

CHAPTER XXIII
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PART 1

PUBLIC SEWAGE DISPOSAL SYSTEM

Subpart A. Contents, Definitions and Abbreviations

Section 101. Table of Contents. A Table of Contents, updated from time to time, will be made a part of this Part for ease of use. In the event that any term or provision of the operative portion of this Part conflicts with any term or provision of the Table of Contents, such term or provision of the operative portion of this Part conflicts with any term or provision of the Table of Contents, such term or provision of the operative portion of this Part shall prevail. (Ordinance No. 103, July 5, 1994, Article I, Section 101)

Section 102. Definitions. Unless the context specifically indicates otherwise, as used in this Part certain terms are defined as follows:

"Abnormal Strength Waste" means any waste having a BOD₅, suspended solids or dissolved solids concentration in excess of that found in normal domestic waste, but which is otherwise acceptable into a public sewer under the terms of this Part.

"Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

"Approval Authority" means the Director in an NPDES state with an Approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program. On the date of enactment of this Part, Pennsylvania does not have an Approved State Pretreatment Program.

"Authority" means the Hamburg Municipal Authority or its authorized representatives.

"Authorized Representative of Industrial User" may be: (1) a principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; or (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.

"BOD" (biochemical oxygen demand) means the quantity of oxygen, expressed in Mg/L, utilized in the biochemical oxidation of organic matter under

standard laboratory procedure for five (5) days at twenty degrees centigrade (20°). The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.

"Building Sewer or Lateral" means the extension of the building drain from the building to the public sewer or other place of disposal.

"Categorical Standards" means National Categorical Pretreatment Standard or Pretreatment Standards.

"Chlorine Demand" means the quantity of chlorine absorbed in water, sewage or other liquids, allowing a residual of 0.1 ppm, after fifteen (15) minutes of contact.

"C.O.D." (Chemical Oxygen Demand), means the quantity of oxygen, expressed in milligrams per liter, utilized in the chemical oxidation of organic and inorganic matter under standard laboratory conditions. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

"Color" of an industrial waste means the color of the light transmitted by the waste solution after removing that suspended material, including the pseudocolloidal particles.

"Commercial Connection" means a user who discharges domestic wastewater and wastewater generated from preparation or supplying commodities and services such as restaurants, car washes, gasoline stations and laundromats.

"Control Authority" refers to the "Approval Authority," defined hereinabove, or the Township of Tilden when it has an approved Pretreatment Program under the provisions of 40 CFR, 403.11.

"Cooling Water" means the water discharged from any system of condensation such as air conditioning, cooling or refrigeration.

"Direct Discharge" means the discharge of treated or untreated wastewater directly into the waters of the Commonwealth of Pennsylvania.

"Dissolved Solids" means the anhydrous residues of the dissolved constituents in water or wastewater.

"Domestic Waste" means the normal water carrying household and toilet wastes from residences, business buildings, institutions and industrial establishments.

"Dwelling Unit" means any room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as a separate business or as separate living quarters by a family or other group of persons living together or by a person living alone.

"Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said Agency.

"Equivalent Dwelling Unit (EDU)" means the quantity of flow which is equivalent to the average amount of water consumed by a single residential unit. The number of equivalent dwelling units assigned to a residential dwelling unit, regardless of water consumption, is one (1). The number of EDU's assigned to an industrial or other non-residential user is calculated on a quarterly basis by dividing the total quarterly water consumption (or sewage flow) of the industrial or other non-residential unit user by the average quarterly water consumption of a residential unit during the previous year. The minimum number of EDU's assigned to any user shall be one (1).

"Garbage" means solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

"Grab Sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

"Ground Garbage" means garbage that has been shredded to such a degree that all its particles shall be carried freely under normal sewage flow conditions, with no particle greater than one-half inch (1/2") in any dimension.

"Ground Water" means water which is standing in or passing through the ground.

"Holding Tank Waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

"Improved Property" means any property within the service area upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall or may be discharged.

"Indirect Discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

"Industrial Establishment" means any improved property used, in whole or in part, for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article; or from which any process waste, as distinct from domestic waste, shall be discharged.

"Industrial User" means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

"Industrial Waste" means any liquid or gaseous substance, whether or not solids are contained therein, discharged from any industrial establishment during the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.

"Industrial Waste Permit" means a permit to deposit or discharge liquid industrial wastes into the POTW.

"Industrial Waste Surcharge" means a charge levied on industrial users of the treatment works of the POTW for the additional cost of treating abnormal strength wastes.

"Interference" means the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria (including those contained in any State sludge management plan prepared

pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

"Manhole" means a shaft or chamber leading from the surface of the ground to a sewer which is large enough to enable a person to gain access to the latter.

"May" is permissive; "shall" is mandatory.

"Mg/L" means milligrams per liter and is equivalent to parts per million (ppm) by weight.

"Multiple Dwelling" means any improved property in which shall be located more than one (1) dwelling unit.

"National Categorical Pretreatment Standard" or "Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

"National Pollutant Discharge Elimination System (NPDES) Permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

"National Prohibitive Discharge Standard" or "Prohibitive Discharge Standard" means any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5.

"New Source" means any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

"Normal Strength Waste" means sewage which, when analyzed or caused to be analyzed by the Borough, shows a daily average of not more than three hundred (300) Mg/L of total suspended solids, two hundred fifty (250) Mg/L of BOD₅, three hundred (300) Mg/L dissolved solids, and/or six and six-tenths (6.6) Mg/L of phosphorus.

"Objectionable Waste" means any waste that: (a) can, in the Borough's judgment, harm either the sewers, sewage treatment process or equipment, or, in

the judgment of any municipality where the wastes are being carried, can have an adverse effect upon its system; (b) can have an adverse effect upon the receiving stream; (c) can otherwise endanger life, health or property; or (d) which constitutes a public nuisance.

"Owner" means any person vested with ownership, legal or equitable, sole or partial, of any property located in the POTW service area.

"Person" means 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, successors or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

"pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance. A stabilized "pH" shall be considered as a "pH" which does not change beyond the specific limits when the waste is subjected to aeration. It shall be determined by one of the accepted methods described in the latest edition of "Standard Methods of Examination of Water and Sewage" published by the American Public Health Association.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munition, chemical waste, biological material, radioactive material, heat, wrecked or discharge equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

"Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

"Pretreatment" or "Treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or that alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

"Pretreatment Requirements" means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

"Publicly Owned Treatment Works (POTW)" means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292). This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, pumping stations, force mains or other conveyances not connected to a facility providing treatment. For the purposes of this Ordinance, "POTW" shall also include any sewer that conveys wastewater to the POTW.

"POTW Treatment Plant" means that portion of the POTW designed to provide treatment to wastewater.

"Receiving Stream" means the Schuylkill River.

"Sanitary Sewage", shall mean normal water-carried household and toilet wastes from any improved property.

"Sanitary Sewer" means any pipe or conduit constituting a part of the sewer system, or usable for sewage collection purposes, which carries sewage and to which storm, surface and ground water are not admitted.

"Sewage", refers to all substances discharged into the Sanitary Sewers and into the Treatment Plant, including any and all wastes from residences, business buildings, institutions and industrial establishments.

"Sewer System", means all applicable facilities, as of any particular time, for collecting, pumping, treating or disposing of domestic waste and/or industrial wastes.

"Shall" is mandatory; "may" is permissive.

"Significant Industrial User" means any Industrial User of the Township's wastewater disposal system which constitutes any Categorical Industrial User (CIU), as that term is defined by the United States Environmental Protection Agency in its rules and regulations, as may be amended, and any other Industrial User which:

- (1) discharges twenty-five thousand 25,000 gallons or more of process wastewater per day;
- (2) contributes a process wastewater which makes up five percent (5%) or more of the dry weather average hydraulic or organic capacity at the POTW;

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

"Slug" means any pollutant, including oxygen demanding pollutants, released in a discharge in a flow rate and/or pollutant concentration which causes interference with the POTW.

"Standard Industrial Classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

"State" means the Commonwealth of Pennsylvania.

"Storm Water" means that portion of the precipitation which runs off over the surface during a storm and, for a short period following a storm, enters the sewer system.

"Surface Water" means that portion of the precipitation which runs off over the surface of the ground.

"Suspended Solids" means solids that either float on the surface of, or are in suspension in, water, sewage or other liquids and which are removable by laboratory filtration.

"Total Solids" means solids that float on the surface of, are in suspension in, or dissolved in water, sewage or other liquids, and which are determined by appropriate procedures found in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.

"Township" means the Township of Tilden, Berks County, Pennsylvania or the Board of Supervisors of the Tilden Township of Tilden, Berks County, Pennsylvania.

"Toxic Pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

"Toxic Substance" means any noxious and/or deleterious substance in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or

animals, to create a public nuisance, or to create any hazard in any sewer system or in the receiving stream of the sewage treatment plant.

"User" means any person who contributes, causes or permits the contribution of wastewater into the POTW.

"Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

"Waters of the State" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

"User Charge" shall mean a charge levied on users of the treatment works for the cost of operation, maintenance and capital improvements of such works.

(Ordinance No. 103, July 5, 1994, Article I, Section 102; as amended by Ordinance No. 186, June 14, 2008, Section 1)

Section 103. Abbreviations. The following abbreviations shall have the designated meanings:

BOD - Biochemical Oxygen Demand.

CFR - Code of Federal Regulations.

COD - Chemical Oxygen Demand.

CWA - Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

EPA - Environmental Protection Agency.

l - Liter.

mg - Milligrams.

Mg/L - Milligrams per liter.

NPDES - National Pollutant Discharge Elimination System.
POTW - Publicly Owned Treatment Works.

SIC - Standard Industrial Classification.

SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.

USC - United States Code.

TSS - Total Suspended Solids.

(Ordinance No. 103, July 5, 1994, Article I, Section 103)

Subpart B. Fees, Charges and Connections.

Section 104. Tapping Fee. There is hereby imposed a tapping fee for the purpose of recovering a portion of the cost for existing facilities, plan facilities and reimbursements to others for facilities constructed at their expense and facilities which must be constructed to provide service to the property owner. Such tapping fee will be determined pursuant to the duly adopted Fee Schedule in effect at the time of payment and shall be payable at the time of application for connection or at such other time as the property owner and the Township agree or, in the case of projects to serve existing development, such fees shall be payable at a time to be determined by the Township. Such fees will be determined and charged in accordance with Act 203 of 1990, as amended. Such fees shall be established by resolution of the Township Board of Supervisors. (Ordinance No. 103, July 5, 1994, Article 2, Section 201)

Section 105. Extraordinary Maintenance Charge. Any person discharging any waste which, in the judgment of the Township, causes any extraordinary maintenance expenses in the form of damage to the system or biological processes shall be billed by the Township in the amount of said expenses. The billing amount shall be determined by the Township and shall include charges for labor of Township personnel and other costs incurred by the Township. (Ordinance No. 103, July 5, 1994, Article 2, Section 202)

Section 106. System Extensions. Anything herein contained to the contrary notwithstanding and with the written consent of the Township:

(a) The Township may enter into agreements with the Authority under which the Authority will agree to construct sewer extension lines and lease them to the Township for a fixed rental, to be paid by the Township out of the sewer connection charges and sewer rentals collected from the users thereof under the provisions of this Part, sufficient to reimburse the Authority within a specified period for the cost, including interest of such extension, whenever such extension requires the borrowing of additional capital;

(b) The Township may enter into agreements providing for the deposit by property owners with the Township of all or a part of the cost of installing sewer extension lines, the installation of such lines by the Township and the subsequent refund over a period of time to the depositor of all or a part of said deposit but out of the revenues derived by the Township from the use of said sewer extension lines; or

(c) The Township may enter into agreements with property owners waiving or refunding in whole or in part the connection fees imposed by Section 104 above and also waiving or refunding for a period to be specified in such agreement,

which period shall not exceed ten (10) years from the date that sewer service becomes available, a portion of the sewer rentals imposed upon the owner of any property within the Township, who, at said owner's cost and expense, installs a sewer main or mains connecting laterals from said owner's property with the sewer system constructed by the Township, provided that (1) such sewer main or mains shall be installed in such a manner and of such materials as shall be approved in writing by the Consulting Engineer and (2) title to such sewer main or mains shall be transferred to the Township.

(Ordinance No. 103, July 5, 1994, Article 2, Section 203)

Section 107. Connection to Sewers Hereafter Completed. As from time to time sewer service becomes available to additional properties within the Township by reason of improvements of properties abutting on or adjoining any street, alley, lane or other public highway in which there is a sewer, or by reason of the extension of the sewer system so as to make sewer service available to improved properties, each and every owner of such property shall likewise be required to connect his, her or its premises with the sewer system, but only upon receipt of due notice from the Township to so connect.

The notice by the Township to make a connection to a sewer shall consist of a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within forty-five (45) days from the date such notice is given. Such notice may be given at any time after a sewer is in place which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the Owner by personal service, by certified mail or by such other method as at the time may be provided by law. (Ordinance No. 103, July 5, 1994, Article 2, Section 204)

Section 108. Limit for Making Connections. If, after the expiration of forty-five (45) days from the date of notice given pursuant to Section 107 of this Part, any owner of improved property abutting on or adjoining any street, alley, lane or other public highway in which there is a sewer shall have failed to connect with the sewer system, the Township or its agents may enter upon the property of such owner and make such connection. In such case, the Township shall, upon completion of the work, send an itemized bill of the cost of construction of such connection to the Owner of the property to which connection has so been made, which bill shall be payable forthwith, and in case of the neglect or refusal of the owner of said property to pay said bill, the Township may collect the same by a civil action or the Township may file a municipal lien for such construction within six (6) months of the date of the completion of the construction of said connections, the same to be the subject in all respects to the general laws providing for filing and recovery of municipal liens. (Ordinance No. 103, July 5, 1994, Article 2, Section 205)

Section 109. Failure to Connect. Failure to connect within the time limit constitutes a violation. If, after the expiration of forty-five (45) days from the date of the notice given pursuant to Section 107 of this Part, any owner shall have failed to connect said owner's property with the sewer system as required by this Part, such failure shall be and is hereby declared a violation of this Part. (Ordinance No. 103, July 5, 1994, Article 2, Section 206)

Section 110. Privies, Cesspools, Septic Tanks and Similar Receptacles Unlawful. It shall be unlawful for any person, firm or corporation to: erect, construct, own, maintain, operate or use within the Township a privy, cesspool, septic tank or similar receptacle for receiving sewage, upon any property now or hereafter improved which abuts on or adjoins any street, alley, lane or other public highway in which sewer service is available by virtue of a service of the sewer system; or connect any privy, cesspool, septic tank or receptacle on any such property with the sewer system; or discharge sewage into any pipe or other outlet leading from any such property and not connected to the sewer system. (Ordinance No. 103, July 5, 1994, Article 2, Section 207)

Section 111. Building Sewers and Connections. No person shall uncover, connect with, make any opening into, or use, alter or disturb in any manner any sewer or any part of the sewer system without first obtaining a written permit from the Township. Application for a permit shall be made by the Owner of the improved property served or to be served.

No person shall make or cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:

- (a) Such person shall have notified the Secretary of the Township of the desire and intention to connect to a sewer.
- (b) Such person shall have applied for and obtained a written permit.
- (c) Such person shall have given the Secretary of the Township at least twenty-four (24) hours notice of the time when such connection will be made so that the Township may supervise and inspect the work of connection and necessary testing.
- (d) Such person shall have furnished satisfactory evidence to the Secretary of the Township that any tapping fee charged and imposed by the Township against the owner of each improved property who connects such improved property to a sewer has been paid.

Any person, partnership or corporation who shall allow stormwater or water from roofs to enter the sanitary sewer system of the Township shall be responsible for the

damages and for repairing the said sewer system, which said damages and cost of repairs shall be collected by the Township from the offending party, together with legal costs.

Except as otherwise provided in this Section, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one (1) improved property on one (1) building sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of the Township, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by the Township.

Duplex residences presently connected to one (1) sewer and with interior plumbing so designed that both houses are connected to one (1) riser pipe contiguous to each house will be permitted to discharge sewage into the sanitary sewer through one (1) house connection, provided that a separate connection fee and separate minimum rental fee is paid for each residence. The owner of each property shall obtain a permit before any connection is made to the lines.

All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer, including testing, shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save harmless the Township from all loss or damage that may be occasioned, directly or indirectly, as a result of a building sewer or of connection of a building to a sewer. The construction of the building sewer shall be subject to inspection by the Township. Maintenance of the building's sewer will remain the responsibility of the owner of the property.

A building sewer shall be connected to a sewer at the place designated by the Township and where the lateral is provided. The invert of a building sewer at the point of connection shall be at the same or higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.

When connecting a building sewer to a sewer, a "U" trap must be located within three feet (3') of the end of the building drain or face of building. The end of the lateral first must be uncovered, inspected and checked for proper gradient from the building drain to the lateral before trenching operations are commenced for the building sewer.

The owner of each improved property connected to the Sewer System shall be responsible for all acts of tenants or other occupants of such improved property insofar as such acts shall be governed by the provisions of this Part.

Every building sewer shall be of ductile iron, Schedule 40 PVC pipe for SDR 35 sewer pipe, at least four inches (4') inside diameter, and with crushing strength and sufficient to withstand the applied trench loads. The slope of the building sewer shall not be less than one-fourth inch (1/4") per foot of length. Building sewers shall be properly bedded and covered by no less than four feet (4') of backfill. (Ordinance No. 103, July 5, 1994, Article 2, Section 208; as amended by Ordinance No. 186, June 14, 2008, Section 2)

Section 112. Rules and Regulations Governing Building Sewers and Connections to Sewers. Initial lateral will be installed by the Township from the sewer main to the curblin, or if there is not curblin, extending to the edge of the right-of-way or easement. The building sewer from the end of lateral to the building shall be installed by the owner at said owner's sole cost and expense. For any property requiring connection to the sewer system after the initial construction of the sewer main it shall be the responsibility of the property owner for the construction of the connection of the building sewer from the sewer main to the building.

The maintenance responsibilities for the sewer service line and the house connection from the sewer main to the building shall be that of the property owner.

Where an improved property, at the time connection to a sewer is required, shall be sewerd by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line as a building sewer.

No building sewer shall be covered until it has been inspected and approved by the Township. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.

Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored, at the sole cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Township.

If any person shall fail or refuse, upon receipt of written notice from the Township, to remedy any unsatisfactory condition with respect to a building sewer, within ten (10) working days of receipt of such notice, the Township may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such

satisfactory condition shall have been remedied to the satisfaction of the Township.

The Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be, and shall be construed as, a part of this Part. (Ordinance No. 103, July 5, 1994, Article 2, Section 209; as amended by Ordinance No. 186, June 14, 2008, Section 3)

Section 113. Sewer Rentals and User Charges. Sewer rentals and charges are hereby imposed upon and shall be collected from the owner of each improved property which shall be connected to the sewer system, for use of the sewer system, whether each use shall be direct or indirect, which sewer rentals and charges shall commence and shall be effective as of the date of connection of each such improved property to the sewer system. (Ordinance No. 103, July 5, 1994, Article 2, Section 210)

Section 114. Computation of Sewer Rentals or Charges.

(a) Metered Service. Sewer Rentals and charges for all industrial and commercial properties served by an approved central water system shall be based upon volume of water usage, adjusted, if appropriate. The metered rates shall be in accordance with the Metered Rate Schedule, as amended by Resolution of the Township, from time to time.

Metered Rate Schedule

0 to 16,000 gallons per quarter	\$180.00
Additional 1,000 gallons per quarter Or fraction thereof	\$19.00 per each additional 1,000 gallons increment or fraction thereof

(b) Non-Metered Service. Sewer rentals and charges for all residential properties and industrial and commercial properties not serviced by an approved central water system shall be computed based upon the number of Equivalent Dwelling Units (EDU) as established by the following table:

Description of Improved Property	Unit of Measurement	Number of EDUs Per Unit of Measurement
Residential Dwelling Unit, including Apartments (year-round or seasonal)	Each single family dwelling unit with no rented room	1
Retail store, professional office or other commercial establishment without public restrooms	1 to 20 employees. Each additional 20 employees or fraction thereof.	1 1
Public restrooms in a retail store, professional office, or other commercial establishment	1 to 3 fixtures. Each 3 additional fixtures or fraction thereof.	1 1
Hotel, Motel or boarding house (not including restaurant facilities)	1 to 3 fixtures. Each 3 additional fixtures or fraction thereof	1 1
Restaurant, club, tavern or other retail food or drink establishment	1 to 10 seats or fraction thereof. Each additional 10 seats or fraction thereof	1 1
Laundromat	1 to 3 washing machines. Each additional 3 machines or fraction thereof.	1 1
Automobile service station or commercial vehicle repair shop	1 or 2 bays. Each additional 2 bays or fraction thereof.	1 1
Beauty parlor or barber shop if attached to a dwelling	1 chair	$\frac{1}{2}$
Free-standing beauty parlor or barber shop		1 EDU plus $\frac{1}{2}$ EDU per chair
Educational/Institutional establishment without cafeteria and gym	Per each 25 pupils, faculty, administrators and staff or fraction thereof	1
Church	Each property.	1
Fire Company/ Ambulance Corps.	Each property.	1
Community Hall	Each property.	1
Funeral Home	Each property.	1
Post Office	Each property.	1
Industrial Establishment	1 to 15 employees. Each additional 15 employees or fraction thereof (or to be based on the volume of wastewater generated). Not including industrial waste.	1 1
Mobil Home Park	Each mobile home pad or lot.	1

Where an improved property has multiple uses, the number of applicable Equivalent Dwelling Units shall be the sum of all uses.

The number of Equivalent Dwelling Units applicable to Commercial Establishments and Industrial Establishments shall be computed on the basis of the average daily number of full and part-time employees (including the owner(s) or employer(s)) for the calendar month preceding the date of the monthly billing. The Owners of such facilities shall be responsible for advising the Township in writing of the number of employees upon connection to the Sewer System and upon request of the Township. The number of Equivalent Dwelling Units applicable to Educational and Institutional Establishments shall be computed on the highest monthly average daily attendance of pupils (plus faculty, administrators and staff) during the twelve (12) months preceding the date of the monthly billing. The Owners of such facilities shall be responsible for advising the Township in writing of the number of pupils, faculty, administrators and staff in attendance as an average daily figure upon request of the Township.

If the use or classification of any Improved Property changes within a billing period, the User Charge for such billing period may be prorated by the Township. The Owner of the Improved Property shall be responsible for advising the township in writing of any such change affecting the User Charge payable hereunder. The appropriate credit or additional charge shall appear on the statement for the next succeeding billing period.

The monthly flat rate User Charge payable per Equivalent Dwelling Unit shall be established from time to time by resolution of the Township.

(c) Sewer Rentals and Charges During Emergencies. Where, due to emergencies caused by flood, fire or other catastrophe or season of the year, it is necessary for consumers of the Township or of sections of the Township to use unusually large amounts of water, the Township may, by resolution, direct that sewer rentals in the Township or a specified section of the Township for the quarter in which the flood, fire, season, or other catastrophe occurs shall be based upon the amount charged for water in the previous quarter or the same quarter in the previous year, provided that no customer shall be charged an amount in excess of what the charge would have been had said resolution not been enacted.

(Ordinance No. 103, July 5, 1994, Article 2, Section 211; as amended by Ordinance No. 186, June 14, 2008, Section 4)

Section 115. Time and Method of Payment.

(a) Sewer rentals or charges imposed by this Part shall be payable quarterly. In the case of an owner of improved property whose quarterly bill for sewer rentals or charges shall be computed in whole or in part upon the basis of water volume usage metered in connection with the operation of the water system, the quarterly billing date shall be the same date as shall be applicable for billing in connection with the water system. Such bill for sewer rentals or charges shall cover services furnished during the three (3) months immediately preceding the billing date.

In the case of an owner of improved property whose quarterly bill for sewer rentals or charges shall be computed on any basis completely independent of water volume usage metered in connection with the operation of the water system, the quarterly billing dates shall be the first days of January, April, July and October, respectively, in each year and, to the extent practicable, shall cover services furnished during the three (3) calendar months immediately preceding the billing date.

(b) Sewer rentals or charges shall be due and payable upon the applicable billing date as provided for in Subsection (a) of this Section and the appropriate amount computed in accordance with this Part shall constitute the net bill. If sewer rentals or charges are not paid within thirty (30) calendar days after each billing date, an additional sum of ten percent (10%) for every month that said charge remains unpaid shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such thirty (30) calendar day period shall constitute payment within such period. If the end of such thirty (30) calendar day period shall fall on a legal holiday or a Sunday, payment made or mailed and postmarked on the next succeeding weekday which is not a legal holiday shall constitute payment within such period.

(c) Whenever service to any billing unit shall begin after the first day or shall terminate before the last day of any quarterly billing period, sewer rentals or charges for such period shall be prorated equitably, if appropriate, for that portion of the quarterly billing period during which such billing unit was served by the sewer system.

(d) Every owner of improved property which is connected to the sewer system initially shall provide the Township with and thereafter shall keep the Township advised of his correct address. Failure of any person to receive quarterly bills for sewer rentals or charges shall not be considered an excuse for nonpayment

nor shall such failure result in an extension of the period of time during which such bill shall be payable without penalty.

(Ordinance No. 103, July 5, 1994, Article 2, Section 212)

Section 116. Liens for Fees, Charges, Rentals and Connections. The fees for connection, extraordinary maintenance charge, tapping fee, rental, or any other charge adopted pursuant to this Part shall be liens on the improved property connected to and served by the POTW from the date such fee, rental or charge becomes due and payable and all sewer rentals, charges or fees imposed which shall not be paid within sixty (60) days after the same become due and payable shall be entered as liens against the improved property so connected to and served by the POTW, which liens shall be filed in the office of the Prothonotary of Berks County, Pennsylvania, in a manner provided by law for the filing of Municipal claims. All delinquent bills shall be collected by the Township in any manner permitted and authorized by law. (Ordinance No. 103, July 5, 1994, Article 2, Section 213)

Subpart C. Use of Works, Discharges and Standards.

Section 117. Use of Treatment Works.

(a) All domestic waste and authorized industrial waste may be discharged into the treatment works except those which are deemed harmful to the system, or are specifically prohibited by this Subpart C or are otherwise prohibited under the laws of the Commonwealth of Pennsylvania and the U.S. Environmental Protection Agency.

(b) All connections to the treatment works which would result in the discharge of infiltration or inflow into such system are hereby specifically prohibited.

(Ordinance No. 103, July 5, 1994, Article 3, Section 301)

Section 118. Prohibited Discharges.

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to the POTW. Where existing surface water or roof drains are connected to the treatment works they shall be removed within ninety (90) days of receipt of a notice from the Township to remove such connections. In the event such connection is not removed, the Township shall cause such connection to be removed at the owner's expense.

(b) No person shall discharge or cause to be discharged into the POTW the effluent from any sump pump or any other type of pump which pumps any storm water, surface water, ground water, roof runoff, subsurface drainage, basement drainage, uncontaminated cooling water or unpolluted industrial process waters into any sanitary sewer. Where such conditions exist, they shall be remedied in a manner approved by the municipality within ninety (90) days of receipt of a notice from the Township. In the event any such condition is not remedied, the Township shall cause such condition to be remedied at the owner's expense.

(c) The Township shall have the power to require the installation of grease separators in building sewers serving hotels, restaurants and other facilities likely, in the judgment of the Township, to discharge significant quantities of oil and grease into the POTW.

(d) Except as otherwise provided, no person shall discharge or cause to be discharged into the POTW any domestic waste, industrial waste or other matter or

substance:

(1) containing more than one hundred (100) Mg/L by weight of fats, oils or greases;

(2) containing any flammable or explosive liquids, solids or gases, including but not limited to: gasoline, benzene, naphtha, fuel oil, paint products, acid, base, gasoline, kerosene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, phenols, cyanide or arsenic;

(3) containing any noxious or malodorous gas or substance, which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance and repair;

(4) containing garbage that has not been ground to such a degree that all particles shall be carried freely in suspension under flow conditions normally prevailing in the public sewers;

(5) containing any solid or viscous substance in quantities or of size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the POTW. Such substances include but are not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, rags, feathers, tar, plastic, wood, paunch manure, butchers offal, whole blood, bentonite, lye, building materials, rubber, hair, leather, porcelain, china, ceramic wastes, asphalt, paint, waxes or any other solids or viscous substances capable of causing obstruction to the flow in the sewer system or other interference with the proper operation of the sewer system or the POTW;

(6) having a pH, stabilized, lower than six (6.0) or higher than nine and five-tenths (9.5) or having any corrosive or scale forming property capable of causing damage or hazards to structures, equipment, bacterial action or personnel of the sewer system or the POTW;

(7) containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals or to create any hazard in the receiving stream of the POTW; limiting the Mg/L of the following ions in the discharges into the sanitary sewer system as follows:

POLLUTANT - TOTAL CONCENTRATE (Mg/L)

Cadmium	0.03
Chromium	0.76
Copper	0.61
Cyanide	0.58
Lead	0.70
Mercury	0.01
Nickel	0.38
Silver	1.64
Zinc	0.46
Phenol	0.50
Arsenic	0.70
Beryllium	1.00
Selenium	1.00
Chloroform	0.02
Tin	2.00
Iron	5.00
Bisulfite	0.50

(8) containing total solids of such character and quantity that unusual attention or expense is required to handle such materials at the POTW, except as may be approved by the Township, or as otherwise provided herein;

(9) containing color from any source that when diluted with distilled water 1:10 shall have a luminescence of ninety percent (90%) or better and a purity of ten percent (10%) or less, at its dominant wave length by the tristimulus method; and any wastewater with objectionable color not removed in the treatment process;

(10) having a chlorine demand in excess of twelve (12) Mg/L;

(11) containing wastes which are not amenable to biological treatment or reduction in existing treatment facilities, specifically non-biodegradable complex carbon compounds;

(12) any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria,

guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or any State criteria applicable to the sludge management method being used;

(13) any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards;

(14) any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which is higher than 40°C (104°F) or lower than 0°C (32°F) unless the POTW treatment plant is designed to accommodate such temperature;

(15) any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause Interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operation;

(16) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Township in compliance with applicable State or Federal regulations;

(17) any wastewater which causes a hazard to human life or creates a public nuisance; or

(18) any wastewater containing any radioactive wastes or isotopes.

When the Township determines that a User(s) is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Township shall: (1) advise the User(s) of the impact of the contribution on the POTW; and (2) develop effluent limitation(s) for such User to correct the Interference with the POTW.

(e) Nothing in this section shall be construed as preventing any special agreement or arrangement between the Township and any user of the treatment works whereby wastewater of unusual strength or character is accepted into the

POTW; provided, however, that nothing in this Section shall be construed as a waiver of the federal categorical pretreatment standards in effect as of the date of this Part.

(f) The Township or its designee shall have the right to inspect any building sewer, lateral or collecting sewer that discharges wastewater directly or indirectly into the POTW to determine compliance with this Part.

(g) The standards as set forth above for prohibiting discharges may be amended by Resolution of the Board of Supervisors of the Township, from time to time, as required by federal, state or local regulations, and any requirements as may be lawfully imposed pursuant to agreement with the Hamburg Municipal Authority.

(Ordinance No. 103, July 5, 1994, Article 3, Section 302; as amended by Ordinance No. 132, May 1, 2001, Section 1)

Section 119. Federal Categorical Pretreatment Standards. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standards, if more stringent than limitations imposed under this Part for sources in that subcategory, shall immediately supersede the limitations imposed under this Part. The Township shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. (Ordinance No. 103, July 5, 1994, Article 3, Section 303)

Section 120. Modification of Federal Categorical Pretreatment Standards. When the POTW achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Township may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403 - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Township may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained. (Ordinance No. 103, July 5, 1994, Article 3, Section 304)

Section 121. State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Part. (Ordinance No. 103, July 5, 1994, Article 3, Section 305)

Section 122. Excessive Discharges. No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Township or State. (Ordinance No. 103, July 5, 1994, Article 3, Section 305)

Section 123. Accidental Discharges. Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Part. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's sole cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Township for review and shall be approved by the Township before construction of the facility. No user who commences contribution to the POTW after the effective date of this Part shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Township. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Part. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume of waste, and corrective actions. (Ordinance No. 103, July 5, 1994, Article 3, Section 307)

Section 124. Written Notice. Within five (5) days following an accidental discharge, the User shall submit to the Township a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties or other liabilities which may be imposed by this Part or by other applicable law. (Ordinance No. 103, July 5, 1994, Article 3, Section 308)

Section 125. Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ordinance No. 103, July 5, 1994, Article 3, Section 309)

Subpart D. Industrial Wastes.

Section 126. Acceptance and Treatment Policy. The economy and desirability of the combined treatment of industrial wastes and domestic wastes are recognized; however, not all types of industrial wastes can be so treated. Hence, it shall be the established policy of the Township to accept those types and quantities of industrial wastes which are not harmful or damaging to the structures, processes or operation of the sewer system and/or sewage treatment works or are not specifically prohibited by this Subpart D. (Ordinance No. 103, July 5, 1994, Article 4, Section 401)

Section 127. Recovery of Costs from Users/Charges and Fees.

(a) It is the purpose of this Section to provide for the recovery of costs from Users of the POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Schedule of Charges and Fees.

(b) Charges and Fees. The Township may adopt charges and fees which may include:

- (1) fees for reimbursement of costs of setting up and operating the Pretreatment Program; .
- (2) fees for monitoring, inspections and surveillance procedures;
- (3) fees for reviewing accidental discharge procedures and construction;
- (4) fees for permit applications;
- (5) fees for filing appeals;
- (6) fees for consistent removal of pollutants otherwise subject to Federal Pretreatment Standards; and
- (7) other fees as the Township may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Part and are separate from all other fees chargeable by the Township.

(Ordinance No. 103, July 5, 1994, Article 4, Section 402)

Section 128. Approval Required for Industrial Wastes. The discharge into the POTW of industrial wastes having any one or more of the following characteristics shall be subject to prior review and approval by the Township.

- (a) a 5-day BOD₅ greater than 250 MG/L;
- (b) a suspended solids content greater than 350 Mg/L;
- (c) a dissolved solids content greater than 500 Mg/L;
- (d) a C.O.D. content greater than 250 Mg/L;
- (e) a chlorine demand greater than 12 Mg/L;
- (f) an average daily flow greater than five percent (5%) of the average daily sewage flow of the treatment works;
- (g) any quantity of substances possessing characteristics described in Subpart C or Subpart E; or
- (h) having been discharged from an industrial user as defined in Section 102. The approval of the Township shall be called an Industrial Waste Discharge Permit.

It shall be unlawful to discharge without a permit to any natural outlet within the Township or in any area under the jurisdiction of said Township and/or to the POTW any wastewater except as authorized by the Township in accordance with the provisions of this Part. (Ordinance No. 103, July 5, 1994, Article 4, Section 403)

Section 129. Industrial Waste Discharge Permit. All significant users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW.

Users required to obtain a Wastewater Contribution Permit shall complete and file with the Township an application in the form prescribed by the Township and accompanied by a fee of Five Hundred and 00/100 Dollars (\$500.00) payable to the Township. Users shall apply at least one hundred twenty (120) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Names, address, and location (if different from the address);

(b) SIC number according to the current Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(c) Wastewater constituents and characteristics including but not limited to those mentioned in Section 118 of this Part as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

(d) Time and duration of contribution;

(e) Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonable variations, if any;

(f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevations, as applicable to secure adequate samples;

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

(h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Authority, Borough, Township, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;

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

The following conditions shall apply to this schedule:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(2) No increment referred to in Paragraph (i)(1) above shall exceed six (6) months.

(3) Not later than seven (7) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Township including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than eight (8) months elapse between such progress reports to the Township.

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

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

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

(m) Any other information as may be deemed by the Township to be necessary to evaluate the permit application.

(n) Notwithstanding any of the limitations and provisions set forth in this Part, the Township is authorized to insert more stringent standards into any specific industrial waste discharge permit in the event that such standards are necessary in the Borough's discretion to insure proper operation of its sewer system and compliance with all Federal and State rules and regulations which may be promulgated from time to time.

The Township will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Township may issue a Wastewater Contribution Permit subject to terms and conditions provided herein. (Ordinance No. 103, July 5, 1994, Article 4, Section 404)

Section 130. Permit Modifications. Within eight (8) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by 416.04, the User shall apply for a

Wastewater Contribution permit within one hundred fifty (150) days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Township within one hundred fifty (150) days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (8) and (9) of Section 449.04(c). (Ordinance No. 103, July 5, 1994, Article 4, Section 405)

Section 131. Permit Conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this Part and all other applicable regulations, user charges and fees established by the Township. Permits may contain the following:

- (a) the unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) limits on the average and maximum wastewater constituents and characteristics;
- (c) limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) requirements for installation and maintenance of inspection and sampling facilities;
- (e) specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for test and reporting schedule;
- (f) compliance schedules;
- (g) requirements for submission of technical reports or discharge reports;
- (h) requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Township, and affording the Township access thereto;
- (i) requirements for notification to the Township of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (j) requirements for notification of slug discharges; and

(k) other conditions as deemed appropriate by the Township to ensure compliance with this Part.

(Ordinance No. 103, July 5, 1994, Article 4, Section 406)

Section 132. Permit Duration. Permits shall be issued for a specified time period, not to exceed three (3) years. A permit may be issued for a period less than one (1) year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred fifty (150) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Township during the term of the permit as limitations or requirements are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. (Ordinance No. 103, July 5, 1994, Article 4, Section 407)

Section 133. Permit Transfer. Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Township. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit. (Ordinance No. 103, July 5, 1994, Article 4, Section 408)

Section 134. Reporting Requirements for Permittee.

(a) Compliance Date Report. Within seventy-five (75) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Township a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

(b) Periodic Compliance Reports.

(1) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Township during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Township, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in this section. At the discretion of the Township and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Township may agree to alter the months during which the above reports are to be submitted.

(2) The Township may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (b)(1) of this section indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Township, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analyses shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator.

Sampling shall be performed in accordance with the techniques approved by the Administrator.

Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

(Ordinance No. 103, July 5, 1994, Article 4, Section 409)

Section 135. Monitoring Facilities. The Township shall require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Township may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Township's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Township. (Ordinance No. 103, July 5, 1994, Article 4, Section 410)

Section 136. Inspection and Sampling. The Township shall inspect the facilities of any User to ascertain whether the purpose of this Part is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Township or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Township, State and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Township, State and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. (Ordinance No. 103, July 5, 1994, Article 4, Section 411)

Section 137. Pretreatment and Preliminary Treatment of Industrial Wastes. Users shall provide necessary wastewater treatment as required to comply with this Part and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Township shall be provided, operated and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Township for review and shall be acceptable to the Township before construction of the facility. The review of such plans

and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Township under the provisions of this Part. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Township prior to the User's initiation of the changes.

The Township shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annually providing public notification, in the largest daily newspaper published in the Township in which the POTW is located, of Industrial Users which, during the previous twelve (12) months, were significantly violating applicable Pretreatment Standards or other Pretreatment Requirements. For the purposes of this provision, a significant violation is a violation: which remains uncorrected forty-five (45) days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve month period; which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under Federal Rules and Regulations Section 403.8(f)(1)(iv)(B), which states: A POTW Pretreatment Program shall require the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or State upon request. (Ordinance No. 103, July 5, 1994, Article 4, Section 412)

Section 138. Confidential Information. Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies as provided by law.

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

Information accepted by the Township as confidential shall not be transmitted to any governmental agency or to the general public by the Township or the Authority until and unless a ten (10) day notification is given to the User. (Ordinance No. 103, July 5, 1994, Article 4, Section 413)

Subpart E. Determination of Charges for Industrial Waste Surcharges

Section 139. Industrial Waste Surcharges. There shall be additional charges for industrial wastes having concentrations of BOD, suspended solids, and dissolved solids in excess of the average concentration of these pollutants in normal domestic waste. Normal domestic waste shall be considered as having the following concentrations:

- (a) BOD - 250 Mg/L
- (b) suspended solids - 350 Mg/L
- (c) Dissolved solids - 500 Mg/L

(Ordinance No. 103, July 5, 1994, Article 5, Section 501)

Section 140. Surcharge Formula. In order to determine the additional charge for industrial wastes with strength greater than that of domestic waste, the following formula shall be used:

$$S_Q = 0.00834 Q_I [(BOD_I - 250) TC_{BOD} + (SS_I - 350) TC_{SS} (DS_I - 500) TC_{DS}]$$

Where:

- (a) S_Q is the quarterly surcharge to be added to the normal sewer rent.
- (b) 0.00834 is a constant to convert waste concentrations expressed in Mg/L to thousands of pounds of waste.
- (c) Q_I is the quarterly industrial waste flow expressed in million of gallons.
- (d) BOD_I , SS_I , and DS_I are the respective concentrations of BOD_5 , suspended solids and dissolved solids of the industrial waste expressed in Mg/L.
- (e) 250, 350, and 500 are constants which express the waste load concentrations in Mg/L for normal domestic wastes.
- (f) TC_{BOD} is the treatment cost incurred by the Township as updated annually per 1,000 pounds of BOD.
- (g) TC_{SS} is the treatment cost incurred by the Township as updated annually per 1,000 pounds of suspended solids.

(h) TC_{DS} is the treatment cost incurred by the Township as updated annually per 1,000 pounds of dissolved solids.

When a value of BOD, suspended solids and/or dissolved solids is less than the maximum allowable concentration set forth in the Industrial Waste Surcharge Formula, then the maximum allowable concentration shall be used in the calculation of the industrial waste surcharge. (Ordinance No. 103, July 5, 1994, Article 5, Section 502)

Section 141. Additional Surcharges. The formula specified in Section 140 hereof is to determine additional charges or surcharges for the treatment of industrial wastes having concentrations of BOD, suspended solids, and dissolved solids in excess of those of domestic waste. It is, however, recognized that the discharge of any waste or other matter which contains any one or more of the prohibited substances listed in Subpart D may result in extraordinary laboratory, labor, maintenance and/or treatment expenses to the Township. Hence, in the event of the discharge of any industrial waste or other matter or substance containing any one of the prohibited substances listed in Section 118, the Township shall have the power to bill the owner of the property from which such discharge is made an additional surcharge of Four Hundred and 00/100 Dollars (\$400.00). Each day that such discharge is made shall result in a separate additional surcharge of Four Hundred and 00/100 Dollars (\$400.00). These charges shall be in addition to the normal sewer rental and/or any industrial waste surcharge as incurred under Section 140 hereof. (Ordinance No. 103, July 5, 1994, Article 5, Section 503)

Section 142. Methods of Payment of Extra Charges by Industrial Users. The industrial waste surcharge shall be payable quarterly. The Township shall cause the water meter of each industrial user where the wastewater flow determination is based upon metered water consumption, and the wastewater meter where the wastewater flow determination is based upon wastewater flow measurement, to be read on a quarterly basis, and the Township shall cause industrial waste surcharge bills to be mailed forthwith following each reading.

(a) The Township shall cause periodic sampling of the wastewater discharged by each industrial user in accordance with Subpart F hereof.

(b) Bills for industrial waste surcharge shall be mailed to the owner's address specified on the Industrial Waste Permit. Failure to receive a bill as a result of incorrect address or otherwise shall not excuse nonpayment of charges or extend the time for payment.

(Ordinance No. 103, July 5, 1994, Article 5, Section 504)

Section 143. Discontinuance of Use. If an industrial user discontinues use of the treatment works, its payment for industrial waste surcharges shall cease. (Ordinance No. 103, July 5, 1994, Article 5, Section 505)

Section 144. Administrative Appeal Procedure; Hearing Board. Industrial users may appeal the reasonableness of the allocations and industrial waste surcharge assessments imposed upon them. Industrial users making such an appeal shall so notify the Township in writing. The Township Board of Supervisors shall conduct an administrative hearing. The industrial user shall be given the opportunity to present evidence and testimony before the Board supporting its appeal.

The hearing will be conducted in accordance with the provisions of the Pennsylvania Local Agency Law. (Ordinance No. 103, July 5, 1994, Article 5, Section 506)

Section 145. Measurement of Concentration and Volume of Industrial Waste.

(a) Industrial Waste Sampling. Industrial wastes being discharged into the sewer system shall be subject to sampling and inspection to be used as a basis for determining additional charges due to excessive concentrations of BOD, suspended solids and/or substances prohibited in Subpart C. Such sampling and inspection shall be made by the Township as frequently as may be deemed necessary. The analysis of the sample so obtained shall be the basis for computing additional charges in accordance with this Subpart E. The cost of such sampling (but not testing thereof) shall be borne by the Township. The cost of testing said sample shall be borne by the User.

The industry may request that samples be taken in addition to the samples taken by the Township. The cost of making this collection and analysis shall be borne by the owner.

Samples and the analysis of samples obtained shall be made in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.

(b) Control Manhole. When required by the Township, the owner of any property discharging industrial waste into the sewer system shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the waste. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Township. The manhole shall be installed by the property owner, at his sole expense, and shall be maintained by said property owner so as to be safe and accessible at all times.

The Township and/or their duly authorized representatives shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Subpart E.

(Ordinance No. 103, July 5, 1994, Article 5, Section 507)

Section 146. Measurement of Volume of Industrial Wastes.

(a) Whenever a person purchasing his entire water supply from a water purveyor discharges only industrial waste into the sewer system, the volume of the water purchased may be used as a measure of the quantity of industrial waste discharged.

(b) Whenever a person purchasing his entire water supply from a water purveyor discharges combined domestic waste and industrial waste into the sewer system, the volume of water purchased chargeable as industrial waste shall be the total volume of water purchased less the volume determined to be domestic waste. The domestic waste shall be determined by the Township in either of the following two (2) ways:

(1) actual measured flow; or

(2) by multiplying the average number of employees in the establishment during the preceding billing period by ten (10) gallons per day.

(c) Whenever a person purchasing his entire water supply from a water purveyor and discharging industrial waste into the sewer system also discharges unpolluted cooling water to either a separate storm sewer or other outlet, an allowance for the amount of water so discharged shall be made in computing the sewer charges. The person so discharging cooling water shall, at his own expense, install a meter or meters, as required, to indicate accurately and to the satisfaction of the Township the amount of water claimed as a credit.

(d) Whenever a person using a private water supply discharges industrial wastes into the sewer system, the charges for such discharge shall be in accordance with this Subpart E. Such person, however, shall install at his expense a suitable meter or meters, as may be required by the Township, to measure the total volume of water used in the industrial plant, or shall install, at his expense, a meter on the sewer line leaving the plant so as to measure the entire flow of waste discharged into the sewer system. No meter for measurement either of the water or sewage shall be installed, until a plan for such installation is submitted to the Township and

approved as satisfactory.

All meters or other measuring devices installed or required to be used under the provisions of this Subpart E shall be tested, inspected or repaired as required by the Township. The owner of the property upon which such measuring device is installed shall be responsible for its maintenance and safekeeping, and all repairs thereto shall be made at the property owner's expense. In the event of meter failure or malfunction, the owner shall notify the Township during the same working day. If the Township determines the meter is not working properly, the owner will be responsible to replace or repair the meter within seven (7) working days. Failure to replace or repair the meter within seven (7) working days permits the Township to do so at the owner's expense.

(e) The Township shall be responsible for the reading of water and/or sewage meters when installed in industrial establishments within its jurisdiction. All meters shall be installed at a location approved by the Township. All meters shall be accessible to the Township at all times.

(Ordinance No. 103, July 5, 1994, Article 5, Section 508)

Section 147. Access. The Township shall have the right of access to any part of any improved property served by the POTW as shall be required for purposes of inspection, measurement, sampling and testing and for performance of other functions relating to service rendered by the Township through the POTW. (Ordinance No. 103, July 5, 1994, Article 5, Section 509)

Subpart F. Determination of Charges for Industrial Waste Cost Recovery.

Section 148. Industrial Cost Recovery. In accordance with the requirements of Public Law 92-500, each Industrial User of the treatment works shall pay an equitable share of the Federal capital grant amount used for construction of the sewage treatment works.

(a) **Industrial User.** An Industrial User is any nongovernmental user, existing or future, of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions: Agriculture, Forestry and Fishing; Mining; Manufacturing; Transportation; Communications; Electric, Gas and Sanitary Services; and Services. A user in the divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

(Ordinance No. 103, July 5, 1994, Article 6, Section 601)

Section 149. Computation of Industrial Cost Recovery Payment. The Industrial User's share shall be based on three (3) factors: average daily flow, BOD and suspended solids.

(a) The flow portion of the payment shall be calculated as follows:

$$A = \frac{(\text{Industry's annual flow in gallons}) \times \$644.24}{365 \times 1000}$$

(cubic feet x 7.48 = gallons)

(b) The BOD portion of the payment shall be calculated as follows:

$$B = (\text{BOD of waste in pounds per day}) \times \$96.64$$

(milligrams per liter x 8.34 x average flow in million gallons per day - pounds per day)

(c) The suspended solids portion of the payment shall be calculated as follows:

$$C = (\text{suspended solids of waste in pounds per day}) \times \$31.89$$

(d) The total annual industrial cost recovery payment shall be the sum of A, B and C as calculated above divided by 30.

(Ordinance No. 103, July 5, 1994, Article 6, Section 602)

Section 150. Industrial Classification. Any Industrial User shall be classified as a major industry if its annual water consumption exceeds three hundred sixty-five thousand (365,000) cubic feet per year (7,480 gallons per day) or if, based on records of past operation or periodic sampling by the Township, its BOD concentration exceeds two hundred fifty (250) Mg/L or its suspended solids concentration exceeds three hundred fifty (350) Mg/L. All other industries shall be classified as minor industries. (Ordinance No. 103, July 5, 1994, Article 6, Section 603)

Section 151. Industrial Waste Sampling. For the purpose of Industrial Cost Recovery calculations, the industrial waste of each minor industry shall be assumed to have a BOD concentration of two hundred fifty (250) Mg/L and a suspended solids concentration of three hundred fifty (350) Mg/L.

If the sampling and analysis of industrial waste results in an industrial cost recovery payment less than that of a minor industry having the same flow (e.g. BOD concentration less than two hundred fifty (250) Mg/L and suspended solids concentration less than three hundred fifty (350) Mg/L), then the cost of the sampling and analysis shall be added to the industrial cost recovery payment amount. If the sampling and analysis of industrial waste results in an industrial cost recovery payment more than that of a minor industry having the same flow (e.g. BOD concentration more than two hundred fifty (250) Mg/L and suspended solids concentration more than three hundred fifty (350) Mg/L), then the cost of the sampling and analysis shall be deducted from the industrial cost recovery payment amount. (Ordinance No. 103, July 5, 1994, Article 6, Section 604)

Section 152. Repayment Period. The Industrial Cost Recovery period shall start January 1, 1977 and continue for a period of thirty (30) years. The industrial cost recovery payment shall be due and payable ninety (90) days after the end of each calendar year. Any Industrial User who connects to or begins discharging to the Sewer System after the beginning of the Industrial Cost Recovery Period shall be subject to the industrial cost recovery payment beginning on the date use is initiated and continuing until the end of the industrial cost recovery period (December 31, 2007) or until the date use is terminated whichever occurs first. (Ordinance No. 103, July 5, 1994, Article 6, Section 605)

Section 153. Right of Appeal. If any industrial user feels that its industrial cost recovery payment is unfair, the industrial user has the right to request that the Township sample and analyze its industrial waste for BOD concentration and suspended solids concentration provided the request is made in writing and prior to the due date of the payment.

The Industrial User also has the right to request a hearing with the Township regarding the reasonableness of the cost allocations and to review the Township's Industrial Cost Recovery records provided the request is made in writing. The hearing will be held in accordance with the Pennsylvania Local Agency Law. (Ordinance No. 103, July 5, 1994, Article 6, Section 606)

Subpart G. Adoption of Additional Rules and Regulations.

Section 154. Adoption of Additional Rules and Regulations. The Township shall have the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with the use and operation of the treatment works in order to carry out the intent of this Part, which rules and regulations shall become effective as though set forth herein. (Ordinance No. 103, July 5, 1994, Article 7)

Subpart H. Enforcement.

Section 155. Harmful Contributions. The Township may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the Township, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment or which causes Interference to the POTW or causes the Township to violate any condition of the Borough's NPDES Permit or violation of this Part and related regulations of the Borough or the Township.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Township shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Township shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Township within five (5) days of the date of occurrence. (Ordinance No. 103, July 5, 1994, Article 8, Section 801)

Section 156. Revocation of Permit. Any User who violates the following conditions of this Part or applicable state and federal regulations is subject to possible revocation of his permit in accordance with the procedures of Subpart D of this Part:

- (a) failure of a User to factually report the wastewater constituents and characteristics of his discharge;
- (b) failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- (c) refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or
- (d) violation of conditions of the permit.

(Ordinance No. 103, July 5, 1994, Article 8, Section 802)

Section 157. Notification of Violation. Whenever the Township finds that any User has violated or is violating this Part, the wastewater contribution permit or any prohibition, limitation or requirements contained herein, the Township may serve upon such person a

written notice stating the nature of the violation. Within five (5) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Township by the User. (Ordinance No. 103, July 5, 1994, Article 8, Section 803)

Section 158. Show Cause Hearing. The Township may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the Township why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Township regarding the violation, the reasons why the action is to be taken and the proposed enforcement action, and directing the User to show cause before the Township why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The Township may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the assigned department to:

- (a) issue in the name of the Township notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (b) take the evidence;
- (c) transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Township for action thereon.

Any hearing held pursuant to this Part will be held in accordance with the Local Agency Law. In the event that the Township, pursuant to the Local Agency Law, affirms an enforcement decision, any appeal of that enforcement decision to the Court of Common Pleas will not act as a stay of the enforcement order except upon petition to the Court and order of the Court.

After the Township has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

The hearing shall be conducted in accordance with the rules and regulations of the American Arbitration Association or such other rules and regulations as the Township may promulgate. (Ordinance No. 103, July 5, 1994, Article 8, Section 804)

Section 159. Legal Action. If any person discharges sewage, industrial wastes or other wastes into the POTW contrary to the provisions of this Part, Federal or State Pretreatment Requirements or any order of the Township, the Township Solicitor may commence an action for appropriate legal and/or equitable relief. If the Township is successful in such action, reasonable and necessary legal fees will be awarded to the Township. (Ordinance No. 103, July 5, 1994, Article 8, Section 805)

Subpart I. Removal, Transportation and Disposal of Domestic Waste and Industrial Wastes.

Section 160. Removal, Transportation and Disposal of Waste and Industrial Wastes.

Any tank truck or any other equipment used or intended to be used within the Township for the removal and/or transportation of domestic waste and industrial wastes shall conform to the following requirements:

- (a) The container shall be watertight.
- (b) Tanks, containers or other equipment shall be so constructed that every portion of the interior and exterior can be easily cleaned and shall be kept in a clean and sanitary condition.
- (c) Piping, valves and permanent or flexible connections shall be accessible and easily disconnected for cleaning purposes.
- (d) The inlet opening, or openings, to every container shall be so constructed that the material will not spill out during filling, transfer or transport.
- (e) The outlet connections shall be so constructed that no material will leak out or run out to other than the point of discharge, and shall be of a design and type suitable for the material handled and capable of controlling the flow or discharge without spillage, undue spray, or flooding of immediate surroundings while in use.
- (f) No connection shall be made at any time between a tap or outlet furnishing potable water on any premises and any container or equipment holding material by any means other than an open connection. No domestic waste and/or industrial wastes shall be discharged by tank trucks into the sewer system.

(Ordinance No. 103, July 5, 1994, Article 9)

Subpart J. Civil Penalties.

Section 161. Violation/Failure to Comply. Any User who is found to have violated an Order of the Township or who willfully or negligently failed to comply with any provision of this Part, and the orders, rules, regulations and permits issued hereunder, shall, upon conviction, be sentenced to pay a fine of not more than One Thousand and 00/100 Dollars (\$1,000.00) and costs of prosecution, and in default of payment of fines and costs, to imprisonment for not more than thirty (30) days. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Township may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate action at law against the person found to have violated this Part or the orders, rules, regulations and permits issued hereunder. (Ordinance No. 103, July 5, 1994, Article 10, Section 1001)

Section 162. Falsifying Information. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Part, shall, upon conviction, be sentenced to pay a fine of not more than Six Hundred and 00/100 Dollars (\$600.00) and costs of prosecution, and in default of payment of fines and costs, to imprisonment for not more than six (6) months, or both. Such penalties are in addition to and not in lieu of any penalties as may be imposed under the Pennsylvania Crimes Code. (Ordinance No. 103, July 5, 1994, Article 10, Section 1002)

Subpart K. Miscellaneous.

Section 163. Severability. The provisions of this Part are severable. If any of its provisions, paragraphs, words, sections, articles, terms or clauses are for any reason declared invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any of the remaining provisions, paragraphs, words, sections, articles, terms and clauses of this Part. It is hereby declared to be the intent of the Board of Supervisors of the Township of Tilden that this Part would have been adopted had such invalid, illegal or unconstitutional provisions not been included herein. (Ordinance No. 103, July 5, 1994, Article 11, Section 1101)

Section 164. Purpose. It is declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the POTW Service Area. (Ordinance No. 103, July 5, 1994, Article 11, Section 1102)

Subpart L. Grease and Oil Interceptors or Traps.

Section 165. Requirement of Interceptors. Grease and oil interceptors or traps shall be provided when, in the opinion of the Township, based on sound engineering standards, they are necessary for the proper handling of liquid wastes containing grease and oil in excessive amounts or any flammable wastes, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity designed by the owner's licensed plumber or registered engineer and approved by the Township and shall be located so as to be readily and easily accessible for cleaning and inspection. All interceptors or traps shall be supplied and properly maintained continuously in satisfactory and effective operation by the owner at the owner's expense. (Ordinance No. 177, July 7, 2007, Section 1)

Section 166. Future Establishments. All restaurants, grocery stores, fast food and auto-related establishments not now existing shall provide a grease and oil interceptor or trap of one thousand (1,000) gallons capacity or larger between the grease generator and the Sewer System. Grease and oil interceptors or traps shall be installed with an access manhole brought up to or slightly above grade for easy cleaning. In cases of unusual conditions which make the provisions of this subsection prohibitive or not required, an alternative system approved by the Township can be utilized provided it removes oil and grease to levels below those fixed in this Chapter. The design shall prevent the entry of surface water into the grease and oil interceptor or trap. (Ordinance No. 177, July 7, 2007, Section 1)

Section 167. Existing Establishments. All existing restaurants, grocery stores, fast food and auto-related establishments operating without a grease and oil interceptor or trap shall be required to install a grease and oil interceptor or trap within six (6) months of the date of this Subpart whenever it is deemed necessary by the Township to prevent grease and oil from entering the Sewer System. (Ordinance No. 177, July 7, 2007, Section 1)

Section 168. Mandatory Cleaning/Pumping. When installed, all grease and oil interceptors and traps shall be maintained at the owner's expense, in continuously efficient operation at all times. All interceptors and traps shall be pumped and/or cleaned by a licensed hauler at least every three (3) months or more often if deemed necessary by the Township. The Township shall be provided with one day's advance notice of the cleaning, in case Township personnel want to inspect the unit and the cleaning operation. Within two (2) weeks of the cleaning by the licensed hauler, the owner shall provide the Township with a written report or manifest supplied by the hauler to verify that the cleaning and proper disposal was performed. An inspection of existing conditions may be made by authorized Township personnel at any time it appears that there may be a problem. At its discretion, the Township may reduce the frequency of pumping and cleaning, upon written request by the owner. (Ordinance No. 177, July 7, 2007, Section 1)

Section 169. Cleaners. No hot water, acids, caustics, solvents, or emulsifying agents shall be used when cleaning the grease and oil interceptor or trap. No bacteria products designed for use in treating grease and oil interceptors and traps may be used without the prior written approval of the Township. (Ordinance No. 177, July 7, 2007, Section 1)

Section 170. Wastewater Prohibited. Wastewater from toilets, urinals, and wash basins shall not flow through any grease and oil interceptor or trap. (Ordinance No. 177, July 7, 2007, Section 1)

PART 2

ON-LOT SEWAGE DISPOSAL SYSTEMS

Section 201. Short Title Introduction; Purpose.

(a) This Part shall be known and may be cited as "An ordinance providing for a Sewage Management Program for Tilden Township."

(b) In accordance with municipal codes, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394 as amended, 35 P.S. §§691.1, et seq.), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. §7501 *et seq.* known as Act 537), it is the power and the duty of Tilden Township to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Tilden Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

(c) The purpose of this Part is to provide for the regulation, inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

(Ordinance No. 146, October 28, 2003, Section 1)

Section 202. Definitions.

"Authorized Agent" shall mean a sewage enforcement officer, employee of the Township, professional engineer, plumbing inspector, or any other qualified or licensed person who is authorized to function within specified limits as an agent of Tilden Township to administer or enforce the provisions of this ordinance.

"Board" shall mean the Board of Supervisors, Tilden Township, Berks County, Pennsylvania.

"Community Sewage System" shall mean any system, whether publicly or privately owned, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other site.

"Department" shall mean the Department of Environmental Protection of the Commonwealth of Pennsylvania. (DEP).

"Individual Sewage System" shall mean a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth.

"Malfunction" shall mean a condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.

"Official Sewage Facilities Plan" shall mean a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.

"On-lot Sewage Disposal System" shall mean any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this term includes both individual sewage systems and community sewage systems.

"Person" shall mean any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

"Rehabilitation" shall mean work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

"Sewage" shall mean any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any 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," as amended.

"Sewage Enforcement Office (SEO)" shall mean a person certified by DEP who is appointed by the Township. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other ordinance adopted by the Township.

"Sewage Management District" shall mean any area or areas of the Township designated in the Official Sewage Facilities Plan adopted by the Board as an area for which a Sewage Management program is to be implemented.

"Sewage Management Program" shall mean a comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Board to effectively enforce and administer this ordinance.

"Subdivision" shall mean the division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

"Township" shall mean the township of Tilden, Berks County, Pennsylvania.

For the purposes of this Part, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and Regulations promulgated thereto. (Ordinance No. 146, October 28, 2003, Section 2)

Section 203. Applicability. From the effective date of this Part, its provisions shall apply in any portion of the Township identified in the Official Sewage Facilities Plan as a sewage management district. Within such an area or areas, the provisions of this Part shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems. (Ordinance No. 146, October 28, 2003, Section 3)

Section 204. Permit Requirements.

(a) No person shall install, construct or request bid proposals for construction, or alter an individual sewage system or community sewage system or

construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit from the sewage enforcement officer which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law (35 P.S. §§691.1, *et seq.*) and the Pennsylvania Sewage Facilities Act (35 P.S. 750.1 *et seq.*) and the regulations adopted pursuant to those Acts.

(b) No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by a sewage enforcement officer. If 72 hours have elapsed, excepting Sundays and Holidays, since the sewage enforcement office issuing the permit received notification of completion of construction, the applicant may cover said system or structure unless permission has been specifically refused by the sewage enforcement officer.

(c) Applicants for sewage permits may be required to notify the sewage enforcement officer of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by the Sewage Facilities Act may be scheduled and performed by the sewage enforcement officer.

(d) No building or occupancy permit shall be issued for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the sewage enforcement officer.

(e) No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner receives a permit for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from the sewage enforcement officer that such a permit will not be required. The sewage enforcement officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

(f) Sewage permits may be issued only by a sewage enforcement officer appointed by the Township. DEP shall be notified as to the identity of each sewage enforcement officer appointed by Township.

(Ordinance No. 146, October 28, 2003, Section 4)

Section 205. Inspections.

(a) Any on-lot sewage disposal system may be inspected by an authorized agent at any reasonable time, upon 72 hours written notice, as of the effective date of this Part.

(b) Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.

(c) An authorized agent shall have the right to enter upon land for the purposes of inspections described in this section.

(d) An inspection may be conducted by an authorized agent for the purpose of determining the type and functional status of each sewage disposal system in the sewage management district. A written report shall be furnished to the owner of each property inspected and a copy of said report shall be maintained in the Township records.

(e) A schedule of routine inspections may be established to assure the proper functioning of the sewage systems in the sewage management district.

(f) An authorized agent shall inspect systems reasonable suspected to be malfunctioning. No notice shall be require for such inspection. Should said inspections reveal that the system is indeed malfunctioning, the authorized agent shall order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulations of DEP including, but not limited to, those outlined in Chapter 73 of Title 25 of Pennsylvania Code; or, is not technically or financially feasible in the opinion of the authorized agent and a representative of DEP; then action by the property owner to mitigate the malfunction shall be required.

(Ordinance No. 146, October 28, 2003, Section 5)

Section 206. Operation.

(a) Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system.

(1) Industrial waste.

- (2) Automobile oil and other non-domestic oil.
- (3) Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
- (4) Clean surface or ground water, including, water from roof or cellar drains, springs, basement sump pumps and french drains.

(Ordinance No. 146, October 28, 2003, Section 6)

Section 207. Maintenance

(a) Each person owning a building served by an on-lot sewage disposal system which contains a septic tank shall have the septic tank pumped by a qualified pumper/hauler within six months of the effective date of this Part. Thereafter that person shall have the tank pumped at least once every three years or whenever an inspection reveals that the septic tank is filled with solids or with scum in excess of 1/3 of the liquid depth of the tank. Receipts from the pumper/hauler shall be submitted to the Township within the prescribed six month and three year pumping periods.

In lieu of such receipts, each person may submit a letter from a licensed SEO certifying is no more than 1/3 of the liquid depth of the tank is filled with solids or scum and the tank is in satisfactory condition.

(b) The required pumping frequency may be increased at the discretion of an authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown. If any person can prove that such person's septic tank had been pumped within three years of the six-month anniversary of the effective date of this Part, then that person's initial required pumping may be delayed to conform to the general three-year frequency requirement except where an inspection reveals a need for more frequent pumping frequencies.

(c) If any person can prove to the satisfaction of the Township Sewage Enforcement Office with written documentation that such person's septic tank had been pumped, constructed, replaced or substantially repaired within that person's current three-year frequency requirement and such person's sewage system and tank are functioning properly and otherwise in compliance with Township and DEP requirements, then that person's required pumping may be deferred until the next

three-year cycle.

(d) Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a written statement, from the pumper/hauler or from any other qualified individual acceptable to the Township, that the baffles in the septic tank have been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact a sewage enforcement officer for approval of the necessary repair.

(e) Any person owning a building served by an on-lot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township within six months of the effective date of this Part. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.

(f) Additional maintenance activity may be required as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.

(Ordinance No. 146, October 28, 2003, Section 7; as amended by Ordinance No. 159, October 1, 2005, Section 1)

Section 208. System Rehabilitation.

(a) No person shall operate or maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit for such discharge has been obtained from DEP.

(b) A written notice of violation shall be issued to any person who is the owner of any property which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging sewage without a permit.

(c) Within seven (7) days of notification by the Township that a malfunction has been identified, the property owner shall make application to the sewage enforcement officer for a permit to repair or replace the malfunctioning system. Within thirty (30) days of initial notification by the Township, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.

(d) A sewage enforcement officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal areas, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative appropriate for the specific site.

(e) In lieu of, or in combination with, the remedies described in Subsection 208(d) above, a sewage enforcement officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water-using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.

(f) In the event that the rehabilitation measures in Subsections (a) through (e) are not feasible or effective, the owner may be required to apply for a permit to install an individual spray irrigation treatment system or to DEP for a single residence treatment and discharge system. Upon receipt of said permit the owner shall complete construction of the system within thirty (30) days.

(g) Should none of the remedies described in this Section be totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner shall nevertheless remain responsible for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.

(Ordinance No. 146, October 28, 2003, Section 8)

Section 209. Liens. The Township, upon written notice from a sewage enforcement officer that an imminent health hazard exists due to failure of property owner to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this ordinance, shall have the authority to perform, or contract to have performed, the work

required by the sewage enforcement officer. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefor in accordance with law. (Ordinance No. 146, October 28, 2003, Section 9)

Section 210. Disposal of Septage.

(a) All septage originating within the sewage management district shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101 *et seq.*) and all other applicable laws and at sites or facilities approved by DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.

(b) Pumper/haulers of septage operating within the sewage management district shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101-6018.1003) and all other applicable laws.

(Ordinance No. 146, October 28, 2003, Section 10)

Section 211. Administration.

(a) The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Part.

(b) The Township shall appoint and/or retain qualified individuals to carry out the provisions of this Part. Those qualified individuals shall include a sewage enforcement officer and may include an administrator and such other persons as may be necessary. The Township may contract with private qualified persons or firms as necessary to carry out the provisions of this Part.

(c) All permits, records, reports, files, and other written materials relating to the installation, operation, and maintenance and malfunction of on-lot sewage disposal systems in the sewage management district shall become the property of, and be maintained by, the Township. Existing and future records shall be available for public inspection during regular business hours at the official office of the Township. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of the Pennsylvania Department of Environmental Protection.

(d) The Township board shall establish all administrative procedures necessary to properly carry out the provisions of this ordinance.

(e) The Township board may establish a fee schedule, and authorize the collection of fees, to cover the cost to the Township of administering this program.

(Ordinance No. 146, October 28, 2003, Section 11)

Section 212. Appeals. Appeals from final decisions of the Township or any of its authorized agents under this ordinance shall be made to the board of supervisors in writing within thirty (30) days from the date of written notification of the decision in question. Appeals shall be heard and decided pursuant to procedures as prescribed by the Local Agency Law Act of April 28, 1978, P.L. 202, no. 53, 2 PACS §551, et seq., as amended. (Ordinance No. 146, October 28, 2003, Section 12)

Section 213. Penalties. Any person failing to comply with any provision of this Part shall be subject to a fine of not less than Five-Hundred dollars (\$500) and costs, and not more than Five Thousand dollars (\$5,000) and costs, or in default thereof shall be confined in the county jail for a period of not more than ninety (90) days. Each day of noncompliance shall constitute a separate offense. (Ordinance No. 146, October 28, 2003, Section 13)

Section 214. Severability. If any sentence, clause, section or part of this Part is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impact any other remaining provisions, sentences, clauses, sections or parts of this Part. It is hereby declared as the intent of the Township of Tilden that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein. (Ordinance No. 146, October 28, 2003, Section 15)

