelines listed immediately below and contained in this section. In determining whether a fine reduction is warranted, DELCORA will consider the following factors ("factors"):

1. Reasons for violation
2. Magnitude of violation
3. Duration of violation
4. Effect of violation on receiving water or sludge
5. Effect of violation on the treatment plant or its employees
6. Compliance history of industrial user
7. IU's response to violation. How quickly IU has responded to NOV and timeliness of its remedial actions.

Where DELCORA has determined that a reduction in the maximum fine is warranted, DELCORA shall use the following general guidelines in reducing the fine:

1. First, the maximum fine shall always be calculated. The maximum fine is calculated in accordance with Section III. D. 1. through 6.

2. A "reduced fine amount" is next calculated. The reduced fine shall be the fine which the IU must pay to DELCORA within thirty (30) days, unless an appeal is properly filed. The reduced fine is calculated as follows:

    a. All daily effluent violations are totaled and multiplied by $1,000 per violation per day. A reduction in the amount per violation per day may be allowed based on the factors previously outlined in this section.

    b. Each monthly average violation, which normally would be calculated as 30 days of violations, may be treated as low as one day of violation if DELCORA determines that such reduction is warranted given the factors previously outlined in this section.

    c. Similarly, reporting violations are fined at $100 per day for each day late. However, this may be reduced based on the factors previously outlined in this section

    d. All violations of self-monitoring are assessed at $1,000 per parameter not monitored. A reduction in the amount per violation per day may be allowed based on the factors previously outlined in this section.

    e. The reduced fine will be the sum of a. through d.

f. In certain situations, the reduced fine may be further reduced by up to 30% if all of the following conditions are met:

1) DELCORA is convinced that the IU is using its very best efforts to immediately return to compliance; and 2) DELCORA is convinced that the violation will not recur; and 3) DELCORA determines that this additional reduction is warranted under the factors previously discussed in this section.

SECTION IV - COMPLIANCE SCHEDULES

A. Introduction

Some violations of the pretreatment requirements will require that a Compliance Schedule be entered into. The Compliance Schedule will have as its major goal the establishment of milestone dates for the completion of certain specified events leading the IU to full compliance with all pretreatment requirements as quickly as possible.

B. Compliance Schedules

1. While compliance schedules may be appropriate in other instances of non-compliance, they will most often be used to correct effluent limit violations. While precise milestone events may differ from case to case, as a general rule they should, at a minimum, contain the following events with a corresponding milestone completion date:

a. Hire a licensed professional engineer specializing in wastewater pretreatment to evaluate the industrial user's processes and to develop a pretreatment system designed to bring the IU into full compliance with all pretreatment requirements.

b. Licensed professional engineer must submit a detailed plan of the proposed pretreatment system to DELCORA for its review. The plan must state in detail all steps necessary for the IU to achieve full compliance with all pretreatment requirements.

c. Purchase all necessary pretreatment equipment. Along with the IU's standard compliance notification, the IU must attach copies of the purchase orders for the equipment.

d. Install all necessary pretreatment equipment.

e. Debug and test the pretreatment equipment and have it on line and in operation.

f. Test period - maintain a 95% compliance rate for a period of 90 consecutive days as to all pretreatment requirements.

2. Within ten (10) working days after the completion date for each milestone event, the IU must notify DELCORA in writing as to whether the event has been completed. If the event was not completed, the notice must state the reasons for the failure, the expected completion date of the event, and the steps to be taken to avoid further delays. This notice does not excuse the IU for its failure to meet the milestone dates.

SECTION V - AMENDMENTS TO ENFORCEMENT RESPONSE PLAN

The Enforcement Response Plan may be amended at any time and for any reason at the sole discretion of DELCORA.

SECTION VI - SUMMARY OF ENFORCEMENT RESPONSE PLAN OBLIGATIONS OF DELCORA PERSONNEL

This section briefly summarizes the obligations of the Pretreatment Group personnel found in Section I through V of the Enforcement Response Plan.

Obligation	Time Frame	Personnel
I. Reports		
A. determine timeliness of all reports	w/in 10 working days of due dates	PT
B. review all reports	w/in 10 working days of receipt	PT, M
C. initiate appropriate enforcement response for all non-SNC violations	a) w/in 10 working days after timeliness determination has been made b) w/in 10 working days after report has been reviewed	PT, M PT, M
D. initiate level 2 enforcement if necessary	w/in 30 days after level 1 has failed	M, ATT, ED
E. initiate appropriate enforcement response for any SNC violation	w/in 30 days after discovery of violation in accordance w/ Section II.C. of the Enforcement Response Plan	M, ATT, ED
II. Independent Sampling		
A. sample all SIU's	at least twice per year	PT
B. sample all IU's	at least once per year	PT

III. Analyze Samples		
A. organics	w/in 60 days of sample event	Lab
B. inorganics & conventional pollutants	w/in 30 days of sample event	Lab
C. review lab results	w/in 10 working days of receipt from lab	PT, M
IV. Effluent Limits		
A. initiate appropriate enforcement response for any effluent limit violation	a) w/in 10 working days of receipt of lab results b) if SNC, in accordance with Section II.C.	PT, M M, ATT, ED
B. initiate level 2 enforcement if necessary	w/in 30 days after level 1 enforcement has failed	M, ATT, ED
V. IU Self-Monitoring		
A. initiate appropriate enforcement response for any self-monitoring violation	w/in 10 working days of discovery of violation	PT, M
B. initiate level 2 enforcement if necessary	w/in 30 days after level 1 has failed	M, ATT, ED
VI. Inspections		
A. formal inspection of all SIU's	at least once per calendar year	M
B. informal inspection of all IU's	at least once per year	PT
C. initiate enforcement response	w/in 10 working days after discovery of violation through inspection	M

VII. Compliance Schedule

A. initiate appropriate enforcement response for any missed milestone dates	w/in 10 working days of any missed milestone date	M
B. initiate SNC enforcement if necessary for continuing missed milestone dates	w/in 60 days after any missed milestone date	M, ATT, ED

VIII. All Other Permit Violations

A. initiate appropriate enforcement response	a) w/in 10 working days of discovery of violation	M
	b) if SNC, in accordance with Section II.C.	M, ATT, ED
B. initiate level 2 enforcement, if necessary	w/in 30 days after level 1 enforcement has failed	M, ATT, ED

EXHIBIT A

NOTICE OF VIOLATION
SAMPLE LETTER

DATE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NAME
COMPANY
ADDRESS
CITY, STATE, ZIP CODE

Re: Notice of Violation

Dear _____:

In accordance with the Enforcement Response Guide, DELCORA is officially serving notice of the following violations of DELCORA's Standards, Rules and Regulations of 1991.

DATE	VIOLATION	REFERENCE
April 21, 2010	Failure To Monitor (BOD 5, TSS)	Permit #1DE-01-04 Part II A
April 29, 2010	Failure To Monitor (BOD 5, TSS)	Permit #1DE-01-04 Part II A
April 30, 2010	Failure To Monitor (TSS)	Permit #1DE-01-04 Part II A

The above information is based on composite and/or grab samples not taken by (PERMIT COMPANY NAME) personnel at (ADDRESS OF LOCATION).

This letter does not waive, either expressly or by implication, the power or authority of DELCORA to further prosecute for any and all violations arising prior to or after the issuance of this letter or the conditions upon which this letter is based.

If additional information regarding this matter is required, feel free to contact me at (610) 876-5523, extension 213.

Sincerely,

Laboratory & Pretreatment Manager

cc: Director of Engineering, DELCORA
File Copy

DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY

RESOLUTION NO. 2014-10

ADOPTED SEPTEMBER 16, 2014

REPEALING RESOLUTION 2008-03 AND ESTABLISHING PERMIT FEES FOR CONNECTION AND DISCHARGE TO DELCORA OWNED SEWER SYSTEMS, FOR REPAIRS OR RECONSTRUCTION OF SUCH CONNECTIONS

BE IT RESOLVED by the Delaware County Regional Water Quality Control Authority ("DELCORA") that in accordance with Resolution No. 2011-04; Sections 301, 303, 305, 307, 308, 309, 310, 313, 314, and 501, fees for connection and discharge to DELCORA owned sewer systems, for repairs or reconstruction of such connections shall be as follows:

Section 1. Primary Residential and Commercial Users Sewer Connection Permits

A. New Lateral Connections, 6 Inches in Diameter or Less:

Single Connections:	$250
Multiple Connections:	$250 for the first connection
	$100 for each additional connection

B. New Lateral Connections, Over 6 Inches in Diameter:

Single Connections:	$340
Multiple Connections:	$340 for the first connection
	$100 for each additional connection

C. Repair, Capping or Reconstruction of Lateral Connections:

Single Connections:	$190
Multiple Connections:	$190 for the first connection
	$125 for each additional connection

D. For new developments, where the owner will install new sewer mains and transfer ownership of the mains to DELCORA:

DELCORA will require the developer to enter into a Developer's Agreement to escrow funds for engineering review, sewer capacity determinations, construction inspection, as-built plans, geographic information system plan conversions, sewer televising and testing, and sewer connection permits.

For in-fill developments and building conversions:

Where existing sewer lines will be used, DELCORA reserves the right to bill the developer for sewer capacity studies to ensure that the sewer lines will handle increased flows.

Section 2. All terms used herein shall be consistent with the definitions in Resolution No. 2011-04, DELCORA Standards, Rules & Regulations.

Section 3. The fees stated in the Resolution are effective January 1, 2015, and shall remain in effect until modified by DELCORA.

Section 4. Resolution 2008-03 and all other resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

RESOLVED this **16th** day of **September, 2014**.

DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY

[SEAL]

BY: _____
Stanley R. Kester, Chairman

ATTEST:

_____
David G. Gorbey, Secretary

DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY

RESOLUTION NO. 2014-11

ADOPTED SEPTEMBER 16, 2014

REPEALING RESOLUTION 2008-03 AND ESTABLISHING PERMIT FEES FOR INTRODUCTION OF INDUSTRIAL WASTEWATERS INTO ANY SEWER SYSTEMS WHERE SUCH WASTEWATERS WILL ULTIMATELY FLOW INTO DELCORA OWNED FACILITIES.

BE IT RESOLVED by the Delaware County Regional Water Quality Control Authority ("DELCORA") that in accordance with Resolution No. 2011-04, Sections 301, 303, 305, 307, 308, 309, 310, 313, 314, and 501, fees for wastewater discharge permits for the discharge of industrial wastewaters into DELCORA owned or tributary sewer systems shall be as follows:

Section 1. Pretreatment Program Fees

A. Non-refundable application processing fee for wastewater discharge permit for the discharge of non-domestic wastewater to a DELCORA owned or tributary sewer system applicable to new and renewing industrial users:

1. Categorical Industrial User (CIU)

a) Zero Discharge	$ 200.00
b) 1 – 24,999 gallons per day	$ 450.00

2. Significant Industrial User (SIU) and CIU

a) 25,000 – 99,999 gallons per day	$ 450.00
b) 100,000 – 999,999 gallons per day	$ 700.00
c) 1,000,000 or greater gallons per day	$ 950.00

3. Non-Significant Industrial User (NSIU) – any industrial user or non-domestic user discharging <25,000 gallons per day, exempt from Federal Limitations but required by DELCORA to maintain an industrial user permit:

a) 0 – 24,999 gallons per day	$ 200.00

4. Temporary Discharge Permit – permitted discharge period shall not exceed 90 days in duration:

a) NSIU	$ 250.00

5. Fee for modification of wastewater discharge permit

a) SIU or CIU	$ 500.00
b) NSIU	$ 250.00

B. Non-refundable pretreatment maintenance fee for all industrial users issued a wastewater discharge permit:

1. Applicable to Categorical Industrial User (CIU), Significant Industrial User (SIU), and Non-Significant Industrial User (NSIU)

   a) Annual Fee $ 300.00

2. Not applicable to industrial users issued a Temporary Discharge Permit

The application processing fees are based off of permitted flows. In addition to the above fees, industrial users may be charged the cost of any special consultants, laboratory tests, or special evaluations required by DELCORA to evaluate the discharge from new or existing users. DELCORA may bill for analytical services required in the administration of the pretreatment program.

Section 2. All terms used herein shall be consistent with the definitions in Resolution No. 2011-04, DELCORA Standards, Rules & Regulations.

Section 3. The fees stated in the Resolution are effective January 1, 2015, and shall remain in effect until modified by DELCORA.

Section 4. Resolution 2008-03 and all other resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

RESOLVED this **16th** day of **September, 2014**.

DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY

[SEAL]

BY: Stanley R. Kester
Stanley R. Kester, Chairman

ATTEST:

David G. Gorbey, Secretary