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Part 1

Use of Public Sewers Required

Section 101. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part shall be as follows:

**AUTHORITY** - Municipal Authority of the Township of Spring, Berks County, a municipality authority incorporated pursuant to provisions of the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented, of the Commonwealth. (The Municipal Authority of the Township of Spring was created by Ordinance No. 38, May 19, 1958, amended by Ordinance No. 202, June 26, 1989, and was dissolved by Resolution No. 2004-61, December 13, 2004 and Ordinance No. 315, December 27, 2004, and all reference thereto have been amended to be the Township)

**BUILDING SEWER** - the extension from the sewage drainage system of any structure to the lateral of a sewer.

**COMMONWEALTH** - the Commonwealth of Pennsylvania.

**IMPROVED PROPERTY** - any property within this Township 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 be or may be discharged.

**INDUSTRIAL ESTABLISHMENT** - any improved property located within this Township and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other improved property located within this Township, from which wastes, in addition to or other than sanitary sewage, shall be discharged.

**INDUSTRIAL WASTES** - any and all wastes discharged from any industrial establishment, other than sanitary sewage.

**LATERAL** - that part of the sewer system extending from a sewer to the curb line or, if there shall be no curb line, to the property line, or if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a sewer which is provided for connection of any building sewer.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON - any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity.

SANITARY SEWAGE - normal water-carried household and toilet wastes from any Improved Property.

SEWER - any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWER SYSTEM - all facilities, as of any particular time, for collecting, pumping, transmitting, treating and disposing of sanitary sewage and/or industrial wastes, situate in or adjacent to this Township and owned or to be owned by the Township (Authority), and to be leased to this Township for maintenance, operation and use.

STREET - includes any street, road, lane, court, cul-de-sac, alley or public way or public square.

TOWNSHIP - the Township of Spring, Berks County, Pennsylvania, a Township of the Second Class of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

(Ordinance 206, July 10, 1989, Article I)

Section 102. Use of Public Sewers Required.

(A) The owner of any improved property accessible to and whose principal building is within one hundred fifty (150) feet from the sewer system shall connect such improved property with and shall use such sewer system, in such manner as this Township may require, within sixty (60) days after notice to such owner from this Township to make such connection, for the purpose of discharge of all sanitary sewer and industrial wastes from such improved property; subject however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township from time to time.

(B) All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under Section 102(A), shall be conducted into a sewer; subject, however,

to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township from time to time.

(C) No person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this Township any sanitary sewage or industrial wastes in violation of Section 102(A).

No person shall discharge or shall permit to be discharged to any natural outlet within this Township any sanitary sewage or industrial wastes in violation of Section 102(A), except where suitable treatment has been provided which is satisfactory to this Township.

(D) No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon any improved property which has been connected to a sewer or which shall be required under Section 102(A) to be connected to a sewer.

Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Township, shall be cleansed and shall be filled, at the expense of the owner of such improved property, under the direction and supervision of this Township; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Township, not cleansed and filled, shall constitute a nuisance, and such nuisance may be abated, as provided by law, at the expense of the owner of such improved property.

(E) No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.

(F) The notice by this Township to make a connection to a sewer, referred to in Section 102(A), shall consist of a copy of this Part, including any amendments and/or supplements at the time in effect, or a summary of each Section hereof, and 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 sixty (60) days after the date such notice is given or served. Such notice may be given or served at any time after a sewer is in place which can receive and can convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be given or served upon the owner in accordance with law.

(Ordinance 206, July 10, 1989, Article II)

Section 103. Building Sewers and Connections.

(A) No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any sewer or any part of the sewer system without first obtaining a permit, in writing, from this Township.

(B) Application for a permit required under Section 103(A) shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.

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

(1) Such person shall have notified the Secretary of this Township of the desire and intention to connect such improved property to a sewer.

(2) Such person shall have applied for and shall have obtained a permit as required by Section 103(A).

(3) Such person shall have given the Secretary of this Township at least twenty-four (24) hours notice of the time when such connection will be made so that this Township may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing.

(4) If applicable, such person shall have furnished satisfactory evidence to the Secretary of this Township that any tapping (or connection) fee which may be charged and imposed by the Township (Authority) against the owner of each improved property who connects such improved property to a sewer has been paid.

(D) Except as otherwise provided in this Section 103(D), 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, but then only after special permission of this Township, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by this Township.

(E) All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and shall save harmless this Township from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.

(F) A building sewer shall be connected to a sewer at the place designated by this Township and where, if applicable, the lateral is provided.

The invert of a building sewer at the point of connection shall be at the same or a 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.

(G) If the owner of any improved property located within this Township and accessible to and whose principal building is within one hundred fifty feet (150') from the sewer system, after sixty (60) days notice from this Township, in accordance with Section 102(A), shall fail to connect such improved property, as required, this Township may enter upon such improved property and construct such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

(Ordinance 206, July 10, 1989, Article III)

Section 104. Rules and Regulations Governing Buildings Sewers and Connections to Sewers.

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

(B) No building sewer shall be covered until it has been inspected and approved by this 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.

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

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

(E) If any person shall fail or shall refuse, upon receipt of a notice from this Township, in writing, to remedy any unsatisfactory condition with respect to a building sewer within sixty (60) days of receipt of such notice, this Township may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of this Township.

(F) This 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 with the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part.

(Ordinance 206, July 10, 1989, Article IV)

Section 105. Enforcement.

(A) Any person who shall violate this Part shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed a separate offense and shall be punishable as such.

(B) Fines and costs imposed under provisions of this Part shall be enforceable and recoverable in the manner and at the time provided by applicable law.

(Ordinance 206, July 10, 1989, Article V)

Section 106. Severability. In the event any provision, section, sentence, clause or part of this Part shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Part, it being the intent of this Township that such remainder shall be and shall remain in full force and effect. (Ordinance No. 206, July 10, 1989, Article VII)

Section 107. Declaration of Purpose. It is declared that enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township. (Ordinance 206, July 10, 1989, Article VIII)

## Part 2

## Tapping Fees

Section 201. Amount of Tapping Fees. The Township hereby imposes a "tapping fee" in the amount as set forth below and as calculated as set forth below, against the owner of any improved property in the respective Sewer Service Districts of the Township Sewer System, which improve property is required to be connected to the Township Sewer System pursuant to the terms and provisions of ordinances or other provisions then in effect requiring such connection to the Sewer System:

## (A) Spring Wastewater Treatment Plant Basin

- (1) Capacity Part - \$4,021.34 per EDU
- (2) Distribution or Collection Part - \$444.86 per EDU
- (3) Special Purposes Part - N/A
- (4) Reimbursement Part - To be established by written agreement, from time to time, between the Township and such person at whose expense certain specific facilities were constructed.

## (B) Reading-Tulpehocken Basin

- (1) Capacity Part - \$227.45 per EDU
- (2) Distribution or Collection Part - \$0.00 per EDU
- (3) Special Purposes Part - N/A
- (4) Reimbursement Part - To be established by written agreement, from time to time, between the Township and such person at whose expense certain specific facilities were constructed.

## (C) Reading-Wyomissing Basin

- (1) Capacity Part - \$1,550.19 per EDU
- (2) Distribution or Collection Part - \$3,268.33 per EDU
- (3) Special Purposes Part - N/A
- (4) Reimbursement Part - To be established by written agreement, from time to time, between the Township and such person at whose expense certain specific facilities were constructed.

(D) Commercial Developments - Tapping Fees for all commercial developments shall be imposed and calculated in accordance with the per gallonage basis as established in Section 405 (a) and (b), No. 5. Present Value Unit Cost Calculation hereof.

(Ordinance No. 314, Section 1, December 27, 2004; as amended by Ordinance No. 344, July 23, 2007, Section 2; as further amended by Ordinance No. 349, November 26, 2007, Section 1; as further amended by Resolution No. 2011-20, September 12, 2011)

Section 202. Summary of Calculations. The tables below (not included herein) summarize the calculations upon which the tapping fee amounts are based. The tables are part of a Capital Charges Study dated December 2004, which may be reviewed in its entirety at the Engineering Office of the Township of Spring, and which study, including any supplements, revisions or additions thereto, is incorporated in its entirety and made a part of this ordinance as if fully set forth at length and made part hereof. (Ordinance No. 314, Section 1, December 27, 2004; as amended by Ordinance No. 344, July 23, 2007, Section 3)

Section 203. Total Fees. With respect to such fees as set forth above, the total fees in each respective sewage service district shall be multiplied times the number of "Equivalent Dwelling Units (EDUs)" as has been determined or shall be determined by resolution or ordinance of the Township. (Ordinance No. 314, Section 1, December 27, 2004)

Section 204. Time of Payment. The tapping fees shall be due and payable at the time application is made to the Township to make any such connection to the Township Sewer System or, if applicable, the date when the Township causes the connection at any such improved property to the Township Sewer System, at the cost and expense of the owner, pursuant to the provisions of the connection ordinance or other provisions whereby an owner is required to connect to the Township Sewer System. No capacity shall be guaranteed for a property owner until such time as the Tapping Fees shall have been paid in full, except as may otherwise be provided by written agreement by and between the Township and owner. (Ordinance No. 314, Section 1, December 27, 2004)

Section 205. Modifications to Subpart. The Township may from time to time, adopt modifications of, supplements to or amendments of this Part. (Ordinance No. 314, Section 1, December 27, 2004)

Section 206. Existing Agreements. This Part shall not affect any existing agreements which relate to the subject matter of Act 203 of 1990. (Ordinance No. 314, Section 1, December 27, 2004)

Section 207. Existing Fees and Charges. It is the intent of the Township that any and all sewer charges, including tapping fees, as may had been previously established, paid to, or owed to the Township (Authority) shall remain payable to the Township (Authority), except to the extent that such payments shall be required to be made to the

Township upon the termination and dissolution of the Authority. (Ordinance No. 314, Section 1, December 27, 2004)

Section 208. Charges per EDU. Each EDU shall be charged separately even though two or more domestic units are or will be connected to either new or old collection lines through a single connection (a wye or a manhole). For non-residential owners (commercial and industrial) the number of EDU's to be assigned to each owner shall be determined from the nature of the establishment and estimated and actual loads which may be or are discharged into said collection lines. Whenever actual loads exceed estimates, an additional tapping fee shall be charged. (Ordinance No. 314, Section 1, December 27, 2004)

Section 209. Additional Uses. Where any property connected to said collection line shall be converted, enlarged or remodeled or additional buildings shall be constructed on a property and connected indirectly to said collection line through an existing lateral, so as to create or establish an additional classified use or uses, an additional tapping fee determined in accordance with Section 202 of this Part for each such additional use shall be payable to the Township by the owner of said property. (Ordinance No. 314, Section 1, December 27, 2004)

Section 210. Additional Charges. The tapping fee imposed hereunder shall be in addition to:

- (A) Any connection fee, inspection charge or administrative fee imposed by the Township;
- (B) Any customer facilities fee imposed by the Township; and
- (C) Any rental or other charges fixed, charged or imposed by the Township by reason of the use or availability of use, of the Sewer System by such property.

(Ordinance No. 314, Section 1, December 27, 2004)

Section 211. Payment of Fees. All tapping fees shall be payable to the Treasurer of the Township or to such other officer or representative of the Township as shall be authorized, from time to time, to accept payment thereof. (Ordinance No. 314, Section 1, December 27, 2004)

Section 212. Enforcement. Payment of tapping fees charged by the Township pursuant to this Part shall be enforced by the Township in any manner appropriate under laws at the time in effect. (Ordinance No. 314, Section 1, December 27, 2004)

Section 213. Amendments. The Township reserves the right, from time to time, to adopt modifications of, supplements to, or amendments of this Part, and to reverse and substitute, from time to time, Sections 201 and 202 of this Part, which shall be available for public inspection, to reflect appropriate amendments to the cost components, design capacity, Sewer Service District, or other elements of the required calculations of the tapping fee. (Ordinance No. 314, Section 1, December 27, 2004)

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 impair any of the remaining provisions, sentences, clauses, sections or parts of this Part. It is hereby declared as the intent of the Board of Supervisors of Spring Township that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ordinance No. 314, Section 1, December 27, 2004)

Part 3

Sewer Rentals and Charges

Subpart A. Definitions and Abbreviations.

Section 301. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part shall be as follows:

ACT or THE ACT - the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, Public Law 92-500, as amended, 33 U.S.C. §1251, et seq.

AGENCY (REGULATORY AGENCY) - any local, municipal, authority, Commonwealth, regional or Federal entity with jurisdiction over wastewater disposal or environmental matters in the authority's service area.

AMMONIA NITROGEN AS N - ammonia nitrogen as determined pursuant to the procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater," jointly published by the American Public Health Association, American Water Works Association and Water Pollution Control Federation.

APPROVAL AUTHORITY - the Environmental Protection Agency (EPA).

AUTHORITY - the Municipal Authority of the Township of Spring, Berks County, a Pennsylvania municipality. (the Municipal Authority of the Township of Spring was created by Ordinance No. 38, May 19, 1958, amended by Ordinance No. 202, June 26, 1989, and was dissolved by Resolution No. 2004-61, December 13, 2004 and Ordinance No. 315, December 27, 2004, and all reference thereto have been amended to be the Township)

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER -

(1) In the case of a corporation, a president, secretary, treasurer or vice president of the corporation in charge of a principal business function or any other person who performs similar policymaking or decision-making functions for the corporation; or the manager of one (1) or more manufacturing, production or operation facilities, if authority to sign document has been assigned or delegated to the manager in accordance with corporate procedures.

(2) In the case of a partnership or sole proprietorship, a general partner or proprietor.

(3) A duly authorized representative of the individual designated above if:

(a) The authorization specified either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company.

(b) The authorization is in writing.

(c) The written authorization is submitted to the Township.

BOARD OF SUPERVISORS - the group of elected and/or appointed officials acting as the governing body of the Township of Spring.

BOD (BIOCHEMICAL OXYGEN DEMAND) - the quantity of oxygen, expressed in ppm by weight, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20) degrees Centigrade. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Wastewater," jointly published by the American Public Health Association, American Water Works Association and Water Pollution Control Federation.

BUILDING SEWER - the sewer extension from the sewage drainage system of any improved property to the lateral serving such improved property.

BYPASS -

(1) With regard to the pretreatment program: the intentional diversion of waste streams from any portion of the industrial user's pretreatment facility.

(2) With regard to the metering of customers' water consumption or volume of wastewater: intentional diversion of flows prior to the water meter when such flows are or may be ultimately discharged to the sewer system.

**CATEGORICAL STANDARDS** - National Categorical Pretreatment Standards or Pretreatment Standard. A "categorical industrial user" shall mean any industry which is regulated under Federal Categorical Standards.

**CHAIN OF CUSTODY** - written documentation such as receipts and record book entries to show the history of possession, custody and/or control of a sample from collection through analysis.

**CHLORINE DEMAND** - the quantity of chlorine absorbed in water, sewage or other liquids, allowing a residual of one-tenth (0.1) mg/l, after fifteen (15) minutes of contact.

**COD (CHEMICAL OXYGEN DEMAND)** - the quantity of oxygen expressed in mg/l, utilized in the chemical oxidation of organic matter under standard laboratory procedure.

**COMMERCIAL** - any room, group of rooms, buildings or enclosure used or intended for use in the operation of one business enterprise for the sale and distribution of any product, commodity, article or service or use or intended for use for any social, amusement, religious, education, charitable or public purpose and containing plumbing facilities for kitchens, toilets or washing facilities.

**COMMONWEALTH** - the Commonwealth of Pennsylvania.

**COMPOSITE SAMPLE** - a sample prepared by combining discrete samples collected from the waste streams either at periodic time intervals or in proportion to the waste stream flow. The frequency of discrete sample collection is a function of variability of types of pollutant(s) concentration(s) and/or volume of waste stream flow.

**CONNECTION ORDINANCE** - the ordinance enacted by this Township, inter alia, compelling all owners of certain improved property to connect to the sewer system and use the same in such manner as this Township may ordain.

**CONTROL AUTHORITY** - the approval authority, defined hereinabove; or the Township when the Township has an approved pretreatment program, under the provisions of 40 CFR, §403.11.

**CONVENTIONAL WASTEWATER POLLUTANTS** - pollutants so designated in accordance with §304(a)(4) of the Act as being effectively managed by secondary treatment as defined by 40 CFR Part 133.

COOLING WATER (NON-CONTACT COOLING WATER) - water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product, to which the only pollutant added is heat and which does not contain a level of contaminants detectably higher than that of the source of the water.

DAILY MAXIMUM - the maximum allowable discharge of a pollutant during a calendar day. Where maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of a day. Where daily maximum limitations are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant derived from all measurements taken that day.

DIRECT DISCHARGE - the discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania which may occur through the Township's stormwater conduits.

DISSOLVED SOLIDS - the anhydrous residues of the dissolved constituents in waste or wastewater.

DOMESTIC SANITARY SEWAGE or DOMESTIC SEWAGE - normal water carried household and toilet wastes discharged from any improved property.

DORMITORY - a residence hall providing rooms for individuals or for groups with or without private baths.

DWELLING UNIT - any room, group of rooms, house trailer, apartment, condominium, cooperative or other enclosure connected, directly or indirectly, to the sewer system and occupied or intended for occupancy as living quarters by an individual, a single family or other discrete group of persons, excluding institutional dormitories.

EDUCATIONAL ESTABLISHMENT - any room, group of rooms, building or other enclosure connected, directly or indirectly, to the sewer system and used or intended for use, in whole or in part, for educational purposes, including both public and private schools.

ENVIRONMENTAL PROTECTION AGENCY (EPA) - the United States 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") - with regard to individual owner is any group of room, house, trailer, mobile home, enclosure, etc., occupied or intended for occupancy as separate living quarters for a family or other group of persons living together or by persons living alone. Wastewater flow from residential customers is assumed to be 229 gallons per day ("gpd") pursuant to the guidelines set forth in Act 57 for calculating residential flow contributions.

FLASHPOINT - the temperature at which a liquid or volatile solid gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid or within the test vessel. Flashpoint is determined by the test methods set out in 40 CFR §261.21.

GARBAGE - solid waste resulting from the domestic, institutional and commercial preparation, cooking and dispensing of food and from handling, storage and sale of produce.

GRAB SAMPLE - an individual discrete sample collected from a wastestream taken at neither set time nor set flow.

GROUND GARBAGE - garbage that has been shredded to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particle greater than one-half (1/2) inch in any dimension.

HAZARDOUS POLLUTANTS - substances so defined pursuant to criteria established within §311 of the Act.

HOLDING TANK WASTE - any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, vacuum-pump tank trucks or trucked or hauled pollutants and/or sludge.

IMPROVED PROPERTY - any property 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 domestic sanitary sewage and/or industrial wastes shall be or may be discharged, which is located within the sewered area and subject to the "Connection Ordinance" above.

INDIRECT DISCHARGE or DISCHARGE - introduction of pollutants into the Township's (Authority's) wastewater treatment plant from any nondomestic source regulated under §307(b)(c) or (d) of the Act.

INDUSTRIAL - any room, group of rooms, buildings or other enclosure used or intended for use, in whole or in part, in the operation of one business

enterprise manufacturing, fabricating, processing, cleaning, laundering or assembling from which any waste, as distinct from sanitary sewage, shall be discharged.

INDUSTRIAL USER - a source of indirect discharge to the sewer system. An industrial establishment.

INDUSTRIAL WASTE PERMIT - a permit issued to an industrial user by the Township to deposit or discharge liquid industrial wastes into any sanitary sewer operated by the Township.

INDUSTRIAL WASTES - any and all wastes discharged from an industrial establishment other than domestic sanitary sewage.

INSTITUTIONAL ESTABLISHMENT - any room, group of rooms, building or other enclosure connected, directly or indirectly, to the sewer system, including institutional dormitories in educational establishments, which do not constitute a commercial establishment, a dwelling unit or an industrial establishment.

INTERFERENCE - a discharge, alone or in conjunction with a discharge or discharges from other sources, which:

(1) Inhibits or disrupts the Township's (Authority's) wastewater treatment plant, its treatment processes, operations or maintenance activities, or its sludge and resultant ash processes, use, reuse, recycling or disposal, and

(2) is a cause of a violation of any requirements of the Township's operating permits (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use, recycling or reuse or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent Commonwealth or local statutes and/or regulations: §405 of the Clean Water Act; the Solid Waste Disposal Act (RCRA), and including any applicable Commonwealth of Pennsylvania regulations contained in any sludge management plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act; the Toxic Substance Control Act and the Marine Protection, Research and Sanctuaries Act.

LARGE CONSUMER- any commercial establishment, educational establishment, institutional establishment or industrial establishment, regardless

of water consumption or volume of domestic sanitary sewage or industrial wastes discharge.

LATERAL - that part of the sewer system extending from a sewer to the curb line, or if there is no curb line, to the property line, or if no such extension is provided, then "lateral" shall mean that portion of, or place in, a sewer that is provided for connection of any building sewer.

MASS LOADING - the mass of pollutant(s) discharged from a user's connection with respect to either time, or in cases of certain industrial users, characteristic production units.

MG/L - milligrams per liter and is equivalent to parts per million (ppm) by weight.

MONTHLY AVERAGE - the arithmetic mean of the values for effluent samples collected over a calendar month.

MULTIPLE USE IMPROVED PROPERTY - any improved property upon which there shall exist any combination of a dwelling unit, commercial establishment, educational establishment, industrial establishment or institutional establishment.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS (PRETREATMENT STANDARDS, CATEGORICAL STANDARDS) - any regulation containing pollutant discharge limits promulgated by EPA in accordance with §307(b) and §307(c) of the Act (33 U.S.C. §1341) which applies to a specific category of industrial users and pretreatment standards as published in 40 CFR Parts 405-471.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES PERMIT) - a permit issued to the Township (Authority) pursuant to §402 of the Act (33 U.S.C. §1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARDS (PROHIBITIVE DISCHARGE STANDARDS, GENERAL PRETREATMENT REGULATIONS) - any regulation containing pollutant discharge limits promulgated by the EPA under the authority of §307(b) of the Act as published in 40 CFR Parts 401-403.

NATIONAL STANDARDS (NATIONAL PRETREATMENT STANDARDS, PRETREATMENT STANDARD, STANDARD) - the collective system of National Categorical Pretreatment Standards and National Prohibitive Discharge Standards as published in 40 CFR Parts 401-407.

NATURAL OUTLET - any outlet into a watercourse, pond, ditch, lake, other body of surface or groundwater.

NEW SOURCE -

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

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

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

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

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

(3) Construction of a new source as defined under this definition has commenced if the owner or operator has:

(a) Begun, or caused to begin as a continuous onsite construction program.

(b) Any placement, assembly or installation of facilities or equipment.

(c) Significant site preparation work including clearing, excavation or removals of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment.

(d) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.

**NONDOMESTIC SOURCE** - a source of wastewater which contains pollutants other than sanitary wastewater.

**NONDOMESTIC WASTE** - any liquid or gaseous substance, whether or not solids are contained therein, discharged from any nondomestic user during the course of any industrial, manufacturing, trade or business process or in the course of development, recovery or processing of natural resources, as distinct from normal domestic waste.

**NORMAL STRENGTH WASTE** - sewage which when analyzed by the Township shows a daily average of not more than two hundred ten (210) mg/l of total suspended solids and/or not more than two hundred thirty (230)mg/l of BOD<sub>5</sub>.

**OBJECTIONABLE WASTE** - any wastes that can, in the Township's judgment, harm either the sewers or sewage treatment process or equipment; can have an adverse effect upon the receiving stream; can otherwise endanger life, health or property; or which constitutes a public nuisance.

**OWNER** - an individual, partnership, company, association, society, trust, corporation, or other group or entity within the Township of Spring.

**PASS THROUGH** - a discharge which exits the sewer system into waters or the atmosphere of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the Township's (Authority's) NPDES permit (including an increase in the magnitude or duration of a violation) or a violation of any air emission standards set pursuant to the Clean Air Act.

PERSON - any natural person, partnership, association, firm or corporation. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

PH - the logarithm of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance.

PLACE OF WORSHIP - any improved property, the purpose of which is for the gathering of people for public worship. For the purposes of this Part, places of worship shall be classified as dwellings.

POLLUTANT - any liquid, solid or gaseous material including, but not limited to, any dredged soil, solid waste, incinerator residue, sewage garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, nondomestic sewage waste and agricultural waste discharged into water including conventional wastewater pollutants.

POLLUTION - the manmade or man-induced alteration of the chemical, physical, biological and/or radiological integrity of water.

PPM - parts per million parts of water.

PRETREATMENT or TREATMENT - the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of the pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a treating publicly owned treatment works (POTW). The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or other means except as prohibited by 40 CFR §403.6(d). Pretreatment technology includes control equipment, such as equalization tanks or facilities, or protection against surges or slug loadings that might interfere with or otherwise be incompatible with the treating POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with EPA regulations, 40 CFR §403.6(e).

PRETREATMENT REQUIREMENTS - any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

PROCESS WASTEWATER - any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product, either discharged continuously, intermittently or as a batch discharge.

REPRESENTATIVE SAMPLE - a sample extracted from the waste stream whose characteristics are completely indicative of overall waste stream quantity, quality, variations in same and of the process generating the waste stream.

RESIDENTIAL CUSTOMER - any person owning or occupying a residential property which is connected to or entitled to connect to the sanitary sewer system of the Township of Spring and shall also include those Persons developing property for residential dwellings that require multiple tapping fee permits.

RESIDUALS (sludge, resultant ash) - the solid or semisolid by- product remaining after the processing of raw wastewater within physical, chemical and/or biological treatment units of the treating POTW into a condition suitable for release to the environment.

SANITARY WASTEWATER - the liquid or waterborne wastes from residential, commercial or industrial establishments containing only waste of a domestic nature; that is, waste products, excrement or other discharge from the bodies of humans or animals in addition to wastes from residential or incidental culinary and laundry activities.

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

SEWAGE - any human excrement and gray water (household showers, dishwashing operations, etc.).

SEWAGE TREATMENT PLANT - the Township's wastewater treatment plant or such other treating plant as may be treating sewage from the Township which is an arrangement of devices, structures, and materials used for treating and disposing of sanitary sewage and certain industrial wastes.

SEWER - any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWERED AREA - these areas of the Township served by the sewer system as determined and designated, from time to time, by the Township and the Township (Authority).

SEWER SYSTEM - all facilities, as of any particular time, for collecting, pumping, transmitting, treating and disposing of sanitary sewage and/or industrial wastes, situate in or adjacent to this Township and owned by the Township, and/or leased or to be leased to this Township for maintenance, operation and use. "Sewer system" shall also include all facilities owned by such other treating plant used for the collecting, pumping, transmitting, treating and disposing of sanitary sewage and/or industrial waste for the Township of Spring.

SIGNIFICANT INDUSTRIAL USER -

(1) Except as provided in subsection (2) below, this term means:

(a) All industrial users subject to categorical pretreatment standards under 40 CFR §403.6 and 40 CFR Chapter 1, Subchapter N.

(b) Any other industrial user that:

1) Discharges an average of fifteen thousand (15,000) gallons per day or more of process wastewater to Township's (Authority's) sewer system (excluding sanitary, noncontact cooling water and boiler blowdown wastewater).

2) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic organic capacity or inorganic capacity of the sewage treatment plant.

3) Is designated as such by the Township on the basis that the industrial user has a potential for adversely affecting the operation of the Township's (Authority's) sewer system or for violating any pretreatment standard or requirement.

(2) Upon finding that an industrial user meeting the criteria in subsection (1)(b) of this definition has no potential for adversely affecting the Sewer System operation or for violating any pretreatment standard or requirement, the Township may at any time, in its sole discretion in accordance with 40 CFR 403.8(f)(6) and §308 herein, determine that such industrial user is not a significant industrial user.

SLUG - any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation.

SPLIT SAMPLE - a technique whereby a sample is divided into multiple parts for multiple analytical investigations.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) - a classification pursuant to the latest edition of the Standard Industrial Classification Manual issued by the United States Government Publications Office (U.S.G.P.O.)

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

STREET - any street, road, lane, court, cul-de-sac, alley, public way or public square, including such streets as are dedicated to public use, and such streets as are owned by private persons.

STRONG WASTE - any nondomestic waste having a BOD<sub>5</sub> hundred thirty (230) mg/l and a total suspended solids greater than two hundred ten (210) mg/l.

STRONG WASTE SURCHARGE - a charge levied on nondomestic users of the treatment works for the additional cost of treating their abnormal strength wastes.

TOTAL PHOSPHOROUS AS P - total phosphorus as determined pursuant to the procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater," jointly published by the American Public Health Association, American Water Works Association and Water Pollution Control Federation.

TOTAL SOLIDS - solids determined by evaporating at one hundred four (104) degrees Centigrade a mixed sample of wastewater as determined pursuant to the procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater," jointly published by the American Public Health Association, American Water Works Association and Water Pollution Control Federation. Total solids include suspended solids, settleable solids and dissolved solids, as defined below:

(1) DISSOLVED SOLIDS - solids that are dissolved in the waste and cannot be settled, but can be determined by evaporation.

(2) SETTLEABLE SOLIDS - solids that settle in an imhoff cone from a standard sample of waste.

(3) SUSPENDED SOLIDS - solids determined by standard laboratory procedure in the waste.

TOWNSHIP - the Township of Spring, Berks County, Pennsylvania.

TOXIC (PRIORITY) POLLUTANTS - any pollutant or combination of pollutants which have been so declared in regulations promulgated pursuant to §307(a) of the Act, or pursuant to Pennsylvania Statutes and Rules, or as otherwise may be so discerned and classified by responsible agencies due to toxic health effects to the general populace and surrounding environs.

TOXIC SUBSTANCE - any noxious and/or deleterious substance in sufficient quantity, either singly or by interaction with other wastes, which is determined by the Township, 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.

TREATING POTW - treatment works as defined in §212 of the Act, which is owned by the Township (Authority) or such other treating plant as may be used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste for the Township of Spring. This definition includes any and all devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyance facilities only if they convey wastewater to the sewage treatment plant. The term also means the Township as defined in §1362(4) of the Act. For the purposes of these standards, rules and regulations, "treating POTW" shall also include any sewers, pipes and other conveyances that convey wastewaters to the sewer system.

TREATMENT WORKS - all facilities used to convey and treat wastewater, including the sewage treatment plant and the sanitary sewer system to a treating POTW.

UNPOLLUTED WATER - water which does not contain a level of contaminants or pollutants detectably higher than that of the source of the water such as precipitation, surface water, groundwater or other nonpolluted waters. However, in no case shall leachate be considered unpolluted water.

USER(S) - any person, municipality, municipal authority, industry or other legal entity which contributes, causes or permits the contribution of wastewater into the sewer system. User categories defined herein include residential users, commercial users, industrial users, municipal authority users and significant industrial users.

USER CHARGE - the sewer rental or charge imposed by this Township hereunder, as amended from time to time, against the owner of each improved property, for the use of the sewer system.

WASTEWATER - the liquid and waterborne waters from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the treating POTW.

WASTEWATER TREATMENT PLANT or TREATMENT PLANT - the portion of the treating POTW which is designed to provide treatment of municipal sewage and industrial wastewater.

WATERS OF THE COMMONWEALTH - 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 Commonwealth of Pennsylvania.

(Ordinance No. 291, October 14, 2002, Article A, Section 401.01; as amended by Ordinance No. 304, January 5, 2004, Section 1; as further amended by Ordinance No. 314, December 27, 2004, Section 1)

Section 302. Abbreviations. The following abbreviations shall have the designated meanings:

BOD<sub>5</sub> - Biochemical Oxygen Demand.

CERCLA - Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §9601, et seq.

CFR - Code of Federal Regulations.

COD - Chemical Oxygen Demand.

DEP - Pennsylvania Department of Environmental Protection.

EDTA - Ethylenediaminetetraacetic Acid.

EPA - United States Environmental Protection Agency.

L or l - Liter.

Mg or MG - Milligrams.

Mg/l or MG/L - Milligrams per Liter.

NH<sub>3</sub>-N - Ammonia Nitrogen.

NPDES - National Pollutant Discharge Elimination System.

NTA - Nitrilotriacetic Acid.

POTW - Publicly Owned Treatment Works.

ppm - parts per million.

RCRA - Resource Conservation and Recovery Act, 42 U.S.C. §6901, et seq.

SIC - Standard Industrial Classification.

SIU - Significant Industrial Classification.

SWDA - Solid Waste Disposal Act, 42 U.S.C. §6901, et seq., as amended by RCRA.

TSS - Total Suspended Solids.

U.S.C. - United States Code.

(Ordinance No. 291, October 14, 2002, Article A, Section 401.02; as amended and restated by Ordinance No. 314, December 27, 2004, Section 1)

Subpart B. Sewer Rentals, User Charges and Surcharges.

Section 303. User Charge Imposed. A user charge is hereby imposed upon the owner of each improved property which shall be connected to the sewer system, for use of the sewer system, whether such use is direct or indirect, and for services rendered by this Township in connection therewith, and shall be payable as provided herein. (Ordinance No. 291, October 14, 2002, Article B, Section 402.01)

Section 304. User Charges Payable. The user charge shall be payable by the owner of each improved property commencing the earlier of: (1) the date of actual, physical connection of an improved property to the sewer system, or (2) sixty (60) days from the date indicated on the notice to connect described in the Connection Ordinance. (Ordinance No. 291, October 14, 2002, Article B, Section 402.02)

Section 305. User Charge Calculations. The User Charge applicable to any Improved Property constituting a Dwelling Unit or Large Consumer shall be calculated, imposed and collected on the basis of one or more of the methods provided in this Section 305, in the sole discretion of this Township.

(A) Flat Rate Basis. Each Improved Property billed on a flat rate basis shall be charged a User Charge as a specific amount per Equivalent Dwelling Unit applicable to such Improved Property, as determined by this Township, from time to time. The minimum number of Equivalent Dwelling Units applicable to each Improved Property in determining a User Charge shall be as follows:

<u>Description of Improved Property</u>	<u>Unit of Measurement</u>	<u>Per Unit of Measurement</u>
Residential Dwelling Unit (year-round or seasonal)	Each Dwelling Unit	1
Retail store, professional offices or other commercial enterprise	1 to 10 employees	1
	Each additional 10 employees or fraction thereof	1
Hotel, motel or boarding house (not including restaurant facilities)	1 to 4 rental rooms	1
	Each additional 4 rooms or fraction thereof	1
	1 to 10 employees	1
	Each additional 10 employees Or fraction thereof	1

Restaurant, club, tavern or other retail food or drink establishment or banquet facility	1 to 10 customer seats	1
	Each additional 10 seats or fraction thereof	1
	1 to 10 employees	1
	Each additional 10 employees Or fraction thereof	1
Automobile service station or commercial vehicle repair shop	1 or 2 bays	1
	Each additional 2 bays or fraction thereof	1
Beauty parlor or barber shop (attached to or part of a Dwelling Unit)	First chair	2
	Each additional chair	1
Beauty parlor or barber shop (not attached to or part of a Dwelling Unit)	First chair	1
	Each additional chair	1
School	Per each 20 pupils, faculty, administrators and staff	1
Dormitory	1 to 2 rooms	1
	Each additional 2 rooms	1
	Or fraction thereof	
Place of Worship (Not including banquet or education facilities)	Each	1
Fire Company (Not including banquet facilities)	Each	1
Community Hall (Not including banquet facilities)	Each	1
Funeral Home	Each	2
Industrial/Manufacturing establishment	1 to 10 employees	1
	Each additional 10 employees or fraction thereof	1

The number of Equivalent Dwelling Units applicable to retail stores, professional offices, industrial/manufacturing establishments and commercial enterprises shall be computed on the basis of the average daily number of full-time and part-time employees (including the owner(s) or employer(s)) for the three months preceding the date of the quarterly billing. The Owners of such facilities shall be responsible for advising this Township in writing of the number of employees upon request of this Township. The number of Equivalent Dwelling Units applicable to school facilities shall be computed on the highest monthly average daily attendance of pupils plus faculty, administrators and staff for the twelve months preceding the date of the quarterly billing. The Owners of such facilities shall be responsible for advising this Township in writing of the number of pupils, faculty, administrators and staff in attendance as an average daily figure upon request of this Township.

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

For all Residential Dwelling Units, the Flat Rate User Charge payable per Equivalent Dwelling Unit shall be determined from time to time by Resolution of the Board of Supervisors of the Township.

(B) Metered Rate Basis User Charges for any Improved Property, in the discretion of this Township, may be determined on a metered rate basis calculated according to:

(1) Metered volume of potable water usage by the Improved Property, adjusted, if appropriate, by this Township, or

(2) Whenever a person purchasing his entire water supply from a private or public water supply discharges only non-domestic waste into the Sewer System, the volume of water purchased shall be used as a measure of the quantity of non-domestic waste discharged; or

(3) Whenever a person purchasing his entire water supply from a private or public source discharges combined domestic and non-domestic waste into the sewer system, the total volume of water purchased shall be used to determine that person's User Charge and/or his strong waste surcharge; or

(4) Whenever a person purchasing his entire waste usage from a private or public supply and discharging non-domestic waste into the Sewer System also discharges unpolluted cooling water to either a storm sewer or other outlet, an allowance for the amount of water so discharged shall be made in computing the User Charge. The person discharging cooling water shall, at his own expense, install a meter or meters, as required, to indicate accurately the amount of water claimed as a credit; or

(5) Whenever a person using a private water supply discharges non-domestic waste into the Sewer System, the charges for such discharge shall be based upon a suitable meter or meters, installed by the User at his expense, to measure the total volume of water used or based upon a meter on the sewer line, installed by the User at his expense, leaving the plant so as to measure the entire flow of waste discharged into the Sewer System; or

(6) Actual metered volume of wastewater discharged by the Improved Property into the Sewer System.

In either of the foregoing cases, such User Charges for all Users, shall be computed in accordance with the following metered rates which rate shall be determined from time to time by Resolution or Ordinance of the Board of Supervisors of the Township at the discretion of the Board of Supervisors:

#### METERED RATE SCHEDULE

Residential:

Minimum (low flow - up to 750 gal. per month or 100 CF) - \$15.00

Minimum (up to 3,750 gal. per month or 500 CF) - \$22.80

Over Allowance (per 750 gal. or 100 CF) - \$4.5600

Commercial:

Minimum (up to 4,500 gal. per month or 600 CF) - \$27.36

Over Allowance (up to 225,000 gal. or 30,000 CF) (per 750 gal or 100 CF) - \$4.5600

Over 225,000 gal. or 30,000 CF (per 750 gal. or 100 CF) - \$5.0886

(C) Estimated Rate Basis. User Charges may be based upon this Township's estimate of potable water consumed by any Improved Property per month or per quarter-annum and billed in accordance with the Metered Rate Schedule provided herein.

(Ordinance No. 291, October 14, 2002, Article B, Section 402.03; as amended by Ordinance No. 294, January 27, 2003, Section 1; as amended by Resolution 2004-42, June 28, 2004 (Metered Rate Schedule Only); as further amended by Ordinance No. 310, September 27, 2004, Section 1; as further amended by Resolution 2007-32, November 26, 2007 (Metered Rate Schedule Only))

Section 306. Multiple Use Properties. In the case of a multiple use improved property sharing a common connection to the sewer system or a common structure, each such classification of improved property shall pay a separate user charge, as though it was housed in a separate structure and had a direct and separate connection to the sewer system, computed in accordance with Section 305 of this Part. (Ordinance No. 291, October 14, 2002, Article B, Section 402.04)

Section 307. Excess Usage. The owner of any improved property which shall discharge domestic sanitary sewage and/or industrial wastes into the sewer system in excess of total flow of fifteen thousand (15,000) gallons per day and/or peak flow rate in excess of thirty thousand (30,000) gallons per day for any ten (10) minute period, as determined or reasonably estimated by this Township, shall pay a volume surcharge. The owner of any improved property which shall discharge domestic sanitary sewage and/or industrial wastes to the sewer system having greater than two hundred thirty (230) ppm, or a total suspended solids a BOD<sub>5</sub> content greater than two hundred ten (210) ppm, or a dissolved solids content greater than five hundred forty (540) ppm, or a total solids content greater than seven hundred fifty (750) ppm, or a total phosphorus as P content greater than ten (10) ppm or an ammonia nitrogen as N content greater than twenty-five (25) ppm, shall pay a strength of waste surcharge, in addition to applicable volume charges. (Ordinance No. 291, October 14, 2002, Article B, Section 402.05)

Section 308. Additional Charges for Strong Wastes. Additional charges for strong wastes and surcharges may be calculated, imposed and collected on the basis of the following at the sole discretion of the Township:

(A) There shall be additional charges for nondomestic wastes, discharged to the sewer system from any industry, business or commercial enterprises, and having total suspended solids, BOD<sub>5</sub>, ammonia nitrogen and/or total phosphorus in excess of the average suspended solids, BOD<sub>5</sub> and ammonia nitrogen of normal domestic sewage. Normal domestic sewage shall be defined as having the following concentrations:

- (1) BOD<sub>5</sub> - 230 mg/l.
- (2) Total Suspended Solids - 210 mg/l.
- (3) Ammonia-Nitrogen - 25 mg/l.

(4) Total Phosphorus - 10 ppm.

There shall be no strong waste surcharges applied to residential domestic wastes.

(B) Surcharge Formula. In order to determine the additional charge for nondomestic wastes with strength greater than that of normal domestic sewage, the following formula shall be used:

$$S_Q = 0.00834 Q_I [(BOD_5-230)TA + (SS_i-210)TB + (NH_3-N-25)TC]$$

Where:

$S_Q$  is the quarterly surcharge to be added to the quarterly sewer rental charge.

0.00834 is a constant to convert waste strength express in mg/l to thousand pounds of waste.

$Q_I$  is the quarterly volume of nondomestic wastewater flow expressed in millions of gallons.

$BOD_5$  is the five (5) day BOD of the nondomestic wastewater expressed in mg/l.

$SS_i$ , is the total suspended solids in mg/l of the nondomestic wastewater.

$NH_3-N$  is the ammonia-nitrogen in mg/l of the nondomestic wastewater.

220, 210 and 25 are constants expressing wasteload strength of domestic waste in mg/l for the respective pollutant parameters.

TA represents the cost incurred by the Township in treating one and TB represents the cost of thousand (1,000) pounds of  $BOD_5$  treating one thousand (1,000) pounds of total suspended solids.

TA and TB vary each year as treatment plant operation and maintenance costs change. Therefore, TA and TB shall be determined at the beginning of each year by the Township based upon the prior year  $BOD_5$ , TSS, ammonia nitrogen and/or total phosphorus and the current year budgeted operating costs plus capital contributions, and adopted by resolution of the Board of Supervisors.

When a value of BOD5 and/or suspended solids of a nondomestic waste is less than two hundred thirty (230) or two hundred ten (210) mg/l respectively, the value of two hundred thirty (230) or two hundred ten (210) shall be used in the calculation of the strong waste discharge in place of the actual value which is less than two hundred thirty (230) and two hundred ten (210) mg/l.

(Ordinance No. 291, October 14, 2002, Article B, Section 402.06)

Section 309. Additional Charges. The Township may collect charges and fees which may include:

- (A) Fees for reimbursement of costs of setting up and operating the Township's pretreatment program.
- (B) Fees for monitoring, inspections and surveillance procedures.
- (C) Fees for reviewing accidental discharge procedures and construction.
- (D) Fees for permit applications.
- (E) Fees for filing appeals.
- (F) 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 and shall be established, from time to time, by resolution. (Ordinance No. 291, October 14, 2002, Article B, Section 402.07)

Section 310. Application for Permit. The owner of any improved property discharging domestic sanitary sewage and/or industrial wastes into the sewer system shall furnish to this Township, including by way of the application for permit described in the Connection Ordinance or herein, as applicable, all information deemed essential or appropriate by this Township for the determination of all applicable user charges and surcharges. The costs of obtaining such information shall be borne by such owner of the improved property.

In the event of the failure of the owner of the improved property to provide adequate information, this Township shall estimate the applicable user charge and surcharges based upon available information, until such time as adequate information is received. There shall be no rebate of past payments if such owner's refusal to provide such

information results in overpayment. (Ordinance No. 291, October 14, 2002, Article B, Section 402.08)

Section 311. Special Circumstances. Nothing herein contained shall be deemed to prohibit this Township from entering into separate or special agreements with owners of improved property with respect to the user charge to be imposed in those cases where, due to special or unusual circumstances, the user charge set forth herein shall be deemed by this Township, in its sole discretion, to be inequitable, or where it is in the best interests of this Township to do so. (Ordinance No. 291, October 14, 2002, Article B, Section 402.09)

Section 312. Quarterly Charges. User charges and surcharges, as applicable, shall be payable on a calendar quarterly basis, and shall be billed in January, April, July and October of each year. Owners of improved property that shall be first connected to the sewer system during any quarterly period shall pay a pro-rata user charge for service for the balance of the quarterly period, plus any applicable surcharges. (Ordinance No. 291, October 14, 2002, Article B, Section 402.10)

Section 313. Billing Dates. Payments of user charges and any applicable surcharges shall be due and payable upon the applicable billing date, determined from time to time by this Township, at the office of the Treasurer of this Township, in the appropriate amount, computed in accordance with this Part, which shall constitute the net bill. If any user charge or any applicable surcharge is not paid within thirty (30) calendar days after the applicable billing date, an additional sum of ten percent (10%) shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Any and all payments received on account of delinquent accounts shall be applied first to the oldest outstanding gross bill, including any accumulated late fee. (Ordinance No. 291, October 14, 2002, Article B, Section 402.11)

Section 314. Correct Mailing Address. It shall be the responsibility of each owner of an improved property to provide this Township with, and thereafter to keep this Township continuously advised of, the correct mailing address of such owner. Failure of any owner to receive a bill for charges due and payable shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the period of time during which the net bill shall be payable. (Ordinance No. 291, October 14, 2002, Article B, Section 402.12)

Section 315. Reduction of Charges. No officer or employee of this Township is authorized to reduce, vary or exempt charges imposed herein or other provisions of this Part without official action by the Board of Supervisors of this Township. (Ordinance No. 291, October 14, 2002, Article B, Section 402.13)

Section 316. Liability for User Charges. Every owner of improved property shall remain liable for the payment of user charges and surcharges until the later of: (1) the receipt by this Township of written notice by such owner that the property has been sold, containing the correct name and mailing address of the new owner, or (2) the date on which title to the improved property is transferred to a new owner. Failure to provide notice shall not excuse liability of an owner for any charges that may accrue until such time as this Township has been properly notified of any change in ownership as described above. (Ordinance No. 291, October 14, 2002, Article B, Section 402.14)

Subpart C. Liens for Sewer Rentals; Filing and Collection of Liens.

Section 317. Lien upon Property. Sewer rentals or charges imposed by this Part shall be a lien upon the property connected to and served by the sewer system and any such sewer rentals or charges which are not paid in accordance with this Part, at the discretion of this Township, shall be filed as a lien against the property so connected to and served by the sewer system, which lien shall be filed in the appropriate office of the County of Berks, Commonwealth of Pennsylvania, as provided by law, and shall be collected in the manner provided by law for the filing and collecting of municipal liens and claims. (Ordinance No. 291, October 14, 2002, Article C, Section 403.01)

Section 318. Statement of Collection Policies and Procedures. The Township of Spring hereby approves the Statement of Collection Policies and Procedures for the collection of delinquent unpaid taxes, user charges, utility charges and other charges (the "account(s)") covered by the Pennsylvania Municipal Claims and Tax Lien Law, Act of May 16, 1923 (P.L. 207, No. 153), amended December 19, 1990 (53 P.S. §7101, et seq.) (The Municipal Claims Law), as further amended by Pennsylvania Act No. 1 of 1996, (P.L.1, No. 1) (53 P.S. §7106) (the "Act"), or such other policies and administrative statements as may be approved by the Board of Supervisors for the Township by resolution or other formal enactment from time to time including the collection of attorneys' fees for services rendered in connection with the enforcement of this Part. (Ordinance No. 291, October 14, 2002, Article C, Section 403.02)

Section 319. Water Shut Off. The Township may require any water supplier to shut off the water supply to any property with respect to which the user charge imposed hereby is unpaid until all such charges, together with interest and penalties as aforesaid, are paid. (Ordinance No. 291, October 14, 2002, Article C, Section 403.03)

Subpart D. Prohibited Wastes and Accidental Discharges.

Section 320. Prohibited Wastes. No person shall discharge or shall cause to be discharged into the sewer system any stormwater, surface water, spring water, groundwater, roof runoff, subsurface drainage, building foundation drainage, cellar drainage or drainage from roof leader connections.

All domestic wastes and authorized nondomestic waste, including authorized industrial waste, may be discharged into the Township's sewer system except those which are deemed harmful to the system or are specifically prohibited by this Part, or are otherwise prohibited under the laws of the Commonwealth of Pennsylvania and/or the United States, or prohibited by EPA and DEP regulations, or a statute, rule, regulation or ordinance of any public agency having jurisdiction over the Township. (Ordinance No. 291, October 14, 2002, Article D, Section 404.01)

Section 321. Prohibited Discharges. Except as otherwise provided, no person shall discharge or cause to be discharged into the sewer system any matter or substance:

- (A) Having a continuous temperature higher than one hundred four (104) degrees F (forty (40) degrees C) or less than thirty-two (32) degrees F.
- (B) Containing more than fifty (50) mg/l of fat, oil or grease.
- (C) Containing floatable oils, fats or grease from nondomestic users.
- (D) Containing any gasoline, benzene, naphtha, fuel, oil, paint products, acids or other flammable or explosive liquids, solids or gases.
- (E) Containing pollutants which create a fire or explosive hazard in the treating POTW including, but not limited to, waste streams with a closed-cup flashpoint of less than one hundred forty (140) degrees F. (sixty (60) degrees C).
- (F) Containing pollutants which result in the presence of toxic gases, vapors or fumes within the treating POTW in a quantity that may cause acute worker health and safety problems.
- (G) Containing trucked or hauled pollutants, except at discharge points designated by the Township.
- (H) Containing more than twenty-five (25) mg/l of petroleum oil, nonbiodegradable cutting oils or other products of mineral oil origin.

(I) Containing any solid wastes resulting from preparation, cooking and dispensing of food and from handling, storage and sale of produce, which wastes commonly are known as garbage, which have not been ground y household type garbage disposal units or other suitable garbage grinders.

(J) Containing any medical wastes, except as specifically authorized in the discharge permit.

(K) Containing any significant ashes, cinders, sand, mud, straw, string, shavings, metal, glass, rags, feathers, tar, cotton, dental floss, wool or other fibers, plastics, wood, paunch manure or any other solid or viscous substances capable of causing obstructions or other interferences with proper operation of the sewer system.

(L) Having a pH lower than six (6.0) or higher than nine (9.0) or having any other corrosive property capable of causing damage or hazards to structures or equipment of the sewer system or any sewer or to any person engaged in operation and maintenance of the sewer system.

(M) Containing toxic or poisonous substances, noxious or malodorous liquids, gases, solids or other wastewater, either singly or by interaction with other wastes, are in sufficient quantity to injure or to interfere with any sewage treatment process, to constitute hazards to humans or animals or to create any hazards in waters which shall receive treated effluent from the sewer system.

(N) Containing dye from any source that will result in a treatment plant effluent exceeding limits in compliance with applicable Commonwealth or Federal regulations.

(O) Containing radioactive substances and/or isotopes of such half-life or concentration that will result in a treating POTW effluent exceeding limits in compliance with applicable Commonwealth or Federal regulations.

(P) Having a chlorine demand in excess of twelve (12) mg/l at a detention time of twenty (20) minutes.

(Q) Prohibited by any permit, regulation or standard issued by the Commonwealth, EPA or other agency.

(R) Containing wastes which are not amenable to biological treatment or reduction in existing treatment facilities, specifically, nonbiodegradable complex carbon compounds.

- (S) Having a BOD<sub>5</sub> content greater than one thousand (1,000) ppm.
- (T) Having a suspended solids content greater than one thousand five hundred (1,500) ppm.
- (U) Having a total phosphorus as P content greater than fifty (50) ppm.
- (V) Having an ammonia nitrogen as N content greater than one hundred (100) ppm.
- (W) Having a surge flow greater than five percent (5%) of the average daily sewage flow at the sewer system treatment plants.
- (X) Containing any detergents, surface-active agents or other substances which may cause excessive foaming in the treating POTW.
- (Y) Containing any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters or any effluent from any sump pump or any other type of pump which pumps any stormwater, surface water, groundwater, roof runoff, subsurface drainage, basement drainage, uncontaminated cooling water or unpolluted industrial process waters.
- (Z) Having any waste containing toxic or poisonous substances in excess of the following limits, measured at the point of discharge to the sewer system:

<u>Substance</u>	<u>Maximum Concentration</u> <u>ppm</u>
Arsenic	0.05
Cadmium (as Cd)	0.01
Chromium (trivalent)	1.0
Chromium (hexavalent)	0.05
Copper (as Cu)	0.2
Cyanides	0.2
Lead	0.01

Mercury	0.1
Nickel (as Ni)	0.5
Phenol	0.009
Silver	0.05
Zinc (as Zn)	0.5

(AA) Containing any substance not mentioned in the foregoing list that will pass through the treatment plants of the sewer system and exceed the maximum permitted levels for such substance under the requirements of the Commonwealth or other governmental agencies having jurisdiction:

(1) Any substance which may cause the wastewater treatment plant effluent or any other product of the treatment plant thereof 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 sewer system cause the wastewater treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under §405 of the Clean Water 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 Federal or Commonwealth criteria applicable to the sludge management method being used.

(2) Any substance which will cause the treatment plant to violate its NPDES permit or the receiving water quality standards, causing pass through or interference.

(3) Contain total solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as may be approved by the Township or as otherwise provided herein.

(4) Quantities of flow or concentrations, or both, which constitute a "slug" as defined in Section 201 of this Part.

(5) Any waters which are used for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations. 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.

(BB) Any other substance prohibited by ordinance, resolution, rule or regulation of this Township hereafter enacted or adopted from time to time.

(Ordinance No. 291, October 14, 2002, Article D, Section 404.02)

Section 322. Written Permission Necessary. Under no circumstances shall any person discharge or cause to be discharged into the sewer system any of the substances listed in Section 321 above, without first securing written permission to do so from this Township, which permission shall be granted or denied at the Township's sole discretion. (Ordinance No. 291, October 14, 2002, Article D, Section 404.03)

Section 323. Authorization Subject to Continuing Approval, Inspection and Review of Township. Whenever a person is authorized by this Township and the appropriate governmental agencies to discharge any polluted water, domestic sanitary sewage or industrial waste containing any of the substances or possessing any of the characteristics referred to in Section 321, such discharge shall be subject to the continuing approval, inspection and review of this Township. If, in the opinion of this Township, such discharges are causing or will cause damage to the sewer system, this Township shall: (i) order the person causing such discharge to cease doing so forthwith, or to take other appropriate action, including exercising the remedies provided in the Connection Ordinance, to eliminate the harmful discharge; and (ii) order the person causing such damage to pay all costs and expenses arising from such damage. (Ordinance No. 291, October 14, 2002, Article D, Section 404.04)

Section 324. Special Agreements Allowed. Nothing contained herein shall be construed as prohibiting any special agreement or arrangement between this Township and the owner of an improved property allowing industrial wastes of unusual strength or character to be admitted into the sewer system. (Ordinance No. 291, October 14, 2002, Article D, Section 404.05)

Section 325. Right to Inspect.

(A) The Township hereby reserves the right to inspect any building sewer, lateral or collecting sewer that discharges wastewater directly or indirectly to the sewer system to determine compliance with this Part.

(B) The Township hereby reserves the right to inspect any improved property to ensure the compliance with this Part regarding the use of sump pumps and any other type of pump or pumps of any stormwater, surface water,

groundwater, roof runoff, subsurface drainage, basement drainage, uncontaminated cooling water and unpolluted industrial process waters.  
(Ordinance No. 291, October 14, 2002, Article D, Section 404.06)

Section 326. Dilution of Wastewater. No user shall ever increase the use of process water to dilute or, in any other way, attempt to dilute a wastewater discharge as a partial or complete substitute for adequate treatment to achieve compliance with this Part. (Ordinance No. 291, October 14, 2002, Article D, Section 404.07)

Section 327. Accidental Discharges. Any user who, in the opinion of the Township, may accidentally discharge materials or substances which are prohibited materials or other substances regulated by this Part 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 own 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 (Authority) before construction of the facility.

Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Part. In the case of any discharge including, but not limited to, accidental discharges; discharges of a nonroutine, episodic nature; a noncustomary batch discharge; or a slug load, that may cause potential problems for the treating POTW, it is the responsibility of the user to immediately telephone and notify the Township of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Within five (5) days following said 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 person or property; nor shall such notification relieve the user of any fines, civil and criminal penalties or other liability which may be imposed by this Part or other applicable law.

(A) Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous or slug load discharge. Employers shall insure that all employees who may cause or suffer such a dangerous or slug load discharge to occur are advised of the emergency notification procedure.

(B) Slug Control Plan. The Township shall evaluate, at least once every two (2) years, whether each significant industrial user needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a nonroutine, episodic nature including, but not limited to, an accidental spill or noncustomary batch discharge. If the Township decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(1) Description of discharge practices, including nonroutine batch discharges.

(2) Description of stored chemicals.

(3) Procedures for immediately notifying the Township of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days.

(4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

(Ordinance No. 291, October 14, 2002, Article D, Section 404.08)

## Subpart E. Sampling.

Section 328. Periodic Sampling. Nondomestic waste being discharged into the sewer system shall be subject to periodic sampling and inspection by the Township to be used as a basis for determining additional charges due to excessive concentrations for BOD<sub>5</sub> and/or total suspended solids, and substances prohibited in Section 321 of this Part. Such sampling and inspection shall be the basis for computing strong waste surcharges in accordance with this Part. (Ordinance No. 291, October 14, 2002, Article E, Section 405.01)

Section 329. Obtaining Samples. All sampling shall be a representative manner and in accordance with 40 CFR 403.12. The collection and analysis of samples obtained shall be made in accordance with United States EPA methodology and procedures, including 40 CFR, Part 136, as amended. (Ordinance No. 291, October 14, 2002, Article E, Section 405.02)

Section 330. Split Results by Request. At the request of the industrial, commercial, educational or institutional user, samples taken by the treating POTW personnel can be split and the results of both analyses used in calculating the strong waste surcharge. The industrial user must arrange for and pay for the pickup of the split sample at the treating POTW by the industrial user's laboratory. All analysis results shall be copied to the treating POTW and used in the calculation of the surcharge bill. (Ordinance No. 291, October 14, 2002, Article E, Section 405.03)

Section 331. Sample Invoicing. Commercial and industrial customers will be sampled and invoiced on a quarterly basis. Customers who have a weak waste product get sampled yearly. The sampling is done unannounced by POTW personnel. A twenty-four (24) hour composite sample is taken with an automatic sampling device. The samples are then taken to a professional industrial laboratory. Upon receipt of a laboratory analysis, the Township will review the results. If those results are fifty percent (50%) greater than the average of the four (4) preceding quarters' samples, the Township will notify the customer of the unusually high result. (Ordinance No. 291, October 14, 2002, Article E, Section 405.04)

Section 332. Resampling. Customers may opt to be resampled at their own expense or they may accept the initial results. If a customer chooses to be resampled, the sampling will occur unannounced within the next four (4) weeks. The lesser of the samples will be used in calculating the surcharge for that quarter. In the absence of additional samples (this would most likely occur, if at all, in the winter when cold weather might prevent additional sampling), an estimated bill using the average results of the four (4) previous quarters would be used in calculating the surcharge for that quarter. (Ordinance No. 291, October 14, 2002, Article E, Section 405.05)

Section 333. Billing. All costs of collecting and analyzing samples incurred by the Township in connection with determining strong waste surcharges or with monitoring nondomestic wastewaters to determine compliance with this Part shall be billed by the Township directly to the nondomestic user whose wastewater was sampled. (Ordinance No. 291, October 14, 2002, Article E, Section 405.06)

Subpart F. Hauled Wastewater.

Section 334. No Septic Tanks in POTW. Septic tank waste may not be introduced to the treating POTW, unless specifically approved by the Township in writing. (Ordinance No. 291, October 14, 2002, Article F, Section 406.01)

Section 335. Haulers to Obtain Discharge Permits. The Township shall require haulers of industrial waste to obtain wastewater discharge permits. The Township may require generators of hauled septage and industrial waste to obtain wastewater discharge permits. The Township also may prohibit the disposal of hauled septage and industrial waste. The discharge of hauled septage and industrial waste is subject to all other requirements of this Part. (Ordinance No. 291, October 14, 2002, Article F, Section 406.02)

Section 336. Discharge Locations to be Designated by Township. Septage and industrial waste haulers may discharge loads only at locations designated by the Township. No load may be discharged without prior consent of the Township. The Township may collect samples of each hauled load to ensure compliance with applicable standards. The Township may require the septage and industrial waste hauler to provide waste analysis of any load prior to discharge. (Ordinance No. 291, October 14, 2002, Article F, Section 406.03)

Section 337. Waste-Tracking Form. Septage and industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the septage and/or industrial waste hauler, permit number, truck identification, names and addresses of sources of waste and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents and whether any wastes are RCRA hazardous wastes. (Ordinance No. 291, October 14, 2002, Article F, Section 406.04)

Section 338. Tank Truck Requirements. 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/or industrial waste 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 connections shall be made at any time between a tap or outlet furnishing potable water on any premises and any container equipment holding material by any means other than an open connection.

(Ordinance No. 291, October 14, 2002, Article F, Section 406.05)

## Subpart G. Industrial Waste and Pretreatment Standards.

Section 339. Prior Application and Permit Required for Discharge of Industrial Wastes. No person shall discharge or cause to be discharged into the sewer system any industrial wastes without prior application for and receipt of a written permit from this Township, which approval of said permit may be approved or denied at the sole discretion of the Township.

The economy and desirability of the combined treatment of wastes from domestic and nondomestic users is recognized. However, not all types of nondomestic wastes can be so treated. Hence it shall be the established policy of the Township to accept the aforesaid types of wastes and quantities thereof that are not harmful or damaging to the structures, processes or operation of the treating POTW or are not specifically prohibited by this Part. It is also recognized that to provide this service, additional expenditures are required. These expenditures must be borne by those persons receiving the benefits. (Ordinance No. 291, October 14, 2002, Article G, Section 407.01)

Section 340. Industrial Questionnaire Required. Any person desiring to make or use a connection through which industrial wastes shall be discharged into the sewer system shall file with this Township a completed "Industrial Questionnaire," furnished by this Township, which shall supply pertinent data, including estimated quantity of flow, characteristics and constituents of the proposed discharge. The cost of obtaining all such data shall be borne by the person desiring to make or use the connection to the sewer system. (Ordinance No. 291, October 14, 2002, Article G, Section 407.02)

Section 341. Quality and Quantity Reports. Ten (10) days prior to the first (1st) day of March, June, September and December of each year, each significant user of industrial wastes shall file with this Township a report on the quality and quantity of their discharge. The report forms shall be supplied by this Township and shall be similar to EPA 7550-22, page IV-1. Significant users shall consist of those whose total discharge exceeds fifteen thousand (15,000) gallons per day and/or a peak flow rate in excess of thirty thousand (30,000) gallons per day for any ten (10) minute period, as determined or reasonably estimated by this Township, or have in their waste a toxic pollutant or, in the judgment of this Township, would have a significant impact on the sewer system or the quality of its effluent. (Ordinance No. 291, October 14, 2002, Article G, Section 407.03)

Section 342. Testing Requirements. All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made herein shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater," jointly published by the American Public Health Association, American Water Works Association and Water Pollution Control Federation and shall be determined by or under the direct supervision of a qualified

analyst at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out, at the expense of the owner of the improved property, by customarily accepted methods to reflect the effect of constituents upon the sewer system and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples must be taken.) (Ordinance No. 291, October 14, 2002, Article G, Section 407.04)

Section 343. Notice of Change. Any industrial establishment discharging domestic sanitary sewage and/or industrial wastes into the sewer system and contemplating a change in the method of operation which will alter the characteristics and/or volume of such wastes being discharged shall notify this Township, in writing, at least ten (10) days prior to institution of such charge. (Ordinance No. 291, October 14, 2002, Article G, Section 407.05)

Section 344. Grease, Oil and Sand Interceptors Required. Grease, oil and sand interceptors shall be provided by the owner of any industrial, commercial or institutional establishment, at his or its sole cost, when required by this Township, for the proper handling of liquid wastes containing excessive grease, inflammable wastes, sand or other harmful substances. All interceptors shall be of a type and capacity approved by this Township and constructed or installed at a satisfactory location in accordance with plans approved by this Township prior to installation or commencement of construction. It shall be the responsibility of the owner to properly clean or have the same cleaned and maintain such interceptors. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. The Township's objective in setting the limits is to restrict industrial waste discharges of the above-described concentrations which will not harm either the sewer system or the treatment plant, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb or public property or constitute a nuisance. The Township may set lower or higher limitations in specific cases if, in the opinion of the Township, said actions will be consistent with the above-stated objectives. In the setting of such lower or higher limitations, the Township will give consideration to such factors as the volume of wastewater flow in relation to flows and velocities in the sewers, degrees of treatability of the waste and other pertinent factors. The Township reserves the right to reevaluate and revise the limitations as needed. The more stringent of EPA or Commonwealth requirements and limitations shall apply in any case where either is more stringent than those presently in force. An industrial user classified as a categorical industrial user shall be required to meet the EPA Categorical Standards, if such standards are more

stringent than the local discharge limitations. (Ordinance No. 291, October 14, 2002, Article G, Section 407.06)

Section 345. Mechanical Garbage Grinders. The use of mechanical garbage grinders in an industrial establishment or a commercial establishment shall not be permitted without prior approval from this Township, which approval shall be granted or denied at the Township's sole discretion. (Ordinance No. 291, October 14, 2002, Article G, Section 407.07)

Section 346. Regulation of Waste Flows. This Township may require industrial establishments having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the sewer system. (Ordinance No. 291, October 14, 2002, Article G, Section 407.08)

Section 347. Construction of Manhole. Any person who shall discharge industrial wastes into the sewer system, when required by the Township, shall construct and thereafter shall properly maintain, at his own expense, a suitable control manhole and other devices as may be approved by the Township to facilitate observation, measurement and sampling by the Township of industrial wastes discharged to the sewer system. Any such control manhole, when required by the Township, shall be constructed at an accessible, safe, suitable and satisfactory location in accordance with plans approved by this Township prior to commencement of construction. There shall be ample room in the monitoring manhole to allow accurate sampling and preparation of samples for analysis. The facility shall be maintained at all times in a safe and proper operating condition by the owner at his expense. The Township and its duly authorized representatives shall be permitted to enter upon all properties at all times for the purpose of inspection, observation, measurement, sampling and testing. (Ordinance No. 291, October 14, 2002, Article G, Section 407.09)

Section 348. Pretreatment Facilities. Whenever necessary, in the opinion of the Township, the owner of an improved property shall provide, at his expense, such facilities for pretreatment and handling of industrial wastes as may be necessary to:

(A) Reduce BOD<sub>5</sub> to two hundred thirty (230) mg/l, suspended solids to two hundred ten (210) mg/l, total phosphorus to ten (10) ppm and/or ammonia nitrogen to twenty-five (25) ppm.

(B) Reduce objectionable characteristics or constituents to come within the maximum limits permitted in this Part.

(C) Control the quantities and rates of discharge over a twenty- four (24) hour day and seven (7) days a week.

(Ordinance No. 291, October 14, 2002, Article G, Section 407.10)

Section 349. National Categorical Pretreatment Standards. The categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter N, Parts 405-471 are hereby incorporated.

(A) The categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater. The Township may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(B) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Township shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(c)).

(C) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(D) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(Ordinance No. 291, October 14, 2002, Article G, Section 407.11)

Section 350. Federal Categorical Pretreatment Standards. Upon the promulgation of the Federal categorical pretreatment standards for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed under this Part for sources in that subcategory, shall immediately supersede the limitations imposed under this Part. (Ordinance No. 291, October 14, 2002, Article G, Section 407.12)

Section 351. Plans and Specification. Plans, specifications and any other pertinent information relating to proposed facilities for pretreatment and handling of industrial wastes shall be submitted for approval to the Township and no construction of any such facility shall be commenced until approval thereof first shall have been obtained in writing, from the Township, and until approval thereof first shall have been obtained from any governmental regulatory body having jurisdiction. Such approvals shall not relieve the discharger from meeting any of the limitations of this Part, or Commonwealth, Federal or agency regulations. (Ordinance No. 291, October 14, 2002, Article G, Section 407.13)

Section 352. Maintenance of Pretreatment Facilities. Whenever facilities for pretreatment and handling of industrial wastes shall have been provided by the owner of such improved property, such facilities shall be continuously maintained in satisfactory operating condition at the expense of such owner, and the Township shall have access to such facilities at all times for purposes of inspection, observation, measurement, sampling and testing. (Ordinance No. 291, October 14, 2002, Article G, Section 407.14)

Section 353. Notification to Township. All industrial users shall notify the Township at least thirty (30) days in advance, in writing, of any substantial change in the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under this Section and/or as required by 40 CFR 403.12(p). (Ordinance No. 291, October 14, 2002, Article G, Section 407.15)

Section 354. Township's Right of Refusal. The Township reserves the right to refuse permission to connect to the sewer system, to deny and revoke permits, to compel discontinuance of use of the sewer system or to compel pretreatment of industrial wastes in order to prevent discharges deemed harmful to or having a deleterious effect upon any portion of the sewer system or receiving system. (Ordinance No. 291, October 14, 2002, Article G, Section 407.16)

Section 355. Baseline Monitoring Reports. Within ninety (90) days after the effective date of a categorical pretreatment standard, existing industrial users subject to such categorical pretreatment standard shall submit a baseline monitoring report in conformance with 40 CFR 403.12(b), compliance schedule progress reports in conformance with 40 CFR §403.12(c) and the ninety (90) day compliance report in conformance with 40 CFR §403.12(d). (Ordinance No. 291, October 14, 2002, Article G, Section 407.17)

Section 356. Self-Monitoring Reports. The Township reserves the right to require any nonresidential user to periodically submit self-monitoring reports in accordance with that user's permit. All significant industrial users must submit self-monitoring reports in accordance with 40 CFR 403.12(e) or 40 CFR 403.12(h) and/or as specified in the industrial waste permit. If a user monitors any pollutant more frequently than required by the permit, using the procedures prescribed in the permit, the results of this monitoring shall be included in the self-monitoring report. (Ordinance No. 291, October 14, 2002, Article G, Section 407.18)

Section 357. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the Township within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Township within thirty (30) days after becoming aware of the violation. The user is not required

to resample if the Township monitors at the user's facility at least once per month, or if the Township samples between the user's initial sampling and when the user receives the results of this sampling. (Ordinance No. 291, October 14, 2002, Article G, Section 407.19)

Section 358. Certification Requirement.

(A) All reports submitted pursuant to this Part, including baseline monitoring reports, reports on compliance with categorical pretreatment standards, significant industrial user reports and periodic reports on continued compliance, shall include the certification statement set forth in 40 CFR 403.6(a)(2)(ii).

(B) All significant industrial users subject to categorical pretreatment standards shall include in any report submitted pursuant to these standards, rules and regulations, any applicable certifications as required in the categorical pretreatment standards.

(Ordinance No. 291, October 14, 2002, Article G, Section 407.20)

Section 359. Signatory Requirement. Baseline monitoring reports, reports on compliance with categorical pretreatment standards, significant industrial user reports and periodic reports on continued compliance shall be signed as specified in 40 CFR §403.12(l). (Ordinance No. 291, October 14, 2002, Article G, Section 407.21)

Section 360. Recordkeeping Requirements.

(A) All users subject to the reporting requirement established herein or in the national pretreatment standards shall maintain records of all information resulting from any required monitoring activities. Such records shall include for all samples:

- (1) The date, exact place, method and time of sampling and the name(s) of the person(s) taking the samples.
- (2) The dates analyses were performed.
- (3) The identity of a laboratory and/or persons who performed the analysis.
- (4) The analytical techniques/methods used.
- (5) The results of such analyses.

(B) Records required to be maintained in this Section shall be retained for a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the user or the Township or when requested by the Township, the DEP or the EPA.

(C) Records required to be maintained by the user shall be made available for inspection and copying by the Township, the DEP and the EPA.

(Ordinance No. 291, October 14, 2002, Article G, Section 407.22)

Section 361. Notification of Discharge of Listed or Characteristic Wastes. In accordance with 40 CFR 403.12(p), all industrial users shall notify the Township, the EPA Region III, Director of the Waste Management Division and the DEP, in writing, of any discharge into the Township sewer system, of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. (Ordinance No. 291, October 14, 2002, Article G, Section 407.23)

Section 362. Access and Confidential Information.

(A) The Township shall have the right of access at all times to any part of any improved property served by the sewer system and 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 sewer system.

(B) The Township 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 their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Township will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(C) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing at the time of the application for permit and the user is able to demonstrate to the satisfaction of the Township that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

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(Ordinance No. 291, October 14, 2002, Article G, Section 407.24)

Subpart H. Industrial Waste Discharge Permit, Modification and Appeal.

Section 363. Industrial Waste Discharge Permit Required. Any industrial user discharging into the sewer system an industrial waste having any one (1) or more of the following characteristics shall obtain approval from the Township in the form of an industrial waste discharge permit:

- (A) BOD<sub>5</sub> greater than two hundred thirty (230) mg/l.
- (B) A total suspended solids content great than two hundred ten (210) mg/l.
- (C) A dissolved solids content greater than five hundred forty (540) mg/l.
- (D) Total phosphorus greater than ten (10) ppm.
- (E) Total ammonia nitrogen greater than twenty-five (25) ppm.
- (F) A COD greater than six hundred (600) mg/l.
- (G) A chlorine demand greater than twelve (12) mg/l.
- (H) An average daily flow greater than five percent (5%) of the average daily sewage flow of the sewer system.
- (I) Any quantity of substances possessing characteristics described in Subpart D of this Part.
- (J) Having been discharged by an industrial user from an industrial establishment as this term is defined in Section 301 of this Part.
- (K) Being classified as a significant industrial user as defined in Section 301 of this Part.

Industrial users existing at the time this Part is enacted will be screened by the Township on the basis of information then available. The Township will notify in writing existing industrial users within thirty (30) days of the enactment of this Part if a new permit is required. Existing industrial users shall apply for a permit if so notified within thirty (30) days of the notifications.

New industrial users may not discharge to the sewer system without first obtaining an industrial waste discharge permit. New industrial users shall apply for a permit at least

sixty (60) days prior to discharging to the sewer system. (Ordinance No. 291, October 14, 2002, Article H, Section 408.01)

Section 364. Application Forms. All applications for permits shall be made on industrial waste permit application forms furnished by the Township. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (A) Name, address and location.
- (B) SIC number according to the Standard Industrial Classification Manual.
- (C) Wastewater constituents and characteristics including, but not limited to, those mentioned in 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 §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 seasonal variation, if any.
- (F) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by size, location and elevation.
- (G) Description of activities, facilities and plant processes on the premises including all materials which will or could be discharged.
- (H) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Township, Commonwealth or Federal pretreatment standards, and a statement, which has been reviewed by an authorized representative and certified by a professional, 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 shall be used. 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 compliance 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 shall exceed nine (9) months.

(3) Not later than fourteen (14) 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 nine (9) months elapse between such progress reports to the Township.

(4) The compliance schedule shall not be a waiver of the user's noncompliance nor shall it protect the user from enforcement action.

(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, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

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

The Township will evaluate the data furnished by the user and may require additional information. Failure to comply with any of the Township-approved time restraints herein-contained shall be considered a violation of this Part. The industrial waste permit application form shall be competently completed and returned to the Township for review and approval, which approval shall be granted or denied at the Township's sole discretion. Only upon approval of the Township will an industrial waste permit be

issued and the discharge to the sewer system allowed. No industrial user requiring an industrial waste permit may discharge wastewater to the sewer system without a valid industrial waste permit. (Ordinance No. 291, October 14, 2002, Article H, Section 408.02)

Section 365. Survey Required. Where necessary, in the opinion of the Township, the property owner shall provide, at his expense, a survey analysis and report by a registered professional engineer acceptable to the Township. (Ordinance No. 291, October 14, 2002, Article H, Section 408.031)

Section 366. Issuance of Permit. Upon review and approval of the industrial waste permit application, the Township will issue to the applicant an industrial waste permit should the applicant's waste be suitable for treatment in the sole judgment of the Township. Said permit is not transferable without the prior written consent of the Township, which consent shall be granted or denied at the sole discretion of the Township. (Ordinance No. 291, October 14, 2002, Article H, Section 408.04)

Section 367. Permit Subject to Certain Provisions. Industrial waste discharge permit 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, but are not limited to, the following:

(A) Limits on the average and maximum wastewater constituents and characteristics.

(B) Limits on the average and maximum rate and time of discharge or requirements for flow regulations and equalization.

(C) Requirements for installation and maintenance of inspection and sampling facilities.

(D) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.

(E) Compliance schedules.

(F) Requirements for submission of technical reports or discharge reports.

(G) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Township, and affording the Township access thereto.

(H) Requirements for notification of the Township of any new introduction of wastewater constituents of any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(I) Requirements for notification of slug discharges and preparation and implementation of slug control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges.

(J) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, Commonwealth or local law.

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

(Ordinance No. 291, October 14, 2002, Article H, Section 408.05)

Section 368. Time Limit of Permits. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of sixty (60) days prior to the expiration of the user's existing permit. (Ordinance No. 291, October 14, 2002, Article H, Section 408.06)

Section 369. Modification of Permit by Township. 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 causes exist. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Modifications to the permit may include, but not limited to, the following:

(A) To incorporate any new or revised Federal, Commonwealth, local or agency pretreatment standards or requirements.

(B) To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time the permit was issued.

(C) A change in the treating POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

(D) Information indicating that the permitted discharge poses a threat to the treating POTW, Township, Township personnel or the receiving waters.

(E) Violation of any terms or conditions of the permit.

(F) Misrepresentations or failure to fully disclose all relevant facts in the permit application or in any required reporting.

(G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.

(H) To correct typographical or other errors in the permit.

(I) To reflect a transfer of ownership or operator.

(Ordinance No. 291, October 14, 2002, Article H, Section 408.07)

Section 370. Permits are Not Transferable. Industrial waste discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or 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. 291, October 14, 2002, Article H, Section 408.08)

Section 371. Appeals. Any person, including the user, may petition the Township to reconsider the terms of the approval or denial of a wastewater discharge permit within thirty (30) days of notice of its issuance.

(A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(B) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(D) If the Township fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit or not to modify a wastewater discharge permit shall be considered final administrative actions for the purposes of judicial review.

(Ordinance No. 291, October 14, 2002, Article H, Section 408.09)

Section 372. Judicial Review. Parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Court of Common Pleas, County of Berks, Commonwealth of Pennsylvania. (Ordinance No. 291, October 14, 2002, Article H, Section 408.10)

Subpart I. Measuring Devices, Meter Readings and Access.

Section 373. Installation of Meters and Measuring Devices. Meters or other measuring devices, which shall not be provided in connection with the operation of a public water supply system, but which shall be required or permitted under provisions of this Part, shall be furnished and installed by the owner of the improved property at his expense, shall be under the control of this Township and may be tested, inspected or repaired by this Township whenever necessary. Such owner shall be responsible for the maintenance and safekeeping of such meter or other measuring device and all repairs thereto shall be made at the expense of such owner, whether such repairs shall be made necessary by ordinary wear and tear or other causes. Bills for such repairs, if made by this Township, shall be due and payable immediately upon completion of such repairs and shall be collected in the same manner as quarterly bills for sewer rentals or charges. (Ordinance No. 291, October 14, 2002, Article I, Section 409.01)

Section 374. No Modification Which Affects Measurement. No user shall modify plumbing which would alter or affect the measurement of water passing through a meter prior to written notification and prior approval of the Township. The Township shall inspect any such modifications to determine the effectiveness and suitability of the modification and the effect on the measuring the consumption of water which would flow into the sewer system. (Ordinance No. 291, October 14, 2002, Article I, Section 409.02)

Section 375. Township Responsible for Reading Meters. This Township shall be responsible for the reading of all meters or other measuring devices and the same shall be available to employees and agents of this Township at all reasonable times. (Ordinance No. 291, October 14, 2002, Article I, Section 409.03)

Section 376. Township Shall Have Right of Access. Representatives of this Township shall have the right of access at reasonable times to any part of any property served by the sewer system and any meters used for purposes of establishing or determining volumes for purposes of this Part. (Ordinance No. 291, October 14, 2002, Article I, Section 409.04)

Subpart J. Agreements; Additions to and Changes of Sewer Rentals or Charges; Adoption of Additional Rules and Regulations.

Section 377. Conflict of Ordinances. In the event that any standard, classification or provision of this Part shall conflict with a similar standard, classification or provision of any agreement entered into between this Township, on the one hand, and another municipality and/or municipality authority, on the other hand, relating to the collection, transportation, treatment or other disposition of sewage delivered to or emanating from the sewer system, this Part shall be construed so that the strictest standard, classification or provision shall apply. (Ordinance No. 291, October 14, 2002, Article J, Section 410.01)

Section 378. Modifications to Sewer Rentals. This Township reserves the right to adopt and promulgate, from time to time, additional classifications and sewer rentals or charges therefor, or modifications of the schedule of sewer rentals or charges as set forth in this Part, which additional classifications and sewer rentals or charges, or modifications, as the case may be, shall be construed as part of this Part. (Ordinance No. 291, October 14, 2002, Article J, Section 410.02)

Section 379. Adoption of Additional Rules and Regulation. This Township reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with use and operation of the sewer system, which rules and regulations shall be, shall become and shall be construed as part of this Part. (Ordinance No. 291, October 14, 2002, Article J, Section 410.03)

Subpart K. Penalties and Enforcement.

Section 380. Penalty for Violation. Any person who shall violate any of the provisions of this Part or who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part; or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part shall be enforced by a summary action brought before a district justice and if found guilty shall be subject to a fine not to exceed one thousand dollars (\$1,000) per day for each violation and shall pay the costs of prosecution, including attorney fees, and in default of payment of such fine and costs such person shall be imprisoned for a term according to applicable law. Each day of the continuation of a violation shall constitute a separate offense. (Ordinance No. 291, October 14, 2002, Article K, Section 411.01)

Section 381. Refusal of Inspection. All owners of property connected or connecting with the sewage system who refuse an inspection of their improved property as provided for in Section 325 of this Part shall, at the discretion of the Board of Supervisors of the Township, be subject to pay an additional quarterly penalty in an amount equal to their quarterly sewer rental. (Ordinance No. 291, October 14, 2002, Article K, Section 411.02)

Section 382. Violations. Any user who violates the following conditions of this Part, or applicable Commonwealth, Federal or agency regulations, is subject to having his permit revoked by the Township:

- (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) Misrepresentation or failure to fully disclose relevant facts in the permit application.
- (D) Falsifying self-monitoring reports.
- (E) Tampering with monitoring equipment.
- (F) Failure to pay fines, sewer charges or surcharges.
- (G) Failure to meet effluent limitations.
- (H) Failure to meet compliance schedules.

- (I) Failure to provide advance notice of transfer of ownership.
- (J) Violation of any pretreatment standard or requirement.
- (K) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- (L) Violation of any condition of the permit or of this Part.

(Ordinance No. 291, October 14, 2002, Article K, Section 411.03)

Section 383. Notice of Violation. Whenever the Township finds that any user has violated or is violating this Part, industrial waste permit or any prohibition, limitation of requirements contained herein, the Township may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Township by the user or the permit shall be revoked immediately. (Ordinance No. 291, October 14, 2002, Article K, Section 411.04)

Section 384. Injunctive Relief. The Township reserves the right to seek injunctive relief from discharge of substances to the sewer system which it deems harmful and/or to require compliance with the terms and conditions of this Part. (Ordinance No. 291, October 14, 2002, Article K, Section 411.05)

Section 385. Cease and Desist Order. When the Township finds that an industrial user has violated or continues to violate this Part or any permit or order issued hereunder, the Township may issue an order to cease and desist all such violations and direct those persons in noncompliance to comply forthwith and/or to take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and terminating the discharge. (Ordinance No. 291, October 14, 2002, Article K, Section 411.06)

Section 386. Significant Noncompliance. An industrial user is in significant noncompliance if the violation meets one (1) or more of the following criteria:

- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for any pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC value. The TRC values are:

- (1) TRC = 1.4 for BOD5, TSS, fats, oils and grease.
- (2) TRC = 1.2 for all other pollutants except pH.

(C) Any other violation of the pretreatment effluent limit (daily, maximum or longer-term average) that the Township determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of the Township personnel or the general public)

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the Township's exercise of its emergency authority to halt or prevent such a discharge.

(E) Failure to meet, within thirty (30) days after the scheduled date, a compliance schedule milestone contained in a user permit, control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.

(F) Failure to provide, within thirty (30) days after the due date, required reports including, but not limited to, baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, significant industrial user reports and reports on compliance with compliance schedules.

(G) Failure to accurately report noncompliance.

(H) Any other violation or group of violations which the Township determines will adversely affect the operation or implementation of the pretreatment program.

(Ordinance No. 291, October 14, 2002, Article K, Section 411.07)

Section 387. Major Violations. Any violation that meets the criteria of Section 386 above shall be considered a major violation. (Ordinance No. 291, October 14, 2002, Article K, Section 411.08)

Section 388. Notice to Public of Noncompliance. At least once a year, the Township may publish in the largest daily newspaper published in Berks County, a notice to the public of industrial users which were in significant noncompliance. This notice shall include the name(s) and address(es) of the user and may also include additional information such as the duration of the violation, nature of the violation, compliance action taken (if any), whether the user is currently complying with the compliance schedule and whether the user has returned to compliance. At the discretion of the Township, the type of enforcement action undertaken may also be reported. This provision does not prohibit the publication of this notice in more frequent intervals. (Ordinance No. 291, October 14, 2002, Article K, Section 411.09)

Section 389. Other Enforcement. The Township may also take such other enforcement response actions it deems necessary to bring the user into compliance with this Part. (Ordinance No. 291, October 14, 2002, Article K, Section 411.10)

Section 390. Suspension of Discharge. The Township may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Township may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the treating POTW, or which presents, or may present, an endangerment to the environment. (Ordinance No. 291, October 14, 2002, Article K, Section 411.11)

Section 391. Elimination of Discharge. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Township may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the treating POTW, its receiving stream or endangerment to any individuals. The Township may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Township that the period of endangerment has passed, unless the termination of permit proceedings are initiated against the user. (Ordinance No. 291, October 14, 2002, Article K, Section 411.12)

Section 392. Written Statement of Harmful Contribution. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence prior to recommencement of discharge. (Ordinance No. 291, October 14, 2002, Article K, Section 411.13)

Section 393. Remedies Not Exclusive. The remedies provided for in this Part are not exclusive. The Township may take any, all or any combination of these actions against a noncompliant user. However, the Township may take other action, including civil and criminal prosecution, against any user when the circumstances warrant. (Ordinance No. 291, October 14, 2002, Article K, Section 411.14)

Subpart L. Miscellaneous.

Section 394. Township Right of Access. This Township shall have the right of access, at all reasonable times, to any part of any improved property as necessary for purposes of inspection, observation, measurement, sampling and testing and for performance of other functions relating to service rendered by this Township. (Ordinance No. 291, October 14, 2002, Article L, Section 412.01)

Section 395. Owner Liable for Tenants. The owner of any improved property shall be held liable for all acts of tenants or other occupants of such improved property, as may be permitted by law, insofar as such acts shall be governed by the provisions of this Part. (Ordinance No. 291, October 14, 2002, Article L, Section 412.02)

Part 4

On-Lot Disposal Systems (OLDS)

Section 401. Title; Introduction; Purpose.

(A) This Part may be cited as "OLDS (Onlot Disposal System) Management Program for the Township of Spring, Berks County, Pennsylvania" (herein called "Township.")

(B) As mandated by the municipal codes, the Clean Streams Law (35 P.S. §§691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. §750.1 et seq., known as Act 537), municipalities have the power and the duty 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 the 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 inspection, maintenance and rehabilitation of onlot sewage disposal systems; to further permit the Township to intervene in situations which are public nuisances or hazards to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

(Ordinance 241, November 28, 1994, Section 301)

Section 402. Terms and Definitions.

(A) General Terms. In the interpretation of this Part, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

(B) Specific Terms. For the purpose of this Part, the terms used shall be construed to have the following meanings:

ACT - the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 335 P.S. §750.1 et seq.

ALTERNATIVE SYSTEM - a system for the disposal of domestic waste waters not operating below ground level but located on or near the site of the building or buildings being served (e.g. composting toilets, gray

water recycling systems, incinerating toilets, spray irrigation and black water recycling systems, etc.)

AUTHORIZED AGENT - a licensed sewage enforcement officer, professional engineer or sanitarian, plumbing inspector, soils scientist or other qualified or licensed person who is delegated to function within the specified limits as the agent of the Board of Supervisors of the Township to carry out the provisions of this Part.

BOARD - the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania.

CODES ENFORCEMENT OFFICER (hereinafter called C.E.O.) - an individual employed by the Township of Spring to administer and enforce this and other ordinances in the Township of Spring.

COMMUNITY SEWAGE SYSTEM - any system, whether publicly or privately owned, for the collection of sewage from two (2) or more lots or uses, or two (2) or more equivalent dwelling units, and the treatment and/or disposal of the sewage on one (1) or more of the lots or at any other site and which shall comply with all applicable regulations of the DER.

DER - the Department of Environmental Resources of the Commonwealth of Pennsylvania or any successor agency.

DEVELOPER - shall be defined as any person, partnership or corporation which erects or contracts to erect a building on property owned by it with the intent to sell the building to some other party upon its full or partial completion, or upon the conveyance of property on which the building is to be built.

EQUIVALENT DWELLING UNIT (EDU) - for the purpose of determining the number of lots in a subdivision or land development, that part of a multiple family dwelling, commercial, industrial or institutional establishment with sewage flows equal to four hundred (400) gallons per day.

IMPROVED PROPERTY - any property within the Township 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 sewage shall be or may be discharged.

**INDIVIDUAL SEWAGE SYSTEM** - any 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 any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposal.

**LAND DEVELOPMENT** - a land development as defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. §10101 et seq.

**LOT** - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**MALFUNCTION** - the condition which occurs when an onlot sewage disposal system causes pollution to the ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or hazard to public health. Indications of malfunctioning systems include, but are not limited to, foul odors, lush grass growing over the system, backup of wastewater in the attached buildings, soggy ground over the system, surfacing sewage effluent flowing over the ground and occurring at any time of the year.

**MANAGEMENT PROGRAM** - the management program shall encompass the entire area of the Township serviced by sewage facilities or any other alternative system which discharges into the soils of the Township. All systems shall be operated under the jurisdiction of the Township Board of Supervisors regulating the subsurface disposal and/or alternate systems and other applicable laws of the Commonwealth of Pennsylvania.

**OFFICIAL PLAN** - a comprehensive plan for the provision of adequate sewage disposal systems adopted by the Township and approved by the DER in accordance with the Act and with applicable DER regulations.

**ONLOT SEWAGE DISPOSAL SYSTEM** - any sewage system disposing of sewage in whole or in part into the soil or any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposal, and which is located upon the lot which it serves.

**OWNER** - any person, corporation, partnership, etc., holding deed/title to lands within the Township.

PERSON - any individual, association, partnership, public or private corporation whether for profit or not-for-profit, trust, estate or other legally recognized entity. Whenever the term "person" is used in connection with any clause providing for the imposition of a fine or penalty or the order of action to comply with the terms of this Part, the term "person" shall include the members of an association, partnership or firm and the officers of any public or private corporation, whether for profit or not-for-profit.

PLANNING MODULE FOR LAND DEVELOPMENT - a revision to, or exception to the revision of, the Township Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with DER regulations.

PUMPER/HAULER - any person, company, partnership or corporation which engages in cleaning community or individual sewage systems and transports the septage cleaned from these system.

PUMPER'S REPORT/RECEIPT - form which shall be used by all licensed pumper/haulers to report each pumping of onlot sewage disposal systems in the Township.

REHABILITATION - work done to modify, alter, repair, enlarge or replace an existing onlot sewage disposal system.

REPLACEMENT AREA - an area designated as the future location of an individual onlot sewage system that shall be installed should the initial individual onlot system installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the DER and all applicable Township ordinances for an individual onlot sewage system, and shall be protected from encroachment by an easement recorded on the final plan as filed with the Recorder of Deeds in and for the County of Berks at Reading, Pennsylvania.

SEPTAGE - the residual scum and sludge pumped from septic systems.

SEWAGE - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or any noxious or deleterious substance 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.

SEWAGE ENFORCEMENT OFFICER (hereinafter called S.E.O.) - a person appointed by the Board to administer the provisions of this Part and authorized by the DER in accordance with "Chapter 71, Administration of Sewage Facilities Program" of Title 25, "Rules and Regulations" to perform percolation tests, site and soil evaluation, and issue sewage permits for onlot disposal systems.

SEWAGE FACILITIES - any method of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage into the waters of this Commonwealth or otherwise provide for the safe and sanitary treatment of sewage.

SINGLE AND SEPARATE OWNERSHIP - the ownership of a lot by one (1) or more persons, which ownership is separate and distinct from that of any abutting or adjoining lot.

SUBDIVISION - a subdivision as defined by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. §10101 et seq.

TOWNSHIP - the Township of Spring, Berks County, Pennsylvania.

(C) All other definitions of words and terms used in this Part shall have the same meaning as set forth in Chapter 73, "Standards for Sewage Disposal Facilities" of Title 25, "Rules and Regulations, Department of Environmental Resources.

(Ordinance 241, November 28, 1994, Section 302)

Section 403. Applicability. From the effective date of this Part, its provisions shall apply to all persons owning property in the Township serviced by an onlot sewage disposal system and to all persons installing or rehabilitating onlot sewage disposal systems. (Ordinance 241, November 28, 1994, §303)

Section 404. Sewage 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 indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act (hereinafter called Act 537 or the "Act") and the standards adopted pursuant to that Act.

(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 the Township S.E.O. If seventy-two (72) hours have elapsed, excepting Sundays and holidays, since the S.E.O. 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 S.E.O.

(C) The Township may require applicants for sewage permits to notify the Township's certified S.E.O. of the schedule for construction of the permitted onlot sewage disposal system so that inspection(s) in addition to the final inspection required by Act 537 may be scheduled and performed by the Township's certified S.E.O. at the cost of the applicant.

(D) No building or occupancy permit shall be issued by the Township or its C.E.O. for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Township's certified S.E.O.

(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 structures, until the Township's C.E.O. and the structure's owner receive from the Township's S.E.O. either a permit for alteration or a replacement of the existing sewage disposal system or written notification that such a permit will not be required. In accordance with Chapter 73 regulations, the certified S.E.O. 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 certified S.E.O. employed by the Township for that express purpose. The DER shall be notified by the Township as to the identity of their currently employed certified S.E.O.

(G) No sewage permit may be issued unless proof is provided that the owner of record has owned the lot since May 15, 1972, or that Act 537 planning for that lot has been provided by the Township.

(H) No final Act 247 approval on a subdivision plan may begin until Act 537 planning is approved by the Township.

(Ordinance 241, November 28, 1994, Section 304)

Section 405. Ground Markers. Any person who shall install new or rehabilitated systems shall provide a marker or markers at ground level locating the subsurface waste disposal tank and other important components of the system requiring periodic inspection and maintenance. Requirements for marker types and locations will be determined by the Township's S.E.O. In addition, a riser or access hatch shall be constructed so as to enable easy access to the waste disposal tank, and prevent odors from escaping and to prevent children from removing the hatch. Accessibility for visual inspection and maintenance shall be provided in the drainage fields via four (4) inch vertical, nonperforated PVC pipe connected directly to the drain tile at a minimum of four (4) locations in the drainage field. If not installed by the Township or its authorized agent, such installation shall be subject to its approval. (Ordinance 241, November 28, 1994, Section 305)

Section 406. Replacement Areas.

(A) Requirements.

(1) After the effective date of this Part, a replacement area for an individual onlot sewage system shall be required for all lots or lots to be created which are not serviced or to be serviced by a community sewage system, or for which a valid permit for installation of an individual onlot sewage system has not been issued. Lots existing prior to the effective date of this Part shall be exempt from the requirements of this Section.

(2) The replacement area provided shall comply with the Act and with all regulations issued by the DER as incorporated into this Part concerning individual onlot sewage systems, including isolation distances, and with the terms of this Part and any other applicable Township ordinances.

(B) Identification of Replacement Area.

(1) Each applicant who shall submit a plan for the subdivision or development of land or who shall apply for a permit for the installation of an individual onlot sewage system, or who shall request approval of a planning module for land development or the adoption of a revision, exception to revision or supplement to the official plan shall demonstrate to the satisfaction of the S.E.O. that a suitable area exists on the lot or on each lot to be created for an initial individual onlot sewage system and for the replacement area. The S.E.O. shall perform or observe all tests

required for the location of an individual onlot sewage system to confirm the suitability of the replacement area. Allowance of open land for the replacement area without testing performed or observed by the S.E.O. shall not constitute compliance with the requirements of this Section.

(2) The location of the initial individual onlot sewage system and the replacement area as confirmed by the S.E.O. shall be identified on the plot plans and diagrams submitted as part of the permit application.

(3) If the application has been submitted as a part of an application for subdivision or land development approval or as part of a request that the Township approve a planning module for land development or amend its official plan, or a request for an exception to the revision of the official plan, the location of each initial individual onlot sewage system and each replacement area shall be noted upon the plans. If the application is for subdivision or land development approval, a note constituting a permanent easement shall be added to the plans stating that no improvements shall be constructed upon the subdivision or land development shall contain language reflecting this limitation.

(4) Any revisions to a permit or plan affecting a replacement area which previously has been approved pursuant to the provisions of this Part shall be reviewed for approval by the Board or its authorized representative.

(C) Construction Restrictions.

(1) The easement for the replacement area noted upon the plan recorded with the Recorder of Deeds in and for County of Berks, at Reading, Pennsylvania, shall state that no permanent or temporary improvements of any character, other than shallow-rooted plant matter, shall be constructed upon the replacement area.

(2) This provision shall be enforced by the Township unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the S.E.O. that an alternate replacement area which complies with all applicable regulations of the DER, this ordinance and all other applicable Township ordinances, exists upon the lot. If such an alternate replacement area shall be identified, the alternate replacement area may be considered to be the replacement area required by this Part and shall be designated as the replacement area. The newly designated replacement area shall thereafter be considered the replacement area for the purposes of this Part.

(D) Relief from Replacement Area Requirement.

(1) If any lot held in single and separate ownership as of the effective date of this Part does not contain land suitable for a replacement area, the applicant submitting a land development plan or a planning module for land development or desiring to install an individual onlot sewage system may request that the Board grant an exception to the requirement of providing a replacement area. The applicant for such an exception shall present credible evidence to the Board demonstrating (a) that the lot was held in single and separate ownership on the effective date of this Part; (b) the size of the lot; (c) inability of the applicant to acquire adjacent land or the unsuitability of adjacent land which might be able to be acquired; and (d) the testing conducted to determine that the lot is not suitable to provide a replacement area.

(2) At all times, the burden to present credible evidence and the burden of persuasion shall be upon the applicant for an exception from the terms of this Part. In no case shall any lot be exempted from the requirements of Section 404 of this Part.

Section 407. Inspections.

(A) Any onlot sewage disposal system may be inspected by the Township's authorized agent at any reasonable time as of the effective date of this Part.

(B) The inspection may include a physical tour of the property, the taking of samples from surface water, wells, other ground water 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 severed to ascertain the path and ultimate destination of wastewater generated in the structure. A copy of the inspection report shall be furnished to the owner and current resident which shall include all of the following information which is reasonably available to the individual or agency responsible for pumping the septic tank; date of inspection; name and address of system owner; description and diagram of the location of the system including location of access hatches, risers and markers; size of tanks and disposal fields; current occupant's name and number of users; indication of any system malfunction observed; results of any and all soils and water tests; any remedial action required.

(C) The Township's authorized agent shall have the right to enter upon land for the purposes of inspections described above. In the event that access to inspect the property is denied, the following steps shall be taken:

(1) The matter will be officially referred to the Board for action.

(2) The Board may schedule a review at the next scheduled meeting of the Board, or, if the situation threatens the health or safety of residents of the Township, the Board may commence an immediate procedure to obtain a search warrant from the District Justice.

(3) Upon receipt of a search warrant to inspect the property, the authorized agent of the Township shall be accompanied by an officer of the County or State Police and the inspection shall be completed in accordance with this subsection.

(4) The provisions of this subsection for obtaining a search warrant may be waived only when the Board and its authorized agent have been reason to believe that the sewage facilities or alternative system is malfunctioning or being operated improperly such that the situation poses an immediate and substantial safety, water pollution or health hazard.

(D) A schedule of routine inspections may be established by the Township, if necessary, to assure the proper function of the systems in the Township.

(E) The Township's authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is malfunctioning, the Township shall take action to require the correction of the malfunction. If total correction is not technically or financially feasible, in the opinion of the Township and a representative of the DER, action by the owner to mitigate the malfunction shall be required.

(F) There may arise geographic areas within the Township where numerous onlot sewage disposal systems are malfunctioning. A resolution of these area wide problems may necessitate detailed planning and a Township sponsored revision to the area's Act 537 Official Sewage Facilities Plan. When a DER authorized official sewage plan revision has been undertaken by the Township, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the study area may be delayed, at the discretion of the Township, pending the outcome of the plan revision process. However, the Township may compel immediate corrective action whenever a malfunction,

as determined by the Township officials and the Pennsylvania DER, represents a serious public health or environmental threat.

(Ordinance 241, November 28, 1994, Section 307)

Section 408. Operation. Only normal domestic wastes shall be discharged into any onlot sewage disposal system. The following shall not be discharged into the system:

- (A) Industrial waste.
- (B) Automobile oil and other nondomestic oil.
- (C) Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
- (D) Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and French drains.

(Ordinance 241, November 28, 1994, Section 308)

Section 409. Maintenance.

(A) Any person owning a building served by an onlot sewage disposal system shall have the septic tank pumped by a qualified pumper/hauler after the effective date of this Part based on the following schedule:

- (1) Properties located in Township Precinct #1. Within one (1) year of effective date of this Part.
- (2) Properties located in Township Precinct #2. Within two (2) years of effective date of this Part.
- (3) Properties located in Township Precinct #3. Within three (3) years of effective date of this Part.

Thereafter, that person shall have the tank pumped at least once every three (3) years. Receipts from the pumper/hauler shall be submitted to the Township as required in §409(F).

(B) Any person providing a receipt or other written evidence showing that their tank had been pumped within three (3) years of the first year

anniversary of the effective date of this Part or wherever an inspection program reveals the treatment tanks are filled with solids in excess of one-third (1/3) the liquid depth of the tank or with scum in excess of one-third (1/3) the liquid depth of the tank.

(C) The required pumping frequency may be increased at the discretion of the authorized agent if the septic tank is undersized, if buildup of solids in the tank are in excess of the limitation set forth in §309(2) hereof, 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.

(D) Each time a septic tank or other subsurface waste disposal system tank is pumped out, the Township, its authorized agent, or a private septage pumper/hauler, whichever provides the service, shall provide to the owner of the subsurface waste disposal system a signed pumpers report/receipt containing at a minimum the following information:

- (1) Date of pumping.
- (2) Name and address of system owner.
- (3) Address of tank's location, if different from owner's.
- (4) Description and diagram of the location of the tank, including the location of any markers, risers and access hatches and size of the tank.
- (5) Condition of baffels.
- (6) The date existing system was installed.
- (7) Last date of pump out.
- (8) List of other maintenance performed.
- (9) Any indications of system malfunction observed.
- (10) Amount of septage or other solid or semisolid material removed.
- (11) List of recommendations.

(12) Destination of the septage (name of the treatment facility).

(E) Upon completion of each required pumping, the Township, its authorized agent, or a private septage waste hauler, shall fill out and submit a pumper report/receipt, copies of which shall be provided by the Township to all licensed pumpers/haulers. The Township's authorized agent, or a private septage pumper/hauler shall provide one (1) copy of the pumper's report/receipt to the owner and one (1) copy to the Township. Copies must be received at the Township's business office within thirty (30) days of the date of pumping. The pumper's report/receipt will include verification that the baffles in the septic tank have been inspected and found to be in good working order.

(F) Any person owning a building served by an alternative system or onlot 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 (6) 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 exceed those for those required for septic tanks.

(G) Any person owning a building served by a cesspool or dry well shall have that system pumped according to the schedule prescribed for septic tanks in §509(1).

(H) The Township may require additional maintenance activity 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. Repair permits issued by the certified S.E.O. must be secured for these activities.

(Ordinance 241, November 28, 1994, Section 309)

Section 410. System Rehabilitation.

(A) No person shall operate and maintain an onlot 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 of Pennsylvania unless a permit to discharge has been obtained from the DER.

(B) The Township shall issue a written notice of violation to any person who is the owner of a property in the Township which is found to be served by a malfunctioning onlot sewage disposal system or which is discharging raw or partially treated sewage without a permit.

(C) Within seven (7) days of notification by the Township that a malfunction has been identified, the owner shall make application to the Township's certified S.E.O. 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) The Township's certified S.E.O. shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement or components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, other alternatives as appropriate for the specific site.

(E) In lieu of, or in combination with, the remedies described in §510(4), the S.E.O. 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 and appliances. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the structure served. The use of laundry facilities may be limited to one (1) load per day or discontinued altogether.

(F) In the event that the rehabilitation measures in §510(5) are not feasible or do not prove effective, the Township may require the owner to apply for a permit to construct a holding tank in accordance with Township ordinance. Upon receipt of said permit the owner shall complete construction of the system within thirty (30) days.

(G) Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing onlot sewage disposal system, the

owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it feels necessary.

(Ordinance 241, November 28, 1994, Section 310)

Section 411. Liens. The Township, upon written notice from the S.E.O. that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an onlot sewage disposal system as provided under the terms of this Part, shall have the authority to perform, or contract to have performed, the work required by the S.E.O. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with law. (Ordinance 241, November 28, 1994, Section 311)

Section 412. Disposal of Septage.

(A) All septage pumper/haulers operating within the Township shall be licensed with the Township and shall comply with all reporting requirements established by the Township.

(B) All septage originating within the municipal sewage management district shall be disposed of at sites or facilities approved by DER. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites and approved farm lands.

(C) Septage pumper/haulers operating within the Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101-1018.1003). Any septage pumper/hauler who violates any of the provisions of this Part or regulations of the Township, the conditions of its State permit, or of any State or local law governing its operation, shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00) and costs, and in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. If any pumper/hauler shall have been convicted on two (2) occasions of any violation of this Part, or for violating the conditions of its State permit, or of any State or local law governing its operation, the Board shall have the power to suspend said pumper/hauler from operating within the Township for a period of not less than six (6) months or more than two (2) years for each violation, as determined by the Township. Each day the violation continues shall constitute a separate offense.

(Ordinance 241, November 28, 1994, Section 312)

Section 413. 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 employ qualified individuals to carry out the provisions of this Part. Those employees shall include a certified S.E.O., C.E.O., a secretary, administrator or other persons as required. The Township may also 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 material relating to the installation, operation and maintenance and malfunction of onlot sewage disposal systems shall become the property of the Township. Existing and future records shall be available for public inspection during required business hours at the official municipal office. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the Township's OLDS Management Program shall be made available, upon request, for inspection by representatives of the DER.

(D) The Board shall establish all administrative procedures necessary to properly carry out the provisions of this Part.

(E) The Board may establish a fee schedule, and subsequently collect fees, to cover the cost to the Township of administering this program.

(Ordinance 241, November 28, 1994, Section 313)

Section 414. Appeals.

(A) Appeals from decisions of the Township or its authorized agents under this Part shall be made to the Board in writing within forty-five (45) days from the date of the decision in question.

(B) The appellant shall be entitled to a hearing before the Board at its next regularly scheduled meeting, if the appeal is received at least fourteen (14) days prior to that meeting. If the appeal is received within fourteen (14) days of the next regularly scheduled meeting, the appeal shall be heard at the subsequent meeting. The Township shall thereafter affirm, modify or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing; provided, that it is submitted with the written notice of appeal.

(C) A decision shall be rendered in writing within forty-five (45) days of the date of the hearing. If a decision is not rendered within forty-five (45) days, the release sought by the appellant shall be deemed granted.

(Ordinance 241, November 28, 1994, Section 314)

Section 415. Penalties. Any person failing to comply with any provisions of this Part shall be subject to a fine of not less than one hundred dollars (\$100.00) and costs, and not more than three hundred dollars (\$300.00) and costs, or in default thereof shall be confined in the County jail for a period of not more than thirty (30) days. Each day of noncompliance shall constitute a separate offense. (Ordinance 241, November 28, 1994, Section 315)

Section 416. Septic Tank Pumper's Report

SEPTIC TANK PUMPER'S REPORT

1. Date of Pumping / / 2. System: Septic Aerobic Cesspool Dry Well

3. Property Owner's Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

4. Address of Tank Location \_\_\_\_\_

(if different than #2) \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

5. Description and diagram of the location of the tank (use box below), including the location of any markers, risers and access hatches and size of the tank. Description \_\_\_\_\_

6. Date system was installed (in not known, approximate date) \_\_/\_\_/\_\_

7. Date of last pump out (if not known, approximate date) \_\_/\_\_/\_\_

8. List of other maintenance performed.

Diagram

- Baffle Replacement     Extensions (riser rings)
- Inspection Ports                       Snaked the line
- Other \_\_\_\_\_

9. Any indications of system maintained observed.

- High Water Level in Tank                       Wet Areas Near System or Site
- Noticeable Odors                                       Sewer Backup into House
- Abundant Grass Growth Near System or Site
- Backflush of Water from Absorption Area to Tank
- Other

10. Amount of Septage or other solid or semisolid material removed.

- 500 Gallon Tank                                       1750 Gallon Tank
- 750 Gallon Tank                                       2000 Gallon Tank
- 1000 Gallon Tank                                       2250 Gallon Tank
- 1250 Gallon Tank                                       2500 Gallon Tank
- 1500 Gallon Tank                                       Other

11. Recommendations \_\_\_\_\_  
\_\_\_\_\_

12. Destination of the septage (name of treatment facility, include address  
if private property) \_\_\_\_\_  
DER Permit # \_\_\_\_\_

Signature of Pumper \_\_\_\_\_ Company \_\_\_\_\_

A copy of this report is to be submitted to the property owner listed above  
and a copy mailed within thirty (30) days after pumping to: \_\_\_\_\_

(Ordinance 241, November 28, 1994, Exhibit)

Part 5

Holding Tanks

Section 501. Purpose. The purpose of this Part is to establish procedures for the use and maintenance of holding tanks designated to receive and retain sewage whether from residential or commercial uses and it is hereby 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 this municipality. (Ordinance 198, April 11, 1988, Section 1)

Section 502. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Part shall be as follows:

BOARD - The Board of Supervisors of Spring Township, Berks County, Pennsylvania.

HOLDING TANK - A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include but are not limited to the following:

(1) CHEMICAL TOILET - A toilet using chemicals that discharge to a holding tank.

(2) RETENTION TANK - A holding tank where sewage is conveyed to it by a water carrying system.

(3) VAULT PIT PRIVY - A holding tank designed to receive sewage where water under pressure is not available.

IMPROVED PROPERTY - Any property within the Township 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 sewage shall or may be discharged.

OWNER - Any person vested with ownership, legal or equitable, sole or partial, or any property located in the Township.

PERSON - Any individual, partnership, company, association, corporation or other group or entity.

SEWAGE - 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 substance 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.

TOWNSHIP - The Township of Spring, Berks County, Pennsylvania.

(Ordinance 198, April 11, 1988, Section 2)

Section 503. Rights and Privileges Granted. That the Township is hereby authorized and empowered to undertake within the Township the control and methods of holding tank sewage disposal and the collection and transportation thereof. (Ordinance 198, April 11, 1988, Section 3)

Section 504. Rules and Regulations. That the Township acting thorough the Board is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time effect the purpose herein. (Ordinance 198, April 11, 1988, Section 4)

Section 505. Rules and Regulations To Be In Conformity With Applicable Law. All such rules and regulations adopted by the Township acting through the Board shall be in conformity with the provisions herein, all other Ordinances of the Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania. (Ordinance 198, April 11, 1988, Section 5)

Section 506. Rates and Charges. The Township acting through the Board shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law. (Ordinance 198, April 11, 1988, Section 6)

Section 507. Exclusiveness of Rights and Privileges. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Township, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania. (Ordinance 198, April 11, 1988, Section 7)

Section 508. Duties of Improved Property Owner. The owner of any improved property that utilizes a holding tank shall:

(A) Maintain the holding tank in conformance with this or any Ordinance of this Township, the provisions of any applicable law, and the rules

and regulations of the Township acting through the Board and any administrative agency of the Commonwealth of Pennsylvania.

(B) Permit only to Township or its agent to collect, transport, and dispose of the contents therein.

(Ordinance 198, April 11, 1988, Section 8)

Section 509. Violations. Any person who violates any provisions of Section 507 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than one hundred (\$100.00) dollars and not more than three hundred (\$300.00) dollars and costs, and in default of said fine and costs to undergo imprisonment in the Berks County Prison for a period not in excess of thirty (30) days. (Ordinance 198, April 11, 1988, Section 9)

Section 510. Abatement of Nuisances. In addition to any other remedies provided in this part, any violation of Section 507 above shall constitute a nuisance and shall be abated by the Township, acting through the Board, by either seeking appropriate equitable or legal relief from a court of competent jurisdiction. (Ordinance 198, April 11, 1988, Section 10)

Section 511. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clause, sections, or part of this Part. It is hereby declared as the intent of the Board of Supervisors of the Township, that this part would have been adopted had such constitutional, illegal or invalid sentence, clause, section or part thereof not been included therein. (Ordinance 198, April 11, 1988, Section 12)

Part 6

City of Reading Sewer Use

Subpart A. General Provisions.

Section 601. Purpose and Policy. This Part sets forth uniform requirements for users of the publicly owned treatment works for the City of Reading, Pennsylvania, and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act, 33 U.S.C. §1251, et seq., and the General Pretreatment Regulations, 40 CFR, Part 403, and amendments, thereto. The objectives of this Part are:

(A) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation.

(B) To prevent the introduction of pollutants into publicly owned treatment works that will prevent or restrict the beneficial reuse of the resulting sludge from the wastewater treatment process.

(C) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works.

(D) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.

(E) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works.

(F) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the publicly owned treatment works.

(G) To enable the City of Reading to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the publicly owned treatment works is subject.

This Part shall apply to all users of the City of Reading publicly owned treatment works and to persons outside the City who are, by contract or agreement with the City, users of the City publicly owned treatment works. The Part authorizes the issuance of

wastewater discharge permits; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. This Part supersedes City of Reading Ordinance No. 61-84, 1- 87, 104-89, 7-94 and 48-86 as amended, and provisions of that Ordinance are null and void where they conflict with specifics contained herein. (Ordinance No. 271, November 22, 1999, Section 1)

Section 602. Administration. This Part provides for the regulation of contributors to the POTW and wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for users; authorizes monitoring, compliance and enforcement activities; requires user reporting; assumes that existing customer's capacity will not be preempted; and provides for the setting of fees for their equitable distribution of costs resulting from the program established herein.

This Part shall apply to all users of the POTW. Except as otherwise provided herein, the Industrial Waste Administrator shall administer, implement and enforce the provisions of this Part. Any powers granted to or duties imposed upon the Industrial Waste Administrator may be delegated by the Industrial Waste Administrator to other City personnel or to the City's authorized agent. (Ordinance No. 271, November 22, 1999, Section 1)

Section 603. Abbreviations and Acronyms. The following abbreviations or acronyms shall have the designated meanings:

APR - Average percentage rate.

ASTM - American standard testing materials.

BAT - Best available treatment.

BATEA - Best available technology economically achievable.

BCT - Best control technology.

BMP - Best management practices.

BMR - Baseline monitoring report.

B/N - Base/neutral.

BOD - Biochemical oxygen demand.

BPJ - Best professional judgment.

BPT - Best professional technology.

CERCLA - Comprehensive Environmental Response, Compensation and Liability Act.

CFR - Code of Federal Regulations.

CIU - Categorical industrial user.

COD - Chemical oxygen demand.

CSO - Combined sewer overflow.

CWA - Clean Water Act.

CWF - Combined waste stream formula.

DMR - Discharge monitoring report.

DSS - Domestic sewage study.

EMS - Enforcement management system.

EP - Extraction procedure.

EPA - Environmental Protection Agency of the United States.

ERP - Enforcement response plan.

FDF - Fundamentally different factor.

FOV - Finding of violation.

FOG - Fats, oil and grease.

FR - Federal Register.

FTE - Full-time equivalent.

FWA - Flow-weighted averaging.

FWPCA - Federal Water Pollution Control Act.

GC/MS - Gas chromatograph/mass spectrophotometry.

gpd - Gallons per day.

I + I - Infiltration and inflow.

IU - Industrial user.

IWA - Industrial Waste Administrator.

IWS - Industrial waste survey.

MAHL - Maximum allowable headworks loading.

MGD - Million gallons per day.

mg/l - Milligrams per liter.

MOU - Memorandum of understanding.

MSDS - Material safety data sheet.

NH<sub>3</sub>-N - Ammonia (NH<sub>3</sub>) expressed as nitrogen (N).

NIOSH - National Institute of Occupational Safety and Health.

NMP - National municipal policy.

NPDES - National Pollutant Discharge Elimination System.

NON - Notice of noncompliance.

NOV - Notice of violation.

OCPSF - Organic chemicals, plastics and synthetic fibers.

O&G - Oil and grease.

O&M - Operations and maintenance.

OSHA - Occupational Safety and Health Administration.

OWEC - Office of Water Enforcement and Compliance.

PAD - Proportioned actual domestic flow.

PaDEP - Pennsylvania Department of Environmental Protection.

PAH - Polynuclear aromatic hydrocarbons.

PAI - Proportioned actual industrial flow.

PASS - Pretreatment audit summary system.

PCB - Polychlorinated biphenols.

PCI - Pretreatment compliance inspection.

PCME - Pretreatment compliance monitoring enforcement.

PCS - Permit compliance system.

PIRT - Pretreatment Implementation Review Task Force.

POTW - Publicly owned treatment works.

ppd - Pounds per day.

ppm - Parts per million.

ppb - Parts per billion.

PPETS - Pretreatment permits enforcement tracking system.

PQR - Permit quality review.

PSNS - Pretreatment standards for new sources.

PSES - Pretreatment standards for existing sources.

QA/QC - Quality assurance quality control.

QNCR - Quarterly noncompliance report.

RCRA - Resource Conservation and Recovery Act.

RNC - Reportable noncompliance.

SARA - Superfund Amendments and Reauthorization Act.

SIC - Standard industrial classification.

SIU - Significant industrial user.

SMP - Solvent management plan.

SNC - Significant noncompliance.

SPCC - Spill prevention control and countermeasures.

SPMS - Strategic planning and management system.

STP - Sewage treatment plant.

STLC - Soluble threshold limit concentration.

SU - Standard units.

SUO - Sewer Use Ordinance.

SWDA - Solid Waste Disposal Act.

TCLP - Toxicity characteristic leachate procedure.

TDS - Total dissolved solids.

TICH - Total identifiable chlorinated hydrocarbons.

TOMP - Toxic organic management plan.

TRC - Technical review criteria.

TRE - Toxicity reduction evaluation.

TSS - Total suspended solids.

TTO - Total toxic organics.

TTLIC - Total threshold limit concentration.

U.S.C. - United States Code.

ug/l - micrograms per liter.

VOA - Volatile organic analysis.

VOC - Volatile organic compounds.

VSS - Volatile suspended solids.

WENDB - Water enforcement national data base.

WEF - Water Environment Federation.

WQA - Water Quality Act.

WQS - Water quality standard.

WWTP - wastewater treatment plant.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 604. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Part, shall have the meanings hereinafter designated:

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

APPROVAL AUTHORITY - the EPA Regional III Administrator.

APPURTENANCE - auxiliary structures attached to a sewer which shall include, but not be limited to, pump stations, slots, regulators, outfalls, force mains, manholes, catch basins, tide gates, monitoring devices and metering chambers.

AUTHORIZED EMPLOYEES or AGENTS OF THE CITY - a person who by reason of his or her general position or job description with the City has specific duties and responsibilities to perform on behalf of the City. Also

included are agents of the City, who are authorized by the IWA to act on behalf of the City through an authorization letter.

AUTHORIZED REPRESENTATIVE OF THE USER -

(1) If the user is a corporation:

(a) The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.

(b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is representing Federal, State or local governments, or an agent thereof, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

(4) The individuals described in subsections (1) - (3) above may designate another authorized representative if said authorization is submitted to the City in writing and specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters of the company.

BATCH DISCHARGE - the discharge of all or part of the contents of a tank that occurs intermittently or over a short period of time.

BIOCHEMICAL OXYGEN DEMAND or BOD - the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g., mg/l).

**BIOLOGICALS** - preparations made from living organisms and their products, including vaccines, cultures, etc., intended for use in diagnosing, immunizing or treating humans or animals or in research pertaining thereto.

**BLOOD PRODUCTS** - any products derived from human blood including, but not limited to whole blood, blood plasma, platelets, red or white blood corpuscles and other derived licensed products, such as interferon, etc.

**BODY FLUIDS** - liquids emanating or derived from humans including blood products, cerebrospinal, pleural, peritoneal and pericardial fluids, and amniotic fluids and semen and vaginal secretions but excluding feces, urine, nasal secretions, sputum, sweat, tears, saliva and breast milk, unless any such excluded substance contains visible blood or is isolation waste.

**BUILDING DRAIN** - that part of the lowest horizontal piping within a building that carries water, wastewater or stormwater to a building sewer.

**BUILDING SEWER** - the extension from the building drain to the public sewer, or other place of disposal. Also referred to as "house connection."

**BYPASS** - the intentional or unintentional diversion of waste streams from any portion of a user's treatment facility.

**CHAIN OF CUSTODY** - written documentation such as receipts and record book entries to show the history of possession, custody and/or control of a sample from collection through analysis.

**CHEMICAL OXYGEN DEMAND (COD)** - a measure of the amount of oxygen required to oxidize organic and oxidizable inorganic compounds in water.

**CHLORINE DEMAND** - the quantity of chlorine absorbed in water, sewage or other liquids, allowing a residual of one-tenth (0.1) mg/l, after fifteen (15) minutes of contact.

**CITY** - the City of Reading, Pennsylvania. The agent of the City who is authorized by this Part to implement the City's industrial pretreatment program shall be the Industrial Waste Administrator.

**COLLECTION FACILITIES** - the sewers, lift stations, and other City facilities used to collect wastewaters from individual users within specific tributary districts and transport them to conveyance facilities for transmission to the treatment plant for processing.

COLOR - as analyzed by methods specified by 40 CFR, Part 136.

COMMERCIAL USER - a source of discharge of wastewater to the City sewer system from premises used partially or entirely for commercial purposes.

COMPOSITE SAMPLE - the sample collection technique resulting from the combination of individual wastewater grab samples taken at selected intervals based on either an increment of flow or time.

CONTACT COOLING WATER - any water used for cooling purposes which comes into direct contact with the object being cooled such as any raw material, intermediate product, waste product or finished products.

CONTROL AUTHORITY - shall refer to the City or the City of Reading POTW.

CONVENTIONAL WASTEWATER POLLUTANTS - pollutants so designated in accordance with §304(a)(4) of the Act as being effectively managed by secondary treatment as defined by 40 CFR, Part 133.

DAILY MAXIMUM - the maximum allowable discharge of a pollutant during a calendar day. Where maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of a day. Where daily maximum limitations are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant derived from all measurements taken that day.

DIRECT CONNECTION - the connection of a building sewer directly to a sewer owned by the City.

DIRECT DISCHARGE - the discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.

DISCHARGE - the introduction of wastewater, water, and/or pollutants into the City's facilities from any source.

DOMESTIC WASTE - the normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial establishments. Also known as sewage.

EASEMENT - the acquired legal right to use land owned by others for a specific purpose.

**ENFORCEMENT RESPONSE PLAN** - a plan which sets forth the City's enforcement response to violations of this Part, as required by 40 CFR, Part 403.

**ENVIRONMENTAL PROTECTION AGENCY or EPA** - shall refer to the United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director, or other duly authorized official of said agency.

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

**FACILITY or FACILITIES** - see "wastewater facilities" in this Section.

**FLASHPOINT** - the temperature at which a liquid or volatile solid gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid or within the test vessel. Flashpoint is determined by the test methods set out in 40 CFR §261.21.

**GARBAGE** - shall include, but not be limited to, the wastes resulting from the handling, preparation, cooking and serving of food, and from the handling, storage and sale of product.

**GARBAGE DISPOSAL UNIT or GARBAGE GRINDER** - a mechanical device used for grinding, shredding or macerating garbage to a small particle size before discharge to the sewer.

**GRAB SAMPLE** - a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

**GREASE** - a substance which tests positive in the standard analytical method used for this parameter. Grease may be composed of volatile and nonvolatile residual fats, oils, fatty acids, soaps, waxes, mineral oils and other materials of similar composition.

**GREASE REMOVAL DEVICE** - a device for removal of grease and/or oil from a wastewater discharge.

**HOLDING TANK WASTE** - any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

**INDIRECT CONNECTION** - a building sewer connection that is not a direct connection; and whose wastewater discharge shall, notwithstanding the passage in its normal course through other sewers or conduits, ultimately discharge in whole or in part through City sewers.

**INDIRECT DISCHARGE or DISCHARGE** - the discharge or the introduction of pollution from any nondomestic source regulated under §307(b), (c) or (d) of the Act, 33 U.S.C. 1317, into the POTW (including holding tank waste discharge into the system).

**INDUSTRIAL ESTABLISHMENT** - 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 sewage, shall be discharged.

**INDUSTRIAL USER** - a source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to §402 of the Act. In addition, "industrial user" shall also be defined as an establishment which discharges or introduces industrial waste into the POTW.

**INDUSTRIAL WASTE** - shall have the meaning ascribed to it in the Act of June 22, 1937, P.L. 1987, No. 394, known as the Clean Streams Law, and the regulations adopted thereunder.

**INDUSTRIAL WASTE ADMINISTRATOR (IWA)** - the person designated by the City to administer its industrial waste program and who is charged with certain duties and responsibilities by this Part or his/her duly authorized representative.

**INFECTIOUS WASTES** - wastewater contaminated by or containing any agent or organism, such as a virus or a bacteria, capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.

**INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT** - the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

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

**ISOLATION WASTE** - biological waste and discarded materials contaminated with blood, excretion, exudates or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases and specified by the Center for Disease Controls (CDC) as classification 4.

**MANHOLE** - a shaft or chamber leading from the surface of the ground to a sewer; large enough to enable a person to gain access to the sewer.

**MAY** is permissive; **SHALL** is mandatory.

**MEDICAL WASTE** - any solid waste which is generated in the diagnosis, treatment (e.g., provisions of medical services) or immunization of human beings or animals in research pertaining thereto, or in the production or testing of biologicals.

**MONTHLY AVERAGE** - the arithmetic mean of the values for effluent samples collected over a calendar month.

**MUNICIPALITY** - any city, borough, township, municipal authority, county, county authority, State authority or sewer district that discharges wastewater into the sewers owned by the City.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD** or **CATEGORICAL STANDARD** any regulation containing pollutant discharge limits promulgated by EPA in accordance with §§307(b) and (c) of the Act, 33 U.S.C. §1317, which apply to a specific category of users and which appear in 40 CFR, Chapter 1, Subchapter N, Parts 405-471.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT - a permit issued pursuant to §402 of the Federal Water Pollution Control Act, 33 U.S.C. 1342.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD - any regulation developed under the Authority of §301(b) of the Act and 40 CFR §403.5.

NONSIGNIFICANT INDUSTRIAL USER - a user designated as such by the IWA based on the user's discharge quantity and quality. Such users may include, but are not limited to, commercial users, medical offices (doctor, dentist, etc.), garages and auto repair facilities, funeral parlors and laboratories. The ultimate determination of the status of nonsignificant industrial user is within the discretion of the IWA pursuant to the terms and conditions of this Part.

NEW SOURCE -

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

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

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

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

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the

criteria of subsection (1)(b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment.

(3) Construction of a new source as defined under this definition has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on site construction program:

i) Any placement, assembly or installation of facilities or equipment; or,

ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

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

**OUTFALL** - the mouth of a sewer, drain or conduit where an effluent is discharged into the receiving waters, or discharged into the POTW collection system.

**OWNER or OPERATOR** - any person who owns, leases, operates, or controls or supervises a source.

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

**PERMITTEE** - shall refer to the City of Reading POTW.

PERSON - any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents or assigns. This definition includes all Federal, State and local governmental entities. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

PH - a measure of the acidity or alkalinity of a solution, expressed in standard units.

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

POLLUTION - the manmade, or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

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

PRETREATMENT REQUIREMENTS - any substantive or procedural requirement related to pretreatment imposed on a user, including a pretreatment standard or procedural provision of the Federal Water Pollution Control Act (62 Stat. 115, 33 U.S.C. §1251, et seq.) or the Act of June 22, 1937, P.L. 1987, No. 394, known as The Clean Streams Law, or any rule or regulation, ordinance or term or condition of a permit or order adopted or issued by the Commonwealth or a POTW for the implementation or enforcement of an industrial waste pretreatment program established under the Federal Water Pollution Control Act or the Clean Streams Law.

PRETREATMENT STANDARDS or STANDARDS - prohibited discharge standards, categorical pretreatment standards and local limits.

**PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES** - the absolute or conditional prohibition from discharge of a substance, group of substances or type of substance as defined in §602(1) of this Part.

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

**POTW TREATMENT PLANT** - that portion of the POTW designed to provide treatment to wastewater.

**REGULATED MEDICAL WASTE** - a special category of solid waste that includes specific types of medical waste that includes solid, semisolid, or liquid materials, but does not include domestic sewage materials. This waste is subject to the handling and tracking requirements of Pennsylvania Department of Environmental Protection. Categories of regulated medical waste are defined as blood, blood products, body fluids, contaminated sharps, discarded cultures and stocks of infectious agents and associated biologicals, isolation wastes, pathological waste and oncological waste.

**RESIDENTIAL USERS** - persons only contributing sanitary wastewater to the municipal wastewater system.

**SANITARY SEWER** - a sewer that is designed to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface wastes that are not discharged intentionally.

**SEPTIC TANK WASTE** - any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

**SEWAGE** - human excrement and gray water (household showers, dishwashing operations, etc.).

**SEWER** - a pipe or conduit, and other appurtenance provided to carry wastewater or stormwater.

**SHALL** is mandatory; **MAY** is permissive.

**SIGNIFICANT INDUSTRIAL USER** -

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

SIGNIFICANT NONCOMPLIANCE - an industrial user is in significant noncompliance if its violation meets one or more of the specific criteria set forth in 40 CFR §403.8(f)(2)(vii). For purposes of this definition, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.
- (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the

average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

(3) Any other discharge violation that has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.

(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance.

(6) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules.

(7) Failure to accurately report noncompliance, including failure to report and resample in accordance with Section 641.

(8) Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

SLUDGE - the solids, residues and precipitate separated from wastewater by the unit processes of a publicly owned treatment works or industrial pretreatment systems.

SLUG LOAD or SLUG - any discharge of a nonroutine, episodic nature, or at a flow rate or concentration which would cause a violation of the prohibited discharge standards in Subpart B of this Part.

SOURCE - any building, structure, facility or installation from which there is or may be the discharge of pollutants.

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

STANDARD METHODS - 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.

STATE - Commonwealth of Pennsylvania.

STORM SEWER - a sewer that carries stormwater and other wash waters or drainage, but excludes domestic, sanitary, commercial and industrial wastes. Also called a storm drain.

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

SURFACE WATER POLLUTANT - stormwater or other wash water or drainage carrying any pollutants which affect the characteristics of wastewater.

SUSPENDED SOLIDS - the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid, and which is removable by laboratory filtering in accordance with EPA laboratory procedures (40 CFR, Part 136).

SUPERINTENDENT - the person designated by the City to supervise the operation of the POTW or his/her duly authorized representative.

TOXIC POLLUTANT - any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.

TREATMENT PLANT EFFLUENT - any discharge of pollutants from the City's facilities into waters of the State.

TURBIDITY - a condition in water or wastewater caused by the presence of suspended matter, resulting in the scattering and absorption of light rays and determined by measurements of light diffraction, usually reported in arbitrary turbidity units.

USER or INDUSTRIAL USER - any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

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

WASTEWATER FACILITIES (FACILITIES) - the structures, equipment and processes required for the collection, treatment and disposal of wastewater and sewage sludge which are owned and operated by the City.

WASTEWATER TREATMENT PLANT or TREATMENT PLANT - that portion of the POTW which is designed to provide treatment of wastewater and sewage sludge sometimes used as synonymous with waste treatment plant, sewage treatment plant or wastewater treatment works.

WATERS OF THE STATE or WATERS OF THE COMMONWEALTH - 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.

ZERO DISCHARGE WASTEWATER PRETREATMENT SYSTEM - a wastewater pretreatment system with no discharge to the sewer system.

(Ordinance No. 271, November 22, 1999, Section 1)

Subpart B. General Sewer Use Requirements.

Section 605. Prohibited Discharge Standards.

(A) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, State or local pretreatment standards or requirements.

(B) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW including, but not limited to, waste streams with a closed-cup flashpoint of less than one hundred forty (140) degrees F (sixty (60) degrees C) using the test methods specified in 40 CFR §261.21.

(2) Wastewater having a pH less than five (5.0) or more than eleven (11.0), or otherwise causing corrosive structural damage to the POTW or equipment.

(3) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or flushings, entrails, whole blood, medical waste, feathers, ashes, cinders, sand, stone or marble dust, metal, glass, straw, shavings grass clippings, rags, spent grains, spent hops, waste paper, paper dishes, cups, milk containers, lime slurries, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

(5) Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into

the treatment plant to exceed one hundred four (104) degrees F (forty (40) degrees C).

(6) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(7) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.

(8) Trucked or hauled pollutants, except at discharge points designated by the City in accordance with Subpart P of this Part.

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, odor problem, or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

(10) Wastewater with a true color in excess of one hundred (100) platinum cobalt units, except by dischargers with a higher limit specified in their permit.

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations or any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by State or Federal laws or regulations.

(12) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage and noncontact cooling water, unless specifically authorized by the City.

(13) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(14) Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW.

(15) Any garbage that has not been properly shredded to at least particles less than one-half (1/2) inch in any dimension. Garbage grinders may be connected to public sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the

purpose of consumption on the premises or when served by caterers, providing that all requirements of applicable City ordinances are satisfied.

(16) Chlorine demand in such quantities as to constitute a significant load on the wastewater facilities or which may cause the effluent from the City's wastewater treatment facilities to violate any State or Federal rules, regulations or permit requirements including, but not limited to, National Pollutant Discharge Elimination System (NPDES) permits.

(17) Concentrations of BOD or TSS or NH<sub>3</sub>-N which exceed specific threshold values without payment of a surcharge to cover the additional costs of treatment. The current threshold value for BOD is three hundred (300) mg/l and for TSS is three hundred twenty-five (325) mg/l and for NH<sub>3</sub>-N is twenty (20) mg/l. Payment of a surcharge does not prevent the City from initiating any actions available under Section 611 below, when the City determines that any other general discharge limitations are violated. Furthermore, payment of a surcharge shall not constitute an affirmative defense to any action taken pursuant to Section 611 below.

(18) Any substance which may cause the POTW's 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 noncompliance with sludge use or disposal criteria, guidelines or regulations developed under §405 of the Act; any criteria, guidelines or regulations developed under §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 other Federal or State criteria applicable to the sludge management method being used.

(19) Slugs as defined in Section 604 of this Part.

(20) Isolation wastes or regulated medical waste (see definitions under Section 604 of this Part.

(21) Wastewater causing two (2) readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the lower explosive limit of the meter. Materials include, but are not limited to: gasoline, benzene, naphtha, fuel oil, paint products, kerosene, toluene, xylene, ethers, ketones, aldehydes, peroxides,

chlorates, perchlorates, bromates, carbides, hydrides, sulfides, or any other flammable or explosive substances which the City, the Pennsylvania Department of Environmental Protection or the Environmental Protection Agency has notified the user is a fire hazard or a hazard to the City POTW.

(22) Discharges prohibited by State or Federal regulations.

When the City 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 City may: (i) Advise the user(s) of the impact of the contribution on the POTW; (ii) Develop effluent limitation(s) for such user to correct the interference with the POTW; or (iii) proceed with enforcement pursuant to the provisions of this Part. Pollutants, substances or wastewater prohibited by this Section shall not be processed or stored in a manner that they could be discharged to the POTW. (Ordinance No. 271, November 22, 1999, Section 1)

Section 606. National Categorical Pretreatment Standards. The categorical pretreatment standards found at 40 CFR, Chapter 1, Subchapter N, Parts 405- 471, are hereby incorporated.

(A) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the City may impose equivalent concentration or mass limits in accordance with 40 CFR §403.6(c).

(B) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the City shall impose an alternate limit using the combined wastestream formula in 40 CFR §403.6(e).

(C) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR §403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(D) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR §403.15.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 607. Local Limits.

(A) Limits for discharging pollutants which are of concern to the POTW will be made using headworks loading analyses which have been reviewed and approved by the EPA. Limits may be in the form of monthly average concentration, daily maximum concentration or instantaneous maximum concentration. Limits will be contained in the wastewater discharge permits issued. The limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The City may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

(B) The City's objective in setting the limits is to restrict industrial waste discharges to the above-described concentrations which will not harm either the sewer system or the treatment plant, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb or public property, or constitute a nuisance. The City may set lower or higher limitations in specific cases if, in the opinion of the City, said actions will be consistent with the above- stated objective. In the setting of such lower or higher limitations, the City will give consideration to such factors as the volume of wastewater flow in relation to flows and velocities in the sewers, degree of treatability of the waste, and other pertinent factors. The City reserves the right to reevaluate and revise the limitations as needed. All local limit changes will be submitted to the approval authority for approval. The more stringent of EPA or Commonwealth of Pennsylvania requirements and limitations shall apply in any case where either is more stringent than those presently in force.

(C) An industrial user classified as a categorical industrial user shall be required to meet the EPA categorical standards, if such standards are more stringent than the local discharge limitations.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 608. 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. 271, November 22, 1999, Section 1)

Section 609. Right of Revision. The City reserves the right to establish by ordinance limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 601 of this Part. (Ordinance No. 271, November 22, 1999, Section 1)

Section 610. Dilution. 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 a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The City may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Ordinance No. 271, November 22, 1999, Section 1)

Section 611. Remedies. If any wastewater is discharged or is proposed to be discharged to the wastewater facilities in violation of the limitations or prohibitions described in §602 of this Part, the City may:

- (A) Reject the wastes.
- (B) Require surcharge payments to be made to the City to cover its added cost of handling, monitoring and treating the wastes which exceed threshold values in accordance with rates set and approved by the City.
- (C) Revoke a discharger's permit.
- (D) Recover any and all actual costs expended by the City in correcting any problems caused by discharges in violation of this Part.
- (E) As authorized by this Part, take any other administrative sanctions, enforcement actions and remedial actions as may be desirable, necessary or permitted to achieve the purpose of this Part.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 612. Accidental Discharges.

(A) Each user shall provide protection from accidental discharge of prohibited or other substances regulated by this Part. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. No user shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. 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 notify the City of the incident. The

notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(B) Written Notice. Within five (5) days following an accidental discharge, the user shall submit to the City 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 liability which may be imposed by this article or other applicable law.

(C) Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall insure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedures.

(Ordinance No. 271, November 22, 1999, Section 1)

Subpart C. Pretreatment of Wastewater.

Section 613. Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this Part and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 605 of this Part within the time limitations specified by EPA, the State or the City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Part. The issuance of any permit by the City for pretreatment facilities pursuant to this Part does not constitute an approval of the design of any such pretreatment system. The user remains responsible for the design, construction, operation and maintenance of an acceptable pretreatment facility. The City shall have no responsibility or liability to any user whose system fails for any reason whatsoever to produce a discharge acceptable to the City. (Ordinance No. 271, November 22, 1999, Section 1)

Section 614. Additional Pretreatment Measures.

(A) Whenever deemed necessary and with reasonable justification, the City may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Part.

(B) Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the City and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at their expense. Maintenance records shall be made available to the City upon request.

(C) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 615. Accidental Discharge/Slug Control Plans. At least once every two (2) years, the City shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The City may require any user to develop, submit for approval and implement such a plan. Alternatively, the City may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

(A) Description of discharge practices, including nonroutine batch discharges.

(B) Description of stored chemicals that have the reasonable potential to discharge to the POTW.

(C) Procedures for immediately notifying the City of any accidental or slug discharge, as required by Section 639 of this Part.

(D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 616. Installation of Zero Discharge Pretreatment System. Prior to installation of a zero discharge pretreatment system, the user must submit a zero discharge pretreatment system design plan for City acceptance. In order to obtain City acceptance, the user must demonstrate that he or she will provide full pretreatment of all wastewater and will cease to discharge process wastewater to the facilities by an effective date prescribed by the City and the user must obtain a zero discharge permit from the City. (Ordinance No. 271, November 22, 1999, Section 1)

Subpart D. Wastewater Discharge Permit Application.

Section 617. Wastewater Discharges. It shall be unlawful to discharge to the POTW any wastewater except as authorized by the City in accordance with the provisions of this Part, subject to State and Federal laws and regulations. (Ordinance No. 271, November 22, 1999, Section 1)

Section 618. Wastewater Analysis. When requested by the City, a user must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The City is authorized to prepare a form for this purpose and may periodically require users to update this information. (Ordinance No. 271, November 22, 1999, Section 1)

Section 619. Wastewater Discharge Permit Requirement.

(A) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the City, except that a significant industrial user that has filed a timely application pursuant to Section 620 of this Part or the previous City Ordinance 61-1984 may continue to discharge for the time period specified therein.

(B) The City may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Part.

(C) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Part and subjects the wastewater discharge permittee to the sanctions set out in Subparts J through L of this Part. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

(D) No permit holder shall discharge industrial wastewater in excess of the quantity, rate of discharge, concentrations or any other limits specified in the permit. Any person desiring to modify his or her permit must first apply for an amended permit.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 620. Wastewater Discharge Permitting: Existing Connections. Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Part, and does not have a permit currently, and who wishes to continue such discharges in the future, shall, within ninety (90) days

after said date, apply to the City, for a wastewater discharge permit in accordance with Section 622 of this Part, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this Part except in accordance with a wastewater discharge permit issued by the City. (Ordinance No. 271, November 22, 1999, Section 1)

Section 621. Wastewater Discharge Permitting: New Connections. Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 622 of this Part, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence. (Ordinance No. 271, November 22, 1999, Section 1)

Section 622. Wastewater Discharge Permit Application Contents. All users required to obtain a wastewater discharge permit must submit a permit application. The City may require all users to submit as part of an application the following information:

- (A) All information required by Section 634(B) of this Part.
- (B) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- (C) Number of employees, hours of operation, and proposed or actual hours of operation.
- (D) Each product produced by type, amount, process or processes, and rate of production.
- (E) Type and amount of raw materials processed (average and maximum per day).
- (F) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation, and all points of discharge and pretreatment system plans.
- (G) Time and duration of discharges.

(H) Wastewater Constituents and Characteristics. Sampling and analysis shall be performed in accordance with §304(g) of the Act and 40 CFR, Part 136, as amended.

(I) The name and concentration of any pollutants in the discharge, the number of sampling events shall be determined by the City; and a written statement as to whether or not applicable pretreatment standards are being met, and if not, whether additional in-plant modification and additional pretreatment is required for the user to meet such applicable pretreatment standards.

(J) If additional pretreatment or in-plant modification will be required to meet the pretreatment standards, the user will provide a schedule by which to achieve the standards in a timely manner. The schedule will be reported as the pretreatment compliance schedule. 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, executing contracts for major components, commencing construction, completing construction). No increment shall exceed nine (9) months.

(2) Not later than fourteen (14) days following each completion date in the schedule, the user shall submit a progress report to the City including at a minimum, whether or not, he or she complied with the increments of progress. If such increment of progress was not completed on time, the user shall also report the date on which he or she expects to complete the increment of progress, the reason for the delay, and the steps being taken by the user to return to the schedule established. In no event shall completion dates be more than nine (9) months apart.

(K) Information on the disposal of substances to the POTW which are considered hazardous under 40 CFR, Part 261.

(L) Signatory requirements.

(M) Applicable fees.

(N) Any other information as may be deemed necessary by the City to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 623. Application Signatories and Certification. All wastewater discharge permit applications, user reports and inspection reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(Ordinance No. 271, November 22, 1999, Section 1)

Section 624. Wastewater Discharge Permit Decisions. The City shall evaluate the data furnished by the user and may require additional information. Based on the application, the City may issue a wastewater discharge permit subject to the terms and conditions enumerated in the permit.

The City may deny a request for a permit when the information supplied indicates the user will be unable to reasonably meet the City's standards. Any person denied a permit may request a hearing in accordance with the provisions of Section 612(7).  
(Ordinance No. 271, November 22, 1999, Section 1)

Subpart E. Wastewater Discharge Permit Issuance Process.

Section 625. Wastewater Discharge Permit Duration. A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the City. Each wastewater discharge permit will indicate a specific date upon which it will expire. The permit may be administratively extended by the City as long as the duration of the permit does not exceed five (5) years. (Ordinance No. 271, November 22, 1999, Section 1)

Section 626. Wastewater Discharge Permit Contents. Wastewater discharge permits shall be expressly subject to specific permit provisions contained therein as well as to provisions of this Part and all other regulations, user charges and fees established by the City. Wastewater discharge permits may include such conditions as are reasonably deemed necessary by the City to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the City's collection system and POTW. Such conditions may include, but are not limited to, the following:

- (A) Wastewater discharge permits must contain:
  - (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.
  - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 629 of this Part, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
  - (3) Effluent limits based on applicable pretreatment standards; the average and or maximum wastewater constituents permitted in the wastewater discharge.
  - (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on Federal, State and local law, and reporting frequency.
  - (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable

compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law.

(B) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum volume or rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(2) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works.

(3) Requirements for the development and implementation of spill and slug prevention, control plans, solvent management plans, toxic organic management plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges.

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(8) Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges.

(9) Compliance schedules.

(10) Provisions for authorized City employees and agents to enter and inspect the premises, including provisions for copying records, inspecting monitoring equipment and sampling effluent.

(11) Compliance with Federal, State and other government laws, rules and regulations.

(12) Signatory requirements.

(13) Other conditions as deemed appropriate by the City to ensure compliance with this Part, and State and Federal laws, rules and regulations.

(C) The zero discharge permit may require, among other things, that:

(1) The zero discharge system be installed as proposed and be fully operational.

(2) All sewer drain lines in the facility be capped off and sealed.

(3) The user notify the City in writing, and obtain a revised wastewater discharge permit from the City before resuming discharge if he/she wishes to reconnect to the sewer.

(4) City personnel be authorized to enter such premises without delay and at reasonable times for the purpose of inspection and as otherwise authorized by this Part.

(D) The nonsignificant user permit may include the items listed in subsections (A) and (B) of this Section.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 627. Wastewater Discharge Permit Reconsiderations. The City may provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the City to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

(A) Failure to submit a timely written request for review shall be deemed to be a waiver of the administrative appeal.

(B) The petitioner, in its written request, must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(C) During the pendency of a written request for a reconsideration and/or an appeal, the effective date of the wastewater discharge permit shall be stayed; provided, however, that the City shall have the right to take any and all steps necessary to cause a cessation of any discharge which would cause an immediate threat to the health and safety of any person and/or would constitute a threat to the integrity of the sanitary sewer system or the POTW. This Section shall only be operative to stay the effective date of the wastewater discharge permit where the City has affirmatively responded to the application and granted a stay for such reasonable time as the City deems necessary to consider the requests for reconsideration and/or appeal and, furthermore, said stay of the permit shall only be effective for the specific provisions of the permit which have either been appealed and/or a request for reconsideration has been submitted by the applicant. The request for reconsideration and/or appeal shall not be considered a stay of the entire permit, but only for those specific sections of the permit from which the applicant is seeking relief.

(D) The City shall act on the written request within a reasonable time period, not to exceed ninety (90) days. The City's decision not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit or not to modify a wastewater discharge permit shall be considered a final administrative action provided that the petitioner may file an appeal pursuant to Section 673 hereunder.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 628. Wastewater Discharge Permit Modification. The City may modify a wastewater discharge permit for good cause including, but not limited to, the following reasons:

(A) To incorporate any new or revised Federal, State or local pretreatment standards or requirements.

(B) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.

(C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

(D) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel or the receiving waters.

(E) Violation of any terms or conditions of the wastewater discharge permit.

(F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.

(G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR §403.13.

(H) To correct typographical or other errors in the wastewater discharge permit.

(I) To reflect a transfer of the facility ownership or operation to a new owner or operator.

A user may apply for modification of a discharge permit by filing a new application form showing substantial significant and material changes that have been proposed since filing the original application. No application for modification will be considered unless it demonstrates such changes.

After a review of the application and inspection of the facility, the City may, at its discretion, modify the original permit. If such application is rejected, the existing permit shall remain in full force and effect.

The user shall be informed of any proposed changes in his or her permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a hearing on modifications to his or her permit in accordance with the provisions of Subpart L of this Part. (Ordinance No. 271, November 22, 1999, Section 1)

Section 629. Wastewater Discharge Permit Transfer. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the City and the City approves the wastewater discharge permit transfer. The notice to the City must include a written certification by the new owner or operator which:

(A) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.

(B) Identifies the specific date on which the transfer is to occur.

(C) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. (Ordinance No. 271, November 22, 1999, Section 1)

Section 630. Wastewater Discharge Permit Revocation. The City may revoke a wastewater discharge permit for good cause including, but not limited to, the following reasons:

(A) Failure to provide prior notification to the City of changed conditions pursuant to Section 638 of this Part.

(B) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.

(C) Falsifying self-monitoring reports.

(D) Tampering with monitoring equipment.

(E) Refusing to allow the City timely access to the facility premises and records.

(F) Failure of the user to meet the effluent limitations contained in the wastewater discharge permit.

(G) Failure to pay fines after the appeal process has been exhausted.

(H) Failure to pay sewer charges.

(I) Failure to meet compliance schedules.

(J) Failure to complete a wastewater survey or the wastewater discharge permit application.

(K) Failure to provide advance notice of the transfer of business ownership of a permitted facility.

(L) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Part.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user. (Ordinance No. 271, November 22, 1999, Section 1)

Section 631. Wastewater Discharge Permit Reissuance. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 626 of this Part, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit. Having met this requirement the user's existing permit shall remain in effect until a new permit is issued. (Ordinance No. 271, November 22, 1999, Section 1)

Section 632. Reinstatement of Permit. Before any further discharge of industrial wastewater may be made by a user whose permit has been revoked, the user must apply for, and be granted, a reinstatement of the terminated permit, or a new permit, as the City may require, and pay any delinquent fees and all fines, charges and other costs occasioned by the violation. Costs shall include, but not be limited to: inspection, monitoring, sampling and related expenses; restitution to other affected parties; reasonable attorneys' fees incurred by the City in enforcing the permit; disconnecting and reconnecting the user to the facility; and other actual damages incurred due to the violation; provided that where there is a bona fide dispute between the user and any other affected party, the user shall not be required to pay restitution so long as the user shall show evidence of insurance or other security that the user can pay said restitution to the affected party if it is ultimately determined that the user is liable to said third parties. Any such fines, fees, charges and costs shall be paid for by the user before any new permit will be issued, except for the provision for disputed restitution set forth above. When all costs cannot be readily determined, the City may require and accept a bond or irrevocable letter of credit which it considers sufficient and which will be subject to appropriate adjustment after all costs have been determined. (Ordinance No. 271, November 22, 1999, Section 1)

Section 633. Regulation of Waste Received from Other Jurisdictions.

(A) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the City shall enter into an intermunicipal agreement with the contributing municipality.

(B) Prior to entering into an agreement required by subsection (A) above, the City shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality.

(2) An inventory of all users located within the contributing municipality that are discharging to the POTW.

(3) Such other information as the City may deem necessary.

(C) An intermunicipal agreement, as required by subsection (A) above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Part and local limits which are at least as stringent as those set out in Section 607 of this Part. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits.

(2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis.

(3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing municipality and the City.

(4) A requirement for the contributing municipality to provide the City with access to all information that the contributing municipality obtains as part of its pretreatment activities.

(5) Limits on the nature, quality and volume of the contributing municipality's wastewater at the point where it discharges to the POTW.

(6) Requirements for monitoring the contributing municipality's discharge.

(7) A provision ensuring the City access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling and any other duties deemed necessary by the City.

(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

(Ordinance No. 271, November 22, 1999, Section 1)

Subpart F. Wastewater Monitoring and Reporting Requirements.

Section 634. Baseline Monitoring Reports.

(A) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR §403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the City a report which contains the information listed in subsection (B) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the City a report which contains the information listed in subsection (B) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(B) Users described above shall submit the information set forth below.

(1) Identifying Information. The name and address of the facility, including the name of the operator and owner.

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR §403.6(e).

(5) Measurement of Pollutants.

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the

standard or by the City, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 642 of this Part.

(c) Sampling must be performed in accordance with procedures set out in Section 643 of this Part.

(6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether 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 to meet the pretreatment standards and requirements. (Note: For certain users, the authorized user and the qualified professional may be the same individual.)

(7) Compliance Schedule. 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 and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 635 of this Part.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 623 of this Part.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 635. Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by Section 634(B)(7) of this Part:

(A) The schedule shall contain progress increments 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 (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).

(B) No increment referred to above shall exceed nine (9) months.

(C) The user shall submit a progress report to the City no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the user to return to the established schedule.

(D) In no event shall more than nine (9) months elapse between such progress reports to the City.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 636. Reports on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in Section 634(B)(4), (5), (6) and (8) of this Part. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR §403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 626 of this Part. (Ordinance No. 271, November 22, 1999, Section 1)

Section 637. Monitoring and Periodic Self-Monitoring Compliance Reports.

(A) Sampling and analysis of industrial wastewater for the purpose of compliance determinations with respect to Subpart B prohibitions and limitations shall be done through industry self-monitoring and through monitoring done by the City. All analyses, including sampling results submitted in support of any application reports, evidence or required by any permit or order shall be performed in accordance with the techniques prescribed in 40 CFR, Part 136, and amendments thereto or, if 40 CFR, Part 136, does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by EPA. The City may require an independent laboratory to conduct the sampling and analysis at the user's own cost if the user does not monitor and analyze in accordance with EPA procedures, specifically 40 CFR, Part 136.

(B) All significant industrial users shall, at a frequency determined by the City in the user's permit, but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic self-monitoring reports must be signed and certified in accordance with Section 623 of this Part. The user must also submit a self-monitoring report with the results on a form prescribed by the City, if so requested by the City.

(C) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(D) If a user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the City, using the procedures prescribed in Section 642 of this Part, the results of this monitoring shall be included in the report.

(E) The user shall ensure compliance with the recordkeeping requirements of Section 645 of this Part.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 638. Reports of Changed Conditions. Each user must notify the City of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change.

(A) The City may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 622 of this Part.

(B) The City may issue a wastewater discharge permit under Section 624 of this Part or modify an existing wastewater discharge permit under Section 628 of this Part in response to changed conditions or anticipated changed conditions.

(C) For purposes of this requirement, significant changes include, but are not limited to, flow variations as stated in the user's permit and the discharge of any previously unreported pollutants.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 639. Reports of Potential Problems/Notifications of Accidental Spills.

(A) In the case of any discharge including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the City of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(B) Within five (5) days following such discharge, the user shall, unless waived by the City, submit a detailed written report describing the cause(s) 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, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Part.

(C) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (A) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 640. Reports from Unpermitted Users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the City may require. (Ordinance No. 271, November 22, 1999, Section 1)

Section 641. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the City within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation. The user is not required to resample if the City monitors at the user's facility at least once a month, or if the City

samples between the user's initial sampling and when the user receives the results of this sampling. (Ordinance No. 271, November 22, 1999, Section 1)

Section 642. Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report, for the purpose of compliance with this Part; or in fulfillment of the user's permit self-monitoring requirements, shall be performed in accordance with the techniques prescribed in 40 CFR, Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR, Part 136, does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA. (Ordinance No. 271, November 22, 1999, Section 1)

Section 643. Sample Collection.

(A) Except as indicated in subsection (B) below, the City reserves the right to require flow proportional composite samples whenever the user is required to collect wastewater samples. When flow proportional sampling is infeasible or derives no benefit, the City may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits. The City will review the appropriate method of sampling with the user.

(B) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.

(C) For automatic samplers, the intake line hose must be at least one-fourth (1/4) inches (six-tenths (0.6) cm) internal diameter and the velocity in the intake line must be maintained at least at two (2) feet per second.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 644. Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (Ordinance No. 271, November 22, 1999, Section 1)

Section 645. Recordkeeping.

(A) Users subject to the reporting requirements of this Part shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Part and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years unless there is pending a dispute of litigation involving the subject of these records, in which case these records are to be kept for a period of three (3) years following resolution of such litigation or dispute.

(B) All users who discharge or propose to discharge wastewater directly or indirectly to the facilities shall maintain records which substantiate any information supplied in permit applications. Such records shall include, but not be limited to, pH measurements or pH tapes, chemical usage data, log sheets, hazardous waste manifests, water meter readings, effluent monitoring reports, self-monitoring compliance reports and any other informational requirements of this Part or required by a user's wastewater discharge permit or any applicable State and Federal laws and regulations. These records are to be kept for a period of three (3) years unless there is pending a dispute of litigation involving the subject of these records, in which case these records are to be kept for a period of three (3) years following resolution of such litigation or dispute.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 646. Selling, Closing or Moving a Business. Any user who will be selling, closing or moving a business from its present location must notify the City in writing thirty (30) days before disposing of any process waste, associated with the move or the cessation of business, into the sewer system if said waste is not currently permitted to be discharged. The City has a shutdown facility procedure for the discharge of wastes not previously permitted into the sewer system which must be adhered to upon selling, closing or moving a business or operation. Failure to notify the City prior to discharging such waste into the facilities may subject the user to civil or criminal penalties in accordance with this Part. The facility shutdown procedure includes, but is not limited to, the following:

(A) A written plan detailing how each chemical and solution is to be discharged to the sewer system, with or without treatment.

(B) The information required in subsection (1) above must be reviewed and approved by the City prior to any solutions or chemicals being disposed of into the sewer system. Only those solutions approved by the City may be discharged to the sewer system. The City must be informed at least forty-eight (48) hours in advance of when chemicals are to be discharged to the sewer.

(C) The City reserves the right to request information on the final disposition of any material that the City prohibits to be discharged to the sewer.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 647. Temporary Business Closings.

(A) A permitted user shall give City personnel written notice within five (5) working days prior to ceasing operations which will be of ninety (90) days or greater in duration.

(B) A permitted user shall give City personnel notice five (5) working days prior to reactivating operations. The user shall not reactivate operations if the permit is suspended until after receiving written approval from the City following a City inspection.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 648. Notification of the Discharge of Hazardous Waste.

(A) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR, Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications or changed conditions must be submitted under Section 638 of this

Part. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 634, 636 and 637 of this Part.

(B) Dischargers are exempt from the requirements of subsection (A) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §§261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR §§261.30(d) and 261.33(e), requires a one (1) time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(C) In the case of any new regulations under §3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the City, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(D) In the case of any notification made under this Section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(E) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Part, a permit issued thereunder, or any applicable Federal or State law.

(Ordinance No. 271, November 22, 1999, Section 1)

## Subpart G. Inspection Powers and Compliance Monitoring.

Section 649. Right of Entry: Inspection and Sampling. The City and its agents shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Part and any wastewater discharge permit or order issued hereunder. Users shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(A) Powers. Inspections shall be conducted at the discretion of the City. Duly authorized employees and agents of the City, upon presenting identification and appropriate credentials, are authorized:

(1) To enter without unreasonable delay and at reasonable times those premises (public or private) of any person of class of user either receiving services from the City or applying for services from the City in which a discharge source or treatment system is located or which records required to be maintained pursuant to this Part.

(2) During regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, to have access to and to copy records pertaining to this Part, the pretreatment program, RCRA, and waste disposal, inspect any monitoring equipment or method required pursuant to this Part and sample and/or analyze any effluent which the owner or operator of such discharge source is required to sample and/or analyze under this Part and any Part adopted pursuant thereto.

(3) During such on-site inspections, to carry out all inspections, surveillance and monitoring procedures necessary to determine, independent of information supplied by any person discharging into the facilities, compliance or noncompliance with City pretreatment requirements.

(B) Where a user has security measures in force which 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, the City will be permitted to enter without delay for the purposes of performing specific responsibilities. The user may provide an escort for the City at his or her discretion.

(C) The City shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(D) The City may require the user to install at his or her own cost monitoring or metering equipment as necessary to facilitate the accurate observation, sampling, and measurements of the wastewater discharge. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated semi-annually or at a frequency recommended by the manufacturer, to ensure their accuracy. The monitoring and metering equipment shall be located and maintained on the user's premises. When such a location would be impractical or cause undue hardship to the user, the City may allow such facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over such street or sidewalk, and located so the discharge will not be obstructed by public utilities, landscaping or parked vehicles.

(E) When more than one user discharges into a common sewer, the City may require installation of separating monitoring and metering equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the City may require that separate monitoring and metering facilities be installed for each separate discharge.

(F) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with City ordinances and any applicable construction standards required by the City or by local, State or Federal law.

(G) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be borne by the user.

(H) Unreasonable delays in allowing the City to the user's premises shall be a violation of this Part.

(I) The City shall comply with the user's reasonable health and safety policies, including the use of personal protective equipment.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 650. Search Warrants. If the City has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Part, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Part or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City may seek issuance of a search warrant from the Court of Common Pleas of Berks County, Pennsylvania. (Ordinance No. 271, November 22, 1999, Section 1)

Section 651. User Documentation. The City may, by ordinance, order, permit or letter, require any person who discharges into the facilities to:

- (A) Establish and maintain records.
- (B) Make reports.
- (C) Install, calibrate, use and maintain monitoring equipment or methods (including where appropriate, biological monitoring methods).
- (D) Sample and/or analyze discharges and effluent (in accordance with the method, at the locations, at the intervals and in the manner as the City shall prescribe).
- (E) Provide other information relating to discharges into the facilities of the project as the City may reasonably require to ensure compliance with prescribed pretreatment. Such information shall include, but not be limited to, those records, reports and procedures required by applicable State and Federal law.

(Ordinance No. 271, November 22, 1999, Section 1)

Subpart H. Confidential Information.

Section 652. EPA Regulations. The EPA regulations, 40 CFR §§2.201 through 2.302 addressing confidential business information, are hereby incorporated by reference. All City employees and City agents are bound by these requirements. (Ordinance No. 271, November 22, 1999, Section 1)

Section 653. Public Information. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the City's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR §2.302 will not be reorganized as confidential information and will be available to the public without restriction.

(Ordinance No. 271, November 22, 1999, Section 1)

Subpart I. Publication of Users in Significant Noncompliance.

Section 654. Publication of Users in Significant Noncompliance. The City shall publish at least annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.

(B) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

(C) Any other discharge violation that has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.

(D) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.

(E) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance.

(F) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules.

(G) Failure to accurately report noncompliance, including failure to report and resample in accordance with Section 641.

(H) Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

(Ordinance No. 271, November 22, 1999, Section 1)

## Subpart J. Administrative Enforcement Remedies.

Section 655. Notification of Violation. When the City finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may serve upon that user a written notice of violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. (Ordinance No. 271, November 22, 1999, Section 1)

Section 656. Consent Orders. The City may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 658 and 659 of this Part and shall be judicially enforceable. (Ordinance No. 271, November 22, 1999, Section 1)

Section 657. Show Cause Hearing. The City may order a user which has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the City and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. (Ordinance No. 271, November 22, 1999, Section 1)

Section 658. Compliance Orders. When the City finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance,

including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ordinance No. 271, November 22, 1999, Section 1)

Section 659. Cease and Desist Orders. When the City finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the City may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (A) Immediately comply with all requirements.
- (B) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ordinance No. 271, November 22, 1999, Section 1)

Section 660. Administrative Civil Penalties.

(A) When the City finds that a user has violated, or continues to violate, any provisions of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may fine such user in an amount not to exceed twenty-five thousand (\$25,000) per day for each violation regardless of jurisdictional boundaries. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation. The foregoing administrative civil penalties shall be enforced in accordance with the provisions of Sections 664 and 672 of this Part.

(B) Unpaid charges, fines and penalties shall, after sixty (60) calendar days, be assessed a late charge of 10 percent (10%) APR. A lien against the user's property will be sought for unpaid charges, fines and penalties.

(C) Users desiring to dispute such fines must file a written request for the City to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the City

may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(D) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 661. Emergency Suspensions. The City may immediately suspend a user's discharge, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(A) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings in Section 662 of this Part are initiated against the user.

(B) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City prior to the date of any show cause or termination hearing under Section 662 of this Part.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section. (Ordinance No. 271, November 22, 1999, Section 1)

Section 662. Termination of Discharge. In addition to the provisions in Section 630 of this Part, any user who violates the following conditions is subject to discharge termination:

(A) Violation of wastewater discharge permit conditions.

(B) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(C) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.

(D) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.

(E) Violation of the pretreatment standards in Subpart B of this Part.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 657 of this Part why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the user. (Ordinance No. 271, November 22, 1999, Section 1)

Subpart K. Judicial Enforcement Remedies.

Section 663. Injunctive Relief. When the City finds a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City may petition the Court of Common Pleas of Berks County, Pennsylvania through the City's Attorney for appropriate legal and equitable relief for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order or other requirement imposed by this Part on activities of the user. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ordinance No. 271, November 22, 1999, Section 1)

Section 664. Civil Penalties.

(A) A user who has violated, or continues to violate, any provisions of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of twenty-five thousand dollars (\$25,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(B) The City may recover reasonable attorneys' fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(C) In determining the amount of civil liability, there shall be taken into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 665. Criminal Prosecution. A user who willfully or negligently violates any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or who willfully or negligently introduces any substance into the POTW which causes personal injury or property

damage, or any user who knowingly makes any false statements, representations or certifications in any application, record, report, plan, or other document filed, or required to be maintained pursuant to this Part, a wastewater discharge permit or order issued under this Part or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under the Part, may be subject to criminal prosecution in accordance with the applicable provisions of the Pennsylvania Crimes Code, 18 Pa.C.S.A. §101, et seq. (Ordinance No. 271, November 22, 1999, Section 1)

Section 666. Remedies Nonexclusive. The remedies provided for in this Part are not exclusive. The City may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. (Ordinance No. 271, November 22, 1999, Section 1)

Subpart L. Supplemental Enforcement Action.

Section 667. Performance Bonds. The City may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve consistent compliance. (Ordinance No. 271, November 22, 1999, Section 1)

Section 668. Liability Insurance. The City may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge. (Ordinance No. 271, November 22, 1999, Section 1)

Section 669. Public Nuisances. A violation of any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the City. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance. (Ordinance No. 271, November 22, 1999, Section 1)

Section 670. Falsifying Information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Part, is subject to prosecution in accordance with the provisions of the Pennsylvania Crimes Code pertaining to perjury and falsification in official matters pursuant to 18 Pa.C.S.A. §4901, et seq. (Ordinance No. 271, November 22, 1999, Section 1)

Section 671. Contractor Listing. Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the City. (Ordinance No. 271, November 22, 1999, Section 1)

Section 672. Assessment of Civil Penalties.

(A) Pursuant to provision of the Pennsylvania Penalty Bill (Act 9 of 1992), providing for enhanced penalty authority for publicly owned treatment works which are authorized to enforce industrial pretreatment standards for industrial waste discharges, and in addition to proceeding under any other remedy available at law or equity for violation of pretreatment standards and/or requirements, the City, as the operator of a publicly owned treatment works, may assess a civil penalty upon an industrial user for violation of any of the terms and provisions of this Part. The penalty may be assessed whether or not the violation was willful or negligent. The civil penalty shall not exceed twenty-five thousand dollars (\$25,000.00) per day for each violation, regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct offense under this Section.

(B) As part of any notice of assessment of civil penalties issued by the City to an industrial user, there shall also be included a description of the applicable appeals process to be followed, including the name, address and telephone number of the person responsible for accepting such appeal, on behalf of the City.

(C) For purposes of this Section, a single operational upset which leads to simultaneous violations of more than one (1) pretreatment standard or requirement shall be treated as a single violation as required by Federal Water Pollution Control Act. The City may, however, recover its costs for reestablishing the operation of the treatment works in addition to any civil penalty imposed under this Section.

(D) The City shall publicly adopt a formal, written civil penalty assessment policy (in its enforcement response plan) and make it publicly available. Each industrial discharger participating in the pretreatment program shall be given written notice of the policy. The penalty assessment policy shall consider:

- (1) Damage to air, water, land or other natural resources of the Commonwealth of Pennsylvania and their uses.
- (2) Costs of restoration and abatement.
- (3) Savings resulting to the person in consequence of the violation.

- (4) History of past violations.
- (5) Deterrence of future violations.
- (6) Other relevant factors.

(E) Uses of Penalties. All civil penalties collected pursuant to this Section shall be placed by the City in a restricted account and shall only be used by the City and the publicly owned treatment works for the following uses:

(1) The repair of damage and any additional maintenance needed or any additional costs imposed as a result of the violation for which the penalty was imposed.

(2) Pay any penalties imposed on the City or the publicly owned treatment works by the Federal or State government for violation of pretreatment standards.

(3) For the costs incurred by the City or publicly owned treatment works to investigate and take the enforcement action that resulted in a penalty being imposed.

(4) For the monitoring of discharges in the pretreatment program and for capital improvements to the treatment works, including sewage collection lines, which may be required by the pretreatment program.

(5) Any remaining funds may be used for capital improvements to the treatment works, including collection lines.

(F) Injunctive Relief. The City shall have the power to obtain injunctive relief to enforce compliance with or restrain any violation of any pretreatment requirement or standard pursuant to and in accordance with the provisions of Pennsylvania Penalty Bill (Act 9 of 1992), 40 CFR §403.8(f)(1)(vi)(A) and any other applicable statute and/or common law. Injunctive relief shall be available upon the showing of one or more of the following:

(1) A discharge from an industrial user presents an imminent danger or substantial harm to the POTW or the public.

(2) A discharge from an industrial user presents an imminent or substantial endangerment to the environment.

(3) A discharge from an industrial user causes the POTW to violate any condition of its discharge permit.

(4) The industrial user has shown a lack of ability or intention to comply with a pretreatment standard.

Notwithstanding the preceding subsection, an injunction affecting an industrial operation not directly related to the condition or violation in question, may be issued if the Court determines that other enforcement procedures would not be adequate to affect prompt correction of the condition or violation. In addition to an injunction, the Court in any such proceedings may levy civil penalties in accordance with Act 9 of 1992 and this Part.

(G) Appeal. An industrial user assessed with a civil penalty under the terms of this Section shall have thirty (30) days to pay the proposed penalty in full, or, if the industrial user wishes to contest either the amount of the penalty or the fact of the violation, the industrial user must file an appeal of the action within thirty (30) days pursuant to 2 Pa.C.S.A. (relating to administrative law and procedure). Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

(H) The penalty authorized in this Section is intended to be concurrent and cumulative, and the provisions of this Section shall not abridge or alter any right of action or remedy, now or hereafter existing in equity, or under the common law or statutory law, criminal or civil, available to a person, the City, Township (Authority) or the Commonwealth of Pennsylvania.

(I) Such penalty assessments may be added to the user's next scheduled sewer service or sewer surcharge bill.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 673. Administrative Hearings/ Appeals.

(A) Right to Appeal. Any person or user aggrieved by any order, assessment of penalty, issuance of permit or denial of permit may appeal said order, assessment, issuance of permit or denial of permit after service of the same by the City.

(B) Right to Hearing. Any order, assessment of penalty, issuance of permit or denial of permit shall inform the user that a written request for an appeal on the alleged violations, order, issuance of permit or denial of permit, and/or penalty must be filed within thirty (30) days after service of the notice to

preserve the user's right to hearing. The notice will be deemed properly served upon the user if a copy is served upon him or her personally, or sent by registered or certified mail to his or her last known address, or if he or she is served with notice by an other method of service now or hereafter authorized in civil actions under the laws of the State. In an emergency situation, if written request for an appeal/hearing is not made by the user within thirty (30) days of the service of notice, the user will be foreclosed from hearing regarding any penalty assessed. In a nonemergency situation if written request for a hearing is not made by the user within thirty (30) days of the service of notice, the user will be foreclosed from hearing regarding any order, assessment of penalty, issuance of permit or denial of permit.

(C) Appeal Process, Hearing Request and Conference Option.

(1) As stated immediately above, written request for appeal/hearing must be filed with the Director of Public Works within thirty (30) days from the date that the City took the action which is the subject of the manner of the appeal to preserve the user's rights.

(2) All appeals shall contain the following information:

(a) The name, address and telephone number of the applicant.

(b) The date on which the City took the action which is the subject matter of the appeal.

(c) The reason(s) for such appeal, and a specification of objections setting forth the manner in which the appellant is aggrieved and the relevant issues to be resolved by the Hearing Board.

(d) A statement detailing the relief demanded by the appellant.

(3) A true and correct copy of the written appeal shall be served on a City Solicitor personally or by registered or certified mail within forty-eight (48) hours after the appeal is filed.

(4) Conference Option. At the time an appeal is requested, the user may also request a conference with the City prior to the scheduling of an administrative hearing. Said conference will include appropriate members of the City staff and its agents. Violations and penalties will be

explained and discussed. Electing his option does not foreclose and/or affect the user's right to hearing provided that the written request for hearing was filed within thirty (30) days of service as noted above. The purpose of this option is to provide the user with an informal forum within which to discuss the alleged violations and to expedite conclusion and/or resolution of outstanding enforcement actions. If resolution is not reached within ninety (90) days from the date of the scheduled conference the City shall schedule the matter for formal hearing. In any event either party may request a formal hearing at any point during the conference proceedings.

(5) Hearing Protocol.

(a) Upon receipt of the appeal the Hearing Board shall schedule a hearing for the appellant and give the latter written notice of the time, date and place of such hearing. A hearing will not be held if waived by the appellant or if the parties stipulate all of the essential facts or agree to submit direct or rebuttal testimony or documentary evidence in affidavit form, sworn or affirmed on personal knowledge, or by deposition.

(b) Written briefs of the parties or their counsel may be filed with the Hearing Board and served on the opposing party, within five (5) days after the hearing and prior to any adjudication.

(c) At any hearing, parties shall have the right of presentation of evidence, cross-examination, objection, motion and argument. The Hearing Board shall not be bound by technical rules of evidence but all relevant and material evidence of reasonable probative value shall be admissible. All witnesses shall be sworn or shall affirm.

(d) The Hearing Board shall not be required to maintain a verbatim transcript of the hearings.

(e) At the conclusion of the proceedings, and after consideration of the evidence and briefs of the parties, if any, the Hearing Board shall issue an adjudication which shall contain findings of facts and conclusions of law, and, if appropriate, an order. A written copy of such adjudication shall be mailed to each party.

(f) The decision and adjudication of the Hearing Board shall be final and binding upon the parties subject to any further right of appeal which may be provided by law.

(g) Failure to perfect an appeal in the manner and form required by this section shall be sufficient for dismissing the appeal.

(h) The action of the City shall be final as to any person who fails to file an appeal or to perfect an appeal pursuant to this Section.

(D) Hearing Board.

(1) An Industrial Hearing Board shall be appointed by the Mayor with the advice and consent of Council for resolution of differences between the City and any aggrieved party of any improved property on matters concerning interpretation and execution of the provisions of this Part by the City and to hear any appeals filed by such aggrieved parties. No one appointed to the Industrial Board herein, either as a representative at large, legal representative, industrial representative, or registered professional engineer shall have any right or power to sit, vote, act or in any way participate with regard to any appeal of any industry with which it is in any way connected. Board members shall refrain from taking any such action on any such matter and shall avoid any conflict of interest or appearance of impropriety.

(2) One (1) member of the Board shall be a member of the Public Works Department; one (1) member shall be a professional engineer skilled in practice of sanitary engineering; one (1) member shall be a representative of industry or manufacturing enterprise; one (1) member shall be a lawyer; and one (1) member shall be selected at large for his interest in accomplishing the objectives of this Part.

(3) The initial appointments to the Board shall be for the following terms:

(a) Public Works Department representative - five (5) years.

(b) Registered professional engineer (sanitary/ environmental/civil/chemical engineer) - four (4) years.

- (c) Industrial representative - three (3) years.
- (d) Legal representative - two (2) years.
- (e) Representative at large - one (1) year.

All succeeding terms shall be for a period of five (5) years. The Mayor, with the consent of Council, shall appoint representatives to fill vacancies on the Board to complete unexpired terms. Interim appointments may be permitted to serve an additional full term on the Board.

(4) The powers of the Hearing Board shall include, but not be limited to, the following:

(a) To hear appeals from any person aggrieved by the application of this Part including, but not limited to, any order or decision made or issued by the City.

(b) To make rules with regard to conducting its hearings, such rules to be submitted to Council for their advice and consent.

(c) To make such findings of fact as may be required by the application this Part.

(d) To decide questions presented.

(5) Any party aggrieved by any decision of said Hearing Board shall have the right to file an appeal under the Local Agency Law to the Court of Common Pleas of the County of Berks within thirty (30) days of said decision; however, said appeal shall not act as a supersedes of any final order.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 674. Petitions for Declaratory Rulings. Any person affected by any statutory provision administered by the City or affected by any rule or order of the City may, in accordance with State law and this Part petition the City for a declaratory ruling as to the applicability of such statute, rule or order. This petition shall clearly and concisely identify:

(A) The precise statute, rule or order under which a declaratory ruling is sought.

(B) How the petitioner is affected by the statute, rule or order.

(C) The petitioner's position on how the applicable statute, rule or order should be interpreted, including citations to any applicable documents or law that support the petitioner's position.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 675. Costs. In addition to such administrative, civil or criminal fines as may be imposed, any user who violates any provisions of this Part or any condition of a permit, or plan approval related thereof, shall be financially responsible and liable to the City in addition to normal service charges and surcharges for industrial investigation and monitoring of compliance with this Part including, but not limited to, the following:

(A) Cost of mileage, labor and materials incurred in detecting and correcting the violation.

(B) Laboratory analysis costs associated with detecting and correcting the violation.

(C) Additional treatment costs caused by the violation or association with detecting and correcting the violation.

(D) Costs of any additional equipment acquired or expended by the City for detecting or correcting the violation.

(E) Repair and/or replacement of any part of the facility damaged by the violation.

(F) Any liability, damages, fines or penalties incurred by the City as a result of the violation.

(G) Costs incurred in enforcing compliance, including prosecution and/or settlement of outstanding violations.

(H) Other costs as are associated with the prosecution, negotiation and/or settlement of a violation.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 676. Denial of Access. If the City or its duly authorized employees and agents, upon presenting identification and appropriate credentials, are denied access to

carry out inspection, surveillance and monitoring procedures as described in this Part, the City may immediately institute civil proceedings, including proceedings for necessary injunctive relief, or criminal proceedings. (Ordinance No. 271, November 22, 1999, Section 1)

Section 677. Inspection of Connections. If any person shall construct, install, alter or repair any sewer or connect to any sewer in violation of the requirements of this Part the City may, in its discretion, order or direct such person to uncover and fully expose any or all portions of such sewer or connection and afford the City and its representatives adequate opportunity for examination and inspection of the work. If the connection and appurtenances thereto shall be found not to be in full accord with the requirements of this Part and the standards established and address its provisions, then the City may serve the offender with a written notice as provided in Subpart J. (Ordinance No. 271, November 22, 1999, Section 1)

Subpart M. Affirmative Defenses to Discharge Violations.

Section 678. Upset.

(A) For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(B) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (3) below are met.

(C) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset.

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures.

(3) The user has submitted the following information to the City within twenty-four (24) hours of becoming aware of the upset. A written submission must be provided within five (5) days:

(a) A description of the indirect discharge and cause of noncompliance.

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

(c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(D) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(E) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(F) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 679. Prohibited Discharge Standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 605(A) of this Part or the specific prohibitions in Section 605(B) of this Part except Sections 605(B)(1), (2), (3), (8), (19), (20), (21) and (22) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(A) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference.

(B) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 680. Bypass.

(A) For the purposes of this Section:

(1) Bypass means the intentional diversion of waste streams from any portion of a user's treatment facility.

(2) Severe Property Damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources

which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(B) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (C) and (D) of this Section.

(C) If a user knows in advance of the need for a bypass, it shall submit prior notice to the City, at least ten (10) days before the date of the bypass, if possible.

(D) A user shall submit oral notice to the City of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(E) Bypass is prohibited, and the City may take an enforcement action against a user for a bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage.

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.

(3) The user submitted notices as required under subsections (C) and (D) of this Section.

(F) The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three conditions listed in subsection (E) of this Section.

(Ordinance No. 271, November 22, 1999, Section 1)

Subpart N. Wastewater Treatment Rates.

Section 681. Surcharge Rate.

(A) Purpose. Nothing contained in this Section shall be construed as prohibiting any special agreement or arrangement between the City and any person or municipality whereby industrial waste of unusual strength or character may be admitted into the sewerage system by the City, provided that such agreement does not violate any national pretreatment standards or local limits, and subject to payment of a surcharge therefore by such person or municipality or by proper and continuous pretreatment prior to discharge into the sewerage system. The surcharge shall be based on present invested costs and operating costs. The City may impose mass limitation, concentration limits based on mass proportion or selected industrial reductions methods in allocating the maximum pollutant loading to the wastewater treatment plant. In accordance with Section 607, changes to local limits must be submitted to the approval authority for approval.

(B) Additional Charges for Strong Wastes. There shall be additional charges for nondomestic wastes, discharged to the POTW from any industry business or commercial enterprise and having BOD<sub>5</sub>, TSS and/or NH<sub>3</sub>-N in excess of the average BOD<sub>5</sub>, TSS and/or NH<sub>3</sub>-N of normal domestic sewage. Normal domestic sewage shall be defined as having the following concentration:

- (1) BOD<sub>5</sub> - three hundred (300) mg/l.
- (2) TSS - three hundred twenty-five (325) mg/l
- (3) NH<sub>3</sub>-N - twenty (20) mg/l.

There shall be no strong waste surcharges applied to residential domestic wastes.

(C) Surcharge Formula. In order to determine the additional charge for nondomestic wastes with strength greater than that of normal domestic sewage, the following formula shall be used:

$$SQ = 0.00834 \text{ QI } [(BOD5-300)TA + (TSSI-325)TB + (NH3-NI-20)TC]$$

Where:

SQ is the quarterly surcharge to be added to the quarterly sewer rental charge.

0.00834 is a constant to convert waste strength expressed in mg/l to thousand pounds of waste.

QI is the quarterly volume of nondomestic wastewater flow expressed in millions of gallons.

BOD<sub>5</sub> is the five (5) day biochemical oxygen demand of the nondomestic wastewater expressed in mg/l.

TSSI is the total suspended solids in mg/l of the nondomestic wastewater.

NH<sub>3</sub>-NI is the ammonia, expressed as nitrogen in mg/l of the nondomestic wastewater.

Three hundred (300), three hundred twenty-five (325) and twenty (20) are constants expressing wasteload strength of domestic waste in mg/l for the respective pollutant parameters. TA represents the cost incurred by the City in treating one thousand (1,000) pounds of BOD<sub>5</sub>. TB represents the cost of treating one thousand (1,000) pounds of total suspended solids. TC represents the cost incurred by the City in treating one thousand (1,000) pounds of ammonia. TA, TB and TC vary each year as treatment plant operation and maintenance costs change. Therefore, TA and TB and TC shall be determined at the beginning of each calendar year by the City based upon budgeted operating costs, and adopted by resolution by the City.

When a value of BOD<sub>5</sub> and/or total suspended solids and/or ammonia of a nondomestic waste is less than three hundred (300), three hundred twenty-five (325) and twenty (20) mg/l respectively, the value of three hundred (300), three hundred twenty-five (325) and twenty (20) mg/l respectively shall be used in the calculation of the strong waste discharge in place of the actual value which is less than three hundred (300), three hundred twenty-five (325) and twenty (20) mg/l, respectively.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 682. Septage Rates. Septage haulers or any other person disposing of sanitary or other waste into the sewage system of the City at designated points as herein provided shall pay a dumping fee to include the following charges:

(A) Testing fee for each and every delivery to the City of Reading's wastewater treatment system.

(B) Per gallon treatment charge based on the rated capacity of the waste delivery vehicle.

(C) Per gallon surcharge based on the rate capacity of the waste delivery vehicle as payment for excessive BOD<sub>5</sub>, total suspended solids, and total dissolved solids common to septic waste.

The rates shall be revised annually at the beginning of each year by the City through resolution. (Ordinance No. 271, November 22, 1999, Section 1)

Subpart O. Fees.

Section 683. Purpose. It is the purpose of this Part to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's schedule of charges and fees. (Ordinance No. 271, November 22, 1999, Section 1)

Section 684. Charges and Fees. The City may adopt charges and fees which may include:

- (A) Fees for reimbursement of costs of setting up and operating the City's pretreatment program.
- (B) Fees for monitoring, inspection and surveillance procedures.
- (C) Fees for reviewing accidental discharge procedures and construction.
- (D) Fees for permit applications.
- (E) Fees for filing appeals.
- (F) Fees for administrative hearing.
- (G) Other fees as the City may deem necessary to carry out the requirements contained herein.
- (H) Fees for removal of pollutants otherwise subject to the Federal pretreatment standards.
- (I) Fees for treatment of extra strength wastewater including extra fees for the treatment of industrial waste containing toxic waste and pollutants.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 685. Application/Sampling/Analysis. The fee schedule applicable to filing permit applications and sampling/analysis of wastewater by the City shall as follows:

- (A) \$500 - fee to accompany each initial industrial waste discharge permit application for categorical industries, each site.

(B) \$250 - fee to accompany each reapplication or revision to and industrial waste discharge permit for categorical industries, each site.

(C) \$100 - fee to accompany each initial industry's waste discharge permit application for noncategorical industries, each site.

(D) \$50 - fee to accompany each reapplication or revisions to an industrial waste discharge permit for noncategorical industries, each site.

(E) \$300 - charge for each scheduled or industry requested sampling and analysis and/or inspection - minimum per site.

(F) \$300 - charge for industries requiring sampling of multiple discharge points; \$250 - for each additional sampling over one.

(G) \$300 - charge for unscheduled sampling and analysis where industrial pollutants found in wastewater exceed permit limits plus out-of-pocket expenses for additional testing and related costs.

Note: Nothing shall prevent the EPA, PaDEP or the City of Reading from imposing other fees, penalties or damages where wastewater discharged to the City's treatment works exceeds permit limits.

The fees and charges established by this Part shall apply to all industries within the City of Reading sewage service area that discharge industrial waste to the City's Fritz Island Wastewater Treatment Plant.

These fees relate solely to the matters covered by this Part and are separate from all other fees chargeable by the City. (Ordinance No. 271, November 22, 1999, Section 1)

Section 686. Fee Collection.

(A) Registered bills will be mailed quarterly. Bills must be paid within thirty (30) days of receipt. A late charge of ten percent (10%) APR will be applied to all bills paid after the due date.

(B) Sixty (60) days after receipt, all unpaid bills, exempting cases where a repayment schedule has been approved by the City, will be subject to civil and/or criminal action(s) with all applicable charges and fees incurred by the City being applied to the debt.

(C) A list of all bills unpaid after sixty (60) days, not including cases where other repayment arrangements have been approved by the City, may be

published at least semiannually in the largest daily newspaper published in the municipality where the POTW is located.

(Ordinance No. 271, November 22, 1999, Section 1)

Subpart P. Septage Discharge Permit System.

Section 687. Septage Permitting System. Licensed septage and holding tank haulers shall obtain a valid permit from the City and comply with all the conditions of this permit and this Part. The septage hauler permit shall be valid for one (1) year with renewal January 1 of each fiscal year. The permit may be suspended or revoked according to the policies outlined in Section 630 of this Part. Haulers shall apply for this permit on forms provided by the City and shall submit, together with the permit fee, an application containing the following information:

- (A) Name, company name, address, telephone number.
- (B) Vehicle identification, make and capacity.
- (C) Copy of septage hauler's license.
- (D) Any additional information requested by the City.
- (E) Signed and notarized statement certifying that the information presented in the application is correct.
- (F) Performance bond.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 688. Septage/Waste Disposal.

(A) Septic tank and holding tank waste may be introduced into the POTW only at locations designated by the City, and at such times as are established by the City. Such waste shall not violate Subpart B of this Part or any other requirements established by the City. Septic tank waste haulers will be required to obtain a hauler's permit and may be required to obtain a wastewater discharge permit.

(B) The City shall require haulers of industrial waste to obtain wastewater discharge permits. The City may require generators of hauled industrial waste to obtain wastewater discharge permits. The City also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Part. Gallonage and hours for delivery of waste may be reduced, extended, increased or otherwise

changed or altered by and at the discretion of the City. City personnel may require that the load be dumped over a period of a one-half (1/2) hour or more, depending upon the flow and characteristics of the incoming sewage as the City's treatment plant.

(C) Industrial waste haulers may discharge loads only at locations designated by the City. No load may be discharged without prior consent of the City. The City may collect samples of each hauled load to ensure compliance with applicable standards. The City may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(D) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. The City reserves the right to prohibit the discharge of hauled industrial waste.

(E) Each waste hauler shall furnish the following items to the City personnel upon arrival at the septage receiving facility:

(1) Load manifest form (provided by the City) which states the hauling company, hauler name, vehicle license number, quantity and source (owner and address) of the septage, probable content of the septage, and a certification statement signed by the hauler and generator, attesting to the accuracy of the information provided on the load manifest form.

(2) Previously purchased load ticket(s) corresponding to the capacity of the truck.

(3) Grab samples of the septage taken by the waste hauler under supervision by the City. The City reserves the right to refuse to accept any load that is suspected of being or has been determined through sampling and analysis to be detrimental to the operations of the plant, the safety of its workers, or to the health or welfare of the public.

(F) The hauler shall keep a copy of his/her official permit in the truck, and display the City-issued permit sticker on the windshield.

(G) The hauler shall display his tank capacity on the truck.  
(Ordinance No. 271, November 22, 1999, Section 1)

Section 689. Septage Prohibitions.

(A) Septage haulers shall not discharge specifically prohibited waters, wastewaters, or substances to the City facilities in accordance with Subpart B of this Part.

(B) No grease trap wastes may be discharged.

(Ordinance No. 271, November 22, 1999, Section 1)

Section 690. Septage Records. Vehicles shall be maintained and records shall be kept in accordance with State law. (Ordinance No. 271, November 22, 1999, Section 1)

Section 691. Compliance Required. No statement contained in this Section shall exempt the hauler from complying with all Federal, State or local requirements. (Ordinance No. 271, November 22, 1999, Section 1)

Subpart P. Miscellaneous.

Section 692. Interference with City Property. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any City-owned structure, appurtenance or equipment. No person shall dump garbage, fill, refuse or other materials on land easements, rights-of-way, or other structures, including manholes, which are part of the wastewater facilities. Persons initiating construction activities that may alter City structures must be permitted pursuant to the requirements outlined in this Part. Persons causing such interference shall be billed by the City for any actual damages, the cost of correcting the interference and may be subject to civil and/or criminal penalties of this Part. (Ordinance No. 271, November 22, 1999, Section 1)

Section 693. Severability. If any provision of the Part is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect. (Ordinance No. 271, November 22, 1999, Section 1)

Part 7

Spring-Lawn Sewer District

Subpart A. Establishment of Spring-Lawn Sewer District.

Section 701. Merger of Township of Spring and Borough of West Lawn. By Agreement of Merger as approved by the Board of supervisors of the Township of Spring and the Borough Council of the Borough of West Lawn, and as approved and confirmed at the municipal election held on November 2, 2004, the registered voters of the Township of Spring and the Borough of West Lawn voted to merge the Borough of West Lawn with and into the Township of Spring effective January 1, 2006. (Ordinance No. 325, January 3, 2006, Recital)

Section 702. Provisions of West Lawn Ordinances. The Township of Spring desires to adopt certain Ordinances, or provisions of Ordinances, of the Borough of West Lawn relating to sewer so as to apply, pending of fulfillment of conditions in the Agreement of Merger, in a designated area of the new merged Township of Spring. (Ordinance No. 325, January 3, 2006, Recital)

Section 703. Adoption of Ordinances by Reference and Establishment of the Spring-Lawn Sewer District. The Code of Ordinances of the Township of Spring is hereby amended and supplemented by adopting by reference and incorporating therein the following Ordinances of the Borough of West Lawn:

(A) Ordinances (numbers deleted) pertaining to the Borough of West Lawn and Sewer Rentals for the areas of the Borough of West Lawn and the Owners of property served by the Borough of West Lawn Sewers and Sewer System located in the areas known as West Wyomissing and Wyomissing Hills to be applied only to the area formerly known as the Borough of West Lawn and the areas heretofore served by the Borough of West Lawn Sewers and Sewer System, which said areas are and will ultimately be serviced and sewerage disposed of by the Joint Municipal Authority of Wyomissing Valley;

(B) It is hereby established that the areas designated above shall comprise the "Spring-Lawn Sewer District".

(Ordinance No. 325, January 3, 2006, Section 2)

Section 704. Amendments to Adopted Ordinances.

(A) Each ordinance hereby adopted by reference is amended to replace all references to "Borough of West Lawn" with "Township of Spring."

(B) Each ordinance hereby adopted by reference is amended to replace all references to "Sewer System" with "Spring-Lawn Sewer System".

(Ordinance No. 325, January 3, 2006, Section 3)

Section 705. Initial Sewer Charges. The initial user charges for the Spring-Lawn Sewer System shall be as follows:

(A) Collection and Treatment Charge: Effective January 1, 2006, the charge for collection and treatment of domestic sewage discharged into the Spring-Lawn Sewer System, shall be a monthly charge, payable as hereinafter provided, based upon the water consumption of the property sewered, and shall be computed at the following rates which will apply to all quantities of water consumed:

- (1) The first 1,000 cubic feet or portion thereof -- \$10.00;
- (2) All over 1,000 cubic feet -- \$3.00 per 100 cubic feet or portion thereof;
- (3) Minimum monthly charge -- \$10.00.

(Ordinance No. 325, January 3, 2006, Section 4)

Section 706. Construction. The ordinances adopted herein by reference are not intended to replace or repeal any ordinances of the Township of Spring, but are intended to be a supplement thereto and intended to apply only to the Borough of West Lawn and areas serviced thereby where designated in Section 804 above. (Ordinance No. 325, January 3, 2006, Section 5)

Section 707. Provisions to be Continuations of Existing Regulations. The provisions of this Part, so far as they are the same as those of ordinances and/or codes enforced immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the adopted ordinances adopted herein by reference. (Ordinance No. 325, January 3, 2006, Section 6)

Section 708. Repealer. All other sewer ordinances of the Borough of West Lawn, other than those ordinances specifically adopted by reference by this Part are hereby repealed, and all ordinances or parts of ordinances which are inconsistent herewith,

except to the extent otherwise provided herein, are hereby repealed. (Ordinance No. 325, January 3, 2006, Section 7)

Section 709. Severability. Should any part of this Part be found unconstitutional, illegal, invalid, or unenforceable by any court of competent jurisdiction, such unconstitutionality, illegality, invalidity, or unenforceability, shall not affect, impair, nullify, or otherwise prevent the implementation of the remainder of this Part. (Ordinance No. 325, January 3, 2006, Section 8)

(Section 710. Reserved for Future Use)

Subpart B. Mandatory Connection.

Section 711. Definitions.

"Authority" means and refers to Township of Spring (West Lawn Borough Authority) as presently or hereafter constituted, which has been created by said Board of Supervisors (Borough Council) and to which has been referred by said Board of Supervisors (Borough Council) the specific project of sewers.

"Industrial Waste" means and refers to the liquid, gaseous or solid waste from industrial processes as distinct from domestic sewage.

"Lateral" means and refers to that part of the Spring-Lawn Sewer System extending from a public main or street sewer to curb line or property line if there is no curb, and where the main or street sewer line is laid under a sidewalk, the word "lateral" shall mean and refer to the "Y" connection from the main or street sewer line.

"Occupied building" means and refers to any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage and industrial waste, or either thereof, is or may be discharged.

"Person" shall include individuals or natural persons, artificial persons existing only in contemplation of law, and shall be construed to include associates, partnerships, limited partnerships, joint stock companies and corporations.

"Property accessible to the Spring-Lawn Sewer System" means and refers to real estate which adjoins, abuts on, or is adjacent to, the Spring-Lawn Sewer System.

"Sewage" means and refers to the normal water carried household and toilet wastes from residences, business buildings, institutions and industrial establishments.

"Spring-Lawn Sewer System" means and refers to the sanitary sewer collection system and appurtenant facilities about to be constructed in and for the Township of Spring (Borough of West Lawn), and the interceptor sewers of the Township (Authority) and any improvements, additions or extensions that hereafter may be made thereto by the Township (Borough), or to any part or parts of any or all thereof.

"Borough" means and refers to the Borough of West Lawn, Berks County, Pa., or the duly constituted and elected municipal authorities thereof.

"Township" means and refers to the Township of Spring, Berks County, Pennsylvania.

(WL Ordinance No. 138, June 15, 1954, Section 1; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 712. Notice of Completion. Whenever the Spring-Lawn Sewer System is completed and ready for public use it shall be the duty of the Township (Borough) to cause notice of the fact to be giving by advertisement published once in one newspaper of general circulation in the Township (Borough), and such advertisement shall state that said sewer may be used by all property owners in the Township (Borough) subject to the payment of any connection charges and of annual sewer rentals in amounts as may from time to time be fixed by the Township (Borough). (WL Ordinance No. 138, June 15, 1954, Section 2; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 713. Mandatory Connection.

(A) All persons owning any occupied building now erected upon property accessible to the Spring-Lawn Sewer System shall at their own expense connect such building with the Spring-Lawn Sewer System within sixty days after the date of publication specified in Section 712 hereto.

(B) All persons owning any property accessible to the Spring-Lawn Sewer System upon which a building is hereafter erected shall, at the time of the erection of such building and at their own expense, connect the same with the Spring-Lawn Sewer System.

(C) All persons owning any occupied building upon property which hereafter becomes accessible to the Spring-Lawn Sewer System shall, at their own expense, connect such building with the Spring-Lawn Sewer System within sixty days after notice to do so from the Township (Borough).

(WL Ordinance No. 138, June 15, 1954, Section 3; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 714. Discharge only into the Spring-Lawn Sewer System. It shall be unlawful for any person owning any property accessible to the Spring-Lawn Sewer System to erect, construct or use or maintain or cause to be erected, constructed, used or maintained, any privy, cesspool, sinkhole, septic tank or other receptacle on such

premises for receiving sewage, after the expiration of the particular period specified in Section 812 hereof, or otherwise at any time to erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sewage except into the Spring-Lawn Sewer System. (WL Ordinance No. 138, June 15, 1954, Section 4; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 715. Use of Septic Tank is Nuisance. Any person who erects, constructs, uses, or maintains a privy, cesspool, sinkhole or septic tank on any property accessible to the Spring-Lawn Sewer System in violation of this Subpart, shall be deemed and shall be declared to be erecting, constructing and maintaining a nuisance, which nuisance the Township (Borough) is hereby authorized and directed to abate in the manner provided by the law. (WL Ordinance No. 138, June 15, 1954, Section 5; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 716. Connections must be in Compliance. No connection shall be made to the Spring-Lawn Sewer System except in compliance with ordinances and resolutions as well as such Rules and Regulations as may, from time to time, be enacted adopted, approved or promulgated by the Township (Borough). (WL Ordinance No. 138, June 15, 1954, Section 6; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 717. Failure to Connect. After the expiration of the particular periods specified in Section 713 of this Subpart, if any owner of an occupied building on property accessible to the Spring-Lawn Sewer System shall have failed to connect such property with the Spring-Lawn Sewer System as required by said Section 713, the Township (Borough) shall cause to be served on the owner of such property, so failing to connect to said Spring-Lawn Sewer System, and also upon the occupants of the building in question, a copy of this ordinance and a written or printed notice requiring such connection to be made, and such notice shall further state that its requirements shall be complied with within sixty days from the date thereof. (WL Ordinance No. 138, June 15, 1954, Section 7; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 718. Plumbing Permit. Persons, forms, and corporations, desiring to do plumbing intended to be connected to the Spring-Lawn Sewer System shall obtain from the Secretary of Board of Supervisors (Borough Council) in the form to be provided, a permit entitling the applicant to engage in regular or particular work during the calendar year in which the permit is granted, for which permit a fee of (to be determined by Resolution) Dollars shall be charged therefore. The permit thus granted is revocable at will of said Board of Supervisors (Borough Council) and the permit is renewable from year to year by endorsement or by exchange for a new permit at the discretion of the Secretary of said Board. No plumbing or connections shall be made without this permit. (WL Ordinance No. 138, June 15, 1954, Section 8; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 719. Competent Plumber. Any person, firm, or corporation which, for a period of at least one year previous to the passage of this ordinance has been regularly engaged in the plumbing business in the Township (Borough), shall be deemed competent to hold a permit; and all other persons, firms or corporations, desiring to do plumbing business in said Township (Borough), or to do a particular piece of work to be connected with the Spring-Lawn Sewer System shall exhibit such evidence of competency as said Township (Borough) from time to time may require. (WL Ordinance No. 138, June 15, 1954, Section 9; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 720. Refusal to Obtain Permit. Any plumber, or other person who shall neglect or refuse to take out a permit or comply with the provisions of this Subpart, or fail to make the reports herein designated, shall not be deemed competent to perform any work intended to be connected with the sewers, and no work performed by such plumbers or other persons shall be connected with any sewers. (WL Ordinance No. 138, June 15, 1954, Section 10; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 721. Violations. The provisions of the Subpart are declared to be for the health, safety and welfare of the citizens of the Township (Borough). Any person found guilty of violating any provision of this Subpart in a summary proceeding shall be fined the sum of \$35.00 and costs. Each period of twelve months during which such violation shall continue shall be deemed to be a separate offense. (WL Ordinance No. 138, June 15, 1954, Section 11; as amended by WL Ordinance No. 263, February 1, 1977, Section 1; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 722. Easements. Township (Borough) hereby grants to Township (Authority) all and every easement, right of way and any and all other rights necessary or desirable on, over or under the streets, sidewalks and alleys in the Township (Borough) for the purpose of constructing the Spring-Lawn Sewer System therein. (WL Ordinance No. 138, June 15, 1954, Section 12; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 723. Severability. If any provisions, sentence, clause, section or part of this Subpart is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Subpart. It is hereby declared as the intent of the Board of Supervisors (Borough Council) that this Subpart would have been enacted had such unconstitutional, illegal or invalid provisions, sentence, clause, section or part not been included herein. (WL Ordinance No. 138, June 15, 1954, Section 13; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Sections 724 through 730. (Reserved for Future Use)

Subpart C. Borough of West Lawn Sewer Rentals.

Section 731. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

“Borough” means the Borough of West Lawn, Berks County, Pa.

“Council” means the group of elected officials acting as the governing body of the Borough.

“Sewer System” means all the facilities for collecting sewage.

“Sewage” means the water carried wastes from residences, business buildings, institutions and industrial establishments.

“Sanitary Sewer” means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

“Sewage Treatment Works” means an arrangement of devices and structures used for treating and disposing of sewage.

“Domestic Sewage” means the normal water carried household and toilet wastes from residences, business buildings, institutions and industrial establishments.

“Industrial Wastes” means the liquid wastes from industrial processes as distinct from domestic sewage.

“Water Company” means Pennsylvania American Water (formerly Sinking Spring Water Company, West Lawn, Berks County, Pa.)

“Persons” means any individual, firm, company, association, society corporation or group.

“Township” means the Township of Spring, Berks County, Pennsylvania.

(WL Ordinance No. 137, June 7, 1955, Section 1; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 732. Imposition of Sewer Rent or Charge. There is hereby imposed upon each property located within the Township (Borough) limits, served by the Spring-Lawn Sewer System and having the use thereof, a quarterly sewer rent or charge payable as hereinafter provided, for the use, whether direct or indirect, of the Spring-

Lawn Sewer System based in the quantity of water consumed as evidence by meter readings of water meters installed and maintained by the Water Company for the purpose of measuring water purchased from said Water Company, and such other meters as may be installed pursuant to any provisions of this Subpart, at the rates hereinafter set forth. (WL Ordinance No. 137, June 7, 1955, Section 2; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 733. Charges for Domestic Sewage.

SEE SECTION 705 OF SUBPART A OF THIS PART.

(WL Ordinance No. 137, June 7, 1955, Section 3; as amended by WL Ordinance No. 142, June 7, 1955, Section 1; as further amended by WL Ordinance No. 167, December 1, 1959, Section 1; as further amended by WL Ordinance No. 195, March 18, 1963, Section 1; as further amended by WL Ordinance No. 212, June 7, 1966, Section 1; as further amended by WL Ordinance No. 215, March 7, 1966, Section 1; as further amended by WL Ordinance No. 241, April 2, 1974, Section 1; as further amended by WL Ordinance No. 245, March 4, 1975, Section 1; as further amended by WL Ordinance No. 251, February 3, 1976, Section 1; as further amended by WL Ordinance No. 271, 1981, Section 1; as further amended by WL Ordinance No. 274, 1981, Section 1; as further amend by WL Ordinance No. 330, July 11, 1995, Sections 1 and 2; as further amended by WL Ordinance No. 373, 2004, Section 1; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 734. Measuring Volume Domestic Sewage.

(A) Methods of Measuring Volume.

(1) Whenever a person purchasing all water used from the Water Company discharges domestic sewage into the Spring-Lawn Sewer System, the volume of water consumed, as determined from the meter readings by the Township (Borough) shall be used in computing the sewer rental.

(2) In cases where dwellings and establishments have sources of water supply in addition to or other than from the Water Company, those dwellings and establishments shall provide a meter on such additional or other source of supply. The total amount of water consumed as shown by these meter readings will be used in computing the sewer rental.

(B) Measuring Devices: All meters or other measuring devices not provided by the Water Company but required to be used under the provisions of this Subpart shall be furnished and installed by the property owner and shall be

under the control of the Board of Supervisors (Council), and may be tested, inspected or repaired by Township (Borough) employees whenever the Board of Supervisors (Council) deems necessary. The owner of the property upon which such other 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, whether such repairs are made necessary by ordinary wear and tear and other causes. Bills for such repairs, if made by the Township (Borough), shall be due and payable at the same time, and collected in the same manner as are the bills for the sewer services. Such bills from and after their date due shall constitute a lien upon the property upon which such measuring device is installed.

(C) Meter Reading: The Board of Supervisors (Council) shall be responsible for the reading of all meters or measuring devices, and they shall be available to Township (Borough) employees for meter reading at any time.

(WL Ordinance No. 137, June 7, 1955, Section 4; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 735. Industrial Waste. Industrial waste may be discharged into the Spring-Lawn Sewer System subject to the terms and conditions of the Agreement dated May 1, 1954, entered into between The Joint Municipal Authority of Wyomissing Valley, Berks County, Pa., and Township (West Lawn Borough Authority, Berks County, Pa.), the provisions of which Agreement relating to the discharge of industrial waste and the charges for treatment thereof are incorporated in this Subpart by reference thereto as though fully set forth herein; provided, however, that the collection charge for any such industrial waste shall be based upon the rates set forth in Section 705 of this Part as though such industrial waste was domestic sewage. (WL Ordinance No. 137, June 7, 1955, Section 5; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 736. Time and Management of Payment. The above rentals and charges on the date the particular connection is made to the Spring-Lawn Sewer System. All bills shall be rendered quarterly on January 1, April 1, July 1 and October 1 of each year. The owners of properties connecting during any such quarterly period shall be billed retroactively to the first day of such quarter. Quarterly charges for sewage service shall be subject to six (6) percent penalty if not paid within thirty (30) days after they are due. If not paid within sixty (60) days after they are due, the bill plus the penalty shall bear interest at the rate of  $\frac{1}{2}$  of 1% per month or fraction thereof, until paid.

Payments mailed as evidence by the United States Post Office mark on or previous to the end of the period during which bills are payable at par will be deemed to be a payment within such period.

All persons connected to the Spring-Lawn Sewer System must give the Township (Borough) their correct address. Failure to receive bills will not be considered an excuse for nonpayment nor permit an extension of the period during which bills are payable at face. (WL Ordinance No. 137, June 7, 1955, Section 6; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 737. Liens, Delinquent Sewer Rentals and Penalties. All sewer rentals, together with all penalties thereon not paid on or before the end of one year from each billing date shall be deemed to be delinquent. All delinquent sewer rentals and all penalties thereon shall be a lien on the property served and shall be entered as a lien against such property in the office of the Prothonotary of Berks County, and shall be collected in the manner provided by the law for the filing and collection of such liens. (WL Ordinance No. 137, June 7, 1955, Section 7; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 738. Segregation of Sewer Revenues. The funds received by the Township (Borough) from the collection of the rentals and all the penalties thereon as herein provided for and any fines collected by the Township (Borough) in connection with the Spring-Lawn Sewer System shall be segregated and kept separate and apart from all other funds of the Township (Borough) and shall be used only for the purpose of defraying the expenses of the Township (Borough) in the operation, maintenance, repair, alteration, inspection, depreciation, or other expenses in relation to such sewer system and for and toward any payments due under any agreement with Shillington Municipal Authority for the transportation of sewage and with The Joint Municipal Authority of Wyomissing Valley for the treatment of sewage, from the Spring-Lawn Sewer System and for such payments as the Township (Borough) may be required to make under any lease or agreement it may enter into for and of, or in connection with, said Spring-Lawn Sewer System with the Township (Authority), in accordance with the provisions of the Act of May 2, 1945, P.L. 382, as amended. (WL Ordinance No. 137, June 7, 1955, Section 8; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 739. Rules and Regulations. The Township (Borough) reserves the right to, and may from time to time, adopt, revise, amend and readopt such rules and regulations as it deems necessary and proper for the use and operation of the Spring-Lawn Sewer System, and all such rules and regulations shall be and become a part of this Subpart. (WL Ordinance No. 137, June 7, 1955, Section 9; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 740. Construction and Severability. If any of the provisions, sections, sentences, clauses or parts of this Subpart or the application of any provisions hereof shall be held invalid, such invalidity shall not affect or impair any of the remainder of

this Subpart, it being the intention of the Township (Borough) that such remainder shall be and remain in full force and effect. (WL Ordinance No. 137, June 7, 1955, Section 11; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Sections 741 through 750. (Reserved for Future Use)

Subpart D. West Wyomissing Sewer Rentals.

Section 751. Definitions. Unless the context clearly indicates otherwise, the meaning of the terms used in this Subpart shall be as follows:

“Spring-Lawn Sewer System” - All facilities for collecting sewage owned or operated, or owned and operated by either the Township of Spring, Berks County, Pennsylvania (Borough of West Lawn, Berks County, Pennsylvania), or by the Township (West Lawn Borough Authority, Berks County, Pennsylvania).

“Domestic Sewage” - The normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial establishments.

“Industrial Wastes” - The liquid wastes from industrial processes as distinct from domestic sewage.

(WL Ordinance No. 166, January 20, 1960, Section 1; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 752. Imposition of Sewer Rent or Charge. Effective July 1, 1995, there is hereby imposed upon each property located within that portion of Spring Township, Berks County, Pennsylvania, known as “West Wyomissing”, served by the Spring-Lawn Sewer System and having the use thereof, a quarterly charge for collection and treatment of domestic sewage, payable as hereinafter provided, for the use, whether direct or indirect, of the said Spring-Lawn Sewer System, based upon the water consumption of the property served, computed at the rates set forth herein. (WL Ordinance No. 166, January 20, 1960, Section 2; as amended by WL Ordinance No. 332, September 5, 1995, Section 1; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 753. Collection Charge for Domestic Sewage.

SEE SECTION 705 OF SUBPART A OF THIS PART.

(WL Ordinance No. 166, January 20, 1960, Section 3; as amended by WL Ordinance No. 332, September 5, 1995, Section 2; as further amended by WL Ordinance No. 371, February 3, 2004, Section 1; as further amended by Spring Ordinance No. 325, January 3, 2006, Section 4)

Section 754. Measuring Volume of Domestic Sewage. The methods of measuring the volume of Domestic Sewage discharged into the Spring-Lawn Sewer System shall be the same as those provided for properties within the limits of the

Township of Spring (Borough of West Lawn). (WL Ordinance No. 166, January 20, 1960, Section 4; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 755. Industrial Waste. Industrial waste may be discharged into the Spring-Lawn Sewer System subject to the terms and conditions of the Agreement dated May 1, 1954, entered into between the Joint Municipal Authority of Wyomissing Valley, Berks County, Pennsylvania, and Township (West Lawn Borough Authority, Berks County, Pennsylvania), the provisions of which Agreement relating to the discharge of industrial waste and the charges for treatment thereof are incorporated in this Subpart by reference thereto as though fully set forth herein; provided, however, that the collection charge for any such industrial waste shall be based upon the rates set forth in SECTION 705 OF SUBPART A OF THIS PART as though such industrial waste was domestic sewage. (WL Ordinance No. 166, January 20, 1960, Section 5; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 756. Time and Method of Payment. The time and method of payment of the above charge shall be the same as are provided for owners of properties located within the limits of the Township of Spring (Borough of West Lawn). (WL Ordinance No. 166, January 20, 1960, Section 6; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 757. Liens, Delinquent Sewer Rentals and Penalties. All sewer charges, together with all penalties thereon, not paid on or before the end of one year from each billing date shall be deemed to be delinquent. All delinquent sewer charges and all penalties thereon shall be a lien on the property served and shall be entered as a lien against such property in the Office of the Prothonotary of Berks County, and shall be collected in the manner provided by law for the filing and collection of such liens. (WL Ordinance No. 166, January 20, 1960, Section 7; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 758. Segregation of Sewer Revenues. The funds received by the Township of Spring (Borough of West Lawn) from the collection of the charges and all penalties thereon as herein provided for, shall be segregated in the same manner as provided for in the case of funds derived from the operation of the Spring-Lawn Sewer System within the limits of the Township of Spring (Borough of West Lawn). (WL Ordinance No. 166, January 20, 1960, Section 8; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 759. Effective Date. This Subpart shall become effective at once and shall be applicable to the properties located within that portion of Spring Township, Berks County, Pennsylvania, known as "West Wyomissing", as soon as they become connected with and have the right to use the Sewer System. The Township of Spring (Borough of West Lawn) reserves the right to make such changes from time to time as

in its opinion may be desirable or beneficial, and to amend this Subpart or to change the collection charge in such manner and at such times as in its opinion may be advisable. (WL Ordinance No. 166, January 20, 1960, Section 9; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 760. Severability. If any of the provisions, sections, sentences, clauses or parts of this Subpart or the application of any provisions hereof shall be held invalid, such invalidity shall not affect or impair any of the remainder of this Subpart, it being the intention of the Township (Borough) that such remainder shall be and remain in full force and effect. (WL Ordinance No. 166, January 20, 1960, Section 10; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Subpart E. Wyomissing Hills Sewer Rentals.

Section 761. Definitions. Unless the context clearly indicates otherwise, the meaning of the terms used in this Subpart shall be as follows:

“Sewer System” - All facilities for collecting sewage owned or operated, or owned and operated by either the Township of Spring, Berks County, Pennsylvania (Borough of West Lawn, Berks County, Pennsylvania), or by the Township (West Lawn Borough Authority, Berks County, Pennsylvania).

“Domestic Sewage” - The normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial establishments.

“Industrial Wastes” - The liquid wastes from industrial processes as distinct from domestic sewage.

(WL Ordinance No. 199, October 1, 1963, Section 1; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 762. Imposition of Sewer Rent or Charge. Effective July 1, 1995, there is hereby imposed upon each property located within the Borough of Wyomissing Hills, Berks County, Pennsylvania, served by the Spring-Lawn Sewer System and having the use thereof, a quarterly charge for collection and treatment of domestic sewage, payable as hereinafter provided, for the use, whether direct or indirect, of the said Spring-Lawn Sewer System, based upon the water consumption of the property served, computed at the rates set forth herein. (WL Ordinance No. 199, October 1, 1963, Section 2; as amended by WL Ordinance No. 333, September 5, 1995, Section 1; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 763. Collection Charge for Domestic Sewage.

SEE SECTION 705 OF SUBPART A OF THIS PART.

(WL Ordinance No. 199, October 1, 1963, Section 3; as amended by WL Ordinance No. 243, April 2, 1974, Section 2; as further amended by WL Ordinance No. 276, 1981; as further amend by WL Ordinance No. 333, September 5, 1995, Section 2; as further amended by Spring Ordinance No. 325, January 3, 2006, Section 4)

Section 764. Measuring Volume of Domestic Sewage. The methods of measuring the volume of Domestic Sewage discharged into the Spring-Lawn Sewer System shall be the same as those provided for properties within the limits of the

Township of Spring (Borough of West Lawn). (WL Ordinance No. 199, October 1, 1963, Section 4; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 765. Industrial Waste. Industrial waste may be discharged into the Spring-Lawn Sewer System subject to the terms and conditions of the Agreement dated May 1, 1954, entered into between the Joint Municipal Authority of Wyomissing Valley, Berks County, Pennsylvania, and Township (West Lawn Borough Authority, Berks County, Pennsylvania), the provisions of which Agreement relating to the discharge of industrial waste and the charges for treatment thereof are incorporated in this Subpart by reference thereto as though fully set forth herein; provided, however, that the collection charge for any such industrial waste shall be based upon the rates set forth in SECTION 705 OF SUBPART A OF THIS PART as though such industrial waste was domestic sewage. (WL Ordinance No. 199, October 1, 1963, Section 5; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 766. Time and Method of Payment. The time and method of payment of the above charge shall be the same as are provided for owners of properties located within the limits of the Township of Spring (Borough of West Lawn). (WL Ordinance No. 199, October 1, 1963, Section 6; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 767. Liens, Delinquent Sewer Rentals and Penalties. All sewer charges, together with all penalties thereon, not paid on or before the end of one year from each billing date shall be deemed to be delinquent. All delinquent sewer charges and all penalties thereon shall be a lien on the property served and shall be entered as a lien against such property in the Office of the Prothonotary of Berks County, and shall be collected in the manner provided by law for the filing and collection of such liens. (WL Ordinance No. 199, October 1, 1963, Section 7; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 768. Segregation of Sewer Revenues. The funds received by the Township of Spring (Borough of West Lawn) from the collection of the charges and all penalties thereon as herein provided for, shall be segregated in the same manner as provided for in the case of funds derived from the operation of the Spring-Lawn Sewer System within the limits of the Township of Spring (Borough of West Lawn). (WL Ordinance No. 199, October 1, 1963, Section 8; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 769. Effective Date. This Subpart shall become effective at once and shall be applicable to the properties located within the Borough of Wyomissing Hills, Berks County, Pennsylvania, as soon as they become connected with and have the right to use the Spring-Lawn Sewer System. The Township of Spring (Borough of West Lawn) reserves the right to make such changes from time to time as in its opinion may be

desirable or beneficial, and to amend this Subpart or to change the collection charge in such manner and at such times as in its opinion may be advisable. (WL Ordinance No. 199, October 1, 1963, Section 9; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

Section 770. Severability. If any of the provisions, sections, sentences, clauses or parts of this Subpart or the application of any provisions hereof shall be held invalid, such invalidity shall not affect or impair any of the remainder of this Subpart, it being the intention of the Township (Borough) that such remainder shall be and remain in full force and effect. (WL Ordinance No. 199, October 1, 1963, Section 10; as adopted by Spring Ordinance No. 325, January 3, 2006, Section 2)

## Part 8

## Adamstown Borough Sewer Use

Section 801. Agreement between Adamstown Borough and Township of Spring. The Borough and the Township are adjoining municipalities. The Borough owns and operates a wastewater treatment plant (the "Treatment Plant") which provides wastewater treatment and disposal services to lands within the Borough and through an agreement among the Borough, East Cocalico Township, and East Cocalico Township Authority, to certain lands within East Cocalico Township. The Borough does not require all of the existing capacity in the Treatment Plant to provide wastewater treatment and disposal services to lands within the Borough.

The portion of the Township located closest to the boundary between the Township and the Borough is provided with on-lot sewage disposal service. There have been malfunctions in on-lot sewage disposal systems within this area, which is identified in Section 829 and which area will be hereinafter referred to as the "Service Area". In order to address the malfunctioning on-lot sewage disposal systems, the Township has explored methods of providing public sewer service to the properties within the Service Area. The Township has requested that the Borough provide wastewater treatment and disposal capacity at the Treatment Plant to enable the Township to provide public sewer service to the Service Area. The Borough has agreed to allow the Township to become a bulk customer of wastewater treatment and disposal services under the terms and conditions set forth herein which will allow the Township to provide public sewer service to the Service Area. (Ordinance No. 328, February 27, 2006, Agreement)

Section 802. Definitions. When used in this Agreement, the following terms, whether capitalized or not, shall have the following meaning unless a different meaning clearly appears from the context:

**Borough:** The Borough of Adamstown, Lancaster and Berks Counties, Pennsylvania.

**Borough Conveyance System:** The portion of the Borough Sewer System which conveys wastewater to the Treatment Plant.

**Borough Sewer System:** The complete wastewater collection, conveyance, treatment and disposal system owned and operated by the Borough.

**Connection Point:** The manhole at which the Spring Conveyance System is connected to the Borough Sewer System, Manhole Number 56.

**DEP:** The Pennsylvania Department of Environmental Protection or any agency successor thereto.

Domestic Waste: Normal water-carried waste from kitchens, water closets, lavatories, laundries and bathrooms, including but not limited to waste typical to households, from sanitary conveniences wherever located or existing.

EPA: The United States Environmental Protection Agency or any agency successor thereto.

gpd: Gallons per day.

I/I: Inflow and infiltration; the introduction of ground water, storm water or surface water into the Spring Conveyance System.

Industrial Waste: Any and all wastes, other than Domestic Waste, discharged from industrial establishments, certain commercial establishments including but not limited to hospitals and restaurants, and other similar businesses or institutional activities, and in other respects as such term is defined in The Clean Streams Law, Act of June 22, 1937, as amended and as may be amended, 35 P.S. §691.1 et seq.

Permit: A permit or approval which authorizes a new connection to the Spring Conveyance System or an expansion of the use of the Spring Conveyance System by a property connected to the Spring Conveyance System whether or not new construction or a new connection is proposed.

Service Area: That portion of Spring Township, Berks County, Pennsylvania, encompassing certain properties which have frontage on Old Lancaster Pike and Furlow Road delineated in Section 829 of this Part. The Berks County Tax Identification Numbers of each property within the Service Area is also set forth in Section 829.

Spring Conveyance System: The facilities to be constructed within Spring Township and within the Borough which will convey wastewater discharged from structures within the Service Area to the Borough Sewer System.

Tapping Fees: The fee which the Borough imposes pursuant to the Borough Code and Act 57 of 2003 to recover capital costs of collection, conveyance and treatment facilities that are part of the Borough Sewer System.

Treatment Plant: The wastewater treatment and disposal facility owned and operated by the Borough.

Wastewater: All Domestic Waste, Industrial Waste and I/I.  
(Ordinance No. 328, February 27, 2006, Agreement)

Section 803. Bulk Customer. The Township shall become a bulk wastewater conveyance, treatment and disposal customer of the Borough. The Township agrees that the Township has not acquired any ownership interest in any portion of the Borough Sewer System, including but not limited to acquisition of capacity in the Borough Conveyance System or the Treatment Plant beyond the interest of any other customer of the Borough Sewer System to be entitled to discharge wastewater into the Sewage System to the extent such customer has paid tapping fees for use of the Borough's capacity and continues to pay applicable fees and charges for the conveyance, treatment and disposal of wastewater. (Ordinance No. 328, February 27, 2006, Agreement)

Section 804. Service Area. The Township shall limit the provision of public sewer service utilizing the Spring Conveyance System and Treatment Plant to those properties within the Service Area identified in Section 829 of this Part. The Township shall not be permitted to provide public sewer service utilizing the Spring Conveyance System and/or the Treatment Plant to any property outside of the Service Area without prior written consent of the Borough, which consent the Borough may withhold or grant in its sole and unfettered discretion. The Borough and the Township agree that for planning purposes the Borough shall initially allocate 10,000 gpd of annual average flow in the Borough Sewer System for the Township's customers within the Service Area. (Ordinance No. 328, February 27, 2006, Agreement)

Section 805. Construction of Conveyance System. The Township shall submit the plans for the design and construction of Spring Conveyance System and the Connection Point to the Borough Engineer for review and approval prior to commencement of construction. All facilities shall be designed and constructed in accordance with the Borough's adopted specifications for wastewater facilities. The Borough Engineer shall provide written review comments or issue written approval of such plans within one month after receipt. If the Borough Engineer requests revisions to the plans, the Township shall make all requested revisions and resubmit the plans to the Borough Engineer for review. The Borough Engineer shall provide review comments or issue written approval within two weeks of a resubmission of the plans. The Township shall provide shop drawings to the Borough Engineer for review and approval prior to commencement of construction if requested by the Borough Engineer. The Borough Engineer shall provide review comments or issue written approval of the shop drawings within two weeks. In all reviews, the Borough Engineer shall use the same standards and criteria which the Borough imposes upon persons within the Borough proposing to extend the Borough Sewer System. (Ordinance No. 328, February 27, 2006, Agreement)

Section 806. Notice of Construction. The Township shall provide the Borough Engineer with 48 hours notice prior to the commencement of construction of the Spring Conveyance System and the Connection Point. The Township shall allow the Borough Engineer to inspect and approve the construction of the Connection Point and the Spring Conveyance System. (Ordinance No. 328, February 27, 2006, Agreement)

Section 807. Permits. The Township acknowledges that it is the responsibility of the Township to obtain all other permits, including but not limited to any required highway occupancy permits and a DEP Water Quality Management Permit for installing the Spring Conveyance System and Connection Point. The Township shall be solely responsible for all costs and expenses relating to all required permits and approvals. (Ordinance No. 328, February 27, 2006, Agreement)

Section 808. Planning Module. The Township shall be responsible for all costs which may be associated with any planning module for land development or other DEP approval which may be necessary for the construction of the Spring Conveyance System, the connection of the Spring Conveyance System to the Borough Sewer System and the treatment of wastewater from the Spring Conveyance System at the Treatment Plant. The Township shall provide the Borough with a copy of any planning module for land development filed with DEP. The Township shall provide the Borough with written verification from DEP that the Borough is not required to file a separate planning module for land development or make any improvements to the Treatment Plant to provide the wastewater treatment and disposal service contemplated under this Agreement. The Township and the Borough agree that this Agreement shall become null and void if as part of any sewer planning approval for the construction of the Spring Conveyance System, the connection of the Spring Conveyance System to the Borough Sewer System and the treatment of wastewater from the Spring Conveyance System at the Treatment Plant DEP requires the Borough to make any improvements to the Borough Sewer System or requires the Borough to provide sewer service to any property in the Township outside of the Service Area. (Ordinance No. 328, February 27, 2006, Agreement)

Section 809. Individual Connections and Tapping Fees. Prior to the connection of the Spring Conveyance System to the Borough Sewer System, the Township shall provide the Borough with a list of each structure to be connected to the Spring Conveyance System, indicating how the structure is occupied (i.e. as a single family dwelling, multi family dwelling, commercial establishment, etc.), to enable the Borough to calculate the Tapping Fee due for each structure which will be connected to the Spring Conveyance System. The Township shall pay to the Borough a Tapping Fee for each structure on a property identified in Exhibit "A" which shall be calculated in accordance with the then-current Borough tapping fee ordinance, codified as Chapter 18, Sewers and Sewage Disposal, Part 6, Tapping Fees, prior to the discharge of any wastewater from the Spring Conveyance System into the Borough Sewer System. The current Borough Tapping Fee is \$1,786.00 per dwelling unit and \$1, 786.00 per EDU for all nonresidential uses. The Borough may amend the Tapping Fee at any time provided, however, that the Borough shall forward a copy of the ordinance amending the Tapping Fee to the Township to enable the Township to collect the proper Tapping Fee. (Ordinance No. 328, February 27, 2006, Agreement)

Section 810. Continuing Notice of Connections. The Borough acknowledges that the Township may not immediately connect all of the principal structures on the properties identified in Exhibit "A" to the Spring Conveyance System. The Township shall provide a list of the structures on the properties identified in Exhibit "A" connected to the Spring Conveyance System during the initial construction of the Spring Conveyance System, prior to the discharge of wastewater from the Spring Conveyance System into the Borough Sewer System. The Township shall provide the Borough with written notice within one week after any other structure on a property identified in Section 829 is connected to the Spring Conveyance System. The principal structures on all of the properties identified in Section 829 shall be connected to and shall use the Spring Conveyance System within five years after the date of this Agreement. (Ordinance No. 328, February 27, 2006, Agreement)

Section 811. Sewer Rental Rates. The Township shall pay to the Borough the minimum quarterly sewer rate for each principal structure on a property identified in Exhibit "A" which is not connected to the Spring Conveyance System during the initial construction of the Spring Conveyance System until a principal structure on each such property is connected to the Spring Conveyance System. (Ordinance No. 328, February 27, 2006, Agreement)

Section 812. Operation and Maintenance of Spring Conveyance System. The Township shall be solely responsible for the operation and maintenance of the Spring Conveyance System. The Township shall maintain the Spring Conveyance System including, but not limited to, all pressure sewers and grinder pumps that may be necessary to service certain properties within the Service Area, in accordance with all applicable Borough standards and specifications. (Ordinance No. 328, February 27, 2006, Agreement)

Section 813. Flow Monitoring. The Township acknowledges that the projected wastewater flows at the Connection Point will not allow for accurate flow metering. Therefore, the Township acknowledges that the Township shall:

(A) Require all structures which shall be connected to the Spring Conveyance System to install water meters with remote readers that accurately measure all water obtained from wells prior to connection to the Spring Conveyance System. All water meters and remote readers shall meet Borough standards and specifications.

(B) Notify all owners of structures connected to the Spring Conveyance System that Borough representatives will read water meters on a quarterly basis and as necessary to verify unusual wastewater flows or meter readings.

(C) Establish a program for regular inspections to determine areas of I/I together with the prompt mitigation of I/I within 90 days after the Borough notifies the Township in writing that the Borough has observed unusual wastewater flows from the Spring Conveyance System or has any other reason to believe that I/I is occurring.

(D) Establish a program to prohibit the connection of sump pumps, storm water discharge pipes, and similar facilities to the Spring Conveyance System together with a program for the monitoring and removal of such improper connections.

(E) Adopt regulations which require owners of all structures connected to the Spring Conveyance System to allow access to authorized personnel, including Borough personnel, to read water meters and to make inspections to verify sources and/or meter malfunctions of unusual wastewater flows.

(F) Establish a program to promptly report any improper effluent discharged into the Spring Conveyance System.

(G) Provide the Borough with annual wastewater flow information in accordance with DEP requirements for submission of the Borough's Chapter 94 annual report on or before March 1 of each calendar year.

(Ordinance No. 328, February 27, 2006, Agreement)

Section 814. Pretreatment. The Township recognizes that the Treatment Plant is subject to an EPA pretreatment program. The Township agrees that this will comply with all pretreatment requirements and, if any structures other than residential dwellings are connected to the Spring Conveyance System at any time in the future, will enact and implement a pretreatment program. If the Borough determines that any wastewater which enters the Borough Sewer System from the Spring Collection System exceeds any parameter for acceptable wastewater established in the industrial waste pretreatment resolution or any standard which DEP or the EPA imposes on the Treatment Plant for raw wastewater discharges, the Township shall install or shall cause the installation of all necessary pretreatment facilities so that wastewater discharged from the Spring Conveyance System into the Borough Sewer System meets such standards. The Borough or its staff and consultants may, from time to time, sample or monitor the quality and quantity of wastewater discharged from the Spring Conveyance System at the Connection Point. If any industrial waste is discharged from the Spring Collection System into the Borough Sewer System, the Township shall reimburse the Borough for all costs incurred in treatment of such industrial waste plus a penalty of \$5,000.00 per incident or \$500.00 per incident parameter tested and determined to exceed Borough limits, whichever is greater. (Ordinance No. 328, February 27, 2006, Agreement)

Section 815. Billing of Customers. The Township has requested that the Borough provide certain services in addition to the wastewater treatment and disposal services set forth in this Agreement to enable the Township to properly bill its customers. The Borough will provide the following services to the Township:

(A) Reading of water meters of all structures within the Service Area connected to the Spring Conveyance system on a quarterly basis. The schedule for such meter reading shall be mutually agreeable to the Borough and the Township.

(B) Provision of a quarterly report identifying each structure connected to the Spring Conveyance System together with the water used in the preceding calendar quarter. The format of this report shall be mutually agreeable to the Borough and the Township. If the Township requires that this report utilize certain software to insure compatibility with any existing Township software, the Township shall provide all necessary software and installation of same on the Borough's computer system at no cost to the Borough.

(C) The Borough shall provide meter readings as necessary when dwellings within the Service Area are transferred. The Township shall provide the Borough with not less than two working days' notice of the need for such a meter reading.

(D) The Borough shall bill the Township for the ancillary services itemized in this Agreement at the rate of \$500.00 per quarter. This sum shall be adjusted annually in mutual negotiations between the Borough and the Township. If an agreeable price cannot be negotiated, the Township shall become responsible for performing all of the identified services and providing the Borough with copies of each quarterly meter reading and summary reports which the Borough has agreed to provide to the Township.

(Ordinance No. 328, February 27, 2006, Agreement)

Section 816. Calculations. The Borough shall calculate the amounts due for wastewater treatment and disposal services, conveyance services, and ancillary services as follows:

(A) The Borough shall calculate the wastewater treatment and disposal charges by adding together a charge for each and every dwelling or other structure within the Service Area connected to the Spring Sewer System and a flat charge for the ancillary services. The per dwelling unit charge shall be comprised of the treatment charge and the conveyance charge.

(B) The treatment and disposal charge per dwelling shall be identical to the sewer rates which the Borough imposes upon individual dwellings in the Borough at the time the Borough undertakes the quarterly water meter readings. The Township acknowledges that the Borough may change the sewer rates and charges from time to time for Borough customers, and the per dwelling unit treatment and disposal charge to the Township will be identically revised.

(C) The conveyance charge per dwelling unit shall be calculated in accordance with Section 830 of this Part.

(Ordinance No. 328, February 27, 2006, Agreement)

Section 817. Billing of Township. The Borough shall bill the Township on a quarterly basis for all sums due for wastewater treatment and disposal services, conveyance charges, and the ancillary services set forth in this Agreement. The Borough shall not bill individual customers within the Service Area. (Ordinance No. 328, February 27, 2006, Agreement)

Section 818. Quarterly Invoices. The Township shall make payments to the Borough of each quarterly invoice for wastewater treatment and disposal services, conveyance changes and ancillary services as follows:

(A) The Township shall pay each such quarterly invoice within 45 days of the date of the invoice.

(B) If the Township does not make any payment to the Borough when due, the Borough shall add a penalty of ten (10%) percent of the amount due.

(C) If the Township does not make payment within 90 days after the date of a quarterly invoice, interest shall accrue at the rate of eighteen (18%) percent per annum until paid in full.

(D) If the Township disputes an invoice forwarded by the Borough, the Township shall make payment of the invoice and shall with the payment state all grounds upon which the Township disputes the amount of the invoice. The Borough shall investigate the dispute and shall provide the Township with a written response to the dispute concerning the invoice within two weeks after the next regular Council meeting. If the Borough agrees that the Township has been overcharged, all amounts which have been overpaid shall be applied to the next invoice or invoices. If the Borough's written response does not satisfy the Township, then the Township may, at its expense, retain an independent engineer, reasonably acceptable to the Borough, to evaluate the dispute. If the independent engineer identifies any problems with metering or other equipment maintained by

the Borough, the Borough shall promptly replace or repair such equipment and shall give the Township credit for all amounts the independent engineer has determined that the Township was overcharged.

(Ordinance No. 328, February 27, 2006, Agreement)

Section 819. Township Responsibility. The Township shall be solely responsible for establishing fees, charges, surcharges, penalties and assessments of any type for its customers and for billing and collection of all fees, charges, surcharges, penalties and assessments of any type from all customers within the Service Area. (Ordinance No. 328, February 27, 2006, Agreement)

Section 820. Indemnification. The Township acknowledges that the Township shall be solely responsible for, and shall defend, indemnify, and hold harmless the Borough and its employees, agents, and servants (collectively "Indemnitees"), from any and all liability, loss or damage, including attorneys' fees and costs of investigation and defense, as a result of claims, demands, costs or judgments against Indemnitees which arise from or relate in any manner to of the design, installation, construction, maintenance or operation of any facilities installed as part of the Spring Conveyance System, including, but not limited to, personal injury and property damage claims of their parties. (Ordinance No. 328, February 27, 2006, Agreement)

Section 821. Township Reimbursement. The Township shall reimburse the Borough for all costs associated with the negotiation and preparation of this Agreement and the preparation, advertisement and enactment of an ordinance under the Intergovernmental Cooperation Act, and for all fees incurred relating to review of plans, inspection of improvements, review of easements and documents or otherwise relating to the installation of the Spring Conveyance System and Connection Point. The Township shall pay all such fees and costs within 45 days after the date of an invoice for such costs. (Ordinance No. 328, February 27, 2006, Agreement)

Section 822. Good Faith. The Borough and the Township shall at all times deal in good faith with each other as to the subject matter of this Agreement and the transactions contemplated by this Agreement. (Ordinance No. 328, February 27, 2006, Agreement)

Section 823. Interpretation. This Agreement shall be interpreted in accordance with the laws of the Commonwealth of Pennsylvania. (Ordinance No. 328, February 27, 2006, Agreement)

Section 824. Enforcement. Any action commenced to enforce any provision of this Agreement shall be brought in the Lancaster County Court of Common Pleas. (Ordinance No. 328, February 27, 2006, Agreement)

Section 825. Intergovernmental Cooperation Act. Council of the Borough and the Board of Supervisors of the Township has enacted or shall enact an ordinance pursuant to the Intergovernmental Cooperation Act to authorize execution of this Agreement. (Ordinance No. 328, February 27, 2006, Agreement)

Section 826. Remedies. Any remedies provided in this Agreement, including, by way of illustration and not limitation, the imposition of any surcharge, and all other remedies provided by law or equity, shall be cumulative and concurrent. (Ordinance No. 328, February 27, 2006, Agreement)

Section 827. Severability. Should any one or more of the provisions of this Agreement for any reason be held illegal or invalid, such illegality or invalidity shall not effect any, other provisions of this Agreement and this Agreement shall in such circumstances be construed and enforced as if such illegal or invalid provisions had not been contained herein. (Ordinance No. 328, February 27, 2006, Agreement)

Section 828. Perpetual Agreement. This Agreement shall become effective upon its execution and delivery by the parties hereto. If the Spring Conveyance System is not constructed and connected to the Borough Sewer System within three years from the date of this Agreement, this Agreement shall expire and shall have no further force or effect. If the Spring Conveyance System is constructed and connected to the Borough Sewer System within three years from the date of this Agreement, this Agreement shall be perpetual. (Ordinance No. 328, February 27, 2006, Agreement)

Section 829. Old Lancaster Pike Sewage Service Area Properties to be Served.

Number	Street	Berks County PIN	Property Description
307	E Main	437302579377	2 story alum/vinyl/stl, detached
309	E Main	437307670721	2 story frame, detached improvements
311	E Main	437307671736	2 story brick/masonry
100	Furlow	437307674818	1 story asbestos
101	Furlow	437307671587	2 story alum/vinyl/stl, detached
102	Furlow	437307675901	1 story alum/vinyl/stl, detached
104	Furlow	437307675984	1 story brick/masonry
106	Furlow	437307687131	2 story brick/masonry, detached
	Furlow	437307687242	Vacant Lot
	Furlow	437307688066	Vacant Lot
	Furlow	437307676986	Vacant Lot
2128	Old Lancaster	437302788969	2 story alum/vinyl/stl
2130	Old Lancaster	437302787651	1 story brick/masonry, detached
2131	Old Lancaster	437302797466	1 story stucco
2134	Old Lancaster	437302785654	1 story frame/masonry
2135	Old Lancaster	437302796174	1 story brick/masonry
2136	Old Lancaster	437307784636	1 story alum/vinyl/stl
2138	Old Lancaster	437307783529	1 story alum/vinyl/stl
2139	Old Lancaster	437307784909	2 story brick/masonry, detached
2140	Old Lancaster	437307781468	1-1/2 story asbestos
2141	Old Lancaster	437307783903	2 story alum/vinyl/stl, detached
2143	Old Lancaster	437307781853	1 story alum/vinyl/stl
2144	Old Lancaster	437307689314	1-1/2 story brick/masonry, detached
2145	Old Lancaster	437307689629	2 story frame, detached improvements
2149	Old Lancaster	437307687590	2 story alum/vinyl/stl, detached
2150	Old Lancaster	437307686178	1 story alum/vinyl/stl
2151	Old Lancaster	437307687426	2 story alum/vinyl/stl
2152	Old Lancaster	437307685182	1 story brick/masonry, detached
2153	Old Lancaster	437307685397	2 story composition, detached
2154	Old Lancaster	437307685029	2 story brick/masonry
2155	Old Lancaster	437307684334	2 story alum/vinyl/stl, detached
2156	Old Lancaster	437307684075	2 story brick/masonry
2157	Old Lancaster	437307682360	commercial building, detached
2158	Old Lancaster	437307684023	2 story brick/masonry
2159	Old Lancaster	437307682124	1 story alum/vinyl/stl, detached
2160	Old Lancaster	437307673989	2 story brick/masonry
2161	Old Lancaster	437307680751	2 story brick/masonry, detached
2162	Old Lancaster	437307673926	1 story brick/masonry
2164	Old Lancaster	437307672941	2 story brick/masonry, detached
	Old Lancaster		Flag Shop - On holding tank in

(Ordinance No. 328, February 27, 2006, Agreement)

Section 830. Calculation of Borough Conveyance System Charge.

$$A = \frac{\text{Total Footage of Jointly Used Borough Sewer}}{\text{Total Footage of Borough Owned Sewer}}$$

$$B = \frac{\text{Spring Township Flow (Annual Average Flow Gallons per Day)'}}{\text{Total Borough Wastewater Flow (Annual Average Flow Gallons per Day)}}$$

'Spring Township flow shall be determined from pervious year water meter readings and multiplied by a factor of 1.10 to include a component for Infiltration Inflow.

'Total Borough Wastewater Flow shall be determined from previous year flows and will include total flow from the Borough and Spring Township but not include flows from East Cocalico Township Authority as they do not utilize the Borough collection system.

O & M = Actual Previous Year Collection and Conveyance System Operation and Maintenance Code = Cost shall include all expenses associated with operation and maintenance of the Borough collection and conveyance system including but not limited to operating labor and benefits, repair costs, vehicle expenses, engineering and infiltration inflow investigation and rehabilitation.

$$\text{Spring Township Conveyance System Charge} = \text{O\&M} \times A \times B$$

Note that we did not include in the OI & M costs capital reserve contributions and treatment facility debt service payments.

As an example it would look like the following:

A =

B =

$$\frac{10,986 \text{ feet}}{32,620 \text{ feet}} = 0.337$$

This number should remain constant until sewer is dedicated to the Borough.

$$\frac{10,000 \text{ gallons}}{338,248 + 10,000} = 0.0287$$

$$338,248 + 10,000$$

$$\text{O\&M} = \$87,000 \times 0.337 \times 0.0287 = \$841.90/\text{year or } \$210.48/\text{qtr. Equivalent to } \$210.489/40 \text{ EDUs} = \text{approximately } \$5.25/\text{EDU/Qtr.}$$

(Ordinance No. 328, February 27, 2006, Agreement)