

CHAPTER 18

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PART 1

SEWER DISTRICT

A. Green Hills Management Area

§ 101. Expansion to Green Hills Management Area.

The Sewer District is hereby expanded to encompass the Green Hills Management Area of Robeson Township as more particularly described in Exhibit “A” attached hereto and made a part hereof.

§ 102. Sewer Service Area of Municipal Authority.

The area set forth in Section 101 is hereby designated as a sewer service area of the Robeson Township Municipal Authority and the said Authority is authorized and directed to own, operate, maintain and construct sewers for and in the area aforesaid.

§ 103. Easement and Rights of Way to Authority for Service Area.

Robeson Township hereby grants to the Authority all and every easement, right of way and other rights necessary or desirable on, over or under the streets within the Township of Robeson for the purpose of constructing sewers therein and any easements acquired by the Township of Robeson for the purpose of constructing sanitary sewer lines.

§ 104. Authorization Execute Agreements.

The appropriate officials of Robeson Township are hereby authorized to enter into such agreements as are necessary to effectuate the intent of this Ordinance.

(Ordinance No. 93-10, 12/21/93).

EXHIBIT A

ALL THAT CERTAIN parcel of land being a portion of the area in Robeson Township as shown on the Subdivision Plans for Greenhills Corporate Center situate in the Township of Robeson, Berks County, Commonwealth of Pennsylvania and being more fully bounded and described as follows, to wit:

BEGINNING AT A POINT in the center line of Pennsylvania State Highway, SR10, known as Morgantown Road; thence in and along center line of said Morgantown Road the five following courses and distance, viz: 1) along a curve deflecting to the left having a radius of two thousand eight hundred sixty-four and ninety-three hundreds feet (2,864.93') a delta angle of two degrees thirty-eight minutes twenty-four seconds ($2^{\circ} 38' 24''$) an arc length of one hundred thirty-two and zero hundredths feet (132.00^{\pm}) more or less and a chord bearing of South one degree fifty-one minutes thirty-seven seconds East (S. $1^{\circ} 51' 37''$ E.) one hundred thirty-one and ninety-nine hundredths (131.99') to a corner at a point of tangent, 2) South three degrees ten minutes forty-nine seconds East (S. $3^{\circ} 10' 49''$ E.) a distance of fifty-five and zero hundredths feet (55.00') to a corner in line of property belonging to Flying Hills Storage, 3) South seventy-seven degrees twenty-four minutes twenty-one seconds West (S. $77^{\circ} 24' 21''$ W.) a distance of zero and ninety-seven hundredths feet (0/97') to a corner, 4) South three degrees fourteen minutes nine seconds East (S. $3^{\circ} 14' 09''$ E.) a distance of seventy-four and seventeen hundredths feet (74.17') to a corner; and, 5) South three degrees thirteen minutes thirty-nine seconds East (S. $3^{\circ} 13' 39''$ E.) a distance of three hundred fifty-eight and forty-eight hundredths (358.48') to a corner; thence leaving Morgantown Road along property belonging to Douglas F. and Evelyn B. DeLong, South four degrees two minutes fifty-four seconds East (S. $4^{\circ} 02' 54''$ E.), a distance of five hundred forty-nine and thirty-five hundredths feet (549.35') to a corner marked by a concrete monument; thence along said property and along property belonging to Leonard J. and Emogene DeLong the two following courses and distances; viz, 1) South three degrees fifty-eight minutes fifty-eight seconds East (S. $3^{\circ} 58' 58''$ E.) a distance of nine hundred thirty-seven and seventy-two hundredths feet (937.72') to a corner marked by a concrete monument; and 2) North sixty-eight degrees twenty-four minutes two seconds East (N. $68^{\circ} 24' 02''$ E.) a distance of sixty-nine and ninety hundredths feet (69.90') to a corner on the proposed northwestern right-of-way line of Gunhart Road; thence along said right-of-way line the four following courses and distance; viz, 1) South thirty-nine degrees fifty-nine minutes thirteen seconds West (S. $39^{\circ} 59' 13''$ W.) a distance of twenty-eight and ninety-one hundredths feet (28.91') to a corner on a point of curve; 2) along a curve deflecting to the left having a radius of two thousand two hundred twenty-one and zero hundredths feet (2,222.00') have a delta angle of nineteen degrees fifteen minutes eighteen seconds ($19^{\circ} 15' 18''$) an arc length of seven hundred forty-six and seventy-three hundredths feet (746.73') and a chord bearing and distance of South thirty degrees twenty-one minutes thirty-four seconds West (S. $30^{\circ} 21' 34''$ W.) and seven hundred forty-three and twenty-two hundredths feet (743.22') to a corner on a point of tangent; 3) South twenty degrees forty-three minutes fifty-five seconds West (S. $20^{\circ} 43' 55''$ W.) a distance of six hundred seventy-nine and thirty-nine hundredths feet (679.39') to a corner; and, 4) South seventeen degrees fifty-seven minutes fifty-four seconds West (S. $17^{\circ} 57' 54''$ W.) a distance of forty-nine and thirty-five hundredths feet (49.35') to a corner in line of property belonging to Alexander Keith Stromeyer; thence along said property the six following courses and distances; viz, 1) North twenty-seven degrees fifty-six minutes twenty-three seconds West (N. $27^{\circ} 56' 23''$ W.) a

distance of eighteen and fifty-nine hundredths feet (18.59') to a corner marked by a concrete monument, 2) South eighty-four degrees twenty-three minutes forty-four seconds West (S. 84° 23' 44" W.) a distance of seven hundred seventy-four and twenty-eight hundredths feet (774.28') to a corner marked by a concrete monument, 3) North four degrees fifty-minutes forty-six seconds West (N. 4° 54' 46" W.) a distance of six hundred ninety-four and seventy-one hundredths feet (694.71') to a corner marked by a concrete monument, 4) South eighty-five degrees fifty-five minutes forty-nine seconds West (S. 85° 55' 49" W.) a distance of one thousand two hundred sixteen and sixty-six hundredths feet (1,216.66') to a corner marked by a concrete monument, 5) South nine degrees twenty-five minutes forty-four seconds East (S. 9° 25' 44" E.) a distance of two hundred thirty-six and twelve hundredths feet (236.12'); and, 6) South eighty-four degrees twenty-eight minutes zero seconds West (S. 84° 28' 00" W.) a distance of five hundred eighty and zero hundredths feet (580.00' ±) more to a point on the division line between Cumru Township and Robeson Township; thence along said line crossing property of the Greenhills Corporate Center North forty-three degrees fifty-one minutes eleven seconds East (N. 43° 51' 11" E.) a distance of one thousand five hundred seventy-six and sixty-five hundredths feet (1,576.65' ±) more to a corner in line or property belonging to Eugene and Helen E. Retter, thence along said property the two following courses and distances; viz, 1) North seventy-seven degrees thirty-seven minutes zero seconds East (N. 77° 37' 00" E.) a distance of three hundred seventy and fifty-eight hundredths feet (370.58' ±) more to a corner marked by a concrete monument, and 2) north twenty-three degrees fifty-three minutes thirty-one seconds West (N. 23° 53' 31" W.) a distance of two hundred twenty-two and fifty-three hundredths feet (222.53' ±) more to a corner on the aforementioned division line between Cumru Township and Robeson Township; thence along said line crossing property of the Greenhills Corporate Center North forty-three degrees fifty-one minutes eleven seconds East (N. 43° 51' 11" E.) a distance of one hundred fifty-three and sixty-three hundredths feet (153.63' ±) more, to a corner in line of property belonging to John and Rose Tylea; thence along said property the two following courses and distances, viz; 1) North seventy-eight degrees zero minutes forty-five seconds East (N. 78° 00' 45" E.) a distance of three hundred four and six hundredths feet (304.06' ±) more, to a corner marked by a concrete monument, and 2) North twenty-one degrees eleven minutes fifteen seconds West (N. 21° 11' 15" W.) a distance of one hundred eighty-eight and thirty-one hundredths feet (188.31' ±) more to a corner on the aforesaid division line between Cumru Township and Robeson Township; thence along said line crossing property belonging to Greenhills Corporate Center North forty-three degrees fifty-one minutes eleven seconds East (N. 43° 51' 11" E.) a distance of one thousand nine hundred thirty-four and eighty-eight hundredths feet (1,934.88' ±) more or less to a corner, the PLACE OF BEGINNING.

CONTAINING IN AREA one hundred four and fifty-one hundredths Acres (104.51 Acres) of land.

PART 2

REQUIRED CONNECTIONS

A. Definitions.

§ 201. Definitions.

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

Authority. Robeson Township Municipal Authority, a municipality authority incorporated pursuant to provisions of the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented, of the Commonwealth.

Building Sewer. The extension from the sewage drainage system of any structure to the Lateral of a Sewer.

Commonwealth. The Commonwealth of Pennsylvania.

Improved Property. Any property within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.

Industrial Establishment. Any Improved Property located within this Township and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other Improved Property located within this Township, from which wastes, in addition to or other than Sanitary Sewage, shall be discharged.

Industrial Wastes. Any and all wastes discharged from any Industrial Establishment, other than Sanitary Sewage.

Lateral. That part of the Sewer System extending from a Sewer to the curb line or, if there shall be no curb line, to the property line or, if no such Lateral shall be provided, then Lateral shall mean that portion of, or place in, a Sewer which is provided for connection of any Building Sewer.

Owner. Any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

Person. Any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity.

Sanitary Sewage. Normal water-carried household and toilet wastes from any Improved Property.

Sewer. Any pipe or conduit constituting a part of the Sewer System used or usable for sewage collection purposes.

Sewer System. All facilities, as of any particular time, for collecting, pumping, transmitting, treating and disposing of Sanitary Sewage and/or Industrial Wastes, situate in or adjacent to this Township and owned by the Authority, and to be leased to this Township for maintenance, operation and use.

Street. Any street, road, lane, court, cul-de-sac, alley, public way or public square.

Township. The Township of Robeson, Berks County, Pennsylvania, a township of the second class of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

B. Use of Public Sewers Required

§211. Use of Public Sewers Required.

The Owner of any Improved Property accessible to and whose principal building is within 150 feet from the Sewer System shall connect such Improved Property with and shall use such Sewer System, in such manner as this Township may require, within 60 days after notice to such Owner from this Township to make such connection, for the purpose of discharge of all Sanitary Sewage and Industrial Wastes from such Improved Property; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.

§ 212. Conduction of Sanitary Sewage and Industrial Wastes to Sewer

All Sanitary Sewage and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer shall be required under Section 211, shall be conducted into a Sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.

§ 213. Prohibition Deposit Sanitary Sewage or Industrial Waste Public or Private Property

No Person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this Township any Sanitary Sewage or Industrial Wastes in violation of Section 211.

No Person shall discharge or shall permit to be discharged to any natural outlet within this Township any Sanitary Sewage or Industrial Wastes in violation of Section 211, except where suitable treatment has been provided which is satisfactory to this Township.

§ 214. Discontinuance of On Lot Septic System.

No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon any Improved Property which has been connected to a Sewer or which shall be required under Section 211 to be connected to a Sewer.

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

§ 215. Prohibition Connect On Lot Septic System to Sewer.

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

§ 216. Notice of Required Connection.

The notice by this Township to make a connection to a Sewer, referred to in Section 211, shall consist of a copy of this Ordinance, including any amendments and/or supplements at the time in effect, or a summary of each Section hereof, and a written or printed document requiring the connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made within 60 days after the date such notice is given or served. Such notice may be given or served at any time after a Sewer is in place which can receive and can convey Sanitary Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such Notice shall be given or served upon the Owner in accordance with law.

C. Building Sewers and Connections

§ 221. Permit Required.

No Person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any Sewer or any part of the Sewer System without first obtaining a permit, in writing, from this Township.

§222. Application for Permit.

Application for a permit required under Section 221 shall be made by the Owner of the Improved Property served or to be served or by the duly authorized agent of such Owner.

§223. Conditions for Permit.

No Person shall make or shall cause to be made a connection of any Improved Property with a Sewer until such Person shall have fulfilled each of the following conditions:

- A. Such Person shall have notified the Secretary of this Township of the desire and intention to connect such Improved Property to a Sewer;
- B. Such Person shall have applied for and shall have obtained a permit as required by Section 221;
- C. Such Person shall have given the Secretary of this Township at least 24 hours' notice of the time when such connection will be made so that this Township may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing; and
- D. If applicable, such Person shall have furnished satisfactory evidence to the Secretary of this Township that any tapping (or connection) fee which may be charged and imposed by the Authority against the Owner of each Improved Property who connects such Improved Property to a Sewer has been paid.

§ 224. Independent Line for Each Improved Property.

Except as otherwise provided in this Section 224, each Improved Property shall be connected separately and independently with a Sewer through a Building Sewer. Grouping of more than one Improved Property on one Building Sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of this Township, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by this Township.

§ 225. Costs and Expenses of Construction and Connection.

All costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to a Sewer shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and shall save harmless this Township 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 Sewer to a Sewer.

§226. Designation of Location of Sewer.

A Building Sewer shall be connected to a Sewer at the place designated by this Township or by the Authority and where, if applicable, the Lateral is provided.

The invert of a Building Sewer at the point of connection shall be at the same or a higher elevation than the invert of the Sewer. A smooth, neat joint shall be made and the connection of a Building Sewer to the Lateral shall be made secure and watertight.

§227. Connection by Township Upon Failure to Connect.

If the Owner of any Improved Property located within this Township and accessible to and whose principal building is within 150 feet from the Sewer System, after 60 days' notice from this Township, in accordance with Section 211, shall fail to connect such Improved Property, as required, this Township may enter upon such Improved Property and construct such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

D. Rules and Regulations Governing Building Sewers and Connections to Sewers

§231. Breaking or Connection of Existing Sewage System or Device.

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

§232. Inspection of Sewer.

No Building Sewer shall be covered until it has been inspected and approved by this Township. If any part of a Building Sewer is covered before so being inspected and approved, it shall be uncovered for inspection, at the cost and expense of the Owner of the Improved Property to be connected to a Sewer.

§233. Maintenance of Sewer in Sanitary and Safe Operating Condition.

Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

§234. Excavation for Building Sewer.

Every excavation for a Building Sewer shall be guarded adequately with barricades and lights to protect all Persons from damage and injury. Any Street, sidewalk and other public property disturbed in the course of installation of a Building Sewer shall be restored, at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to this Township.

§235. Remedy of Unsatisfactory Condition.

If any Person shall fail or shall refuse, upon receipt of a notice of this Township or the Authority, in writing, to remedy any unsatisfactory condition with respect to a Building Sewer, within 60

days of receipt of such notice, this Township or 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 this Township and the Authority.

§236. Rules and Regulations.

This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a Sewer and with the Sewer System, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Ordinance.

E. Enforcement

§241 Violations and Penalties.

Any Person who shall violate this Ordinance shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than Twenty-Five Dollars (\$25) nor more than Three Hundred Dollars (\$300), together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

§242. Recovery of Fines and Costs.

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

F. Miscellaneous.

§251. Effective Date

This Ordinance shall become effective as provided by law.

§252. Severability.

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

§253. Declaration of Purpose

It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

§254. Repealer

All ordinances or parts of ordinances and all resolutions or parts of resolutions which are inconsistent with this Ordinance shall be and the same expressly are repealed.

(Ordinance No. 86-08, 5/8/86)

PART 3

EASEMENT

§301. Grant of Easements, Rights of Way and Other Rights and Privileges to Authority.

This Township does grant to the Authority, its successors and assigns, all easements, rights of way and other rights and privileges necessary and desirable in, along, over and under streets, roads, lanes, courts, cul-de-sacs, alleys, public ways, public squares and other properties of this Township, together with free ingress, egress and regress therein and thereto, along with other persons having interests or rights therein, for use in connection with constructing, replacing, repairing, altering, extending, improving, operating and maintaining the Sewer System as the same shall exist, from time to time.

§ 302. Exercise of Rights and Privileges by Authority.

The rights and privileges granted to the Authority under Section 301 shall be exercised by the Authority under and subject to such reasonable rules and regulations as shall be adopted and specified, from time to time, by resolution or ordinance of this Township; and this Township does reserve the right to adopt and specify, from time to time, such reasonable rules and regulations in connection with exercise by the Authority of such rights and privileges.

(Ordinance No. 86-09, 5/8/86).

PART 4

SEWER USER

A. General Provisions

§401 Purpose and policy.

- A. This Part sets forth uniform requirements for users of the publicly owned treatment works for the Township of Robeson, Pennsylvania, and enables the Township to comply with all applicable state and federal laws, including the Clean Water Act, 33 U.S.C. § 1251 et seq., and the General Pretreatment Regulations, 40 CFR Part 403, and amendments, thereto. The objectives of this Part are:
1. To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation.
 2. To prevent the introduction of pollutants into publicly owned treatment works that will prevent or restrict the beneficial reuse of the resulting sludge from the wastewater treatment process.
 3. To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works.
 4. To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
 5. To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works.
 6. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works.
 7. To enable the Township of Robeson to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.
- B. This Part shall apply to all users of the Township of Robeson publicly owned treatment works and to persons outside the Township who are, by contract or agreement with the Township, users of the Township publicly owned treatment works. The Part authorizes the issuance of wastewater discharge permits; provides

for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. This Part supersedes prior Ordinance as amended, and provisions of those ordinances are null and void where they conflict with specifics contained herein.

§402. Administration.

- A. This Part provides for the regulation of contributors to the POTW and wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for users, authorizes monitoring, compliance, and enforcement activities; requires user reporting; assumes that existing customer's cap will not be preempted; and provides for the setting of fees for their equitable distribution of costs resulting from the program established herein.
- B. This Part shall apply to all users of the POTW. Except as otherwise provided herein, the Industrial Waste Administrator shall administer, implement, and enforce the provisions of this Part. Any powers granted to or duties imposed upon the Industrial Waste Administrator may be delegated by the Industrial Waste Administrator to other Township personnel or to the Township's authorized agent.

§403. Abbreviations and Acronyms.

The following abbreviations or acronyms shall have the designated meanings:

- APR — Average percentage rate
- ASTM — American standard testing materials
- BAT — Best available treatment
- BATEA — Best available technology economically achievable
- BCT — Best control technology
- BMP — Best management practices
- BMR — Baseline monitoring report
- B/N — Base/neutral
- BOD — Biochemical oxygen demand
- BPJ — Best professional judgment
- BPT — Best professional technology
- CERCLA — Comprehensive Environmental Response, Compensation and Liability Act
- CFR — Code of Federal Regulations
- CIU — Categorical industrial user
- COD — Chemical oxygen demand
- CSO — Combined sewer overflow
- CWA — Clean Water Act
- CWF — Combined waste stream formula
- DMR — Discharge monitoring report
- DSS — Domestic sewage study
- EMS — Enforcement management system

EP — Extraction procedure
EPA — Environmental Protection Agency of the United States
ERP — Enforcement response plan
FDF — Fundamentally different factor
FOV — Finding of violation
FOG — Fats, oil and grease
FR — Federal Register
FTE — Full-time equivalent
FWA — Flow-weighted averaging
FWPCA — Federal Water Pollution Control Act
GC/MS — Gas chromatograph mass spectrophotometry
gpd — Gallons per day
I + I — Infiltration and inflow
IU — Industrial user
IWA — Industrial Waste Administrator
IWS — Industrial waste survey
MAHL — Maximum allowable headworks loading
MGD — Million gallons per day
mg/l — Milligrams per liter
MOU — Memorandum of understanding
MSDS — Material safety data sheet
NH₃-N — Ammonia (NH₃) expressed as nitrogen (N)
NIOSH — National Institute of Occupational Safety and Health
NMP — National municipal policy
NPDES — National pollutant discharge elimination system
NON — Notice of noncompliance
NOV — Notice of violation
OCPSF — Organic chemicals, plastics and synthetic fibers
O&G — Oil and grease
O&M — Operations and maintenance
OSHA — Occupational Safety and Health Administration
OWEC — Office of Water Enforcement and Compliance
PAD — Proportioned actual domestic flow
PaDEP — Pennsylvania Department of Environmental Protection
PAH — Polynuclear aromatic hydrocarbons
PAI — Proportioned actual industrial flow
PASS — Pretreatment audit summary system
PCB — Polychlorinated biphenols
PCI — Pretreatment compliance inspection
PCME — Pretreatment compliance monitoring enforcement
PCS — Permit compliance system
PIRT — Pretreatment Implementation Review Task Force
POTW — Publicly owned treatment works
ppd — Pounds per day
ppm — Parts per million
ppb — Parts per billion

PPETS — Pretreatment permits enforcement tracking system
PQR — Permit quality review
PSNS — Pretreatment standards for new sources
PSES — Pretreatment standards for existing sources
QAQC — Quality assurance quality control
QNCR — Quarterly noncompliance report
RCRA — Resource Conservation and Recovery Act
RNC — Reportable noncompliance
SARA — Superfund Amendments and Reauthorization Act
SIC — Standard industrial classification
SIU — Significant industrial user
SMP — Solvent management plan
SNC — Significant noncompliance
SPCC — Spill prevention control and countermeasures
SPMS — Strategic planning and management system
STP — Sewage treatment plant
STLC — Soluble threshold limit concentration
SU — Standard units
SUO — Sewer Use Ordinance [this Part]
SWDA — Solid Waste Disposal Act
TCLP — Toxicity characteristic leachate procedure
TDS — Total dissolved solids
TICH — Total identifiable chlorinated hydrocarbons
TOMP — Toxic organic management plan
TRC — Technical review criteria
TRE — Toxicity reduction evaluation
TSS — Total suspended solids
TTO — Total toxic organics
TTLC — Total threshold limit concentration
USC — United States Code
ug/l — micrograms per liter
VOA — Volatile organic analysis
VOC — Volatile organic compounds
VSS — Volatile suspended solids
WENDB — Water enforcement national data base
WEF — Water Environment Federation
WQA — Water Quality Act
WQS — Water quality standard
WWTP — Wastewater treatment plant

§404. Definitions.

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

Act or The Act. The Federal Water Pollution Control Act, also known as the Clean

Water Act, as amended, 33 U.S.C. § 1251 et seq.

Approval Authority. The EPA Regional III Administrator.

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

Authorized Employees or Agents of the Township. A person who by reason of his or her general position or job description with the Township has specific duties and responsibilities to perform on behalf of the Township . Also included are agents of the Township who are authorized by the IWA to act on behalf of the through an authorization letter.

Authorized Representative of the User.

- (1) If the user is a corporation:
 - (a) The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.
 - (b) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship; a general partner or proprietor, respectively.
- (3) If the user is representing federal, state or local governments, or an agent thereof, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
- (4) The individuals described in Subsections (1) through (3) above may designate another authorized representative if said authorization is submitted to the Township in writing and specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters of the company.

Batch Discharge. The discharge of all or part of the contents of a tank that occurs intermittently or over a short period of time.

Biochemical Oxygen Demand or BOD . The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° C., usually expressed as a concentration (e.g., mg/l).

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

Blood Products . Any products derived from human blood, including but not limited to whole blood, blood plasma, platelets, red or white blood corpuscles, and other derived licensed products, such as interferon, etc.

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

Building Drain. That part of the lowest horizontal piping within a building that carries water, wastewater or stormwater to a building sewer.

Building Sewer . The extension from the building drain to the public sewer, or other place of disposal. Also referred to as "house connection."

Bypass. The intentional or unintentional diversion of waste streams from any portion of a user's treatment facility.

Chain of Custody. Written documentation such as receipts and record book entries to show the history of possession, custody and/or control of a sample from collection through analysis.

Chemical Oxygen Demand (COD). A measure of the amount of oxygen required to oxidize organic and oxidizable inorganic compounds in water.

Chlorine Demand. The quantity of chlorine absorbed in water, sewage or other liquids, allowing a residual of 0.1 mg/l, after 15 minutes of contact.

Collection Facilities. The sewers, lift stations, and other Township facilities used to collect wastewaters from individual users within specific tributary districts and transport them to conveyance facilities for transmission to the treatment plant for processing.

Color. As analyzed by methods specified by 40 CFR, Part 136.

Commercial User. A source of discharge of wastewater to the Township sewer system from premises used partially or entirely for commercial purposes.

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

Contact Cooling Water. Any water used for cooling purposes which comes into direct contact with the object being cooled such as any raw material, intermediate product, waste product or finished products.

Control Authority. Shall refer to the Township or the Township of Robeson POTW.

Conventional Wastewater Pollutants. Pollutants so designated in accordance with § 304(a)(4) of the Act as being effectively managed by secondary treatment as defined by 40 CFR, Part 133.

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

Direct Connection. The connection of a building sewer directly to a sewer owned by the Township .

Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.

Discharge. The introduction of wastewater, water, and/or pollutants into the Township 's facilities from any source.

Domestic Waste. The normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial establishments. Also known as "sewage."

Easement. The acquired legal right to use land owned by others for a specific purpose.

Enforcement Response Plan. A plan which sets forth the Township 's enforcement response to violations of this Part, as required by 40 CFR, Part 403.

Environmental Protection Agency or EPA. Shall refer to the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director, or other duly authorized official of said agency.

Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment

standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with § 307 of the Act.

Facility or Facilities. See "wastewater facilities."

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

Garbage. Shall include, but not be limited to, the wastes resulting from the handling, preparation, cooking and serving of food, and from the handling, storage and sale of product.

Garbage Disposal Unit or Garbage Grinder. A mechanical device used for grinding, shredding or macerating garbage to a small particle size before discharge to the sewer.

Grab Sample. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

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

Grease Removal Device. A device for removal of grease and/or oil from a wastewater discharge.

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

Indirect Connection. A building sewer connection that is not a direct connection; and whose wastewater discharge shall, notwithstanding the passage in its normal course through other sewers or conduits, ultimately discharge in whole or in part through Township sewers.

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

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

Industrial User. A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to § 402 of the Act. In addition,

"industrial user" shall also be defined as an establishment which discharges or introduces industrial waste into the POTW.

Industrial Waste. Shall have the meaning ascribed to it in the Act of June 22, 1937, P.L. 1987, No. 394, known as the "Clean Streams Law,"² and the regulations adopted thereunder.

Industrial Waste Administrator (IWA). The person designated by the Township to administer its industrial waste program and who is charged with certain duties and responsibilities by this Part or his/her duly authorized representative.

Infectious Wastes. Wastewater contaminated by or containing any agent or organism, such as a virus or a bacteria, capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.

Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and (2) therefore, is a cause of a violation of the Township's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory regulatory provisions or permits issued thereunder, or any more stringent state or local regulations; § 405 of the Act, the Solid Waste Disposal Act, including Title II, commonly referred to as the "Resource Conservation and Recovery Act" (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

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

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

May. Is permissive; "shall" is mandatory.

Medical Waste. Any solid waste which is generated in the diagnosis, treatment (e.g., provisions of medical services), or immunization of human beings or animals in

research pertaining thereto, or in the production or testing of biologicals.

Monthly Average. The arithmetic mean of the values for effluent samples collected over a calendar month.

Municipality. Any Township , borough, township, municipal authority, county, county authority, state authority or sewer district that discharges wastewater into the sewers owned by the Township .

National Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with §§ 307(b) and (c) of the Act, 33 U.S.C. § 1317, which apply to a specific category of users and which appear in 40 CFR, Chapter 1, Subchapter N, Parts 405 through 471.

National Pollution Discharge Elimination System (NPDES) Permit. A permit issued pursuant to § 402 of the Federal Water Pollution Control Act, 33 U.S.C. § 1342.

National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the Authority of § 301(b) of the Act and 40 CFR 403.5.

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

New Source.

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under § 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located;
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new

facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Subsection (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this subsection has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous on site construction program:
 - [1] Any placement, assembly, or installation of facilities or equipment;
 - [2] Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies to not constitute a contractual obligation under this subsection.

Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

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

Owner or Operator. Any person who owns, leases, operates, or controls or supervises a source.

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

Permittee. The Township of Robeson POTW.

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

pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

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

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

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

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

Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Prohibited Discharge Standards or Prohibited Discharges. The absolute or conditional prohibition from discharge of a substance, group of substances or type of substance as defined in § 405 of this Part.

Publicly Owned Treatment Works or POTW. A treatment works as defined by § 212 of the Act, 33 U.S.C. § 1292, which is owned by the Township or by another municipality which treats waste from Robeson Township pursuant to an Intermunicipal Agreement. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.

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

Residential Users. Persons only contributing sanitary wastewater to the municipal wastewater system.

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

Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

Sewage. Human excrement and gray water (household showers, dish-washing operations, etc.).

Sewer. A pipe or conduit, and other appurtenance provided to carry wastewater or stormwater.

Shall. Is mandatory; "may" is permissive.

Significant Industrial User.

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
 - (a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

- (c) Is designated as such by the Township on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Township may, at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

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

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other discharge violation that has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge or pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Township's exercise of its emergency authority to halt or prevent such a discharge.
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance, including failure to report and resample in accordance with §441; or

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

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

Slug Lead or Slug — Any discharge of a nonroutine, episodic nature, or at a flow rate or concentration which would cause a violation of the prohibited discharge standards in §§ 405 through 412 of this Part.

Source. Any building, structure, facility or installation from which there is or may be the discharge of pollutants.

Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Standard Methods. Methods for the examination of water and wastewater published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

State. Commonwealth of Pennsylvania.

Storm Sewer. A sewer that carries stormwater and other wash waters or drainage, but excludes domestic, sanitary, commercial, and industrial wastes. Also called a "storm drain."

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

Surface Water Pollutant. Stormwater or other wash water or drainage carrying any pollutants which affect the characteristics of wastewater.

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

Superintendent. The person designated by the Township to supervise the operation of the POTW or his/her duly authorized representative.

Township. The Township of Robeson, Pennsylvania. The agent of the Township who is authorized by the Township to implement the Township 's industrial pretreatment program shall be the Industrial Waste Administrator.

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

Treatment Plant Effluent. Any discharge of pollutants from the Township's facilities into wastes of the state.

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

User or Industrial User. Any person who contributes, causes or permits the contribution of wastewater into the Township 's POTW.

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

Wastewater Facilities (Facilities). The structures, equipment, and processes required for the collection, treatment, and disposal of wastewater and sewage sludge which are owned and operated by the Township .

Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of wastewater and sewage sludge sometimes used as synonymous with waste treatment plant, sewage treatment plant, or wastewater treatment works.

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

Zero Discharge Wastewater Pretreatment System — A wastewater pretreatment system with no discharge to the sewer system.

B. General Sewer Use Requirements.

§405. Prohibited discharge standards.

- A. General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.
- B. Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140° F. (60° C.) using the test methods specified in 40 CFR 261.21.
2. Wastewater having a pH less than 5.0 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment.
3. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than ½ inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or flushings, entrails, whole blood, medical waste, feathers, ashes, cinders, sand, stone or marble dust, metal, glass, straw, shavings grass clippings, rags, spent grains, spent hops, wastepaper, paper dishes, cups, milk containers, lime slurries, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
4. Pollutants, including oxygen-demanding pollutants (BOD etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
5. Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F. (40° C.).
6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
7. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.
8. Trucked or hauled pollutants, except at discharge points designated by the Township in accordance with §§486 through 490 of this Part.
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, odor problem, or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
10. Wastewater with a true color in excess of 100 platinum cobalt units, except by dischargers with a higher limit specified in their permit.

11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations or any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by state or federal laws or regulations.
12. Stormwater, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, and noncontact cooling water, unless specifically authorized by the Township .
13. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
14. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.
15. Any garbage that has not been properly shredded to at least particles less than 1/2 inch in any dimension. Garbage grinders may be connected to public sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers, providing that all requirements of applicable Township ordinances are satisfied.
16. Chlorine demand in such quantities as to constitute a significant load on the wastewater facilities or which may cause the effluent from the Township 's wastewater treatment facilities to violate any state or federal rules, regulations, or permit requirements including, but not limited to, National Pollutant Discharge Elimination System (NPDES) permits.
17. Concentrations of BOD or TSS or NH₃-N which exceed specific threshold values without payment of a surcharge to cover the additional costs of treatment. The current threshold value for BOD is 300 mg/L and for TSS is 325 mg/l and for NH₃-N is 20 mg/l. Payment of a surcharge does not prevent the Township from initiating any actions available under § 11 below, when the Township determines that any other general discharge limitations are violated. Furthermore, payment of a surcharge shall not constitute an affirmative defense to any action taken pursuant to § 411 below.
18. Any substance which may cause the POTW's residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under § 405 of the Act; any criteria, guidelines, or regulations developed under § 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal

developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other federal or state criteria applicable to the sludge management method being used.

19. Slugs as defined in § 404.
20. Isolation wastes or regulated medical waste (see definitions under §404).
21. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5% or any single reading over 10% of the lower explosive limit of the meter. Materials include but are not limited to: gasoline, benzene, naphtha, fuel oil, paint products, kerosene, toluene, xylene, ethers, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, or any other flammable or explosive substances which the Township, the Pennsylvania Department of Environmental Protection, or the Environmental Protection Agency has notified the user is a fire hazard or a hazard to the Township POTW.
22. Discharges prohibited by state or federal regulations.
23. When the Township determines that a user(s) is contributing to the POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the Township may:
 - a. Advise the user(s) of the impact of the contribution on the POTW;
 - b. Develop effluent limitation(s) for such user to correct the interference with the POTW; or
 - c. Proceed with enforcement pursuant to the provisions of this Part.
24. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in a manner that they could be discharged to the POTW.
25. Wastewater in excess of 100 mg/l total oil and grease of animal or vegetable origin, except by discharges with a lower limit specified in their permit. The Township reserves the right to require testing by the EPA Method 1664, N-Hexane Extractable Material (HEM).
26. Wastewater in excess of 25 mg/l of oil and grease of petroleum or mineral oil origin except by dischargers with a higher or lower limit specified in their permit. The Township reserves the right to require oil and grease testing for nonpolar constituents by EPA methods employing silica gel treated n-hexane extractable material (EPA Method 1664, SGT-HEM; nonpolar material).

§406. National Categorical Pretreatment Standards.

The categorical pretreatment standards found at 40 CFR, Chapter 1, Subchapter N, Parts 405 through 471, are hereby incorporated.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Township may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Township shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

§407. Local Limits.

- A. Limits for discharging pollutants which are of concern to the POTW will be made using headworks loading analyses which have been reviewed and approved by the EPA. Limits may be in the form of monthly average concentration, daily maximum concentration, or instantaneous maximum concentration. Limits will be contained in the wastewater discharge permits issued. The limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Township may impose mass limitations in addition to, or in place of, the concentration-based limitations above.
- B. The Township's objective in setting the limits is to restrict industrial waste discharges to the above described concentrations which will not harm either the sewer system or the treatment plant, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, or public property or constitute a nuisance. The Township may set lower or higher limitations in specific cases if, in the opinion of the Township, said actions will be consistent with the above stated objective. In the setting of such lower or higher limitations, the Township will give consideration to such factors as the volume of wastewater flow in relation to flows and velocities in the sewers, degree of treatability of the waste, and other pertinent factors. The Township reserves the right to reevaluate

and revise the limitations as needed. All local limit changes will be submitted to the approval authority for approval. The more stringent of EPA or Commonwealth of Pennsylvania requirements and limitations shall apply in any case where either is more stringent than those presently in force.

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

§408. State Requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Part.

§409. Right of Revision.

The Township reserves the right to establish by ordinance limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 401 of this Part.

§410. Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Township may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

§411. Remedies.

If any wastewater is discharged or is proposed to be discharged to the wastewater facilities in violation of the limitations or prohibitions described in §§ 405 through 412 the Township may:

- A. Reject the wastes.
- B. Require surcharge payments to be made to the Township to cover its added cost of handling, monitoring, and treating the wastes which exceed threshold values in accordance with rates set and approved by the Township .
- C. Revoke a discharger's permit.

- D. Recover any and all actual costs expended by the Township in correcting any problems caused by discharges in violation of this Part.
- E. As authorized by this Part, take any other administrative sanctions, enforcement actions, and remedial actions as may be desirable, necessary, or permitted to achieve the purpose of this Part.

§412. Accidental Discharges.

- A. Each user shall provide protection from accidental discharge of prohibited or other substances regulated by this Part. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Township for review, and shall be approved by the Township before construction of the facility. No user shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Township. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Part. In the case of an accidental discharge, it is the responsibility of the user to immediately notify the Township of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- B. Written notice. Within five days following an accidental discharge; the user shall submit to the Township a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- C. Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall insure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedures.

C. Pretreatment Of Wastewater.

§413. Pretreatment Facilities.

Users shall provide wastewater treatment as necessary to comply with this Part and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 405 of this Part within the time limitations specified by EPA, the state, or the Township, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated,

and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Township for review, and shall be acceptable to the Township before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Township under the provisions of this Part. The issuance of any permit by the Township for pretreatment facilities pursuant to this Part does not constitute an approval of the design of any such pretreatment system. The user remains responsible for the design, construction, operation and maintenance of an acceptable pretreatment facility.

The Township shall have no responsibility or liability to any user whose system fails for any reason whatsoever to produce a discharge acceptable to the Township .

§414. Additional Pretreatment Measures.

- A. Whenever deemed necessary and with reasonable justification, the Township may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Part.
- B. Grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Township and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. Maintenance records shall be made available to the Township upon request.
- C. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

§415. Accidental Discharge/Slug Control Plans.

At least once every two years, the Township shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Township may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Township may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges. Description of stored chemicals that have the reasonable potential to discharge to the POTW.

- B. Procedures for immediately notifying the Township of any accidental or slug discharge, as required by § 439 of this Part.
- C. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

§416. Installation of Zero-Discharge Pretreatment System.

Prior to installation of a zero-discharge pretreatment system, the user must submit a zero-discharge pretreatment system design plan for Township acceptance. In order to obtain Township acceptance, the user must demonstrate that he or she will provide full pretreatment of all wastewater and will cease to discharge process wastewater to the facilities by an effective date prescribed by the Township and the user must obtain a zero-discharge permit from the Township .

D. Wastewater Discharge Permit Application.

§ 417. Wastewater Discharges.

It shall be unlawful to discharge to the POTW any wastewater except as authorized by the Township in accordance with the provisions of this Part, subject to state and federal laws and regulations.

§ 418. Wastewater Analysis.

When requested by the Township, a user must submit information on the nature and characteristics of its wastewater within 90 days of the request. The Township is authorized to prepare a form for this purpose and may periodically require users to update this information.

§419. Wastewater Discharge Permit Requirement.

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Township , except that a significant industrial user that has filed a timely application pursuant to § 420 of this Part or the previous Ordinance may continue to discharge for the time period specified therein.
- B. The Township may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Part.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall

be deemed a violation of this Part and subjects the wastewater discharge permittee to the sanctions set out in §§ 454 through 476 of this Part. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

- D. No permit holder shall discharge industrial wastewater in excess of the quantity, rate of discharge, concentrations or any other limits specified in the permit. Any person desiring to modify his or her permit must first apply for an amended permit.

§420. Wastewater Discharge Permitting: Existing Connections.

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Part, and does not have a permit currently, and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to the Township, for a wastewater discharge permit in accordance with § 422 of this Part, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this Part except in accordance with a wastewater discharge permit issued by the Township.

§421. Wastewater Discharge Permitting: New Connections.

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with § 422 of this Part, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

§ 422. Wastewater Discharge Permit Application Contents.

All users required to obtain a wastewater discharge permit must submit a permit application. The Township may require all users to submit as part of an application the following information:

- A. All information required by § 434 of this Part.
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- C. Number of employees, hours of operation, and proposed or actual hours of operation.
- D. Each product produced by type, amount, process or processes, and rate of production.
- E. Type and amount of raw materials processed (average and maximum per day).

- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge and pretreatment system plans.
- G. Time and duration of discharges.
- H. Wastewater constituents and characteristics. Sampling and analysis shall be performed in accordance with § 304(g) of the Act and 40 CFR, Part 136, as amended.
- I. The name and concentration of any pollutants in the discharge, the number of sampling events shall be determined by the Township ; and a written statement as to whether or not applicable pretreatment standards are being met, and if not, whether additional in-plant modification and additional pretreatment is required for the user to meet such applicable pretreatment standards.
- J. If additional pretreatment or in-plant modification will be required to meet the pretreatment standards, the user will provide a schedule by which to achieve the standards in a timely manner. The schedule will be reported as the pretreatment compliance schedule. The following conditions shall apply to this schedule:
 - 1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, executing contracts for major components, commencing construction, completing construction). No increment shall exceed nine months.
 - 2. Not later than 14 days following each completion date in the schedule, the user shall submit a progress report to the Township including, at a minimum, whether or not he or she complied with the increments of progress. If such increment of progress was not completed on time, the user shall also report the date on which he or she expects to complete the increment of progress, the reason for the delay, and the steps being taken by the user to return to the schedule established. In no event shall completion dates be more than nine months apart.
- K. Information on the disposal of substances to the POTW which are considered hazardous under 40 CFR, Part 261.
- L. Signatory requirements.
- M. Applicable fees.

- N. Any other information as may be deemed necessary by the Township to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

§423. Application Signatories and Certification.

All wastewater discharge permit applications, user reports and inspection reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

§424. Wastewater Discharge Permit Decisions.

- A. The Township shall evaluate the data furnished by the user and may require additional information. Based on the application, the Township may issue a wastewater discharge permit subject to the terms and conditions enumerated in the permit.
- B. The Township may deny a request for a permit when the information supplied indicates the user will be unable to reasonably meet the Township 's standards. Any person denied a permit may request a hearing in accordance with the provisions of § 472.

E. Wastewater Discharge Permit Issuance Process

§425. Wastewater Discharge Permit Duration.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years at the discretion of the Township. Each wastewater discharge permit will indicate a specific date upon which it will expire. The permit may be administratively extended by the Township as long as the duration of the permit does not exceed five years.

§426. Wastewater Discharge Permit Contents.

Wastewater discharge permits shall be expressly subject to specific permit provisions contained therein as well as to provisions of this Part and all other regulations, user charges and fees established by the Township. Wastewater discharge permits may include such conditions as are reasonably deemed necessary by the Township to prevent pass-through or interference, protect

the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the Township 's collection system and POTW. Such conditions may include, but are not limited to, the following:

A. Wastewater discharge permits must contain:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.
2. A statement that the wastewater discharge permit is nontransferable without prior notification to the Township in accordance with § 429 of this Part, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
3. Effluent limits based on applicable pretreatment standards; the average and or maximum wastewater constituents permitted in the wastewater discharge.
4. Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law, and reporting frequency.
5. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Limits on the average and/or maximum volume or rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
3. Requirements for the development and implementation of spill and slug prevention, control plans, solvent management plans, toxic organic management plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges.

4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.
8. Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges.
9. Compliance schedules
10. Provisions for authorized Township employees and agents to enter and inspect the premises, including provisions for copying records, inspecting monitoring equipment and sampling effluent.
11. Compliance with federal, state and other government laws, rules and regulations.
12. Signatory requirements.
13. Other conditions as deemed appropriate by the Township to ensure compliance with this Part, and state and federal laws, rules and regulations.

C. The zero-discharge permit may require, among other things, that:

1. The zero discharge system be installed as proposed and be fully operational.
2. All sewer drain lines in the facility be capped off and sealed.
3. The user notify the Township in writing, and obtain a revised wastewater discharge permit from the Township before resuming discharge if he/she wishes to reconnect to the sewer.
4. Township personnel be authorized to enter such premises without delay and at

reasonable times for the purpose of inspection and as otherwise authorized by this Part.

- D. The nonsignificant user permit may include the items listed in Subsection B(1) and (2).

§427. Wastewater Discharge Permit Reconsideration.

The Township may provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Township to reconsider the terms of a wastewater discharge permit within 30 days of notice of its issuance.

- A. Failure to submit a timely written request for review shall be deemed to be a waiver of the administrative appeal.
- B. The petitioner, in its written request, must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. Written request.
 - 1. During the pendency of a written request for a reconsideration and/or an appeal, the effective date of the wastewater discharge permit shall be stayed; provided, however, that the Township shall have the right to take any and all steps necessary to cause a cessation of any discharge which would cause an immediate threat to the health and safety of any person and/or would constitute a threat to the integrity of the sanitary sewer system or the POTW.
 - 2. This section shall only be operative to stay the effective date of the wastewater discharge permit where the Township has affirmatively responded to the application and granted a stay for such reasonable time as the Township deems necessary to consider the requests for reconsideration and/or appeal and, furthermore, said stay of the permit shall only be effective for the specific provisions of the permit which have either been appealed and/or a request for reconsideration has been submitted by the applicant. The request for reconsideration and/or appeal shall not be considered a stay of the entire permit, but only for those specific sections of the permit from which the applicant is seeking relief.
- D. The Township shall act on the written request within a reasonable time period, not to exceed 90 days. The Township's decision not to consider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered a final administrative action provided that the petitioner may file an appeal pursuant to § 472 hereunder.

§428. Wastewater Discharge Permit Modification.

- A. The Township may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - 1. To incorporate any new or revised federal, state or local pretreatment standards or requirements.
 - 2. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.
 - 3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - 4. Information indicating that the permitted discharge poses a threat to the Township's POTW, Township personnel or the receiving waters.
 - 5. Violation of any terms or conditions of the wastewater discharge permit.
 - 6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
 - 7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
 - 8. To correct typographical or other errors in the wastewater discharge permit.
 - 9. To reflect a transfer of the facility ownership or operation to a new owner or operator.
- B. A user may apply for modification of a discharge permit by filing a new application form showing substantial significant and material changes that have been proposed since filing the original application. No application for modification will be considered unless it demonstrates such changes.
- C. After a review of the application and inspection of the facility, the Township may, at its discretion, modify the original permit. If such application is rejected, the existing permit shall remain in full force and effect.
- D. The user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a hearing on modifications to his or her permit in accordance with the provisions of §§ 466 through 476.

§429. Wastewater Discharge Permit Transfer.

- A. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days' advance notice to the Township and the Township approves the wastewater discharge permit transfer. The notice to the Township must include a written certification by the new owner or operator which:
 - 1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
 - 2. Identifies the specific date on which the transfer is to occur.
 - 3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.
- B. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

§430. Wastewater Discharge Permit Revocation.

- A. The Township may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - 1. Failure to provide prior notification to the Township of changed conditions pursuant to § 438 of this Part.
 - 2. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
 - 3. Falsifying self-monitoring reports.
 - 4. Tampering with monitoring equipment.
 - 5. Refusing to allow the Township timely access to the facility premises and records.
 - 6. Failure of the user to meet the effluent limitations contained in the wastewater discharge permit.
 - 7. Failure to pay fines after the appeal process has been exhausted.
 - 8. Failure to pay sewer charges.
 - 9. Failure to meet compliance schedules.

10. Failure to complete a wastewater survey or the wastewater discharge permit application.
 11. Failure to provide advance notice of the transfer of business ownership of a permitted facility.
 12. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Part.
- B. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

§431. Wastewater Discharge Permit Reissuance.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 426 of this Part, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit. Having met this requirement, the user's existing permit shall remain in effect until a new permit is issued.

§432. Reinstatement of Permit.

Before any further discharge of industrial wastewater may be made by a user whose permit has been revoked, the user must apply for, and be granted, a reinstatement of the terminated permit, or a new permit, as the Township may require, and pay any delinquent fees and all fines, charges, and other costs occasioned by the violation. Costs shall include, but not be limited to, inspection, monitoring, sampling and related expenses; restitution to other affected parties; reasonable attorney's fees incurred by the Township in enforcing the permit; disconnecting and reconnecting the user to the facility; and other actual damages incurred due to the violation; provided that where there is a bona fide dispute between the user and any other affected party, the user shall not be required to pay restitution so long as the user shall show evidence of insurance or other security that the user can pay said restitution to the affected party if it is ultimately determined that the user is liable to said third parties. Any such fines, fees, charges and costs shall be paid for by the user before any new permit will be issued, except for the provision for disputed restitution set forth above. When all costs cannot be readily determined, the Township may require and accept a bond or irrevocable letter of credit which it considers sufficient and which will be subject to appropriate adjustment after all costs have been determined.

§ 433. Regulation of Waste Received From Other Jurisdictions.

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Township shall enter into an intermunicipal agreement with the contributing municipality.

- B. Prior to entering into an agreement required by Subsection 433A above, the Township shall request the following information from the contributing municipality:
1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality.
 2. An inventory of all users located within the contributing municipality that are discharging to the POTW.
 3. Such other information as the Township may deem necessary.
- C. An intermunicipal agreement, as required by Subsection 433A above, shall contain the following conditions:
1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Part and local limits which are at least as stringent as those set out in § 407 of this Part. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Township's ordinance or local limits.
 2. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis.
 3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Township ; and which of these activities will be conducted jointly by the contributing municipality and the Township .
 4. A requirement for the contributing municipality to provide the Township with access to all information that the contributing municipality obtains as part of its pretreatment activities.
 5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW.
 6. Requirements for monitoring the contributing municipality's discharge.
 7. A provision ensuring the Township access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Township .

8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

F. Wastewater Monitoring and Reporting Requirements.

§434. Baseline Monitoring Reports.

- A. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Township a report which contains the information listed below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Township a report which contains the information listed below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
 1. Identifying information. The name and address of the facility, including the name of the operator and owner.
 2. Environmental permits. A list of any environmental control permits held by or for the facility.
 3. Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 4. Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 5. Measurement of pollutants.
 - a. The categorical pretreatment standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Township, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term

average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Subsection 442 of this section.

- c. Sampling must be performed in accordance with procedures set out in Subsection 443 of this section.
6. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements. (Note: For certain users, the authorized user and the qualified professional may be the same individual.)
7. Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Subsection 435 of this section.
8. Signature and certification. All baseline monitoring reports must be signed and certified in accordance with § 423 of this Part.

§435. Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by Subsection 434A(7) of this section:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).
- B. No increment referred to above shall exceed nine months.
- C. The user shall submit a progress report to the Township no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason

for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.

- D. In no event shall more than nine months elapse between such progress reports to the Township .

§436. Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Township a report containing the information described in Subsection 434A(4) through (6) and (8) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 422 of this Part.

§437. Monitoring and Periodic Self-Monitoring Compliance Reports.

- A. Sampling and analysis of industrial wastewater for the purpose of compliance determinations with respect to § 405 through 412 prohibitions and limitations shall be done through industry self-monitoring and through monitoring done by the Township . All analyses, including sampling results submitted in support of any application reports, evidence or required by any permit or order shall be performed in accordance with the techniques prescribed in 40 CFR, Part 136, and amendments thereto or, if 40 CFR, Part 136, does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by EPA. The Township may require an independent laboratory to conduct the sampling and analysis at the user's own cost if the user does not monitor and analyze in accordance with EPA procedures, specifically, 40 CFR, Part 136.
- B. All significant industrial users shall, at a frequency determined by the Township in the user's permit, but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic self-monitoring reports must be signed and certified in accordance with § 423 of this Part. The user must also submit a self-monitoring report with the results on a form prescribed by the Township, if so requested by the Township.
- C. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly

operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

- D. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Township , using the procedures prescribed in § 442 of this Part, the results of this monitoring shall be included in the report.
- E. The user shall ensure compliance with the recordkeeping requirements of Subsection 445 of this section.

§438. Reports of Changed Conditions.

Each user must notify the Township of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 30 days before the change.

- A. The Township may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 422 of this Part.
- B. The Township may issue a wastewater discharge permit under § 424 of this Part or modify an existing wastewater discharge permit under § 428 of this Part in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow variations as stated in the user's permit and the discharge of any previously unreported pollutants.

§439. Reports of Potential Problems/Notifications of Accidental Spills.

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Township of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five days following such discharge, the user shall, unless waived by the Township, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall

such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Part.

- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection 439A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

§440. Reports from Unpermitted Users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Township as the Township may require.

§441. Notice of Violation/Repeat Sampling and Reporting.

If sampling performed by a user indicates a violation, the user must notify the Township within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Township within 30 days after becoming aware of the violation. The user is not required to resample if the Township monitors at the user's facility at least once a month, or if the Township samples between the user's initial sampling and when the user receives the results of this sampling.

§442. Analytical Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report, for the purpose of compliance with this Part; or in fulfillment of the user's permit self-monitoring requirements, shall be performed in accordance with the techniques prescribed in 40 CFR, Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR, Part 136, does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

§443. Sample Collection.

- A. Except as indicated in Subsection 443B below, the Township reserves the right to require flow proportional composite samples whenever the user is required to collect wastewater samples. When flow proportional sampling is infeasible or derives no benefit, the Township may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits. The Township will review the appropriate method of sampling with the user.

- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For automatic samplers, the intake line hose must be at least 1/4 inch (0.6 cm) internal diameter and the velocity in the intake line must be maintained at least at two feet per second.

§444. Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

§445. Recordkeeping.

- A. Users subject to the reporting requirements of this Part shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Part and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years unless there is pending a dispute of litigation involving the subject of these records, in which case these records are to be kept for a period of three years following resolution of such litigation or dispute.
- B. All users who discharge or propose to discharge wastewater directly or indirectly to the facilities shall maintain records which substantiate any information supplied in permit applications. Such records shall include, but not be limited to, pH measurements or pH tapes, chemical usage data, log sheets, hazardous waste manifests, water meter readings, effluent monitoring reports, self-monitoring compliance reports and any other informational requirements of this Part or required by a user's wastewater discharge permit or any applicable state and federal laws and regulations. These records are to be kept for a period of three years unless there is pending a dispute of litigation involving the subject of these records, in which case these records are to be kept for a period of three years following resolution of such litigation or dispute.

§446. Selling, Closing or Moving a Business.

- A. Any user who will be selling, closing or moving a business from its present location must notify the Township in writing 30 days before disposing of any process waste, associated with the move or the cessation of business, into the sewer system if said waste is not currently permitted to be discharged. The

Township has a shutdown facility procedure for the discharge of wastes not previously permitted into the sewer system which must be adhered to upon selling; closing or moving a business or operation. Failure to notify the Township prior to discharging such waste into the facilities may subject the user to civil or criminal penalties in accordance with this Part. The facility shutdown procedure includes, but is not limited to, the following:

1. A written plan detailing how each chemical and solution is to be discharged to the sewer system, with or without treatment.
2. The information required in Subsection 446A(1) above must be reviewed and approved by the Township prior to any solutions or chemicals being disposed of into the sewer system. Only those solutions approved by the Township May be discharged to the sewer system. The Township must be informed at least 48 hours in advance of when chemicals are to be discharged to the sewer.
3. The Township reserves the right to request information on the final disposition of any material that the Township prohibits to be discharged to the sewer.

§447. Temporary Business Closings.

- A. A permitted user shall give Township personnel written notice within five working days prior to ceasing operations which will be of 90 days or greater in duration.
- B. A permitted user shall give Township personnel notice five working days prior to reactivating operations. The user shall not reactivate operations if the permit is suspended until after receiving written approval from the Township following a Township inspection.

§448. Notification of the Discharge of Hazardous Waste.

- A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR, Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user; an identification of the hazardous constituents in the waste stream discharged during that calendar month, and an estimation of the

mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications or changed conditions must be submitted under Section 438. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 434, 436, and 437.

- B. Dischargers are exempt from the requirements of Subsection 448A above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under § 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Township, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Part, a permit issued thereunder, or any applicable federal or state law.

G. Compliance Monitoring

§449. Right of Entry; Inspection and Sampling.

The Township and its agents shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Part and any wastewater discharge permit or order issued hereunder. Users shall allow the Township ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Powers. Inspections shall be conducted at the discretion of the Township. Duly authorized employees and agents of the Township, upon presenting identification and appropriate credentials, are authorized:

1. To enter without unreasonable delay and at reasonable times those premises (public or private) of any person of class of user either receiving services from the Township or applying for services from the Township in which a discharge source or treatment system is located or which records required to be maintained pursuant to this Part.
 2. During regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, to have access to and to copy records pertaining to this Part, the pretreatment program, RCRA, and waste disposal, inspect any monitoring equipment or method required pursuant to this Part and sample and/or analyze any effluent which the owner or operator of such discharge source is required to sample and/or analyze under this Part and any Part adopted pursuant thereto.
 3. During such on-site inspections, to carry out all inspections, surveillance, and monitoring procedures necessary to determine, independent of information supplied by any person discharging into the facilities, compliance or noncompliance with Township pretreatment requirements.
- B. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Township will be permitted to enter without delay for the purposes of performing specific responsibilities. The user may provide an escort for the Township at his or her discretion.
- C. The Township shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- D. Monitoring and metering equipment.
1. The Township may require the user to install at his or her own cost monitoring or metering equipment as necessary to facilitate the accurate observation, sampling, and measurements of the wastewater discharge. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated semiannually or at a frequency recommended by the manufacturer to ensure their accuracy.
 2. The monitoring and metering equipment shall be located and maintained on the user's premises. When such a location would be impractical or cause undue hardship to the user, the Township may allow such facility to be constructed in the public street or sidewalk area, with the approval of

the public agency having jurisdiction over such street or sidewalk, and located so the discharge will not be obstructed by public utilities, landscaping, or parked vehicles.

- E. When more than one user discharges into a common sewer, the Township may require installation of separating monitoring and metering equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Township may require that separate monitoring and metering facilities be installed for each separate discharge.
- F. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with Township ordinances and any applicable construction standards required by the Township or by local, state or federal law.
- G. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Township and shall not be replaced. The costs of clearing such access shall be borne by the user.
- H. Unreasonable delays in allowing the Township to the user's premises shall be a violation of this Part.
- I. The Township shall comply with the user's reasonable health and safety policies, including the use of personal protective equipment.

§450. Search Warrants.

If the Township has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Part, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Township designed to verify compliance with this Part or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Township may seek issuance of a search warrant from the Court of Common Pleas of Berks County, Pennsylvania.

§451. User Documentation.

The Township may, by ordinance, order, permit or letter, require any person who discharges into the facilities to:

- A. Establish and maintain records.
- B. Make reports.
- C. Install, calibrate, use and maintain monitoring equipment or methods (including

where appropriate, biological monitoring methods).

- D. Sample and/or analyze discharges and effluent (in accordance with the method, at the locations, at the intervals, and in the manner as the Township shall prescribe).
- E. Provide other information relating to discharges into the facilities of the project as the Township may reasonably require to ensure compliance with prescribed pretreatment. Such information shall include, but not be limited to, those records, reports and procedures required by applicable state and federal law.

H. Confidential Information

§452 Confidential Information.

The EPA regulations, 40 CFR 2.201 through 2.302 addressing confidential business information, are hereby incorporated by reference. All Township employees and Township agents are bound by these requirements.

- A. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Township's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Township, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information would be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFS 2.302 will not be reorganized as confidential information and will be available to the public without restriction.

I. Publication of Users in Significant Noncompliance

§453. Publication of Users in Significant Noncompliance

The Township shall publish at least annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.
- B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).
- C. Any other discharge violation that has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public.
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Township's exercise of its emergency authority to halt or prevent such a discharge.
- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance.
- F. Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance, including failure to report and resample in accordance with § 454.
- H. Any other violation(s) which the Township determines will adversely affect the operation or implementation of the local pretreatment program.

J. Administrative Enforcement Remedies

§454. Notification of Violation.

When the Township finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Township may serve upon that user a written notice of violation. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Township. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall

limit the authority of the Township to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

§455. Consent Orders.

The Township may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to § 457 and 458 of this Part and shall be judicially enforceable.

§456. Show Cause Hearing.

The Township may order a user which has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Township and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

§457. Compliance Orders.

When the Township finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Township may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

§458. Cease-and-Desist Orders.

- A. When the Township finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations

are likely to recur, the Township may issue an order to the user directing it to cease and desist all such violations and directing the user to:

1. Immediately comply with all requirements.
 2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- B. Issuance of a cease-and-desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

§459. Administrative Fines.

- A. When the Township finds that a user has violated, or continues to violate, any provisions of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Township may fine such user in an amount not to exceed \$25,000 per day for each violation regardless of jurisdictional boundaries. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation. The foregoing administrative civil penalties shall be enforced in accordance with the provisions of §§ 463 and 471 of this Part.
- B. Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed a late charge of 10% APR. A lien against the user's property will be sought for unpaid charges, fines and penalties.
- C. Users desiring to dispute such fines must file a written request for the Township to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the Township may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Township may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

§460. Emergency Suspensions.

- A. The Township may immediately suspend a user's discharge, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Township may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to

interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Township may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Township may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Township that the period of endangerment has passed, unless the termination proceedings in Section 461 of this section are initiated against the user.
 2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Township prior to the date of any show cause or termination hearing under Sections 456 or 461 of this section.
- B. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

§461. Termination of Discharge.

- A. In addition to the provisions in § 430 of this Part, any user who violates the following conditions is subject to discharge termination:
1. Violation of wastewater discharge permit conditions.
 2. Failure to accurately report the wastewater constituents and characteristics of its discharge.
 3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge.
 4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
 5. Violation of the pretreatment standards in § 405 through 412 of this Part.
- B. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 456 of this Part why the proposed action should not be taken. Exercise of this option by the Township shall not be a bar to, or a prerequisite for, taking any other action against the user.

K. Judicial Enforcement Remedies

§462. Injunctive Relief.

When the Township finds a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Township may petition the Court of Common Pleas of Berks County, Pennsylvania, through the Township's Attorney for appropriate legal and equitable relief for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Part on activities of the user. The Township may also seek such other action as is appropriate for legal and or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

§463. Civil Penalties.

- A. A user who has violated, or continues to violate, any provisions of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, shall be liable to the Township for a maximum civil penalty of \$25,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Township may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Township.
- C. In determining the amount of civil liability, there shall be taken into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

§464. Criminal Prosecution.

A user who willfully or negligently violates any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage, or any user who knowingly makes any false statements, representations or certifications in any application, record, report, plan, or other document filed, or required to be

maintained pursuant to this Part, a wastewater discharge permit or order issued under this Part or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under the Part, may be subject to criminal prosecution in accordance with the applicable provisions of the Pennsylvania Crimes Code, 18 Pa.C.S.A. § 101 et seq.

§465. Remedies Nonexclusive.

The remedies provided for in this Part are not exclusive. The Township may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Township's enforcement response plan. However, the Township may take other action against any user when the circumstances warrant. Further, the Township is empowered to take more than one enforcement action against any noncompliant user.

L. Supplemental Enforcement Action.

§466. Performance Bonds.

The Township may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Township, in a sum not to exceed a value determined by the Township to be necessary to achieve consistent compliance.

§467. Liability Insurance.

The Township may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

§468. Public Nuisances.

A violation of any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Township. Any person(s) creating a public nuisance shall be subject to the provisions of the Township Code governing such nuisances, including reimbursing the Township for any costs incurred in removing, abating, or remedying said nuisance.

§469. Falsifying Information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders

inaccurate any monitoring device or method required under this Part, is subject to prosecution in accordance with the provisions of the Pennsylvania Crimes Code pertaining to perjury and falsification in official matters pursuant to 18 Pa.C.S.A. § 4901 et seq.

§470. Contractor Listing.

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Township. Existing contracts for the sale of goods or services to the Township held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Township.

§471. Assessment of Civil Penalties.

- A. Pursuant to provision of the Pennsylvania Penalty Bill (Act 9 of 1992),³ providing for enhanced penalty authority for publicly owned treatment works' which are authorized to enforce industrial pretreatment standards for industrial waste discharges, and in addition to proceeding under any other remedy available at law or equity for violation of pretreatment standards and/or requirements, the Township, as the operator of a publicly owned treatment works, may assess a civil penalty upon an industrial user for violation of any of the terms and provisions of this Part. The penalty may be assessed whether or not the violation was willful or negligent. The civil penalty shall not exceed \$25,000 per day for each violation, regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct offense under this section.
- B. As part of any notice of assessment of civil penalties issued by the Township to an industrial user, there shall also be included a description of the applicable appeals process to be followed, including the name, address and telephone number of the person responsible for accepting such appeal, on behalf of the Township.
- C. For purposes of this section, a single operational upset which leads to simultaneous violations of more than one pretreatment standard or requirement shall be treated as a single violation as required by Federal Water Pollution Control Act. The Township may, however, recover its costs for reestablishing the operation of the treatment works in addition to any civil penalty imposed under this section.
- D. The Township shall publicly adopt a formal, written civil penalty assessment policy (in its environment response plan) and make it publicly available. Each industrial discharger participating in the pretreatment program shall be given written notice of the policy. The penalty assessment policy shall consider:
 1. Damage to air, water, land or other natural resources of the Commonwealth of Pennsylvania and their uses.

2. Costs of restoration and abatement.
 3. Savings resulting to the person in consequence of the violation;
 4. History of past violations.
 5. Deterrence of future violations.
 6. Other relevant factors.
- E. Uses of penalties. All civil penalties collected pursuant to this section shall be placed by the Township in a restricted account and shall only be used by the Township and the publicly owned treatment works for the following uses:
1. The repair of damage and any additional maintenance needed or any additional costs imposed as a result of the violation for which the penalty was imposed.
 2. Pay any penalty imposed on the Township or the publicly owned treatment works by the federal or state government for violation of pretreatment standards.
 3. For the costs incurred by the Township or publicly owned treatment works to investigate and take the enforcement action that resulted in a penalty being imposed.
 4. For the monitoring of discharges in the pretreatment program and for capital improvements to the treatment works, including sewage collection lines, which may be required by the pretreatment program.
 5. Any remaining funds may be used for capital improvements to the treatment works, including collection lines.
- F. Injunctive relief.
1. The Township shall have the power to obtain injunctive relief to enforce compliance with or restrain any violation of any pretreatment requirement or standard pursuant to and in accordance with the provisions of Pennsylvania Penalty Bill (Act 9 of 1992), 40 CFR 403.8(f)(1)(vi)(A) and any other applicable statute and/or common law. Injunctive relief shall be available upon the showing of one or more of the following:
 - a. A discharge from an industrial user presents an imminent danger or substantial harm to the POTW or the public.

- b. A discharge from an industrial user presents an imminent or substantial endangerment to the environment.
 - c. A discharge from an industrial user causes the POTW to violate any condition of its discharge permit.
 - d. The industrial user has shown a lack of ability or intention to comply with a pretreatment standard.
2. Notwithstanding the preceding subsection, an injunction affecting an industrial operation not directly related to the condition or violation in question, may be issued if the Court determines that other enforcement procedures would not be adequate to affect prompt correction of the condition or violation. In addition to an injunction, the Court in any such proceedings may levy civil penalties in accordance with Act 9 of 1992 and this Part.
- G. Appeal. An industrial user assessed with a civil penalty under the terms of this section shall have 30 days to pay the proposed penalty in full, or, if the industrial user wishes to contest either the amount of the penalty or the fact of the violation, the industrial user must file an appeal of the action within 30 days pursuant to 2 Pa.C.S.A. (relating to administrative law and procedure). Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.
- H. The penalty authorized in this section is intended to be concurrent and cumulative, and the provisions of this section shall not abridge or alter any right of action or remedy, now or hereafter existing in equity, or under the common law or statutory law, criminal or civil, available to a person, the Township , authority, or the Commonwealth of Pennsylvania.
- I. Such penalty assessments may be added to the user's next scheduled sewer service or sewer surcharge bill.

§472. Administrative Hearings/Appeals.

- A. Right to appeal. Any person or user aggrieved by any order, assessment of penalty, issuance of permit or denial of permit may appeal said order, assessment, issuance of permit or denial of permit after service of the same by the Township .
- B. Right to hearing. Any order, assessment of penalty, issuance of permit or denial of permit shall inform the user that a written request for an appeal on the alleged violations, order, issuance of permit or denial of permit, and/or penalty must be filed within 30 days after service of the notice to preserve the user's right to hearing. The notice will be deemed properly served upon the user if a copy is served upon him or her personally, or sent by registered or certified mail to his or her last known address, or if he or she is served with notice by another method of

service now or hereafter authorized in civil actions under the laws of the state. In an emergency situation, if written request for an appeal/hearing is not made by the user within 30 days of the service of notice, the user will be foreclosed from hearing regarding any penalty assessed. In a nonemergency situation, if written request for a hearing is not made by the user within 30 days of the service of notice, the user will be foreclosed from hearing regarding any order, assessment of penalty, issuance of permit or denial of permit.

C. Appeal process, hearing request and conference option.

1. As stated immediately above, written request for appeal/hearing must be filed with the Township Manager within 30 days from the date that the Township took the action which is the subject of the manner of the appeal to preserve the user's rights.
2. All appeals shall contain the following information:
 - a. The name, address and telephone number of the applicant.
 - b. The date on which the Township took the action which is the subject matter of the appeal.
 - c. The reason(s) for such appeal, and a specification of objections setting forth the manner in which the appellant is aggrieved and the relevant issues to be resolved by the Hearing Board.
 - d. A statement detailing the relief demanded by the appellant.
3. A true and correct copy of the written appeal shall be served on a Township Solicitor personally or by registered or certified mail within 48 hours after the appeal is filed.
4. Conference option. At the time an appeal is requested, the user may also request a conference with the Township prior to the scheduling of an administrative hearing. Said conference will include appropriate members of the Township staff and its agents. Violations and penalties will be explained and discussed. Electing this option does not foreclose and/or affect the user's right to hearing, provided that the written request for hearing was filed within 30 days of service as noted above. The purpose of this option is to provide the user with an informal forum within which to discuss the alleged violations and to expedite conclusion and/or resolution of outstanding enforcement actions. If resolution is not reached within 90 days from the date of the scheduled conference the Township shall schedule the matter for formal hearing. In any event, either party may request a formal hearing at any point during the conference proceedings.

5. Hearing protocol.

- a. Upon receipt of the appeal, the Hearing Board shall schedule a hearing for the appellant and give the latter written notice of the time, date and place of such hearing. A hearing will not be held if waived by the appellant or if the parties stipulate all of the essential facts or agree to submit direct or rebuttal testimony or documentary evidence in affidavit form, sworn or affirmed on personal knowledge, or by deposition.
- b. Written briefs of the parties or their counsel may be filed with the Hearing Board and served on the opposing party, within five days after the hearing and prior to any adjudication.
- c. At any hearing, parties shall have the right of presentation of evidence, cross-examination, objection, motion and argument. The Hearing Board shall not be bound by technical rules of evidence, but all relevant and material evidence of reasonable probative value shall be admissible. All witnesses shall be sworn or shall affirm.
- d. The Hearing Board shall not be required to maintain a verbatim transcript of the hearings.
- e. At the conclusion of the proceedings, and after consideration of the evidence and briefs of the parties, if any, the Hearing Board shall issue an adjudication which shall contain findings of facts and conclusions of law, and, if appropriate, an order. A written copy of such adjudication shall be mailed to each party.
- f. The decision and adjudication of the Hearing Board shall be final and binding upon the parties subject to any further right of appeal which may be provided by law.
- g. Failure to perfect an appeal in the manner and form required by this section shall be sufficient for dismissing the appeal.
- h. The action of the Township shall be final as to any person who fails to file an appeal or to perfect an appeal pursuant to this section.

D. Hearing Board.

1. Industrial Hearing Board.

- a. An Industrial Hearing Board shall be appointed by the Board of Supervisors for resolution of differences between the Township and any aggrieved party of any improved property on matters concerning interpretation and execution of the provisions of this Part by the Township and to hear any appeals filed by such aggrieved parties.
 - b. No one appointed to the Industrial Hearing Board herein, either as a representative at large, legal representative, industrial representative, or registered professional engineer, shall have any right or power to sit, vote, act or in any way participate with regard to any appeal of any industry with which it is in any way connected. Board members shall refrain from taking any such action on any such matter and shall avoid any conflict of interest or appearance of impropriety.
2. One member of the Board shall be a member of the division or authority of the Township charged with maintenance of the sewer system; one member shall be a professional engineer skilled in practice of sanitary engineering; one member shall be a representative of industry or manufacturing enterprise; one member shall be a lawyer; and one member shall be selected at large for his interest in accomplishing the objectives of this Part.
3. Terms.
 - a. The initial appointments to the Board shall be for the following terms:
 1. Representative of the division or authority of the Township charged with maintaining the sewer system: five years.
 2. Registered professional engineer (sanitary/environmental/civil/chemical engineer): four years.
 3. Industrial representative: three years.
 4. Legal representative: two years.
 5. Representative at large: one year.
 - b. All succeeding terms shall be for a period of five years. The Board of Supervisors, shall appoint representatives to fill vacancies on the Board to complete unexpired terms. Interim appointments may be permitted to serve an additional full term on the Board.

4. The powers of the Hearing Board shall include but not be limited to the following:
 - a. To hear appeals from any person aggrieved by the application of this Part including, but not limited to, any order or decision made or issued by the Township .
 - b. To make rules with regard to conducting its hearings, such rules to be submitted to Council for their advice and consent.
 - c. To make such findings of fact as may be required by the application of this Part.
 - d. To decide questions presented.
5. Any party aggrieved by any decision of said Hearing Board shall have the right to file an appeal under the Local Agency Law to the Court of Common Pleas of the County of Berks within 30 days of said decision; however, said appeal shall not act as a supersession of any final order.

§473. Petitions for Declaratory Rulings.

Any person affected by any statutory provision administered by the Township or affected by any rule or order of the Township may, in accordance with state law and this Part, petition the Township for a declaratory ruling as to the applicability of such statute, rule or order. This petition shall clearly and concisely identify:

- A. The precise statute, rule or order under which a declaratory ruling is sought.
- B. How the petitioner is affected by the statute, rule or order.
- C. The petitioner's position on how the applicable statute, rule or order should be interpreted, including citations to any applicable documents or law that support the petitioner's position.

§474. Costs.

In addition to such administrative, civil, or criminal fines as may be imposed any user who violates any provisions of this Part or any condition of a permit, or plan approval related thereof, shall be financially responsible and liable to the Township in addition to normal service charges and surcharges for industrial investigation and monitoring of compliance with this Part including, but not limited to, the following:

- A. Cost of mileage, labor and materials incurred in detecting and correcting the violation.

- B. Laboratory analysis costs associated with detecting and correcting the violation.
- C. Additional treatment costs caused by the violation or association with detecting and correcting the violation.
- D. Costs of any additional equipment acquired or expended by the Township for detecting or correcting the violation.
- E. Repair and/or replacement of any part of the facility damaged by the violation.
- F. Any liability, damages, fines or penalties incurred by the Township as a result of the violation.
- G. Costs incurred in enforcing compliance, including prosecution and/or settlement of outstanding violations.
- H. Other costs as are associated with the prosecution, negotiation and/or settlement of a violation.

§475. Denial of Access.

If the Township or its duly authorized employees and agents, upon presenting identification and appropriate credentials, are denied access to carry out inspection, surveillance, and monitoring procedures as described in this Part, the Township may immediately institute civil proceedings, including proceedings for necessary injunctive relief, or criminal proceedings.

§476. Inspection of Connections.

If any person shall construct, install, alter or repair any sewer or connect to any sewer in violation of the requirements of this Part, the Township may, in its discretion, order or direct such person to uncover and fully expose any or all portions of such sewer or connection and afford the Township and its representatives adequate opportunity for examination and inspection of the work. If the connection and appurtenances thereto shall be found not to be in full accord with the requirements of this Part and the standards established and address its provisions, then the Township may serve the offender with a written notice as provided in §§ 454 through 461.

M. Affirmative Defenses To Discharge Violations

§ 477. Upset.

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset

does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Section 477C, below, are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
 - 1. An upset occurred and the user can identify the cause(s) of the upset.
 - 2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
 - 3. The user has submitted the following information to the Township within 24 hours of becoming aware of the upset. A written submission must be provided within five days:
 - a. A description of the indirect discharge and cause of noncompliance.
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

§478. Prohibited Discharge Standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 405A of this Part or the specific prohibitions in § 405B of this Part, except § 405B(1), (2), (3), (7), (19), (20), (21) and (22) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference.
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Township was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

§479. Bypass.

- A. For the purposes of this section, the following terms shall have the meaning indicated:

Bypass. The intentional diversion of waste streams from any portion of a user's treatment facility.

Severe Property Damage. Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Section 479C and D of this section.
- C. Bypass.
1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Township, at least 10 days before the date of the bypass, if possible.
 2. A user shall submit oral notice to the Township of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass

and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Township may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D. Bypass prohibited.

1. Bypass is prohibited, and the Township may take an enforcement action against a user for a bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage.
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.
 - c. The user submitted notices as required under 479C of this section.
2. The Township may approve an anticipated bypass, after considering its adverse effects, if the Township determines that it will meet the three conditions listed in Section 479D(1) of this section.

N. Wastewater Treatment Rates

§480. Surcharge Rate.

- A. Purpose. Nothing contained in this section shall be construed as prohibiting any special agreement or arrangement between the Township and any person or municipality whereby industrial waste of unusual strength or character may be admitted into the sewerage system by the Township subject to payment of a surcharge therefor by such person or municipality or by proper and continuous pretreatment prior to discharge into the sewerage system. The surcharge shall be based on present invested capital costs and operating costs.
- B. Additional charges for strong wastes. There shall be additional charges for nondomestic wastes, discharged to the POTW from any industry business or

commercial enterprise and having BOD5, TSS and/or NH3-N in excess of the average BOD5, TSS and/or NH3-N of normal domestic sewage. Normal domestic sewage shall be defined as having the following concentration:

1. BOD5: 300 mg/l.
2. TSS: 325 mg/l.
3. NH3-N: 20 mg/l.

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

$$SQ = 0.00834 Q1 [(BOD5-300) TA + (TSS1-325) TB \div (NH3-N1-20) TC]$$

Where:

SQ is the quarterly surcharge to be added to the quarterly sewer rental charge.

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

Q1 is the quarterly volume of nondomestic wastewater flow expressed in millions of gallons.

BOD5 is the five-day biochemical oxygen demand of the nondomestic wastewater expressed in mg/l.

TSS1 is the total suspended solids in mg/l of the nondomestic wastewater.

NH3-N1 is the ammonia, expressed as nitrogen in mg/l, of the nondomestic wastewater.

300, 325 and 20 are constants expressing wasteload strength of domestic waste in mg/l for the respective pollutant parameters.

TA represents the cost incurred by the Township in treating 1,000 pounds of BOD5.

TB represents the cost of treating 1,000 pounds of total suspended solids.

TC represents the cost incurred by the Township in treating 1,000 pounds of ammonia.

TA, TB and TC vary each year as treatment plant operation and maintenance costs change. Therefore, TA and TB and TC shall be determined at the beginning of each calendar year by the Township based upon budgeted operating costs, and adopted by ordinance by the Township:

When a value of BOD5 and/or total suspended solids and/or ammonia of a nondomestic waste is less than 300, 325, and 20 mg/l, respectively, the value of 300, 325, and 20 mg/l, respectively, shall be used in the calculation of the strong waste discharge in place of the actual value which is less than 300, 325, and 20mg/l, respectively.

- D. Said surcharge rates shall be effective February 1, 2000, and shall be applied to the first quarter 2000 surcharge bills, which surcharge rates shall be as follows:⁵

Rate effect:

Parameter	Cost Represented in Formula by	Costs per 1,000 Pounds Rate for Period First Quarter 2000
BOD5	TA	\$126.90
TSS	TB	\$116.71
NH3-N	TC	\$1,281.69

Hereafter, the Director of Public works is authorized to increase surcharge rates annually based on audited financial statements.

§481. Septage Rates.

Septage haulers or any other person disposing of sanitary or other waste into the sewage system of the Township at designated points as herein provided shall pay a dumping fee to include the following charges:

- A. Testing fee for each and every delivery to the Township of Robeson's wastewater treatment system.
- B. Per-gallon treatment charge based on the rated capacity of the waste delivery vehicle.
- C. Per-gallon surcharge based on the rate capacity of the waste delivery vehicle as payment for excessive BOD5, total suspended solids, and total dissolved solids common to septic waste.

- D. The rates shall be revised annually at the beginning of each year by the Township by Resolution.

O. Fees

§482. Purpose.

It is the purpose of this Part to provide for the recovery of costs from users of the Township 's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Township 's schedule of charges and fees.

§483. Charges and Fees.

The Township may adopt charges and fees which may include:

- A. Fees for reimbursement of costs of setting up and operating the Township 's pretreatment program.
- B. Fees for monitoring, inspection and surveillance procedures.
- C. Fees for reviewing accidental discharge procedures and construction.
- D. Fees for permit applications.
- E. Fees for filing appeals.
- F. Fees for administrative hearing.
- G. Other fees as the Township may deem necessary to carry out the requirements contained herein.
- H. Fees for removal of pollutants otherwise subject to the federal pretreatment standards.
- I. Fees for treatment of extra-strength wastewater, including extra fees for the treatment of industrial waste containing toxic waste and pollutants.

§484. Application/Sampling/Analysis.

- A. The fee schedule applicable to filing permit applications and sampling/analysis of wastewater by the Township shall as provided by Resolution. Note: Nothing shall prevent the EPA, PaDEP, or the Township of Robeson from imposing other fees, penalties or damages where wastewater discharged to the Township 's treatment works exceeds permit limits.

- B. The fees and charges established by this Part shall apply to all industries within the Township of Robeson sewage service area that discharge industrial waste to the City of Reading's Wastewater Treatment Plant.
- C. These fees relate solely to the matters covered by this Part and are separate from all other fees chargeable by the Township.

§485. Fee Collection.

- A. Registered bills will be mailed quarterly. Bills must be paid within 30 days of receipt. A late charge of 10% APR will be applied to all bills paid after the due date.
- B. Sixty days after receipt, all unpaid bills, exempting cases where a repayment schedule has been approved by the Township, will be subject to civil and/or criminal action(s) with all applicable charges and fees incurred by the Township being applied to the debt.
- C. A list of all bills unpaid after 60 days, not including cases where other repayment arrangements have been approved by the Township, may be published at least semiannually in the largest daily newspaper published in the municipality where the POTW is located.

P. Septage Discharge Permit System.

§486. Septage Permitting System.

Licensed septage and holding tank haulers shall obtain a valid permit from the Township and comply with all the conditions of this permit and this Part. The septage hauler permit shall be valid for one year with renewal January 1 of each fiscal year.

The permit may be suspended or revoked according to the policies outlined in § 430 of this Part. Haulers shall apply for this permit on forms provided by the Township and shall submit, together with the permit fee, an application containing the following information:

- A. Name, company name, address, telephone number.
- B. Vehicle identification, make, and capacity.
- C. Copy of septage hauler's license.
- D. Any additional information requested by the Township.
- E. Signed and notarized statement certifying that the information presented in the application is correct.

- F. Performance bond.

§487. Septage/Waste Disposal.

- A. Septic tank and holding tank waste may be introduced into the POTW only at locations designated by the Township, and at such times as are established by the Township. Such waste shall not violate §§ 405 through 412 of this Part or any other requirements established by the Township. Septic tank waste haulers will be required to obtain a hauler's permit and may be required to obtain a wastewater discharge permit.
- B. The Township shall require haulers of industrial waste to obtain wastewater discharge permits. The Township may require generators of hauled industrial waste to obtain wastewater discharge permits. The Township also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Part. Gallonage and hours for delivery of waste may be reduced, extended, increased, or otherwise changed or altered by and at the discretion of the Township. Township personnel may require that the load be dumped over a period of a 1/2 hour or more, depending upon the flow and characteristics of the incoming sewage at the Township's treatment plant.
- C. Industrial waste haulers may discharge loads only at locations designated by the Township. No load may be discharged without prior consent of the Township. The Township may collect samples of each hauled load to ensure compliance with applicable standards. The Township may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. The Township reserves the right to prohibit the discharge of hauled industrial waste.
- E. Each waste hauler shall furnish the following items to the Township personnel upon arrival at the septage receiving facility:
 - 1. Load manifest form (provided by the Township) which states the hauling company, hauler name, vehicle license number, quantity and source (owner and address) of the septage, probable content of the septage, and a certification statement signed by the hauler and generator, attesting to the accuracy of the information provided on the load manifest form.
 - 2. Previously purchased load ticket(s) corresponding to the capacity of the truck.

3. Grab samples of the septage taken by the waste hauler under supervision by the Township . The Township reserves the right to refuse to accept any load that is suspected of being or has been determined through sampling and analysis to be detrimental to the operations of the plant, the safety of its workers, or to the health or welfare of the public.
- F. The hauler shall keep a copy of his/her official permit in the truck, and display the Township issued permit sticker on the windshield.
- G. The hauler shall display his tank capacity on the truck.

§488. Septage Prohibitions.

- A. Septage haulers shall not discharge specifically prohibited waters, wastewaters, or substances to the Township facilities in accordance with §§ 405 through 412 of this Part.
- B. No grease trap wastes may be discharged.

§489. Septage Records.

Vehicles shall be maintained and records shall be kept in accordance with state law.

§490. Compliance Required.

No statement contained in this section shall exempt the hauler from complying with all federal, state or local requirements.

Q. INTERFERENCE WITH TOWNSHIP PROPERTY.

§491 Interference with Township Property.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any Township -owned structure, appurtenance or equipment. No person shall dump garbage, fill, refuse or other materials on land easements, rights-of-way, or other structures, including manholes, which are part of the wastewater facilities. Persons initiating construction activities that may alter Township structures must be permitted pursuant to the requirements outlined in this Part. Persons causing such interference shall be billed by the Township for any actual damages, the cost of correcting the interference and may be subject to civil and/or criminal penalties of this Part.

(Ordinance No. 00-08, 9/19/2000).

PART 5

ON LOT SEWAGE DISPOSAL SYSTEMS

§501. Purpose

The purposes of this ordinance include:

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

§502. Terms and Definitions

The following words and terms when used in the ordinance 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 delineated 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. Section 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 Ordinance as the agent of the Board of Supervisors of Robeson Township.

Board. The Board of Supervisors of Robeson Township, Berks County, Pennsylvania.

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.

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.

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, commercial, industrial, or institutional establishment with sewage flows equal to four hundred (400) gallons per day.

Individual Residential Spray Irrigation System (IRSIS). 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 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 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.

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.

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 acre; wetlands; floodplain; limiting zones of less than 20' to evidence of seasonal high water table or rock; slopes in excess of 25%; isolation limitations that would limit available space for OLDS or reduce the net lot size to less than 1.5 acre.

Owner. Any person, corporation, partnership, etc. holding deed or title to lands within the Township.

OLDS. Individual or community On-Lot sewage Disposal System.

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 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:

- (i) **Chemical Toilet.** A permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.
- (ii) **Holding Tank.** A tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.
- (iii) **Privy.** A tank designed to receive sewage where water under pressure is not available.
- (iv) **Incinerating toilet.** A device capable of reducing waste material to ashes.

- (v) 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.
- (vi) Recycling Toilet. A device in which the flushing medium is restored to a condition suitable for re-use 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.

Soil Scientist. A practicing Pennsylvania ARC PAC or PAPSS Certified Soils Professional qualified for on-lot sewage evaluations.

Township. Robeson Township, Berks County, Pennsylvania.

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:

- (i) Septic Tank. A treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.
- (ii) 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, water courses, 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.

§ 503. Permits Required

Coordination with Building Permits – DEP Permitted Systems

- A. 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 Ordinance, the Act and Regulations.

- B. 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.
- C. 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.
- D. All planning modules proposing individual or community sewage systems which require a DEP permit shall include a provision granting the Township 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, issue a stop work order or revoke the occupancy permit until construction or operation is brought into compliance with the permit.
- E. 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.
- F. 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.
- G. Permit applications for on-lot systems that include electronically, mechanically, hydraulically, or pneumatically operated or controlled devices shall be accompanied by the respective manufacturer's recommended maintenance schedule and product specifications.
- H. Permit applications for which the provisions of Section VI.A. or Section VIII. A. 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 Township be so notified.

§504. Replacement Areas

- A. 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 are intended to be served by a soil absorption area, with the exception of Drip Irrigation and IRSIS systems.

OR

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 SECTION II.

- B. A replacement area shall be required for all unimproved lots existing prior to the effective date of this Ordinance, 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.
- C. 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.
- D. 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.
- E. 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:
 - 1. No improvements, whether permanent or temporary, shall be constructed upon or within the absorption area easement.
 - 2. No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in the absorption area easement.
 - 3. 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.
 - 4. The final cover or improvement to every absorption area easement shall be limited to shallow rooted vegetation. The exception shall be where Drip Irrigation or IRSIS systems are proposed, trees will be allowed to remain.
 - 5. No trees shall be planted or remain which are located within ten feet (10 ft.) of the proposed sewage absorption area.
- F. 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:

1. Prepare and submit to the SEO for approval a Declaration of Easement which shall:
 - a. Meet the identification, non-use, and preservation requirements of this section;
 - b. Describe, by metes and bounds, the easement area to be abandoned.
2. Within 15 days of the approval by the township, record the Declaration of Easement at the Berks County Recorder of Deeds Office.
3. File a copy of the recorded easement with the Township.

§505. On-site Probe and Percolation Testing

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

<u>Proposed Absorption area square feet</u>	<u>Number of Percolation test holes</u>
2,000	9
3,000	12
4,000	15
5,000	18
6,000	21
7,000	24

- E. 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 Section V.A thru D.
- F. All percolation and soil probe testing shall be observed by the Township SEO to be valid.

- G. All percolation and probe excavations shall be located on a referenced scaled plan drawing by the Applicant or Subdivider within 60 days after completion.
- H. The Applicant or Land Owner shall be responsible to protect the safety, health and welfare of all individuals relative to conducting onsite probe and percolation testing. The excavations shall be protected during testing and closed within 72 hrs. thereafter.

§ 506. Maintenance Agreements Required.

- A. 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 Township providing for an annual inspection by the SEO, at the owner's expense, in accordance with the currently adopted Township 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 to PA DEP standards. Said testing may be conducted based upon samples taken by the owner, who must send a copy to the Township.
- B. 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.
- C. Applications for IRSIS and holding tanks shall be accompanied by a financial guarantee of the same type and character that is required for public improvements by the Township's Subdivision and Land Development Ordinance.
- D. Module submissions for DEP permitted systems shall be accompanied by a financial guarantee of the same type and character that is required elsewhere in this section.
- E. The financial guarantee shall assure that the Township has access to sufficient funds to operate, maintain, repair, or replace any component of the IRSIS in the event that the owner:
 - 1. Fails to maintain the system or any of the system's components according to the manufacturer's specifications; or,
 - 2. Fails to service, clean, inspect, and/or pump the treatment tank(s) according to the other applicable standards of this ordinance; or,
 - 3. Fails to conduct testing and monitoring at least annually, or more frequently if required by DEP regulation, and report the analysis to the Township.

- F. From the date of the permit application or planning module is submitted to the SEO or Township and continuing for a period ending two (2) 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 fifty percent (50%) of contract price for the installation of the system and all related system components.
- G. Beginning two (2) 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 ten percent (10%) of the actual construction cost for the installation of the system and other related system components.
- H. The financial guarantee shall be forfeited by the owner and the Township shall apply the funds to the repair, operation, and maintenance of the system when:
 - 1. The system is not maintained according to the standards of this Ordinance, applicable DEP regulations, or the manufacturers specifications; or,
 - 2. The treatment tank(s) are not serviced, cleaned, inspected, and/or pumped according to the applicable standards of this Ordinance; or,
 - 3. The testing and monitoring are not conducted according to the standards of this Ordinance, applicable DEP regulations, or the manufacturer's specifications.

§ 507. Permitting and Installation of OLDS.

- A. 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 Ordinance. A permit shall be obtained from the Township's appointed SEO prior to conducting any alteration, construction, or repair to any sewage system within the Township regardless of lot size or configuration. The Township shall retain final authority for the conditions and issuance of OLDS permits.
- B. The Code Enforcement Officer or authorized person of the township 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 Township's appointed SEO.
- C. The Code Enforcement Officer or authorized person of the Township 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 Township's SEO granting "Approval to Cover".

- D. All systems shall provide at a minimum the following, in addition to the standard items required by PA DEP regulations:
1. Cleanouts at the end of laterals with a removable plug for all pressurized systems.
 2. All piping from the treatment tank to the absorption area shall have a minimum thickness of Sch. 40 PVC.
 3. Where a distribution box is used, a cleanout shall be provided at the inlet of the “d-box” to identify location, installed with watertight cap above final grade.
 4. 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 watertight cap above final grade.
- E. Conventional Inground Trench Sewage Systems shall have the following minimum horizontal separation distances from edge of trench to edge of trench as follows:

<u>Land Slope %</u>	<u>Minimum Horizontal Separator</u>
0 – 10	6 feet
10 – 20	7 feet
21 – 25	8 feet

§ 508. Community Systems.

- A. Privately owned community systems are subject to the same requirements of this ordinance as individual OLDS. In addition, the following shall be applicable to community systems:
1. A list of the names and addresses of all participants in the community system shall be provided to the Township.
 2. Participants shall be equally liable for expenses incurred by the Township 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 Township shall assess expenses incurred accordingly.
 3. Expenses incurred on the individual property of participants by the Township or its authorized agent shall be assessed against the individual participant.

- B. Participants in a community system shall be assessed directly for expenses incurred by the Township or its authorized agent unless an organization exists that manages the system, in which case the Township may deal solely with that organization.

§ 509. Construction Observation.

- A. All OLDS shall have construction observations by the Township's appointed SEO during performance of the various tasks as follows:
 - 1. Elevated sand mound systems:
 - a. Chisel plow/scarification of soil surface.
 - b. Sand placement
 - c. Stone and pipe placement, including pressure test.
 - d. Final grade and seeding.
 - 2. Alternate at-grade bed systems:
 - a. Chisel plow/scarification of soil surface.
 - b. Stone and pipe placement, including pressure test.
 - c. Final grade and seeding
 - 3. In-ground systems:
 - a. Excavation of bed or trenches including scarification of same.
 - b. Stone and pipe placement, including pressure test, if applicable.
 - c. Final grade and seeding
 - 4. Drip-irrigation systems (will include, but not be limited to):
 - a. Pre-construction meeting with contractor to review lateral layout and system components.
 - b. Laterals, upon installation and system components prior to cover.
 - c. Activation of system.

- B. All specified OLDS construction observations shall permit visual review of all sewer system components prior to placing soil cover.
- C. Any sewage system component covered without review and observations by the SEO will be required to be opened for examination prior to approval.
- D. No structure may be occupied nor any land placed in use where an OLDS is utilized without the sewage system being approved by the Township SEO.
- E. 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.
- F. The Code Enforcement Officer or authorized person of the Township 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.
- G. 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.
- H. Robeson Township's plumbing code requires the township to inspect the building sewer. Property owner/excavator shall contact the township prior to installation for requirements.

§510. Isolation Distances

- A. 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	Distance to sewage absorption area	Distance to alternate drip tubing	Spray irrigation system
Water Supply Well	50 ft	100 ft	102 ft	100 ft
Driveway	10 ft	10 ft	12 ft	25 ft
Pools	10 ft	50 ft	52 ft	100 ft
Occupied building	10 ft	10 ft	12 ft	100 ft
Cistern	25 ft	25 ft	27 ft	
Water Suction Line	50 ft	100 ft	102 ft	100 ft
Water Supply Line				

Under Pressure	10 ft	10 ft	12 ft	10 ft
Storm water infiltration System	50 ft	100 ft uphill 35 ft downhill 35 ft side	100 ft uphill 20 ft downhill 20 ft side	
Drainage Swale	10 ft	10 ft	12 ft	25 ft
Storm water Pond	25 ft	50 ft	52 ft	50 ft
Stream or Lake	25 ft	50 ft	52 ft	50 ft
Grading or Disturbed Area	5 ft	10 ft	12 ft	10 ft
Closed Depression or Mini Hole	50 ft	100 ft	102 ft	100ft
Slopes above 25%	10 ft	10 ft	10 ft	10 ft
Property Lines	10 ft	10 ft	12 ft	25 ft
Unoccupied Buildings	10 ft	10 ft	12 ft	25 ft
Rock out Crop	10 ft	10 ft	12 ft	25 ft

HT = Holding Tank, ST=Sewage Tank, PT= Pump Tank, TP= Treatment Plant

§511. Operation and Maintenance of OLDS.

- A. All systems shall be operated by the owner in a manner that is in full compliance with the terms of this Ordinance, PA DEP regulation, and the system’s permit.
- B. Only sewage and normal domestic wastes may be discharged into any OLDS.
- C. The following shall not, under any circumstances, be discharged into any OLDS:
 - 1. Industrial waste;
 - 2. Fats and grease;
 - 3. Motor oil;
 - 4. Hazardous wastes;
 - 5. Chemicals including, but not limited to:
 - a. Pesticides and herbicides;
 - b. Acids;
 - c. Paint, paint thinner and solvents, including latex or water based paints;
 - d. Wallpaper pastes and adhesives;

- e. Photo processing chemicals.
- 6. Down spout and/or roof drain discharges;
- 7. Sump pump and basement drain discharges.
- D. The Township may require the on-site pretreatment of effluents prior to their discharge to any sewage facilities owned and operated by the Township 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.
- E. 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.
- F. 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, maintenance, and pumping, and divert surface water and downspouts away from the absorption area and system components.
- G. Every aerobic or septic treatment tank is recommended to be pumped out every three (3) years or more frequent for smaller nonconforming tanks.
- H. 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.
- I. 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 Ordinance.
- J. 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.

§512. Rehabilitation of Malfunctioning Systems.

- A. In the event 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.
 - 1. Landowners who disclose to the SEO the presence of a malfunction upon their lands shall not be penalized for the disclosure.

2. If a landowner who has disclosed the presence of a malfunction fails to make voluntary repairs, the Township may seek injunctive or other relief to compel the repair of the malfunction or cause the repair to be effectuated.
- B. The Township'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.
 - C. Rehabilitation of a malfunctioning system as ordered by the SEO shall commence construction within thirty (30) days of issuance of said order and shall be completed within sixty (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 Section XI.
 - D. 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 Township SEO. Upon completion, the SEO shall inspect the rehabilitated system and certify its compliance with state and local standards prior to its use.

§ 513. Penalties.

- A. Any OLDS owner found to be violating the provisions of this Ordinance shall be served by the Township's appointed Sewage Enforcement Officer with written notice stating the nature of the violation and the penalties prescribed in subsection B, 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.
- B. Any person who shall violate any provision of this ordinance shall be liable for the payment of a fine and penalty in an amount not less than Five Hundred Dollars (\$500.00) and not exceeding Five Thousand Dollars (\$5,000.00), plus costs, or to imprisonment not to exceed ninety days, or both. Each day a violation continues shall constitute a separate offense.
- C. Any septage waste hauler who violates any of the provisions of this ordinance, or regulations of the Township, 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 Township for a period of not less than six (6) months nor more than two (2) years for each violation, to be determined by the Township.

- D. 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 Ordinance, the Board 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.
- E. The costs for the actual repair, repair permit, and site investigations in support of the permit shall be borne by the property owner.
- F. The Township may take whatever action necessary to recover those costs in accordance with the law, including entering a lien against the property.
- G. The Township may seek injunctive relief to prevent continued use of a malfunctioning system.
- H. 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 ordinance.

§514. Right of Entry; Easement.

- A. 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 Township 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.
- B. The grant of right of entry cannot be revoked, suspended, or discontinued by the present or any future owner.
- C. 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 non-revocable grant of Right of Entry by the landowner, his heirs, successors, and assigns to the Township for the limited purpose of inspecting, maintaining, sampling, testing, evaluating, or repairing the on-lot disposal system described in the application and permit.
- D. 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 Township shall abandon the easement and right of entry which shall then cease.

§ 515. Applicability.

- A. The owner of any property serviced by OLDS shall be subject to all the requirements contained herein.
- B. 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 Ordinance. 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, subject to the written approval of the Township. The Township 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.
- C. 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.
- D. Upon transfer of responsibility for compliance in accordance with the above requirements, all references to “owner” in this ordinance shall hereinafter refer to the lessee or resident of the building or property.
- E. The owner of any building serviced by an OLDS within the Township shall become subject to all of the requirements contained herein, upon the occurrence of one of the following:
 - 1. Receipt of a sewage permit from the SEO for the installation or rehabilitation of an OLDS;
 - 2. Transfer of ownership of the building;
 - 3. Malfunctioning of the OLDS; and,
 - 4. In the case of an existing building or system, upon the passing of this Ordinance.

§ 516. Fees.

- A. The Board may, by resolution, establish a fee schedule and collect fees to cover the Township’s actual costs of administering this Ordinance.

§517. Appeals.

- A. Appeals from decisions of the Township appointed SEO shall be made to the Township Secretary in writing within thirty (30) days from the date of the decision issued in writing by the SEO. The appealing party shall pay a fee for the

appeal hearing in such amount as shall be established from time to time by the Board of Supervisors.

- B. The appellant shall be entitled to a hearing before the Township Board of Supervisors at its next regularly scheduled meeting if made at least fourteen (14) days prior to the meeting. If made within fourteen (14) days of the next meeting, the appeal shall be heard at a special meeting. The Board shall thereafter reverse, modify, or affirm the aforesaid action. The hearing may be postponed for good cause shown by the appellant or the Township. Additional evidence may be presented at the hearing provided it is submitted with the written notice of the appeal.
- C. A decision shall be rendered within thirty (30) days of the date of the hearing. If a decision is not rendered within thirty (30) days, the relief sought by the appellant shall be deemed granted.

(Ordinance No. 06-01, 6/20/06)

PART 6

HOLDING TANKS

§601. Purpose.

The purpose of this Ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage, whether from residential or commercial use, 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 Township.

§ 602. Scope.

Holding tanks may be allowed only for existing structures with failed on-lot septic systems, and for new planned structures, located in an approved public sewer district where, according to an approved Act 537 Sewage Facilities Plan or any amendment thereto, public sewer service is planned to occur within three (3) years or less of the sewer permit application date.

§ 603. Definitions.

- A. Holding Tank. A water-tight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include but are not limited to the following:
 - 1. Chemical Toilet. A nonflushing toilet using chemical treatment in the holding tank for odor control.
 - 2. Retention Tank. A holding tank where sewage is conveyed to it by a water-carrying system.
 - 3. Vault Pit Privy. A holding tank designed to receive sewage where water under pressure is not available.
- B. Improved Property. Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.
- C. Owner. Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
- D. Person. Any individual, partnership, company, association, corporation or other group or entity.
- E. Sewage. A substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals; a substance harmful to the public health, to animal or aquatic life or to the use of water for domestic

water supply or recreation; or a substance which constitutes pollution under the Clean Streams Law.

- F. Township. The Township of Robeson, Berks County, Pennsylvania.

§604. Sewage Enforcement Officer.

The Sewage Enforcement Officer (SEO) of Robeson Township is hereby authorized and empowered to license and allow holding tanks in accordance with the provisions of this Ordinance, the rules and regulations of the DEP, and any and all rules and regulations adopted by the Township pursuant to this Ordinance. The collection and transportation of all sewage from any improved property in the Township utilizing a holding tank shall be subject to the jurisdiction of the SEO.

§605. Rules and Regulations.

The Township may adopt, and amend as necessary, rules and regulations for the collection and disposal of sewage by holding tanks. All such rules and regulations adopted by the Township shall include and be in conformity with the rules and regulations of the DEP.

§606. Standards and Specifications.

In addition to any other applicable standards and specifications, the construction, installation and use of holding tanks shall conform to the following rules:

- A. Only domestic sewage (consisting primarily of human waste) may be disposed of in a holding tank.
- B. Holding tanks shall be constructed to meet the specifications of Section 73.31(b) of Title 25 of the Pennsylvania Code.
- C. The minimum capacity of a holding tank shall be one thousand (1,000) gallons or a volume equal to the quantity of waste generated on the improved property in three (3) days, whichever is larger.
- D. The holding tank shall be equipped with a warning device to indicate when the tank is filled to within seventy-five percent (75%) of its capacity. Such warning device shall create an audible and visual signal at a location frequented by the owner or other responsible individual.
- E. Disposal of waste from a holding tank shall be at a site approved by the DEP.
- F. A water meter shall be installed within the structure being served by a holding tank with a remote readomatic register mounted on the exterior of the structure to monitor sewage flows

§607. Rates and Charges.

The Township shall have the power and the right to fix, alter, charge and collect rates, as shall be established by Resolution duly adopted hereafter and as may be revised from time to time, for permits granted by the SEO in accordance with the provisions of this Ordinance, the rules and regulations of the DEP and any rules and regulations duly adopted by the Township.

§608. Conditions Precedent to Issuance of a Permit.

- A. No holding tank permit shall be issued until a holding tank agreement between the Township and the holding tank permit applicant has been executed by both parties setting forth the terms and conditions for permit issuance. Each such agreement shall include a provision whereby the holding tank permit application holds the Township harmless from any expense, cost or charge that it may incur from the administration or enforcement of this Ordinance as it relates to any permit granted to such person or owner.
- B. No holding tank permit shall be issued to any owner of an improved property that utilizes a holding tank prior to that owner presenting evidence to the SEO that the owner has a binding agreement with a sewage disposal company for the regular maintenance of the holding tank and disposal of the sewage collected in the holding tank for a period no less than one (1) year. Such agreement shall include a provision which requires that the disposal of sewage shall be made only at a site or sites approved by the DEP. All fees and costs of and concerning said contract shall be paid by the improved property owner to assure that the contractual agreement is binding and that the sewage will be removed and properly disposed.
- C. Any permit granted to an owner of an improved property shall be for a period of not more than one (1) year and in no event for a period in excess of the aforesaid contractual period. The permit may be renewed for an additional year after a satisfactory onsite inspection by the SEO of the holding tank system and maintenance records. The fees for said permit renewal shall be paid to the Township prior to issuance. All permit renewals are subject to compliance with the guidelines of this Ordinance, any rule or regulation adopted hereunder, and DEP's then effective rules and regulations.

§ 609. Duties of Improved Property Owner.

- A. The owner of an improved property that utilizes a holding tank shall maintain and use the holding tank in conformance with this or any other applicable Ordinance of the Township, the provisions of any other applicable law, and the rules and regulations of the DEP and the Township.
- B. The owner of an improved property using a holding tank shall connect such improved property to the public sewer system and discontinue the use of the holding tank within 60 days after receiving notice from the Township to make such connection, in accordance with the Township's sewer connection ordinance, Ordinance No. 86-08, as amended or superseded from time to time.

§610. Violations.

Any person who violates any provision of this Ordinance shall, upon conviction thereof by summary proceedings, be guilty of a summary offense. Upon conviction thereof, such person shall be sentenced to pay a fine of not more than five thousand dollars (\$5,000.00), plus costs, or to imprisonment not to exceed ninety (90) days, or both.

§611. Civil Penalties.

In addition to any other remedies available at law or in equity for a violation of any provision of this Ordinance, the Township may assess the cost of damages caused by such violation and the cost of correcting such violation, in accordance with the procedures and standards set forth at 35 P.S. Section 750.13a of the Pennsylvania Sewage Facilities Act. Such civil penalty shall not exceed two thousand five hundred dollars (\$2,500.00) for each violation.

§612. Abatement of Nuisances.

In addition to any other remedies provided in this Ordinance, violation of this Ordinance, violation of this Ordinance shall constitute a nuisance and may be abated by the Township in the manner provided by law.

(Ordinance No. 02-10, 12/17/02)