

CHAPTER 18

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Part 1
Connections

§101. Definitions.

AUTHORITY — Mohnton Borough Authority as presently or hereafter constituted, which has been created by the Borough Council and to which has been referred by the Borough Council the specific project of sewers.

BOROUGH — the Borough of Mohnton, Berks County, PA, or the duly constituted and elected Borough authorities thereof.

OCCUPIED BUILDING — each single dwelling unit, household unit, flat or apartment unit, store, shop, office, business or industrial unit or family contained within any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage is, or may be, discharged.

PERSON — an individual, firm, company, association, society, corporation or group.

PROPERTY ACCESSIBLE TO THE SEWER SYSTEM — improved property which adjoins, abuts on, or is adjacent to, the sewer system, except that portion of which property from which sanitary sewage cannot be made to flow by gravity.

SANITARY SEWAGE — normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial establishments.

SEWER SYSTEM — the sanitary sewer collection system, together with appurtenant facilities about to be constructed for the Borough and any improvements, additions or extensions that hereafter may be made thereto by the Authority or the Borough or to any part or parts of any or all thereof.

(Ord. 211, 8/20/1959, §1)

§102. Notice by Advertisement.

Whenever the sewer system is completed and ready for public use, it shall be the duty of the Borough to cause notice of the fact to be given by advertisement published once in one newspaper of general circulation in the Borough, and such advertisement shall state that the sewer system may be used by all persons owning occupied buildings on property accessible to the sewer system, subject to the payment of any connection charges and of annual sewer rentals in amounts as may from time to time be fixed by the Borough. (Ord. 211, 8/20/1958, §2)

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§103. Connection Required.

1. All persons owning any occupied building now erected upon property accessible to the sewer system shall at their own expense connect such building with the sewer system within 90 days after the date of publication specified in §102.
2. All persons owning any property accessible to the sewer system upon which an occupied building 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.
3. All persons owning any occupied building upon property which hereafter becomes accessible to the sewer system shall, at their own expense, connect such building with the sewer system within 90 days after notice to do so from the Borough.
4. No person shall connect any Improved Property with any part of the sewer system without first making application for and securing a permit, in writing, from the Borough. Application for connection to the Borough's Sewer System shall be made in a form that indicates the sewage capacity requested and the type of improved property to be connected to the sewer system even though not required to connect by agreement with Borough Council. [Ord. 479]
5. Where more than one occupied building, as hereinbefore defined, is contained in a separate structure, a single common connection to the lateral of the sewer system shall be permitted for accommodating all units contained in such structure; except, that separate connections shall be required for each semi-detached or row-type house or structure.

(Ord. 211, 8/20/1958, §3; as amended by Ord. 479, 9/14/1988, §1)

§104. Connection Charge; Equivalent Dwelling Unit.

1. The Borough does hereby impose a connection charge as set forth more fully in subsection 2, except as otherwise provided in §115 hereof, against the owner of any improved property in Cumru Township, which is either required to connect to the sewer system pursuant to this Part 1, or voluntarily connects to the sewer system even though not required to connect by agreement with Borough Council.
2. The connection charge payable by the Owner of an improved property described in subsection 1 above, shall be based on the amount of capacity consumption of the improved property connected to the sewer system. The connection charge shall be calculated by multiplying the number of Equivalent Dwelling Units constituting such improved property, as more fully described in subsection 3, by the sum of \$1,500.
 - A. For the purposes of this Part, "Equivalent Dwelling Unit" shall mean the unit of measure by which the applicable connection charge shall be imposed

upon each improved property served by the sewer system, as determined in this Part or by subsequent ordinances of this Borough, constituting annual sewage discharge by such improved property in any amount up to 50,000 gallons and increments up to 50,000 gallons thereafter.

- B. The minimum connection charge applicable to any improved property served by the sewer system shall be \$1,500 which shall constitute a single Equivalent Dwelling Unit whether or not such improved property annually discharges 50,000 gallons of sewage into the sewer system. To this minimum connection charge shall be added \$1,500 for each additional Equivalent Dwelling Unit or fraction thereof that is determined to be applicable to such improved property. Additional Equivalent Dwelling Units shall be determined by one of the following methods: (1) in accordance with the schedule set forth herein; (2) in the discretion of the Borough based on an estimated annual sewage discharge by an improved property served by the sewer system, or (3) based upon actual metered flow as hereinafter provided. One method for determining the number of Equivalent Dwelling Units applicable to each improved property served by the sewer system may, in the discretion of the Borough, be determined in accordance with the following schedule:

EDU Schedule

Description of Improved Property	Unit of Measure	No. of Equivalent Dwelling Units Per Unit of Measure
(1) Residential dwelling unit, including mobile homes and apartments (year round or seasonal)	Each single family	1
(2) Retail store, professional office or other commercial enterprises	1 to 10 employees	1
	Each additional 10 employees or fraction thereof	1
(3) Hotel, motel or boarding house (not including restaurant facilities)	a) w/o kitchen facilities	1
		1
	b) w/kitchen facilities	1
		1

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EDU Schedule

Description of Improved Property	Unit of Measure	No. of Equivalent Dwelling Units Per Unit of Measure
(4) Restaurant, club, tavern or other retail food or drink establishment	1 to 20 customer seats Each additional 20 customer seats or fraction thereof	1 1
(5) Automobile service station or commercial repair shop	1 or 2 bays Each additional 2 bays or fraction thereof	1 1
(6) Car wash	Each bay	3
(7) Beauty parlor or other barbershop (whether or not attached to or part of a residential dwelling)	First chair Each additional chair	1 1
(8) Laundromat	1 to 2 washing units Each additional 2 units or fraction thereof	1 1

C. In the event any improved property pays a connection charge in excess of \$1,500, as determined by either of the above mentioned methods, and such owner disagrees at the time of such connection, with the amount of the connection charge calculated pursuant thereto, then such owner shall have the right to challenge the amount of the connection charge and thereafter have the same calculated based on the actual sewage flow emanating from the improved property, as determined by a meter connected to such improved property. In the event of such a challenge, the owner shall be required to initially pay the connection charge determined by the Borough and thereafter to meter the sewage emanating from the improved property for a period of one calendar year. All costs of installing such a meter shall be paid for by owner and the type of meter to be installed by owner shall be approved by Borough prior to its installation. After such sewage has been so metered should the number of Equivalent Dwelling Units actually emanating from such improved property be greater than the number of Equivalent Dwelling Units previously determined by the Borough, the owner shall pay to the Borough an additional connection charge based on the actual metered flow. In the alternative, should the amount of the Equivalent Dwelling Units as determined by the actual metered flow, be less than as determined by the Borough, then in such event the owner shall be entitled to a refund of that

portion of the connection charge the owner initially paid, which was in excess of the connection charged, based on the actual flow.

3. The connection charge shall be due and payable at the time application is made to make connection to the sewer system, as provided in §103, or upon the date when the Borough shall connect any improved property to the sewer system, at the cost and expense of the owner as provided in this Part 1, in the event the owner shall have failed to make the connection required. No improved property may be connected to the sewer system without making the appropriate application to the Borough and obtaining Borough's approval of such connection.
4. All connection charges shall be payable to the Borough.
5. Payment of connection charges imposed by this Borough pursuant to this Part shall be enforced by the Borough in any manner appropriate under laws at the time in effect.

(Ord. 479, 9/14/1988, §§2-6)

§105. Prohibited Receptacles.

It shall be unlawful for any person owning any property accessible to the sewer system to erect, construct or use or maintain or cause to be erected, constructed, used or maintained, any privy, cesspool, sinkhole, septic tank or other receptacle on such premises for receiving sanitary sewage, after the expiration of the particular period specified in §103 hereof, or otherwise at any time to erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sanitary sewage into the gutters of the Borough, the storm sewers of the Borough or upon public or private property, or otherwise, except into the sewer system. (Ord. 211, 8/20/1958, §4)

§106. Nuisances Declared.

Any person who erects, constructs, uses or maintains a privy, cesspool, sinkhole or septic tank 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 Part 1, shall be deemed and shall be declared to be erecting, constructing and maintaining a nuisance, which nuisance the Borough is hereby authorized and directed to abate in the manner provided by law. (Ord. 211, 8/20/1958, §5)

§107. Connection to Comply with Regulations.

No connection shall be made to the sewer system, except in compliance with the ordinances and resolutions, as well as such rules and regulations as may, from time to time, be enacted, adopted, approved or promulgated by the Borough. (Ord. 211, 8/20/1958, §6)

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§108. Failure to Connect.

If any owner or owners of an occupied building or property accessible to the sewer system shall have failed to connect such property with the sewer system as required by said §103, and within the time after notice from the Borough as provided in said §103 if applicable, the Borough may make such connection and may collect the cost thereof from the owner by Borough claim, by an action in assumpsit or by such other legal proceedings as may be provided by law. (Ord. 211, 8/20/1958, §7; as amended by Ord. 242, 6/20/1960, §1; and by Ord. 257, 10/16/1961, §1)

§109. Permit Required.

Persons, firms and corporations desiring to do plumbing intended to be connected to the sewer system shall obtain from the Borough of Mohnton, in the form provided, by application being made and upon meeting necessary qualifications, a license entitling the applicant to engage in regular or particular work during the calendar year for which the license is granted, for which license a fee, as established from time to time by resolution, shall be charged. (Ord. 211, 8/20/1958, §8; as amended by Ord. 257, 10/16/1961, §1; and by Ord. 478, 8/10/1988)

§110. Eligibility for Plumbing License.

Any person, firm or corporation which, for a period of at least one year previous to the passage of this Part 1 has been regularly engaged in the plumbing business in the Borough, shall be deemed competent to initially obtain a permit; and all other persons, firms or corporations desiring to do plumbing business in said Borough, or to do a particular piece of work to be connected with the sewer system, shall exhibit such evidence of competency as said Borough from time to time may require. (Ord. 211, 8/20/1958, §9)

§111. Failure to Comply.

Any plumber or other person who shall neglect or refuse to take out a permit or comply with the provision of this Part 1 shall not be deemed competent to perform any work intended to be connected with the sewers, and no work performed by such plumber or other persons shall be connected with any sewers. (Ord. 211, 8/20/1958, §10)

§112. Penalties.

The provisions of this Part 1 are declared to be for the health, safety and welfare of the citizens of the Borough, and persons violating any provisions of this Part 1, upon conviction before any District Justice of Berks County, shall be fined no more than \$300 and costs. Each ninety-day period during which such violation of such provision shall continue shall be deemed a separate offense. Each occupied building, as hereinbefore de-

fined, 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 connections for each occupied building or unit, shall constitute a separate and distinct unit under the provisions of this Part 1 and the persons owning occupied buildings, consisting of multiple units contained in the same structure, who violate any of the provisions of this Part 1, shall be subject to the aforesaid fine for each and every one of such occupied buildings or units which are in violation of the provisions of this Part 1. (Ord. 211, 8/20/1958, §11; as amended by Ord. 241, 5/16/1960, §1; by Ord. 290, 6/20/1966, §1; by Ord. 406, 8/13/1980, §1; and by Ord. 478, 8/10/1988)

§113. Authority.

The Borough hereby grants to Authority all and every easement, right-of-way and any and all other rights necessary or desirable on, over or under the streets, sidewalks and alleys in the Borough for the purpose of constructing the sewer system therein. (Ord. 211, 8/20/1958, §12)

§114. Amendments.

The Borough reserves the right, from time to time, to adopt modifications of, supplements to or amendments of this Part and to re-evaluate the use of any building connected to its sewer system and any charges incidental thereto as set forth in the schedule aforesaid. (Ord. 479, 9/14/1988, §7)

§115. Applicability.

This Part shall become effectively immediately, and shall be effective as to all improved properties in Cumru Township not currently connected to the sewer system of the Borough. Provided, however, if the Borough prior to the effective date [September 9, 1988], has entered into any agreements with third parties which provided for a connection charge different from that specified in this Part, then in such event the provisions of such agreements shall take precedent and remain in full force and effect and shall be used to calculate any connection charges owed by such third parties, whether or not the improved properties to which those agreements apply have been connected to the sewer system prior to the effective date. (Ord. 479, 9/14/1988, §8)

Part 2

Use Regulations

§201. Definitions.

Unless the context hereof specifically indicates otherwise, the meaning of terms used in these rules and regulations shall be as follows:

BOD (BIOCHEMICAL OXYGEN DEMAND) — the quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five days at 20° C. The standard laboratory procedure shall be that found in the latest edition of “Standard Methods for the Examination of Water and Sewage” published by the American Public Health Association.

BUILDING SEWER OR LATERAL — the extension of the building drain from the curb line or property line to the public sewer or other place of disposal.

COLOR — of an industrial waste shall mean the color of the light transmitted by the waste solution after removing the suspended material, including the pseudocolloidal particles.

DISSOLVED SOLIDS — the anhydrous residues of the dissolved constituents in water and wastewater.

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

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

GROUND WATER — water which is standing in or passing through the ground.

MANHOLE — a shaft or chamber leading from the surface of the ground to a sewer, large enough to enable a man to gain access to the latter.

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

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

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STORM WATER — that portion of the precipitation which runs off over the surface during a storm and for such a short period following a storm as the flow exceeds the normal or ordinary runoff.

SURFACE WATER — that portion of the precipitation which runs off over the surface of the ground.

SUSPENDED SOLIDS — solids that either float on the surface or are in suspension in water, sewage or other liquids and which are removable by laboratory filtration.

TOTAL SOLIDS — solids that either float on the surface of or are in suspension or dissolved in water, sewage or other liquids, and which are determined by appropriate procedures found in the latest edition of “Standard methods for the Examination of Water and Sewage,” published by the American Public Health Association.

TOXIC SUBSTANCE — any noxious and/or deleterious substance in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in any sewage system, or in the receiving stream of the sewage treatment plant.

(Ord. 426, 12/8/1982, §1)

§202. Use of Public Sewers.

1. All sewage and authorized industrial waste may be discharged to the sewer system except those which are deemed harmful to the system or are specifically prohibited by ordinance.
2. No person shall place, deposit or permit to be deposited upon public or private property within the Borough any human or animal excrement or other objectionable wastes.
3. No person shall discharge to any natural outlet within the Borough any sanitary sewage, industrial waste or other polluted wastes except where suitable treatment has been provided to the satisfaction of the Council.
4. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Where existing surface water or roof drains are connected to the sanitary sewer system, they shall be removed within six months of receipt of a notice from Council to remove said connection. In the event said connection is not removed, the Council shall cause said connection to be removed at the owner's expense.

5. Except as otherwise provided, no person shall discharge or cause to be discharged into the sewer system any sewage, industrial waste, or other matter or substance:
- A. Having a temperature higher than 150°F or less than 32°F.
 - B. Containing any gasoline, benzine, naphtha, fuel oil, paint products, acid or other inflammable explosive liquids, solids or gases.
 - C. Containing any noxious or malodorous gas or substance, which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance and repair.
 - D. Containing unground garbage.
 - E. Containing but not limited to any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, rags, feathers, tar, plastic, wood, paunch manure, butchers offal, whole blood, bentonite, lye, building materials, rubber, hair, leather, porcelain, china, ceramic wastes, or any other solids or viscous substances capable of causing obstruction to the flow in sewer system or other interferences with the proper operation of the sewer system or the sewage treatment works.
 - F. Having a pH, stabilized, lower than 6.0 or higher than 9.0 or having any corrosive or scale-forming property capable of causing damage or hazards to structures, equipment, bacterial action, or personnel of the sewer system or the sewage treatment plant.
 - G. Containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or pass through the plant in the effluent thus constituting a hazard to humans or animals or create any hazard in the Wyomissing Creek and Schuylkill River in concentrations that exceed the following local limits:

Toxic/Poisonous Substance	Concentration in mg/l
Aluminum	2.0
Arsenic	0.75
Beryllium	0.005
Cadmium	0.650
Chromium	1.0
Copper	1.0
Cyanide	0.75
Iron	5.0

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Toxic/Poisonous Substance	Concentration in mg/l
Lead	0.50
Mercury	0.02
Molybdenum	0.20
Nickel	2.0
Oil and Grease (animal origin)	100.0
Oil and Grease (petroleum origin)	25.0
Phenol	1.0
Selenium	0.140
Silver	0.30
Tin	1.0
Zinc	1.00

[Ord. 544]

- H. Containing total solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as may be approved by Council and the Authority.
- I. Containing any toxic radioactive isotopes, without special permit.
- J. Containing color from any source that contains more than 250 units of color as determined by the Platinum-Colbalt method of determining color in "Standard Methods for the Examination of Water and Wastewater." [Ord. 544]
- K. Having a chlorine demand in excess of 12 mg/l.
- L. Prohibited by any permit issued by the Commonwealth of Pennsylvania.
- M. Containing wastes which are not amenable to biological treatment or reduction in existing treatment facilities, specifically non-biodegradable complex carbon compounds.

(Ord. 426, 12/8/1982, §2; as amended by Ord. 544, 1/12/1994, §§1, 2)

§203. Industrial Waste Permit.

- 1. The admission into the sewer system of any waters or wastes
 - A. having a BOD greater than 299mg/l, or
 - B. containing more than 300 mg/l of suspended solids or

- C. containing more than 500 mg/l of dissolved solids, or
 - D. containing any quantity of substances having the characteristics described in Subsection (2) (c) or
 - E. having an average daily flow greater than 10% of the sewage treatment plant capacity shall require approval of the Council and the Authority in the form an Industrial Waste Permit.
2. Prior to discharging said waste to the sewer system, or prior to continuing the discharge of said wastes to the sewer system, the owner of the property from which such discharge is proposed to be made shall apply to Borough Council in writing for a permit to make such discharge.
 3. Such application shall be made on Industrial Waste Permit application forms furnished by Council. Said forms shall contain all pertinent data including, but not limited to, estimated or actual quantity of flow, character of waste, maximum rate of discharge and proposed pre-treatment facilities, together with any plans, specifications or other information considered pertinent in the judgment of Council and the Authority.
 4. The Industrial Waste Permit application forms shall be competently completed and returned to Borough Council. Council will forward the application to the Authority for review and approval. If the proposed discharges are deemed acceptable for treatment, the application will be reviewed by Council to determine the possibility of damages to the sewer system. Only upon approval of both the Authority and Borough Council will an Industrial Waste Permit be issued and the discharge be allowed.
 5. Where necessary, the opinion of Council and the Authority, the property owner shall provide, at his expense, a survey analysis and report by a Registered Professional Engineer acceptable to Council and the Authority.
 6. Where required, in the opinion of Borough Council and the Authority, any person seeking to discharge a waste to the sewer system deemed unacceptable by Council and the Authority shall provide at his own expense such preliminary treatment or handling as may be necessary to:
 - A. Reduce BOD to 200 ppm, suspended solids to 300ppm and dissolved solids to 55 ppm.
 - B. Or modify the objectionable characteristics or constituents to come within the maximum limits provided for in these rules and regulations.
 - C. Or control the quantities and rates of discharge of such waters or wastes over a twenty-four-hour day and a seven day week.

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Plans, specifications, and any other pertinent information relating to proposed preliminary treatment or handling facilities shall be submitted for the approval of the Borough Council and the Authority and no construction of such facilities shall be commenced until written approval is obtained.

7. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the property owner at his expense. Council and the Authority and/or their authorized representatives shall have continuous access to any preliminary treatment facilities for inspection. Discharges from said facilities shall be subject to the requirements of all applicable codes, ordinances, laws and regulations.
8. Industrial Waste Permits shall remain in effect so long as the type of waste remains unchanged. Any person discharging wastes covered by an Industrial Waste Permit and who contemplates a change in the method of operation of other factors which will alter the type of waste then being discharged into the sewer system shall apply for a new Industrial Waste Permit at least 30 days prior to such a change.

(Ord. 426, 12/8/1982, §3)

§204. Determination of Charges for Industrial Wastes.

1. There shall be additional charges for industrial wastes having dissolved solids, suspended solids and (or) BOD in excess of the average dissolved solids, suspended solids and BOD of normal domestic sewage. Normal domestic sewage shall be considered as having the following concentrations:
 - A. Dissolved solids — 500 mg/l
 - B. Suspended solids — 300 mg/l
 - C. BOD — 22 mg/l
2. In order to determine the additional charge for industrial wastes with strength greater than that of domestic sewage, the following formula shall be used:

$$\text{Quarterly Surcharge} = 0.00834 Q_1 [\text{BOD} - 200 \$141.74 + (\text{SS}_1 - 300) \$105.54 + (\text{DS}_1 - 500) \$10.20]$$

Where: 0.00834 — is a constant to convert waste strength expressed in mg/L to thousand pounds of waste.

Q_1 — quarterly industrial waste flow expressed in million gallons.

BOD_1 = five day BOD in mg/L of the Industrial Waste.

SS₁ = Suspended Solids of Industrial Waste in mg/L.

DS₁ = Dissolved Solids of Industrial Waste in mg/L.

200, 300 and 500 = constants expressing waste load strength in mg/L for the respective pollution parameters.

\$242.74, \$105.54 and \$10.20 = costs of treating 1,000 pounds of waste for the respective pollution parameters. These costs will change as operating costs increase, as capital additions are made or as flow changes.

3. Where a value for BOD, suspended solids and/or dissolved solids is less than the maximum allowable concentration set forth in the Industrial Waste Surcharge Formula, the maximum allowable concentration shall be used in the calculation of the Industrial Waste Surcharge.

(Ord. 426, 12/8/1982, §4)

§205. Measurement of Concentration of Industrial Waste.

1. Industrial wastes being discharged into the sewer system shall be subject to sampling and inspection to be used as basis for determining additional charges due to excessive concentrations of BOD,¹ suspended solids, ammonia nitrogen, and/or substance prohibited in §202. Such sampling and inspection shall be made by the Borough of Mohnton and/or the Joint Municipal Authority of Wyomissing Valley, Berks County, as frequently as may be deemed necessary. The analysis of the sample so obtained shall be the basis for computing additional charges in accordance with §204. The cost of such sampling (but no testing thereof) shall be borne by the Borough of Mohnton and/or the Joint Municipal Authority of Wyomissing Valley, Berks County. The cost of the testing said sample shall be borne by the user. The results of the testing of samples and the findings of inspections, as herein referred to, shall be made available to the Borough of Mohnton and the Joint Municipal Authority of Wyomissing Valley, Berks County. [Ord. 544]
2. The industry may request that samples be taken in addition to the normal periodic samples taken by the Borough. The cost of making this collection and analysis shall be paid by the industry.
3. All sampling shall be of a representative manner and shall be taken by a method approved by a Registered Professional Engineer.
4. Sampling facilities shall be accessible to the Borough at all times.

¹ Editor's Note: Ord. 544 read "BOC."

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5. The analysis of samples obtained shall be made in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.
6. When required by Council and the Authority, the owner of any property discharging industrial waste to the sewer system shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the waste. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by Council and the Authority. The manhole shall be installed by the property owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.
7. Council and the Authority and/or their duly authorized representatives shall at all reasonable times be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provision of these rules and regulations.
8. No provisions of these rules and regulations shall be construed as preventing any special arrangement or agreement between Council and any person whereby an industrial waste of unusual strength or character may be accepted by Council and the Authority for treatment, subject to payment therefore by the person concerned.

(Ord. 426, 12/8/1982, §5; as amended by Ord. 544, 1/12/1994, §3)

§206. Removal, Transportation and Disposal of Sewage in Industrial Wastes.

1. Any tank, truck or any equipment used or intended to be used for the removal, transportation, disposal of sewage and industrial wastes shall conform to the following requirements:
 - A. The container shall be watertight.
 - B. Tanks, containers, or other equipment shall be so constructed that every portion of the interior and exterior can be easily cleaned and shall be kept in a clean and sanitary condition.
 - C. Piping, valves and permanent or flexible connections shall be accessible and easily disconnected for cleaning purposes.
 - D. The inlet opening, or opening to every container, shall be so constructed that the material will not spill outside during filling, transfer or transport.
 - E. The outlet connections shall be so constructed that no material will leak out, run out to other than the point of discharge, and shall be of a design and type suitable for the material handled and capable of controlling the flow of

discharge without spillage, undue spray, or flooding immediate surroundings while in use.

- F. No connection shall be made at any time between a top or outlet furnishing potable water on any premises and any container or equipment holding material by any means other than an open connection.
- 2. The sewage and wastes discharged by the tank trucks into the sewer system shall not contain industrial waste, chemicals, or other matter, with or without pre-treatment that does not conform to the requirements of §202 of these rules and regulations.
- 3. Any sewage and industrial waste to be discharged from tank trucks within the Borough shall be disposed of at the location designated by the Authority at the time or times fixed by the Authority.

(Ord. 426, 12/8/1982, §6)

§207. Failure to Comply.

In the event that any person shall fail or refuse upon receipt of written notice from Council to remedy any unsatisfactory condition within 30 days, then Council may refuse to permit said person to discharge its sewage into the sewer system until the order of Council in this respect shall have been fully complied with. (Ord. 426, 12/8/1982, §7)

§208. Penalties.

Any person who shall violate any of the provisions of these rules and regulations shall be subject to a fine not exceeding \$300 or imprisonment for a term not exceeding 90 days or both, in the discretion of the District Justice of Berks County; each day that a violation is permitted to exist shall constitute a separate offense. (Ord. 426, 12/8/1982, §9; as amended by Ord. 478, 8/10/1988)

Part 3
Rates and Charges

§301. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Part 3 shall be as follows:

AUTHORITY — the Joint Municipal Authority of Wyomissing Valley.

COUNCIL — the group of elected officials acting as the governing body of the Borough of Mohnton.

DOMESTIC SEWAGE — the normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial establishments.

INDUSTRIAL WASTES — any liquid or gaseous substances, whether or not solids are contained therein, discharged from any industrial establishment during the course of any industrial, manufacturing, trade, or business process or in the course of development, recovery of processing of natural resources, as distinct from sanitary sewage.

MG/L — milligrams per liter.

PERSON — any individual, firm, company, association, society, corporation or group.

SANITARY SEWER — any pipe or conduit constituting a part of the sewer system, or usable for sewage collection purposes, which carries sanitary sewage and to which storm, surface and ground waters are not admitted.

SEWAGE — the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

SEWAGE TREATMENT PLANT — an arrangement of devices and structures used for treating and disposing of sanitary sewage and certain industrial wastes.

SEWER SYSTEM — all facilities, as of any particular time, for collecting, pumping, treating or disposing of sanitary sewage and/or industrial wastes.

(Ord. 427, 12/8/1982, §1)

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§302. Charges for Domestic Sewage.

1. Sewer Rental. The charge for collection and treatment of domestic sewage discharged into the sewer system shall be a quarterly charge, payable as hereinafter provided, based upon the water consumption of the property served and shall be computed at the rates hereinafter provided.
2. Standard Metered Rates. The following rates will apply to all quantities of water consumed:
 - A. Treatment.
 - (1) Effective January 1, 2006, sewage treatment charges for each unit and/or building connected to the sanitary sewer of the Borough of Mohnton shall be as follows:

\$2 per 100 cubic feet

\$18 minimum billing per quarter
 - B. Collection — \$2 for the first 1,000 cubic feet; \$0.20 for each additional 100 cubic feet to 29,000 cubic feet; and \$0.15 for each 100 cubic feet over 29,000 cubic feet.
 - C. Water Provided by Well — \$16 per quarter based on 2,000 cubic feet of consumption at the current effective billing rate. This option is to be elected by the owner in lieu of the owner's maintenance of a water meter.
3. Commercial garbage grinders. A rental of \$22 per horsepower per quarter shall be charged for each commercial garbage grinder which empties waste into the sewer. In the event the grinder is less or more than one horsepower, then the quarterly charge shall be apportioned according to the size of the horsepower.
4. There shall be an additional quarterly charge for collection of domestic sewage discharged into the sewer system of the Borough of Mohnton. In the amount of \$8.25 for units where grease, oil, sand, acid or other special purpose interceptors are installed and in service, provided, however, that for units with more than five such interceptors the additional \$8.25 quarterly charge shall be further increased by \$1.50 for each such interceptor over five.

(Ord. 427, 12/8/1982, §2; as amended by Ord. 454, 10/9/1985, §1; by Ord. 467, 2/11/1987, §§1,2; by Ord. 497, 12/13/1989; by Ord. 505, 1/9/1991, §1; by Ord. 513, 12/11/1991, §§1,2; by Ord. 554, 12/14/1994, §§1, 2; by Ord. 564, 12/13/1995, §1; by Ord. 579, 12/11/1996, §1; by Ord. 595, 12/10/1997, §1; by Ord. 604, 12/9/1998, §1; by Ord. 618, 12/8/1999; by Ord. 631, 12/13/2000; by Ord. 643, 12/12/2001; by Ord. 675, 12/10/2003; by Ord. 691, 12/8/2004; and by Ord. 708, 12/4/2005)

§303. Measuring Volumes of Domestic Sewage.

1. Methods of Measuring Volume.
 - A. Whenever a person purchasing all water used from the Borough of Mohnton discharges domestic sewage to the sewer system, the volume of water purchased shall be used in computing the sewer rental.
 - B. In cases where dwellings and establishments have sources of water supply in addition to or other than Borough water, those dwellings and establishments will be required to provide a meter on the source of supply. The amount of water consumed as shown by the meter readings will be used in computing the sewer rental.
2. Measuring Devices. All meters or other measuring devices not provided by the Borough but required to be used under the provisions of this Part 3 shall be furnished and installed by the property owner and shall be under the control of the Council, and may be tested, inspected or repaired by Borough employees whenever Council deems necessary. The owner of the property upon which such measuring device is installed shall be responsible for its maintenance and safekeeping; and all repairs thereto shall be made at the property owner's expense, whether such repairs are made necessary by ordinary wear and tear or other causes. Bills for such repairs, if made by the Borough of Mohnton shall be due and payable at the same time, and collected in the same manner as are the bills for sewer services; such bills from and after their date due shall constitute a lien upon the property upon which such measuring device is installed.
3. Meter Reading. Council shall be responsible for the reading of all meters or measuring devices, and they shall be available to Borough employees for meter reading at any time.

(Ord. 427, 12/8/1982, §3)

§304. Admission of Industrial Wastes into the Sewer System.

1. Treatment of Industrial Wastes. The Economy and desirability of the combined treatment of industrial wastes and domestic sewage is recognized. However, not all types or quantities can be so treated. Hence it shall be the established policy of the Borough of Mohnton to accept those types and quantities that are not harmful or damaging to the structures, processes or operation of the sewer system and(or) sewage treatment plant or are not specifically prohibited by this Part 3. It is also recognized that to provide this service, additional expenditures are required. These must be borne by those persons receiving the benefits.
2. Approval Required for Industrial Wastes. In order to control the admission of industrial wastes, joint approval of the Borough Council and the Authority is re-

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quire for the discharge into the sewer system of any water or wastes having any or all of the following:

- A. A five-day, 20° C. BOD greater than 200 mg/L.
- B. A suspended solids content greater than 300 mg/L.
- C. A dissolved solids content greater than 500 mg/L.
- D. An average daily flow greater than 10% of the Sewage Treatment Plant capacity.

Such approval shall be in the form of an Industrial Waste Permit as specified in the rules and regulations.

- 3. Pretreatment. Where required, in the opinion of the Borough Council and the Authority, any person seeking to discharge a waste to the sewer system deemed unacceptable by the Borough Council and the Authority shall provide at his own expense such preliminary treatment or handling as may be necessary to:
 - A. Reduce BOD to 200 mg/L, suspended solids to 300 mg/L and dissolved solids to 500 mg/L;
 - B. Or modify the objectionable characteristics or constituents to come within the maximum limits provided for in this Part 2 and rules and regulations;
 - C. Or control the quantities and rates of discharge or such waters or wastes over a twenty-four-hour day and a seven day week.

Plan, specifications, and any other pertinent information relating to proposed preliminary treatment or handling facilities shall be submitted for the approval of the Borough Council and the Authority and no construction of such facilities shall be commenced until written approval is obtained.

(Ord. 427, 12/8/1982, §4)

§305. Charges of Industrial Wastes.

The charges for collection and treatment of industrial wastes discharged into the sewer system shall be in accordance with §302 of this Part 3. In addition thereto, further charges shall be levied for industrial wastes discharged into the sewer system in accordance with rules and regulations which may from time to time be adopted by Council.
(Ord. 427, 12/2/1982, §5)

§306. Measuring Volume of Industrial Wastes.

1. Methods of measuring volume.
 - A. Whenever a person purchasing all water used from the Borough of Mohnton discharges only industrial waste to the sewer system, the volume of water purchased shall be used as a measure of the quantity of industrial waste discharged.
 - B. Whenever a person purchasing all water used from the Borough of Mohnton discharges combined domestic sewage and industrial waste to the sewer system, the volume of water purchased chargeable as industrial waste 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 in either of the following ways:
 - (1) Actual measured flows.
 - (2) By multiplying the average number of employees in the establishment during the preceding billing period by 300 cubic feet per quarter.
 - C. In order to measure the volume of water not discharged into the sewage system a person may install a water meter at his own expense and cost. The water passing through such meter shall be only such water as is not discharged into the sewer system. There shall be no sewer rental charge made or imposed under the terms of this Part 3 upon such water passing through such meter and not discharged into the sewage system.
 - (1) Whenever a person using a private water supply discharges industrial wastes to the sewer system the charges for such discharge shall be in accordance with §305 of this Part 3. Such person, however, shall install at his expense either a water meter or meters, as may be required, to measure the total volume of water used in the industrial plant; or shall install, at his expense, a meter on the sewer line leaving the plant so as to measure the entire flow of waste discharged to the sewer system. No meter for measurement either of the water or sewage shall be installed until a plan for such installation is submitted to Council or its designated representative, and approved as satisfactory. All meters or other measuring devices installed or required to be used under the provisions of this Part 3 shall be under the control of the Council, and may be tested, inspected, or repaired by Borough employees whenever Council deems necessary. The owner of the property upon which such measuring device is installed shall be responsible for its maintenance and safe-keeping; and all repairs thereto shall be made at the property owner's expense, whether such repairs are made necessary by ordinary wear and tear or other causes. Bills for such repairs, if made by the Borough shall be due and payable at the

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same time, and collected in the same manner as are the bills for sewer services; such bills from and after their due date shall constitute a lien upon the property upon which such measuring device is installed.

- (2) Council shall be responsible for the reading of water and/or sewage meters when installed in industrial establishments. Where, in the opinion of Council, it is not necessary to install a meter, measurements of the discharge to the sewer shall be made quarterly by the Borough, and the measurements so made shall be used for determining the sewer charge for that quarter. Any person dissatisfied with the sewer rate so determined may, at his own cost, install a meter or meters as provided by Subsection (1)(C)(1).

(Ord. 427, 12/8/1982, §6)

§307. Time and Method of Payment.

All sewer rentals shall be due and payable at the time that water rentals are not payable. They shall be included in the same bills and shall be collected at the same time and in the same manner as the charges for water, and with the same discounts and penalties. (Ord. 427, 12/8/1982, §7)

Part 4

On-Lot Sewage Disposal Systems and Individual Residential Spray Irrigation Systems

§401. Title.

This Part shall be known as and may be referred to as the "Borough of Mohnton Sewage Ordinance." (Ord. 714, 2/8/2006)

§402. Purpose.

The purposes of this Part include:

- A. The regulation of soil testing for, installation, inspection, operation, rehabilitation, replacement and timely ongoing maintenance of on-lot systems within the Borough.
- B. The establishment of provisions and safeguards for the Borough which enable the issuance of permits for bonded systems and IRSIS systems by and through the Sewage Enforcement Officer (SEO).
- C. Establishment of minimum standards for the periodic pumping of treatment and pump tanks which are components of OLDS permitted by the SEO.
- D. Adoption, by reference, of standards for initial inspection and subsequent pumping of systems and tanks.
- E. Establishment of standards for the proper abandonment of OLDS.

(Ord. 714, 2/8/2006, §1)

§403. Definitions.

The following words and terms, when used in this Part, shall have the following meanings:

ABSORPTION AREA — a component of an individual or community OLDS where liquid from a treatment tank seeps into the soil; it consists of an aggregate-filled area containing piping for the distribution of liquid and the soil or sand/soil combination located beneath the aggregate.

ABSORPTION AREA EASEMENT — a portion of a lot, tract or parcel that encompasses the primary and replacement area and which shall be deline-

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ated and preserved. The primary and replacement areas need not be contiguous.

ACT — the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. §750.1 et seq.

AUTHORIZED AGENT — a certified Sewage Enforcement Officer (SEO), professional engineer or sanitarian, plumbing inspector, soil scientist, water quality specialist or any other person who is designated to carry out the provisions of this Part as the agent of the Council of the Borough of Mohnnton.

BONDED DISPOSAL SYSTEM — an individual sewage system located on a single lot serving a single-family residence, where soil mottling is within 20 inches of the mineral soil surface, and the installation, operation and replacement of which is guaranteed by the property owner.

BOROUGH — the Borough of Mohnnton, Berks County, Pennsylvania.

CHISEL PLOW — a farm or tractor implement used to rough up or scarify the soil surface, break down surface vegetation and increase the soil surface area.

COMMUNITY SYSTEM — a system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

COUNCIL — the Council of the Borough of Mohnnton, Berks County, Pennsylvania.

DEP/THE DEPARTMENT — the Department of Environmental Protection of the Commonwealth of Pennsylvania.

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

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

INDIVIDUAL ON-LOT SEWAGE SYSTEM — an individual sewage system that uses a system of piping, tanks or other facilities for the collecting, treating and disposing of sewage into a soil-absorption area or retaining tank.

INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEM (IRSI) — an individual sewage system that serves a single-family dwelling and that treats and disposes of sewage using a system of piping, treatment tanks and soil renovation through spray irrigation.

INDIVIDUAL SEWERAGE SYSTEM — an individual sewage system which uses a method of collection, conveyance, treatment and disposal other than renovation in a soil-absorption area or retention in a retaining tank.

INDUSTRIAL WASTE — a liquid, gaseous, radioactive, solid or other substance, which is not sewage, resulting from manufacturing or industry or other plant or works and mine drainage, silt, coal mine solids, rock, debris, dirt, and clay from coal mines, coal collieries, breakers or other coal-processing operations. The term includes substances whether or not generally characterized as waste.

MARGINAL CONDITIONS — a property shall be deemed to exhibit "marginal conditions" if it displays any of the following characteristics: gross lot size of less than 1.5 acres; wetlands; floodplain; limiting zones of less than 20 inches to evidence of seasonal high-water table or rock; slopes in excess of 25%; or isolation limitations that would limit available space for OLDS or reduce the net lot size to less than 1.5 acres.

MALFUNCTION — the condition which occurs when an on-lot system causes pollution to the ground- or surface waters, contamination of private or public drinking water supplies, nuisance problems or hazard to public health.

OLDS — an individual or community on-lot sewage disposal system.

OWNER — any person, corporation, partnership, etc., holding deed or title to lands within the Borough.

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

PRIMARY AREA — an area on a lot, tract or parcel of land that has been tested by the SEO and found suitable, based upon the then-current DEP site requirements, for the installation of an on-lot sewage disposal system and which will be preserved and protected from alteration for installation of the initial on-lot sewage disposal system for the sewage generated on that lot, tract or parcel. (See "replacement area.")

REPLACEMENT AREA — an area on a lot, tract or parcel of land, separate from the primary area, that has been tested by the SEO and found suitable, based upon the then-current DEP site requirements, for the installation of

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an on-lot system and which will be preserved and protected from alteration for potential future use if the primary area on the same lot, tract or parcel shall fail for any reason. (See "primary area.")

RETAINING TANK — a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes but is not limited to the following:

- A. **CHEMICAL TOILET** — a permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.
- B. **HOLDING TANK** — a tank, whether permanent or temporary, to which sewage is conveyed by a water-carrying system.
- C. **PRIVY** — a tank designed to receive sewage where water under pressure is not available.
- D. **INCINERATING TOILET** — a device capable of reducing waste material to ashes.
- E. **COMPOSTING TOILET** — a device for holding and processing human and organic kitchen waste, employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.
- F. **RECYCLING TOILET** — a device in which the flushing medium is restored to a condition suitable for reuse in flushing.

SEPTAGE — the residual scum, sludge and other materials pumped from septic or aerobic treatment tanks and the systems they serve.

SEWAGE — any substance that contains any waste products or excrement or other discharge from the bodies of human beings or animals; a substance harmful to the public health, animal or aquatic life, or the use of water for domestic water supply or for recreation; or a substance that constitutes pollution to the waters of the Commonwealth under the Clean Streams Law.²

SOIL SCIENTIST — a practicing Pennsylvania ARC PAC or PAPSS certified soils professional qualified for on-lot sewage evaluations.

TREATMENT TANK — a watertight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place. The term includes the following:

- A. **SEPTIC TANK** — a treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.

² Editor's Note: See 35 P.S. § 691.1 et seq.

- B. **AEROBIC SEWAGE TREATMENT TANK** — a mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.

WATERS OF THE COMMONWEALTH — rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, ponds, springs and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

(Ord. 714, 2/8/2006, §2)

§404. Permit Required.

1. All individual or community on-lot systems, regardless of the size of the lot, tract or parcel on which they are proposed to be constructed, are subject to issuance of a permit by the SEO pursuant to the requirements of this Part, the Act and regulations.
2. Building and zoning permits shall not be issued for any building or improvement to real property to be serviced by an on-lot system prior to receiving a permit for the installation of the on-lot system from the SEO.
3. All sewage system components, including absorption areas, must be located on the same lot, tract or parcel as the structure they will serve. Systems or components cannot be located on a separately deeded parcel, regardless of the parcel's ownership, except through means of an easement.
4. All planning modules proposing individual or community sewage systems which require a DEP permit shall include a provision granting the Borough and its agents the right to enter the premises to inspect the construction and/or operation of the DEP permitted system and, if the system is not being constructed or operated according to the permitted design, to issue a stop-work order or revoke the occupancy permit until construction or operation is brought into compliance with the permit.
5. No part or component of any OLDS shall be altered, extended, augmented, modified or repaired without the issuance of a repair permit by the SEO.
6. No OLDS shall be used or loaded in a manner that is inconsistent with the permit that was issued to authorize the system's installation.
7. Permit applications for on-lot systems that include electronically, mechanically, hydraulically or pneumatically operated or controlled devices shall be accompa-

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nied by the respective manufacturer's recommended maintenance schedule and product specifications.

8. Permit applications for which the provisions of §406, Subsection 1, or §407, Subsection 11, apply shall include a fully executed maintenance contract indicating the person or company responsible to carry out the required maintenance, the maintenance schedule and a provision that if the contract is terminated that the Borough be so notified.

(Ord. 714, 2/8/2006, §3)

§405. Replacement Areas.

1. Soil probe and percolation testing and/or soil morphological evaluations by a soil scientist to provide a replacement area shall be required on all proposed lots which exhibit marginal conditions as defined in §403.
2. A replacement area shall be required for all unimproved lots existing prior to the effective date of this Part, which are intended to be serviced by a soil-absorption system and contain marginal soils, but for which a permit to install an on-lot system has not been issued.
3. Allowance of open land for the replacement area, without performance of appropriate soil testing to verify suitability of the land for a replacement area, shall not constitute compliance with this section.
4. The location of the primary and replacement areas shall be delineated and identified as an absorption area easement on the plot plans and maps or diagrams submitted as part of the permit application and subdivision or land development plan.
5. The description, including metes and bounds, of every absorption area easement shall be recorded as part of the deed for each lot created as part of a subdivision or land development, and shall contain language reflecting the following:
 - A. No improvements, whether permanent or temporary, shall be constructed upon or within the absorption area easement.
 - B. No permanent or temporary alterations, grading, excavation or stockpiling of any soil or any other material shall take place on or in the absorption area easement.
 - C. During any construction or other activities, the absorption area easement shall be so marked to prevent equipment with greater wheel loadings than a common garden tractor/riding mower from traveling over or operating on the surface of the absorption area easement.

- D. The final cover or improvement to every absorption area easement shall be limited to shallow rooted vegetation. The exception shall be that, where drip irrigation or IRSIS systems are proposed, trees will be allowed to remain.
 - E. No trees shall be planted or remain which are located within 10 feet of the proposed sewage-absorption area.
6. A landowner wishing to alter the use of the absorption area easement must first document, through a site evaluation by the SEO, that an additional area suitable for the installation of an on-lot system exists and, upon such a finding, shall:
- A. Prepare and submit to the SEO for approval a declaration of easement which shall:
 - (1) Meet the identification, non-use and preservation requirements of this section.
 - (2) Describe, by metes and bounds, the easement area to be abandoned.
 - B. Within 15 days of the approval by the Borough, record the declaration of easement at the Berks County Recorder of Deeds office.
 - C. File a copy of the recorded easement with the Borough.

(Ord. 714, 2/8/2006, §4)

§406. On-Site Probe and Percolation Testing.

- 1. All sites shall have a minimum of two soil probes excavated and observed by the SEO.
- 2. Commercial or community sites shall have a minimum of one probe every 50 feet on conventional ground-based systems and one probe every 100 feet for drip and spray sites. Probes shall be staggered in order that the lower probe is in the middle of the upper two.
- 3. All sites shall have a minimum of six percolation test holes conducted uniformly within the proposed sewage-absorption area.
- 4. Commercial and community sites shall require the following number of percolation test holes as follows:

Proposed Absorption Area (sq. ft.)	Number of Percolation Test Holes
2,000	9
3,000	12

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Proposed Absorption Area (sq. ft.)	Number of Percolation Test Holes
4,000	15
5,000	18
6,000	21
7,000	24

5. No sewage system repairs may be completed involving the installation of a new sewage-absorption area or a repair to an existing sewage-absorption area without completing percolation and soil probe testing as per Subsections 1 thru 4.
6. All percolation and soil-probe testing shall be observed by the Borough SEO to be valid.
7. All percolation and probe excavations shall be located on a referenced scaled plan drawing by the applicant or subdivider within 60 days after completion.
8. The applicant or land owner shall be responsible to protect the safety, health and welfare of all individuals relative to conducting on-site probe and percolation testing. The excavations shall be protected during testing and closed within 72 hours thereafter.

(Ord. 714, 2/8/2006, §5)

§407. Maintenance Agreements.

1. All applications for on-lot systems that propose to use an individual residential spray irrigation system as the treatment method shall be accompanied by a maintenance agreement between the owner and the Borough providing for an annual inspection by the SEO, at the owner's expense, in accordance with the currently adopted Borough fee schedule, for the purpose of monitoring the satisfactory operation of the system. The inspection shall include analyses of effluent at a PA DEP certified laboratory for compliance with PA DEP standards. Said testing may be conducted based upon samples taken by the owner, who must send a copy to the Borough.
2. Also included in this requirement shall be systems permitted by PA DEP, such as stream or swale discharge and all holding tanks, whether residential, commercial or temporary.
3. Applications for IRSIS and holding tanks shall be accompanied by a financial guaranty of the same type and character that is required for public improvements by the Borough's Subdivision and Land Development Ordinance.³

³ Editor's Note: See Ch. 22, Subdivision and Land Development.

4. Module submissions for DEP permitted systems shall be accompanied by a financial guaranty of the same type and character that is required elsewhere in this section.

The financial guaranty shall assure that the Borough has access to sufficient funds to operate, maintain, repair or replace any component of the IRSIS in the event that the owner:

- A. Fails to maintain the system or any of the system's components according to the manufacturer's specifications;
 - B. Fails to service, clean, inspect and/or pump the treatment tank(s) according to the other applicable standards of this Part; or
 - C. Fails to conduct testing and monitoring at least annually, or more frequently if required by DEP regulation, and report the analysis to the Borough.
6. From the date the permit application or planning module is submitted to the SEO or Borough and continuing for a period ending two years after the date the system's installation is approved or verified by the SEO, the financial assurance shall be in an amount not less than 50% of contract price for the installation of the system and all related system components.
 7. Beginning two years after the date the system's installation is approved or verified by the SEO and continuing as long as the system is in use, the financial assurance shall be reduced to an amount not less than 10% of the actual construction cost for the installation of the system and other related system components.
 8. The financial guaranty shall be forfeited by the owner and the Borough shall apply the funds to the repair, operation and maintenance of the system when:
 - A. The system is not maintained according to the standards of this Part, applicable DEP regulations or the manufacturer's specifications;
 - B. The treatment tank(s) are not serviced, cleaned, inspected and/or pumped according to the applicable standards of this Part; or
 - C. The testing and monitoring are not conducted according to the standards of this Part, applicable DEP regulations or the manufacturer's specifications.

(Ord. 714, 2/8/2006, §6)

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§408. OLDS Requirements.

1. Permits for OLDS shall comply with all provisions of the PA Code, Title 25, Chapters 71, 72 and 73 and any supplements or revisions thereto, and comply with this Part. A permit shall be obtained from the Borough's appointed SEO prior to conducting any alteration, construction or repair to any sewage system within the Borough, regardless of lot size or configuration. The Borough shall retain final authority for the conditions and issuance of OLDS permits.
2. The Code Enforcement Officer or authorized person of the Borough shall not issue a building permit for a building to be served by either an individual or community OLDS without first receiving a copy of the permit for the OLDS issued by the Borough's appointed SEO.
3. The Code Enforcement Officer or authorized person of the Borough shall not issue an occupancy permit for a building to be served by either an individual or community OLDS without first receiving a copy of the permit for the OLDS bearing the signature of the Borough's SEO granting "approval to cover."
4. All systems shall provide at a minimum the following, in addition to the standard items required by PA DEP regulations:
 - A. Cleanouts at the end of laterals with a removable plug for all pressurized systems.
 - B. All piping from the treatment tank to the absorption area shall have a minimum thickness of Schedule 40 PVC.
 - C. Where a distribution box is used, a cleanout shall be provided at the inlet of the d-box to identify location, installed with a watertight cap above final grade.
 - D. Where a manifold is used for gravity distribution, at least one cleanout must be provided in seepage bed piping, to identify location, and check ponding, installed with a watertight cap above final grade.
5. Conventional inground trench sewage systems shall have the following minimum horizontal separation distances from edge of trench to edge of trench as follows:

Land Slope (percentage)	Minimum Horizontal Separator (feet)
0 - 10	6
10 - 20	7
21 - 25	8

(Ord. 714, 2/8/2006, §7)

§409. Community Systems.

1. Privately owned community systems are subject to the same requirements of this Part as individual OLDS. In addition, the following shall be applicable to community systems:
 - A. A list of the names and addresses of all participants in the community system shall be provided to the Borough.
 - B. Participants shall be equally liable for expenses incurred by the Borough or its authorized agent on the shared component of the system, unless they have decided among themselves to assume unequal burdens of responsibility for the system, in which case the Borough shall assess expenses incurred accordingly.
 - C. Expenses incurred on the individual property of participants by the Borough or its authorized agent shall be assessed against the individual participant.
2. Participants in a community system shall be assessed directly for expenses incurred by the Borough or its authorized agent unless an organization exists that manages the system, in which case the Borough may deal solely with that organization.

(Ord. 714, 2/8/2006, §8)

§410. Construction Observations.

1. All OLDS shall have construction observations by the Borough's appointed SEO during performance of the various tasks as follows:
 - A. Elevated sand mound systems:
 - (1) Chisel plow/scarification of soil surface.
 - (2) Sand placement.
 - (3) Stone and pipe placement, including pressure test.
 - (4) Final grade and seeding.
 - B. Alternate at-grade bed systems:
 - (1) Chisel plow/scarification of soil surface.
 - (2) Stone and pipe placement, including pressure test.

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- (3) Final grade and seeding.
- C. In-ground systems:
 - (1) Excavation of bed or trenches, including scarification of same.
 - (2) Stone and pipe placement, including pressure test, if applicable.
 - (3) Final grade and seeding.
- D. Drip-irrigation systems (will include, but not be limited to):
 - (1) Preconstruction meeting with contractor to review lateral layout and system components.
 - (2) Laterals upon installation and system components prior to cover.
 - (3) Activation of system.
- 2. All specified OLDS construction observations shall permit visual review of all sewer system components prior to placing soil cover.
- 3. Any sewage system component covered without review and observations by the SEO will be required to be opened for examination prior to approval.
- 4. No structure may be occupied nor any land placed in use where an OLDS is utilized without the sewage system being approved by the Borough SEO.
- 5. Construction observation requests should be received by the SEO two working days prior to requiring same. All OLDS shall require inspection regardless of time of inspection request.
- 6. The Code Enforcement Officer or authorized person of the Borough shall not issue a demolition permit for any building that is served by an OLDS without first receiving written notice from the SEO that the OLDS has been properly abandoned.
- 7. Landowners wishing to abandon an existing OLDS must first contact the SEO for instructions and/or standards for the proper abandonment of said system. The owner shall be responsible to pay the necessary fees incurred for a minimum of one compliance inspection in accordance with the current municipal fee schedule. Exact requirements for safe abandonment of OLDS may vary according to the individual system characteristics and design. Requests will be handled on a case-by-case basis.
- 8. The Borough of Mohnton's Plumbing Code requires the Borough to inspect the building sewer. The property owner/excavator shall contact the Borough prior to installation for requirements.

(Ord. 714, 2/8/2006, §9)

§411. Isolation Distances.

The following minimum horizontal distances shall be maintained between the named feature and the sewage-absorption area pump tank, septic tanks and/or holding tank as follows:

Named Feature	Distance to HT, ST, PT, TP (feet)	Distance to Sewage Absorption Area (feet)	Distance to Alternate Drip Tubing (feet)	Spray Irrigation System (feet)
Water supply well	50	100	102	100
Driveway	10	10	12	25
Pools	10	50	52	100
Occupied building	10	10	12	100
Cistern	25	25	27	
Water suction line	50	100	102	100
Water supply line under pressure	10	10	12	10
Stormwater infiltration system		100 uphill	100 uphill	
	50	35 downhill	20 downhill	
		35 side	20 side	
Drainage swale	10	10	12	25
Stormwater pond	25	50	52	50
Stream or lake	25	50	52	50
Grading or disturbed area	5	10	12	10
Closed depression or mini hole	50	100	102	100
Slopes above 25%	10	10	10	10
Property lines	10	10	12	25
Unoccupied buildings	10	10	12	25
Rock outcrop	10	10	12	25

NOTE: HT = holding tank, ST = sewage tank, PT= pump tank, TP = treatment plant.

(Ord. 714, 2/8/2006, §10)

SEWERS AND SEWAGE DISPOSAL

§412. Operation and Maintenance of OLDS.

1. All systems shall be operated by the owner in a manner that is in full compliance with the terms of this Part, PA DEP regulation and the system's permit.
2. Only sewage and normal domestic wastes may be discharged into any OLDS.
3. The following shall not, under any circumstances, be discharged into any OLDS:
 - A. Industrial waste.
 - B. Fats and grease.
 - C. Motor oil.
 - D. Hazardous wastes.
 - E. Chemicals, including, but not limited to:
 - (1) Pesticides and herbicides.
 - (2) Acids.
 - (3) Paint, paint thinner and solvents, including latex or water-based paints.
 - (4) Wallpaper pastes and adhesives.
 - (5) Photo processing chemicals.
 - F. Downspout and/or roof drain discharges.
 - G. Sump pump and basement drain discharges.
4. The Borough may require the on-site pretreatment of effluents prior to their discharge to any sewage facilities owned and operated by the Borough or any other entity, to assure that the effluent's chemical or biological constituents are compatible with the renovative methods employed by the receiving facilities.
5. The owner of a property upon which an OLDS is constructed shall at all times operate and maintain the OLDS in such condition as will permit it to function in the manner in which it was designed and to prevent the unlawful discharge of sewage.
6. The owner of a property upon which an OLDS is constructed shall maintain the area around such system so as to provide convenient access for inspection, main-

tenance and pumping and divert surface water and downspouts away from the absorption area and system components.

7. Every aerobic or septic treatment tank is recommended to be pumped out every three years or more frequently for smaller nonconforming tanks.
8. When an on-lot system's treatment tank is pumped out, all dosing tanks, lift tanks and other tanks associated with the system shall also be pumped out.
9. Holding tanks shall be pumped out at such intervals as will prevent overflow, leakage, backup, other malfunction or a public health hazard or nuisance, but no less frequently than one time per year in accordance with this Part.
10. The SEO may require additional maintenance activities, including but not limited to cleaning or unclogging of piping; servicing or repair of electrical or mechanical equipment; leveling of distribution boxes, tanks and lines; removal of obstructing roots or trees; and diversion of surface water away from soil-absorption areas.

(Ord. 714, 2/8/2006, §11)

§413. Rehabilitation of Malfunctioning Systems.

1. In the event that a property owner detects conditions that indicate or could reasonably be interpreted to indicate a malfunction, the landowner shall contact the SEO and, if repair or replacement is necessary, apply for a permit to repair or replace the malfunctioning system.
 - A. Landowners who disclose to the SEO the presence of a malfunction upon their lands shall not be penalized for the disclosure.
 - B. If a landowner who has disclosed the presence of a malfunction fails to make voluntary repairs, the Borough may seek injunctive or other relief to compel the repair of the malfunction or cause the repair to be effectuated.
2. The Borough's appointed SEO shall have the authority to order the repair or replacement of any existing sewage disposal system with an up-to-date method of sewage disposal. This authority shall include the replacement of any component of the system, the addition of components to the system and the replacement of an existing septic system with a completely different system, as determined by site evaluation and soil testing as deemed appropriate by the SEO.
3. Rehabilitation of a malfunctioning system as ordered by the SEO shall commence construction within 30 days of issuance of said order and shall be completed within 60 days, unless seasonal conditions mandate a longer period, in which case the SEO will set the extended completion date. If construction is not commenced or completed within the allotted time period, the SEO shall file the proper legal proceedings as provided in §412.

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4. The owner of a malfunctioning system may not undertake any independent repair, modification or replacement of the system without prior notice to and approval of the Borough SEO. Upon completion, the SEC, shall inspect the rehabilitated system and certify its compliance with state and local standards prior to its use.

(Ord. 714, 2/8/2006, §12)

§414. Violations and Penalties.

1. Any OLDS owner found to be violating the provisions of this Part shall be served by the Borough's appointed Sewage Enforcement Officer with written notice stating the nature of the violation and the penalties prescribed in Subsection 2, and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person who shall violate any provision of this Part shall be liable for the payment of a fine and penalty in an amount not less than \$500 and not exceeding \$5,000, plus costs, or to imprisonment not to exceed 90 days, or both. Each day a violation continues shall constitute a separate offense.
3. Any septage waste hauler who violates any of the provisions of this Part, or regulations of the Borough, and conditions of its state permit or of any state or local law governing its actions shall, upon conviction thereof, be suspended from operating within this Borough for a period of not less than six months nor more than two years for each violation, to be determined by the Borough.
4. Upon written notice from the SEO that an imminent health hazard exists due to failure of a property owner to properly operate, maintain, repair or replace an OLDS as provided under the terms of this Part, the Council shall have the authority to perform, or contract to have performed, any repairs as may be directed by the SEO to abate the health hazard.
5. The costs for the actual repair, repair permit and site investigations in support of the permit shall be borne by the property owner.
6. The Borough may take whatever action is necessary to recover those costs in accordance with the law, including entering a lien against the property.
7. The Borough may seek injunctive relief to prevent continued use of a malfunctioning system.
8. A violation will be assessed against both parties when the property is under joint ownership and a contractor if construction occurred without compliance with this Part.

(Ord. 714, 2/8/2006, §13)

§415. Right of Entry; Easements.

1. All permits for the installation of on-lot systems shall be conditioned upon the inclusion of language in the deed establishing a grant of right of entry by the landowner, his heirs, successors and assigns to the Borough for the limited purpose of inspecting, maintaining, sampling, testing, evaluating or repairing the on-lot system described in the application and permit. The right to enter shall include the right to excavate any part of the property or to sample soil, water or septage. Upon completion of the activity requiring excavation, the SEO shall return the land to its former condition as soon as possible.
2. The grant of right of entry cannot be revoked, suspended or discontinued by the present or any future owner.
3. Any property on which an on-lot system presently exists, or on which an on-lot system is under construction, shall not be conveyed by the owner without the inclusion of language in the deed establishing and assigning a nonrevocable grant of right of entry by the landowner, his heirs, successors and assigns to the Borough for the limited purpose of inspecting, maintaining, sampling, testing, evaluating or repairing the on-lot disposal system described in the application and permit.
4. In the event that the on-lot system is abandoned and not replaced by another OLDS, and all sewage is collected and treated at a site not on the lot, the Borough shall abandon the easement and right of entry, which shall then cease.

(Ord. 714, 2/8/2006, §14)

§416. Applicability.

1. The owner of any property serviced by OLDS shall be subject to all the requirements contained herein.
2. If the owner does not reside on the property in question or within a building on said property, she/he remains responsible for compliance with this Part. Responsibility for compliance may be transferred to the lessee or resident of the building by an agreement between the owner and the lessee or resident. The Borough will not recognize said agreement until notified in writing. If the lessee or resident shall move out of the building, responsibility shall revert back to the owner, even though a valid agreement with the lessee or resident continues to exist.
3. Upon transfer of responsibility for compliance, the owner shall provide the lessee or resident with a copy of all information concerning prior installation, operation and maintenance of the system.

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4. Upon transfer of responsibility for compliance in accordance with the above requirements, all references to "owner" in this Part shall hereinafter refer to the lessee or resident of the building or property.
5. The owner of any building serviced by an OLDS within the Borough shall become subject to all of the requirements contained herein upon the occurrence of one of the following:
 - A. Receipt of a sewage permit from the SEO for the installation or rehabilitation of an OLDS.
 - B. Transfer of ownership of the building.
 - C. Malfunctioning of the OLDS.
 - D. In the case of an existing building or system, upon the passage of this Part.

(Ord. 714, 2/8/2006, §15)

§417. Fees.

The Council may, by resolution, establish a fee schedule and collect fees to cover the Borough's actual costs of administering this Part. (Ord. 714, 2/8/2006, §16)

§418. Appeals.

1. Appeals from decisions of the Borough-appointed SEO shall be made to the Borough Secretary, in writing, within 30 days from the date of the decision issued, in writing, by the SEO.
2. The appellant shall be entitled to a hearing before the Borough Council at its next regularly scheduled meeting, if made at least 14 days prior to the meeting. If made within 14 days of the next meeting, the appeal shall be heard at a special meeting. The Council shall thereafter reverse, modify or affirm the aforesaid action. The hearing may be postponed for good cause shown by the appellant or the Borough. Additional evidence may be presented at the hearing, provided that it is submitted with the written notice of the appeal.
3. A decision shall be rendered within 30 days of the date of the hearing. If a decision is not rendered within 30 days, the relief sought by the appellant shall be deemed granted.

(Ord. 714, 2/8/2006, §17)