



**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
DISCHARGE REQUIREMENTS FOR NON-MUNICIPAL  
SEWAGE TREATMENT WORKS**

**NPDES PERMIT NO: PA0032301  
Amendment No. 1**

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.*,

**M & B Environmental, Inc.**

**744 Harleysville Pike**

**Harleysville, PA 19438**

is authorized to discharge from a facility known as **Concord Industrial Park STP**, located at **Concord Township, Delaware County** to the **West Branch Chester Creek** in Watershed **3G** 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 June 1, 2012**

**THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON March 31, 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 C.F.R. 122.41(a)]
3. A complete application for reissuance 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 C.F.R. 122.41(b) and 122.21(d)]

In the event that a timely and complete application for reissuance 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 92.9]

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 March 9, 2009**

**ISSUED BY \_\_\_\_\_**

**DATE PERMIT AMENDMENT ISSUED April 25, 2012**

**Jenifer L. Fields, P.E.  
Clean Water Program Manager  
Southeast Regional Office**

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

I. For Outfall 001, Latitude 39°53'30", Longitude 75°31'20", River Mile Index 6.45, Stream Code 00542

which receives wastewater from the sewage treatment plant that serves the industrial park

- a. The permittee is authorized to discharge during the period from issuance through expiration.
- b. 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):

Discharge Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) <sup>(1)</sup>		Concentrations (mg/L)				Minimum <sup>(3)</sup> Measurement Frequency	Required Sample Type
	Monthly Average	Daily Maximum	Instantaneous Minimum	Monthly Average	Daily Maximum	Instantaneous Maximum <sup>(2)</sup>		
Flow (MGD)	Monitor/Report	Monitor/Report					Continuous	Recorded
CBOD5	4.2			25		50	2/Month	24 HC
Total Suspended Solids	5.0			30		60	2/Month	24 HC
Ammonia as N (05-01 to 10-31)				3.0		6.0	2/Month	24 HC
Ammonia as N (11-01 to 04-30)				9.0		18.0	2/Month	24 HC
Fecal Coliform (Col/100ml)				Geo. Mean 200		1,000**	2/Month	Grab
Dissolved Oxygen			2.0				Daily*	Grab
pH (Standard Units)			6.0			9.0	Daily*	Grab
Total Residual Chlorine				0.5		1.2	Daily*	Grab
Total Phosphorus as P (04/01/2009 thru 03/31/2011)	Monitor/Report			Monitor/Report		Monitor/Report	2/Month	24 HC
Total Phosphorus as P (04/01/2011 thru 03/31/2014) (05-01 to 10-31)	0.17			1.0		2.0	2/Month	24 HC
Total Phosphorus as P (04/01/2011 thru 03/31/2014) (11-01 to 04-30)	0.33			2.0		4.0	2/Month	24 HC

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

\*Except weekends and holidays. \*\*The fecal coliform concentration shall not be greater than 1,000 COL/100 ml in more than 10 percent of the samples tested. See Part C Other Requirement No.13 for fecal coliform reporting requirements.

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

c. Additional Requirements

1. The discharger shall not discharge floating materials, oil, grease, scum, foam, sheen, and substances which produce color, taste, odor, turbidity, or settle to form deposits in concentrations or amounts sufficient to be, or creating a danger of being, inimical to the water uses to be protected or to human, animal, plant, or aquatic life. [25 Pa. Code 92.51(6)]
2. Effective disinfection to control disease producing organisms from the period of May 1 to September 30 shall be the production of an effluent which will contain a concentration not greater than 200/100 ml of fecal coliform colonies as a geometric mean, nor greater than 1,000/100 ml of these colonies in more than 10 percent of the samples tested. [25 Pa. Code 92.2c(b)(2)]

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) The Instantaneous Maximum Discharge Limitations are for compliance use by DEP only. Do not report instantaneous maximums on DMRs or supplemental DMRs unless specifically required on those forms to do so.
- (3) 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

- (1) The hydraulic design capacity of 0.02 million gallons per day for the treatment facility is used to prepare the annual Municipal Wasteload Management Report to help determine whether a "hydraulic overload" situation exists, as defined in Title 25 Pa. Code Chapter 94.
- (2) The effluent limitations for this outfall were determined using an effluent discharge rate of 0.02 million gallons per day.
- (3) If the permit requires reporting of average weekly limitations, please follow the following guideline. If the "maximum average concentration" and the "maximum average mass loading" do 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.

## 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 C.F.R. 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 92.1]

**Bypass** means the intentional diversion of waste streams from any portion of a treatment facility.  
[40 C.F.R. 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 the Department 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 92.1 and 40 C.F.R. 122.2]

**Daily Maximum Discharge Limitation** means the highest allowable "daily discharge." [25 Pa. Code 92.1]

**Discharge Monitoring Report (DMR)** means the DEP or EPA supplied form(s) for the reporting of self-monitoring results by the permittee. [40 C.F.R. 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 C.F.R. Part 116 pursuant to Section 311 of the Clean Water Act. [40 C.F.R. 122.2]

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

**Instantaneous Maximum** means the highest allowable discharge of a concentration of a substance at any one time as measured by a grab sample. [25 Pa. Code 92.1]

**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.

**Noncontact Cooling Water** means water used to reduce temperature which does not come in direct contact with any raw material, intermediate product, waste product (other than heat), or finished product.

**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 C.F.R. 122.41(m)(1)(ii)]

**Stormwater** means the runoff from precipitation, snow melt runoff, and surface runoff and drainage. [25 Pa. Code 92.1]

**Stormwater Associated With Industrial Activity** means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas as defined. [40 C.F.R. § 122.26(b)(14) and 25 Pa. Code 92.1]

**Total Dissolved Solids** means the total dissolved (filterable) solids as determined by use of the method specified in 40 C.F.R. Part 136.

**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 92.1]

### III. SELF-MONITORING, REPORTING AND RECORDKEEPING

#### A. Representative Sampling [40 C.F.R. 122.41(i)(1)]

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. Records Retention [40 C.F.R. 122.41(i)(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 C.F.R. 122.41(i)(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 C.F.R. 122.41(i)(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), 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 C.F.R. Part 136 (or in the case of sludge use or disposal, approved under 40 C.F.R. Part 136, unless otherwise specified in 40 C.F.R. 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 C.F.R. 122.41(e) and 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 C.F.R. Part 136. [40 C.F.R. 122.4(i)(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 C.F.R. 122.41(e) and 122.44(i)(1)]

2. Unless instructed otherwise in PART C of this permit, a properly completed DMR must be received by the following address within 28 days after the end of each monthly report period:

Department of Environmental Protection  
Clean Water Program  
2 East Main Street  
Norristown, PA 19401

3. The completed DMR Form shall be signed and certified by either of the following applicable persons, as defined in 25 Pa. Code § 92.23:
  - 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.

4. 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 C.F.R. 122.41(l)(4)(ii)]

### C. Reporting Requirements

1. Planned Changes [40 C.F.R. 122.4(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 only 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 C.F.R. § 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, and not subject to notification requirements under 40 C.F.R. § 122.42(a)(1).
  - 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 C.F.R. 122.41(l)(2)]

### 3. Unanticipated Noncompliance or Potential Pollution Reporting

- a. Immediate Reporting - The permittee shall report incidents causing or threatening pollution in accordance with the requirements of 25 Pa. Code Section 91.33. 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 the DEP by telephone

of the location and nature of the danger and if reasonable possible to do so, 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. 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 C.F.R. 122.41(1)(6). These requirements include the following obligations:
- (i) Twenty-four (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.
    - (3) Violation of the maximum daily discharge limitation for any of the pollutions listed in the permit as being subject to the 24-hour reporting requirement. Note: see 40 C.F.R. 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 the DEP, the permittee shall submit a written report in accordance with this paragraph. [40 C.F.R. 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 C.F.R. 122.41(l)(7)]



**PART B**

**I. MANAGEMENT REQUIREMENTS**

A. Compliance Schedules [25 Pa. Code 92.55 and 40 C.F.R. 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 C.F.R. 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 92.51(2) and 40 C.F.R. 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 C.F.R. 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 C.F.R. 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 C.F.R. 122.41(h)]
2. The permittee shall furnish to DEP, upon request, copies of records required to be kept by this permit. [25 Pa. Code 92.51(3)(ii) and 40 C.F.R. 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 C.F.R. 122.41(l)(8)]

D. Proper Operation and Maintenance

1. The permittee shall employ an operator(s) 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 C.F.R. 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 C.F.R. 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 2, 3, and 4 of this section. [40 C.F.R. 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: [40 C.F.R. 122.41(m)(4)(i)]
  - a. A bypass is unavoidable to prevent loss of life, personal injury or "severe property damage." [40 C.F.R. 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 C.F.R. 122.41(m)(4)(i)(B)]
  - c. The permittee submitted the necessary notice required in F.4.a. and b. below. [40 C.F.R. 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 C.F.R. 122.41(m)(4)(i)(C)]
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 C.F.R. 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.3a.
    - (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.3b.

**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 C.F.R. § 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 C.F.R. § 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 C.F.R. 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 92 and 40 C.F.R. § 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. [25 Pa. Code 92.51(3)(i) and 40 C.F.R. 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. [25 Pa. Code 92.51(3)(ii) and 40 C.F.R. 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. [40 C.F.R. 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 C.F.R. 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 C.F.R. 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. [25 Pa. Code 92.71a(1) and 40 C.F.R. 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. [25 Pa. Code 92.71(a)(2) and 40 C.F.R. 122.61(b)(2)]
  - c. If 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. [25 Pa. Code 92.71a(3) and 40 C.F.R. 122.61(b)(3)]
  - d. The new permittee is in compliance with existing DEP issued permits, regulations, orders, and schedules of compliance, or that 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 schedule set forth in the permit), consistent with § 92.55 (relating to schedules of compliance) and other appropriate DEP regulations. [25 Pa. Code 92.71a(4)]
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 C.F.R. 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 and obtain a new permit. [40 C.F.R. 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.

**PART C**

**I. OTHER REQUIREMENTS**

1. Notification of the designation of the responsible operator must be submitted to the permitting agency by the permittee within 60 days after the effective date of the permit and from time to time thereafter as the operator is replaced.
2. If, at anytime, the DEP determines that the discharge permitted herein creates a public nuisance or causes environmental harm to the receiving water of the Commonwealth, the DEP may require the permittee to adopt such remedial measures as will produce a satisfactory effluent. If the permittee fails to adopt such remedial measures within the time specified by the DEP, the right to discharge herein granted shall, upon notice by the DEP, cease and become null and void.
3. No storm water from pavements, area ways, roofs, foundation drains, or other sources shall be admitted to the sanitary sewers associated with the herein approved discharge.
4. 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.
5. If there is a change in ownership of this facility or in permittee name, an application for transfer of permit must be submitted to the DEP.
6. The permittee will ensure that applied chlorine dosages, used for disinfection or other purposes, are optimized to the degree necessary such that the total residual chlorine (TRC) in the discharge effluent does not cause an adverse stream impact. In doing so, the permittee shall consider relevant factors affecting required chlorine dosage, such as wastewater characteristics, mixing and contact times, desired result of chlorination, and expected impact on the receiving water body. The TRC data shall be recorded daily and maintained at the facility.  
  
If the DEP determines or receives documented evidence that levels of TRC in the permittee's effluent are causing adverse water quality impacts in the receiving water, the permittee shall be required to institute necessary additional steps to reduce or eliminate such impact.
7. Collected screenings, slurries, sludges, and other solids shall be handled and disposed of in compliance with 25 Pa. Code, Chapters 271, 273, 275, 281, 283, and 285 (relating to general provisions and requirements for landfilling, land application, composting, processing, and storage of municipal waste), Chapters 261a, 262a, 263a, and 270a (related to identification of hazardous waste, requirements for generators and transporters, and hazardous waste permit programs) and applicable Federal Regulations, the Federal Clean Water Act, RCRA, and their amendments.
8. Instantaneous maximum limitations are imposed to allow for a grab sample to be collected by the appropriate regulatory agency to determine compliance. The permittee does not have to monitor for the instantaneous maximum limitation except for the parameters pH, total residual chlorine, and fecal coliform. However, if grab samples are collected for parameters normally monitored through composite sampling, the results must be reported.
9. Parameters with a sampling frequency of twice per month must be sampled at least 10 days apart. If more than the required two samples are taken, then only two must be at least 10 days apart. All samples taken must be reported.

10. This permit authorizes the discharge of treated sewage until such time as facilities for conveyance and treatment at a more suitable location are installed and are capable of receiving and treating the permittee's sewage. Such facilities must be in accordance with the applicable municipal official plan adopted pursuant to Section 5 of the Pennsylvania Sewage Facilities Act, the Act of January 24, 1956, P.L. 1535, as amended. When such municipal sewerage facilities become available, the permittee shall provide for the conveyance of the sewage to these sewerage facilities, abandon the use of the sewage treatment plant thereby terminating the discharge authorized by this permit, and notify the DEP accordingly. This permit shall then, upon notice from the DEP, terminate and become null and void, and shall be relinquished to the DEP.
11. The facility shall be operated under the charge of a responsible operator(s) certified under the Pennsylvania Water and Wastewater Systems Operations Certification Act (Act 11). The operator(s) shall comply with the continuing education requirements required under the regulations and guidelines related to Act 11.

12. Operations and Maintenance Plan

The permittee shall develop a treatment facility operations and maintenance plan addressing key wastewater processes. The plan shall be reviewed yearly and updated when appropriate. Said plan shall be in writing or in an electronic format. Upon request, this plan shall be submitted to DEP for review. For the purpose of this section, a key wastewater process includes any piece of equipment, or a process that if it fails may likely cause the discharge of raw wastewater or wastewater that fails to meet NPDES permit discharge requirements, or a failure that may likely threaten human or environmental health. Said plan shall include:

- A process control strategy that includes a schedule for process control sampling, monitoring, testing, and recordkeeping.
- A plan that identifies how key wastewater processes shall be monitored and adjusted while the facility is staffed.
- A plan that identifies how key wastewater processes will be monitored while the treatment facility is not staffed.
- For treatment plants that are impacted by wet weather flows, the permittee shall develop and implement a wet weather operations strategy that minimizes or eliminates the wash out of solids from the treatment system while maximizing the flow through the treatment plant.
- An emergency plan that identifies how the facility will be operated during times of emergency. For example, the plan shall detail how key wastewater processes will be repaired or replaced in the event of a failure while minimizing loss of life and property damage to the facility. This plan shall also include emergency contact numbers for local emergency response agencies, plant personnel, critical suppliers and vendors, and DEP contacts, at a minimum.
- A preventative maintenance plan that includes a schedule for preventative maintenance for all equipment within the treatment system. A spare parts inventory shall be included as part of this plan.
- A solids management plan that identifies how solids produced by the facility will be wasted, treated, and ultimately disposed of.

13. Reporting of instantaneous maximum concentration for fecal coliform must be in accordance with 25 Pa. Code 92.2c(b)(2). The regulations state that an effective disinfection to control disease-producing organisms are defined as the product of an effluent containing a concentration not greater than 200/100 milliliters of fecal coliform organisms as a geometric mean value and not greater than 1,000/100 milliliters of fecal coliform organisms in more than 10 percent of the samples tested. For reporting purposes, a copy of the guidelines for the 10 percent rule is enclosed with the permit.

14. Laboratory Certification

The Environmental Laboratory Accreditation Act of 2002 requires that all environmental laboratories register with the DEP. An environmental laboratory is any facility engaged in the testing or analysis of environmental samples required by a statute administered by the DEP relating to the protection of the environment or of public health, safety, and welfare.