

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS**I. E. IDENTIFICATION OF COMBINED SEWER OVERFLOW DISCHARGES**

The outfalls identified below serve as combined sewer overflows necessitated by storm water entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant and are permitted to discharge only for such reason. Dry weather discharges from these outfalls are prohibited. Each discharge shall be monitored for cause, frequency, duration, and quantity of flow. The data must be recorded on the DEP provided supplemental DMR forms and reported monthly as an attachment to the regular Discharge Monitoring Report (DMR) or as otherwise provided for in the permit.

Outfall #	Name of Outfall and/or Street Location	Receiving Stream Name	Location	
			Latitude	Longitude
003	WWTP overflow @Cedar Ave and Breck St.	Lackawanna River	41° 23' 21.96"	75° 41' 26.037"
004	Wells Street	Lackawanna River	41° 26' 36.737"	75° 38' 34.575"
005	Love Place	Lackawanna River	41° 26' 8.235"	75° 39' 31.062"
006	Gardener Avenue	Lackawanna River	41° 25' 46.481"	75° 39' 37.207"
007	Philo Street	Lackawanna River	41° 25' 43.454"	75° 39' 39.228"
008	Hawk Street	Lackawanna River	41° 25' 40.361"	75° 39' 39.464"
009	Meade Street	Lackawanna River	41° 25' 38.179"	75 39' 39.289"
011	Von Storch Avenue	Lackawanna River	41° 25' 30.708"	75° 39' 31.392"
012	Grove Street	Lackawanna River	41° 25' 28.317"	75° 39' 31.092"
013	24" Poplar Street	Lackawanna River	41° 25' 20.889"	75° 39' 29.003"
014	90" Poplar Street	Lackawanna River	41° 25' 20.721"	75° 39' 29.189"
015	Gordon Avenue	Lackawanna River	41° 24' 54.198"	75° 39' 50.992"
016	Pettibone Street	Lackawanna River	41° 24' 51.216"	75° 39' 59.416"
017	Vine Street	Lackawanna River	41° 24' 51.578"	75° 39' 55.478"
018	Love Road	Lackawanna River	41° 24' 49.704"	75° 40' 2.824"
019	Linden Street	Lackawanna River	41° 24' 44.879"	75° 40' 6.713"
020	East Lackawanna Avenue	Lackawanna River	41° 24' 39.447"	75° 40' 15.846"
021	West Scranton	Lackawanna River	41° 24' 38.087"	75° 40' 27.814"
022	Washburn Street	Lackawanna River	41° 24' 30.46"	75° 40' 33.208"
023	Luzerne Street	Lackawanna River	41° 24' 7.983"	75° 40' 27.551"
024	Hickory Street	Lackawanna River	41° 24' 12.735"	75° 40' 14.697"
025	Willow Street	Roaring Brook	41° 24' 2.692"	75° 40' 11.43"
026	West Elm Street	Lackawanna River	41° 23' 57.922"	75° 40' 36.159"
027	South Washington Avenue	Lackawanna River	41° 23' 49.417"	75° 40' 36.331"
028	Fig Street	Lackawanna River	41° 23' 38.712"	75° 40' 38.416"
029	Genet Street	Lackawanna River	41° 23' 32.903'	75° 40' 51.975"
030	Prescott Street	Roaring Brook	41° 24' 3.221"	75° 39' 8.011"
031	Leggetts Creek	Lackawanna River	41° 26' 41.736"	75° 38' 36.036"
032	Watkins Street	Lackawanna River	41° 26' 39.067"	75° 38' 35.018"
033	West Parker Street	Lackawanna River	41° 26' 27.73"	75° 38' 32.036"
034	East Parker Street	Lackawanna River	41° 26' 22.846"	75° 38' 25.773"
035	Sanderson Avenue	Lackawanna River	41° 26' 3.33"	75° 38' 47.476"
036	Tioga Avenue	Lackawanna River	41° 26' 9.488"	75° 38' 51.717"
037	Brown Street	Lackawanna River	41° 26' 14.303"	75° 38' 53.79"
038	Wurtz Avenue	Lackawanna River	41° 26' 17.342"	75° 38' 55.807"
040	West Market Street	Lackawanna River	41° 26' 12.881"	75° 39' 22.066"
043	Olive Street	Lackawanna River	41° 24' 57.132"	75° 39' 49.876"
044	East Scranton Street	Lackawanna River	41° 24' 37.297"	75° 40' 26.912"

Outfall #	Name of Outfall and/or Street Location	Receiving Stream Name	Location	
			Latitude	Longitude
045	Emmett Street	Lackawanna River	41° 24' 18.051"	75° 40' 17.55"
047	Broadway Street	Lackawanna River	41° 24' 14.924"	75° 40' 16.557"
048	Alder Street	Lackawanna River	41° 24' 7.888"	75° 40' 16.135"
049	River Street	Roaring Brook	41° 24' 8.746"	75° 39' 55.773"
050	Schimpff Court	Roaring Brook	41° 24' 8.519"	75° 39' 56.123"
051	Birch Street	Lackawanna River	41° 23' 49.417"	75° 40' 36.331"
052	Wyoming Avenue	Lackawanna River	41° 23' 49.417"	75° 40' 36.331"
053	Cedar Avenue	Stafford Meadow Brook	41° 23' 41.154"	75° 40' 23.938"
055	Drinker Place	Lackawanna River	41° 26' 3.609"	75° 38' 45.657"
056	Boulevard Avenue	Lackawanna River	41° 26' 3.129"	75° 38' 46.293"
057	Richmont Street	Lackawanna River	41° 26' 3.129"	75° 38' 46.293"
058	Grandview Street	Lackawanna River	41° 26' 4.643"	75° 38' 43.444"
059	Woodlawn Street	Lackawanna River	41° 26' 7.62"	75° 38' 39.368"
060	Park Street	Lackawanna River	41° 26' 11.031"	75° 38' 35.118"
061	Morel Street	Lackawanna River	41° 26' 14.085"	75° 38' 30.242"
062	Fisk Street	Lackawanna River	41° 26' 15.365"	75° 38' 28.311"
063	Olyphant - South	Lackawanna River	41° 26' 15.733"	75° 38' 28.423"
065	Drinker Street	Little Roaring Brook	41° 24' 56.806"	75° 36' 31.642"
066	Burke Street	Roaring Brook	41° 24' 35.791"	75° 37' 54.013"
067	Keyser Avenue	Keyser Creek	41° 24' 53.284"	75° 41' 52.288"
068	South Sixth Avenue	Lackawanna River	41° 23' 49.126"	75° 41' 7.3"
069	Crane Street	Lackawanna River	41° 22' 59.884"	75° 42' 18.155"
070	Sand Street	Roaring Brook	41° 24' 28.259"	75° 37' 42.99"
071	Lake Street	Roaring Brook	41° 24' 27.318"	75° 37' 33.839"
072	Leggett Street Regulator Chamber	Leggetts Creek	41° 26' 39.329"	75° 39' 39.947"
073	Front Street CSO	Roaring Brook	41° 24' 10.108"	75° 39' 22.578"
074	Marion Street CSO	Meadow Brook	41° 25' 38.357"	75° 39' 9.528"
075	Capouse Street CSO	Meadow Brook	41° 25' 37.459"	75° 38' 58.386"
076	Sanderson and Marion Street CSO	Meadow Brook	41° 25' 38.841"	75° 39' 10.786"
077	Middle Street Pumping Station	Lackawanna River	41° 25' 15.863"	75° 39' 44.994"
077	Middle Street Pumping Station Forced	Lackawanna River	41° 25' 16.063"	75° 39' 44.708"
078	Shawnee Avenue Pumping Station	Lackawanna River	41° 26' 12.776"	75° 38' 35.086"
078	Shawnee Avenue Pumping Station Forced	Lackawanna River	41° 26' 12.788"	75° 38' 35.006"
079	Myrtle Street Pumping Station	Roaring Brook	41° 24' 21.755"	75° 38' 18.119"
080	Keyser Valley Pumping Station	Keyser Creek	41° 24' 56.697"	75° 41' 56.825"
081	Pittston Avenue	Stafford Meadow Brook	41° 23' 37.688"	75° 40' 19.326"
082	Locust Avenue	Stafford Meadow Brook	41° 23' 40.423"	75° 40' 22.056"
083	McNichols	Stafford Meadow Brook	41° 23' 28.533"	75° 39' 52.74"
084	600 Elm East	Stafford Meadow Brook	41° 23' 35.061"	75° 40' 0.373"
085	600 Elm West	Stafford Meadow Brook	41° 23' 35.213"	75° 40' 0.521"
086	Cedar/Maple	Stafford Meadow Brook	41° 23' 40.405"	75° 40' 22.017"
087	Leggetts/Kelly	Leggetts Creek	41° 26' 43.255"	75° 39' 40.913"



**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
DISCHARGE REQUIREMENTS FOR PUBLICLY OWNED
TREATMENT WORKS (POTWs)**

**NPDES PERMIT NO: PA0026492
Amendment No. 2**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*,

**Scranton Sewer Authority
312 Adams Avenue
Scranton, PA 18503**

is authorized to discharge from a facility known as **Scranton Sewer Authority Wastewater Treatment Plant**, located **off Breck Street in the City of Scranton, Lackawanna County**, to **Lackawanna River** in Watershed(s) **5-A** in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C hereof.

THIS PERMIT SHALL BECOME EFFECTIVE ON October 1, 2012

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON September 30, 2014

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions shall apply.
2. Failure to comply with the terms, conditions or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. (40 CFR 122.41(a))
3. A complete application for renewal of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form. (40 CFR 122.41(b), 122.21(d))

In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit, including submission of the Discharge Monitoring Reports (DMRs), will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application. (25 Pa. Code 92a.7(b), (c))

4. This NPDES permit does not constitute authorization to construct or make modifications to wastewater treatment facilities necessary to meet the terms and conditions of this permit.

DATE PERMIT ISSUED September 21, 2009

ISSUED BY /s/

DATE PERMIT AMENDMENT ISSUED September 24, 2012

**Michael J. Brunamonti, P.E.
Clean Water Program Manager
Northeast Regional Office**

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. A. For Outfall 001, Latitude 41° 23' 15.00", Longitude 75° 41' 39.00", River Mile Index _____, Stream Code _____

Discharging to Lackawanna River

which receives wastewater from Wastewater Treatment Plant

1. The permittee is authorized to discharge during the period from October 1, 2012 through September 30, 2014.
2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements, Footnotes and Supplemental Information).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum		
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX	Continuous	Recorded Daily Flow
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0	1/day	Grab
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX	1/day	Grab
Total Residual Chlorine	XXX	XXX	XXX	0.37	XXX	1.35	1/shift	Grab
CBOD5	3,800	5,600	XXX	18	27	36	1/day	24-Hr Composite
Total Suspended Solids	6,300	9,400	XXX	30	45	60	1/day	24-Hr Composite
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX	1/day	Grab
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	XXX	1/day	Grab
Ammonia-Nitrogen May 1 - Oct 31	630	XXX	XXX	3.0	XXX	6.0	1/day	24-Hr Composite
Ammonia-Nitrogen Nov 1 - Apr 30	1,900	XXX	XXX	9.0	XXX	18.0	1/day	24-Hr Composite

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 001

**PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS
(Continued)**

Additional Requirements

1. The permittee may not discharge:
 - a. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water. (25 Pa Code 92a.41(c))
 - b. Oil and grease in amounts that cause a film or sheen upon or discoloration of the waters of this Commonwealth or adjoining shoreline, or that exceed 15 mg/l as a daily average or 30 mg/l at any time (or lesser amounts if specified in this permit). (25 Pa. Code 92a.47(a)(7) and 95.2(2))
 - c. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. (25 Pa Code 93.6(a))
 - d. Foam or substances that produce an observed change in the color, taste, odor or turbidity of the receiving water, unless those conditions are otherwise controlled through effluent limitations or other requirements in this permit. (25 Pa Code 92a.41(c))
2. The monthly average percent removal of BOD₅ or CBOD₅ and TSS must be at least 85% for POTW facilities on a concentration basis except where 25 Pa. Code 92a.47(g) and (h) are applicable to facilities with combined sewer overflows (CSOs) or as otherwise specified in this permit. (25 Pa. Code 92a.47(a)(3))

Footnotes

- (1) When sampling to determine compliance with mass effluent limitations, the discharge flow at the time of sampling must be measured and recorded.
- (2) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events.

Supplemental Information

If the permit requires reporting of average weekly limitations use the following guideline. If the “maximum average concentration” and the “maximum average mass loading” does not occur within the same week, both the highest weekly average concentration and the highest weekly average mass load should be reported, regardless of whether they both occur during the same calendar week.

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. B. For Outfall 001, Latitude 41° 23' 15.00", Longitude 75° 41' 39.00", River Mile Index _____, Stream Code _____

Discharging to Lackawanna River

which receives wastewater from Wastewater Treatment Plant

1. The permittee is authorized to discharge during the period from October 1, 2012 through March 31, 2013.
2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements, Footnotes and Supplemental Information).

Parameter ⁽¹⁾	Effluent Limitations					Monitoring Requirements	
	Mass Units (lbs)		Concentrations (mg/L)			Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Monthly	Annual	Minimum	Monthly Average	Maximum		
Ammonia---N	Report	Report		Report		1/day	24-Hr Composite
Kjeldahl---N	Report			Report		1/week	24-Hr Composite
Nitrate-Nitrite as N	Report			Report		1/week	24-Hr Composite
Total Nitrogen	Report	Report		Report		1/month	Calculation
Total Phosphorus	Report	Report		Report		1/week	24-Hr Composite
Net Total Nitrogen	Report	Report				1/month	Calculation
Net Total Phosphorus	Report	Report				1/month	Calculation

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Outfall 001.

Footnotes:

- (1) See Part C for Chesapeake Bay Requirements.
- (2) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events required.

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. C. For Outfall 001, Latitude 41° 23' 15.00", Longitude 75° 41' 39.00", River Mile Index _____, Stream Code _____

Discharging to Lackawanna River

which receives wastewater from Wastewater Treatment Plant

1. The permittee is authorized to discharge during the period from April 1, 2013 through September 30, 2013.
2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements, Footnotes and Supplemental Information).

Parameter ⁽¹⁾	Effluent Limitations					Monitoring Requirements	
	Mass Units (lbs)		Concentrations (mg/L)			Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Monthly	Annual	Minimum	Monthly Average	Maximum		
Ammonia---N	Report	Report		Report		1/day	24-Hr Composite
Kjeldahl---N	Report			Report		1/week	24-Hr Composite
Nitrate-Nitrite as N	Report			Report		1/week	24-Hr Composite
Total Nitrogen	Report	Report		Report		1/month	Calculation
Total Phosphorus	Report	Report		Report		1/week	24-Hr Composite
Net Total Nitrogen	Report	182,646				1/month	Calculation
Net Total Phosphorus	Report	24,353				1/month	Calculation

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Outfall 001.

Footnotes:

- (1) See Part C for Chesapeake Bay Requirements.
- (2) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events required.

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. D. For Outfall 001, Latitude 41° 23' 15.00", Longitude 75° 41' 39.00", River Mile Index _____, Stream Code _____

Discharging to Lackawanna River

which receives wastewater from Wastewater Treatment Plant

1. The permittee is authorized to discharge during the period from October 1, 2013 through September 30, 2014.
2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements, Footnotes and Supplemental Information).

Parameter ⁽¹⁾	Effluent Limitations					Monitoring Requirements	
	Mass Units (lbs)		Concentrations (mg/L)			Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Monthly	Annual	Minimum	Monthly Average	Maximum		
Ammonia---N	Report	Report		Report		1/day	24-Hr Composite
Kjeldahl---N	Report			Report		1/week	24-Hr Composite
Nitrate-Nitrite as N	Report			Report		1/week	24-Hr Composite
Total Nitrogen	Report	Report		Report		1/month	Calculation
Total Phosphorus	Report	Report		Report		1/week	24-Hr Composite
Net Total Nitrogen	Report	365,292				1/month	Calculation
Net Total Phosphorus	Report	48,706				1/month	Calculation

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Outfall 001.

Footnotes:

- (1) See Part C for Chesapeake Bay Requirements.
- (2) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events required.

II. DEFINITIONS

At Outfall (XXX) means a sampling location in outfall line XXX below the last point at which wastes are added to outfall line (XXX), or where otherwise specified.

Average refers to the use of an arithmetic mean, unless otherwise specified in this permit. (40 CFR 122.41(l)(4)(iii))

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution to surface waters of the Commonwealth. 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 material storage. (25 Pa. Code 92a.2)

Bypass means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR 122.41(m)(1)(i))

Calendar Week is defined as the seven consecutive days from Sunday through Saturday, unless the permittee has been given permission by DEP to provide weekly data as Monday through Friday based on showing excellent performance of the facility and a history of compliance. In cases when the week falls in two separate months, the month with the most days in that week shall be the month for reporting.

Clean Water Act means the Federal Water Pollution Control Act, as amended. (33 U.S.C.A. §§1251 to 1387).

Composite Sample (for all except GC/MS volatile organic analysis) means a combination of individual samples (at least eight for a 24-hour period or four for an 8-hour period) of at least 100 milliliters (mL) each obtained at spaced time intervals during the compositing period. The composite must be flow-proportional; either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval is proportional to the flow rates over the time period used to produce the composite. (EPA Form 2C)

Composite Sample (for GC/MS volatile organic analysis) consists of at least four aliquots or grab samples collected during the sampling event (not necessarily flow proportioned). The samples must be combined in the laboratory immediately before analysis and then one analysis is performed. (EPA Form 2C)

Daily Average Temperature means the average of all temperature measurements made, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar day or during the operating day if flows are of a shorter duration.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day. (25 Pa. Code 92a.2, 40 CFR 122.2)

Daily Maximum Discharge Limitation means the highest allowable "daily discharge."

Discharge Monitoring Report (DMR) means the DEP or EPA supplied form(s) for the reporting of self-monitoring results by the permittee. (25 Pa. Code 92a.2 and 40 CFR 122.2)

Estimated Flow means any method of liquid volume measurement based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters and batch discharge volumes.

Geometric Mean means the average of a set of n sample results given by the nth root of their product.

Grab Sample means an individual sample of at least 100 mL collected at a randomly selected time over a period not to exceed 15 minutes. (EPA Form 2C)

Hauled-In Wastes means any waste that is introduced into a treatment facility through any method other than a direct connection to the sewage collection system. The term includes wastes transported to and disposed of within the treatment facility or other entry points within the collection system.

Hazardous Substance means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act. (40 CFR 122.2)

Immersion Stabilization (i-s) means a calibrated device is immersed in the wastewater until the reading is stabilized.

Indirect Discharger means a non-domestic discharger introducing pollutants to a Publicly Owned Treatment Works (POTW) or other treatment works. (25 Pa. Code 92a.2 and 40 CFR 122.2)

Industrial User means a source of Indirect Discharge. (40 CFR 403.3)

Instantaneous Maximum Effluent Limitation means the highest allowable discharge of a concentration or mass of a substance at any one time as measured by a grab sample. (25 Pa. Code 92a.2)

Measured Flow means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

Monthly Average Discharge Limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. (25 Pa. Code 92a.2)

Municipality means a city, town, borough, county, township, school district, institution, authority or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes. (25 Pa. Code 92a.2)

Publicly Owned Treatment Works (POTW) means a treatment works as defined by §212 of the Clean Water Act, owned by a state or municipality. The term includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. The term also includes sewers, pipes or other conveyances if they convey wastewater to a POTW providing treatment. The term also means the municipality as defined in section 502(4) of the Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. (25 Pa Code 92a.2 and 40 CFR 122.2)

Severe Property Damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that 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. (40 CFR 122.41(m)(1)(ii))

Stormwater means the runoff from precipitation, snow melt runoff, and surface runoff and drainage. 25 Pa. Code 92a.2

Stormwater Associated With Industrial Activity means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant, and as defined at 40 CFR §122.26(b)(14) (i) – (ix) and (xi) and 25 Pa. Code 92a.2

Toxic Pollutant means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains may, on the basis of information available to DEP cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in these organisms or their offspring. (25 Pa. Code 92a.2)

Weekly Average Discharge Limitation means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.

III. SELF-MONITORING, REPORTING AND RECORDKEEPING

A. Representative Sampling (40 CFR 122.41(j)(1))

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. Records Retention (40 CFR 122.41(j)(2))

Except for records of monitoring information required by this permit related to the permittee's sludge use and disposal activities which shall be retained for a period of at least 5 years, all records of monitoring activities and results (including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee for 3 years from the date of the sample measurement, report or application. The 3-year period shall be extended as requested by DEP or the EPA Regional Administrator.

3. Recording of Results (40 CFR 122.41(j)(3))

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date and time of sampling or measurements.
- b. The person(s) who performed the sampling or measurements.
- c. The date(s) the analyses were performed.
- d. The person(s) who performed the analyses.
- e. The analytical techniques or methods used; and the associated detection level.
- f. The results of such analyses.

4. Test Procedures (40 CFR 122.41(j)(4))

Facilities that test or analyze environmental samples used to demonstrate compliance with this permit shall be in compliance with laboratory accreditation requirements of Act 90 of 2002 (27 Pa. C.S. §§4101-4113) and 25 Pa. Code Chapter 252, relating to environmental laboratory accreditation. Unless otherwise specified in this permit, the test procedures for the analysis of pollutants shall be those approved under 40 CFR Part 136 (or in the case of sludge use or disposal, approved under 40 CFR Part 136, unless otherwise specified in 40 CFR Part 503 or Subpart J of 25 Pa. Code Chapter 271), or alternate test procedures approved pursuant to those parts, unless other test procedures have been specified in this permit.

5. Quality/Assurance/Control

In an effort to assure accurate self-monitoring analyses results:

- a. The permittee, or its designated laboratory, shall participate in the periodic scheduled quality assurance inspections conducted by DEP and EPA. (40 CFR 122.41(e), 122.41(i)(3))
- b. The permittee, or its designated laboratory, shall develop and implement a program to assure the quality and accurateness of the analyses performed to satisfy the requirements of this permit, in accordance with 40 CFR Part 136. (40 CFR 122.41(j)(4))

B. Reporting of Monitoring Results

1. The permittee shall effectively monitor the operation and efficiency of all wastewater treatment and control facilities, and the quantity and quality of the discharge(s) as specified in this permit. (40 CFR 122.41(e), 40 CFR 122.44(i)(1))

2. Unless instructed otherwise in Part C of this permit, properly completed DMR(s) must be received by the agency(ies) below within 28 days after the end of each reporting period. The permittee shall complete all Supplemental Reporting forms (Supplemental DMRs) provided by DEP in this permit (or an approved equivalent), and submit the signed, completed forms as an attachment to the DMR(s). If the permittee elects to use DEP's electronic DMR (eDMR) system, one electronic submission may be made for DMRs and Supplemental DMRs. If paper forms are used, the completed forms shall be mailed to:

Department of Environmental Protection
 Clean Water Program
 2 Public Square
 Wilkes-Barre, PA 18701-1915

NPDES Enforcement Branch (3WP42)
 Office of Permits & Enforcement
 Water Protection Division
 U.S. EPA - Region III
 1650 Arch Street
 Philadelphia, PA 19103-2029

3. If the permittee elects to begin using DEP's eDMR system to submit DMRs required by the permit, the permittee shall, to assure continuity of business operations, continue using the eDMR system to submit all DMRs and Supplemental Reports required by the permit, unless the following steps are completed to discontinue use of eDMR:
 - a. The permittee shall submit written notification to the regional office that issued the permit that it intends to discontinue use of eDMR. The notification shall be signed by a principal executive officer or authorized agent of the permittee.
 - b. The permittee shall continue using eDMR until the permittee receives written notification from DEP's Central Office that the facility has been removed from the eDMR system, and electronic report submissions are no longer expected.
4. The completed DMR Form shall be signed and certified by either of the following applicable persons, as defined in 25 Pa. Code 92a.22:
 - For a corporation - by a principal executive officer of at least the level of vice president, or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the NPDES form originates.
 - For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
 - For a municipality, state, federal or other public agency - by a principal executive officer or ranking elected official.

If signed by a person other than the above, written notification of delegation of DMR signatory authority must be submitted to DEP in advance of or along with the relevant DMR form. (40 CFR 122.22(b))

5. If the permittee monitors any pollutant at monitoring points as designated by this permit, using analytical methods described in Part A III.A.4. herein, more frequently than the permit requires, the results of this monitoring shall be incorporated, as appropriate, into the calculations used to report self-monitoring data on the DMR. (40 CFR 122.41(l)(4)(ii))

C. Reporting and Notification Requirements

1. **Planned Changes to Physical Facilities** – The permittee shall give notice to DEP as soon as possible but no later than 30 days prior to any planned physical alterations or additions to the permitted facility. A permit under 25 Pa. Code Chapter 91 may be required for these situations prior to implementing the planned changes. A permit application, or other written submission to DEP, can be used to satisfy the notification requirements of this section.

Notice is required when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b). (40 CFR 122.41(l)(1)(i))
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in this permit. (40 CFR 122.41(l)(1)(ii))
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 CFR 122.41(l)(1)(iii))
 - d. The planned change may result in noncompliance with permit requirements. (40 CFR 122.41(l)(2))
 - e. The facility is proposing an expansion or modifications to its treatment processes. (25 Pa. Code 92a.24(a))
2. Planned Changes to Waste Stream – Under the authority of 25 Pa. Code 92a.24(a) and 40 CFR 122.42(b), the permittee shall provide notice to DEP and EPA as soon as possible but no later than 45 days prior to any changes in the volume or pollutant concentration of its influent waste stream as a result of indirect discharges or hauled-in wastes, as specified in paragraphs 2.a. and 2.b., below. Notice shall be provided on the "Planned Changes to Waste Stream" Supplemental Report (3800-FM-WSFR0482), available on DEP's web site. The permittee shall provide information on the quality and quantity of waste introduced into the POTW, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW (40 CFR 122.42(b)(3)). The Report shall be sent via Certified Mail or other means to confirm DEP's receipt of the notification. DEP will determine if the submission of a new application and receipt of a new or amended permit is required.

- a. Introduction of New Pollutants (25 Pa. Code 92a.24(a), 40 CFR 122.42(b)(1))

New pollutants are defined as parameters that meet one or more of the following criteria:

- (i) Were not detected in the facilities' influent waste stream as reported in the permit application, or were otherwise not analyzed in the influent and reported to DEP prior to permit issuance;
- (ii) Have not been previously approved to be included in the permittee's influent waste stream by DEP and/or EPA in writing;
- (iii) Are previously unapproved pollutants introduced into the POTW from an indirect discharger which would be subject to Sections 301 and 306 of the Clean Water Act if it were directly discharging those pollutants (40 CFR 122.42(b)(1)).

The permittee shall provide notification of the introduction of new pollutants in accordance with paragraph 2 above. The permittee may not authorize the introduction of new pollutants until the permittee receives DEP's and/or EPA's written approval.

- b. Increased Loading of Approved Pollutants (25 Pa. Code 92a.24(a), 40 CFR 122.42(b)(2))

Approved pollutants are defined as parameters that meet one or more of the following criteria:

- (i) Were detected in the facilities' influent waste stream as reported in the permittee's permit application or were otherwise analyzed and reported to DEP prior to permit issuance;
- (ii) Have an effluent limitation or monitoring requirement in this permit;

(iii) Have been previously approved for the permittee's influent waste stream by DEP in writing.

The permittee shall provide notification of the introduction of increased influent loading (lbs/day) of approved pollutants in accordance with paragraph 2 above when (1) the cumulative increase in influent loading (lbs/day) exceeds 10% of the maximum loading reported in the permit application, or a loading previously approved by DEP, or (2) may cause an exceedance in the effluent of Effluent Limitation Guidelines (ELGs) or limitations in Part A of this permit, or (3) may cause interference or pass through at the POTW, or (4) may cause exceedances of the applicable water quality standards in the receiving stream. Unless specified otherwise in this permit, if DEP and/or EPA does not respond to the notification within 30 days of its receipt, the permittee may proceed with the increase in loading. The acceptance of increased loading of approved pollutants may not result in an exceedance of ELGs or effluent limitations, may not result in a hydraulic or organic overload condition as defined in 25 Pa. Code 94.1, and may not cause exceedances of the applicable water quality standards in the receiving stream.

c. New Information on Existing Discharges

The permittee shall notify DEP and EPA where it discovers new information, not reported previously, on the quality and quantity of the effluent introduced into the POTW by an industrial user or an indirect discharger and the anticipated impact of the change in the quality and quantity of effluent to be discharged from the POTW. (40 CFR 122.42(b)(3))

3. Reporting Requirements for Hauled-In Wastes

a. Receipt of Residual Waste

(i) The permittee shall document the receipt of all hauled-in residual wastes (including but not limited to wastewater from oil and gas wells, food processing waste, and landfill leachate) received for processing at the treatment facility. The permittee shall report hauled-in residual wastes on a monthly basis to DEP on the "Hauled In Residual Wastes" Supplemental Report (3800-FM-WSFR0450) as an attachment to the DMR. If no residual wastes were received during a month, submission of the Supplemental Report is not required.

The following information is required by the Supplemental Report. The information used to develop the Report shall be retained by the permittee for five years from the date of receipt and must be made available to DEP or EPA upon request.

- (1) The dates that residual wastes were received.
- (2) The volume (gallons) of wastes received.
- (3) The license plate number of the vehicle transporting the waste to the treatment facility.
- (4) The permit number(s) of the well(s) where residual wastes were generated, if applicable.
- (5) The name and address of the generator of the residual wastes.
- (6) The type of wastewater.
- (7) Documentation of whether or not a chemical analysis of the residual wastes were reported on a Residual Waste Form 26R, or a separate waste characterization using the parameters from Form 26R.

The transporter of residual waste must maintain these and other records as part of the daily operational record (25 Pa. Code 299.219). If the transporter is unable to provide this information, the residual wastes shall not be accepted by the permittee until such time as the transporter is able to provide the required information.

- (ii) The following conditions apply to the characterization of residual wastes received by the permitted treatment facility:
 - (1) The permitted facility must receive and maintain on file a characterization of the residual wastes it receives from the generator, as required by 25 Pa. Code 287.54. The characterization shall conform to the Bureau of Waste Management's Form 26R except as noted in paragraph (2), below. Each load of residual waste received must be characterized accordingly.
 - (2) For wastewater generated from hydraulic fracturing operations ("frac wastewater") within the first 30 production days of a well site, the characterization may be a general frac wastewater characterization approved by DEP. Thereafter, the characterization must be waste-specific and reported on the Form 26R.

b. Receipt of Municipal Waste

- (i) The permittee shall document the receipt of all hauled-in municipal wastes (including but not limited to septage and liquid sewage sludge) received for processing at the treatment facility. The permittee shall report hauled-in municipal wastes on a monthly basis to DEP on the "Hauled In Municipal Wastes" Supplemental Report (3800-FM-WSFR0437) as an attachment to the DMR. If no municipal wastes were received during a month, submission of the Supplemental Report is not required.

The following information is required by the Supplemental Report:

- (1) The dates that municipal wastes were received.
 - (2) The volume (gallons) of wastes received.
 - (3) The BOD₅ concentration (mg/l) and load (lbs) for the wastes received.
 - (4) The location(s) where wastes were disposed of within the treatment facility.
- (ii) Sampling and analysis of hauled-in municipal wastes must be completed to characterize the organic strength of the wastes, unless composite sampling of influent wastewater is performed at a location downstream of the point of entry for the wastes. The influent BOD₅ characterization for the treatment facility, as reported in the annual Municipal Wasteload Management Report per 25 Pa. Code Chapter 94, must be representative of the hauled-in municipal wastes received.

4. Unanticipated Noncompliance or Potential Pollution Reporting

- a. Immediate Reporting - The permittee shall immediately report any incident causing or threatening pollution in accordance with the requirements of 25 Pa. Code Sections 91.33 and 92a.41(b).
 - (i) If, because of an accident, other activity or incident a toxic substance or another substance which would endanger users downstream from the discharge, or would otherwise result in pollution or create a danger of pollution or would damage property, the permittee shall immediately notify DEP by telephone of the location and nature of the danger. Oral notification to the Department is required as soon as possible, but no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution.
 - (ii) If reasonably possible to do so, the permittee shall immediately notify downstream users of the waters of the Commonwealth to which the substance was discharged. Such notice shall include the location and nature of the danger.

- (iii) The permittee shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.
- b. The permittee shall report any noncompliance which may endanger health or the environment in accordance with the requirements of 40 CFR 122.41(l)(6). These requirements include the following obligations:
- (i) 24 Hour Reporting - The permittee shall orally report any noncompliance with this permit which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which must be reported within 24 hours under this paragraph (40 CFR 122.41(l)(6)(ii)):
 - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - (2) Any upset which exceeds any effluent limitation in the permit; and
 - (3) Violation of the maximum daily discharge limitation for any of the pollutants listed in the permit as being subject to the 24-hour reporting requirement.
 - (ii) Written Report - A written submission shall also be provided within 5 days of the time the permittee becomes aware of any noncompliance which may endanger health or the environment. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance 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 noncompliance.
 - (iii) Waiver of Written Report - DEP may waive the written report on a case-by-case basis if the associated oral report has been received within 24 hours from the time the permittee becomes aware of the circumstances which may endanger health or the environment. Unless such a waiver is expressly granted by DEP, the permittee shall submit a written report in accordance with this paragraph. (40 CFR 122.41(l)(6)(iii))
5. Other Noncompliance
- The permittee shall report all instances of noncompliance not reported under paragraph C.4 of this section or specific requirements of compliance schedules, at the time DMRs are submitted, on the Non-Compliance Reporting Form (3800-FM-WSFR0440). The reports shall contain the information listed in paragraph C.4.b.(ii) of this section. (40 CFR 122.41(l)(7))

PART B

I. MANAGEMENT REQUIREMENTS

- A. Compliance Schedules (25 Pa. Code 92a.51, 40 CFR 122.47(a))
1. The permittee shall achieve compliance with the terms and conditions of this permit within the time frames specified in this permit.
 2. The permittee shall submit reports of compliance or noncompliance, or progress reports as applicable, for any interim and final requirements contained in this permit. Such reports shall be submitted no later than 14 days following the applicable schedule date or compliance deadline. (40 CFR 122.47(a)(4))
- B. Permit Modification, Termination, or Revocation and Reissuance
1. This permit may be modified, terminated, or revoked and reissued during its term in accordance with Title 25 Pa. Code 92a.72 and 40 CFR 122.41(f).
 2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. (40 CFR 122.41(f))
 3. In the absence of DEP action to modify or revoke and reissue this permit, the permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions. (40 CFR 122.41(a)(1))
- C. Duty to Provide Information
1. The permittee shall furnish to DEP, within a reasonable time, any information which DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. (40 CFR 122.41(h))
 2. The permittee shall furnish to DEP, upon request, copies of records required to be kept by this permit. (40 CFR 122.41(h))
 3. Other Information - Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to DEP, it shall promptly submit the correct and complete facts or information. (40 CFR 122.41(l)(8))
 4. The permittee shall provide the following information in the annual Municipal Wasteload Management Report, required under the provisions of Title 25 Pa. Code Chapter 94:
 - a. The requirements identified in 25 Pa. Code 94.12.
 - b. The identity of any indirect discharger(s) served by the POTW which are subject to pretreatment standards adopted under Section 307(b) of the Clean Water Act; the POTW shall also specify the total volume of discharge and estimate concentration of each pollutant discharged into the POTW by the indirect discharger.
 - c. A "Solids Management Inventory" including the following information for the preceding year, at a minimum: average annual flow (MGD), average influent BOD₅ (mg/l), average effluent CBOD₅ (mg/l), total volume of sludge wasted (gallons), average solids concentration of return or waste sludge flow (mg/l), and total sludge or biosolids generated (wet or dry tons).
 - d. The total volume of hauled-in residual and municipal wastes received during the year, by source.

- e. The Annual Report requirements for permittees required to implement an industrial pretreatment program listed in Part C, as applicable.

D. General Pretreatment Requirements

1. POTWs shall require indirect dischargers to the treatment works subject to pretreatment standards adopted under Section 307(b) of the Clean Water Act to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Clean Water Act and regulations thereunder.
2. Any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than 5 million gallons per day (MGD) and receiving from industrial users pollutants which pass through or interfere with the operation of the POTW or are otherwise subject to Pretreatment Standards will be required to establish a POTW Pretreatment Program unless specifically exempted by the Approval Authority. A POTW with a design flow of 5 MGD or less may be required to develop a POTW Pretreatment Program if the Approval Authority finds that the nature or volume of the industrial influent, treatment process upsets, violations of effluent limitations, contamination of sludge, or other circumstances warrant in order to prevent interference or pass through. (40 CFR 403.8)
3. Each POTW with an approved Pretreatment Program pursuant to 40 CFR 403.8 shall develop and enforce specific limits to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b), and shall continue to develop these limits as necessary and effectively enforce such limits. This condition applies, for example, when there are planned changes to the waste stream as identified in Part A III.C.2. If the permittee is required to develop or continue implementation of a Pretreatment Program, detailed requirements will be contained in Part C of this permit.
4. For all POTWs, where pollutants contributed by indirect dischargers result in interference or pass through, and a violation is likely to recur, the permittee shall develop and enforce specific limits for indirect dischargers and other users, as appropriate, that together with appropriate facility or operational changes, are necessary to ensure renewed or continued compliance with this permit or sludge use or disposal practices. Where POTWs do not have an approved Pretreatment Program, the permittee shall submit a copy of such limits to DEP when developed. (25 Pa. Code 92a.47(d))

E. Proper Operation and Maintenance

1. The permittee shall employ operators certified in compliance with the Water and Wastewater Systems Operators Certification Act (63 P.S. §§1001-1015.1).
2. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems that are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit. (40 CFR 122.41(e))

F. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. (40 CFR 122.41(d))

G. Bypassing

1. Bypassing Not Exceeding Permit Limitations - The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions in paragraphs two, three and four of this section. (40 CFR 122.41(m)(2))

2. Other Bypassing - In all other situations, bypassing is prohibited and DEP may take enforcement action against the permittee for bypass unless:
 - a. A bypass is unavoidable to prevent loss of life, personal injury or "severe property damage." (40 CFR 122.41(m)(4)(i)(A))
 - b. There are 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 backup 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. (40 CFR 122.41(m)(4)(i)(B))
 - c. The permittee submitted the necessary notice required in paragraph G.4 below. (40 CFR 122.41(m)(4)(i)(C))
3. DEP may approve an anticipated bypass, after considering its adverse effects, if DEP determines that it will meet the conditions listed in paragraph G.2 above. (40 CFR 122.41(m)(4)(ii))
4. Notice
 - a. Anticipated Bypass – If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the bypass. (40 CFR 122.41(m)(3)(i))
 - b. Unanticipated Bypass
 - (i) The permittee shall submit immediate notice of an unanticipated bypass causing or threatening pollution. The notice shall be in accordance with Part A III.C.4.a.
 - (ii) The permittee shall submit oral notice of any other unanticipated bypass within 24 hours, regardless of whether the bypass may endanger health or the environment or whether the bypass exceeds effluent limitations. The notice shall be in accordance with Part A III.C.4.b.

II. PENALTIES AND LIABILITY

A. Violations of Permit Conditions

Any person violating Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative and/or criminal penalties as set forth in 40 CFR §122.41(a)(2).

Any person or municipality, who violates any provision of this permit; any rule, regulation or order of DEP; or any condition or limitation of any permit issued pursuant to the Clean Streams Law, is subject to criminal and/or civil penalties as set forth in Sections 602, 603 and 605 of the Clean Streams Law.

B. Falsifying Information

Any person who does any of the following:

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or
- Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or noncompliance)

Shall, upon conviction, be punished by a fine and/or imprisonment as set forth in 18 Pa.C.S.A § 4904 and 40 CFR §122.41(j)(5) and (k)(2).

C. Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603 or 605 of the Clean Streams Law.

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. 40 CFR 122.41(c)

III. OTHER RESPONSIBILITIES

A. Right of Entry

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law, and Title 25 Pa. Code Chapter 92a and 40 CFR §122.41(i), the permittee shall allow authorized representatives of DEP and EPA, upon the presentation of credentials and other documents as may be required by law:

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit; 40 CFR 122.41(i)(1)
2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; 40 CFR 122.41(i)(2)
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and 40 CFR 122.41(i)(3)
4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location. 40 CFR 122.41(i)(4)

B. Transfer of Permits

1. Transfers by modification. Except as provided in paragraph 2 of this section, a permit may be transferred by the permittee to a new owner or operator only if this permit has been modified or revoked and reissued, or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act. 40 CFR 122.61(a)
2. Automatic transfers. As an alternative to transfers under paragraph 1 of this section, any NPDES permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies DEP at least 30 days in advance of the proposed transfer date in paragraph 2.b. of this section; (40 CFR 122.61(b)(1))
 - b. The notice includes the appropriate DEP transfer form signed by the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; (40 CFR 122.61(b)(2))
 - c. DEP does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue this permit, the transfer is effective on the date specified in the agreement mentioned in paragraph 2.b. of this section; and (40 CFR 122.61(b)(3))

d. The new permittee is in compliance with existing DEP issued permits, regulations, orders and schedules of compliance, or that has demonstrated any noncompliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit (including compliance schedules set forth in the permit), consistent with 25 Pa. Code 92a.51 (relating to schedules of compliance) and other appropriate DEP regulations. (25 Pa. Code 92a.71)

3. In the event DEP does not approve transfer of this permit, the new owner or controller must submit a new permit application.

C. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege. (40 CFR 122.41(g))

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit. (40 CFR 122.41(b))

E. Other Laws

The issuance of this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

IV. ANNUAL FEE

Permittees shall pay an annual fee in accordance with 25 Pa. Code § 92a.62. Annual fee amounts are specified in the following schedule and are due on each anniversary of the effective date of the most recent new or reissued permit. All flows identified in the schedule are annual average design flows. (25 Pa. Code 92a.62)

Small Flow Treatment Facility (SRSTP or SFTF)	\$0
Minor Sewage Facility < 0.05 MGD (million gallons per day)	\$250
Minor Sewage Facility ≥ 0.05 and < 1 MGD	\$500
Minor Sewage Facility with CSO (Combined Sewer Overflow)	\$750
Major Sewage Facility ≥ 1 and < 5 MGD	\$1,250
Major Sewage Facility ≥ 5 MGD	\$2,500
Major Sewage Facility with CSO	\$5,000

As of the effective date of this permit, the facility covered by the permit is classified in the following fee category: **Major Sewage Facility with CSO**.

Invoices for annual fees will be mailed to permittees approximately three months prior to the due date. In the event that an invoice is not received, the permittee is nonetheless responsible for payment. Throughout a five year permit term, permittees will pay four annual fees followed by a permit renewal application fee in the last year of permit coverage. Permittees may contact the DEP at 717-787-6744 with questions related to annual fees.

Payment for annual fees shall be remitted to DEP at the address below by the anniversary date. Checks should be made payable to the Commonwealth of Pennsylvania.

PA Department of Environmental Protection
Bureau of Point and Non-Point Source Management
Re: Chapter 92a Annual Fee
P.O. Box 8466
Harrisburg, PA 17105-8466

PART C

I. OTHER REQUIREMENTS

ONE: Outfall 002 has been identified as an emergency outfall that would receive flow from the Primary Clarifier effluent channel within the Treatment Plant. In the event that this outfall would need to be utilized, the conditions outlining bypassing in Part B of the permit under Management Requirements, Section I.G. would have to be met.

TWO: No storm water from pavements, area ways, roofs, foundation drains or other sources shall be directly admitted to the sanitary sewers associated with the herein approved discharge.

THREE: The approval herein given is specifically made contingent upon the permittee acquiring all necessary property rights by easement or otherwise, providing for the satisfactory construction, operation, maintenance and replacement of all sewers or sewerage structures associated with the herein approved discharge in, along, or across private property, with full rights of ingress, egress and regress.

FOUR: If, in the opinion of the Department, these works are not so operated or if by reason of change in the character of wastes or increased load upon the works, or changed use or condition of the receiving body of water, or otherwise, the said effluent ceases to be satisfactory or the sewerage facilities shall have created public nuisance, then upon notice by the Department, the right herein granted to discharge such effluent shall cease and become null and void unless within the time specified by the Department, the permittee shall adopt such remedial measures as will produce an effluent which, in the opinion of the Department, will be satisfactory for discharge into the said receiving body of water.

FIVE: Analysis for Carbonaceous Biochemical Oxygen Demand (CBOD5) shall be done in accordance with methods specified in the editions of Standard Methods for the Examination of Water and Wastewater that have been approved by USEPA.

SIX: Collected screenings, slurries, sludges, and other solids shall be handled and disposed of in compliance with 25 Pa. Code, Chapters 75, and in a manner equivalent to the requirements indicated in Chapters 271, 273, 275, 283, and 285 (related to permits and requirements for landfilling, land application, incineration, and storage of sewage sludge), Federal Regulation 40 CFR 257, Pennsylvania Clean Streams Law, Pennsylvania Solid Waste Management Act of 1980, and the Federal Clean Water Act and its amendments.

The permittee is responsible to obtain or assure that contracted agents have all necessary permits and approvals for the handling, storage, transport, and disposal of solid waste materials generated as a result of wastewater treatment.

SEVEN: CHESAPEAKE BAY STRATEGY

I. SCHEDULE:

A. Timing For Effective Dates Of Effluent Limitations. The following schedule applies to effluent limitations in this permit:

<u>Provision Containing Effluent Limitation</u>	<u>Effective Date</u>
Part A.I.A.2	10/1/2012 through 9/30/2014
Part A.I.B.2	10/1/2012 through 3/31/2013
Part A.I.C.2	4/1/2013 through 9/30/2013
Part A.I.D.2	10/1/2013 through 9/30/2014

The permittee shall achieve compliance with all other terms and conditions of this permit upon the effective date of the permit, unless otherwise specified.

- B. **Compliance Schedule.** The permittee shall be in compliance with effluent limitations for Nitrogen and Phosphorus contained in Part A.I.C.2 and A.I.D.2, or terminate this discharge, in accordance with the following schedule:

<u>Activity</u>	<u>Due Date</u>
1. Submit WQM Part II Permit Application	9/30/2009
2. Contract Award and Notice to Proceed	3/8/2012
3. Construction or Implementation Progress Report(s)	Quarterly Due 1/15, 4/15, 7/15 & 10/15
4. Compliance with effluent limitations	4/1/2013
5. Issue Certification of Substantial Completion (Plant Fully Operational)	8/1/2014

- C. No later than 14 calendar days following the date identified in the above schedule of compliance, the permittee shall submit to the Department a written notice of compliance or non-compliance with the specific schedule requirement(s) to:

Department of Environmental Protection
Clean Water Program
ATTN: Erika Bloxham
Environmental Protection Compliance Specialist
2 Public Square
Wilkes-Barre, PA 18711-0790

- D. Each notice of non-compliance, at a minimum, shall include the following information:
1. A description of the noncompliance.
 2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirement.
 3. A description of any factors which tend to explain or mitigate the noncompliance.
 4. An estimate of the date that compliance with the elapsed schedule requirement will be achieved and an assessment of the probability that the next scheduled requirement will be met on time.
 5. A revised schedule of compliance for Department approval.
- E. The permittee should contact the compliance specialist indicated in the event of anticipated non-compliance with any of a compliance schedule activities listed, seven (7) days prior to the due date of the activity.

II. CHESAPEAKE BAY NUTRIENT REQUIREMENTS

The Annual Net Total Nitrogen (TN) and Annual Net Total Phosphorus (TP) Mass Load effluent limitations (Cap Loads) in Part A.I.C and Part A.I.D are required in order to meet the downstream water quality standards of the State of Maryland, as required by 25 Pa. Code Chapter 92a, the federal Clean Water Act and implementing regulations. These effluent limitations do not reflect Credits applied or sold or Offsets applied during this permit cycle.

A. Definitions

Cap Load (lbs): The mass load of a pollutant authorized by an NPDES permit. Cap loads for TN and TP are implemented in NPDES permits by the establishment of Annual Net TN and TP Mass Load limits. The term "Net" is used to recognize that Credits and Offsets may be used to comply with the limits. The Annual Net Mass Load must be less than or equal to the Cap Load to achieve compliance.

Certification: Written approval by the Department of a proposed pollutant reduction activity to generate credits before the credits are verified and registered to be used to comply with NPDES permit effluent limitations.

Compliance Year: The year-long period starting October 1st and ending September 30th. The Compliance Year will be named for the year in which it ends. For example, the period of October 1, 2011 through September 30, 2012 is compliance year 2012.

Credit: The tradable unit of compliance that corresponds with a unit of reduction of a pollutant as recognized by DEP which, when certified, verified and registered, may be used to comply with effluent limits contained in an NPDES permit.

If the Annual Total Mass Load at the end of the Compliance Year is less than the Cap Load in the permit, the number of Credits that may be verified is determined by the following equation:

$(\text{Cap Load} - \text{Offsets incorporated into Cap Load (if applicable)} - \text{Annual Total Mass Load}) \times \text{Delivery Ratio} \times 0.9$, where 0.9 is the factor used to provide a reserve ratio of 10%.

* In the event that 1) DEP certified Credits prior to March 1, 2012 and 2) DEP issued the Credit certification in a manner that included Offsets, DEP will register those Credits until the expiration date of the Credit certification.

Delivery Ratio: A ratio that compensates for the natural attenuation of a pollutant as it travels in water before it reaches a defined compliance point. The Delivery Ratios for the facility authorized to discharge under this permit are as follows:

- TN: **0.733**
- TP: **0.436**

Net Mass Load (lbs):

- Monthly Net Mass Load = Total Monthly Mass Load + (Total Credits sold during the month / Delivery Ratio) – (Total Credits applied during the month / Delivery Ratio) – Offsets applied.
- Annual Net Mass Load = The sum of Monthly Net Mass Loads for one year beginning October 1st and ending September 30th, adjusted for transactions that may occur during the Truing Period.

Offset: The pollutant load reduction measured in pounds (lbs) that is created by an action, activity or technology which, when approved by DEP, may be used to comply with effluent limits contained in an NPDES permit. The offset may only be used by the NPDES permittee that DEP determines is associated with the load reduction achieved by the action, activity or technology. Offsets may be applied to meet compliance with Cap Loads, but may not be treated as Credits, and are not eligible for sale or trading.

Registration: An accounting mechanism used by the Department to track certified and verified credits before they may be used to comply with NPDES permit effluent limitations.

Total Mass Load (lbs):

- Monthly Total Mass Load = The sum of the actual daily discharge loads (lbs/day) divided by the number of samples per month, multiplied by the number of days in the month. The daily discharge load (lbs/day) equals the average daily flow (MGD) on the day of sampling, multiplied by that day's sample concentration (mg/l), multiplied by 8.34.
- Annual Total Mass Load = The sum of the Monthly Total Mass Loads for one year beginning October 1st and ending September 30th.

Total Nitrogen: For concentration and load, Total Nitrogen is the sum of Total Kjeldahl-N (TKN) plus Nitrite-Nitrate as N ($\text{NO}_2+\text{NO}_3\text{-N}$), where TKN and $\text{NO}_2+\text{NO}_3\text{-N}$ are measured in the same sample.

Truing Period: The time provided at the end of each Compliance Year for a permittee to come into compliance through the application of Credits and Offsets towards the Annual Net Mass Loads. The Truing Period will start on October 1st and end on November 28th of the same calendar year. During this period, compliance for the specified year may be achieved by using registered Credits that were generated during that Compliance Year. For example, Credits that are used to achieve compliance in Compliance Year 2012 must have been generated during Compliance Year 2012. Approved Offsets that have been generated may also be applied during the Truing Period.

Verification: Assurance that the verification plan contained in a certification, permit or other approval issued by the Department under this section has been implemented. Verification is required prior to registration of the credits for use in an NPDES permit to comply with NPDES permit effluent limitations.

B. Use of Credits for Compliance

1. The permittee is authorized to apply TN and TP Credits to achieve compliance with Cap Loads when the Credits are certified, verified and registered in accordance with 25 Pa. Code 96.8.
2. All Credits must be certified, verified, and registered for the year in which they are used for compliance with this permit. Credits may be applied to achieve compliance until the end of the Truing Period for the Compliance Year.
3. Where non-compliance with a Cap Load is the result of an unmet obligation of a contractual agreement for Credits resulting from failure of the pollutant reduction activity, the failure of the pollutant reduction activity was due to uncontrollable or unforeseeable circumstances, and the permittee provides timely notice to DEP, DEP may consider the factors contained in 25 Pa. Code 96.8(h)(5)(i), (ii), and (iii) to determine the appropriate resolution.

C. Use of Offsets for Compliance

1. Offsets must be approved by DEP in writing before they may be applied for compliance with Cap Loads, in accordance with 25 Pa. Code 96.8(h)(3).
2. Offsets that are approved under this permit are listed in Part A, Footnotes. These Offsets may be applied each Compliance Year to achieve compliance with the Cap Loads. The application of these Offsets may be reported on a monthly basis or on an annual basis, at the permittee's discretion. Additional Offsets may be approved throughout the permit term.
3. Offsets may be approved for the connection of on-lot sewage disposal systems that existed prior to January 1, 2003 to public sewers. Twenty five pounds (25 lbs) of TN Offsets per year may be approved for each on-lot system retirement. These approved Offsets are cumulative. For example, if 10 on-lot systems are retired in year 1 (250 lbs TN approved Offsets) and 10 on-lot systems are retired in year 2, 500 lbs TN Offsets may be used toward compliance with the TN Cap Load in year 2 and thereafter.

For DEP to approve on-lot system retirement Offsets, the permittee must submit documentation indicating the on-lot systems existed prior to January 1, 2003 and were eliminated by connection to public sewers after January 1, 2003. This documentation must be retained by the permittee for as long as the Offsets are used to achieve compliance with Cap Loads.

4. Offsets may be approved for the transfer of load between facilities owned by the same entity.

D. Modification of Cap Loads

In general, the Cap Loads specified in this permit may be modified only if one or more of the following occur during the permit term:

1. A facility that has an NPDES permit elects to eliminate its discharge and connect to the facility covered under this permit. The lesser of existing annual loads or the facility's Cap Loads will be added to the Cap Loads in this permit.
2. DEP or EPA determines that modified Cap Loads are necessary to achieve water quality standards for the protection of the Chesapeake Bay.

E. Reporting Requirements

1. The facility shall utilize DEP's electronic Discharge Monitoring Report (eDMR) system to submit DMR data and Supplemental DMR forms. This is required to assist DEP with nutrient credit certification and verification, and compliance assessment. Unless the permittee is already using the eDMR system, within 30 days of permit issuance, the permittee shall submit the necessary Registration and Trading Partner Agreement forms to participate in eDMR, and begin using eDMR for submission of DMR data and Supplemental DMR forms when DEP notifies the permittee to begin doing so. The eDMR website is <http://www.dep.state.pa.us/edmr>. Use of eDMR shall continue unless the requirements of Part A III.B.3 are met.
2. The Nutrient Monitoring supplemental form (3800-FM-WSFR0444) shall be used to report daily nutrient sampling results for each monitoring period. This completed form shall be attached to the DMR submission. The spreadsheet version of this form, available on DEP's website, must be used for Credit certification and verification requests submitted to DEP.
3. The Monthly Nitrogen Budget and Monthly Phosphorus Budget supplemental forms (3800-FM-WSFR0445 and 3800-FM-WSFR0446, respectively) shall be used to calculate Monthly Net Mass Loads. The permittee shall report Credits applied or sold during the monitoring period, including registry number, contract effective date, and DEP certification approval date, and approved Offsets applied during the monitoring period, including the source of Offsets and DEP approval date. The completed forms shall be attached to the DMR submission.
4. The DMR for the reporting of Annual Net Mass Loads for TN and TP is due on November 28th following each Compliance Year. Also due on November 28th is the Annual Nutrient Summary supplemental form (3800-FM-WSFR0447), which must be attached to the DMR. This form shall be used to calculate the Annual Net Mass Load and summarize the Credits applied or sold and approved Offsets applied throughout the entire Compliance Year and Truing Period. If Credits are applied or sold or if approved Offsets are applied during the Truing Period, the Monthly Nitrogen Budget and/or Monthly Phosphorus Budget supplemental forms shall also be attached to the DMR to record details of these transactions.

EIGHT: OPERATION AND IMPLEMENTATION OF A PRETREATMENT PROGRAM

- (a) General Requirement - The permittee shall operate, and implement an industrial pretreatment program in accordance with the federal Clean Water Act, the Pennsylvania Clean Streams Law, and the federal regulations at 40 CFR Section 403. The program shall also be implemented in accordance with the pretreatment program and any modifications thereto submitted by the permittee and approved by the Approval Authority.
- (b) Annual Report and Other Requirements - The permittee shall submit an Annual Report by March 31 of each year to DEP and EPA that describes the permittee's pretreatment activities for the previous calendar year. The Annual Report shall include a description of pretreatment activities in all municipalities from which wastewater is received at the permittee's POTW. The submission to DEP shall be incorporated into the permittee's Annual Municipal Wasteload Management Report required by 25 Pa. Code Chapter 94 of the Department's Rules and Regulations. In addition, the permittee shall meet all of the conditions specified below whether or not they relate to the Annual Report:

1. Control Mechanism Issuance - The Annual Report shall contain a summary of Significant Industrial User (SIU) control mechanism issuance, including a list of issuance and expiration dates for each SIU;
 2. Sampling and Inspection - The Annual Report shall contain a summary of the number and type of inspections and sampling of SIUs by the permittee, including a list of all SIUs either not sampled or not inspected, and the reason that the sampling and/or inspection was not conducted;
 3. Industrial User Compliance and POTW Enforcement - The Annual Report shall contain a summary of the number and type of violations of pretreatment standards and requirements, local limits, and any other pretreatment obligations, and the actions taken by the permittee to obtain compliance, including civil penalty assessments and actions for injunctive relief. The report shall state whether each SIU was in significant noncompliance, as that term is defined in 40 CFR Section 403.8(f)(2)(viii);
 4. Industrial Listing - The Annual Report shall contain an updated industrial listing showing all current SIUs and the categorical standard, if any, applicable to each;
 5. Summary of POTW Operations - The Annual Report shall contain a summary of any interference, pass-through, or permit violations by the POTW which may be attributed to industrial users, and actions taken to address these events. The summary shall also include sampling and analysis of treatment plant influent, effluent, and sludge for toxic and incompatible pollutants. The summary shall also include an analysis of any trends in such data since pretreatment program approval;
 6. Pretreatment Program Changes - The Annual Report shall contain a summary of any changes to the approved program and the date of submission to the Approval Authority;
 7. Monitoring - The permittee shall conduct monitoring at its treatment plant that, at a minimum, includes quarterly influent, effluent, and sludge analysis for all local limit parameters, and an annual priority pollutant scan for influent and sludge.
- (c) Notification of Pass-Through or Interference - The permittee shall notify DEP, in writing, of any instance of pass-through or interference related to an industrial discharge from an IU into the POTW. The notification shall be attached to the discharge monitoring report submitted to EPA and DEP and shall describe the incident, including the date, time, length, cause (including responsible user if known), and the steps taken by the permittee and IU (if identified) to address the incident. A copy of the notification shall also be sent to the EPA at the address provided below.
- (d) Changes to Pretreatment Program - DEP and EPA may require the permittee to submit for approval changes to its pretreatment program if any one or more of the following conditions is present:
1. The program is not implemented in accordance with 40 CFR Part 403;
 2. Problems such as interference, pass-through or sludge contamination develop or continue;
 3. Federal, State, or local requirements change;
 4. Changes are needed to assure protection of waters of the Commonwealth.
- (e) Procedure for Pretreatment Program Changes - Upon submittal by the permittee, and notice of approval by the Approval Authority to the permittee of any changes to the permittee's approved pretreatment program, such changes are effective and binding upon the permittee. The Department may, in its discretion, pursuant to Chapter 92 or by Department Order, modify this permit during its term to include such changes. Any such permit changes shall be considered minor modifications to the permit.
- (f) Correspondence - The Approval Authority shall be EPA at the following address:

Pretreatment Coordinator (3WP41)
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

Copies of all correspondence and reports dealing with this program shall be sent to:

Department of Environmental Protection
Northeast Regional Office
Clean Water Program - Operations Section
2 Public Square
Wilkes-Barre, PA 18711-0790

NINE: MANAGEMENT AND CONTROL OF COMBINED SEWER OVERFLOWS

- I. Combined sewer overflows (CSOs) are allowed to discharge only in compliance with this permit when flows in combined sewer systems exceed the design capacity of the conveyance or treatment facilities of the system during or immediately after wet weather periods. Overflows that occur without an accompanying precipitation event or snow-melt are termed "dry weather overflows" and are prohibited. CSOs are point source discharges that must be provided with control measures in accordance with the Federal Clean Water Act and the 1994 National CSO Policy.

The point source discharge locations (outfalls) specifically identified in the application submitted by the permittee serve as known combined sewer overflow locations on the permittee sewer system.

II. CONTINUED IMPLEMENTATION OF TECHNOLOGY-BASED NINE MINIMUM CONTROLS

- A. Upon issuance of this permit, the permittee shall continue the implementation of the NMCs, demonstrate system wide compliance with the NMCs and submit discharge monitoring reports and annual reports to the Department with appropriate documentation. The permittee's NMC documentation report is incorporated in this permit and the NMCs are listed here:
1. Proper operation and regular maintenance programs for the sewer system and the CSOs.
 2. Maximum use of the collection system for storage.
 3. Review and modification of pretreatment requirements to assure CSO impacts are minimized.
 4. Maximization of flow to the publicly owned treatment works for treatment.
 5. Prohibition of CSOs during dry weather.
 6. Control of solid and floatable materials in CSOs.
 7. Pollution prevention.
 8. Public notification to ensure that the public receives adequate notification of CSO occurrences and CSO impacts.
 9. Monitoring to effectively characterize CSO impacts and the efficacy of CSO controls.
- B. The Department will use the EPA guidance document entitled "Guidance For Nine Minimum Controls" (EPA 832-B-95-003), dated May 1995, and specific comments provided during review of the NMC documentation reports to determine continued compliance with the CSO permit requirements.

III. IMPLEMENTATION OF WATER QUALITY-BASED LONG TERM CONTROL PLAN (LTCP)

- A. The long term goal of the LTCP requirements in this permit is to achieve compliance with the state water quality standards upon completion of the LTCP implementation. The CSO discharge(s) shall comply with the performance standards of the selected CSO controls and shall comply with the water quality standards found in Chapter 93. When additional CSO-related information and data becomes available to revise water quality-based effluent limitations, the permit should be revised, as appropriate, to reflect the new effluent limitations.

- B. The permittee shall continue the implementation of the LTCP, demonstrate system-wide compliance with the LTCP's installed alternatives and submit with the Annual Report referenced in paragraph IV.B below, annual progress reports on implementation.
- C. The LTCP, at a minimum, shall incorporate the following requirements:
1. Continued implementation of the nine minimum controls.
 2. Protection of sensitive areas (recreation areas, public water supply, unique ecological habitat, etc.);
 3. Characterization, monitoring and modeling of overflows and assessment of water quality impacts;
 4. Evaluation and selection of control alternative - presumptive or demonstrative approach;
 5. Public participation in LTCP plan development and implementation;
 6. Implementation schedule and financing plan for selected control options;
 7. Maximizing treatment at the existing POTW treatment plant;
 8. The selected CSO controls should include a post-construction monitoring program plan adequate to verify compliance with water quality standards and protection of designated uses as well as to ascertain the effectiveness of CSO controls. This water quality compliance monitoring program should include a plan to be approved by the Department that details the monitoring protocols to be followed; and,
 9. CSO System Operational Plan.
- D. The LTCP is described in the EPA's guidance document entitled "Guidance For Long Term Control Plan" (EPA 832-B-95-002), dated September 1995. Using a compliance monitoring program, the permittee shall periodically review the effectiveness of the LTCP and propose any changes or revisions to the LTCP to the Department for review and approval before its implementation.
- E. The permittee shall implement, inspect, monitor and effectively operate and maintain the CSO controls identified in the LTCP pursuant to the LTCP implementation schedule, which is incorporated herein by reference. Notwithstanding any other provisions of this permit, the permittee will achieve the interim steps or milestones identified in the LTCP.

IV. MONITORING AND REPORTING REQUIREMENTS

- A. Discharge Monitoring Report for Combined Sewer Overflows (DMR for CSOs):

The permittee shall record data on CSO discharges in the format specified in the Department's DMR for CSOs attached to this permit. The data shall be submitted to the appropriate regional office of the Department within 28 days of the end of the month. For CSOs that are part of a permitted POTW, the DMR for CSOs must be submitted with the permittee's regular DMR. Copies of the DMRs for CSOs must be retained at the STP site for at least five (5) years.

- B. Annual CSO Status Report

On March 31 of each year, an Annual CSO Status Report shall be submitted to the Department with the annual "Municipal Wasteload Management Report" required by 25 Pa. Code Chapter 94, Section 94.12. For a satellite CSO system, a copy of the annual report shall also be provided to the POTW providing treatment for its wastewater.

1. The Annual CSO Status Report shall:
 - a. Provide a summary of the frequency, duration and volume of the CSO discharges for the past calendar year;
 - b. Provide the operational status of overflow points;
 - c. Provide an identification of known in-stream water quality impacts, their causes, and their effects on downstream water uses;
 - d. Summarize all actions taken to implement the NMCs and the LTCP and their effectiveness; and,
 - e. Evaluate and provide a progress report on implementing and necessary revisions to the NMC and LTCP.

2. Specifically, the following CSO-related information shall be included in the report:
 - a. Rain gauge data - total inches (to the nearest 0.01 inch) that caused each CSO discharge being reported in the supplemental DMR for CSOs.
 - b. Inspections and maintenance.
 - Total number of permittee/owner inspections conducted during the period of the report (reported by drainage system).
 - A list of blockages (if any) corrected or other interceptor maintenance performed, including location, date and time discovered, date and time corrected, and any discharges to the stream observed and/or suspected to have occurred.
 - c. Dry weather overflows

Dry weather CSO discharges are prohibited. Immediate telephone notification to DEP of such discharge is required in accordance with 25 Pa. Code, Section 91.33. Indicate location, date and time discovered, date and time corrected/ceased, and action(s) taken to prevent their reoccurrence. A plan to correct this condition and schedule to implement the plan must be submitted with the DMR for CSOs.
 - d. Wet weather overflows
 - For all locations that have automatic level monitoring of the regulators, report all exceedances of the overflow level during the period of the report, including location, date, time, and duration of wet weather overflows.
 - For all locations at which flows in the interceptors can be controlled by throttling and/or pumping, report all instances when the overflow level was reached or the gates were lowered. For each instance, provide the location, date, time, and duration of the overflow.

V. AREA-WIDE PLANNING/PARTICIPATION REQUIREMENT

Where applicable, the permittee shall cooperate with and participate in any interconnected CSO system's NMCs and LTCP activities being developed and/or carried out by the operator(s) of these systems, and shall participate in implementing applicable portions of the approved NMC and LTCP for these systems.

VI. PERMIT REOPENER CLAUSE

The Department reserves the right to modify, revoke and reissue this permit as provided pursuant to 40 CFR 122.62 and 124.5 for the reasons set forth in 25 Pa. Code Section 92.51(2) and for the following reasons:

- A. To include new or revised conditions developed to comply with any State or Federal law or regulation that addresses CSOs and that is adopted or promulgated subsequent to the effective date of this permit.
- B. To include new or revised conditions if new information indicates that CSO controls imposed under the permit have failed to ensure the attainment of State Water Quality Standards.
- C. To include new or revised conditions based on new information resulting from implementation of the LTCP or other plans or data.

VII. COMBINED SEWER OVERFLOW COMPLIANCE SCHEDULE

The permittee shall complete the above CSO activities in accordance with the following compliance schedule:

<u>Schedule Activity Description</u>	<u>Compliance Due Date</u>
Continue Implementation of the NMCs	Permit effective date
Continue Implementation of the LTCP	Permit effective date
Submit Annual CSO Status Report to Department with Chapter 94 Report	March 31 of each year
Submit DMR for CSOs (Attachment 4)	Within 28 days of the end of a month

TEN: WHOLE EFFLUENT TOXICITY (WET) TESTING

The permittee shall conduct Whole Effluent Toxicity Testing within the final 18 months of this permit cycle, according to Federal Regulation 40 CFR § 122.21(j)(5). The results shall be submitted with their next NPDES Permit application. The appropriate biomonitoring protocol for the testing can be obtained from the PA DEP Central Office at the following address:

PA Department of Environmental Protection
 Clean Water Program
 2 Public Square, 3rd Floor
 Wilkes Barre, PA 18701
 Telephone: 570-826-2511

ELEVEN: REQUIREMENTS FOR FACILITIES WITH BUILT-IN EXCESS HYDRAULIC CAPACITY

a) The "average monthly flow" is based upon the actual hydraulic design capacity of 25.0 MGD which has been specifically designed to accommodate stormwater inflow within the facility's tributary wastewater collection/conveyance system. In order to protect and maintain such built-in excess hydraulic capacity, the quantities of dry weather waste flow from existing and future residential, commercial and industrial sources must be closely

managed. For the purpose of demonstrating compliance with these management requirements the permittee shall monitor and report both "average monthly flow" and "average dry weather flow."

b. The term "average dry weather flow" means the arithmetic mean of daily measurements taken during the calendar month of flow which is attributable primarily to residential, commercial, and industrial sources tributary to the permittee's wastewater treatment facilities.

c. The "average dry weather" flow for the permittee's wastewater treatment facilities has been determined to be 20.0 mgd based upon information provided by the permittee.

When the "average dry weather flow" is exceeded for a period of three (3) consecutive months, the Department will consider the official Act 537 plan(s) for sewage facilities of the municipality(ies) concerned as inadequate and may require a revision to such plan(s) to insure sufficient treatment plant capacity.

d. When the "average monthly flow" is exceeded for a period of three (3) consecutive months, the Department will consider the treatment facilities as "hydraulically overloaded" under the provisions of the Department's rules and regulations 25 PA Code Chapter 94, Municipal Wasteload Management.

e. The concentration based effluent limitations on Page 2 are based upon the average dry weather flow of 20.0 MGD.

f. The mass-based effluent limitations for CBOD₅, TSS and NH₃-N on Page 2 are based upon the hydraulic design capacity of 25.0 MGD.

TWELVE: Operating and Monitoring Protocols for Outfall 003:

Operating Protocols:

- a. Operating mechanisms shall be set to convey the peak sanitary flow of 39 MGD to the WWTP for one hour and 25 MGD thereafter;
- b. Outfall 003 may discharge combined sewer overflow during wet weather conditions to the extent that combined sewage flows to the WWTP exceed 39 MGD for more than one hour in a twenty-four hour period.

Monitoring Protocols:

- a. Permittee shall collect data indicating the date, time, flow, cause, duration, and total quantity measured in MGD of discharges from Outfall 003 using the recently installed flow chart meter.
- b. Permittee shall collect data on the flow through the WWTP measured in MGD on an hourly basis.
- c. The monitoring information described in this Paragraph shall be submitted to Department of Environmental Protection's Northeast Regional Office on a monthly basis for each instance in which there is a discharge through Outfall 003.

Reporting:

- a. In the event there is a discharge from Outfall 003 when combined sewage flows to the WWTP have not exceeded 39 MGD for more than one hour in a twenty-four hour period, permittee shall notify DEP and EPA within 30 days of the discharge. Such notification shall describe the cause of the discharge (including the underlying cause of any condition, such as excess grit, that resulted in the discharge) and shall propose a schedule to implement corrective action to prevent a recurrence.

THIRTEEN: Use of tertiary nutrient filtration to meet nutrient effluent limitations shall be subject to the following requirements. The tertiary nutrient filters shall be operated at all times and treat up to the design flow capacity of the tertiary nutrient filters. Tertiary nutrient filtration shall be designed to treat at a minimum, the annual average daily design flow used to determine effluent limitations for this facility. NPDES compliance sampling for TP and TN shall be conducted in accordance with the nutrient requirements in Part A.I.C.2 and A.I.D.2 on any day the wastewater flow is diverted around the tertiary nutrient filters. To clarify, this may require sampling more often than is specified in Part A of this permit. The information shall be reported monthly supplemental to the Discharge Monitoring Report.