

CHAPTER 18

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Section 101. General Provisions

101.1 Purpose and Policy

- A. This Ordinance sets forth uniform standards for direct and indirect contributors into the Maiden creek Township wastewater collection and treatment system from Ontelaunee Township and enables the Ontelaunee Township Municipal Authority and Maiden creek Township Authority to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).

The objectives of this Ordinance are:

1. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 2. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
 4. To provide for equitable distribution of the cost of the municipal wastewater system.
- B. This Ordinance provides for the regulation of direct and indirect contributors to the Maiden creek Township municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. This Ordinance shall apply to Ontelaunee Township users within the Maiden creek Service Area and to persons outside the Township who are, by contract or agreement with the Authority, Users of the Authority's POTW. Except as otherwise provided herein, the Maiden creek Township Authority shall administer, and implement the provisions of this Ordinance. Enforcement of this Ordinance shall be the responsibility of ei-

ther the Environmental Protection Agency, the Pennsylvania Department of Environmental Resources, Ontelaunee Township, Ontelaunee Township Municipal Authority, the Maiden creek Township Authority, or all.

101.2. Definitions

A. Unless specifically indicated otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

1. **ACT OR THE ACT** – The federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 12151, *et. seq.*
2. **APPROVAL AUTHORITY** – The Director in an NPDES state with an approved State Pretreatment Program and the Administrator of EPA in a non-NPDES state or NPDES without an Approved State Pretreatment Program.
3. **AUTHORITY** – The Maiden creek Township Authority, a Pennsylvania municipality authority.
4. **AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER** – An authorized representative of an Industrial User may be:
 - a. a principal executive officer of at least the level of vice president, if the Industrial User is a corporation;
 - b. a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; or
 - c. a duly authorized representative of the individual designated above if this representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
5. **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)).
6. **BUILDING SEWER** – A sewer system conveying wastewater from the premises of a User to the POTW.
7. **CATEGORICAL STANDARDS** – National Categorical Pretreatment Standards or Pretreatment Standard.
8. **COMMERCIAL ESTABLISHMENT** – Any Improved Property used, in whole or in part, for sale and distribution of any product, commodity, article, or service.

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9. **COMMONWEALTH** – The Commonwealth of Pennsylvania.
10. **COOLING WATER** – The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
11. **DEPARTMENT OF ENVIRONMENTAL RESOURCES, OR DER** – The Pennsylvania Department of Environmental Resources.
12. **DIRECT DISCHARGE** – The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.
13. **DOMESTIC CONSUMER UNIT** – Any room, group of rooms, or enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by a person living alone.
14. **DOMESTIC SEWAGE** – The normal water-carried household and toilet wastes from a Domestic Consumer Unit, Commercial Establishment, Institutional Establishment, or Industrial Establishment.
15. **ENVIRONMENTAL PROTECTION AGENCY, OR EPA** – The U.S. Environmental Protection Agency.
16. **EQUIVALENT DOMESTIC CONSUMER UNIT** – Volume not in excess of twelve thousand five hundred (12,500) gallons per calendar quarter of standard strength Domestic Sewage or Industrial Wastes, based upon water consumption, or adjusted water consumption or metered sewage whichever of these methods is applicable for the determination of volume, as provided in this Ordinance.
17. **EXISTING SEWER SYSTEM** – The Authority's existing sewage collection system and related facilities.
18. **GRAB SAMPLE** – A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
19. **HOLDING TANK WASTE** – Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, pretreatment holding trucks, and vacuum- pump tank trucks.
20. **IMPROVED PROPERTY** – Any property connected to and served by the Sewer System upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure Domestic Sewage or Industrial Waste is or may be discharged.

21. **INDIRECT DISCHARGE** – The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
22. **INDUSTRIAL ESTABLISHMENT** – Any Improved Property used, in whole or in part, for manufacturing, growing, Processing, cleaning, laundering, or assembling any product, commodity or article.
23. **INDUSTRIAL USER** – A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
24. **INDUSTRIAL WASTES** – Any solid, liquid or gaseous substance or form of energy ejected or escaping from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources as distinct from Domestic Sewage.
25. **INSTITUTIONAL ESTABLISHMENT** – Any Improved Property not constituting a Commercial Establishment, Domestic Consumer Unit, or Industrial Establishment which is used by any group of Persons not constituting a separate entity.
26. **INTERFERENCE** – A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - b. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean (Water Act, the Solid Waste Disposal Act (SWDA) (including Title 11, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
27. **LARGE CONSUMER** – A Person whose consumption of water is in excess of fifteen thousand (15,000) gallons per calendar quarter in the case of a Domestic Consumer Unit, and any Commercial Establishment, Institutional Establishment or Industrial Establishment, regardless of water consumption.

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28. **NATIONAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT 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. 1347) which applies to a specific category of Industrial Users.
29. **NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD** – Any regulation developed under the authority of section 307(b) of the Act and 40 CFR, Section 403.5.
30. **NEW SOURCE** – Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to this source if these Standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
31. **NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NP DES PERMIT** – A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).
32. **OTMA** – The Ontelaunee Township Municipal Authority, a Pennsylvania Municipal Authority.
33. **PERSON** – Any individual, partnership, co-partnership firm company, corporation, association, joint stock company, trust, estate, governmental entity or other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
34. **pH** – The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

35. **POLLUTION** – The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
36. **POLLUTANT** – Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
37. **ppm** – Parts per million by weight.
38. **PRETREATMENT OR TREATMENT** – The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing these pollutants into a POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).
39. **PRETREATMENT REQUIREMENTS** – Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
40. **PROJECT** – The undertakings necessary in connection with the acquisition and construction of additions, extensions, alterations and improvements to the Existing Sewer System including construction of sewage collection, interceptor and treatment facilities, in accordance with plans and specifications presently in force or in accordance with approved changes, modifications, or alterations of these plans or specifications.
41. **PUBLICLY OWNED TREATMENT WORKS (POTW)** – A treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the Authority. This definition includes any sewers that convey Wastewater to the POTW treatment plant. "POTW" shall also include any sewer that conveys wastewaters to the POTW from persons outside the Township who are, by contract or agreement with the Authority, users of the Authority's POTW.
42. **POTW TREATMENT PLANT** – That portion of the POTW designed to provide treatment to wastewater.
43. **SEWER** – Any collecting sewer as of any particular time, forming a part of the Sewer System.
44. **SEWER SYSTEM** – All facilities, as of any particular time, for collecting, transporting, treating, and/or disposal of sewage and wastes, including the Existing Sewer System, and the sewage collection and treatment sys-

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tem and all appurtenant and related facilities about to be constructed by the Authority for operation and use.

45. **SHALL** is mandatory; **MAY** is permissive.
46. **SIGNIFICANT INDUSTRIAL USER** – Any Industrial User of the Authority's wastewater disposal system who:
 - a. has a discharge flow of twenty five thousand (25,000) gallons or more per average work day; or
 - b. has a flow greater than five percent (5%) of the flow in the Authority's wastewater treatment system; or
 - c. has in wastes toxic pollutants as defined pursuant to Section 396 of the Act or (state) statutes and rules; or
 - d. is found by the Township, Authority, the Pennsylvania Department of Environmental Resources (DER), or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
47. **STANDARD INDUSTRIAL CLASSIFICATION (SIC)** – A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
48. **STATE** – The Commonwealth of Pennsylvania.
49. **STORM WATER** – Any flow occurring during or following any form of natural precipitation and resulting therefrom.
50. **SUSPENDED SOLIDS** – The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and which is removable by laboratory filtering.
51. **SUPERINTENDENT** – The person designated by the Authority to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or a duly authorized representative.
52. **TOTAL SOLIDS** – Solids determined by evaporating at one hundred degrees Centigrade (100°C) of a mixed sample of wastewater. Total solids include floating solids, suspended solids, settleable solids, and dissolved solids.

- a. Suspended Solids shall mean solid determined by standard lab procedure in the waste.
 - b. Settleable Solids shall mean solids that settle in an imhoff cone from a standard sample of waste.
 - c. Dissolved Solids shall mean solids that are dissolved in the waste and cannot be settled, but can be determined by evaporation.
53. **TOXIC POLLUTANT** – Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.
54. **TOWNSHIP** – The Township of Ontelaunee, Berks County, Pennsylvania, a Pennsylvania municipality, acting by and through its Board of Supervisors, in appropriate cases, acting by and through its authorized representatives.
55. **USER** – Any person who contributes, causes or permits the contribution of wastewater into the Authority's POTW.
56. **WASTEWATER** – The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

101.3 Abbreviations

A. The following abbreviations shall have the designated meanings:

BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
DER	-	Department of Environmental Resources
EPA	-	Environmental Protection Agency
l	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per Liter
NPDES	-	National Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
SIC	-	Standard Industrial Classification
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
USC	-	United States Code
TSS	-	Total Suspended Solids

Ord. 2002-5, 10/3/2002, §1.

Section 102. Regulations

102.1 General Discharge Prohibitions

- A. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements. A User may not contribute the following substances to any POTW:
1. 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 cause fire or explosion or be injurious in any other way to the POTW or to the operations of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to - gasoline, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and any other substances which the Township, the Authority, the state, DER, or EPA has notified the User is a fire hazard or a hazard to the system.
 2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues paunch manure, bones, hair, hides or fleshings, entrails whole blood, feathers, mushrooms, ashes, cinders, sand, spent lime, stone or marble dust, metal glass straw shavings grass clippings, rags, spent grains, spent hops, waste paper wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
 3. Any wastewater having a pH less than 5.0, unless the POTW is specifically designed to accommodate this wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
 4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A

toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

5. 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 and repair.
6. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
7. Any substance which will cause the POTW to violate its NPDES and/or state Disposal System Permit or the receiving water quality standards.
8. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
9. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty degrees Centigrade (40°C) (one hundred four degrees Fahrenheit (104°F)) unless the POTW treatment plant is designed to accommodate the temperature.
10. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a User knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow / rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty- four (24) hour concentration, quantities, or flow during normal operation.
11. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
12. Any wastewater which causes a hazard to human life or creates a public nuisance.

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

102.2 Federal Categorical Pretreatment Standards

- A. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The Superintendent shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 402.12.

102.3 Modification of Federal Categorical Pretreatment Standards

- A. Where the Authority's wastewater treatment system achieves consistent removal of pollutants limited by federal Pretreatment Standards, the Authority may apply for modification of specific limits in the federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403 – "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Authority may then modify pollutant discharge limits in the federal Pretreatment Standards if the requirements contained in 40 CFR Part 403, Section 403.7 are fulfilled and prior approval from the Approval Authority is obtained.

102.4 Specific Pollutant Limitations

- A. No person shall discharge wastewater containing in excess of the following concentrations unless in possession of a valid permit containing a variance approved by the Maiden Creek Township Authority. If the Authority does approve a variance for a conventional pollutant such as BOD₅ suspended solids, and total dissolved solids, ammonia-nitrogen, and phosphorus, the industrial discharger shall be subject to a surcharge at the discretion of the Authority.
- B. A daily average of not more than 300 mg/l of total suspended solids, 200 mg/l of BOD₅, 500 mg/l of dissolved solids or 800 mg/l of total solids.

	Limit Not To Be Exceeded <u>Sans Variance</u>	Maximum Daily Concentration <u>Not To Be Exceeded</u>
Suspended Solids	300	500

BOD ₅	200	3,300
TDS (Total Dissolved Solids)	500	3,300

20 mg/l of ammonia-nitrogen	100 mg/l of ammonia as N
25 mg/l of phosphorus total as P	100 mg/l of phosphorus as P

C. Total dissolved solids in the influent or the effluent shall not exceed the 1,000 mg/l imposed in the Delaware River Basin by the Delaware River Basin Commission.

D. The following limitations may only be exceeded by approval through the Authority's variance procedure to the extent of the poundage in the effluent determined by prelim, the EPA Computer Program.

1. 500 mg/l as alkalinity (total as CaCO₃)
2. 0.5 mg/l for zinc
3. 2.0 mg/l as chromium, total
4. 0.09 mg/l for hexavalent chromium
5. 0.5 mg/l for nickel
6. 0.5 mg/l for copper
7. 200 mg/l for chlorides
8. 0.5 mg/l for cadmium
9. 150 mg/l for color (pt. Co Units)
10. 5.0 mg/l for iron
11. 1.0 mg/l for lead
12. 0.2 mg/l for mercury
13. 0.1 mg/l for selenium
14. pH with limits between 6.0 to 9.0
15. 1.0 mg/l for silver
16. 100 mg/l for oil and grease

E. The Authority may authorize variances for the discharge of concentrations in excess of those listed below provided the total industrial contribution in the effluent in pounds per day will not exceed the following:

<u>Parameter</u>	<u>Pound/Day</u>
Cadmiunum	0.98
Chromium	0.95
Copper	0.17
Cyanide	2.08
Lead	1.83
Nickel	0.42
Zinc	0.43

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- F. Should new industrial establishments wish to discharge to the Maiden creek sewer system, the "prelim" program must be used to determine limitations for all discharges unless the total volume did not increase substantially. In this case, the effluent poundages of the various parameters as indicated in this section will be reapportioned among all dischargers.
- G. If any existing discharger desires to increase the volume and hence the poundages of parameters in its discharge, it must notify the Authority sixty (60) calendar days prior to the proposed date of the increase to allow the Authority time to determine if this increase would permit continued compliance with the local limits and be acceptable.
- H. The Authority must also be notified sixty (60) calendar days in advance when any industrial user wishes to change the point of discharge to the sewer system. This is of special importance to the industrial user subject to the categorical requirements as established by EPA."

102.5 Commonwealth Requirements

- A. Commonwealth requirements and limitations on discharges shall apply in any case where they are more stringent than federal regulations and limitations or those in this Ordinance.

102.6 Right of Revision

- A. The Township, OTMA, the Authority, DER, and EPA reserve the right to establish by statute, regulation, ordinance, or resolution more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 101.1 of this Ordinance.

102.7 Excessive Discharge

- A. No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Authority, the state, DER, or EPA.

102.8 Accidental Discharge

- A. Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review, and shall be approved by the Authority before construction of the facility. No User who commences contribution to the POTW after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until

accidental procedures have been approved by the Authority. Review and approval of these plans and operating procedures shall not relieve the industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and collective actions.

- B. **Written Notice.** Within five (5) days following an accidental discharge, the User shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. This notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- C. **Notice to Employees.** A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer a dangerous discharge to occur are advised of the emergency notification procedure.

Ord. 2002-5, 10/3/2002, §2.

Section 103. Fees

103.1 Purpose

- A. It is the purpose of this section to provide for the recovery of costs from Users of the Authority's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth on the Authority's Schedule of Charges and Fees.

103.2 Charges and Fees

- A. The Authority may adopt charges and fees which may include:
 - 1. Fees for reimbursement of costs of setting up and operating the Township's, OTMA's and the Authority's Pretreatment Program;
 - 2. Fees for monitoring, inspections, and surveillance procedures;
 - 3. Fees for reviewing accidental discharge procedures and construction;
 - 4. Fees for permit applications;

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5. Fees for filing appeals;
 6. Fees for administrative hearings;
 7. Charges for other tests as the Authority may deem desirable or necessary to carry out the requirements set forth herein;
 8. Surcharges for treatment of extra strength waste water including fees for the treatment of industrial waste containing toxic wastes and pollutants;
 9. Fees for consistent removal of pollutants otherwise subject to federal Pre-treatment Standards;
 10. Other tests as the Authority may deem necessary to carry out the requirements contained herein.
- B. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the Authority of OTMA.

Ord. 2002-5, 10/3/2002, §3.

Section 104. Administration

104.1 Wastewater Discharges

- A. It shall be unlawful to discharge without a permit to any natural outlet within the Township, or in any area under the Authority's jurisdiction, and/or to the POTW any wastewater except as authorized by the Superintendent in accordance with the provisions of this Ordinance.

104.2 Wastewater Contribution Permits

- A. General Permits - All significant Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant Users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 180 days after the effective date of this Ordinance.
- B. Permit Application - Users required to obtain a Wastewater Contribution Permit shall complete and file with the Authority, an application in the form prescribed by the Authority, and accompanied by a fee which shall be set by the Authority by resolution from time to time. Existing Users shall apply for a Wastewater Contribution Permit within thirty (30) days after the effective date of this Ordinance, and proposed new Users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

1. Name, address, and location (if different from the address);
2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
3. Waste water constituents and characteristics including but not limited to those mentioned in Section 102 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
4. Time and duration of contribution;
5. Average daily and three (3) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
7. Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;
8. Where known, the nature and concentration of any pollutants in the discharge which are limited by any Township, Authority, OTMA, 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;
9. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide the additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard:

The following conditions shall apply to this schedule:

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

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- (b) No increment referred to in paragraph 12 of this Section shall exceed nine (9) months.
 - (c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on this date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between these progress reports to the Superintendent.
10. Each product produced by type, amount, process or processes and rate of production;
 11. Type and amount of raw materials processed (average and maximum per day);
 12. Number and type of employees, and hours of operation of the plant and proposed or actual hours of operation of the pretreatment system; and
 13. Any other information as may be deemed by the Authority to be necessary to evaluate the permit application.

The Authority will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Authority may issue a Wastewater Contribution Permit subject to the terms and conditions provided therein.

- C. Permit Modification - Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to these standards shall be revised to require compliance with these standards within the time frame prescribed by the standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by Section 104.2.B, the User shall apply for a Wastewater Contribution Permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Superintendent within one hundred eighty (180) days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by Paragraphs 8 and 9 of Section 104.2.B.
- D. Permit Conditions - Wastewater discharge permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User charges, and fees established by the Authority. Permits may contain the following:

1. The unit charge or schedule of User charges and fees for the wastewater to be discharged to a community sewer;
 2. Limits on the average and maximum wastewater constituents and characteristics;
 3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 4. Requirements for installation and maintenance of inspection and sampling facilities;
 5. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for test and reporting schedule;
 6. Compliance schedules;
 7. Requirements for submission of technical reports or discharge reports as per Section 104.3;
 8. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Authority, and affording Authority access thereto;
 9. Requirements for notification of the Authority or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
 10. Requirement for notification of slug discharges as per Section 105.2; and
 11. Other conditions as deemed appropriate by the Authority to ensure compliance with this Ordinance.
- E. Permits Duration - Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the Authority during the term of the permit as limitations or requirements as identified in Section 102 are modified or other just cause exists. The User shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- F. Permit Transfer - Wastewater discharge permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or

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transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Authority. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit.

104.3 Reporting Requirements for Permittee

- A. Compliance Date Report - Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any User subject to pretreatment standards and requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the User facility which are limited by these pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a current basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial User, and certified by a qualified professional.
- B. Periodic Compliance Reports
1. Any User subject to a pretreatment standard, after the compliance date of the pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by the pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 104.2.B.5. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.
 2. The Superintendent may impose mass limitations on Users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this paragraph 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, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established pursu-

ant to section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with other test procedures approved

104.4 Monitoring Facilities

- A. The Authority shall require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Authority may, when a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- B. There shall be ample room in or near the sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.
- C. Whether construction on public or private, the sampling and monitoring facilities shall be provided in accordance with the Authority's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Authority.

104.5 Inspection and Sampling

- A. The Authority shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Authority or their representative ready access at all reasonable times to all parts of the premises for the that portions of a report shall be available for use by the state or any state agency, DER, or EPA in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information
- B. Information accepted by the Authority as confidential shall not be transmitted to any governmental agency or to the general public by the Authority until and unless a ten (10) day notification is given to the User.

Ord. 2002-5, 10/3/2002, §4.

Section 105. Additional Sewer Rentals or Charges for Industrial Wastes

105.1 Methods of Measuring Volume of Industrial Wastes

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- A. Whenever a Person purchasing all water used from a municipal or other public source shall discharge only Industrial Wastes to the Sewer System, the volume of water purchased shall be used as a measure of the quantity of Industrial Wastes so discharged.
- B. Whenever a Person purchasing all water used from a municipal or other public source shall discharge combined Domestic Sewage and Industrial Wastes to the Sewer System, the volume of water purchased chargeable as Industrial Wastes shall be the total volume of water purchased, less the volume of water determined to be Domestic Sewage. The volume of water determined to be Domestic Sewage shall be determined, at the option of the Authority in either of the following ways:
 - 1. Actual measured flow; or
 - 2. By multiplying the average number of employees in the establishment during the calendar quarter annum preceding the time of billing by 2,250 gallons.
- C. Whenever a Person purchasing water from a municipal or public source and discharging Industrial Wastes to the Sewer System also shall discharge unpolluted cooling water either to a separate storm sewer or to some other outlet, an allowance in the nature of a credit for the volume of water so otherwise discharged shall be made in computing the sewer rentals or charges. The person so discharging cooling water at its own expense shall install a meter or meters, as necessary, to indicate accurately the volume of water claimed as a credit in making the allowance.
- D. Whenever a person using a private water supply shall discharge Industrial Wastes to the Sewer System, the Person shall install, at its own expense, either a water meter or meters on the source or sources of supply, as may be required to measure the total volume of water used, which total volume of water used shall be subject to adjustment as provided in this Section, or a sewer meter or meters on the sewer line leaving the Improved Property so as to measure the entire volume of Domestic Sewage and/or Industrial Wastes discharged to the Sewer System, which volume shall be subject to adjustment as provided in Section 107.

105.2 Measurement of Concentration of Industrial Wastes

- A. The Authority may require of the Person owning any Improved Property from which Industrial Wastes are discharged the collection and analysis of samples of Industrial Wastes for use as basis of determining additional sewer rentals or charges, if any, as provided for in this Section. Such collection and analysis shall be made by a competent registered engineer acceptable to and approved by the Authority. Costs of such collection and analysis shall be paid by the Person owning the Improved Property.

- B. The analysis of samples obtained shall be made in accordance with the latest edition of the "Standard Methods for the Examination of Water and Wastewater," as published by the American Public Health Association.

105.3 Facilities to be Provided

- A. When required by the Authority, the Owner of any Improved Property discharging Industrial Wastes to the Sewer System shall install a suitable control manhole in the sewer service line serving the Improved Property to facilitate observation, sampling and measurement of such Industrial Wastes. This manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Authority. The manhole shall be installed by the Owner, at its own expense, and shall be maintained by the Owner so as to be safe and accessible at all times.

105.4 Access

- A. The Authority or its duly authorized representative or representatives, at all reasonable times, shall be permitted to enter upon any Improved Property for the purpose of inspection, observation, measurement, sampling, and testing in accordance with provisions of this Ordinance. Moreover, upon request, the Authority shall be furnished with copies of records regarding sampling and monitoring activities over a three-year period prior to the date of inspection.

105.5 Changes in Type of Industrial Waste

- A. Any Person whose Improved Property is connected to the Sewer System and who is discharging Industrial Wastes thereinto, and who shall propose to change methods of operation so as to alter the type of Industrial Wastes then being discharged, shall notify the Authority, in writing, at least fifteen (15) days previous to the change so that the Authority may sample the Industrial Wastes immediately after the change takes place to make determinations provided for or required by this Ordinance.

105.6 Meters Required

- A. When any Person shall connect an Improved Property to the Sewer System, the Person, at its own expense, shall have installed, if such then shall not be installed, a water meter or meters or a sewer meter or meters as shall be required or permitted under the terms of this Ordinance for the purpose of making possible the determination of sewer rentals or charges under provisions of this Ordinance.

105.7 Exclusion from Sewer System of Certain Water

- A. Exclusion from the Sewer System of non-contaminated waste waters and waters used solely for cooling purposes may be required by this Ordinance or the exclusion may be optional with any Person if not required by the Authority.

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105.8 Authority May Make Additions and Changes

- A. Additional classifications and sewer rentals and charges or modifications and sewer rentals and charges may be adopted and promulgated by the Authority, from time to time, as shall be deemed necessary

105.9 Power to Deny or Condition New or Increased Contributions of Pollutants

- A. The Authority reserves the power to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the Authority by Industrial Users where these contributions do not meet applicable Pretreatment Standards and Requirements or where these contributions would cause the Authority to violate its NPDES permit.

105.10 Require Compliance

- A. The Township, the Authority, OTMA, DER, or EPA shall require compliance with applicable Pretreatment Standards and Requirements by Industrial Users. Moreover, the discharge of any wastes that would interfere with the Authority's Sewage Treatment System or pass through its receiving stream is prohibited.

105.11 Control Through Permits, Contracts, etc. to Ensure Compliance

- A. The Authority shall control, through permit, contract, order, or similar means, the contribution to the Authority by each Industrial User to ensure compliance with applicable Pretreatment Standards and requirements.

105.12 Carry Out Inspections and Monitoring

- A. The Authority, OTMA, DER, or EPA, shall carry out all inspection, surveillance, and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users. Representatives of the Authority, OTMA, DER, or EPA are authorized to enter any premises of any Industrial User in which a Discharge source or treatment system is located or in which records are required to be kept to assure compliance with Pretreatment Standards.

105.13 Require Compliance Schedules and Self-Monitoring Reports

- A. The Authority requires:
 - 1. The development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements; and

2. The submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements.

105.14 Remedies for Noncompliance

- A. The Township, the Authority, OTMA, DER, and EPA reserve the right to obtain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement in accordance with applicable federal, state, and local laws. The Township, the Authority, OTMA, DER, or EPA may seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. Enforcement remedies include, but are not limited to, the duty to allow or carry out inspections, entry, or monitoring activities of any rules, regulations, or orders issued by the Township, the Authority, OTMA, DER, or EPA. The Township, the Authority, OTMA, DER, or EPA shall (after informal notice to the discharger) immediately and effectively halt or prevent any Discharge of pollutants to the Authority which reasonably appears to present an imminent endangerment to the health or welfare of persons. The Township, the Authority, OTMA, DER, or EPA shall also (which shall include notice to the affected Industrial Users and an opportunity to respond) halt or prevent any Discharge to the Authority which presents or may present an endangerment to the environment or which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the Authority. The procedures for notice to dischargers where the Township, the Authority, OTMA, DER, or EPA is seeking ex parte temporary judicial injunctive relief will be governed by applicable federal or state law.

105.15 Fines, Fees and Surcharges

- A. The Authority shall notify both the User and the OTMA when any fines, fees or surcharges are assessed against the User under the terms of this Resolution. The OTMA shall pay such fines, fees or surcharges to the Authority within sixty (60) days of receipt of such notice in writing and shall be responsible for the collections of such fines, fees or surcharges from the User.

Ord. 2002-5, 10/3/2002, §5.

Section 106. Right To Refuse Connection To or Compel Discontinuance of Use of Sewer or To Compel Pretreatment

The Authority shall have the right to refuse to any Person the privilege of connection to the Sewer System, or to compel the discontinuance of use of a Sewer and the Sewer System by any Person or to compel the pretreatment of any Industrial Wastes, to prevent discharges into the Sewer System of any wastes deemed to be harmful to the Sewer System or have a deleterious effect on sewage treatment processes as set forth in this Ordinance.

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Ord. 2002-5, 10/3/2002, §6.

Section 107. Access

Representatives of the Authority, OTMA, DER, or EPA shall have access at all times to any Improved Property which shall be connected to the Sewer System and any meters used for purposes of establishing or determining water consumption, water excluded from the Sewer System or Domestic Sewage or Industrial Wastes discharged to the Sewer System.

Ord. 2002-5, 10/3/2002, §7.

Section 108. Screening and Holding Tanks

- A. Industrial Establishments shall install fine screens to remove husks, hulls, vegetable skins, peelings, threads, lint, grease, mushrooms, and other such non-settleable and floating solids, or other organic or inorganic substances determined by this Authority to overload, impair the efficiency of or cause difficulties in operation of the sewage treatment plant which forms part of the Sewer System or in maintaining required quality of treatment plant effluent.
- B. Any Improved Property discharging twenty five thousand (25,000) gallons or more of Domestic Sewage and/or Industrial Wastes per day into the Sewer System and having large variations at the rate of discharge of such within the twenty-four (24) hour daily period shall install suitable holding tanks for equalizing the rate of discharge uniformly over the entire twenty four (24) hour daily period. The average twenty four (24) hour daily period rate of discharge shall not be exceeded by more than fifty percent (50%) at any time.

Ord. 2002-5, 10/3/2002, § 8.

Section 109. Industrial Cost Recovery

- A. In accordance with the requirements of Public Law 92-500, if applicable, each Industrial User of the sewage treatment works shall pay an equitable share of the federal capital grant amount used for construction of the sewage treatment works.
- B. Recovered Amounts - Each year during the industrial cost recovery period, each Industrial User of the sewage treatment works shall pay its share of the total amount of the applicable federal grant, adjusted by any subsequent grant amendments, divided by the recovery period. The industrial cost recovery amount shall be payable, interest free, over the useful life of the sewage treatment works or thirty (30) years, whichever is less.

- C. Payments shall be made by each Industrial User no less often than annually. The first payment by each Industrial User shall be not later than one (1) year after such Industrial User shall begin use of the sewage treatment works.
- D. Each Industrial User's share shall be based on all factors which significantly influence the cost of the sewage treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included to insure a proportional distribution of the grant assistance allocable to industrial use among all Industrial Users of the sewage treatment works. As a minimum, each Industrial User's share shall be proportional to the Industrial User's flow rate, in relation to the sewage treatment works flow rate capacity.
- E. If there is a substantial change in the strength, volume, or delivery flow rate characteristics introduced into the sewage treatment works by an Industrial User, such Industrial User's share shall be adjusted accordingly. If there is an expansion or upgrading of the sewage treatment works, such existing Industrial User's share shall be adjusted accordingly. Each Industrial User's share shall include only that portion of the grant assistance allocable to the use by, or to capacity firmly committed for use by, the Industrial User of the sewage treatment works.

Ord. 2002-5, 10/3/2002, §9.

Section 110. Enforcement

110.1 Harmful Contributions

- A. The Township, OTMA, the Authority, DER, or EPA may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when the suspension is necessary, in the opinion of the Township, OTMA, the Authority, DER, or EPA to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes Interference to the POTW, or causes the Authority to violate any conditions of its NPDES Permit.
- B. Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Township, OTMA, the Authority, DER, or EPA shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Township, OTMA, and/or Authority shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted

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to the Township, OTMA, the Authority, DER, or EPA within fifteen (15) days of the date of occurrence.

110.2 Revocation of Permit

- A. Any User who violates the following conditions of this Ordinance, or applicable state and federal regulations, is subject to having its permit revoked in accordance with the procedures of this Ordinance:
1. Failure of a User to factually report the wastewater constituents and characteristics of its discharge;
 2. Failure of the User to report significant changes in operations, or wastewater constituents, and characteristics;
 3. Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
 4. Violation of conditions of the permit.

110.3 Notification of Violation

- A. Whenever the Township, OTMA, the Authority, DER, or EPA finds that any User has violated or is violating this Ordinance, wastewater contribution permit, or any prohibition, limitation of requirements contained herein, the Township, OTMA, the Authority, DER, or EPA may serve upon this person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Township, OTMA, the Authority, DER, or EPA by the User.

110.4 Show Cause Hearing

- A. The Township, OTMA, the Authority, DER, or EPA may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the Township, OTMA, the Authority, DER, or EPA why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Township, OTMA, the Authority, DER, or EPA regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Township, OTMA, the Authority, DER, or EPA why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- B. The Township, OTMA, the Authority, DER, or EPA may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the (assigned department) to:

1. Issue in the name of the Township, OTMA, the Authority, DER, or EPA notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 2. Take the evidence;
 3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Township, OTMA, the Authority, DER, or EPA for action thereon.
- C. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- D. After the Township, OTMA, Authority, DER, or EPA has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and, directives as are necessary and appropriate may be issued.

110.5 Legal Action

- A. If any person discharges sewage, industrial wastes or other wastes into the Authority's wastewater disposal system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the Township, OTMA, the Authority, DER, or EPA may commence an action for appropriate legal and/or equitable relief.

Ord. 2002-5, 10/3/2002, §10.

Section 111. Penalty; Costs

111.1 Civil Penalties

- A. Any User who is found to have violated an Order of the Township, OTMA, the Authority, DER, or EPA or who willfully or negligently failed to comply with any provisions of this Ordinance, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Township, OTMA, the Authority, DER, or EPA may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law

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against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder.

111.2 Falsifying Information

- A. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate an monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine as established by Ordinance 2001-2 of Ontelaunee Township or as it may be amended.

Ord. 2002-5, 10/3/2002, §11.

Section 112. Industrial Sewer Connection Application

To the Maidencreek Township Authority:

The undersigned being the _____
of the property located at _____

_____ does hereby request a permit to _____ an industrial sewer connection serving _____, which company is engaged in _____ at said location.

1. A plan to the property showing accurately all sewer and drains now existing is attached hereunto as Exhibit "A."
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as Exhibit "B."
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rate of discharge, representative analysis, and compliance with any applicable Pretreatment Standard or Requirements, is attached hereunto as Exhibit "C."
4. The name and address of the person or firm who will perform the work covered by this permit is _____.

In consideration of the granting of this permit the undersigned agrees:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the Authority.

- 2. To accept and abide by all provisions of Ordinance No._____ of Ontelaunee Township, Resolution No._____ of the Ontelaunee Township Municipal Authority, and all other pertinent Resolutions, resolutions, or regulations that may be adopted in the future.
- 3. To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the wastewater treatment system of the industrial waste involved, in an efficient manner at all times, and at no expense to the Authority.
- 4. To cooperate at all times with the Township, OTMA, the Authority, DER, or EPA and its representatives in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
- 5. To notify the Authority immediately in the event of any accident, or other occurrence that occasions contributor to the wastewater treatment system of any wastewater or substance prohibited or not covered by this permit.

Date:_____ Signed:_____

\$_____ inspection fee paid_____

Application approved and permit granted:

Date:_____ Signed:_____

Ord. 2002-5, 10/3/2002, §12.

Section 113. Wastewater Discharge Permit

Permit No._____

INDUSTRIAL WASTEWATER DISCHARGE PERMIT

In accordance with the provisions of [Cite Specific Section of Ordinance and Resolution]

Industry Name:_____

Location Address:_____

Mailing Address:_____

is authorized to discharge industrial wastewater from the above identified facility into the Ontelaunee Township Municipal Authority’s sewer system and the Maiden creek Township Authority’s POTW treatment plant in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit.

SEWERS AND SEWAGE DISPOSAL

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

This permit shall become effective on _____ and shall expire at midnight on _____.

The permittee shall not discharge after the date of expiration. If the permittee wishes to continue to discharge after this expiration date an application must be filed for reissuance of this permit in accordance with the requirements of [Cite Specific Section of Ordinance and Resolution], a minimum of ninety (90) days prior to the expiration date.

(Seal)

By: _____
Chairman

Issued this _____ day of _____, 20____.

Industry Name _____ Permit No. _____

PART 1 - APPLICABLE EFFLUENT LIMITATIONS

SECTION 1 - EFFLUENT DISCHARGE LIMITS

A. During the period of [effective date of permit] to [expiration date of permit] the permittee is authorized to discharge process wastewater to the Ontelaunee Township Municipal Authority's sewer system and the Maidencreek Township Authority's POTW Treatment Plant from the outfall(s) listed below.

Description of outfalls:

<u>Outfall</u>	<u>Descriptions</u>
001	[The permit writer must clearly identify the outfalls using brief detailed narrative descriptions and diagrams as necessary.]
002	

B. During the period of _____ to _____ the discharge from outfall(s) _____ shall not exceed the following effluent limitations. In addition, the discharge shall comply with all other applicable regulations and standards contained in [Cite Specific Section of Ordinance and Resolution].

<u>Parameter</u>	<u>Daily maximum (mg/l)</u>	<u>Monthly average (mg/l)</u>
------------------	-----------------------------	-------------------------------

[See Section 102.4]

[The permit writer must determine the applicable local, state, and federal standards that apply to the permittee and specify these discharge limits for all regulated pollutants.]

- C. During the period of _____ to _____ the discharge from outfall(s) _____ shall be of domestic or non-process wastewater only and shall comply with [cite specific section of Resolution and resolution containing prohibitive discharges and local limits].
- D. [As an alternative the following requirements may be put in the standard conditions section.] The permittee shall not discharge wastewater from any of the outfalls:

Having a pH lower than 6.0 or higher than 9.0

Containing fats, wax, grease, or oils of petroleum origin, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°F) and one hundred forty degrees Fahrenheit (140°F) (zero degrees and sixty degrees Centigrade (0° and 60°C));

Containing any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases;

Having a temperature higher than one hundred four degree Fahrenheit (104°F) (forty degrees centigrade (40°C));

Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, mushrooms, plastics, wood, paunch, manure, or any other solids or viscous substances capable of causing obstructions or other interferences with proper operation of the sewer system;

Containing any pollutant, including oxygen demanding pollutants (BOD etc.) at flow rate and/or concentration which will cause the pollutant to pass through to the receiving waters or interfere with the Maiden creek Township Authority's wastewater treatment facility.

PART 2 - MONITORING AND REPORTING REQUIREMENTS

SECTION 1 - MONITORING REQUIREMENTS

From the period beginning on the effective date of the permit until _____ , the permittee shall monitor outfall _____ for the following:

SEWERS AND SEWAGE DISPOSAL

Parameter (units)	Sample Location	Frequency	Sample Type
Flow (gpd)	(1)	Daily	Meter (4)
Cadmium (mg/l)	(1)	Monthly	Composite (3)
Chromium (mg/l)	(1)	Monthly	Composite
Copper (mg/l)	(1)	Weekly	Composite
Lead (mg/l)	(1)	Monthly	Composite
Nickel (mg/l)	(1)	Monthly	Composite
Zinc	(1)	Weekly	Composite
pH (Std. units)	(1)	Monthly	Grab (3)
Trichlorophenol (mg/l) (5)	(1)	Quarterly(2)	Grab
Pentachlorophenol (mg/l) (5)	(1)	Quarterly(2)	Grab

1. [The permit writer needs to include a diagram or narrative description of sample location(s).]
 2. Quarterly samples are to be analyzed once every three (3) months and shall consist of three (3) samples collected in a two (2) week period.
 3. Definitions of sample types can be found in Part 4 Section 1 of this permit.
 4. Daily flows are to be recorded from the permittee's flow meter.
 5. In lieu of sampling for pentachlorophenol and trichlorophenol on a quarterly basis a certification statement must be submitted annually (due January 10) stating that chlorophenolic containing biocides and slimicides are not used.
- B. All handling and preservation of collected samples and laboratory analyses of samples shall be performed in accordance with 40 CFR Part 136 and amendments thereto unless specified otherwise in the monitoring conditions of this permit. [As an alternative, this requirement may be put in the standard conditions section.]

SECTION 2 - REPORTING REQUIREMENTS

A. Monitoring Reports.

Monitoring results obtained shall be summarized and reported on a monthly basis. The reports are due on the _____ day of each month. The first report is due on _____.

The report should indicate the nature and concentration of all pollutants in the process wastewater discharge which are regulated by the standards set forth in Part 1 Section 1 B., and include measured maximum on average daily flows.

B. If the permittee monitors any pollutant more frequently than required by this permit, the results of such monitoring shall be submitted to the Maiden creek Township Authority.

C. Accidental Report.

1. The permittee shall notify the Maiden creek Township Authority and the Ontelaunee Township Municipal Authority immediately upon the occurrence of an accidental discharge of substances prohibited by [Cite Specific Section of Ordinance and Resolution) at (610) 926-4240. The notification shall include location of discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken.

Within five (5) days following an accidental discharge, the permittee shall submit to the Ontelaunee Township Municipal Authority a detailed written report. The report shall specify:

- a. Description and cause of the upset, slug, or accidental discharge, the cause thereof, and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration, and volume of waste.
- b. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
- c. All steps taken or to be taken to reduce, eliminate, and prevent recurrence of the upset, slug, accidental discharge, or other conditions of noncompliance.

[As an alternative, this requirement may be put in the standard conditions section.]

D. All reports required by this permit shall be submitted to the Maiden creek Township Authority at the following address:

Maiden creek Township Authority
P.O. Box 289
Blandon, Pennsylvania 19510

PART 3 - SPECIAL CONDITIONS

SECTION 1 - ADDITIONAL/SPECIAL MONITORING REQUIREMENTS

SEWERS AND SEWAGE DISPOSAL

(The permit writer needs to include any additional or special monitoring requirements that are applicable to the permittee. Examples are provided below.)

Examples:

- A. One time monitoring for specific pollutants to verify absence (e.g., the permittee shall submit by _____ sampling data for pentachlorophenol and trichlorophenol.
- B. Biomonitoring or other toxicity to determine the toxicity of the discharge.
- C. Development of sludge disposal plan, spill prevention and control plan, or Best Management Practices plan.
- D. Additional monitoring of pollutants that are limited in the wastewater discharge permit in response to noncompliance.

SECTION 2 - COMPLIANCE SCHEDULE

A. Example Compliance Schedule:

<u>Event</u>	<u>By No Later Than</u>
1. New wastewater pretreatment plant design completed	(Date)
2. Equipment and materials ordered	(Date)
3. Develop, and submit a copy to the [name of Control Authority] an accidental spill prevention plan to eliminate or minimize the accidental spill or slug discharge of pollutants into the sewer system	(Date)
4. Implement the accidental spill prevention plan	(Date)
5. Complete installation of wastewater pretreatment plant	(Date)
6. Obtain full pretreatment plant operational status and achieve full compliance	(Date)

Compliance Schedule Reporting [This compliance schedule reporting requirement should be used when the compliance schedule contains more than one milestone or step needed to be taken to achieve compliance.]

No later than fourteen (14) days following each date in the above schedule, the permittee shall submit to the Maiden Creek Township Authority a progress report including, at

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 the increment of progress, the reasons for delay, and the steps being taken to return the project to the schedule established.

PART 4 - STANDARD CONDITIONS

(The reader is referred to the attachment for a complete range of Standard Conditions which may be placed in wastewater permits.)

Ord. 2002-5, 10/3/2002, §13.

Section 114. Adoption of Additional Rules and Regulations

The Authority reserves the right to adopt and, from time to time, the Authority may adopt additional rules and regulations as it shall deem necessary and proper for use and operation of the Sewer System, which rules and regulations shall be, shall become and shall be construed as a part of this Ordinance.

Ord. 2002-5, 10/3/2002, §14.

Section 115. Administration

This Ordinance shall be administered on behalf of the Township by the Maiden creek Township Authority.

Ord. 2002-5, 10/3/2002, §15.

Section 116. Enforcement

The proper officers of the Township, OTMA, the Authority, DER, or EPA are authorized and directed to do all things and to take all action necessary and proper to enforce the provisions of this Ordinance in the manner permitted by law that is within the Township's, OTMA's, the Authority's, DER's, or EPA's jurisdiction and power.

Ord. 2002-5, 10/3/2002, §16.

ARTICLE II

MANDATORY CONNECTIONS TO THE ONTELAUNEE TOWNSHIP MUNICIPAL AUTHORITY'S SANITARY SEWER SYSTEM

Section 201. Definitions

The following words and phrases, when used in this Ordinance shall have the meaning described to them in this Section, except where the context or language clearly indicates or requires a different meaning:

- A. **AUTHORITY** – means the Ontelaunee Township Municipal Authority.
- B. **DWELLING UNIT** – means each household unit, flat or apartment unit, store, shop, office, business, commercial or industrial unit, or family unit contained within any structure erected on a property which is accessible to the Sewer System, and intended for continuous or periodic habitations, occupancy or use for any purpose whatsoever by human beings or animals, and from which structure sanitary sewage and/or industrial waste is, or can be discharged.
- C. **EQUIVALENT DWELLING UNIT** – the quantity of flow which is equivalent to the average amount of water consumed by a single residential unit. For the purpose of this Ordinance an Equivalent Dwelling Unit is set at one hundred ninety five (195) gallons per day.

The number of Equivalent Dwelling Units (EDU's) assigned to a residential Dwelling Unit regardless of water consumption is one (1). The number of EDU's assigned to an industrial or other nonresidential user shall be calculated as follows: The number of EDU's for uses generating seasonal flow shall be determined by utilizing the average daily flow during peak periods of operation. The minimum number of EDU's assigned to any user shall be one (1). Any calculation resulting in a fractional EDU shall be rounded up to the next whole number.
- D. **IMPROVED PROPERTY** – means any property located within the Township upon which there is an erected building or structure containing one or more Dwelling Units, intended for continuous or periodic habitation, occupancy or use for any purpose whatsoever by human beings or animals from which structure sanitary sewage and/or industrial waste shall be or may be discharged.
- E. **LATERAL** – means that part of the sewer system extending from the sewer to the curb line or, if there shall be no curb line, to the property line, or if no such lateral shall be provided, then "Lateral" shall mean that portion of or place in the sewer which is provided for connection of any building's sewer.
- F. **OWNER** – means any person vested with ownership, legal or equitable, sole or partial, of an Improved Property.

- G. **PERSON** – means any individual, partnership, company, association, society, corporation, group or entity.
- H. **PROPERTY ACCESSIBLE TO THE SEWER SYSTEM** – means an Improved Property which adjoins, abuts on, or is adjacent to, the sewage collection system.
- I. **SANITARY SEWAGE** – means the normal water-carried household and toilet waste from residential and non-residential Improved Property, as well as any solid, liquid or gaseous substance or water-borne wastes or form of energy rejected or escaping from any industrial, manufacturing, trade or business process or from the development, recovery or processing of any resources which are suitable for discharge to the sewage system, or any other substance which constitutes pollution under the Clean Stream Law.
- J. **SEWER** – means any pipe or conduit constituting a part of the Sewer System, used or usable for sewage collection purposes.
- K. **SEWER SYSTEM** – means all facilities, as of any particular time, for collecting, pumping, transporting, treating, and/or disposing sanitary sewage and/or industrial waste, situate in the Township.
- L. **TOWNSHIP** – means the Township of Ontelaunee, Berks County, Pennsylvania, a political subdivision, acting by and through its Board of Supervisors, or in appropriate case, by and through its authorized representatives.

Ord. 2004-8, 10/7/2004, §1.

Section 202. Connection Requirement

- A. All Owners of any Dwelling Unit or Improved Property accessible to the Sewer System shall, at their own expense, connect such Dwelling Unit or Improved Property to the Sewer System within forty-five (45) days after written notice to such persons from the Authority to make such connection for the purposes of discharge of all sanitary sewage and industrial waste from such improved property, subject to such limitations and restrictions as shall be established by the Authority from time to time.
- B. All Owners of any property accessible to the Sewer System upon which a Dwelling Unit or Improved Property is hereafter erected shall, at the time of the erection of such building and at their own expense, connect the same with the Sewer System.
- C. All Owners of any Dwelling Unit or Improved Property which hereafter becomes accessible to the Sewer System shall, at their own expense, connect such building with the Sewer System within forty-five (45) days after notice to do so from the Authority.

SEWERS AND SEWAGE DISPOSAL

- D. Where more than one Dwelling Unit as hereinbefore defined is contained in a single structure, a single common connection to the lateral of the Sewer System may be permitted for accommodating all contained in such single structure, except that separate connections shall be required for each semi-detached or row-type house or structure provided that each Dwelling Unit shall pay all separate fees and charges for tapping, connection and operations and maintenance of the Sewer System. Grouping of more than one Dwelling Unit property on one building sewer shall be permitted under special circumstances and for good sanitary reasons or other good cause shown but only after special permission of the Authority in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by the Authority. A separate tap fee shall be imposed on each Dwelling Unit regardless of the number of Dwelling Units utilizing a lateral.
- E. The notice by the Authority to make a connection to a sewer shall consist of a written or printed document requiring the connection in accordance with the provision of this Article and specifying that such connection shall be made within forty five (45) days from the date such notice is given. Such notice may be given at any time after a sewer is in place which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by certified mail or by such other method as at the time may be provided by law.

Ord. 2004-8, 10/7/2004, §2.

Section 203. Prohibited Discharges

It shall be unlawful for any person owning any property in the Township accessible to the Sewer System to erect, construct, use or maintain, or cause to be erected, constructed, used or maintained, any privy, cesspool, sinkhole, septic tank, any on-lot sewage disposal system or other receptacle on such premises for receiving sanitary sewage after the expiration of the particular period specified in Section 202 hereof, or otherwise at any time to erect, construct, use or maintain pipe, conduit, drain or other facility for the discharge of sanitary sewage into the gutters of the Township, the storm sewer of the Township, or upon public or private property or otherwise, except into the Sewer System.

Ord. 2004-8, 10/7/2004, §3.

Section 204. Nuisance

Any person who erects, constructs, uses, or maintains a privy or cesspool, sinkhole, septic tank or any on-lot sewage disposal system on any property accessible to the Sewer System, or otherwise erects, constructs, uses or maintains any pipe, conduit, drain, or other facility for the discharge of sanitary sewage in violation of this Ordinance, shall be

deemed and shall be declared to be erecting, constructing, or maintaining a nuisance, which nuisance the Township and/or the Authority is authorized and directed to abate in the manner provided by law or equity. Nothing contained herein shall impair or restrict any cause of action or remedy otherwise available to the Township and/or Authority.

Ord. 2004-8, 10/7/2004, §4.

Section 205. Compliance with Ordinances of the Township, and Resolutions and Rules and Regulations of the Authority

No connection shall be made to the Sewer System, except in compliance with this Ordinance and Authority Resolutions, as well as such rules and regulations that may, from time to time, be enacted, adopted, approved or promulgated by the Authority.

- A. No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any sewer or any part of the Sewer System without first obtaining a written permit from the Authority. The owner of the Dwelling Unit or Improved Property served or to be served shall make application for the permit.
- B. No person shall make or cause to be made a connection of any Dwelling Unit or Improved Property with the Sewer System until such person shall have fulfilled each of the following conditions:
 - 1. Such person shall have notified the Secretary of the Authority of the desire and intention to connect to the Sewer System.
 - 2. Such person shall have applied for and obtained a written permit.
 - 3. Such person shall have given the Secretary of the Authority at least 24-hours notice of the time when such connection will be made so that this Authority may supervise and inspect the work of connection and necessary testing.
 - 4. Such person shall have furnished satisfactory evidence to the Secretary of the Authority that any tapping fee charged and imposed by the Authority against the owner of each improved property who connects such improved property to the Sewer System has been paid.
- C. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to the Sewer System, including testing, shall be borne by the owner of the Dwelling Unit or Improved Property to be connected and such owner shall indemnify and save harmless the Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building to the Sewer System.

SEWERS AND SEWAGE DISPOSAL

- D. A building sewer shall be connected to the Sewer System at the place, in the manner, and under the rules, regulations and standards as shall be set by the Authority by Resolution from time to time.

Ord. 2004-8, 10/7/2004, §5.

Section 206. Pretreatment of Discharge

No person shall discharge or permit to be discharged within this Township any sanitary sewage or industrial wastes in violation of the Pretreatment Ordinance of the Township and the Pretreatment Resolution, Rules and Regulations of the Authority

Ord. 2004-8, 10/7/2004, §6.

Section 207. Prohibition of Privies, Vaults, Cess Pools, Sinkholes, Septic Tanks, OLDs or Similar Receptacles

No privy, vault, cesspool, sinkhole, septic tank, on-lot sewage disposal system, or similar receptacle shall be used or maintained at any time upon any improved property which has been connected to the Sewer System, which shall be required under Section 202.A to be connected to the Sewer System. Every such privy, vault, cesspool, sinkhole, septic tank, on-lot sewage disposal system or similar receptacle in existence shall be abandoned, and shall be cleansed at the expense of the owner of such Improved Property, and any such privy, vault, cesspool, sinkhole, septic tank, on-lot sewage disposal system, or similar receptacle not so abandoned and cleansed, shall constitute a nuisance, and such nuisance may be abated as provided by law, or equity, at the expense of the owner of such improved property.

Ord. 2004-8, 10/7/2004, §7.

Section 208. Building Sewer Conversions

- A. Where an improved property, at the time connection to the Sewer System is required, shall be sewered by its own sewage disposal system or device, the existing property sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such property sewer line as a building sewer.
- B. No building sewer shall be covered until it has been inspected and approved by the Authority. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.

- C. Every building sewer of any Dwelling Unit or Improved Property shall be maintained in a sanitary and safe operating condition by the owner of such improved property at the expense of the owner.
- D. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored at the cost and expense of the owner of the Dwelling Unit or Improved Property being connected in a manner satisfactory to the Authority.
- E. If any person, upon receipt of written notice from the Township or the Authority of an unsatisfactory condition with respect to a building sewer, shall fail or refuse to correct such unsatisfactory condition within ten (10) working days of receipt of such notice, the Authority may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of the Township and the Authority.
- F. The Authority shall have the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the Sewer System, which additional rules and regulations, to the extent appropriate, and shall be construed as a part of this Ordinance.

Ord. 2004-8, 10/7/2004, §8.

Section 209. Connection Fee

There is hereby imposed a minimum connection fee of One Thousand Five Hundred Dollars (\$1,500.00) for each connection to be made to the sewer system at the curb or property line. The connection fee shall be based upon actual cost if the connection cost exceeds One Thousand Five Hundred Dollars (\$1,500.00).

Ord. 2004-8, 10/7/2004, §9.

Section 210. Failure to Connect

After the expiration of the particular period specified in Section 202 of this Article, if any owner of any Dwelling Unit or Improved Property accessible to the Sewer System shall have failed to connect such property with the Sewer System as required by Section 202, the Authority shall cause to be served on the owner of such property so failing to connect to said Sewer System, and also upon the occupants of the building in question, a copy of this Article, and a written or printed notice requiring such connection to be made, and such notice shall further state that its requirement shall be complied with within thirty (30) days from the date thereof.

SEWERS AND SEWAGE DISPOSAL

Ord. 2004-8, 10/7/2004, §10.

Section 211. Health, Safety and Welfare

The provisions of this Article are declared to be for the health, safety and welfare of the citizens of the Township. Each Improved Property, as hereinbefore defined, whether or not the owners thereof shall be permitted to connect two or more occupied buildings or units by a single common connection to a lateral of the Sewer System, or shall be required to make separate connection for each Dwelling Unit, shall constitute a separate or distinct unit under the provisions of this Article and the persons owning an Improved Property consisting of multiple Dwelling Units contained in the same structure who violate any of the provisions of this Article shall be subject to the penalties for such violation for each and every one of such Dwelling Units which are in violation of the provisions of this Article.

Ord. 2004-8, 10/7/2004, §11.

Section 212. Penalties

- A. Any person who violates this Article shall be liable upon summary conviction, for a fine of not more than One Thousand Dollars (\$1,000.00) together with costs of prosecution in each case. Each day that a violation of this Article continues shall constitute a separate offense.
- B. In addition to any penalties hereinbefore set forth, nothing contained herein shall be deemed or construed to limit or impair any rights or causes of action that the Township or the Authority may have to file a municipal claim or lien or file a suit in law or equity to compel compliance and to enforce the provisions of this Article.
- C. If any person shall fail or refuse to pay in full any such sums due the Township or the Authority and an action for recovery of same is instituted, the persons liable for the payment of any sums adjudged to be due shall be assessed a reasonable fee for collection, payable to the Township or Authority's attorney, together with interest and costs of suit.

Ord. 2004-8, 10/7/2004, §12; as amended by Ord. 2008-5, 9/4/2008, §1.

Section 213. Urgency

This Ordinance hereby declared to be urgent for the preservation of the peace, health and comfort of the Township and shall take effect and be in force immediately after its passage.

Ord. 2004-8, 10/7/2004, §15.

Section 214. Permits Contingent Upon Payment of Tapping Fee

Any person or entity who shall connect to a private or community sewer system which system will ultimately be connected to the Authority's sewage collection system or dedicated to the Authority shall not be issued any building or occupancy permits by the Code Enforcement Officer of the Township of Ontelaunee until the Code Enforcement Officer shall receive a written notice from the Ontelaunee Township Municipal Authority that the appropriate tapping fee has been paid to the Authority.

Ord. 2000-7, 6/22/2000, §1.

ARTICLE III

MUNICIPAL MANAGEMENT OF ON-LOT SUBSURFACE SEWAGE DISPOSAL FACILITIES

Section 301. Short Title; Introduction; Purpose

- A. This Ordinance shall be known and may be cited as "An ordinance providing for a Sewage Management Program for Ontelaunee Township."
- B. In accordance with municipal codes, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394 as amended, 35 P.S. §§691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. §§750.1 et seq., known as Act 537), it is the power and the duty of Ontelaunee Township to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Ontelaunee Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage
- C. The purpose of this Ordinance is to provide for the regulation, inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program

Ord. 1994-4, 9/8/1994, §1.

Section 302. Definitions

- A. **AUTHORIZED AGENT** – A sewage enforcement officer, employee of the Township, professional engineer, plumbing inspector, or any other qualified or licensed person who is authorized to function within specified limits as an agent of Ontelaunee Township to administer or enforce the provisions of this Ordinance.
- B. **BOARD** – The Board of Supervisors of Ontelaunee Township, Berks County, Pennsylvania.
- C. **COMMUNITY SEWAGE SYSTEM** – Any system, whether publicly or privately owned, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other site.
- D. **DEPARTMENT** – The Department of Environmental Resources of the Commonwealth of Pennsylvania (DER).
- E. **INDIVIDUAL SEWAGE SYSTEM** – A system of piping, tanks or other facili-

ties serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth.

- F. **MALFUNCTION** – A condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.
- G. **OFFICIAL SEWAGE FACILITIES PLAN** – A Comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board and approved by the Pennsylvania Department of Environmental Resources, pursuant to the Pennsylvania Sewage Facilities Act.
- H. **ON-LOT SEWAGE DISPOSAL SYSTEM** – Any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this term includes both individual sewage systems and community sewage systems.
- I. **PERSON** – Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.
- J. **REHABILITATION** – Work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.
- K. **SEWAGE** – Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law," as amended.
- L. **SEWAGE ENFORCEMENT OFFICER (SEO)** – A person certified by DER who is employed by the Township. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other Ordinance adopted by the Township.

SEWERS AND SEWAGE DISPOSAL

- M. **SEWAGE MANAGEMENT DISTRICT** – Any area or areas of the Township designated in the Official Sewage Facilities Plan adopted by the Board as an area for which a Sewage Management program is to be implemented.
- N. **SEWAGE MANAGEMENT PROGRAM** – A comprehensive set of legal and administrative requirements encompassing the requirements of this Ordinance, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Board to effectively enforce and administer this Ordinance.
- O. **SUBDIVISION** – The division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.
- P. **TOWNSHIP** – The Township of Ontelaunee, Berks County, Pennsylvania.
- Q. For the purposes of this Ordinance, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and the Regulations promulgated thereto.

Ord. 1994-4, 9/8/1994, §2.

Section 303. Applicability

From the effective date of this Ordinance, its provisions shall apply in any portion of the Township identified in the Official Sewage Facilities Plan as a sewage management district. Within such an area or areas, the provisions of this Ordinance shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems.

Ord. 1994-4, 9/8/1994, §3.

Section 304. Permit Requirements

- A. No person shall install, construct or request bid proposals for construction, or alter an individual sewage system or community sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit from the Sewage Enforcement Officer which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law and the Pennsylvania Sewage Facilities Act and the regulations adopted pursuant to those Acts.

- B. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by a sewage enforcement officer issuing the permit received notification of completion of construction, the applicant may cover said system or structure unless permission has been specifically refused by the sewage enforcement officer.
- C. Applicants for sewage permits may be required to notify the sewage enforcement officer of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by the Sewage Facilities Act may be scheduled and performed by a sewage enforcement officer.
- D. No building or occupancy permit shall be issued for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from a sewage enforcement office.
- E. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner receives a permit for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from a sewage enforcement officer that such a permit will not be required. The sewage enforcement officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.
- F. Sewage permits may be issued only by a sewage enforcement officer employed by the Township. DER shall be notified as to the identity of each sewage enforcement officer employed by the Township.

Ord. 1994-4, 9/8/1994, §4.

Section 305. Inspections

- A. Any on-lot sewage disposal system may be inspected by an authorized agent at any reasonable time as of the effective date of this Ordinance.
- B. Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, other ground water sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.
- C. An authorized agent shall have the right to enter upon land for the purposes of inspections described in this section.
- D. An initial inspection shall be conducted by an authorized agent within one year

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of the effective date of this Ordinance for the purpose of determining the type and functional status of each sewage disposal system in the sewage management district. A written report shall be furnished to the owner of each property inspected and a copy of said report shall be maintained in the Township records.

- E. A schedule of routine inspections may be established to assure the proper functioning of the sewage systems in the sewage management district.
- F. An authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the authorized agent shall order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulations of DER including, but not limited to, those outlined in Chapter 73 of Title 25 of the Pennsylvania Code, or is not technically or financially feasible in the opinion of the authorized agent and a representative of DER, then action by the property owner to mitigate the malfunction shall be required.
- G. There may arise geographic areas where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a revision to the portion of the Sewage Facilities Plan pertaining to areas affected by such malfunctions. When a DER authorized Official Sewage Facilities Plan Revision has been undertaken, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the area affected by the revision may be delayed, pending the outcome of the plan revision process. However, immediate corrective action may be compelled whenever a malfunction, as determined by Township officials and/or the Department, represents a serious public health or environmental threat.

Ord. 1994-4, 9/8/1994, §5.

Section 306. Operation

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

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

Ord. 1994-4, 9/8/1994, §6.

Section 307. Maintenance

- A. Each person owning a building served by an on-lot sewage disposal system which contains a septic tank shall have the septic tank pumped by a qualified pumper/hauler within six (6) months of the effective date of this Ordinance. Thereafter that person shall have the tank pumped at least once every three years or whenever an inspection reveals that the septic tank is filled with solids or with scum in excess of one-third (1/3) of the liquid depth of the tank. Receipts from the pumper/hauler shall be submitted to the Township within the prescribed six (6) months and three (3) year pumping periods.
1. Septic tank pumping receipts from the pumper/hauler shall be submitted by the pumper/hauler to the Township within the prescribed three (3) year pumping periods. Failure of a pumper/hauler to provide pumping receipts as set forth in this Section shall constitute a violation of this Article.
 2. No pumper/hauler may provide pumping/hauling services within the Township without first obtaining a permit annually from the Township at a cost to be determined by resolution of the Board of Supervisors from time to time. Failure of a pumper/hauler to obtain an annual permit from the Township shall constitute a violation of this Article.

[Ord. 2016-5]

- B. The required pumping frequency may be increased to the discretion of an authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown. If any person can prove that such person's septic tank had been pumped within three (3) years of the six-month anniversary of the re-effective date of this Ordinance, then that person's initial required pumping may be delayed to conform to the general three (3) year frequency requirement except where an inspection reveals a need for more frequent pumping frequencies.
- C. Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a written statement, from the pumper /hauler or from any other qualified individual acceptable to the Township, that the baffles in the septic tank have been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact a sewage enforcement officer for approval of the necessary repair.

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- D. Any person owning a building served by an on-lot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township within six months of the effective date of this Ordinance. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.
- E. Any person owning a building served by a cesspool or dry well in an area of numerous malfunctions or in an area where a repair is not technically feasible, shall have that system pumped according to the schedule prescribed for septic tanks to mitigate potential pollution. As an alternative to this scheduled pumping of the cesspool or dry well, and pending any scheduled replacement of the substandard system as identified in the Official Sewage Facilities Plan, the owner may apply for a sewage permit from a sewage enforcement officer for a septic tank to be installed preceding the cesspool or dry well. For this interim repair system consisting of a cesspool or dry well preceded by an approved septic tank, only the septic tank must be pumped at the prescribed interval.
- F. Additional maintenance activity may be required as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.

Ord. 1994-4, 9/8/1997, §7, as amended by Ord. 2009-5, 4/2/2009, §1; as amended by Ord. 2016-5, 12/1/2016, §1.

Section 308. System Rehabilitation

- A. No person shall operate or maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No Sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit for such discharge has been obtained from DER.
- B. A written notice of violation shall be issued to any person who is the owner of any property which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging sewage without a permit.
- C. Within seven (7) days of notification by the Township that a malfunction has been identified, the property owner shall make application to the sewage enforcement officer for a permit to repair or replace the malfunctioning system. Within thirty (30) days of initial notification by the Township, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the

original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.

- D. A sewage enforcement officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative appropriate for the specific site.
- E. In lieu of, or in combination with, the remedies described in Subsection D above, a sewage enforcement officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.
- F. In the event that the rehabilitation measures in Subsections A through E are not feasible or effective, the owner may be required to apply to DER for a permit to install an individual spray irrigation treatment system or a single residence treatment and discharge system. Upon receipt of said permit the owner shall complete construction of the system within thirty (30) days.
- G. Should none of the remedies described in this Section be totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.

Ord. 1994-4, 9/8/1994, §8.

Section 309. Liens

The Township, upon written notice from a sewage enforcement officer that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this Ordinance, shall have the authority to perform, or contract to have performed, the work required by the sewage enforcement officer. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with law.

Ord. 1994-4, 9/8/1994, §9.

Section 310. Disposal of Septage

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- A. All septage originating within the sewage management district shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. SS6018. 101 et sec.) and all other applicable laws and at sites or facilities approved by DER. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.
- B. Pumper/haulers of septage operating within the sewage management district shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. SS6018 .101-6018. 1003) and all other applicable laws.

Ord. 1994-4, 9/8/1994, §10.

Section 311. Administration

- A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Ordinance.
- B. The Township shall employ qualified individuals to carry out the provisions of this Ordinance. Those employees shall include a sewage enforcement officer and may include an administrator and such other persons as may be necessary. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this Ordinance.
- C. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems in the sewage management district shall become the property of, and be maintained by, the Township. Existing and future records shall be available for public inspection during regular business hours at the official office of the Township. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of the Pennsylvania Department of Environmental Resources.
- D. The Board shall establish all administrative procedures necessary to properly carry out the provisions of this Ordinance.
- E. The Board may establish a fee schedule, and authorize the collection of fees, to cover the cost to the Township of administering this program.
- F. The Township delegates all of the aforementioned administrative functions pertaining to the Sewage Management Program for Ontelaunee Township to the Ontelaunee Township Municipal Sewer and Water Authority. [Ord. 2009-3.]

Ord. 1994-4, 9/8/1994, §11; as amended by Ord. 2009-3, 2/5/2009, §1.

Section 312. Appeals

- A. Appeals from final decisions of the Township or any of its authorized agents under this Ordinance shall be made to the board of supervisors in writing within thirty (30) days from the date of written notification of the decision in question.
- B. The appellant shall be entitled to a hearing before the board of supervisors at its next regularly scheduled meeting, if a written appeal is received at least fourteen (14) days prior to that meeting. If the appeal is received within fourteen (14) days of the next regularly scheduled meeting, the appeal shall be heard at the next regularly scheduled meeting. The municipality shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.
- C. A decision shall be rendered in writing within thirty (30) days of the date of the hearing.

Ord. 1994-4, 9/8/1994, §12.

Section 313. Penalties

- A. See Chapter 4, Article IV entitled “Civil/Criminal Enforcement Procedure”.

Ord. 1994-4, 9/8/1994, §13; superseded by Ord. 2001-2, 7/12/2001.

ARTICLE IV

**PROCEDURES FOR THE INSTALLATION, MAINTENANCE AND USE OF
PRIVIES**

Section 401. Purpose

The purpose of this Ordinance is to establish procedures for the installation, use and maintenance of existing and new privies designed to receive sewage whether from residential or commercial uses and it is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality.

Ord. 1995-1, 2/9/1995, §1.

Section 402. Definitions

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. **AGENCY** – shall mean the Ontelaunee Township Municipal Authority, Berks County, Pennsylvania.
- B. **PRIVY** – means a watertight receptacle, whether permanent or temporary, which receives and retains sewage where water under pressure or piped waste water is not available and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.
- C. **IMPROVED PROPERTY** – shall mean any property within the Township upon where there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.
- D. **OWNER** – shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
- E. **PERSON** – shall mean any individual, partnership, company, association, corporation or other group or entity.
- F. **SEWAGE** – shall mean any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation or any substance which constitutes pollution under the Clean Streams Law (35 PS §§ 693.1-691.1001).

G. **MUNICIPALITY** – shall mean Ontelaunee Township, Berks County, Pennsylvania.

Ord. 1995-1, 2/9/1995, §2.

Section 403. Rights and Privileges Granted

That the Agency is hereby authorized and empowered to undertake within the Township the control and methods of privy use, sewage disposal and sewage collection and transportation thereof.

Ord. 1995-1, 2/9/1995, §3.

Section 404. Rules and Regulations

That the Agency is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

Ord. 1995-1, 2/9/1995, §4.

Section 405. Rules and Regulations to be in Conformity with Applicable Law

All such rules and regulations adopted by the Agency shall be in conformity with the provisions herein, all other ordinances of the Township and all applicable laws, and applicable rules and regulations of administration agencies of the Commonwealth of Pennsylvania.

Ord. 1995-1, 2/9/1995, §5.

Section 406. Rates and Charges

The Agency shall have the right and power to fix, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

Ord. 1995-1, 2/9/1995, §6.

Section 407. Condition of Privy Use

A. The property owner must show that site and soil suitability testing of the lot has been conducted by the Sewage Enforcement Officer and that the site meets the Title 25, Chapter 73 (Standards for Sewage Disposal Facilities) requirement for

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the ultimate sewage disposal by an approved on-lot system if water under pressure or piped waste water becomes available to the lot.

- B. At such time that water under pressure becomes available, the property owner must remove the privy and replace the privy with an approved on-lot system.
- C. The conditions of use described in Section 407A above do not apply:
 - 1. To a privy to be used on an isolated lot which is one acre or larger and is not nor will be served by water under pressure in the future.
 - 2. To temporary use of portable retention tanks where their use is proposed at construction sites or at the site of public gatherings and entertainment.
- D. Specific conditions for use of privies shall be incorporated in the permit application and permit for the proposed use of a privy.
- E. The Authority is provided the opportunity to inspect the privy for proper operation, maintenance and content disposal.

Ord. 1995-1, 2/9/1995, §7.

Section 408. Exclusiveness of Rights and Privileges

The collection and transportation of all sewage from any improved property utilizing a privy shall be done solely by or under the direction and control of the Agency, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

Ord. 1995-1, 2/9/1995, §8.

Section 409. Duties of Improved Property Owner

The owner of an improved property that utilizes a privy shall:

- A. Maintain the privy in conformance with this or any Ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Agency and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Agency or its agent to collect, transport, and dispose of the contents therein.
- C. Abandon the privy consistent with applicable public health and environmental standards and obtain a permit for and install an approved on-lot system meeting Chapter 73 standards in the event that water under pressure or piped waste water becomes available to the property.

- D. Permit the Agency to enter upon lands to inspect the privy for proper operation, maintenance and contents disposal.

Ord. 1995-1, 2/9/1995, §9.

Section 410. Violations

Any person who violates any provisions of Sections 407, 408 or 409 shall, upon conviction thereof by summary proceedings, according to Chapter 4, Article IV entitled “Civil/Criminal Enforcement Procedure”.

Ord. 1995-1, 2/9/1995, §10; superseded by Ord. 2001-2, 7/12/2001.

Section 411. Abatement of Nuisances

In addition to any other remedies provided in this Ordinance, any violation of Section 409 above shall constitute a nuisance and shall be abated by the municipality or the Agency by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

Ord. 1995-1, 2/9/1995, §11.

ARTICLE V

**PROCEDURES FOR THE INSTALLATION, MAINTENANCE AND USE OF
SEWAGE HOLDING TANKS**

Section 501. Purpose

The purpose of this Ordinance is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage whether from residential or commercial uses and it is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality.

Ord. 1995-2, 2/9/1995, §1.

Section 502. Definitions

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. **AGENCY** – shall mean the Board of Supervisors of Ontelaunee Township Municipal Authority, Berks County, Pennsylvania.
- B. **HOLDING TANK** – means a watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.
- C. **IMPROVED PROPERTY** – shall mean any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.
- D. **OWNER** – shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
- E. **PERSON** – shall mean any individual, partnership, company, association, corporation or other group or entity.
- F. **SEWAGE** – shall mean any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation.
- G. **MUNICIPALITY** – shall mean Ontelaunee Township, Berks County, Pennsylvania.

Ord. 1995-2, 2/9/1995, §2.

Section 503. Rights and Privileges Granted

That the Agency is hereby authorized and empowered to undertake within the Township the control and methods of holding tank installation, maintenance, use, sewage disposal and sewage collection and transportation thereof.

Ord. 1995-2, 2/9/1995, §3.

Section 504. Rules and Regulations

That the Agency is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

Ord. 1995-2, 2/9/1995, §4.

Section 505. Rules and Regulations to be in Conformity with Applicable Law

All such rules and regulations adopted by the Agency shall be in conformity with the provisions herein, all other Ordinances of the Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Ord. 1995-2, 2/9/1995, §5.

Section 506. Rates and Charges

The Agency shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

Ord. 1995-2, 2/9/1995, §6.

Section 507. Exclusiveness of Rights and Privileges

- A. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Agency, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

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- B. The Agency will receive, review and retain pumping receipts from permitted holding tanks.
- C. The Agency will complete and retain annual inspection reports for each permitted tank.

Ord. 1995-2, 2/9/1995, §7.

Section 508. Duties of Improved Property Owner

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this or any Ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Agency and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Agency or its agent to inspect holding tanks on an annual basis.
- C. Permit only the Agency or its agent or designates to collect, transport, and dispose of the contents therein.

Ord. 1995-2, 2/9/1995, §8.

Section 509. Violations

Any person who violates any provisions of Section 508, shall, upon conviction thereof by summary proceedings in accordance with Chapter 4, Article IV entitled “Civil/Criminal Enforcement Procedure”.

Ord. 1995-2, 2/9/1995, §9; superseded by Ord. 2001-2, 7/12/2001.

Section 510. Abatement of Nuisances

In addition to any other remedies provided in this Ordinance, any violation of Section 508 above shall constitute a nuisance and shall be abated by the municipality or the Agency by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

Ord. 1995-2, 2/9/1995, §10.

**ARTICLE VI
AUTHORIZATION FOR THE ADOPTION OF RULES AND REGULATIONS FOR
SEWER**

Section 601. Rules and Regulations

The Township Board of Supervisors is hereby authorized to adopt by resolution rules and regulations relating to the administration, operations, maintenance and repair of the public sewer system and enforcement of such rules and regulations.

Ord. 2018-4, 5/3/2018, §2.