

Chapter 81

SEWERS

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[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry 12-16-2002 by Ord. No. 128.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Township Authority - See Ch. 5.
Refuse Authority - See Ch. 29.
Individual sewage disposal systems - See Ch. 77.
Streets and sidewalks - See Ch. 85.
Zoning - See Ch. 103.

**ARTICLE I
Definitions, Word Usage and Abbreviations**

§ 81-1. Definitions and word usage.

- A. As used in this chapter, the following terms shall have the meanings indicated:

ACT - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 U.B.C. § 1251 et seq.),

¹ Editor's Note: This ordinance repealed former Ch. 81, Sewers, adopted as follows: Part 1, 2-15-1977 by Ord. No. 27, as amended; Part 2, 2-15-1977 by Ord. No. 28, as amended; Part 3, 12-13-1977 by Ord. No. 33, as amended; Part 4, 3-14-1978 by Ord. No. 34, as amended.

AUTHORITY - The North Londonderry Township Authority, Lebanon County, a Pennsylvania municipal authority so created under the Municipality Authorities Act of 1945,² and owner of the sewer system in North Londonderry Township.

AUTHORIZED REPRESENTATIVE OF THE USER -

- (1) If the user is a corporation, the authorized representative shall be:
 - (a) The president, vice president, secretary, or treasurer of the corporation in charge of a principal business function, or any person who performs similar policy or decisionmaking functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) If the user is a partnership or a sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively. If the user is a federal, state or local governmental facility, the authorized representative shall mean a ranking elected official, or principal executive official having responsibility for the overall operation and performance of the activities of the principal geographic unit of the government agency. The individuals described above may designate another authorized representative if:
 - (a) The authorization is made in writing by the individual described above;
 - (b) The authorization specifies either the individual or a position responsible for the overall operation of the facility from which the indirect discharge originates or having overall responsibility for environmental matters for the company; and
 - (c) The written authorization is submitted to the Township.

BILLING UNIT - Includes, as applicable, any commercial establishment, any dwelling unit, any educational establishment, any industrial establishment or any institutional establishment.

² Editor's Note: See 53 P.S. § 301 et seq.

BIOCHEMICAL OXYGEN DEMAND (BOD) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees Centigrade (20 C.), expressed in terms of weight and concentration, milligrams per liter (mg/L).

BOROUGH - Palmyra Borough, Lebanon County, Pennsylvania, a municipal subdivision of the Commonwealth of Pennsylvania, acting by and through its authorized representatives. Palmyra Borough operates the wastewater treatment plant that treats the wastewater collected from the North Londonderry Township sewer system.

BUILDING SEWER - That part of the sewer line from the service lateral to the outer wall of the building being served. The building sewer shall be maintained by the owner.

COMMERCIAL ESTABLISHMENT - Any room, group of rooms, building or enclosure connected, directly or indirectly, to the sewer system and used or intended for use in the operation of a business enterprise for the sale and distribution of any product, commodity, article or service.

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

CONNECTION FEE - A fee, as established and defined by Act 209 of 1990,³ which is imposed to recover the Township's cost for facilities installed between the sewer mains and the property line of the property to be connected to the sewer system and which is payable to the Township.

CONNECTION, MANDATORY - If a principle building is within one hundred fifty (150) feet of the public sanitary sewer, connection by the principle building to the public sanitary sewer is mandatory. **[Added 5-18-2009 by Ord. No. 151]**

COOLING WATER - The water discharged from any use to which the only pollutant added is heat, such as air conditioning, cooling or refrigeration.

CUSTOMER FACILITIES FEE - A fee, as established and defined by Act 209 of 1990,⁴ which is imposed to recover the Township's cost of facilities installed between the property line and the internal plumbing of the building being connected to the Authority sewer system and which is payable to the Township.

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

³ Editor's Note: See 53 P.S. § 10501-A et seq.

⁴ Editor's Note: See 53 P.S. § 10501-A et seq.

DOMESTIC WASTEWATER - Human excrement and gray water (showers, dishwashers, washing machines, etc.) generated from residential households, institutions, commercial and industrial establishments, but excluding industrial wastewater.

DWELLING UNIT - Any room, group of rooms, house trailer, building or other enclosure connected, directly or indirectly, to the sewer system and occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by a person or persons living alone, excluding institutional dormitories.

EDUCATIONAL ESTABLISHMENT - Each room, group of rooms, building, house trailer or mobile home 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.

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

FATS, OILS AND GREASES (FOG) - Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules, such as rendered animal fat, vegetable shortening and other such oily material used for the purposes of and resulting from cooking and/or preparing food, and is distinct from petroleum or mineral oils.

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

FOOD SERVICE ESTABLISHMENT - Any food service facility that prepares or packages food or beverages for sale or consumption, onsite or offsite, with the exception of private residences. Food service establishments shall include, but are not limited to: food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches and schools.

GRAB SAMPLE - A sample that is collected from a wastestream on a one-time basis, with no regard to the flow in the waste stream, and over a period of time not to exceed fifteen (15) minutes.

GREASE INTERCEPTOR A device located underground and outside of a food service establishment designed to collect, contain or remove food wastes and grease from the wastestream while allowing the wastewater to discharge to the sewer system by gravity.

GREASE TRAP - A device located inside a food service establishment or under a sink designed to collect, contain or remove food wastes and grease from the wastestream while allowing the wastewater to discharge to the sewer system by gravity.

IMPROVED PROPERTY - Any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings and from which structure domestic and/or industrial wastewater shall be or may be discharged.

INDIRECT DISCHARGE - The discharge or the introduction of pollutants from any nonresidential source regulated under Section 307(b), (c) or (d) of the Act (33 U.S.C. § 1317), into the sewer system.

INDUSTRIAL 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, in the operation of a business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article, or from which any industrial wastewater, as distinct from domestic wastewater, shall be discharged.

INDUSTRIAL USER - A source of indirect discharge.

INDUSTRIAL WASTEWATER - Any liquid, gaseous or waterborne wastewater discharged into the sewer system from commercial or industrial establishments, as distinct from domestic wastewater.

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

INTERFERENCE - A discharge which, alone or in conjunction with a discharge or discharges from other sources, causes the inhibition or disruption at the Borough's wastewater treatment plant, its treatment processes or operations, or its sludge processes, use or disposal, and therefore is a cause of a violation of any requirement of the Borough's NPDES permit, including an increase in the magnitude or duration of a violation. The term includes a discharge which causes the prevention of sewage sludge use or disposal by the Borough in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state and local regulations): Section 405 of the Clean Water Act (33

U.S.C. § 1345); the Solid Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research and Sanctuaries Act; and any state regulations contained in any state sludge-management plan prepared pursuant to Subtitle D of the SWDA applicable to the method of disposal or use employed by the POTW.

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

MULTIPLE DWELLING - Any improved property in which there shall be located more than one (1) dwelling unit.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT - A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD - Any regulation developed under the authority of Section 307(b) of the Act and set forth in 40 CFR § 403.5.

NEW SOURCE-

- (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed federal categorical pretreatment standards under Section 307(c) of the Act, which will be applicable to such source, if such standards are thereafter promulgated in accordance with that section provided that the building, structure, facility or installation is constructed at a site at which no other source is located; the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or 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 modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of the above subsection, but otherwise alters, replaces or adds to existing process or production equipment. Construction of a new source as defined under this subsection has commenced if the owner or operator has begun, or

caused to begin, as part of a continuous on site construction program any placement, assembly or installation of facilities or equipment; significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which are necessary for the placement, assembly or installation of new source facilities or equipment; or entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in the 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 that does not come into direct contact with any raw material, intermediate product, waste product or finished product.

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) - A classification system pursuant to the North American Industry Classification System, United States, 1997 Manual, as amended, Office of Management and Budget.

OWNER - Any person vested with ownership, legal or equitable, sole or partial, of any improved property located within the sewer service area.

PASS THROUGH - A discharge that exits the Borough's wastewater treatment plant 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 Borough's NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON -- Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, society or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by context.

pH - The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution and indicates the degree of acidity or alkalinity of a substance.

POLLUTANT - Any dredged spoil, solid waste, incinerator residue, filter backwash, domestic wastewater, industrial wastewater, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal and agricultural wastes, and certain characteristics of wastewater (e.g.,

biochemical oxygen demand (BOD), chemical oxygen demand (COD), color, odor, pH, temperature, total suspended solids (TSS), toxicity or turbidity).

PRETREATMENT or TREATMENT - The reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing such pollutants into a wastewater treatment plant. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except as prohibited by 40 CFR § 403.6(d), which prohibits dilution as a substitute for treatment.

PRETREATMENT REQUIREMENTS - Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed upon an industrial user.

PRETREATMENT STANDARDS - Prohibited discharge standards, federal categorical pretreatment standards and local limits.

PUBLICLY OWNED TREATMENT WORKS (POTW) - A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which are owned, in this instance, by the Authority and Borough. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of domestic or industrial wastewater. It also includes pipes, sewers and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Act [33 U.S.C. § 1362(4)], which has jurisdiction over indirect discharges to, and the discharges from, such a treatment works. The Authority collects and conveys wastewater from within the Township to the Borough's collection system for treatment at the Borough's wastewater treatment plant.

SERVICE AREA - That area of the sewer system served by the Borough POTW, which includes Palmyra Borough, Lebanon County, and North Londonderry Township, Lebanon County.

SERVICE CONNECTION - Each individual building or portion of a building, which is designed or adaptable to separate ownership whether for commercial, industrial or residential use. A school, factory, apartment house, office building or other multiple unit structure whose individual apartments or units are connected to a common internal wastewater system and which are not commonly subject to separate ownership shall be considered as one service connection.

SERVICE LATERAL - That part of the sewer system that extends from the sewer main to a point near the edge of the public right-of-way.

SEWER - Any pipe, main or conduit constituting a part of the sewer system, used or usable for collection and transportation of domestic and industrial wastewater, other than a building sewer.

SEWER SYSTEM - All facilities and property owned by the Authority and operated and maintained by the Township, as of any particular time, including, but not limited to, facilities for collecting, pumping and conveying domestic and industrial wastewater.

SIGNIFICANT INDUSTRIAL USER-

- (1) Any nonresidential user of the sewer system who is subject to federal categorical pretreatment standards; or discharges an average flow of twenty-five thousand (25,000) gallons per day or more of process wastewater to the sewer system (excluding domestic, non contact cooling water and boiler blowdown wastewater); or contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the Borough wastewater treatment plant; or is designated as significant by the Township on the basis that the nonresidential user has a reasonable potential for adversely affecting the Borough's wastewater treatment plant operation or for violating any pretreatment standard or requirement.
- (2) Upon finding that a nonresidential user meeting the criteria above has no reasonable potential for adversely affecting the Borough's wastewater treatment plant operation or for violating any pretreatment standard or requirement, the Township may at any time, on its own initiative or in response to a petition received from the nonresidential user, determine that such nonresidential user should not be considered a significant industrial user.

SLUG - Any discharge of a nonroutine, episodic nature, or at a flow rate or concentration which could cause a violation of the general or specific prohibited discharge standards in §§ 81-16 and 81-17 of this chapter. [**Amended 5-18-2009 by Ord. No. 151**]

STATE - Commonwealth of Pennsylvania.

STORMWATER - Any flow occurring during or following any form of natural precipitation and resulting therefrom.

STREET - Any street, road, lane, court, alley or public square.

TAPPING FEE - A fee, as established and defined by Act 209 of 1990,⁵ imposed for the privilege of connecting with or utilizing, whether directly or indirectly, the sewer system. This fee is payable to the Township.

TENANT - One who rents or leases from a landlord. [**Amended 5-18-2009 by Ord. No. 151**]

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

TOWNSHIP - North Londonderry Township, Lebanon County, Pennsylvania, a municipal subdivision of the Commonwealth of Pennsylvania, acting by and through its authorized representatives, which operates and maintains the sewer system in the Township.

TOXIC POLLUTANT - One of the pollutants, or a combination of those pollutants, listed as toxic in regulations promulgated by the EP A under the provision of Section 307(a) (33 UB.C. § 1317) of the Act or other acts.

USER - Any person who contributes, causes or allows the contribution of wastewater into the sewer system.

WATERS OF THE STATE - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulation 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.

WATER SYSTEM - Pennsylvania American Water Company, a Pennsylvania public utility corporation authorized to supply water to the public in the area to be served by the sewer system, or any municipality authority or private or public water company.

- B. Shall is mandatory; may is permissive.

§ 81-2. Abbreviations.

The following abbreviations shall have the designated meanings:

Abbreviation	Meaning
BMR	Baseline monitoring report
BOD	Biochemical oxygen demand

⁵ Editor's Note: See 53 P.S. § 10501-A et seq.

Abbreviation	Meaning
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
DEP	Pennsylvania Department of Environmental Protection
EPA	Environmental Protection Agency
FOG	Fats, oils and greases
GPD	Gallons per day
L	Liter
LEL	Lower explosive limit
mg	Milligrams
mg/L	Milligrams per liter
MGD	Million gallons per day
NH ₃ -N	Ammonia nitrogen
NOV	Notice of violation
NPDES	National pollutant discharge elimination system
NAICS	North American Industry Classification System
O&M	Operation and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SNC	Significant noncompliance
SWDA	Solid Waste Disposal Act
TSS	Total suspended solids
USC	United States Code

ARTICLE II Sewer Connection Permits

§ 81-3. Permit required for connection.

No connection shall be made nor construction of the building sewer commenced unless and until the owner of the improved property shall have submitted an application for a permit to connect to the sewer system as provided herein and until a sewer connection permit is issued by the Township. No sewer connection permit shall be issued unless there is sufficient capacity in the sewer system to convey the wastewater to the Borough wastewater treatment plant and sufficient capacity in the Borough wastewater treatment plant exists to treat the wastewater.

§ 81-4. Application for permit.

- A. An application for a permit to connect to the sewer system, as required under § 81-3 of this article, shall be submitted by the owner of the improved property to be served, or by his duly authorized representative, on a form provided by the Township. Connection permit applications shall be accompanied by plans and specifications as required under the Authority's Manual for Sewer Extension Construction and Material Specification for the Wastewater Collection System,

unless previously provided to the Township. [Amended 5-18-2009 by Ord. No. 151]

- B. Upon receipt of a properly prepared application for a permit to connect to the sewer system, together with the required connection and tapping fees,⁶ the Township may issue a sewer connection permit to the owner of the improved property. The sewer connection permit shall describe the property for which the permit is issued, and neither the owner nor any subsequent owner or tenant shall allow any other property to be attached to or connected with the sewer lines or transferred to another property as authorized under the permit.

ARTICLE III Sewer Connection Procedures and Specifications

§ 81-5. Authority standards.

No connection shall be made to the sewer system unless the manner in which the connection is made and the materials and workmanship employed in effecting such connection shall comply with the requirements of the Authority's Manual for Sewer Extension Construction and Material Specification for the Wastewater Collection System.

§ 81-6. Conditions of connections.

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

- A. The owner of improved property shall have applied for and obtained a permit as required by § 81-3 of this chapter.
- B. The owner of improved property shall obtain the necessary and proper rights-of-way, easements or the like prior to installation of the service lateral. The Township assumes no responsibility for establishing the right of any person to install a service lateral on any particular property.
- C. The Township shall construct the sewer service lateral if the connection is made to an existing public sewer main owned by the Township. At the discretion of the Township, and if the owner enters into a sewer connection agreement with the Township, the owner may be responsible for installation of the service lateral. The owner shall give the Township at least three (3) days advance notice when the connection will be made to the sewer system so that the Township may supervise and inspect the connection work and necessary testing.

⁶ Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

- D. The sewer connection permit shall be displayed prominently upon the improved property to be connected to the sewer system at all times during construction of the building sewer and connection of the building sewer to the sewer main.
- E. Wastewater may only be discharged to the sewer system through an approved connection. Any unlawful discharges may be subject to enforcement action by the Township.
- F. The Township may at all times refuse to render or to continue to render sewer service to any property or to any sewer lines whenever it appears that the connection of the property to the sewer system has been improperly made or whenever it appears that there has been a violation of the rules and regulations of the Township with respect to the installation of the sewer disposal facilities. **[Added 5-18-2009 by Ord. No. 151]**
- G. Sump pumps and sewer ejectors. Sump pumps and sewer ejectors will be permitted if the homeowner does not desire to or cannot install the sewer line below the basement floor in order to accommodate fixtures and drains installed below the main soil line from the building to the sewer main. Discharge of such fixtures and drains shall be directed into a tightly closed and vented sump from which the discharge shall be lifted and discharged into the building gravity line. A check valve shall be installed in the discharge line from the sump pump or sewage ejector. Sump pump and sewer ejector equipment shall be controlled by a float switch or electrode located in the sump to cycle the pump motor in order to discharge the accumulated contents. **[Added 5-18-2009 by Ord. No. 151]**

§ 81-7. Separate connections.

Except as otherwise provided in this section, each connection unit on each improved property shall be connected separately and independently with the sewer system through a building sewer. Grouping of more than one connection unit on one building sewer shall not be permitted except under special circumstances, and then only after special permission is secured from the Township in writing. However, a single sewer connection may be permitted to serve a school, factory or apartment house or other permanent multiple-unit structure whose individual apartments or units may not be subject to separate ownership.

§ 81-8. Building sewers and service laterals.

- A. Building sewers and service laterals shall be constructed, installed and connected in accordance with the Authority's Manual for Sewer Extension Construction and Material Specification for the Wastewater Collection System.
- B. Building sewers and service laterals shall be constructed and installed at the expense of the property owner.

- C. Service laterals, including any connection fitting such as a saddle, shall remain the property of the owner. As a condition of the grant of a connection permit, such owner shall agree to indemnify and save harmless the Township from all loss or damage resulting directly or indirectly from the connection to the sewer main, including any damages to persons or property.
- D. Every excavation for building sewers or service laterals shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of building sewers and service laterals shall be restored at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Township.

§ 81-9. Correction of defects in building sewers.

Whenever the Township has reason to believe that any building sewer has become defective, such building sewer shall be subject to testing and inspection. Defects found upon such testing and inspection, if any, shall be corrected as required by the Township, at the cost and expense of the owner of the improved property served through such building sewer.

§ 81-10. Maintenance of building sewers and service laterals.

The maintenance of building sewers and service laterals shall be the responsibility of the property owner except as provided herein.

- A. Where the owner's efforts to maintain or restore service establishes that there is a blockage in or structural failure of the service lateral, which requires excavation of the service lateral to effect repair and/or restoration of service, the owner will bear the cost of such excavation and subsequent repair of the service lateral.
- B. When it is determined by the Township that a service lateral is in need of repair and/or modification, either to eliminate the entry of groundwater or to eliminate an illegal discharge, the Township shall notify the owner and specify a period of time within which the repair must be made. If the owner does not make the repair or modification within the specified period of time, the Township may complete the work and assess the cost of the work, plus ten percent (10%) for administrative costs, to the owner.
- C. Replacement of building sewers and service laterals shall be in accordance with the Authority's Manual for Sewer Extension Construction and Material Specification for the Wastewater Collection System.

§ 81-11. Grinder pumps.

Grinder pump installations are not allowed for new connections, unless special circumstances warrant their need and approval is obtained from the Township. Existing grinder pump installations shall be maintained by and at the expense of the owner. The Township or its representatives may periodically inspect grinder pump installations during reasonable hours to ensure the installations are functioning properly.

§ 81-12. Grease trap and grease interceptor requirements.

- A. The Township may require any existing food service establishment and shall require all new food service establishments to install grease traps or grease interceptors subject to such terms and conditions as deemed necessary by the Township to protect the sewer system and the Borough wastewater treatment plant from excessive amounts of fats, oils and grease (FOG). Among the factors to be considered by the Township is whether the user's discharge has the potential to obstruct the flow in the sewer or to interfere with the operation of the Borough wastewater treatment plant.
- B. Sizing of grease traps and grease interceptors is based on wastewater flow and grease retention capacity. Indoor grease traps shall be designed in accordance with the Plumbing and Drainage Institute Standard PDI-G101. If feasible, a grease interceptor shall be placed outside the building instead of an inside grease trap. The minimum size grease interceptor required is 1,000 gallons. Interceptors can be installed in series if greater capacity is needed. Grease interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Other design considerations shall include, but are not limited to the following: a minimum of two compartments, each with its own manhole, and a center baffle to allow floating of FOG and settling of solids; the inlet and outlet on the grease interceptor shall be properly baffled; flow control devices; manholes finished to grade to allow easy access for proper maintenance; cleanout on outlet side of interceptor; inaccessibility to insects and vermin; and installation of sample vault with hydraulic jump on discharge side of interceptor.
- C. Grease interceptor design criteria shall be in accordance with the Authority's Manual for Sewer Extension Construction and Material Specification for the Wastewater Collection System. Grease traps and grease interceptors shall be located in the service lateral line between all fixtures that may introduce FOG into the sewer system and the service connection to the Township sewer system. Such fixtures include, but are not limited to, sinks, dishwashers, garbage disposals, automatic hood wash units, floor drains in food preparation and storage areas, and any other fixture that is determined to be a potential source of FOG. Indoor grease traps will not be approved for food service establishments that are equipped with dishwashers or garbage disposals. The trap/interceptor size, type of construction, and the location of the installation shall be approved by the Township, prior to installation.

- D. Grease traps and grease interceptors shall be inspected, cleaned and repaired regularly, as needed, by the owner at his expense. In the maintaining of grease traps and grease interceptors, the owner shall be responsible for the proper removal and disposal of the captured material, and shall maintain records which include dates of maintenance, person performing maintenance, estimated volume of FOG removed, hauler receipts or manifests, disposal locations and facility manager's verification. The frequency of cleaning shall be as specified by the trap/interceptor manufacturer, based on the size of the food service establishment and the type of food served, whichever is the most stringent. Such records are subject to review by the Township. Township personnel may make periodic inspections of the installed facilities and associated records to assure proper installation, maintenance and disposal procedures are being practiced.

§ 81-13. Oil/water separator requirements.

- A. Oil/water separators shall be installed at existing automotive repair facilities and car washes if the potential exists for petroleum oils to be discharged to the sewer system via floor drains. New facilities of this type are prohibited from installing floor drains that are connected to the sewer system. The type and size of oil/water separator shall be determined by the owner and approved by the Township prior to installation.
- B. Oil/water separators shall be inspected, cleaned and repaired regularly, as needed, by the owner at his expense. The owner shall be responsible for the proper removal and disposal of the captured material from oil/water separators, and shall maintain records of the dates and means of disposal. Such records are subject to review by the Township. Township personnel may make periodic inspections of the installed facilities and associated records to assure proper installation, maintenance and disposal procedures are being practiced.

§ 81-14. Change in ownership or tenancy.

The Township shall be contacted by the owner of improved property that is connected to the sewer system prior to any change in ownership of property or any change in the type of service.

ARTICLE IV
Extensions and Additions to Sewer System

§ 81-15. Extensions made by builder, developer and other person.

- A. In cases when a builder, developer or other person desires the sewer to be furnished to a development or specific area, but the Township declines to provide such extension at Township expense, the builder, developer or other person may elect to

construct the sewer extension at his own expense. These extensions shall be designed and constructed in accordance with the Authority's Manual for Sewer Extension Construction and Material Specification for the Wastewater Collection System.

- B. The builder, developer or other person shall obtain all necessary permits from the pertinent regulatory agencies for the construction, including the DEP planning modules. Plans and specifications shall be submitted to the Township for approval prior to any construction in accordance with the Authority's Manual for Sewer Extension Construction and Material Specification for the Wastewater Collection System.
- C. Before construction has commenced, the applicant shall post financial security with the Township in an amount established by the Township to insure payment of all obligations relating to the proposed installation, including the estimated construction costs and the estimated amount to be paid to the Township for the cost of inspecting and the cost of replacing or repairing any part of the extension that has not been constructed in a manner satisfactory to the Township. The applicant may also provide a letter of credit to the Township in the amount as determined above, provided the letter of credit is satisfactory to and in a form approved by the Township. The property owner or developer shall assume all costs associated with the posting and release of financial security.
- D. A sewer extension agreement shall be executed between the applicant and Township under which the applicant agrees to offer to the Township a deed of dedication to the collection system to be installed upon completion of the sewer extension. The sewer extension agreement is an irrevocable offer of dedication of facilities. Such deed shall convey all right, title and interest in the collection lines to the Township free and clear of all encumbrances and charges. The Township agrees to accept such deed of dedication upon completion, provided:
 - (1) The location, plans and specifications for the sewer facilities are approved by the Township or its representative prior to the start of construction.
 - (2) Approval of grades and locations has been obtained from appropriate governmental agencies.
 - (3) Sewer facilities have been constructed in accordance with the approved plans and specifications.
 - (4) Inspection by the Township or its representative is permitted during all stages of construction, during which the developer shall comply with reasonable requests of the Township or its representative, as to advance notice of time when inspection is to be made.

- (5) The developer shall cooperate with and assist the Township in obtaining the necessary highway road occupancy permits from PennDOT or the appropriate municipality for the laying of sewer mains in public highways. The developer shall pay all expenses relative to compliance with state and local requirements, and shall hold the Township harmless from any costs, including inspection fees, relative to state and local requirements.
 - (6) A final inspection has been performed by the Township or its representative, and all sewer mains and appurtenances are found to be operational and in good repair.
 - (7) All streets within which sewer mains and appurtenances to be dedicated to the Township have been installed, have finished paving and have been dedicated to the municipality.
 - (8) The Township has voted to accept dedication.
 - (9) Sewer service may be permitted before final dedication provided an engineering statement of acceptability has been received from the Township Engineer.
- E. The financial security shall not be released in entirety until the improvements are completed to the satisfaction of the Township, including all final adjustments to grade, acceptance of a deed of dedication by the Township, and posting of security to guarantee the installed improvements for a maintenance period of eighteen (18) months commencing from the date of the acceptance of the deed of dedication. The amount of the maintenance guaranty shall be fifteen percent (15%) of the actual cost to install the improvements. The owner or developer shall specify an estimated date for completion of the improvements. The security posted, less any authorized reductions, shall remain in place through the date of completion.
- F. The financial security shall assure completion of all improvements, which are intended to be dedicated to the Township. The acceptance of this financial security shall in no way bind the Township to complete these improvements that are typically the responsibility of the owner or municipality, such as, but not limited to, installation of sewer laterals or mains, or roadway surfacing above subgrade. Where improvements are not completed in compliance with the Authority's Manual for Sewer Extension Construction and Material Specification for the Wastewater Collection System and/or the development plan, the Township shall pursue completion of the improvements and enforcement of the financial security.
- G. When a service connection is made to the sewer system or an extension of a sewer main is to be made to serve a development, the owner or developer is required to extend the sewer mains along streets and/or easements and through property, which is to be served or is subject to the approved development plan, to the farthest limit of the property from the end of the existing sewer facilities to be extended.

ARTICLE V
General Sewer Use Requirements

§ 81-16. General prohibited discharge standards.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all users of the POTW, whether or not the user is subject to federal categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements.

§ 81-17. Specific prohibited discharge standards.

These specific prohibitions apply to all users of the POTW, whether or not the user is subject to federal categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements. A user may not contribute the following substances to the POTW:

- A. Any liquids, solids or gases which, by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances, to create a hazard of fire or explosion, or to be injurious in any other way to the POTW, or to the operation of the POTW, including, but not limited to, wastestreams with a closed-cup flash point of less than 140 degrees Fahrenheit (1400 F.) or 60 degrees Centigrade (600 C.) using the test methods specified in 40 CFR § 261.21. At no time shall two (2) successive readings on an explosion-hazard meter at the point of discharge into the sewer system (or at any point in the sewer system) be more than five percent (5%), nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Except as otherwise provided by the Township, prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substance which is a fire hazard or a hazard to the sewer system.
- B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interferences with the operation of the POTW, such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes.
- C. Any wastewater having a pH less than 6.0 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment.

- D. Any wastewater containing pollutants in sufficient quantity, which either singly or by interaction with other pollutants, injures or interferes with any wastewater treatment process, constitutes a hazard to humans and animals, creates a toxic effect in the receiving waters of the POTW, or exceeds the limitations set forth in a federal categorical pretreatment standard.
- E. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW facilities in a quantity that may cause acute worker health and safety problems or any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance or repair.
- F. Any substance that may cause the Borough wastewater treatment plant effluent or any other product of the Borough wastewater treatment plant, such as residues, sludges or scums, to be unsuitable for reclamation or reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the sewer system cause the Borough wastewater treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or state criteria applicable to the sludge-management method being used.
- G. Any substance that will pass through, and as a result, cause the Borough wastewater treatment plant to violate its NPDES permit.
- H. Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
- I. Any wastewater having a temperature which will inhibit biological activity in the Borough wastewater treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the sewer system which exceeds 104 degrees Fahrenheit (1040 F.) or 40 degrees Centigrade (400 C.).
- J. Oils and greases, including petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, in amounts greater than 100 mg/L, and/or fats, oils and greases of animal and vegetable origin, in amounts greater than 200 mg/L; or contain substances that may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (320 F.) or zero degrees Centigrade (00 C.) and one hundred fifty degrees Fahrenheit (1500 F.) or sixty-five degrees Centigrade (650 C.); or in quantities that would cause operational or other problems to the Borough wastewater treatment plant or Township wastewater collection system. In no case shall fats, oils and greases be discharged at a level that, alone or in conjunction with discharges from other sources, will cause interference or pass through.

- K. Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration that cause interference to the POTW.
- L. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state or federal regulations.
- M. Any wastewater that causes a hazard to human life or creates a public nuisance.
- N. Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, swimming pool drainage, cooling water, unpolluted industrial or nonresidential process water. The discharge of cooling water from air-conditioning units with cooling towers or recirculating systems or those units using flow-through or unrecirculating systems is prohibited.
- O. Detergents, surface-active agents or other substances that may cause excessive foaming in the POTW.

§ 81-18. Federal categorical pretreatment standards.

The federal categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, §§ 405-471, are hereby incorporated.

- A. When regulated wastestreams, subject to a categorical standard, are mixed with unregulated wastestreams, the Authority may impose alternate limits using the combined wastestream formula found in 40 CFR § 403.6(e).
- B. Where a categorical standard is expressed only in terms of either mass or concentration for a pollutant, the Authority may impose equivalent concentration or mass limits in accordance with 40 CFR § 403.6(c).
- C. A user may obtain a variance from a categorical 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 the EPA when developing the categorical standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR § 403.15.
- E. Where there is a conflict between federal, state or local pretreatment standards, the more stringent pretreatment standard shall apply.

§ 81-19. Specific pollutant limitations.

The Borough may establish additional limitations, as deemed necessary, to protect against pass through and interference, and to protect the sludge quality. Limits may be allocated on an individual basis to the industrial users and defined through wastewater discharge permits.

§ 81-20. Right of revision.

The Township reserves the right to establish through a wastewater discharge permit more stringent limitations or requirements on discharges to the sewer system, if deemed necessary and appropriate, to comply with the objectives presented in this chapter.

§ 81-21. 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.

§ 81-22. Pretreatment facilities.

- A. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards, local limits and the prohibitions set out in §§ 81-16 and 81-17 of this article. Any facilities required to pretreat wastewater to a level acceptable to the Township shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Township for review, and shall be subject to Township approval before construction of the facility. The Township does not by its approval of any of the designs or installation of the plans and equipment, or of any other information or plans submitted by a user, warrant or aver in any manner that the user's implementation of such measures will result in compliance with the applicable pretreatment requirements. Notwithstanding any approval of such plans by the Township, the user remains solely responsible for compliance with the applicable pretreatment requirements and all other federal, state and local requirements. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the Township under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the Township prior to the user's initiation of the changes.
- B. The user shall at all times properly operate and maintain all pretreatment facilities and systems of treatment and control (and related appurtenances) which are installed or used by the user to achieve compliance with pretreatment requirements. This includes adequate laboratory controls and appropriate quality-assurance

procedures, the operation of backup or auxiliary facilities, or similar systems which are installed by the user only when the operation is necessary to achieve compliance. The intentional diversion of wastestreams from any portion of the user's treatment facility is prohibited, except as provided by § 81-53B of this chapter.

§ 81-23. Additional pretreatment requirements.

Whenever deemed necessary, the Township may require a user to restrict its discharge during peak flow periods; to discharge at a consistent flow rate; to discharge certain industrial wastewaters only into specific sewers; to relocate and/or consolidate points of discharge; to separate domestic wastewater from industrial wastewater; and to perform and maintain such other conditions as may be necessary to protect the POTW and to determine the user's compliance with the requirements of this chapter.

§ 81-24. Accidental discharge/slug control plans.

Upon notification from the Township, a user shall provide protection from accidental and slug discharges of prohibited materials or other substances regulated under this chapter or federal or state regulations. Facilities to prevent accidental or slug discharges of prohibited materials shall be provided and maintained at the 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 subject to Township approval before construction of the facility. A user shall develop and implement an accidental discharge/slug control plan when designated by the Township. An accidental discharge/slug control plan shall address, at a minimum, the following provisions:

- A. Description of discharge practices, including nonroutine batch discharges.
- B. Description of stored chemicals.
- C. Procedures for immediately notifying the Township of any accidental or slug discharge, as required by § 81-38 of this chapter.
- 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.
- E. Such other conditions as deemed appropriate by the Township.

§ 81-25. Hauled waste.

Should the Borough decide to accept hauled waste of domestic origin, such waste may be introduced into the POTW only at locations designated by the Borough and/or Township, and at such times as are established by the Borough and/or Township. Such waste shall not violate this chapter or any other requirements established by the Township.

ARTICLE VI Wastewater Discharge Permits

§ 81-26. Waste survey.

When requested by the Township, all nonresidential users must submit information on the nature and characteristics of their wastewater by completing a waste survey within thirty (30) days of the request. The Township may periodically require users to update the survey.

§ 81-27. Wastewater discharge permit requirements.

- A. No significant industrial users (SIU) shall discharge wastewater into the sewer system without first obtaining a wastewater discharge permit from the Township, except when a significant industrial user has filed a timely permit application pursuant to Subsections Band C of this section, then the SIU may continue to discharge for the time period specified therein.
- B. Any significant industrial user which discharges industrial wastewater into the sewer system prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Township for a wastewater discharge permit in accordance with § 81-28 of this article, and shall not cause or allow discharges to the sewer system to continue after 180 days of the effective date of this chapter except in accordance with a wastewater discharge permit issued by the Township.
- C. Any significant industrial user proposing to begin or recommence discharging industrial wastewater into the sewer system must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit shall be filed at least sixty (60) days prior to the date upon which any discharge is expected to begin.
- D. The Township may require other nonresidential users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter. In any case, the owner or his agent shall complete a permit application furnished by the Township when requested.
- E. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the user to the sanctions set out in §§

81-51 and 81-52 of this chapter. Obtaining a wastewater discharge permit does not relieve the user of its obligation to comply with all federal, state and local pretreatment standards or requirements. Compliance with a wastewater discharge permit will not be a defense for a user's failure to comply with applicable federal, state or local requirements.

§ 81-28. Wastewater discharge permit application.

- A. Users required to obtain a wastewater discharge permit shall complete and file with the Township an application in the form prescribed by the Township, and accompanied by the required permit fee. In support of the application, the user shall submit in units and terms appropriate for evaluation, information including, but not limited to, the following: name, address and location; NAICS number, according to the North American Industry Classification System, United States, 1997 Manual, Office of Management and Budget; description of activities, facilities and plant processes on the premises, including all materials used or stored at the facility, which are or could be discharged to the sewer system; water use and disposal; time and duration of contribution; average daily wastewater flow rates, including seasonal variations, if any; each product manufactured by type, amount, process or processes, and rate of production; type and amount of raw materials processed; number and type of employees, hours of plant operation, and proposed or actual hours of operation of pretreatment system; wastewater constituents and characteristics as determined by a reliable analytical laboratory; site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, floor drains and appurtenances by size, location and elevation; the nature and concentration of any pollutants in the discharge which are limited by any local, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards and the shortest schedule by which the user will provide such additional pretreatment; and any other information as may be deemed by the Township to be necessary to evaluate the permit application. The permit application shall be signed by an authorized representative of the user.
- B. Applications that are incomplete or believed to be inaccurate will not be processed and will be returned to the user for revision.

§ 81-29. Application and reporting signatories and certification.

All wastewater discharge permit applications and user 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.

§ 81-30. Wastewater discharge permit decisions.

The Township will evaluate the data furnished by the user and may require additional information. The Township may request additional information, issue a wastewater discharge permit or deny any application for a wastewater discharge permit.

§ 81-31. Wastewater discharge permit conditions.

Wastewater discharge permits are subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the Township,⁷ In addition, wastewater discharge permits may include such conditions as are reasonably deemed necessary by the Township 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 POTW. Wastewater discharge permits may contain the following conditions:

- A. A statement that indicates the wastewater discharge permit duration, which in no event shall exceed five (5) years.
- B. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the Township, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
- C. Effluent limits based on applicable pretreatment standards.
- D. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of pollutants to be monitored, sample location, sample frequency and sample type based on federal, state and local law.
- E. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, any applicable compliance schedule and any other requirement set forth in this chapter. Such schedule may not extend the time for compliance beyond that required by applicable federal, state and local law.

⁷ Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

- F. Limits on average and/or maximum rate and time of discharge and/or requirements for flow regulations and equalization.
- G. Limits on the average and/or maximum wastewater constituent concentrations, mass or other measure of identified wastewater pollutants or properties, and limits on the location of discharge points.
- H. 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.
- I. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges.
- J. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the sewer system.
- K. Requirements for the installation and proper operation and maintenance of a user's treatment facility, inspection and sampling facilities, and other equipment; and notification to the Township regarding the failure of such facilities and equipment.
- L. Requirements for maintaining and affording Township representatives, including contractors, access to a user's property and plant records relating to discharges.
- M. Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents.
- N. A statement that compliance with the wastewater discharge permit does not relieve the user of the responsibility for compliance with all applicable pretreatment standards, including those that become effective during the term of the wastewater discharge permit.
- O. Other conditions as deemed appropriate by the Township to ensure compliance with this chapter, and state and federal laws, rules and regulations, or as otherwise deemed necessary to protect the sewer system, the Borough wastewater treatment plant, sludge quality, human health and the environment.

§ 81-32. Wastewater discharge permit issuance process.

- A. Permit duration. Wastewater discharge permits 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 of less than five (5) years at the discretion of the Township.

- B. Permit appeals. Any person, including the user, may petition the Township to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance or modification. Such petition must be in writing and must clearly state all facts on which it relies. Failure to submit a timely petition for review shall be deemed a waiver of the administrative appeal. 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. If the appeal is for a modified permit, only the modified permit conditions shall be subject to appeal. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal. If the Township fails to initiate action to reconsider the decision within forty-five (45) days, a request for reconsideration shall be denied. Decisions not to reconsider a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered a final administrative action for purposes of judicial review.
- C. Permit modifications. The terms and conditions of the wastewater discharge permit may be subject to modification by the Township during the term of the permit for cause. Changes or new conditions in the wastewater discharge permit may include a reasonable time schedule for compliance as authorized by applicable law and as determined by the Township. Causes for modification to a permit include, but are not limited to, the following:
- (1) To incorporate any new or revised federal, state or local pretreatment standards or requirements.
 - (2) To address alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance.
 - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - (4) Information indicating that the permitted discharge, either singly or by interaction with other discharges, poses a threat to the sewer system, the Borough wastewater treatment plant, Borough and Township personnel or the receiving waters, or may place the Borough in violation of its NPDES permit.
 - (5) Violation of any terms or conditions of the wastewater discharge permit.
 - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
 - (7) Revision of or a grant of variance from categorical standards pursuant to 40 CFR § 403.13.

- (8) To correct typographical or other errors in the wastewater discharge permit.
- (9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.
- (10) Any cause identified in Subsection E of this section.

D. Permit transfer. Wastewater 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 at least thirty (30) days advance notice to the Township and Township approval of the wastewater discharge permit transfer. The notice to the Township must include a written certification by the new owner and/or operator, which provides the name and address of the facility including the name of the new owner and/or operator, states that the new owner and/or operator have no immediate intent to change the facility's operations and processes, identifies the specific date on which the transfer is to occur and acknowledges full responsibility for complying with the existing wastewater discharge permit. In addition, any proposed transfer shall include a written agreement between the existing user and the new user regarding a proposed date for transfer of permit responsibility, coverage and liability between them. Failure to provide advance notice of a transfer renders the wastewater discharge permit void on the date of facility transfer. The Township may modify or terminate a transferred permit as set forth in Subsections C and E of this section.

E. Permit termination.

- (1) The Township may revoke or terminate a wastewater discharge permit for cause, including, but not limited to, the following reasons:
 - (a) Failure to notify the Township of significant changes in the operation or wastewater volume, constituents and characteristics prior to discharge.
 - (b) Failure to provide prior notification to the Township of changed conditions pursuant to § 81-37 of this chapter.
 - (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or reports.
 - (d) Falsifying monitoring reports.
 - (e) Tampering with monitoring equipment.
 - (f) Refusing to allow the Township or its representative timely access to the facility premises and records.

- (g) Failure to meet effluent limitations.
 - (h) Failure to timely pay fines.
 - (i) Failure to timely pay sewer rentals and charges.⁸
 - (j) Failure to meet compliance schedules.
 - (k) Failure to complete a waste surveyor wastewater discharge permit application.
 - (l) Failure to provide advance notice of the transfer of a permitted facility.
 - (m) Violation of any pretreatment standard or requirement, or any conditions of the wastewater discharge permit or this chapter.
 - (n) A change in the Borough wastewater treatment plant that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - (o) Information indicating that the permitted discharge, either singly or by interaction with other discharges, poses a threat to the sewer system, the Borough wastewater treatment plant, Borough or Township personnel, or the receiving waters, or may place the Borough in violation of its NPDES permit.
- (2) Wastewater discharge permits shall be void by the Township for nonuse, 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. A user may be notified of the proposed termination of its wastewater discharge.

F. Permit reissuance. Except as otherwise approved by the Township, a user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit. Notwithstanding any other provision in this chapter, if a user filed a timely and complete application and the Township, through no fault of the user, has not reissued the wastewater discharge permit prior to the expiration date, the conditions of the existing wastewater discharge permit shall continue until such time the Township has issued another permit.

⁸ Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

ARTICLE VII
Industrial Monitoring and Reporting Requirements

§ 81-33. Baseline monitoring report (BMR).

Within either one hundred eighty (180) days after the effective date of a federal categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR § 403.6(a)(4), whichever is later, existing categorical significant industrial users subject to such categorical standards, and currently discharging to or scheduled to discharge to the sewer system, shall submit to the Borough and Township, a baseline monitoring report (BMR), which contains the information listed in 40 CFR § 403.12(b) and in this section. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical SIUs subsequent to the promulgation of an applicable categorical standard, shall submit to the Borough and Township, a BMR which contains the information listed in 40 CFR § 403.12(b) and in this section. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards, and shall also provide estimates of its anticipated flow and quantity of pollutants to be discharged.

Categorical SIUs shall submit the following information for a BMR:

- A. The name and address of the facility, including the name of the operator and owner.
- B. A list of any environmental control permits held by or for the facility.
- C. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by the categorical SID. This description should include a schematic process diagram, which indicates points of discharge to the sewer system from the regulated processes.
- D. Information showing the measured average daily and maximum daily flow, in gallons per day, to the sewer system from regulated process wastestreams and other wastestreams, as necessary, to allow use of the combined waste stream formula, as established in 40 CFR § 403.6(e).
- E. The federal categorical pretreatment standards applicable to each regulated process and the results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the categorical standard or by the Borough or Township, 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. At least one sample representative of daily operations shall be provided with the BMR and shall be analyzed in accordance with procedures found in § 81-40B of this chapter. Sampling shall be performed in accordance with procedures found in § 81-40A of this chapter. The BMR shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the sewer system.

- F. For existing sources, a certification 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.
- G. For existing sources, if additional pretreatment and/or O&M will be required to meet the pretreatment standards and requirements, 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 or requirement. A compliance schedule shall meet the requirements set out in § 81-34 of this chapter.
- H. All BMRs shall be signed and certified in accordance with § 81-29 of this chapter.

§ 81-34. Compliance schedule progress report.

The following conditions shall apply to the schedule required by §§ 81-28 and 81-33 of this chapter:

- 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 and requirements. 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 in Subsection A of this section shall exceed nine (9) months.
- C. The user shall submit a progress report to the Township 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 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 the delay, and 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 Township.

§ 81-35. Reports on compliance with categorical pretreatment standard deadline.

Within ninety (90) days following the date for final compliance with applicable categorical standards, or in the case of a new source following commencement of the introduction of wastewater into the sewer system, any user subject to such pretreatment standards and requirements shall submit to the Borough and Township a report containing the information described in § 81-33D through F of this chapter. 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 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 shall be signed and certified in accordance with § 81-29 of this chapter.

§ 81-36. Periodic compliance reports.

- A. All significant industrial users subject to a categorical standard or any other pretreatment standard shall submit periodic compliance reports to the Township in accordance with 40 CFR § 403.12(e), (g) and (h), as applicable, during the months of June and December, unless required more frequently in the pretreatment standard or by the Township, indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards. Both daily maximum and average concentrations shall be reported. In addition, the report shall include a record of the measured or estimated average and maximum daily flows for the reporting period. At the discretion of the Township and in consideration of such factors as local high- and low-flow rates, holidays, budget cycles, etc., the Township may agree to alter the months during which the above reports are to be submitted. All periodic compliance reports shall be signed and certified in accordance with § 81-29 of this chapter.
- B. The Township may impose mass limitations on users where the imposition of mass limitations is deemed appropriate. In such cases, the report required by Subsection A of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass, where requested by the Township, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be as prescribed in the applicable pretreatment standard or by the Authority.
- C. Categorical industrial users subject to equivalent mass or concentration limits established by the Township, in accordance with 40 CFR § 403.6(c), shall include in the periodic compliance report a reasonable measure of the user's long-term production rate. Categorical industrial users subject to federal categorical pretreatment standards, which are expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), shall include in

the periodic compliance report the user's actual average production rate for the reporting period.

§ 81-37. Report of changed conditions.

- A. Each user shall notify the Township of any planned, significant changes to the user's operation or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change occurs. This notification requirement includes anticipated changes in user production which can reasonably be expected to impact the POTW.
- B. The Township 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 § 81-28 of this chapter.
- C. The Township may issue a wastewater discharge permit under § 81-30 of this chapter or modify an existing wastewater discharge permit under § 81-33C of this chapter in response to changed conditions or anticipated changed conditions.
- D. No user shall implement the planned changed condition(s) until and unless the Township has responded to the user's notice. The Township may require the user to undertake a compatibility study to demonstrate to the satisfaction of the Township that the wastewater to be discharged is compatible with the POTW, will not affect any requirements imposed upon the Borough wastewater treatment plant (including sludge disposal requirements), and will not otherwise adversely affect the wastewater treatment plant.
- E. For purposes of this requirement, significant changes include, but are not limited to, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

§ 81-38. Report of potential problems.

- 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, which may cause potential problems for the POTW, the user shall immediately telephone and notify the Township of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. The notification hereunder does not authorize or otherwise condone a discharge in violation of this chapter, a wastewater discharge permit or other applicable federal, state or local requirements.

- B. Within five (5) days following such discharge, the user shall, unless waived by the Township, submit a detailed written report describing the causes) of the discharge and the measures taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, damage, loss 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, civil penalties or other liability which may be imposed by this chapter or other applicable law. The written report shall be signed by an authorized representative of the user.
- 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 of this section. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

§ 81-39. Notification of hazardous waste discharge.

- A. Notification and information required.
 - (1) Any user who commences discharging after the date of enactment of this chapter establishing this requirement shall notify the Township, the EPA Regional Waste Management Division Director and DEP Waste Management authorities in writing, in accordance with 40 CFR § 403.12(p), of any discharge into the sewer system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR § 261. Such notification shall include the name of the hazardous waste as set forth in 40 CFR § 261, the EPA hazardous waste number and the type of discharge (continuous, batch, or other).
 - (2) If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the sewer system, the notification shall also contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the waste, an estimation of the mass and concentration of such 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.
 - (3) All notifications under this section shall take place immediately or no later than one hundred eighty (180) days after the discharge commences, whichever is later. Any notification under this section need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions shall be submitted under § 81-37 of this chapter. This notification requirement does not apply to pollutants already reported by

users subject to federal categorical pretreatment standards under the monitoring requirements of §§ 81-33, 81-35 and 81-36 of this chapter.

- B. Dischargers are exempt from the requirements of Subsection A of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous waste, 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 non acute 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-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 Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user shall notify the Township, the EPA Regional Waste Management Waste Division Director, and DEP Waste Management 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 for discharge by this chapter, a wastewater discharge permit issued hereunder or any applicable federal or state law.

§ 81-40. Compliance monitoring.

- A. Sample collection. Samples for cyanide, oil and grease, ph, phenols, sulfides, temperature and volatile organic chemicals shall be obtained using grab collection techniques. Grab samples may also be used for any pollutant subject to an instantaneous maximum limitation. All other wastewater compliance-monitoring samples shall be collected using flow-proportioned composite collection techniques. In the event flow-proportioned sampling is not feasible, the Township may authorize the use of time-proportional sampling or grab samples where the user demonstrates that the grab samples will provide a representative sample of the effluent being discharged. If grab samples are used for BMR reporting under § 81-33 of this chapter, a minimum of four (4) grab samples must be used.
- B. Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as a part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR § 136, as amended, unless otherwise specified in an applicable federal categorical

pretreatment standard. If 40 CFR § 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 Township and the EPA.

- C. Representative sampling. All wastewater samples shall 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 his monitoring facility in good working order shall not be grounds for the user to claim the sample results are unrepresentative of the discharge.
- D. Sampling frequency. The user shall ensure that an adequate number of samples are collected and analyzed to determine that the process discharge equipment is operating properly and that the wastewater discharge does not violate pretreatment effluent limitations. Except as otherwise provided, significant industrial user sampling for determining compliance shall be collected at least once every six (6) months and analyzed for applicable pollutants. The Township reserves the right to require sampling more frequently than set forth herein.
- E. Reporting of increased sampling results. If a user subject to the reporting requirements of this chapter or a wastewater discharge permit monitors any pollutant more frequently than required by the Township, using the procedures prescribed in Subsection B of this section, results of this monitoring shall be included in a periodic compliance report.
- F. Repeat sampling and reporting. If sampling performed by a user indicates a violation, the user shall 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 Township may waive the resampling requirement if the Township monitors the user's wastewater discharge at least once a month, or if the Township samples between the user's initial sampling and when the user receives the results of this sampling.
- G. Recordkeeping. Users subject to the reporting requirements of this chapter shall retain and make available for inspection and copying, all records and information obtained pursuant to any monitoring activities required by this chapter 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, time of sampling and the name of the persons) 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. This period shall be automatically extended for the duration of any litigation concerning the user, or where the user has been notified, by the Township, of a longer retention period.

- H. Right of entry. The Township shall have the right to enter the premises of any user to ascertain whether the user is complying with all requirements of this chapter and any wastewater discharge permit issued hereunder. Users shall allow the Township or its representative ready access during all working hours to all parts of the premises for the purposes of inspection, sampling, measurement, testing, records examination and copying, or as necessary for the performance of any additional duties. 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 Township or its representatives will be permitted to enter without delay for the purposes of performing specific responsibilities.
- I. Inspection and sampling. The Township 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 as follows:
- (1) The Township may require the user to install monitoring facilities, as necessary, to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring equipment should normally be situated on the user's premises, but the Township may, in its sole discretion, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so as not to be obstructed by landscaping or parked vehicles. 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 Township and shall not be replaced. The costs of clearing such access shall be borne by the user.
 - (2) A monitoring structure shall be constructed at a site and in a manner as approved by the Township. The Township may require that the monitoring structure be equipped with permanent-type flow measuring, sampling, monitoring, controlling or other devices of a type approved by the Township. Plans and specifications for the construction of the monitoring structure and all required devices shall be submitted to and approved by the Township prior to beginning construction.
 - (3) The user shall, upon notification from the Township, install, maintain and operate a flow-monitoring system with a totalizer and any necessary appurtenances required to make the system functional. The user shall, upon notification from the Township, install, maintain and operate automatic sampling equipment.
 - (4) 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 at least annually to ensure their accuracy. There shall be ample room in or near such

sampling manhole or facility to allow accurate sampling and preparation of samples for analysis.

- J. Search warrants. If the Township has been refused access to a building, structure or property or any part thereof, and if the Township has demonstrated probable cause to believe that a violation of this chapter exists, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Township designed to verify compliance with this chapter or a wastewater discharge permit issued hereunder, or to protect the overall health, safety and welfare of the community, then the Township may seek issuance of a search warrant from the Court of Common Pleas of Lebanon County. Such search warrant shall be served at reasonable hours by the Township in the company of a law enforcement officer. In the event of an emergency affecting the public health and safety, inspections shall be made without the issuance of a warrant.

§ 81-41. Public notification; significant noncompliance.

The Township may publish on an annual basis, or more frequent basis as it deems appropriate, a list of the users which are in significant noncompliance (SNC) with applicable pretreatment standards or requirements during the previous twelve (12) months. The Township shall not be liable for any damages of any sort suffered by any user or owner as a result of such publication. Nor shall the Township incur any liability through publication of incorrect information where such information was believed accurate when published or was the result of administrative or typographical error. The term "significant noncompliance" is defined as the following:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of the wastewater measurements taken during a six-month period exceed the daily maximum limit or the average monthly 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 the wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the daily maximum limit or the average monthly limit multiplied by the applicable criteria (TRC = 1.4 for BOD, oil and grease and TSS, and 1.2 for all other pollutants except pH).
- C. Any other discharge violation that the Township determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of Township 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 Township's exercise of its emergency authority to halt or prevent such a discharge.

- E. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit 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 standard deadlines, periodic compliance reports and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.

§ 81-42. Duty to provide information/confidential information.

- A. The industrial user shall furnish the Township, within a reasonable time, any information which the Township may request to determine whether cause exists for modifying, reissuing, suspending or terminating a wastewater discharge permit, or to determine user pretreatment compliance. The user shall also furnish to the Township upon request, copies of any records required under this chapter. Where the user becomes aware that it failed to submit any relevant facts in an application for a wastewater discharge permit, or submitted incorrect information in an application for a wastewater discharge permit, a report to the Township or in any other correspondence pertaining to its industrial wastewater discharge, it shall promptly submit such facts or information.
- B. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction, unless the user specifically requests confidentiality and 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. Any such request must be asserted at the time of submission of the information or data to the Township.
- C. When requested and demonstrated by the user furnishing a report that such information shall 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 and in enforcement proceedings involving the user furnishing the report. Wastewater constituents and characteristics as defined by 40 CFR § 2.302 will not be recognized as confidential information and will be available to the public without restriction.

**ARTICLE VIII
Rates, Charges and Fees⁹**

⁹ Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

§ 81-43. General.

- A. The Township shall establish and revise, as necessary, such rates, charges and fees for the cost-effective operation and maintenance of the sewer system. Such rates, charges and fees shall be established by resolution and in conformance with local, state and federal laws and regulations.
- B. Sewer rental or charges are imposed upon and shall be collected from the owner of each improved property connected to the sewer system and any billing unit for their use of the sewer system. A tenant or an agent of the owner may apply for sewer services to be charged to the tenant or agent of the owner directly after submitting to the Township or its agent requesting said services and for all charges to be invoiced to the tenant or agent of the owner. The services and charges to the tenant or agent of the owner shall not relieve the owner of the responsibility for payment of any charges as set forth herein. **[Amended 5-18-2009 by Ord. No. 151]**

§ 81-44. Connection charges and tapping fees.

- A. Connection and tapping fee charges (pursuant to Act 209 of 1990¹⁰) are imposed for each connection made to the sewer system. Such fees shall be based on the adopted Schedule of Fees and Charges¹¹ at the time of payment and shall be payable at the time of application for connection or at such other time as the owner and the Township agree, or, in the case of projects to service existing development, such fees shall be payable at a time to be determined by the Township. The fees are in addition to any charges assessed against the property for construction of a sewer main by the Township as well as any sewer rentals imposed by the Township.
- B. These fees may consist of any or all of the following components as applicable:
 - (1) Connection fee. A connection fee shall be imposed for all service laterals installed between a sewer main and property line or curb stop of the property so connected by or at the expense of the Township. This fee is based upon the costs to the Township of making such an installation. The connection fee may also be based on the average cost of previously installed connections of similar type and size. However, in no event shall the fee exceed the actual cost of installation.
 - (2) Customer facilities fee. A customer facilities fee is based on the actual costs of facilities serving the connected property from the property line or curb stop to the proposed building to be served and is only chargeable if the Township installs the customer facilities. The customer facilities fee includes an administrative fee, which includes the establishment of a new account.

¹⁰ Editor's Note: See 53 P.S. § 10501-A et seq.

¹¹ Editor's Note: The Schedule of Fees and Charges if on file in the Township offices.

- (3) Tapping fee. A tapping fee is based on all of the following fee components as applicable and as determined through a capital charges study:
- (a) Capacity part. The capacity part of the tapping fee is based upon the cost of such facilities, including, but not limited to, treatment, pumping, interceptor and outfall mains, sludge treatment or disposal, or other general system facilities. This fee may include facilities that provide existing service and/or those that will provide future service. The cost of existing facilities is based on their replacement cost. The cost of future facilities shall not exceed their reasonable estimated cost and may only be taken into consideration if the Township has taken action to construct or acquire such facilities.
 - (b) Collection part. The collection part of the tapping fee is based on the cost of wastewater collection facilities required to provide service, such as sewer mains and pump stations. This fee may include facilities that provide existing service and/or those that will provide future service. The cost of existing facilities is based on their replacement cost. The cost of future facilities shall not exceed their reasonable estimated cost.
 - (c) Special purpose part. The special purpose part of the tapping fee is applicable only to a particular group of customers, serving a particular purpose, or serving a specific area, and is based on the cost of such facilities, including, but not limited to, industrial wastewater treatment facilities. This fee may include facilities that provide existing service and/or those that will provide future service. The cost of existing facilities is based on their replacement cost. The cost of future facilities shall not exceed their reasonable estimated cost.
 - (d) Reimbursement part. The reimbursement part of the tapping fee is imposed only in those cases where it is necessary to recover costs to reimburse property owners at whose expense such facilities were constructed, as provided by Section (z) of Act 209 of 1990.¹²

§ 81-45. Reserve capacity charges.

- A. The owner of property proposed for future improvement may request a sewer reservation from the Township by submitting a signed sewer capacity reservation agreement. A sewer reservation may be made in the name of the owner of the land

¹² Editor's Note: See 53 P.S. § 10501·A et seq.

proposed for improvement for a bona fide development project and shall not be transferable to any other property. **[Amended 5-18-2009 by Ord. No. 151]**

- B. Sewer reservations shall be allowed only upon determination by the Township that the requested capacity is available in the sewer system. Sewer reservations shall not be deemed to waive or diminish compliance with any other requirements for approvals or permits needed for a sewer system connection or extension as found in Articles III and IV of this chapter.
- C. A sewer reservation agreement, together with financial security, such as cash or a letter of credit, to pay the associated reserve capacity charges, shall remain in effect until the associated property, which may mean the entire property if only a single unit is to be connected, or individual units or lots in the case of a multiunit or multilot development, is connected to the sewer system, or for a period of five (5) years, whichever is shorter.

§ 81-46. Sewer billings.

- A. Imposition of rentals. Sewer rentals or charges are imposed upon and shall be collected from the owner of each improved property within the Township sewer service area, which are connected to the sewer system. Sewer rentals or charges shall commence and shall be effective as of the date of connection to the sewer system where the volume of water shall not be metered in connection with the water system. Where volume of water shall be metered in connection with the water system, the sewer rentals or charges shall commence and shall be effective as of the date of connection to both the water system and sewer system.
- B. Responsibility of payment. All sewer accounts shall be in the name of the owner of the improved property. The owner shall be responsible for payment of the sewer billings. The owner is responsible to provide the correct mailing address to the Township. Failure of any person to receive monthly sewer bills shall not be 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. The owner is also responsible to notify the Township if a transfer of property ownership is to occur. The Township will calculate charges between former and current owners if notified prior to the transfer. A transfer fee may be assessed in accordance with the Schedule of Fees and Charges.¹³ In all cases, the current owner shall be responsible for all charges due on account.
- C. Sewer rentals or charges shall be billed on a monthly basis and are due and payable within thirty (30) days of the due date set forth on the monthly invoice.
[Amended 5-18-2009 by Ord. No. 151]

¹³ Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

- D. Sewer rentals for metered users of the water system are imposed on the basis of a base rate and total metered water use for each month. Each cost shall be as specified in the Schedule of Fees and Charges. **[Amended 5-18-2009 by Ord. No. 151]**
- E. Sewer rentals for metered users of the sewer system are imposed on the basis of a base rate and total metered wastewater discharged each month. Each cost shall be as specified in the Schedule of Fees and Charges. **[Amended 5-18-2009 by Ord. No. 151]**
- F. Sewer rentals for non-metered users of the sewer system are imposed on the basis of a base rate and Township estimates of wastewater discharged each month. A sewer rental is imposed as specified in the Schedule of Fees and Charges. **[Amended 5-18-2009 by Ord. No. 151]**
- G. The Township may require the owner of a commercial, institutional or industrial establishment to install a meter for measuring the wastewater discharged to the sewer system from that establishment at the expense of the owner. The meter and subsequent installation shall be acceptable to the Township. The owner shall maintain the meter and make any necessary repairs at the owner's expense.
- H. Actions by owners, or by any other persons, such as, but not limited to, tampering with a meter, modifying a meter reading, bypassing a meter and similar acts such as theft, may be subject to enforcement action by the Township. **[Amended 5-18-2009 by Ord. No. 151]**
- I. The Township may charge for services rendered at the request of the customer for such items that include, but may not be limited to, research of historical billing information. The amount charged shall equal the actual cost, the cost of any materials used, the cost of labor and a ten percent (10%) administration fee.
- J. Whenever a potential user, not required to connect to the sewer system, desires to provide a connection to the sewer system during construction of a sewer extension, but will not connect a lateral to the building immediately, the connection shall be made by the Township upon application by the owner and payment of the requisite fees. After connection to the sewer system, but before connection to a building, the owner shall pay an inspection fee in accordance with the Schedule of Fees and Charges.¹⁴ At the time of connection to a building, the owner shall also pay a connection fee for new wyes and any necessary customer facility fees.

§ 81-47. Delinquent bills. [Amended 6-21-2004 by Ord. No. 132; 5-18-2009 by Ord. No. 151]

¹⁴ Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

- A. If payment has not been received by the Township or its agent by the due date stated in § 81-46C of this chapter, an interest charge of one and one-half percent (1 1/2%) per month after the due date shall be added to the current bill.
- B. Notice and lien. **[Amended 1-4-2010 by Ord. No. 155]**
- (1) All sewer rentals and charges imposed which are not paid by the due date as provided in Subsection A of this section, and which are three hundred dollars (\$300.) or more, shall receive a written notice informing the owner that his or her account must be paid within thirty (30) days of the date of the written notice or a lien shall be entered against the improved property connected to and served by the sewer system. The lien shall be filed in the office of the Prothonotary of Lebanon County, Pennsylvania, in the manner provided by law for the filing of municipal claims.
 - (2) All sewer rentals and charges imposed which are not paid by the due date as provided in Subsection A of this section, and which are three hundred dollars (\$300.) or more, shall receive a written notice informing the owner that his or her account must be paid within thirty (30) days of the date of the written notice or there will be a termination of the owner's water service pursuant to the time periods set forth in the agreement between North Londonderry Township and the Pennsylvania American Water Company, or its successor.
 - (3) Sewer accounts which are not paid in full, including payment of all late charges and other fees, within thirty (30) days of the above notice shall:
 - (a) Be responsible for all costs associated with filing the lien; termination of water service; restoration of water service; cost of lost revenue to the Pennsylvania American Water Company or its successor; attorney fees; an administrative fee; and any other related costs.
 - (b) Be required to pay their account in full by cash, cashier's check or money order prior to the water service being restored or lien satisfied.
- C. All delinquent bills shall be collected in any manner permitted and authorized by law.
- D. A check return fee shall be assessed in accordance with the Schedule of Fees and Charges¹⁵ and added to the account balance for checks returned by the bank to the Township.

¹⁵ Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.

§ 81-48. Water excluded from sewer system.

Exclusion of nonprocess, nonsanitary waters from the sewer system not requiring treatment is required in § 81-17 of this chapter. When such wastewaters are not discharged to the sewer system, sewer rentals shall be based on total water consumption less the water not discharged to the sewer system, provided a meter is installed to measure the excluded water. Such meters shall be acceptable to the Township.

§ 81-49. Strength-of-waste surcharge.

- A. Initial survey. The Township may make an initial survey of the discharge from nonresidential establishments to determine the applicability of a strength-of-waste surcharge. The survey shall consist of suitable sampling and analysis of the wastewaters for three (3) consecutive days during a period of normal industrial or commercial operation. Based on the survey results, the Township may institute the strength-of-waste surcharge and/or require the owner to provide such tests, equipment and information, which will provide a further basis for determination of the surcharge.
- B. Frequency of surcharge monitoring. Following the initial survey, the Township shall determine whether monthly monitoring shall be conducted or whether standard waste strengths based on a waste classification system established for similar operations may be imposed. Site-specific monitoring shall consist of no less than three (3) consecutive day samples, with the frequency to be determined by the Township. **[Amended 5-18-2009 by Ord. No. 151]**
- C. Data to determine surcharge. The surcharge shall be based on the volume of wastewater used for billing purposes for the appropriate period, and the concentration of surchargeable pollutants measured in a composite sample taken over the duration of the discharge or twenty-four (24) hours, whichever is shorter. In lieu of monitoring at certain nonresidential establishments for which waste-strength characteristics have been established, the published concentrations may be used if agreed upon by both the Township and the user. The cost of obtaining all information required to determine the surcharge shall be borne by the user. This includes, but not by way of limitation, the costs of sample collection, flow measurement, laboratory analysis and engineering analysis. In establishing pollutant concentrations for surcharge purposes, all analytical and sampling procedures shall be conducted in accordance with 40 CFR § 136, as amended, and in accordance with the provisions noted in § 81-40 of this chapter.
- D. Surcharge limits and calculation. Although the wastewater treatment facilities may be capable of treating industrial wastewater in excess of typical domestic wastewater concentrations, the actual treatment of such wastewaters may increase the cost of operating and maintaining the wastewater treatment facilities. Therefore, a surcharge shall be imposed on each user discharging wastewater in

excess of the concentrations as set forth in the Schedule of Fees and Charges.
[Amended 5-18-2009 by Ord. No. 151]

- E. Payment of waste surcharge. Quarterly waste surcharges are due and payable within thirty (30) days of the billing date. **[Amended 5-18-2009 by Ord. No. 151]**

§ 81-50. Pretreatment charges and fees.

The Township may adopt charges and fees for reimbursement of costs for the development, implementation and operation of an industrial pretreatment program as follows:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications.
- B. Fees for monitoring, inspections and surveillance procedures, including the cost for the sampling and analysis of a user's wastewater discharge, and reviewing monitoring reports submitted by users.
- C. Fees for reviewing and responding to accidental discharges and construction.
- D. Fees for filing appeals.
- E. Other fees as the Township may deem necessary to carry out the requirement contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines and penalties chargeable by the Township.

**ARTICLE IX
Enforcement**

§ 81-51. Administrative remedies.

- A. Notice of violation. When the Township finds that a user has violated or continues to violate this chapter or a wastewater discharge permit issued hereunder, or any other pretreatment standard or requirement, the Township may issue a written notice of violation to the user. Within ten (10) days of the receipt of the notice of violation (or such other time as provided by the Township), 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 Township. 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 Township to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- B. Termination of sewer service.

- (1) The Township may immediately suspend a user's discharge after 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, after notice and opportunity to respond, a user's discharge that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
- (2) Any user notified of a suspension of its discharge shall immediately stop or eliminate the discharge to the POTW. In the event of a user's failure to immediately comply voluntarily with the termination order, the Township shall take steps, as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, the receiving stream or endangerment to any persons. The Township shall 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 proceedings set forth in § 81-32E of this chapter are initiated against the user.
- (3) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the Township within five (5) days of the date of occurrence, a detailed written statement describing the causes of the harmful discharge and the measures taken to prevent any future occurrence.

§ 81-52. Judicial remedies.

- A. Injunctive relief. When the Township finds that a user has violated, or continues to violate this chapter or a wastewater discharge permit issued hereunder, or any other pretreatment standard or requirement, or determines that the discharge from a user presents imminent or substantial harm to the POTW or the public, the discharge from the user causes the Borough to violate any condition of its NPDES permit, or the user has shown a lack of ability or intention to comply with a pretreatment standard, the Township may petition the Court of Common Pleas for Lebanon County through the Township Solicitor for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit or other requirement imposed by this chapter, on the activities of the user.
- B. Civil remedies. When the Township finds that a user has violated or continues to violate this chapter or a wastewater discharge permit issued hereunder, or any other pretreatment standard or requirement, the Borough and Township may recover costs for reestablishing the operation of the POTW, costs for reasonable attorney's fees, court costs and other expenses associated with the enforcement activities,

including sampling and monitoring expenses, and the cost of any actual damages incurred by the Borough and Township.

- C. Criminal prosecution. Any user that has willfully or negligently violated or continues to violate this chapter or a wastewater discharge permit issued hereunder, or any other pretreatment standard or requirement, may be subject to criminal liability under federal, state and/or local law.
- D. Falsifying information. 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 chapter or wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter may be subject to criminal liability under federal, state and/or local law.

§ 81-53. Affirmative defenses.

- A. Treatment upsets.
 - (1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical 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. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical standards if the requirements below are met. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that an upset occurred and the user can identify the cause(s) of the upset; the facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and the user has submitted the following information to the Township within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days which includes a description of the indirect discharge and cause of noncompliance, the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
 - (2) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof. A user will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical standards. The user shall

control production of all discharges to the extent necessary to maintain compliance with categorical 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.

B. Treatment bypasses.

- (1) For the purposes of this section, "bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to be 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.
- (2) A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Users anticipating a bypass must submit notice to the Township at least ten (10) days in advance, if possible. Users shall provide oral notice to the Township within twenty-four (24) hours of discovery of an unanticipated bypass that exceeds applicable pretreatment standards. Users shall submit a written report to the Township within five (5) days of becoming aware of the bypass. The written report 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 being taken or planned to reduce, eliminate and prevent recurrence of the bypass. The Township may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (3) A bypass of the treatment system is prohibited and the Township may take enforcement action against a user for a bypass unless the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage; there is no feasible alternative to the bypass, including the use of auxiliary treatment facilities, retention of untreated wastewater, or maintenance during normal periods of equipment downtime; and the user properly notifies the Township as described in this section.

ARTICLE X
Miscellaneous Provisions

§ 81-54. Schedules.

The Schedule of Fees and Charges in effect as of the date of adoption of this chapter shall remain in full force and effect and is adopted hereby by reference thereto.¹⁶

§ 81-55. Reservation of rights.

Notwithstanding any other pretreatment provision to the contrary, nothing in this chapter shall be deemed to be a legally binding commitment under the Clean Water Act, (33 U.S.C. § 1251 et seq.), the Clean Streams Law, (35 P.S. §§ 691.1 et seq.) and applicable regulations (e.g., 40 CFR § 403, Title 25 Pa. Code) for the Township to undertake pretreatment implementation or enforcement activities beyond the minimum otherwise required by federal and state laws and regulations. Township implementation of pretreatment provisions for significant industrial users will be reflected in a wastewater discharge permit, as provided for by § 81-27 of this chapter. Nevertheless, the Township maintains its discretionary authority to undertake pretreatment activities beyond the minimum required.

§ 81-56. Amendments.

The Township reserves the right to change or amend, from time to time, this chapter in accordance with law. No officer or employee of the Township can vary this chapter without action of the Township Board of Supervisors, and the Township may not be bound by any agent or employee's act or representation, except when authorized in writing by an executive officer of the Township Board of Supervisors.

§ 81-57. Severability.

If any word, sentence, paragraph, provision, section or part of this chapter is invalidated by any court of competent jurisdiction, the remaining words, sentences, paragraphs, provisions, sections or parts shall not be affected and shall continue in full force and effect.

§ 81-58. Repealer.

All other ordinances and resolutions and parts of other ordinances and resolutions inconsistent with or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict.

§ 81-59. Effective date.

This chapter shall take effect on December 22, 2002.

¹⁶ Editor's Note: The Schedule of Fees and Charges is on file in the Township offices.