

Appendix C

63 P.S. § 818.37

PROFESSIONS AND OCCUPATION

§ 818.37. Existing rules and regulations

Each rule and regulation of the board not inconsistent with this act shall remain in effect after such date until repealed or amended by the board.

1983, Dec. 22, P.L. 306, No. 84, § 28, effective Jan. 1, 1984. Renumbered as § 37 and amended 1996, April 19, P.L. 104, No. 27, § 19, effective in 60 days.

Renumbered

This section was renumbered from 63 P.S. § 818.28 in 1996.

Historical and Statutory Notes

1996 Legislation

The 1996 amendment renumbered this section and substituted "not inconsistent with this act" for "in effect on December 31, 1983".

Research References

Encyclopedias

Summ-PA Jur. 2d Commercial Law § 20:38, Assurance of Voluntary Compliance.

Treatises and Practice Aids

Standard Pennsylvania Practice § 83:104, Vehicle Manufacturers, Dealers, and Salespersons.

CHAPTER 22B

MOTOR VEHICLE DAMAGE APPRAISERS

§ 859. Penalties

Research References

Treatises and Practice Aids

14 West's Pennsylvania Practice P80.1, Professions and Occupations Offenses (Title 63).

14 West's Pennsylvania Practice P110, Professions and Occupations Offenses (Title 63).

CHAPTER 23

LANDSCAPE ARCHITECTS' REGISTRATION LAW

§ 901. Short title

Research References

Treatises and Practice Aids

Standard Pennsylvania Practice § 167:347, Liability of Construction Design Professionals

to Nonemployee Workers at Construction Site.

§ 911. Penalties

Research References

Treatises and Practice Aids

14 West's Pennsylvania Practice P80.1, Professions and Occupations Offenses (Title 63).

14 West's Pennsylvania Practice P110, Professions and Occupations Offenses (Title 63).

CHAPTER 24

WATER AND WASTEWATER SYSTEMS OPERATORS

Section

1001. Short title.

Section

1002. Definitions.

PROFESSIONS AND OCCUPATIONS

63 P.S. § 1002

Section	Section
1003. State Board for Certification of Water and Wastewater Systems Operators.	1007. Professional engineers.
1004. Powers and duties.	1008. Deleted.
1004.1. Certification Program Advisory Committee.	1009. Reciprocity.
1005. Wastewater system operator certificates.	1010. Repealed.
1006. Water system operator certificates.	1011. Administrative procedure and judicial review.
1006.1. Interim program authorization.	1012. Repealed.
	1013. Operation of water or wastewater systems.
	1014. Enforcement.
	1015. Civil relief.
	1015.1. Whistleblower.

§ 1001. Short title

This act shall be known, and may be cited, as the "Water and Wastewater Systems Operators' Certification Act."
1968; Nov. 18; P.L. 1052; No. 322, § 1, effective Jan. 1, 1969. Amended 2002, Feb. 21, P.L. 134, No. 11, § 2, imd. effective.

Historical and Statutory Notes

Title of Act:

An Act providing for the certification of water and wastewater systems operators; creating the State Board for Certification of Water and Wastewater Systems Operators and prescribing its powers and duties; conferring powers and duties upon the Department of Environmental

Protection, the Environmental Hearing Board and the Environmental Quality Board; providing for continuing education requirements; and providing for civil relief and penalties. 1968, Nov. 18, P.L. 1052, No. 322. Amended 1989, Dec. 22, P.L. 790, No. 112, § 1; 2002, Feb. 21, P.L. 134, No. 11, § 1, imd. effective.

Research References

Treatises and Practice Aids

Standard Pennsylvania Practice § 83:106, Water and Wastewater Systems Operators.

§ 1002. Definitions

The following words and phrases, when used in this act, shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.

"Available operator" means a certified operator who is on site or able to be contacted as needed to make process control decisions in a timely manner to protect the environment and public health.

"Board" means the State Board for Certification of Water and Wastewater Systems Operators.

"Certification" means the process by which an individual obtains a water or wastewater system operator's certificate in accordance with the requirements of this act and the rules and regulations adopted thereunder.

"Certified operator" means any operator who holds a valid certificate in accordance with this act.

"Continuing education" means approved activities to include training, outreach programs, contact hours, meetings, presentations and/or other activities designed to increase the knowledge, abilities and skills of system operators.

"Department" means the Department of Environmental Protection of the Commonwealth.

"Environmental Hearing Board" means the board established pursuant to the act of July 13, 1988 (P.L. 530, No. 94), known as the "Environmental Hearing Board Act."

"Environmental Quality Board" means the board established pursuant to section 1920-A of the act of April 9, 1929 (P.L. 177, No. 175),² known as "The Administrative Code of 1929," for the purposes set forth in that section.

"Grandparenting" means the temporary exemption for an existing operator of an existing system, as of the effective date of this act, from the initial educational and examination requirements for certification where a system was not required by prior law to have a certified operator. A grandparented operator may be an operator in responsible charge.

"Industrial wastewater treatment facility" means any facility that treats industrial waste or pollution, but not sewage, as those terms are defined in the act of June 22, 1937 (P.L. 1987, No. 394),³ known as "The Clean Streams Law."

"Operator" means an individual who works with water or wastewater system processes or portions thereof. The term includes, but is not limited to, an individual who may be gaining experience to obtain certification in appropriate subclassifications within classifications of certification. These individuals shall have a working knowledge of system operation. Nothing in this act shall be construed to require operators of industrial wastewater treatment facilities to obtain an operator's certificate. However, operators of industrial wastewater treatment facilities may voluntarily obtain a wastewater system operator's certificate consistent with the provisions of this act and the rules and regulations adopted thereunder.

"Operator in responsible charge" means an individual designated by the owner to be the certified operator who makes the process control decisions that directly impact the quality and/or quantity of water.

"Owner" means a person who owns or is the holder of an applicable permit for the operation of a water or wastewater system.

"Person" means any individual, company, corporation, municipality, municipal authority, partnership, firm, association, trust, estate, public or private institution, or any agency of Federal or State government. The term also includes the officers, directors, employes and agents of any partnership, firm, association, company, corporation, municipality, municipal authority, public or private institution or any agency of Federal or State government.

"Political subdivision" means any county, city, borough, town, township, school district, institution or any authority created by any one or more of the foregoing.

"Process control decision" means a decision which maintains or changes the water quality or quantity of a water system or wastewater system in a manner that may affect the public health or environment.

"Recertification" means the process by which an individual's water or wastewater system operator certificate, previously certified under this act, obtains a new certificate following expiration, suspension or revocation of the previous certificate.

"Renewal of certification" means the process by which an individual extends for another period of time an existing, valid water system or wastewater system operator's certificate under this act.

"Secretary" means the Secretary of Environmental Protection of the Commonwealth.

"The Administrative Code" means the act of April 9, 1929 (P.L. 177, No. 175),⁴ known as "The Administrative Code of 1929."

"Wastewater" means a substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health or to animal or aquatic life or to the use of water for domestic water supply or for recreation, or which constitutes pollution under the act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law."

"Wastewater system" means any structure designed to collect, convey or treat wastewater and from which effluent in excess of two thousand gallons per day is discharged into waters of the Commonwealth.

PROFESSIONS AND OCCUPATIONS

63 P.S. § 1004

"Water system" means a community water system or a nontransient noncommunity water system, as those terms are defined in the act of May 1, 1984 (P.L. 206, No. 43),⁵ known as the "Pennsylvania Safe Drinking Water Act."

1968, Nov. 18, P.L. 1052, No. 322, § 2, effective Jan. 1, 1969. Amended 1989, Dec. 22, P.L. 790, No. 112, § 2, imd. effective; 2002, Feb. 21, P.L. 134, No. 11, § 3, imd. effective.

¹ 35 P.S. § 7511 et seq.

² 71 P.S. § 510-20.

³ 35 P.S. § 691.1 et seq.

⁴ 71 P.S. § 51 et seq.

⁵ 35 P.S. § 721.1 et seq.

§ 1003. State Board for Certification of Water and Wastewater Systems Operators

(a) (1) There is hereby created within the department a State Board for Certification of Water and Wastewater Systems Operators. The board shall consist of the secretary, or his representative, and six additional members to be appointed by the Governor.

(2) One member shall be an employee of a political subdivision who is certified to operate a water or wastewater system or a certified operator who represents a State association of political subdivisions.

(3) One member shall be an individual certified under this act to operate a water system.

(3.1) One member shall be an individual certified under this act to operate a wastewater system.

(4) One member shall be a certified operator who is the owner or official of a privately owned water or wastewater system.

(5) Deleted by 2002, Feb. 21, P.L. 134, No. 11, § 4, imd. effective.

(6) One member shall be on the teaching staff of the civil, environmental or sanitary engineering department of an accredited Pennsylvania university or college.

(7) One member shall be a member of the general public who is knowledgeable in water systems or wastewater systems.

(b) The original appointed members of the board, in the order listed above, shall hold office for one, two, three, three, four and four years respectively. Thereafter, each appointment shall be for a period of four years duration. The Governor may reappoint board members for successive terms. Members of the board shall remain in office until a successor is appointed and qualified. If vacancies occur prior to completion of a term the Governor shall appoint another member in accordance with this section to fill the unexpired term.

(c) A chairman and secretary shall be elected annually. Four members of the board shall constitute a quorum. Meetings may be called by the chairman as needed to conduct the business of the board.

(d) The members of the board shall receive no compensation for their service but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties in accordance with Commonwealth policy or regulations.

1968, Nov. 18, P.L. 1052, No. 322, § 3, effective Jan. 1, 1969. Amended 1989, Dec. 22, P.L. 790, No. 112, § 2, imd. effective; 2002, Feb. 21, P.L. 134, No. 11, § 4, imd. effective.

§ 1004. Powers and duties

(a) The board shall have the power and its duty shall be to:

(1) Review and act upon applications for certification, recertification and renewal of certification of water and wastewater systems operators. All applications for certification and all applications for recertification must be accompanied by a report of criminal history record from the Pennsylvania State Police pursuant to 18 Pa.C.S. Ch. 91¹ (relating to criminal history record information). All operators certified on or before the effective date of this act² shall submit a report of criminal history record from the Pennsylvania State Police pursuant to 18 Pa.C.S. Ch. 91 with an application for renewal

within three years of the effective date of this section pursuant to a schedule established by the board. The board may establish a schedule for subsequent submissions of a report of criminal history record from the Pennsylvania State Police. The board's decision shall be considered an action of the department and shall be appealable to the Environmental Hearing Board.

(2) Administer such examinations prepared by the department as may be deemed necessary to determine the competency of applicants for certification and recertification. At least one examination shall be held each year at a time and place designated by the board. Whenever it is practicable to do so, the board and the department shall provide examinations which are based upon nationally accepted standards of practice which shall promote reciprocity with other jurisdictions.

(3) Revoke, suspend, modify or reinstate certificates upon petition of the department. Upon receipt of such petition, the board shall promptly schedule a hearing and give due notice to the certificate holder of the time and place of such hearing. The board shall hold administrative hearings and issue adjudications in accordance with the provisions of 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action),³ known as the "Administrative Agency Law." The board's decision shall be considered an action of the department and shall be appealable to the Environmental Hearing Board. The board may revoke, suspend or modify a certificate for misconduct, including, but not limited to, negligence in the operation of a water or wastewater system, fraud, falsification of application, falsification of operating records, incompetence or failure to use reasonable care or judgment in performance of duties as specified in this act or other applicable laws administered by the department.

(4) Receive and act upon complaints arising under its powers and duties.

(5) Subpoena witnesses, records and other physical evidence. The board may enforce its subpoenas in Commonwealth Court.

(6) Review, provide written comments and make recommendations to the department on such rules and regulations as are deemed necessary to implement this act prior to submission to the Environmental Quality Board under subsection (c). These comments and recommendations of the Certification Board, with appropriate response and comment from the department, will be presented as part of the department rulemaking package to the Environmental Quality Board.

(7) Issue written orders, or modifications thereof, as may be necessary in connection with proceedings under this act.

(8) Adopt bylaws as needed to properly direct and carry out the activities of the board.

(9) Collect fees for examinations and applications for certification, recertification and renewal of certification.

(10) Upon request, approve or disapprove department decisions regarding training for certification and continuing education for recertification and renewal of certification. Upon disapproval, suspension or revocation by the department, the board may approve training for certification and continuing education for recertification and renewal of certification.

(11) Authorize the one-time reissuance of certificates by the department to all existing certified operators at the time revised regulations adopted by the Environmental Quality Board under subsection (c) take effect. The special certificate will reflect the revised operator certification classifications and subclassifications contained in the amendatory act and the revised regulations. There shall be no examination required for this one-time reissuance of operator certificates.

(b) The department shall have the power and its duty shall be to:

(1) Initiate proceedings before the board by petition as may be necessary and appropriate to modify, suspend, revoke or reinstate certificates, receive and process applications, prepare and validate examinations, make recommendations, issue certificates to applicants approved by the board and establish and implement such procedures as are necessary and desirable to carry out the provisions of this act, rules and regulations promulgated under it and orders of the board.

PROFESSIONS AND OCCUPATIONS

63 P.S. § 1004

(1.1) Issue written orders as necessary to owners or operators to comply with sections 5, 6 or 13⁴ or to correct violations of the act.

(2) Determine the number and class of water and wastewater systems which may be supervised by a single certified operator and issue orders requiring owners to employ the services of additional certified operators and such orders shall be made in accordance with this act and with the rules and regulations promulgated under it.

(3) Compile and keep current a register showing the names and addresses of certified operators. Copies of this register shall be furnished on request upon payment of such reasonable fee as the department shall establish.

(4) Enter into agreements, contracts or cooperative arrangements to carry out the purposes of this act, under such terms and conditions as may be deemed appropriate, with other Federal or State agencies, political subdivisions, public or private agencies or other persons, including agreements to give or receive financial and technical assistance. The department may delegate one or more of its powers and duties, including enforcement of the act, to local health departments under such terms and conditions as may be deemed appropriate; notwithstanding the grant of this power, in any case where administration and enforcement of this act by a local health department conflicts with the administration and enforcement by the department, the department shall notify the local health department of the conflict, and administration and enforcement by the department shall take precedence over administration and enforcement by a local health department.

(5) With available funding, may reimburse water and wastewater system operators or owners for the costs of training and continuing education and certification as may be appropriate.

(6) Approve, disapprove, suspend, revoke approval for and offer training for certification and continuing education for recertification and renewal of certification. The department may accredit sponsors providing training or continuing education on either a program basis or an individual activity basis. The department may approve the course content, instructor's qualifications and appropriate credit hours or continuing education units to be assigned in accordance with such specifications or guidelines the department may develop in consultation with the board and the Certification Program Advisory Committee. The department may audit, examine, inspect and review the operations of sponsors, including instructors, classes, curricula, teaching materials, facilities and other matters pertaining to the provision of training or continuing education in accordance with the department's guidelines. The department may establish and collect such fees or attendance at department-sponsored training and continuing education, which may include the cost of manuals and other training materials and services, and for approval of training and continuing education conducted by others, as may be reasonable and appropriate to recover the cost of providing such services. Department-approved training and continuing education, whether department-sponsored or not, shall satisfy the requirements of section 10(j) of the act of March 1, 1988 (P.L. 82, No. 16),⁵ known as the "Pennsylvania Infrastructure Investment Authority Act."

(c) The Environmental Quality Board shall have the power and its duty shall be to adopt such rules and regulations of the department as it deems necessary for the implementation of the provisions of this act, including, but not limited to, the following:

(1) Set standards in regulation for certification, recertification and renewal of certification of water and wastewater systems operators, including minimum education, experience, training and continuing education requirements. Standards for operators shall take into account the size and complexity of the system. Standards for certification, recertification and renewal of certification shall be designed to meet the requirements of any applicable Federal or State law. The standards for certification, recertification and renewal of certification shall include training related to the security of water and wastewater systems. The standards heretofore prescribed by regulation shall continue in full force and effect until superseded and repealed by the rules and regulations promulgated pursuant to this subsection.

(2) Establish appropriate periods, not to exceed three years, for renewal of certification in lieu of annual renewals. Annual renewals of certificates shall continue in full force and effect upon payment of the renewal fees heretofore prescribed by law in

section 607-A of The Administrative Code ⁶ until superseded and repealed by rules or regulations promulgated pursuant to this subsection.

(3) Establish fees for examinations and applications for certification, recertification and renewal of certification as may be reasonable and appropriate to recover the cost of providing such services. When fees are set by regulation, the fees heretofore prescribed by law in section 607-A of The Administrative Code shall be deemed repealed.

(4) Establish subclassifications within classifications for the certification of water and wastewater operators. When establishing subclassifications within classifications for certification, the size and complexity of the water and wastewater systems and the quality of source water or water systems shall be taken into consideration. A site-specific certificate for operators of community water systems serving less than 15 connections or 500 persons, operators of nontransient noncommunity water systems and the operators of collection system facilities associated with wastewater systems may be established. The site-specific certificate is not transferable to any other system. A Operator in Training certificate for individuals who have passed the appropriate certification examination but need the required experience may be established.

1968, Nov. 18, P.L. 1052, No. 322, § 4, effective Jan. 1, 1969. Amended 2002, Feb. 2, P.L. 134, No. 11, § 5, imd. effective.

¹ 18 Pa.C.S.A. § 9101 et seq.

² 2002, Feb. 21, P.L. 134, No. 11, imd. effective.

³ 2 Pa.C.S.A. §§ 501 et seq., 701 et seq.

⁴ 63 P.S. §§ 1005, 1006, 1013.

⁵ 35 P.S. § 751.10.

⁶ 71 P.S. § 240.7A.

Research References

Treatises and Practice Aids

Standard Pennsylvania Practice § 83:106, Water and Wastewater Systems Operators.

§ 1004.1. Certification Program Advisory Committee

(a) The Certification Program Advisory Committee is hereby established. Within 30 days of the effective date of this section, ¹ the secretary shall appoint members to the Certification Program Advisory Committee as follows:

- (1) This committee shall consist of not more than nineteen members.
- (2) The secretary shall specify the term of service for each member.

(b) The committee shall comprise:

(1) One member appointed from each certification classification established under sections 5 and 6. ²

(2) One member from the teaching staff of the civil, environmental or sanitary engineering department of an accredited Pennsylvania university or college with a water system or wastewater treatment curriculum.

(3) Four members who represent owners of water and wastewater systems, two of whom shall be owners of a manufactured housing community that have water/wastewater systems.

(4) An engineer registered under the act of May 23, 1945 (P.L. 913, No. 367), ³ known as the "Engineer, Land Surveyor and Geologist Registration Law," and who is a certified operator.

(5) One member from the general public.

(c) The secretary may appoint additional persons to the committee beyond seventeen members, but no more than two additional members, on a temporary basis to address specific issues at his discretion or at the board's request.

(d) The committee shall be provided with an opportunity to provide written comments and recommendations to the board and the department on regulatory proposals and department guidance. The committee may provide written comments and recommenda-

tions related to operator certification issues at the board's or the department's request. A representative of the committee may request that an issue be considered and that appropriate assignments be made to the committee for consideration.

(e) The committee members shall elect a chairman annually by majority vote and shall serve without compensation other than reimbursement for actual and necessary expenses incurred in the performance of their duties, in accordance with Commonwealth policy or regulations. The committee shall hold its first meeting within sixty days of the effective date of this section. It shall meet quarterly unless the secretary determines that a more or less frequent meeting schedule is in the best interest of the department or the board.

1968, Nov. 18, P.L. 1052, No. 322, § 4.1; added 2002, Feb. 21, P.L. 134, No. 11, § 6, imd. effective.

¹ 2002, Feb. 21, P.L. 134, No. 11, § 6, imd. effective.

² 63 P.S. §§ 1005, 1006.

³ 63 P.S. § 148 et seq.

§ 1005. Wastewater system operator certificates

(a) A certificate approved by the board and issued by the department shall authorize the individual to whom it is issued to operate a wastewater system in accordance with the following classification:

"Class A certificate." Wastewater systems of unlimited permitted discharge flow.

"Class B certificate." Wastewater systems with a permitted average daily discharge flow equal to or less than five million gallons.

"Class C certificate." Wastewater systems with a permitted average daily discharge flow equal to or less than one million gallons.

"Class D certificate." Wastewater systems with a permitted average daily discharge flow equal to or less than one hundred thousand gallons.

"Class E certificate." Wastewater systems consisting only of collection facilities with pumping stations which discharge untreated wastewater into another system.

(b) In order to be eligible for certification, an applicant shall have had sufficient experience acceptable to the board in the operation of wastewater systems. In determining whether minimum experience requirements are met, the board may make reasonable allowance for education and training in the field of wastewater system operation and for training and experience in allied fields.

(c) In order to be eligible for renewal of certification, in addition to submitting an application and the appropriate fee, an applicant:

(1) shall be in compliance with the conditions of his or her current certificate, the act and the rules and regulations adopted thereunder and any orders of the board or the department relative to certification; and

(2) shall have completed the minimum continuing education requirements as specified in the rules and regulations adopted under this act.

(d) No operator shall make any process control decisions unless the individual is in possession of a valid certificate for the applicable classification and subclassification assigned to the wastewater system.

1968, Nov. 18, P.L. 1052, No. 322, § 5, effective Jan. 1, 1969. Amended 2002, Feb. 21, P.L. 134, No. 11, § 7, imd. effective.

§ 1006. Water system operator certificates

(a) A certificate approved by the board and issued by the department shall authorize the individual to whom it is issued to operate a water system in accordance with the following classifications:

"Class A certificate." Water systems of all types and capacities.

"Class B certificate." Water systems serving an average of not more than five million gallons per day.

"Class C certificate." Water systems serving an average of not more than one millic gallons per day.

"Class D certificate." Water systems serving an average of not more than one hundred thousand gallons per day.

"Class E certificate." This certificate covers the distribution portion of water system only.

(b) In order to be eligible for certification, an applicant shall have had sufficient experience acceptable to the board in the operation of water systems. In determining whether minimum experience requirements are met, the board may make reasonable allowance for education and training in the field of water system operation and for training and experience in allied fields.

(c) In order to be eligible for renewal of certification, in addition to submitting a application and the appropriate fee, an applicant:

(1) shall be in compliance with the conditions of his or her current certificate, the act and the rules and regulations adopted thereunder and any orders of the board or the department relative to certification; and

(2) shall have completed the minimum continuing education requirements as specified in the rules and regulations adopted under this act.

(d) No operator shall make any process control decisions unless he or she is in possession of a valid certificate for the applicable classification and subclassification assigned to the water system.

1968, Nov. 18, P.L. 1052, No. 322, § 6, effective Jan. 1, 1969. Amended 2002, Feb. 21 P.L. 134, No. 11, § 7, imd. effective.

§ 1006.1. Interim program authorization

(a) Notwithstanding any provision to the contrary, the department shall implement an interim certification program to meet the requirements of section 1419 of the Safe Drinking Water Act (Public Law 93-523, 21 U.S.C. § 349 and 42 U.S.C. § 201 and 300f et seq.) in a timely manner. The interim program shall expire after the Environmental Quality Board adopts regulations under section 4(c).¹

(b) The program shall meet the requirements of the final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems published in the Federal Register under the requirements of section 1419 of the Safe Drinking Water Act (Public Law 93-523, 21 U.S.C. § 349 and 42 U.S.C. §§ 201 and 300f et seq.). The program may include comparable requirements for wastewater treatment operators including continuing education requirements.

(c) The department may develop, after notice and opportunity for comments, guidelines to implement an interim program authorized under this section.

1968, Nov. 18, P.L. 1052, No. 322, § 6.1, added 2002, Feb. 21, P.L. 134, No. 11, § 8, imd. effective.

¹ 63 P.S. § 1004.

Historical and Statutory Notes

Act 2002-11 legislation

Section 17 of 2002, Feb. 21, P.L. 134, No. 11, imd. effective, provides:

"All rules and regulations promulgated under this act are continued in full force and effect

until superseded by the interim program authorized under section 6.1 [63 P.S. § 1006.1] or by rules or regulations promulgated under it."

§ 1007. Professional engineers

An engineer registered under the act of May 23, 1945 (P.L. 913, No. 367),¹ known as the "Engineer, Land Surveyor and Geologist Registration Law," after the effective date of this amendment² who has been examined in civil, environmental or sanitary engineering and is otherwise qualified consistent with the act and the rules and regulations adopted under it shall be granted a certificate upon application to the board after

PROFESSIONS AND OCCUPATIONS

63 P.S. § 1012

Repealed

successfully passing a certification examination for the appropriate classification and subclassification and payment of the appropriate fee. The requirements related to recertification, renewal of certification and continuing education shall also apply to engineers. To the extent authorized by Federal requirements, the board shall allow a registered professional engineer to rely upon the examination testing under the "Engineer, Land Surveyor and Geologist Registration Law" related to civil, environmental or sanitary engineers to demonstrate that the registered professional engineer has the necessary skills, knowledge, ability and judgment for classifications and subclassifications, as appropriate, and to meet all or a portion of the certification examination requirement in this section. To the extent authorized by Federal requirements, the board may allow a registered professional engineer to rely upon examination testing associated with board-approved college or university courses or curriculum to demonstrate that the registered professional has the necessary skills, knowledge, ability and judgment for classifications and subclassifications, as appropriate, and to meet all or a portion of the certification examination requirements in this section. For purposes of this section, the requirements for wastewater system certificates shall be deemed the same as water system operation certificates.

1968, Nov. 18, P.L. 1052, No. 322, § 7, effective Jan. 1, 1969. Amended 1973, June 27, P.L. 87, No. 37, § 1, imd. effective; 2002, Feb. 21, P.L. 134, No. 11, § 9, imd. effective.

¹ 63 P.S. § 148 et seq.

² 2002, Feb. 21, P.L. 134, No. 11, imd. effective.

§ 1008. Deleted by 2002, Feb. 21, P.L. 134, No. 11, § 10, imd. effective

Historical and Statutory Notes

The deleted section, authorizing certain special certificates without examination, was derived from 1968, Nov. 18, P.L. 1052, No. 322, § 8.

§ 1009. Reciprocity

The board may authorize the issuance of certificates without examination to applicants who hold valid certificates issued under laws of any other state, territory, the District of Columbia or any board-approved reciprocity register, provided the out-of-state certificate was issued as a result of the successful passing of an examination equivalent to the examination given by the board for the same classification and subclassification. Experience and training requirements of applicants for certification as operators set forth in the rules and regulations promulgated under this act shall apply to all such applicants. The requirements relating to recertification and renewal of certification shall apply to operators who receive their certificate under this section.

1968, Nov. 18, P.L. 1052, No. 322, § 9, effective Jan. 1, 1969. Amended 2002, Feb. 21, P.L. 134, No. 11, § 10, imd. effective.

§ 1010. Repealed by 2002, Feb. 21, P.L. 134, No. 11, § 11, imd. effective

Historical and Statutory Notes

The repealed section, relating to suspension and revocation of certificates, was derived from 1968, Nov. 18, P.L. 1052, No. 322, § 10; 1989, Dec. 22, P.L. 790, No. 112, § 3.

§ 1011. Administrative procedure and judicial review

The board shall be subject to the provisions of 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A¹ (relating to judicial review of Commonwealth agency action), known as the "Administrative Agency Law."

1968, Nov. 18, P.L. 1052, No. 322, § 11, effective Jan. 1, 1969. Amended 2002, Feb. 21, P.L. 134, No. 11, § 12, imd. effective.

¹ 2 Pa.C.S.A. §§ 501 et seq., 701 et seq.

§ 1012. Repealed by 2002, Feb. 21, P.L. 134, No. 11, § 13, imd. effective

63 P.S. § 1012
Repealed

PROFESSIONS AND OCCUPATIONS

Historical and Statutory Notes

The repealed section, relating to fees, was derived from: 1970, June 23, P.L. 435, No. 146, § 1.
1989, Dec. 22, P.L. 790, No. 112, § 4.
1968, Nov. 18, P.L. 1052, No. 322, § 12.

§ 1013. Operation of water or wastewater systems

(a) After January 1, 1971, and, except as provided in the following paragraphs, each owner shall employ the services of a certified operator of the required classification and subclassification who shall have the direct responsibility for the operation of the water or wastewater system and shall employ the services of such additional certified operator: as are required pursuant to the provisions of this act and rules and regulations promulgated under it. The name of operators in responsible charge must be on file at all times with the department.

(b) On or before three years from the effective date of this amendatory act,¹ each owner must place the direct supervision of their water or wastewater system under the responsible charge of available operators who hold a valid certificate of the applicable classification and subclassification to operate their system. Each owner shall employ the services of available operators of the required classification and subclassification who shall make process-control decisions for the operation of the water or wastewater system during all periods of operation. All process control decisions must be made by a certified operator. Such decisions may be made on site, from a remote location and communicated to operators on site or by means of an approved standard operating procedure as provided by the rules and regulations adopted under this act.

(c) An individual who holds a valid certificate issued pursuant to the rules and regulations adopted under this act which were in effect before the effective date of this act may continue to operate under the terms and conditions of that certification as long as he or she is in compliance with the act and the rules and regulations adopted thereunder and any orders of the board or the department relative to certification. Annual renewals of certificates shall continue in full force and effect upon application and payment of the renewal fees heretofore prescribed by law in section 607-A of The Administrative Code² until such fees are superseded and repealed by the rules and regulations adopted under this act. Such certification shall expire and the operator shall apply for renewal of certification within such time as may be set by the revised rules and regulations adopted under this act and upon the receipt of notice from the board that such operator shall apply for and obtain certification in accordance with the revised rules and regulations.

(d) An owner of a nontransient noncommunity water system or a wastewater collection system who has not employed a certified operator prior to the effective date of this act and is required to comply with the provisions of the act may continue to employ such operator as was associated with the system on the effective date of this act on an interim basis provided that the owner applies for the grandparenting of such operator or operators within sixty days of notification by the department, but in any case no later than two years after the effective date of this act. Certification for such grandparented operators shall be temporary, site-specific and nontransferable to other systems. The grandparenting of such operator shall expire and the operator must apply for and be granted certification or renewal of certification on or before a date specified in the rules and regulations adopted under this act.

(e) It shall be the duty of all certified operators to comply with the applicable Federal and State laws; and rules and regulations associated with a water or wastewater system, including, but not limited to:

(1) Meeting all the requirements for recertification or renewal of certification, including any continuing education requirements.

(2) Reporting to the system owner any known violations or system conditions that may be or are causing violations of any department regulation or permit conditions or requirements.

(3) Providing for the suitable operation and maintenance of a water or wastewater system utilizing available resources needed to comply with all applicable laws, rules and regulations and permit conditions or requirements.

(4) Reporting to the system owner any action necessary to prevent or eliminate a violation of applicable water or wastewater system laws, rules and regulations and permit conditions and requirements.

(5) Making or implementing appropriate process control decisions or taking or directing actions related to process control decisions for specific water or wastewater systems.

(f) It shall be the duty of all owners to comply with the applicable Federal and State laws, and rules and regulations associated with a water or wastewater system, including, but not limited to:

(1) Employing, identifying and reporting to the department the names of available operators and other information required by the department.

(2) Requiring, supervising and directing certified operators to take such action so that the water and wastewater system is in compliance with all applicable laws, rules, regulations and permits.

(3) Providing to all certified operators in responsible charge a copy of all current water or wastewater permits in order to make process control decisions to comply with regulatory requirements. Upon written request from an owner, the department shall provide the current water and wastewater permits to a single certified operator in responsible charge as designated by the owner.

1968, Nov. 18, P.L. 1052, No. 322, § 13, effective Jan. 1, 1969. Amended 2002, Feb. 21, P.L. 134, No. 11, § 14, imd. effective.

¹ 2002, Feb. 21, P.L. 134, No. 11, imd. effective.

² 71 P.S. § 240.7A.

§ 1014. Enforcement

(a) An owner who violates any applicable provision of section 13¹ and any written order of the department issued under section 4(b)(2)² of this act is guilty of a summary offense and shall, upon conviction thereof, in a summary proceeding, be sentenced to pay a fine or not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000) and costs. For the purpose of this section, each day that an offense continues shall be construed to constitute a separate offense. The department shall have the power and duty to initiate summary proceedings in accordance with this section.

(b) An operator who violates any provision of section 5(d) or 6(d)³ and an order of the department issued under section 4(b)(2) is guilty of a summary offense and shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) and costs. For the purpose of this section, each day that a violation continues shall be construed to constitute a separate offense. The department shall have the power and duty to initiate summary proceedings in accordance with this section.

(c) In addition to a proceeding under any other remedy available at law or in equity, the department may assess a civil penalty upon any person who violates any applicable provision of section 13 or any operator who violates section 5(d) or 6(d) and any order issued by the department under section 4(b)(2). A penalty may be assessed whether or not the violation was willful or negligent. When the department assesses a civil penalty, it shall inform the person of the amount of the penalty. The amount must be commensurate with the type, severity and frequency of the violation and its measurable impact on the environment or public health. The owner or operator so assessed shall have thirty days to pay the penalty in full or, if the person wishes to contest either the amount of the penalty or the fact of the violation, the person shall, within the thirty-day period, file an appeal with the Environmental Hearing Board. Failure to appeal within thirty days of the assessment shall result in a waiver of all legal rights to contest the violation or the amount of the penalty. The maximum civil penalty which may be assessed is one thousand dollars (\$1,000) per day for each violation. For the purpose of this section, each day that a violation continues shall be construed to constitute a separate violation.

(d) The civil penalty assessed in section 14(c)⁴ after administrative hearing or after waiver of administrative hearing shall be payable to the Commonwealth of Pennsylvania and shall be collectable in any manner provided by law for the collection of debts. If

63 P.S. § 1014

PROFESSIONS AND OCCUPATIONS

any person liable to pay any such penalty neglects or refuses to pay the same after demand, the amount, together with interest and any costs that may accrue, shall constitute a judgment in favor of the Commonwealth upon the property of such person from the date it has been entered and docketed on record by the prothonotary of the county where such is situated. The department may, at any time, transmit to the prothonotary's office of the respective counties certified copies of all such judgments and it shall be the duty of each prothonotary to enter and docket them of record in his office and to index the same as judgments are indexed.

1968, Nov. 18, P.L. 1052, No. 322, § 14, effective Jan. 1, 1969. Amended 2002, Feb. 21, P.L. 134, No. 11, § 14, imd. effective.

¹ 63 P.S. § 1013.

² 63 P.S. § 1004.

³ 63 P.S. §§ 1005, 1006.

⁴ 63 P.S. § 1014.

Research References

Treatises and Practice Aids

14 West's Pennsylvania Practice P80.1, Professions and Occupations Offenses (Title 63).

14 West's Pennsylvania Practice P110, Professions and Occupations Offenses (Title 63).

§ 1015. Civil relief

The department may maintain an action in the name of the Commonwealth for an injunction or other process against an owner or operator to restrain or prevent such person from violating the provisions of sections 5(d), 6(d) or 13¹ or any order of the department issued under section 4(b)(2)².

1968, Nov. 18, P.L. 1052, No. 322, § 15, effective Jan. 1, 1969. Amended 1989, Dec. 22, P.L. 790, No. 112, § 5, imd. effective; 2002, Feb. 21, P.L. 134, No. 11, § 15, imd. effective.

¹ 63 P.S. §§ 1005, 1006, 1013.

² 63 P.S. § 1004.

Research References

Treatises and Practice Aids

Standard Pennsylvania Practice § 83:106, Water and Wastewater Systems Operators.

§ 1015.1. Whistleblower

(a) No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee makes a good faith report or is about to report, verbally or in writing, to the owner or appropriate authority an instance of wrongdoing.

(b) The remedies, penalties and enforcement procedures for violations of this section shall be provided in the act of December 12, 1986 (P.L. 1559, No. 169),¹ known as the "Whistleblower Law."

(c) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Appropriate authority." A Federal, State or local government body, agency or organization having jurisdiction over criminal law enforcement or regulatory violations; or a member, officer, agent, representative or supervisory employee of the body, agency or organization.

"Employee." A person who performs services for wages or other remunerations under a contract for hire, written or oral, express or implied, at a water and wastewater system, including the operators of such systems.

"Employer." A person supervising employees at water and wastewater systems, including owners of such systems.

PROFESSIONS AND OCCUPATIONS

63 P.S. § 1114.2

"Good faith report." A report of conduct defined in this section as wrongdoing which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true.

"Wrongdoing." A violation which is not of a merely technical or minimal nature of a Federal or State statute, regulation, license, permit, certificate or order relating to the operation of water and wastewater systems or relating to the preservation of public health and safety in relation to such systems.

1968, Nov. 18, P.L. 1052, No. 322, § 15.1, added 2002, Feb. 21, P.L. 134, No. 11, § 16, imd. effective.

143 P.S. § 1421 et seq.

Research References

Treatises and Practice Aids

Standard Pennsylvania Practice § 83:106, Water and Wastewater Systems Operators.

CHAPTER 25

NURSING HOME ADMINISTRATORS

§ 1101. Short title

Research References

Treatises and Practice Aids

Standard Pennsylvania Practice § 83:88, Nursing Home Administrators.

§ 1103. Administrator license required

Research References

Treatises and Practice Aids

14 West's Pennsylvania Practice P80.1, Professions and Occupations Offenses (Title 63).

14 West's Pennsylvania Practice P110, Professions and Occupations Offenses (Title 63).

§ 1114.1. Injunction against unlawful practice

Research References

Treatises and Practice Aids

Standard Pennsylvania Practice § 83:88, Nursing Home Administrators.

§ 1114.2. Investigative Subpoena

Research References

Treatises and Practice Aids

Standard Pennsylvania Practice § 83:88, Nursing Home Administrators.

Appendix D

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Appendix E

§ 160-37. Duties of improved property owner. [Amended 10-20-1992 by Ord. No. 92-17]

The owner of an improved property that utilizes a holding tank shall maintain the holding tank in conformance with this article or any ordinance of this Township, the provisions of any applicable law and the rules and regulations of the Council and any administrative agency of the Commonwealth of Pennsylvania.

§ 160-38. Violations and penalties.

Any person who violates any provisions of § 160-37 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than \$100 and not more than \$300, and costs, and in default of said fine and costs, to undergo imprisonment in the county prison for a period not in excess of 30 days.

§ 160-39. Abatement of nuisances. [Amended 10-20-1992 by Ord. No. 92-17]

In addition to any other remedies provided in this article, any violation of § 160-37 above shall constitute a nuisance and shall be abated by the municipality or the Council by seeking either appropriate equitable or legal relief from a court of competent jurisdiction

ARTICLE IV**Sewer Use Regulations for Bristol Township System**

[Adopted 10-10-1984 by Ord. No. 1070; amended in its entirety 5-25-1993 by Ord. No. 93-6]

§ 160-40. Purpose and policy; applicability.

A. This article sets forth uniform requirements for users of the publicly owned treatment works for the Township of Bristol and enables the Township of Bristol to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. § 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this article are:

- (1) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation.
- (2) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works inadequately treated, into receiving waters or otherwise be incompatible with the publicly owned treatment works
- (3) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
- (4) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works.
- (5) To enable the Township of Bristol to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements and

any other federal or state laws to which the publicly owned treatment works is subject.

- B. This article shall apply to all users of the publicly owned treatment works. The article authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for variances.

§ 160-41. Administration.

Except as otherwise provided herein, the Superintendent of the sewage treatment system shall administer, implement and enforce the provisions of this article. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other Bristol Township Authority personnel.

§ 160-42. Abbreviations.

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

BOD	—	Biochemical oxygen demand
CFR	—	Code of Federal Regulations
COD	—	Chemical oxygen demand
EPA	—	United States Environmental Protection Agency
gpd	—	Gallons per day
mg/l	—	Milligrams per liter
NPDES	—	National Pollutant Discharge Elimination System
POTW	—	Publicly owned treatment works
RCRA	—	Resource Conservation and Recovery Act
SIC	—	Standard industrial classification
TSS	—	Total suspended solids
U.S.C.	—	United States Code

§ 160-43. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

ACT or THE ACT — The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY — Region III United States Environmental Protection Agency.

AUTHORIZED REPRESENTATIVE OF THE USER —

- A. If the user is a corporation:

- (1) The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decisionmaking functions for the corporation; or
 - (2) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals described in Subsections A through C above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position who is responsible for the overall operation of the facility from which the discharge originates or who has overall responsibility for environmental matters for the company and the written authorization is submitted to the Bristol Township Authority.

BIOCHEMICAL OXYGEN DEMAND OR BOD — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° C., usually expressed as a concentration (e.g., mg/l)

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 to 471.

ENVIRONMENTAL PROTECTION AGENCY or EPA — The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency.

EXISTING SOURCE — Any source of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

GRAB SAMPLE — A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

INDIRECT DISCHARGE OR DISCHARGE — The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT — The maximum concentration of a pollutant allowed to be discharged at any time, determined from the

analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE — A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal and, therefore, is a cause of a violation of the Township of Bristol's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II, commonly referred to as the "Resource Conservation and Recovery Act" (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

MEDICAL WASTE — Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

NEW SOURCE —

A. Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(1) The building, structure, facility or installation is constructed at a site at which no other source is located.

~~(2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.~~

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

B Construction on a site at which an existing source is located results in a modification rather than a "new source" if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection A(1) or (2) above but otherwise alters, replaces or adds to existing process or production equipment.

C. Construction of a new source as defined under this definition has commenced if the owner or operator has:

- (1) Begun, or caused to begin, as part of a continuous on-site construction program:
 - (a) Any placement, assembly or installation of facilities or equipment.
 - (b) Significant site preparation work, including the clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment.
- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

NONCONTACT COOLING WATER — Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

PASS-THROUGH — A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Bristol Township Authority NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON — Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity; or their legal representatives, agents or assigns. This definition includes all federal, state and local governmental entities.

pH — A measure of the acidity or alkalinity of a solution, expressed in standard units.

POLLUTANT — Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, ~~radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal,~~ agricultural and industrial wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

PRETREATMENT — The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARDS or STANDARDS — Prohibited discharge standards, categorical pretreatment standards and local limits.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES — Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 160-44 of this article.

PUBLICLY OWNED TREATMENT WORKS OR POTW — A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned by the Township of Bristol. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant

SEPTIC TANK WASTE — Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

SEWAGE — Human excrement and gray water (household showers, dishwashing operations, etc.).

SIGNIFICANT INDUSTRIAL USER —

- A. A user subject to categorical pretreatment standards
- B. A user that:
 - (1) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater).
 - (2) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant.
 - (3) Is designated as such by the Bristol Township Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- C. Upon a finding that a user meeting the criteria in Subsection B has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Bristol Township Authority may at any time, on its own ~~initiative or in response to a petition received from a user and in accordance with~~ procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SLUG LOAD OR SLUG — Any discharge at a flow or concentration which could cause a violation of the prohibited discharge standards in § 160-44 of this article.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE — A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

STORMWATER — Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

SUPERINTENDENT — The person designated by the Bristol Township Authority to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this article or a duly authorized representative

SUSPENDED SOLIDS — The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquid and which is removable by laboratory filtering.

TOWNSHIP — The Township of Bristol or the Bristol Township Authority as manager for the Township of Bristol.

USER or INDUSTRIAL USER — A source of indirect discharge

WASTEWATER — Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER TREATMENT PLANT or TREATMENT PLANT — That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste

§ 160-44. Prohibited discharge standards.

- A. General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.
- B. Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flash point of less than 140° F (60° C.) using the test methods specified in 40 CFR 261.21
 - (2) Wastewater having a pH less than 5.0 or more than 10.0 or otherwise causing corrosive structural damage to the POTW or equipment.
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference.
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
 - (5) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F. (40° C.).
 - (6) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass-through.
 - (7) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems
 - (8) Trucked or hauled pollutants.