



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

NPDES PERMIT NO: PA0028576

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.*,

**Abington Regional Wastewater Authority
200 Northern Boulevard PO Box 199
Chinchilla, PA 18410-0199**

is authorized to discharge from a facility known as **Abington Regional Wastewater Authority**, located in **South Abington Township, Lackawanna County**, to **Leggetts Creek** 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 August 1, 2012

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON July 31, 2017

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 July 16, 2012

**ISSUED BY _____
Michael D. Bedrin
Director
Northeast Regional Office**

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

I. A. For Outfall 001, Latitude 41° 28' 4.00", Longitude 75° 40' 16.00", River Mile Index _____, Stream Code _____

Discharging to Leggetts Creek

which receives wastewater from Wastewater Treatment Plant

1. The permittee is authorized to discharge during the period from August 1, 2012 through July 31, 2017.
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
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0	1/day	Grab
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX	1/day	Grab
CBOD5	696	1114	XXX	25	40	50	2/week	24-Hr Composite
Total Suspended Solids	836	1254	XXX	30	45	60	2/week	24-Hr Composite
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000	2/week	Grab
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000	2/week	Grab
Ammonia-Nitrogen May 1 - Oct 31	72	XXX	XXX	2.6	XXX	5.2	2/week	24-Hr Composite
Ammonia-Nitrogen Nov 1 - Apr 30	217	XXX	XXX	7.8	XXX	15.6	2/week	24-Hr Composite

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

at Outfall 001

Outfall 001, Continued (from Issuance through Expiration)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum		
Total Aluminum	Report	Report	XXX	Report	Report Daily Max	XXX	1/quarter	24-Hr. Composite
Total Copper August 1, 2012 through June 30, 2017	Report	Report	XXX	Report	Report Daily Max	XXX	2/month	24-Hr. Composite
Total Copper July 1, 2017 through July 31, 2017	0.45	0.90	XXX	0.016	0.032 Daily Max	XXX	2/month	24-Hr. Composite
Total Zinc	Report	Report	XXX	Report	Report Daily Max	XXX	1/quarter	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 discharger may not discharge floating materials, scum, sheen, or substances that result in deposits in the receiving water. Except as provided for in the permit, the discharger may not discharge foam, oil, grease, or substances that produce an observable change in the color, taste, odor, or turbidity of the receiving water. 25 Pa. Code 92a.41(c)
2. Except as otherwise specified in this permit, on a concentration basis, the monthly average percent removal of BOD5 or CBOD5, and TSS, must be at least 85% for POTW facilities. 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° 28' 4.00", Longitude 75° 40' 16.00", River Mile Index _____, Stream Code _____

Discharging to Leggetts Creek

which receives wastewater from _____ Wastewater Treatment Plant

1. The permittee is authorized to discharge during the period from August 1, 2012 through September 30, 2015.
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		2/week	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° 28' 4.00", Longitude 75° 40' 16.00", River Mile Index _____, Stream Code _____

Discharging to Leggetts Creek

which receives wastewater from _____ Wastewater Treatment Plant

1. The permittee is authorized to discharge during the period from October 1, 2015 through July 31, 2017.
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		2/week	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	66,483				1/month	Calculation
Net Total Phosphorus	Report	8,310				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 and 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. 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

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.

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 122.4(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) and 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
 Water Management 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 Requirements

1. Planned Changes 40 CFR 122.41(l)(1) - The permittee shall give notice to DEP as soon as possible of any planned physical alterations or additions to the permitted facility. 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).

- 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.
- 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.

2. Anticipated Noncompliance

The permittee shall give advance notice to DEP of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. 40 CFR 122.41(l)(2)

3. 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:
 - (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. Note see 40 CFR 122.44(g)
 - (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).

4. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraph C.3 of this section or specific requirements of compliance schedules, at the time DMRs are submitted. The reports shall contain the information listed in paragraph C.3.b.(ii) of this section. 40 CFR 122.41(l)(7)

PART B

I. MANAGEMENT REQUIREMENTS

- A. Compliance Schedules 25 Pa. Code 92a.51 and 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. Facility expansions, production increases, process modifications, or any change of wastestream, that may result in an increase of pollutants that have the potential to exceed ELGs or violate effluent limitations specified in the permit, or that may result in a new discharge, or a discharge of new or increased pollutants for which no effluent limitation has been issued, must be approved in writing by the Department before the permittee may commence the new or increased discharge, or change of wastestream. The Department will determine if a permittee will be required to submit a new permit application and obtain a new or amended permit before commencing the new or increased discharge, or change of wastestream. 25 Pa. Code 92a.24(a)
 5. 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 unless a more stringent time period is required by law, regulation or permit condition in which case the more stringent time period will apply.
 - a. A new introduction of pollutants 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 pollutants. 40 CFR 122.42(b)(1)

- b. A substantial change in the volume or character of pollutants being introduced into the POTW by an indirect discharger introducing pollutants into the POTW at the time of issuance of this permit. 40 CFR 122.42(b)(2)
- c. Information 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)
- d. The identity of the any indirect discharger 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.
- e. The POTW 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.

D. 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)

E. 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)

F. 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 F.4.a. and b. 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 F.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.3.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.3.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 122.21(d)

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 ≥1 and <5 MGD.**

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 Water Standards and Facility Regulation
Re: Chapter 92a Annual Fee
P.O. Box 8466
Harrisburg, PA 17105-8466

PART C

I. CHESAPEAKE BAY 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	August 1, 2012 through July 31, 2017
Part A I.B.2	August 1, 2012 through September 30, 2015
Part A I.C.2	October 1, 2015 through July 31, 2017

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, or terminate this discharge, in accordance with the following schedule:

<u>Activity</u>	<u>Due Date</u>
1. Award Contract for Construction or Begin Implementation	May 1, 2013
2. Construction or Implementation Progress Report(s)	Quarterly, due January 15, April 15, July 15 and October 15
3. Issue Certification of Substantial Completion (Plant Fully Operational)	July 1, 2015
4. Compliance with effluent limitations	September 30, 2016

- 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
Northeast Regional Office
Water Management Program
Attn: Compliance Specialist
2 Public Square
Wilkes-Barre, PA 18701-1915

- 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

A. General

1. The Net Total Nitrogen and Net Total Phosphorus mass load effluent limitations in Part A I.B and Part A I.C 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.
2. The Total Nitrogen and Total Phosphorus Mass Loads (actual mass loads being discharged) shall be reported on the enclosed monthly Supplemental Discharge Monitoring Reports ("Supplemental DMRs"). The total mass loads will not equal the net mass loads if credits are applied or sold, or if offsets are applied. The mass loads for compliance purposes are "Net Total Nitrogen" and "Net Total Phosphorus" reported as pounds per year on the Annual Nutrient Summary form (3800-FM-WSFR0447). Instructions for tracking credits and offsets can be found in Part C II.C.10 – Tracking Offsets and Credits. The number of credits purchased can be determined by viewing the Department's Nutrient Trading Website at <http://www.dep.state.pa.us> Keyword "Nutrient Trading". The number of credits applied or sold, or offsets applied may change during the compliance year and subsequent truing period.
3. The Definitions in paragraph B apply to terms used in Part A and in the Supplemental DMR forms.
4. The Annual Nutrient Summary form shall be submitted no later than November 28th following the end of a compliance year for determination of compliance with the Net Total Nitrogen and Net Total Phosphorus annual mass load effluent limits.
5. 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.

B. Definitions

1. Monthly Total Mass Load (lbs) = The sum of the actual daily discharge loads (lb/d) divided by the number of samples per month multiplied by the number of days in the month. Daily discharge load (lb/d) = Daily flow (MGD) on the day of sampling, multiplied by that day's sample concentration (mg/l) multiplied by 8.34.
2. Annual Total Mass Load (lbs) = The sum of the Monthly Total Mass Loads for one year beginning October 1st and ending September 30th.
3. Total Nitrogen = Kjeldahl-N plus Nitrate-Nitrite as N.
4. Compliance Year = The year long period starting October 1 and ending September 30. The compliance year will be named for the year in which it ends. Example: The period of October 1, 2010 through September 30, 2011 is compliance year 2011.
5. Truing period = the time allowed at the end of each compliance year for any entity to come into compliance through the application of credits towards the Annual Net Mass Loads. This 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. Example: Credits that are used to achieve compliance in compliance year 2011 must have been generated during compliance year 2011.

6. Monthly Net Mass Load

For Total Nitrogen:

Monthly Net Mass Load = Monthly Total Mass Load + (Total Credits sold during the month / 0.733 (TN delivery ratio for facility)) – (Total Credits applied during the month / 0.733 (TN delivery ratio for facility)) – Offsets applied

For Total Phosphorus:

Monthly Net Mass Load = Monthly Total Mass Load + (Total Credits sold during the month / 0.436 (TP delivery ratio for facility)) – (Total Credits applied during the month / 0.436 (TP delivery ratio for facility)) – Offsets applied

7. Annual Net Mass Load (lb/year) = The sum of the Monthly Net Mass Loads for one year beginning October 1st and ending September 30th.
8. Certification: Written approval by the Department for the use of proposed or implemented activities to generate credits and/or offsets. Certifications are based on at least (1) a credit or offset proposal to be submitted describing the qualifying activities that will reduce the nutrient loadings delivered to the Chesapeake Bay, (2) the calculation to quantify the pounds of reductions expected and (3) a verification plan that, when implemented, ensures that the qualifying nutrient reduction activities have taken place.
9. Verification: Implementation of the verification plan contained in a certified credit or offset proposal as required by the Department. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying nutrient reduction activities have taken place for the applicable compliance year.
10. Registration: Approval by the Department of the use of credits or offsets in a permit. Registration will not occur until credits have been certified and verified, and for credits a trading contract has been submitted to the Department. The Department will register credits on an annual basis for use during the compliance year in which the qualifying nutrient reduction activities have taken place, and provide such credits with an annual registry number for reporting and tracking purposes.

C. Nutrient Credits and Offsets

1. Credit = The unit of compliance that corresponds with a pound of reduction of TP, TN or sediment as recognized by the Department which, when registered by the Department, may be used to comply with effluent limits.
2. Offset = Verb - The act of reducing the aggregate production of nutrients from an action or activity by use of a complimentary action, activity or technology on that site or directly related to the activity. Noun - The load in pounds of nitrogen or phosphorus created by an action, activity or technology that is available to apply against the proposed load to be generated. Offsets are not the same as credits as they cannot be directly bought, sold or transferred between owners, projects, or properties.
3. The permittee is authorized to apply nitrogen and phosphorus credits to this permit in order to comply with the Net Total Nitrogen and Net Total Phosphorus annual mass load effluent limits, when the credits are recognized by the Department through a trading program administered by the Department pursuant to "Final Trading of Nutrient and Sediment Reduction Credits – Policy and Guidelines," including all Attachments and Appendices.

4. Credits may be applied to the compliance obligations of this permit up until November 28 of the calendar year at the end of the current compliance period (e.g., if the period is the 12 months following 9/30/2010, credits may be applied up until 11/28/2011).
5. Whenever credits are applied or sold the permittee shall report the following, using Supplemental DMR forms:
 - The registry number and trade effective dates.
 - The type (nitrogen, phosphorus) and the number of credits purchased or sold of each.
6. Any time a contract expires during the term of this permit, the Department must be notified 30 days prior to the expiration date, and the permittee shall provide either a new contract or a discussion on how compliance with this permit will be achieved.
7. All credit transactions must be on the DEP's Trading website which can be viewed at www.dep.state.pa.us Keyword "Nutrient Trading".
8. Offsets approved by DEP are to be reported and used in calculating the Monthly Net Mass Loads.
9. All credits must be certified by the Department and verified for the year in which they are used for compliance with this permit.
10. Tracking Offsets and Credits:
 - a. Credits – the use of credits shall be tracked on Supplemental DMR forms provided with this permit. As identified on the forms entitled Monthly Nitrogen Budget (3800-FM-WSFR0445) and Monthly Phosphorus Budget (3800-FM-WSFR0446), the forms shall be submitted when a credit transaction occurs. Additionally, the form entitled Annual Nutrient Summary (3800-FM-WSFR0447) shall be submitted at the end of each compliance year. Credits are only for the compliance year in which they are used and must be reported each year.
 - b. Offsets – the use of offsets shall be tracked on Supplemental DMR forms provided with this permit. As identified on the forms entitled Monthly Nitrogen Budget and Monthly Phosphorus Budget, the forms shall be submitted when offsets are claimed. Additionally, the Annual Nutrient Summary shall be submitted at the end of each compliance year. Some offsets will be deemed as permanent and can be claimed each year. Offsets must be reported each year during the permit cycle. Offsets deemed to be permanent can be used to adjust cap loads in future permits.

If an offset is approved during the compliance year, the offset generated shall be divided by twelve and applied to each monthly net mass load after the offset is approved. For example, 40 homes formerly utilizing on-lot systems are placed on public sanitary sewer service. The nitrogen offset of 25 lbs/year per home would be applicable. The offsets are approved in May of the compliance year, so the offset would be applied as follows:

$$(40 \text{ homes} \times 25 \text{ lbs} / \text{home}) / 12 \text{ months} = 83 \text{ lbs/month}$$

For each month following approval of the offset, 83 lbs of nitrogen will be applied as an offset each month to the Monthly Net Mass Load.

D. Offsets Granted by Connection of Retired On-Lot Systems

The permittee is responsible for maintaining records that show that the on-lot systems existed or were put in place prior to January 1, 2003, and eliminated by connecting the dwellings to the sewage conveyance system after January 1, 2003. These records must verify that the on-lot system existed or was put in place prior to January 1, 2003, when the on-lot system was taken out of service, and when the dwelling was connected to the sewage conveyance system. These records must be maintained by the permittee as

long as the offsets are counted toward the permittee's cap load. The permittee must make these records available for public inspection.

E. Offsets Granted for Accepting Septage

Offsets for accepting septage at the permittee's facility shall be authorized on the basis of three pounds of Nitrogen per 1,000 gallons of septage accepted and processed at the facility. These offsets shall be authorized for the acceptance of septage only.

For the purpose of these offsets, septage is defined as material removed from a septic tank by pumping. No other hauled in wastes shall be considered for the purposes of these offsets. Specifically, holding tank wastes that are either domestic or commercial/industrial, and solids and sludges generated at other facilities may not be used toward offsets.

Such offsets shall be reported on the Monthly Nitrogen Budget form (3800-FM-WSFR0445). The "Source" must be listed as "Septage" and the "Amount" in lbs must be reported as determined using the formula, (total monthly septage accepted and processed (gallons) / 1,000) x 3.

III. OTHER REQUIREMENTS

- A. 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.
- B. 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.
- C. 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.
- D. 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.

- E. The effluent limitations for Outfall 001 were determined using an effluent discharge rate of 3.34 MGD.
- F. The permittee shall conduct Chronic Whole Effluent Toxicity Testing (WETT) within the final 18 months of this permit cycle, according to the Federal Regulation at 40 CFR Section 122.21(j)(5). The Chronic WETT shall be completed with a dilution series of 100%, 90%, 80%, 40%, 20%, and 0%. This is based upon a design discharge flow of 3.34 million gallons per day (MGD) and an estimated Q7-10 low stream flow of 1.31 cubic feet per second (CFS). A list of PA Accredited Environmental Laboratories for WETT can be found on the DEP web site www.depweb.state.pa.us under the Laboratory Accreditation Program. The WETT will require testing with fathead minnow, Pimephales promelas and daphnia, Ceriodaphnia dubia. The protocol for the Chronic WETT is EPA's Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms: 1000.0 Fathead minnow, Pimephales promelas,

larval survival and growth and 1002.0 Daphnia, Ceriodaphnia dubia, survival and reproduction (or most current version, www.epa.gov/waterscience/methods/wet/). The WETT results shall be expressed as No Observed Effect Concentration (NOEC) and a dose-response curve shall be plotted.

IV. TOXICS REDUCTION EVALUATION (TRE)

A. Water Quality Based Effluent Limitations (WQBELs)

1. Based on the discharge and stream data currently available to the Department, the WQBELs for Total Copper on Page 3 is necessary to protect the receiving stream uses designated in the Department's Rules and Regulations.
2. Within 60 days of August 1, 2012, the permittee must submit notification to the Department verifying that one of the following options has been selected.
 - a. The permittee accepts the Department's data, assumptions and water quality modeling which was the basis for the WQBELs and will not proceed with the optional site-specific data collection activities described in Section C of this condition. The WQBELs will be considered final and enforceable **59 months** after August 1, 2012, and should be used as the basis for Phase II of the TRE.
 - b. During the period following permit issuance, and prior to the WQBELs becoming final, the permittee agrees to conduct site-specific discharge and/or stream data collection and provide the Department with data to verify or refine the WQBELs in accordance with the schedule in Section B.2, herein. If warranted, modified WQBELs will be established through a permit amendment. Any such permit amendment shall be considered a formal permitting action of the Department subject to applicable permit modification procedures.

If the permittee fails to select one of these options within 60 days of permit effective date, option A.2.a. is selected by default. If the permittee selects option A.2.b, and conducts TRE actions within the schedule in Section B.2 of this condition of the permit, herein, the Department will issue a written decision by letter or permit amendment. The permittee will have 30 days from the date of receipt of such written Department letter or decision to file an appeal of the final WQBELs.

3. In either case, the permittee must conduct a TRE as outlined below. Phase I of the TRE has both required and optional components.

B. TRE Submission Requirements

1. The TRE shall be developed to:
 - a. Confirm and quantify the presence of the pollutants in the discharge with WQBELs.
 - b. Verify or refine the modeling data and/or assumptions used to develop the WQBELs.
 - c. Identify sources of the pollutants with final WQBELs.
 - d. Recommend management practices, wastewater treatment technologies, or other control techniques to reduce or eliminate these pollutants.
2. A copy of the Department's "Guidelines for Conducting a Toxics Reduction Evaluation" is enclosed for your use. The TRE and associated reports shall be completed and submitted in accordance with the following schedule:
 - a. Submit notification specified in A.2 above Within 60 days of August 1, 2012
 - b. Submit work plan for conducting Phase I Within 90 days of August 1, 2012

- | | | |
|----|---|---|
| c. | Start Phase 1 | Within 120 days of August 1, 2012 |
| d. | Submit progress report on TRE efforts | July 15, 2013; July 15, 2014; July 15, 2015 |
| e. | Submit complete Phase I report (3 copies) | December 31, 2015 |
| f. | Start Phase II | March 31, 2016 |
| g. | Submit complete Phase II report | September 30, 2016 |

C. Phase I TRE Requirements

1. The permittee is required to submit Phase I of the TRE consisting of the following components:
 - a. Influent and effluent quality review;
 - b. Source inventory and evaluation;
 - c. Source reduction evaluation; and
 - d. Implementation of pollution prevention, sound housekeeping practices, and other management practices.
2. The permittee selecting option A.2.b above has the option of providing all or some of the following site-specific data as part of Phase I for use in verifying and refining the WQBELs:
 - Discharge hardness
 - Discharge pollutant concentration and variability
 - Design discharge flow
 - Discharge mixing characteristics
 - Pollutant fate characteristics
 - Stream width, depth and slope
 - Stream velocity
 - Ambient stream data for pollutants, pH, temperature
 - Instream hardness
 - Water intake quality and quantity
 - Treatment plant influent pollutant concentrations
 - Chemical translators
 - Water Effects Ratio (WER)

The permittee should contact the department for guidance in determining which of the above data will have a significant impact on the WQBELs and also for protocols on collecting and submitting the data. The Department will determine the adequacy of any site-specific data submitted and advise the permittee accordingly. If initial review of the submitted data suggests that additional data collection is necessary, the Department will so advise the permittee. The Department will notify the permittee what effect, if any, the data have on the WQBELs using the procedure outlined in A.2 above.

3. Site-Specific Criteria

The permittee may request an opportunity to demonstrate alternative, site-specific criteria for these pollutants. The procedures for carrying out such demonstrations must receive written approval in advance by the Department and must be in accordance with the requirements of Section 93.8 of the Departments Rules and Regulations.

If the permittee chooses this option, requests for alternative, site-specific criteria must be submitted to the Department as part of the Phase I TRE report. Where the demonstration results in more stringent

limitations than those previously established by the Department, the more stringent limitation will apply. Any less stringent limitations which are approved by the Department shall not violate any other applicable water criteria.

4. Alternative Site Specific Method Detection Limits (MDL)

In some cases, the WQBEL may be less than the Method Detection Level (MDL) in the Department's Policy, 25 Pa Code, Chapter 16. In this event, the permittee has the option to demonstrate alternative, facility-specific MDLs to account for analytical matrix interference associated with the wastewater in question. The procedures for determining MDLs, published as Appendix B in 40 CFR Part 136, must be followed and complete documentation provided. The request for approval of alternative facility-specific MDLs including all documentation required to support such a request must be submitted to the Department with the Phase I TRE report.

The Department may grant a facility-specific MDL by including the numeric alternate MDL value for compliance purposes through the permit modification or renewal process.

D. Phase II TRE Requirements

Depending on the results of Phase I, the WQBELs may need to be modified or Phase II may not be necessary.

1. Source Reduction Evaluation

In addition to those items in C.1 above, as part of Phase II, the permittee must conduct source reduction evaluations including recycle, reuse, and process/chemical substitution. The intent of this portion of the TRE is to investigate and implement all low-cost, non-structural alternatives to reduce pollutants.

2. Final WQBEL Compliance Strategies and Schedule

A complete TRE report must consist of identification and assessment of all available pollution control options (Best Management Practices and/or treatment technologies and other structural alternatives) and their ability to comply with the final WQBELs or other WQBELs identified in response to Phase I. The permittee must select a specific pollution control option that will achieve the applicable WQBELs and specify a schedule for the implementation of this option.

3. Section 95.4 Time Extension Request

In some cases, the final WQBEL may not be technologically achievable using any combination of control options. In this event, the permittee has the option of requesting an extension under the requirements contained in 25 Pa Code, Section 95.4 of the Department's Rules and Regulations. If the permittee elects to submit the 95.4 time extension request, the request must be submitted with Phase II of the TRE report. Form 3800-FM-WSFR0302 should be used for any such requests.

V. Total Residual Chlorine (TRC) Minimization

The method of disinfection to be used is ultraviolet radiation. The permittee will ensure that applied chlorine dosages, used for other than disinfection purposes, are optimized to the degree necessary such that the TRC in the discharge does not cause an adverse stream impact. Routine use of chlorine at the treatment facility must be reported to the Department in writing. If the Department determines or receives documented evidence that levels of TRC in the permittee's effluent are causing adverse impacts in the receiving water, upon the Department's notice, the permittee shall institute necessary additional steps to reduce or eliminate such impact.