

APPENDIX 1-1

SEWAGE-RELATED ORDINANCES

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Part 1

Holding Tanks

Section 101. Purpose. The purpose of this Part is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage, whether from residential or commercial uses, and it is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township. (Ordinance 48, March 2, 1973, Section 1)

Section 102. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of the terms used in this Part shall be as follows:

(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 toilet using chemicals that discharges to a holding tank.

(2) Retention Tank. A holding tank where sewage is conveyed to it by a water carrying system.

(3) Vault Pit Privy. A holding tank designed to receive sewage where water under pressure is not available.

(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, or any property located in the Township.

(d) Person. Any individual, partnership, company, association, corporation or other group or entity.

(e) Sewage. Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health; or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

(f) Township. The Township of Amity, Berks County, Pennsylvania.

(Ordinance 48, March 2, 1973, Section 2)

Section 103. Rights and Privileges Granted. The Township is hereby authorized and empowered to undertake within the Township the control and methods of holding tank sewage disposal and the collection and transportation thereof. (Ordinance 48, March 2, 1973, Section 3)

Section 104. Rules and Regulations. The Township is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein. (Ordinance 48, March 2, 1973, Section 4)

Section 105. Rules and Regulations to be in Conformity with Applicable Law. All such rules and regulations adopted by the Township shall be in conformity with the provisions herein, all other ordinances of the Township, all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania. (Ordinance 48, March 2, 1973, Section 5)

Section 106. Rates and Charges. The Township shall have the right and power to fix, alter, charge and collect rates, assessments and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law. (Ordinance 48, March 2, 1973, Section 6)

Section 107. Exclusiveness of Rights and Privileges. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Township, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania. (Ordinance 48, March 2, 1973, Section 7)

Section 108. Duties of Improved Property Owner. The owner of an improved property that utilizes a holding tank shall:

(a) Maintain the holding tank in conformance with this Part or any ordinance of the Township, the provisions of any applicable law, the rules and regulations of the Township and any administrative agency of the Commonwealth of Pennsylvania.

(b) Arrange for the disposal of the contents of the holding tank subject to the approval of the Township.

(c) Permit the Township or anyone acting under the direction of the Township to collect, transport and dispose of the contents therein provided the owner shall fail to comply with Subsection (b) above.

(Ordinance 48, March 2, 1973, Section 8)

Section 109. Violations. Any person who violates any provision of Section 108 of this Part shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00) and costs, and in default of said fine and costs to undergo imprisonment in the Berks County Prison for a period not in excess of thirty (30) days. (Ordinance 48, March 2, 1973, Section 9)

Section 110. Abatement of Nuisances. In addition to any other remedies provided in this Part, any violation of Section 108 above shall constitute a nuisance and may be abated by the Township by either seeking appropriate equitable or legal relief from a court of competent jurisdiction. (Ordinance 48, March 2, 1973, Section 10)

Section 111. Severability. If any sentence, clause, section or part of this Part is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Part. It is hereby declared as the intent of the Board of Supervisors of the Township, that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein. (Ordinance 48, March 2, 1973, Section 12)

Part 2

On-Lot Sewage Disposal Systems

Section 201. Purpose. The purpose of this Part is to provide for, consistent with the terms and conditions of the Amity Township Zoning Ordinance, as amended (see Chapter XXIII of the Township Code of Ordinances) and the Amity Township Subdivision and Land Development Ordinance, as amended (see Chapter XXVII of the Township Code of Ordinances), the permitting of all on-lot sewage disposal systems within the Township in accordance with the standards and regulations of 25 Pa. Code Chapters 72 and 73, including those systems otherwise eligible for an exemption from the permitting requirements of the Act, as authorized by Section 7(a)(1) of the Act. (Ordinance 148, May 1, 1995, Section I-3)

Section 202. Definitions. For the purposes of this Part, the following words and phrases shall have the meanings ascribed to them in this section.

(a) Act. The Pennsylvania Sewage Facilities Act, P.L. 1535, No. 537 (35 P.S. §§ 750.1 - 750.20), as amended.

(b) Community Sewage Disposal System. A sewage disposal system, other than an individual or public system, which receives human excreta or liquid wastes, or both, from two (2) or more lots or premises and treats and disposes of the wastes by an on-lot sewage disposal system on one (1) or more of the lots or at any other site.

(c) Individual Sewage System. A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth or by means of conveyance to another site for final disposal; an alternate individual sewage system shall mean any individual sewage system not heretofore recognized by rules, regulations and standards of the Pennsylvania Department of Environmental Resources.

(d) Person. Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment the term "person" shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation, for profit or not for profit.

(e) Public Sewage Disposal System. A sewage disposal system, other than an individual or community system, which receives human excreta or liquid wastes, or both.

(f) Sewage Disposal System Permit. A written permit issued by the Sewage Enforcement Officer permitting the construction of an individual sewage disposal system under the terms of the Pennsylvania Sewage Facilities Act and this Part.

(g) Sewage Enforcement Officer. The Amity Township official certified as the Township sewage enforcement officer who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement the Pennsylvania Sewage Facilities Act, as amended, its rules and regulations and the provisions of this Part.

(Ordinance 69, July 16, 1976, Section 1; as amended by Ordinance 148, May 1, 1995, Intro.)

Section 203. Permit Requirement.

(a) From and after the effective date of this Part, all persons required or proposing to install an on-lot sewage disposal system on any lot within the Township, including those persons required or proposing to install such a system on a lot ten (10) acres or larger and who are otherwise qualified for a permit exemption in accordance with the provisions of Section 7(a)(1) of the Act, shall apply to the Township for a permit for the installation of such system.

(b) No person shall install or commence construction of any on-lot sewage disposal system for which a permit is required until such permit has been issued by a Sewage Enforcement Officer employed by or contracted to the Township.

(c) The mandatory provisions for application and review of the permit for installation of an on-lot sewage disposal system shall be waived only upon application to and solely within the discretion of the Board of Supervisors of Amity Township in accordance with such standards, regulations and conditions as may be adopted by the Township at the recommendation of the Township Engineer and the Township Sewage Enforcement Officer.

(Ordinance 148, May 1, 1995, Section II)

Section 204. Requirement as to Individual Properties.

(a) No raw sewage, septic tank effluent, kitchen and laundry wastes, or seepage from a soil absorption system shall be discharged to the surface of the ground, or into any surface water body or channel of conveyance, nor shall it be discharged into any rock formation or groundwater table without proper renovation provided by a permitted sewage disposal system.

(b) From and after the effective date of this Part, no person or persons shall commence the construction, alteration, repair or extension of any kind of or any nature whatsoever of an individual sewage disposal system, regardless of the lot size or land area available, without first

making application for a sewage disposal system permit to the Sewage Enforcement Officer, and receiving approval of the same. In the event a building is proposed to be constructed utilizing on-lot sewage disposal facilities, the suitability of the land to satisfactorily accept and renovate sewage and other waste waters must be determined beforehand.

(c) On-lot sewage disposal systems for industrial and commercial establishments shall conform to the requirements of the regulations promulgated under the Pennsylvania Sewage Facilities Act, as amended, and this Part.

(d) The Sewage Enforcement Officer shall assist applicants for on-lot sewage disposal permits in ascertaining the minimum specifications for approved sewage disposal systems, as set forth by regulations promulgated under the Pennsylvania Sewage Facilities Act, as amended, and the terms of this Part.

(e) A building which cannot be connected with a public or community sewage disposal system at the time of construction shall be provided with an on-lot sewage disposal system consisting of a treatment tank connected with a conventional subsurface absorption area, alternate system or retention in a holding tank. The minimum required subsurface absorption area, as measured in square feet of bottom area of the absorption trenches or bed, shall conform to at least the minimum requirements of the regulations promulgated under the Pennsylvania Sewage Facilities Act, as amended.

(f) If requested and substantiated by accurate percolation tests, subsurface absorption areas, both conventional and alternate designs, may be reduced to the minimum square feet stipulated by the above regulations.

(g) In the event that a sewage disposal system permit is issued by the Sewage Enforcement Officer, it is specifically required that no part of the disposal system to include the connecting piping constructed upon the premises in question shall be covered or operation of said sewage system permitted by the applicant until said installed system has been inspected and approved for covering by the Sewage Enforcement Officer. In the event that said installation complies with the requirements and regulations of this Part and the Pennsylvania Sewage Facilities Act, the Sewage Enforcement Officer will so note on the permit.

(h) If upon inspection the Sewage Enforcement Officer determines that the installed system does not meet the specifications on the application and permit, the Sewage Enforcement Officer shall specify the defects in said installed system in writing to the applicant. The applicant shall not cover or put the system into operation until such defects have been corrected and the system has been re-inspected and approved by the Sewage Enforcement Officer. There shall be an additional fee charged for each re-inspection of an installed system where such re-inspection is necessary for the reason set forth above.

(i) It shall be the duty of the owner or occupant of a premises to give the Sewage Enforcement Officer free access to the property at

reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements and regulations of this Part and the Pennsylvania Sewage Facilities Act.

(j) No installation of individual sewage disposal systems may be made in marshy areas or areas which may be subject to flooding. Excessive slope, seasonal high water table, too slow or fast percolations rates and adverse soil conditions may also limit the installation of on-lot systems.

(k) No bulldozers, trucks or other heavy machinery shall be driven over the system after installation.

(l) No proposed elevated sand mound alternate on-lot system will be approved unless a six (6) hole percolation test is conducted on the exact absorption site of the proposed system, the results of which shall be in a 0 - 60 minute per inch percolation range in the top twenty inches (20") below the existing ground level.

The percolation tests shall be conducted as follows:

- Two (2) holes shall be dug at the ten inch (10") level
- Two (2) holes shall be dug at the fourteen inch (14") level
- Two (2) holes shall be dug at the eighteen inch (18") level

The percolation tests shall be conducted in the same manner as the regulation testing more fully described in Section 73.62 of Chapter 73, PENNSYLVANIA STANDARDS FOR SEWAGE DISPOSAL FACILITIES.

(Ordinance 69, July 16, 1976, Section 2; as amended by Ordinance 79, April 20, 1979, Section 1)

Section 205. Sewage Permit Data Requirements.

(a) All applications for permits shall be made to the Sewage Enforcement Officer, who shall issue a permit upon compliance by the applicant with the regulations of the Pennsylvania Sewage Facilities Act, this Part and any regulations adopted hereunder.

(b) The Sewage Enforcement Officer may refuse to grant a permit for the construction of an individual sewage disposal system where public or community sewage systems are available within one hundred fifty feet (150') of the residence to be served.

(c) Applications for permits shall be in writing, shall be signed by the property owner and shall include the following:

- (1) Name and address of the applicant.
- (2) Lot and block number of property on which construction, alteration or extension is proposed.
- (3) Complete plan of the proposed sewage disposal facility, with substantiating data, attesting to its compliance with the minimum standards as set forth in the Pennsylvania Sewage Facilities

Act, this Part and their regulations. A complete plan shall include, but not be limited by, the following:

(1) The number, location and size of all sewage disposal facilities to be constructed, altered, repaired or extended.

(2) The location of water supplies, water supply piping, existing sewage disposal facilities, buildings or dwellings, adjacent lot lines, and streets.

(3) Plans of the proposed sewage disposal facilities to be constructed, altered, repaired or extended.

(4) Such information as may be required by the Sewage Enforcement Officer to substantiate that the proposed construction, alteration, repair or extension complies with regulations promulgated by the Commonwealth and the Township of Amity.

(d) Any person whose application for a permit under this Part has been denied may request, in writing, within thirty (30) days of said denial, a hearing before the Board of Supervisors. The Board shall then schedule a hearing within fifteen (15) days of receipt of said written request. The within procedure for requesting review of denial of a permit shall be considered an administrative remedy for said refusal.

(Ordinance 69, July 16, 1976, Section 3)

Section 206. Fees. The Sewage Enforcement Officer shall prepare and submit to the Board of Supervisors a schedule of fees to be paid to the Township by the applicant for services to be rendered with respect to initial on-lot inspection, evaluation of soil profile and percolation data, design of system and final inspection; if applicable, also for excavation of the test pit and percolation holes, description of the soil horizon, and performance of percolation tests and re-inspections, if required. The schedule of fees submitted by the Sewage Enforcement Officer shall be subject to the approval of the Board of Supervisors and any revisions thereof must be approved by the Board. The Sewage Enforcement Officer or the Board of Supervisors shall prepare and distribute to prospective applicants guidelines informing them of the various procedural steps incidental to the complete application permit process, including costs involved at various step levels. The schedule of fees referred to herein shall be set forth in a resolution or resolutions of the Board of Supervisors of Amity Township. (Ordinance 69, July 16, 1976, Section 4)

Section 207. Enforcement.

(a) Any person violating any of the provisions of this Part shall be subject to the civil and criminal penalties authorized pursuant to Sections 13 and 13.1 of the Act, as amended.

(b) In addition to the penalties for noncompliance set forth in Subsection (a) above, it is further provided that all of the civil and

equitable remedies set forth in Sections 12, 14 and 15 of the Act (35 P.S. §§ 750.12, 750.14 and 750.15), as amended, shall be applicable to violations of this Part.

(Ordinance 148, May 1, 1995, Section III)

Section 208. Severability. If any section or clause of this Part shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions of this Part, which shall be deemed severable therefrom. (Ordinance 69, July 16, 1976, Section 6; as amended by Ordinance 148, May 1, 1995, Section V)

Part 3

Public Sewage Disposal System

Subpart A. Installation and Construction Standards.

Section 301. Purpose. The purpose of this Subpart is to establish and adopt standard technical specifications for sanitary sewage facilities proposed to be constructed or installed as an addition or expansion or by connection to the Amity Township collection, transmission, transportation and treatment system. (Ordinance 143, May 2, 1994; Section 1)

Section 302. Standard Technical Specifications. The Board of Supervisors of Amity Township hereby adopts the Standard Technical Specifications and Details, a copy of which is on file at the Township offices, as may be amended or revised from time to time by motion or resolution of the Board of Supervisors, and it shall be unlawful for any resident, property owner, developer, corporation, partnership, association or individual to construct or install any sanitary sewage treatment facilities that are proposed to be dedicated to the Township of Amity or are proposed to extend, be added to or connected to the Amity Township collection, transmission, transportation or treatment facilities unless they are in compliance with the standard technical specifications as amended or revised. (Ordinance 143, May 2, 1994, Section 2)

Section 303. Submission of Plan. A plan, designating and depicting design criteria consistent with the standard technical specifications, shall be submitted to the Amity Township Board of Supervisors for review and subject to the approval of the Board of Supervisors and the Township Engineer prior to performance of any work, including but not limited to any excavation, trenching, street opening and grading, and prior to the installation of any materials or facilities or construction of any structures anticipated to become part of the sanitary sewage facilities. (Ordinance 143, May 2, 1994, Section 3)

Section 304. Review Fees. The applicant shall tender, concurrent with the presentation of any design plans, a fee, in accordance with a schedule of fees as may be established and amended from time to time by resolution of the Amity Township Board of Supervisors, which fee shall be intended to defray the costs of administrative processing and review of said plan and technical specifications and shall not constitute or qualify for credit against any tapping, connection or sewer reservation fee as may be established by the Amity Township Board of Supervisors with regard to the transportation, transmission, treatment or disposal and discharge of sanitary sewage effluent received into the Amity Township sanitary sewage facilities. (Ordinance 143, May 2, 1994, Section 4)

Section 305. Severability. If any sentence, clause, section or part of this Subpart is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Subpart. It is hereby declared as the intent of the Board of Supervisors of Amity Township that this Subpart would have been adopted had such

) unconstitutional, illegal or invalid sentence, clause, section or part thereof
not been included herein. (Ordinance 143, May 2, 1994, Section 5)

Subpart B. Sewer Rentals; Waste Discharges; Rules and Regulations.

Section 320. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Subpart shall be as follows:

(a) Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, Public Law 92-500, as amended, 33 U.S.C. 1251, et. seq.

(b) Agency (Regulatory Agency). Any local, municipal, State, regional or Federal entity with jurisdiction over wastewater disposal or environmental matters in the Amity Township's service area.

(c) Ammonia Nitrogen (NH₃-N). The quantity of elemental nitrogen present in the form of ammonia as analyzed by the approved EPA method, expressed in terms of mg/l.

(d) Authority. The Amity Township Municipal Authority, a Pennsylvania municipal authority.

(e) BOD (Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees Centigrade (20°C), expressed in parts per million by weight. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association.

(f) 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.

(g) COD (Chemical Oxygen Demand). The quantity of oxygen expressed in mg/l utilized in the chemical oxidation of organic matter under standard laboratory procedure.

(h) Commercial Establishment. Any improved property used, in whole or in part, for sale and distribution of any product, commodity, article or service.

(i) Composite Sample. A sample prepared by combing discrete samples collected from the waste stream either at periodic time intervals or in proportion to the waste stream flow. The frequency of discrete sample collection is a function of variability of types of pollutant(s) concentration(s) and/or volume of wastestream flow.

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

(k) 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 concentrations, the daily discharge of the arithmetic average measurement of the pollutant derived from all measurements taken that day.

(l) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania which may occur through the Township's stormwater conduits.

(m) Dissolved Solids. The anhydrous residues of the dissolved constituents in water or wastewater.

(n) Domestic Consumer Unit. Any room, group of rooms or enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by a person living alone.

(o) Domestic Sewage. The normal water-carried household and toilet wastes from a domestic consumer unit, commercial establishment, institutional establishment and industrial establishment.

(p) Dwelling Unit (Residential Unit). Any room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as a separate business or as separate living quarters by a family or other group of persons living together or by a person living alone.

(q) Environmental Protection Agency (EPA). The United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(r) Equivalent Domestic Consumer Unit. Volume not in excess of twelve thousand five hundred (12,500) gallons per calendar quarter of standard strength domestic sewage or industrial wastes, based upon water consumption or adjusted water consumption or metered sewage, whichever of said methods is applicable for the determination of volume, as provided in this Subpart.

(s) Existing Sewer System. The existing sewage collection system and related facilities situate in the area of the Township known as Amity.

(t) Garbage. Solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from handling, storage and sale of product.

(u) Grab Sample. An individual discrete sample collected from a wastestream taken at neither set time nor set flow.

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

(w) Ground Water. Water which is standing in or passing through the ground.

(x) Hazardous Pollutants. Substances so defined pursuant to criteria established within Section 311 of the Act.

(y) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, vacuum-pump tank trucks or trucked or hauled pollutants and/or sludge.

(z) Improved Property. Any property connected to and served by the sewer system upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure domestic sewage or industrial wastes is or may be discharged.

(aa) Indirect Discharge or Discharge. Introduction of pollutants into the Township wastewater treatment plant from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.

(bb) Industrial Establishment. Any improved property used, in whole or in part, for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article.

(cc) Industrial Wastes. Any solid, liquid or gaseous substance or form of energy ejected or escaping from any industrial, commercial, manufacturing, trade or business process or from the development, recovery or processing of natural resources, as distinct from domestic sewage.

(dd) Institutional Establishment. Any improved property not constituting a commercial establishment, domestic consumer unit or industrial establishment which is used by any group of persons not constituting a separate entity under Section 326 of this Subpart.

(ee) Large Consumer. A person whose consumption of water is in excess of fifteen thousand (15,000) gallons per calendar quarter in the case of a domestic consumer unit, and any commercial establishment, institutional establishment or industrial establishment, regardless of water consumption.

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

(gg) Mass Loading. The mass of pollutant(s) discharged from a user's connection with respect to either time, or in cases of certain industrial users, in terms of characteristic production units.

(hh) May is permissive; shall is mandatory.

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

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

(kk) National Categorical Pretreatment Standards (Pretreatment Standards, Categorical Standards). Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and 307(c) of the Act (33 U.S.C. §1341) which applies to a specific category of industrial users and pretreatment standards as published in 40 CFR, Parts 405-471.

(ll) National Prohibitive Discharge Standards (Prohibitive Discharge Standards, General Pretreatment Regulations). Any regulation containing pollutant discharge limits promulgated by the EPA under the authority of Section 307(b) of the Act and as published in 40 CFR, Parts 401-403.

(mm) National Standards (National Pretreatment Standards, Pretreatment Standard, Standard). The collective system of National Categorical Pretreatment Standards and National Prohibitive Discharge Standards as published in 40 CFR, Parts 401-471.

(nn) National Pollution Discharge Elimination System Permit (NPDES Permit). A permit issued to Amity Township pursuant to Section 402 of the Act (33 U.S.C. §1342).

(oo) Non-domestic Source. A source of wastewater which contains pollutants other than sanitary wastewater.

(pp) Non-domestic Waste. Any liquid or gaseous substance, whether or not solids are contained therein, discharged from any non-domestic sewer user during the course of any industrial, manufacturing, trade or business process or in the course of development, recovery or processing of natural resources, as distinct from normal domestic waste.

(qq) Metered Non-Residential Customer. All customers not classified as a residential customer.

(rr) Normal Strength Waste. Sewage which when analyzed by the Township shows a daily average of not more than two hundred fifty (250) MG/L of total suspended solids and/or not more than two hundred fifty (250) MG/L of BOD5.

(ss) Metered Residential Customer. A customer who is a single-family residential facility connected to the sewer system.

(tt) Objectionable Waste. Any wastes that can in the Township's judgment harm either the sewers or sewage treatment process or equipment; can have an adverse effect upon the receiving stream; can otherwise endanger life, health or property; or which constitutes a public nuisance.

(uu) Owner. Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

(vv) Person. Any individual, firm, partnership, company, association, society, corporation or other group or entity.

(ww) pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution, and is an indication of acidity or alkalinity of a solution.

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

(yy) ppm. Parts per million by weight.

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

(aaa) Representative Sample. A sample extracted from the wastestream whose characteristics are completely indicative of overall wastestream quantity, quality, variations in the same and of the process generating the wastestream.

(bbb) Sewer. Any collecting sewer in the Township, as of any particular time, forming a part of the sewer system.

(ccc) Sewer System. All facilities, as of any particular time, for collecting, transporting, treating and/or disposing of sewage and wastes situated in the Township.

(ddd) Sewage Treatment Plant. The Amity Township Wastewater Treatment Plant which is an arrangement of devices and structures used for treating and disposing of sanitary sewage and certain industrial wastes. The address of the treatment plant is as follows: 500 Old Philadelphia Pike, Douglassville, PA 19518.

(eee) Shall is mandatory; may is permissive.

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

(ggg) Split Sample. A technique whereby a sample is divided into multiple aliquots for multiple analytical investigations.

(hhh) Storm Water (Stormwater). That portion of the precipitation which runs off over the surface during a storm and/or a short period following a storm and enters the sewer system and causes the flow at the sewage treatment plant to exceed the normal or ordinary flow.

(iii) Stormwater Sewer (Storm Sewer, Storm Drain). A pipe or conduit intended for carrying stormwater and/or noncontact cooling water.

(jjj) Strong Waste. Any non-domestic waste having a BOD5 greater than two hundred fifty (250) mg/l and a total suspended solids greater than two hundred fifty (250) mg/l.

(kkk) Strong Waste Surcharge. A charge levied on non-domestic users of the treatment works for the additional cost of treating their abnormal strength wastes.

(lll) Total Solids. Solids that either float on the surface of or are in suspension or dissolved in water, sewage or other liquids and which shall be determined by laboratory analysis.

(mmm) Township. The Township of Amity, Berks County, Pennsylvania, a Pennsylvania municipality, acting by and through its Board of Supervisors, in appropriate cases, acting by and through its authorized representatives.

(nnn) Toxic (Priority) Pollutants. Any pollutant or combination of pollutants which have been so declared in regulations promulgated pursuant to Section 307(a) of the Act, or pursuant to Pennsylvania statutes and rules, or as otherwise may be so discerned and classified by responsible agencies due to toxic health effects to the general populace and surrounding environs.

(ooo) Toxic Substance. Any noxious and/or deleterious substance in sufficient quantity, either singly or by interaction with other wastes, which is determined by the Township, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in any sewer system or in the receiving stream of the sewage treatment plant.

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

(qqq) Wastewater. The liquid and water-borne wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the POTW collection facilities.

(rrr) Wastewater Treatment System or Township Wastewater Management System. All components, piping, valving, equipment, structures,

conveyance facilities, collection facilities and other sewerage facilities administered by the Township for purposes of wastewater collection, conveyance and/or treatment.

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

(Ordinance 147, January 16, 1995, Section 1)

Section 321. Abbreviations. The following abbreviations shall have the designated meanings:

- (a) BOD5 - Biochemical oxygen demand
- (b) CERCLA - Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. §9601 et. seq.
- (c) CFR - Code of Federal Regulations
- (d) COD - Chemical oxygen demand
- (e) DER - Pennsylvania Department of Environmental Resources
- (f) EDTA - Ethylenediaminetetraacetic acid
- (g) EPA - United States Environmental Protection Agency
- (h) l or L - Liter
- (i) mg or MG - Milligrams
- (j) mg/l or MG/L - Milligrams per liter
- (k) NH3-N - Ammonia nitrogen
- (l) NPDES - National Pollutant Discharge Elimination System
- (m) NTA - Nitritotriaetic acid
- (n) POTW - Publicly owned treatment works
- (o) RCRA - Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et. seq.
- (p) SIC - Standard industrial classification

- (q) SIU - Significant industrial user
- (r) SWDA - Solid Waste Disposal Act, 42 U.S.C. § 6901, et. seq., as amended by RCRA
- (s) TSS - Total suspended solids
- (t) U.S.C. - United States Code

(Ordinance 147, January 16, 1995, Section 1)

Section 322. Sewer Rentals or Charges. Annual sewer rentals or charges hereby are fixed and imposed and shall be collected from the owner of each improved property, or use of the sewer system, whether such use shall be direct or indirect, which sewer rentals or charges shall commence and shall be effective as to those improved properties now or hereafter connected to the sewer system as of the date of the first connection of an improved property and shall be a charge, payable quarterly, as hereinafter provided. (Ordinance 147, January 16, 1995, Section 2)

Section 323. Sewer Rentals or Charges for Domestic Sewage of Domestic Consumer Units. The sewer rental or charge for each domestic consumer unit (other than large consumers) shall be payable at the rate in accordance with a schedule of rates and charges set forth in a resolution to be modified and adopted from time to time by the Township per quarter annum. Each domestic consumer unit in a double house, in a row of connecting houses or in an apartment building shall be billed as and considered as a separate entity. (Ordinance 147, January 16, 1995, Section 3A)

Section 324. Sewer Rentals or Charges for Industrial Wastes and Domestic Sewage of Large Consumers. The sewer rental or charge for industrial wastes and domestic sewage of large consumers shall be on the basis of equivalent domestic consumer units. The consumption of water, as determined by water meter readings, or adjusted water consumption or sewer meter readings, in gallons per quarter annum period, whichever shall be applicable for computing such sewer rentals or charges under this Subpart, shall be divided by twelve thousand five hundred (12,500) to obtain the number of equivalent domestic consumer units; provided, however, that less than twelve thousand five hundred (12,500) gallons during any one (1) quarter annum period shall constitute one full equivalent domestic consumer unit. The basic sewer rental or charge (other than a strength of waste surcharge, if any, from time to time imposed by the Township) shall be computed by multiplying the number of equivalent domestic consumer units for such quarter annum period by the rate payable per domestic unit per quarter in accordance with a schedule of rates and charges set forth in a resolution to be modified and adopted from time to time by the Township. (Ordinance 147, January 16, 1995, Section 3B)

Section 325. Additional Sewer Rentals or Charges for Industrial Wastes. Industrial wastes may be stronger and more difficult to treat than domestic sewage. Therefore, the Township reserves the right to impose a strength of waste surcharge, from time to time, as deemed necessary. See Sections 334 and 335 of this Subpart. (Ordinance 147, January 16, 1995, Section 3C)

Section 326. Methods of Measuring Volume of Industrial Wastes.

(a) Whenever a person purchasing all water used from a municipal or other public source shall discharge only industrial wastes to the sewer system, the volume of water purchased shall be used as a measure of the quantity of industrial wastes so discharged.

(b) Whenever a person purchasing all water used from a municipal or other public source shall discharge combined domestic sewage and industrial wastes to the sewer system, the volume of water purchased chargeable as industrial wastes shall be the total volume of water purchased, less the volume of water determined to be domestic sewage. The volume of water determined to be domestic sewage shall be determined, at the option of the Township, in either of the following ways:

(1) Actual measured flow; or

(2) By multiplying the average number of employees in the establishment during the calendar quarter annum preceding the time of billing by two thousand two hundred fifty (2,250) gallons.

(c) Whenever a person purchasing water from a municipal or public source and discharging industrial wastes to the sewer system also shall discharge unpolluted cooling water either to a separate storm sewer or to some other outlet, an allowance in the nature of a credit for the volume of water so otherwise discharged shall be made in computing the sewer rentals or charges. The person so discharging cooling water at his own expense shall install a meter or meters, as necessary, to indicate accurately the volume of water claimed as such credit in making such allowance.

(d) Whenever a person using a private water supply shall discharge industrial wastes to the sewer system, such person shall install, at his own expense, either a water meter or meters on the source or sources of supply, as may be required to measure the total volume of water used, which total volume of water used shall be subject to adjustment as provided in subsections (b) and (c) of this Section or a sewer meter or meters on the sewer line leaving the improved property so as to measure the entire volume of domestic sewage and/or industrial wastes discharged to the sewer system, which volume shall be subject to adjustment as provided in Subsection (b) of this Section.

(Ordinance 147, January 16, 1995, Section 3D)

Section 327. Measurement of Concentration of Industrial Wastes.

(a) The Township or the person owning any improved property from which industrial wastes are discharged shall request the collection and analysis of samples of industrial wastes for use as a basis of determining additional sewer rentals or charges, if any, as provided for in Section 325 of this Subpart. Such collection and analysis shall be made by a competent registered engineer acceptable to and approved by the Township and in accordance with subsection (b) of this Section.

(b) All sampling shall be of a representative manner and in accordance with 40 CFR 403.12. The collection and analysis of samples obtained shall be made in accordance with U.S. EPA methodology and procedures, including 40 CFR, Part 136, as amended.

(Ordinance 147, January 16, 1995, Section 3E)

Section 328. Facilities to be Provided. When required by the Township, the owner of any improved property discharging industrial wastes to the sewer system shall install a suitable control manhole in the sewer service line serving the improved property to facilitate observation, sampling and measurement of such industrial wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Township. The manhole shall be installed by the owner, at his own expense, and shall be maintained by such owner so as to be safe and accessible at all times. (Ordinance 147, January 16, 1995, Section 3F)

Section 329. Access. The Township or its duly authorized representative or representatives, at all reasonable times, shall be permitted to enter upon any improved property for the purpose of inspection, observation, measurement, sampling and testing in accordance with provisions of this Subpart. (Ordinance 147, January 16, 1995, Section 3G)

Section 330. Changes in Type of Industrial Wastes. Any person whose improved property is connected to the sewer system and who is discharging industrial wastes there into, and who shall propose to change methods of operation so as to alter the type of industrial wastes then being discharged, shall notify the Township, in writing, at least fifteen (15) days previous to such change so that the Township may sample the industrial wastes immediately after such change takes place in order to make determinations provided for or required by this Subpart. (Ordinance 147, January 16, 1995, Section 3H)

Section 331. Reservation of Rights by Township. No provision of this Subpart shall be construed as preventing any special arrangement or agreement between the Township and any person whereby industrial wastes of unusual strength or character maybe accepted into the sewer system, subject to equitable payment in connection therewith by the person concerned. (Ordinance 147, January 16, 1995, Section 3I)

Section 332. Meters Required. When any person shall connect an improved property to the sewer system, such person, at his own expense, shall have installed, if such then shall not be installed, a water meter or meters or a sewer meter or meters as shall be required or permitted under terms of this Subpart for the purpose of making possible the determination of sewer rentals or charges under provisions of this Subpart.

(a) All such meters shall be installed by a registered plumber registered in the Township. The Township shall inspect the installation upon completion of the installation as to the suitability for the intended purpose of measuring consumption of water or sewage which will flow to the sewer system. Customers will be billed quarterly based on consumption measured through the meter.

(b) No customer shall modify plumbing which would alter or affect the measurement of water passing through the meter without prior notification and prior approval by the Township. The Township will inspect any such modifications to determine the effectiveness and suitability of the meter in measuring the consumption of all water or sewage which would flow to the sewer system.

(c) There shall be no by-passing of flows from before any meter if such unmeasured flows could flow to the sewer system.

(Ordinance 147, January 16, 1995, Section 3J)

Section 333. Exclusion from Sewer System of Certain Water. Exclusion from the sewer system of non-contaminated waste waters and waters used solely for cooling purposes may be required by the Township or such exclusion may be optional with any person if not required by the Township. (Ordinance 147, January 16, 1995, Section 3K)

Section 334. Strong Waste Surcharge; Additional Charges for Strong Wastes. There shall be additional charges for non-domestic wastes, discharged to the sewer system from any industry, business or commercial enterprise, and having suspended solids, BOD₅, and/or ammonia nitrogen in excess of the average suspended solids, BOD, and/or ammonia nitrogen of normal domestic sewage. Normal domestic sewage shall be defined as having the following concentrations:

- (a) BOD₅ - 250 mg/l
- (b) Total suspended solids - 250 mg/l
- (c) Ammonia nitrogen - 25 mg/l

There shall be no strong waste surcharges applied to domestic wastes. (Ordinance 147, January 16, 1995, Section 3L)

Section 335. Surcharge Formula. In order to determine the additional charge for non-domestic wastes with strength greater than that of normal domestic sewage, the following formula shall be used:

$$S_o = 0.00834 Q_i [BOD_T - 250] TA - (SS_1 - 250) TB - (NH_3N_T - 25) TC$$

Where:

S_o 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.

Q_i is the quarterly volume of non-domestic wastewater flow expressed in millions of gallons.

BOD_T is the five (5) day BOD of the non-domestic wastewater expressed in mg/l.

SS₁ is the total suspended solids in mg/l of the non-domestic wastewater.

NH₃N₁ is the ammonia nitrogen in mg/l of the non-domestic wastewater.

250, 250 and 25 are constants expressing waste load strength of domestic waste in mg/l for the respective pollutant parameters.

TA represents the cost incurred by the Township in treating one thousand (1,000) pounds of BOD₅, TB represents the cost of treating one thousand (1,000) pounds of total suspended solids, and TC represents the cost of treating one thousand (1,000) pounds of ammonia nitrogen. TA, TB and TC vary each year as treatment plant operation and maintenance costs change. Therefore, TA, TB and TC shall be determined at the beginning of each year by the Township based upon budgeted operating costs and adopted by Resolution of the Board of Supervisors.

When a value of BOD₅ and/or suspended solids of a non-domestic waste is less than 250 mg/l, the value of 250 shall be used in the calculation of the strong waste discharge in place of the actual value which is less than 250 mg/l. When a value of ammonia nitrogen is less than 25 mg/l, the value of 25 shall be used in the calculation in place of the actual value which is less than 25 mg/l.

(Ordinance 147, January 16, 1995, Section 3L)

Section 336. Township May Make Additions and Changes. Additional classifications and sewer rentals and charges or modifications of the above schedule of sewer rentals and charges may be adopted and promulgated by the Township, from time to time, as shall be deemed necessary. (Ordinance 147, January 16, 1995, Section 3M)

Section 337. Grease Traps.

(a) The Township shall require the installation of grease separators in building sewers serving hotels, restaurants and other facilities likely, in the judgment of the Township, to discharge significant quantities of oil and grease into the sanitary sewer system. It shall be the responsibility of the owner to properly clean or have the same cleaned and maintain such grease separations.

(b) Grease traps must be periodically cleaned by the owner and are subject to Township inspections. The material that is removed from the grease trap must be disposed of in accordance with the latest local, state and federal regulations. The owner of the grease trap shall furnish certification of the dates and times of the cleaning of the grease traps to the Township, and if cleaned by a professional, receipts shall also be submitted by the owner. The receipts and/or the certified dates and times of cleaning shall be mailed to the superintendent of the Amity Township Wastewater Treatment Plant on the date the grease trap was cleaned. The Treatment Plant address is: 500 Old Philadelphia Pike, Douglassville, PA 19518.

(c) The Township must have means of obtaining grab samples from the discharge side of the grease trap for the purpose of determining compliance with Subsection 338(b). Any violation of discharges of fat, oil or grease in excess of Subsection 338(b) shall be grounds for applying a surcharge per Sections 334 and 335 of this Subpart. The surcharge shall be applied to the amount of flow recorded during the preceding quarter from the date of the violation.

(Ordinance 147, January 16, 1995, Section 3)

Section 338. Prohibited Wastes. No person shall discharge or cause to be discharged into any sewer or the sewer system any storm water, roof or surface drainage or any domestic sewage or industrial wastes:

(a) Having a temperature higher than one hundred fifty degrees F (150°F) or less than thirty-two degrees F (32°F), or containing heat in amounts which will inhibit biological activity in the sewage treatment plant resulting in interference, but in no case heat in such quantities that the temperature of the influent of the treatment plant exceeds one hundred four degrees F (104°F).

(b) Containing more than one hundred (100) ppm of fat, oil or grease; or containing floatable oils, fats or grease.

(c) Containing any gasoline, benzene, naphtha, fuel oil, paint products, kerosene, toluene, xylene, ethers, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides or other inflammable or explosive liquid, solid or gas; and/or containing any liquids, solids or gases with a closed cup flashpoint of less than one hundred forty degrees F (140°F), which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the treatment plant or to the operation of the treatment plant, or any other flammable or explosive substances which the Township, the Commonwealth of Pennsylvania, Department of Environmental Resources or the Environmental Protection Agency has notified the user is a fire hazard or a hazard to the Township wastewater management system.

(d) Containing garbage that has not been ground to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particles under any circumstances greater than one-half inch (1/2") in any dimension. Garbage grinding for the purpose of discharge to the sewer system shall be applied only to food waste from processors preparing food for consumption on the premises.

(e) Containing any solid or viscous substances in quantities or of size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities. Such substances include, but are not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, rags, feathers, tar, plastic, wood, paunch manure, butchers offal, whole blood or blood products, bentonite, lye, building materials, rubber, hair, leather, porcelain, china, ceramic

wastes, asphalt, paint, waxes or any other solids or viscous substances capable of causing obstruction to the flow in the sewer system or other interference with the proper operation of the sewer system or the sewage treatment plant.

(f) Having a pH (as determined by consulting engineers for the Township) lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the aforesaid sewage treatment plant.

(g) Containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, or to create any hazard in the receiving water of the aforesaid sewage treatment plant. Toxic wastes shall include wastes containing cyanide, copper and/or chromium ions.

(h) Containing total solids of such character and quantity that unusual attention or expense is required to handle such materials for sewage treatment processes.

(i) Containing any noxious or malodorous gas or substance, which either singly or by interaction with other wastes, is in the judgment of the Township capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance and repair, unless otherwise permitted, authorized or approved by the Township and the Commonwealth of Pennsylvania or any duly constituted board, commission or department thereof having jurisdiction in the premises.

(j) Any substance which may cause the wastewater treatment plant effluent or any other product of the treatment plant thereof such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the sewer system cause the wastewater treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Clean Water Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or Commonwealth criteria applicable to the sludge management method being used.

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

(l) Containing any toxic radioactive isotopes in excess of that allowed by State or Federal law and without special permit.

(m) Having a chlorine demand in excess of twelve (12) mg/l.

(n) Prohibited by any permit issued by the Commonwealth of Pennsylvania, or by the U.S. Environmental Protection Agency or any other Federal agency.

(o) Containing wastes which are not amendable to biological treatment or reduction in existing treatment facilities, specifically non-biodegradable complex carbon compounds.

(p) Quantities of flow or concentrations, or both, which constitute a "slug" as defined in Section 320 of this Subpart.

(q) Any waters which are used for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations. The Township may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate.

(Ordinance 147, January 16, 1995, Section 4)

Section 339. Increased Use of Process Water to Dilute Wastewater Discharge Prohibited. No user shall ever increase the use of process water to dilute or, in any other way, attempt to dilute a wastewater discharge as a partial or complete substitute for adequate treatment to achieve compliance with this Subpart. (Ordinance 147, January 16, 1995, Section 4R)

Section 340. Township Permitted to Set Lower or Higher Limitations. The Township may set lower or higher limitations than those limitations adopted by Resolution in specific cases, if, in the opinion of the Township, said actions will not harm either the sewer or the treatment plant, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb or public property, or constitute a nuisance. In the setting of such lower or higher limitations, the Township will give consideration to such factors as the quantity 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. The more stringent of U.S. EPA or Commonwealth of Pennsylvania requirements and limitations shall apply in any case where either is more stringent than those adopted by Resolution. (Ordinance 147, January 16, 1995, Section 4S)

Section 341. Special Agreements or Arrangements. Nothing in this Subpart shall be construed as preventing any special agreement or arrangement between the Township and any user of the sewage system whereby wastewater of unusual strength or character is accepted into the sewer system should such wastewater be deemed by the Township to be acceptable for treatment without harm to the treatment works or operating personnel. Special agreements are allowed only if the wastewater is within acceptable levels according to State and/or Federal laws and regulations. Each special agreement must first be approved by the U.S. EPA as a substantial modification under 40 CRF 403.18. (Ordinance 147, January 16, 1995, Section 4T)

Section 342. Reservation of Right to Inspect. The Township hereby reserves the right to inspect any building sewer, lateral or collecting sewer that discharges wastewater directly or indirectly to the Township's facilities to determine compliance with this Subpart. (Ordinance 147, January 16, 1995, Section 4U)

Section 343. Suspension/Reinstatement of Services.

(a) The Township may suspend the wastewater treatment services to a user when such suspension is necessary, in the opinion of the Township, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the sewage treatment plant, damage to the collection system or causes the Township to violate any condition of its NPDES permit. Said suspension may take place after informal notice to the user.

(b) Any person notified of a suspension of wastewater treatment service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Township may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the sewer system or endangerment to any individuals.

(c) The Township shall reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge.

(Ordinance 147, January 16, 1995, Section 4V-X)

Section 344. Accidental Discharges. Any user who, in the opinion of the Township, may accidentally discharge materials or substances which are prohibited materials or other substances regulated by this Subpart shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Subpart. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Township for review and shall be approved by the Township before construction of the facility. (Ordinance 147, January 16, 1995, Section 4Y)

Section 345. Notification of Nonroutine Discharge. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Subpart. 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, it is the responsibility of the user to immediately telephone and notify the Township of the incident. The notification shall include the location of discharge, the type of waste, the concentration and volume, and corrective actions. (Ordinance 147, January 16, 1995, Section 4Z)

Section 346. Written Report of Nonroutine Discharge. Within five (5) days following said discharge, the user shall submit to the Township a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to person or property; nor shall such notification relieve the user of any fines, civil or criminal penalties, or other liability

which may be imposed by this Subpart or other applicable law. (Ordinance 147, January 16, 1995, Section 4AA)

Section 347. Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ordinance 147, January 16, 1995, Section 4BB)

Section 348. Slug Control Plan. The Township shall evaluate, at least once every two (2) years, whether each industrial user needs a plan to control slug discharges. For purposes of this Section, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge. If the Township decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(a) Description of discharge practices, including non-routine batch discharges.

(b) Description of stored chemicals.

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

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

(Ordinance 147, January 16, 1995, Section 4CC)

Section 349. Time and Method of Payment.

(a) In the case of an owner of any improved property whose bill for sewer rentals or charges shall be computed upon the basis of water volume usage the billing shall be based upon water consumption for the immediately preceding quarter annum.

(b) In the case of an owner of improved property whose quarterly bill for sewer rentals or charges shall be computed on a basis independent of water volume usage, the bills for sewer rentals or charges shall be rendered in calendar quarters, on the first days of January, April, July and October, respectively, in each year, or on such other dates as the Township, by resolution, shall specify, and shall cover a quarterly billing period consisting of the immediately preceding three (3) complete calendar months.

(c) All bills shall be due and payable without penalty one (1) day after mailing or delivery by or on behalf of the Township to the person responsible for payment thereof.

If quarterly bills shall not be paid within thirty (30) days after such shall become due and payable, a penalty of ten percent (10%) shall be added. Payments mailed and postmarked on or before such thirtieth (30th) day shall be deemed to be payments within the period allowed for payment without penalty. If such thirtieth (30th) day shall be a legal holiday or a Sunday, payments made on or mailed and postmarked on the next succeeding business day not a legal holiday shall be deemed to be payments within the period allowed for payment without penalty.

(d) Whenever service to any improved property shall begin after the first (1st) day or shall terminate before the last day of any calendar quarter, the sewer rental or charge for such period shall be prorated suitably for that portion of the calendar quarter during which service was provided by the Township.

(e) Failure of any person to receive any bill for quarterly sewer rentals or charges shall not be considered an excuse for nonpayment nor shall such failure result in an extension of the period of time during which such bill shall be payable without penalty.

(Ordinance 147, January 16, 1995, Section 5)

Section 350. Lien, Filing of Liens, Collection of Sewer Rental or Charges.

The sewer rentals or charges hereby imposed shall be a lien on the improved property connected to and served by the sewer system from the date such sewer rental or charge becomes due and payable under provisions of this Subpart; and all sewer rentals or charges hereby imposed which shall not be paid after sixty (60) days notice, at the discretion of the Township, shall be entered as a lien against the improved property so connected to and served by the sewer system, which lien shall be filed in the office of the Prothonotary of Berks County, Pennsylvania, in the manner provided by law for the filing of municipal claims. All delinquent bills shall be collected by the Township in any manner permitted and authorized by law. (Ordinance 147, January 16, 1995, Section 6)

Section 351. Right to Refuse Connection to or Compel Discontinuance of Use of Sewer System or to Compel Pretreatment.

The Township reserves the right to refuse to any person the privilege of connection to the sewer system, or to compel the discontinuance of use of a sewer and the sewer system by any person or to compel the pretreatment of any industrial wastes in order to prevent discharges into the sewer system of any wastes deemed to be harmful to the sewer system or to have a deleterious effect on sewage treatment processes. (Ordinance 147, January 16, 1995, Section 7)

Section 352. Access.

Representatives of the Township shall have access at all times to any improved property which shall be connected to the sewer system and any meters used for purposes of establishing or determining water consumption, water excluded from the sewer system or domestic sewage or industrial wastes discharged to the sewer system. (Ordinance 147, January 16, 1995, Section 8)

Section 353. Screening and Holding Tanks.

(a) Industrial establishments shall install fine screens to remove husks, hulls, vegetable skins, peelings, threads, lint, grease or other such non-settleable and floating solids, or other organic or inorganic substances determined by the Township to overload, impair the efficiency of or cause difficulties in operation of the sewage treatment plant which forms part of the sewer system or in maintaining required quality of treatment plant effluent.

(b) Any improved property discharging fifty thousand (50,000) gallons or more of domestic sewage and/or industrial waste per day into the sewer system and having large variations in the rate of discharge of such within the twenty-four (24) hour daily period shall install suitable holding tanks for equalizing the rate of discharge uniformly over the entire twenty-four (24) hour daily period. The average twenty-four (24) hour daily period rate of discharge shall not be exceeded by more than fifty percent (50%) at any time.

(Ordinance 147, January 16, 1995, Section 9)

Section 354. Adoption of Additional Rules and Regulations. The Township reserves the right to adopt and from time to time the Township may adopt such additional rules and regulations as it shall deem necessary and proper for use and operation of the sewer system, which rules and regulations shall be, shall become and shall be construed as a part of this Subpart. (Ordinance 147, January 16, 1995, Section 10)

Section 355. Construction and Severability. In the event any provision, section, sentence, clause or part of this Subpart shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Subpart, it being the intent of the Township that such remainder shall be and shall remain in full force and effect. (Ordinance 147, January 16, 1995, Section 12)

Subpart C. Sewer Connections; Rules And Regulations

Section 370. Declaration of Purpose. It is declared that the enactment of this Subpart is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Township. (Ordinance 154, August 19, 1996, Article IX)

Section 371. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Subpart shall be as follows:

(a) Building Sewer. The extension from the sewer drainage system of any building or structure to the lateral of a sewer.

(b) Improved Property. Any property located within this Township upon which there is erected a building or 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.

(c) Industrial Wastes. Any solid, liquid or gaseous substance or form of energy emitted, expelled, exhausted, rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage, as that term in hereinafter defined.

(d) 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.

(e) Owner. Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

(f) Person. Any individual, partnership, company, association, society, corporation or other group or entity whether singular or plural.

(g) Sanitary Sewage. Normal water-carried household and toilet wastes from any improved property.

(h) Sewer. Any pipe or conduit constituting a part of the sewer system, used or usable for sewage collection purposes.

(i) Sewer System. All facilities, as of any particular time, for collecting, pumping, transporting, conveying, treating and disposing of sanitary sewage and/or industrial wastes, to be owned and operated by the Township.

(j) Township. The Township of Amity, Berks County, Pennsylvania, a Pennsylvania municipality acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

(Ordinance 154, August 19, 1996, Article I)

Section 372. Use of Public Sewers Required.

(a) The owner of any improved property which is located in the Township and is accessible to and whose principal building is within one hundred fifty feet (150') of the sewer system shall connect such improved property therewith, in such manner as the Township may require, within sixty (60) days or such other additional time as may be determined appropriate by the Township after notice to such owner from the Township to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established by the Township, from time to time.

(b) All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer, shall be required under Subsection (a) of this Section, shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or as otherwise shall be established by the Township, from time to time.

(c) No person shall place or deposit or permit to be placed or deposited upon public or private property within the Township any sanitary sewage or industrial wastes in violation of Subsection (a) of this Section.

No person shall discharge or permit to be discharged to any outlet, natural or created, within the Township any sanitary sewer or industrial wastes in violation of Subsection (a) of this Section, except where suitable treatment has been provided which is satisfactory to the Township, and is consistent and in compliance with the statutes of the Commonwealth of Pennsylvania and the terms of any rules, regulations or permits issued by the Pennsylvania Department of Environmental Protection.

(d) Except as is otherwise specifically approved and authorized, in writing, in the discretion of the Board of Supervisors, no privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or maintained at any time upon any improved property which has been connected to a sewer or which shall be required under Subsection (a) of this Section to be connected to a sewer.

Except as is otherwise specifically approved and authorized, in writing, in the discretion of the Board of Supervisors, every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and upon connection of an improved property to the sewer system, such privy vault, cesspool, sinkhole, septic tank or similar receptacle and the components thereof shall be decommissioned and removed from the improved property or at the discretion of the Township shall be

cleansed and filled at the expense of the owner of such improved property and subject to inspection by the Township and/or its agents, servants or employees; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and removed, or cleansed and filled, as directed by the Township shall constitute a nuisance, and such nuisance may be abated as provided at law, at the expense of the owner of such improved property.

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

(f) The notice by the Township to make a connection to a sewer, referred to in Subsection (a) of this Section, shall consist of a copy of this Subpart, including any amendments at the time in effect, and a written or printed document requiring such connection in accordance with the provisions of this Subpart and specifying that such connection shall be made within sixty (60) days or such other additional time as may be determined appropriate by the Township from the date such notice is given. Such notice may be given at any time after a sewer is in place which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service, by registered mail or by such other method as at the time may be provided by law. (Ordinance 154, August 19, 1996, Article II)

Section 373. Building Sewers and Connections.

(a) No person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner, any sewer or the sewer system without first making application for and securing a permit, in writing, from the Township.

(b) Application for a permit required under Subsection (a) of this Section shall be made by the owner of the improved property to be served on his duly authorized agent.

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

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

(2) Such person shall have applied for and obtained a permit as required by Subsection (a) of this Section.

(3) Such person shall have given the Township at least twenty-four (24) hours notice of the time when such connection will be made so that the Township may, through its designated agents, servants and employees, supervise and inspect the work of connection and necessary testing.

(4) Such person shall have furnished satisfactory evidence to the Township that any reserved capacity, connection, tapping and inspection fees, as may be applicable, charged and imposed against the owner of each improved property who connects such improved property to a sewer have been paid.

(d) Except as otherwise provided herein, 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 for good cause shown and at the sole discretion of the Township, and then only after special permission of the Township, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by the Township.

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

(f) A building sewer shall be connected to a sewer at the place designated by the Township and where 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 gas tight and watertight.

(g) If the owner of any improved property located in the Township and accessible to and whose principal building is within one hundred fifty feet (150') of the sewer system, after sixty (60) days, or such additional time as may be determined appropriate by the Township, notice from the Township, in accordance with Subsection 372(a) of this Subpart shall fail to connect such improved property, as required, the Township may make such connection and may collect from such owner the costs and expenses thereof. In such case, the Township shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the improved property to which connection has been so made, which bill shall be payable within thirty (30) days from the date of issuance. In case of neglect or refusal by the owner of such improved property to pay said bill, the Township shall file a municipal lien for said construction within six (6) months of the date of the completion of the construction of said connection, the same to be subject in all respects to the statutes of the Commonwealth of Pennsylvania for the filing and recovery of municipal liens. The Township shall also have the option of prosecuting a claim for the costs of the construction of such connection and any and all fees and expenses associated therewith, including but not limited to engineering, administrative and legal fees and expenses arising and resulting therefrom, in a court of competent jurisdiction in the same manner as maybe otherwise provided for collection

and recovery of debts and expenses within the Commonwealth of Pennsylvania.

(Ordinance 154, August 19, 1996, Article III)

Section 374. Sewer Rental Charges.

(a) All owners of property connected or connecting with the sewage system, and all of the owners of property who may hereafter connect with and use the same, shall pay annual sewer rentals or charges in quarterly installments, as hereinafter provided, for the use of such sewage facilities based upon a schedule of rates to be established by resolution of the Board of Supervisors as may be enacted from time to time.

(b) Sewer rentals or charges shall be paid quarterly in accordance with billings for sewage services, except that during the first quarter that a residential, commercial or industrial user begins to be based on a per diem amount prorated from the time such sewer connection is made until the next following quarterly billing period. All charges for sewage service shall be subject to a ten percent (10%) penalty if not paid within thirty (30) days after they are due. If not paid within sixty (60) days after due, the net bill plus penalty shall bear interest at the rate of one-half of one percent (0.5%) per month or fraction thereof until paid.

(c) Annual sewer rental charges shall be a lien on the properties charged with payment thereof, from the effective date of this Subpart, and if not paid after thirty (30) days' notice, may, along with all costs and expenses associated therewith, including but not limited to filing and legal fees, be collected in any manner provided by law, including without limitation the entry of a municipal lien of record in the Office of the Prothonotary of Berks County, Pennsylvania.

(d) No statement contained herein shall be construed as to prevent any special agreement or arrangement between the Township and any person or entity whereby an industrial waste of any strength or character may, subject to the discretion of the Township, be accepted by the Township for treatment, subject to payment therefor by the said person or entity.

(Ordinance 154, August 19, 1996, Article IV)

Section 375. Rules and Regulations Governing Building Sewers and Connections to Sewers.

(a) Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line, as a building sewer. Preexisting building sewers may be used in connection with said building only when such connection is approved, in writing, by the Township and said connection meets the requirements of this Subpart and any and all other statutes, ordinances, rules or regulations as may be otherwise adopted, enacted and promulgated by the Township.

(b) No building sewer shall be covered until it has been inspected and approved by the Township. If any part of a building sewer is covered before so being inspected and approved, it shall, at the direction of the Township, be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.

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

(d) Every excavation for a building sewer shall be guarded adequately with barricades, lights and/or other safety devices to protect all persons from damage and injury. Streets, sidewalks and all 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 the Township and in accordance and compliance with any and all statutes, ordinances, rules or regulations as may be enacted, adopted and/or promulgated by the Township and any other regulatory department, agency, board or bureau as may have jurisdiction regarding such public property.

(e) If any person shall fail or refuse, upon receipt of a notice from the Township, in writing, to remedy any unsatisfactory conditions with respect to a building sewer, within thirty (30) days of receipt of such notice, the Township may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory conditions shall have been remedied to the satisfaction of the Township.

(f) The size and slope of the building sewer shall be subject to the approval of the Township, but in no event shall the diameter be less than four inches (4"). The slope of such four inch (4") pipe shall be not less than one-quarter inch (1/4") per foot.

(g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet (3') of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Cleanouts, in accordance with standards and specifications as may be adopted by the Township or otherwise directed by the Township Engineer, are required to be installed and maintained at every fifty feet (50') in length of the building sewer.

(h) In a building in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer, the specifications, design and installation of which shall be subject to the advance review and approval by the Township Engineer.

(i) The 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 the sewer system, which additional rules and regulations, to the extent appropriate, shall be in the form of a Resolution and shall be construed as a part of this Subpart.

(Ordinance 154, August 19, 1996, Article V)

Section 376. Enforcement.

(a) Any person who shall violate this Subpart shall be liable, upon conviction for a first offense and upon conviction for each subsequent offense, to a fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) together with the costs of prosecution, including but not limited to reasonable attorneys' fees 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. Nothing herein shall preclude the Township from seeking such additional remedies as may be available at law or in equity, including but not limited to request for injunctive relief, as may be otherwise permitted, and from pursuing such additional means of enforcement concurrently.

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

(Ordinance 154, August 19, 1996, Article VI)

Section 377. Severability. In the event that any provision, section, sentence, clause or part of this Subpart shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, clause or part of this Subpart, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

(Ordinance 154, August 19, 1996, Article VIII)

Part 4

Spray Irrigation And Stream Discharge Systems

Section 401. Purpose. The purpose of this Part is to establish Township regulations for spray irrigation and stream discharge type treatment systems (which shall include, but not be limited to, dry stream channel discharge and overland flow systems) consistent with the Pennsylvania Sewage Facilities Act (Act 537), as amended. It is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Township.

Furthermore, this Part is intended to satisfy the additional requirements imposed upon a municipality in the amendments to Act 537, which require a municipality to assure compliance of such treatment systems with the regulations that establish standards for operation and maintenance of these systems. (Ordinance 167, October 11, 1999, Section 1)

Section 402. Scope. As part of any zoning and subdivision approval proposing the use of a spray irrigation or stream discharge type treatment system, compliance with the requirements hereinafter set forth shall be a condition of any such approval. All spray irrigation and stream discharge type treatment systems to be constructed in the Township shall be subject to a permit issued by the Township Sewage Enforcement Officer or the Pennsylvania Department of Environmental Protection pursuant to the amendments to Act 537. In addition, the property owner and/or developer must execute an approved Maintenance Agreement with the Township in recordable form which, along with the issuance of the permit, must be memorialized in appropriate textural notes prominently set forth on the approved final subdivision and land development plan. (Ordinance 167, October 11, 1999, Section 2).

Section 403. Definitions. As used herein, the following terms shall have the meanings herein described, unless otherwise provided:

(a) Board. The Board of Supervisors of the Township.

(b) DEP. The Bureau or Office of the Department of Environmental Protection of the Commonwealth of Pennsylvania.

(c) Sanitary Sewage. Any substance that contains any of the waste products, excrement or other discharge from the bodies of human beings, and any noxious or deleterious substance being harmful or inimical to the public health, to animal or aquatic life or to the use of water for domestic water supply or for recreation. The term sanitary sewage specifically excludes waste waters of industrial origin.

(d) Sewage Enforcement Officer. The individual authorized and duly appointed to administer the issuance of permits and promulgate regulations governing spray irrigation systems and stream discharge type

treatment systems within the Township, as authorized under the amendments to Act 537.

(e) Spray Irrigation System. Any sanitary sewage treatment and disposal system which treats and disposes of sewage utilizing a system of piping, treatment tanks and soil renovation through spray irrigation and surface absorption or land application.

(f) Stream Discharge Treatment System. Any sanitary sewage treatment and disposal system which treats and disposes of sewage utilizing stream discharge.

(g) Township. The Township of Amity, Berks County, Pennsylvania.

(Ordinance 167, October 11, 1999, Section 3)

Section 404. Township Regulations. All site developments, involving a residential structure, subdivisions and land development plans utilizing a spray irrigation or stream discharge type treatment system hereafter installed in the Township shall not be approved within the Township unless and until the property owner and/or developer executes a Maintenance Agreement approved by the Township for purposes of providing security in a form acceptable to the Township sufficient to cover the costs of future operation and maintenance of the system over its design life up to a maximum of fifty percent (50%) for each of the first two (2) years of operation and no more than ten percent (10%) each year thereafter of the equipment and installation cost of the system, estimates for which amounts shall be submitted by the applicant for review and approval by the Township Engineer and/or the establishment of properly chartered associations, trusts or other private legal entities to manage the systems, municipal ownership of the systems, at the municipality's discretion, establishment of a sewage management agency to manage the systems or any combination of the above.

In addition, prior to plan approval, the Township shall have received the permit issued by the Township Sewage Enforcement Officer for the construction and use of the spray irrigation system or stream discharge treatment system and shall have received any and all escrows required by the approved Maintenance Agreement. (Ordinance 167, October 11, 1999, Section 4)

Section 405. Fees. All fees for the Township's review, approval, inspection and maintenance, in the event that applicant fails to perform the same after notice by Township, of a spray irrigation or stream discharge type treatment system shall be established and set forth in the Maintenance Agreement approved by the Township, the contents of which are incorporated herein by reference and shall be borne by the applicant as their sole cost and expense. (Ordinance 167, October 11, 1999, Section 5)

Section 406. Plan Review Process. All site development subdivisions and land development plans utilizing a spray irrigation or stream discharge type treatment system within the Township shall be reviewed to determine compatibility with the intent and requirements of the Township's Comprehensive Plan, the Township's Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances), the Township's Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances), the Building and/or Plumbing Codes adopted

by the Township (see Chapter VI of the Township Code of Ordinances) and the Rules and Regulations of the Pennsylvania Department of Environmental Protection. All such plans shall be reviewed as may be necessary and otherwise required by the following boards and/or bodies:

- (a) The Township Code Enforcement Officer;
- (b) The Township Engineer;
- (c) The Berks County Planning Commission;
- (d) The Township Planning Commission;
- (e) The Township Sewage Enforcement Officer; and
- (f) The Township Board of Supervisors.

(Ordinance 167, October 11, 1999, Section 6)

Section 407. Permit. Once it has been determined by the Sewage Enforcement Officer for the Township that the site, sewer conditions and system design meet the standards established by the Pennsylvania Department of Environmental Protection for such systems and the applicant has submitted documentation to the Township Sewage Enforcement Officer reflecting that the proposed use of the spray irrigation system or stream discharge type system will not adversely impact existing and proposed drinking water supplies and will not create a nuisance or public health hazard, the Township Sewage Enforcement Officer may issue a permit for the construction of such spray irrigation system or stream discharge type treatment system. (Ordinance 167, October 11, 1999, Section 7)

Section 408. Operation and Maintenance. The system designer shall provide an operation and maintenance manual to the permittee that shall include at a minimum the following standards for operation and maintenance that must be met by the permittee:

(a) Septic tanks, lift tanks, dosing tanks and chlorine contact/storage tanks must be inspected for structural integrity of the tank, inlet and outlet baffles, solid's retainer, pumps, siphons and electrical connections.

(b) Aerobic treatment tanks must be inspected for structural integrity of the tank, inlet and outlet baffles, buoyed solid's retainer, pumps, siphons and electrical connections. Such inspection and concurrent pumping of excess solids must be conducted in accordance with the manufacturer's and NSF requirements.

(c) Free access sand filters, buried sand filters, chlorinators, spray irrigation piping and nozzles and the spray fields must be inspected periodically by the property owner and every six (6) months by the responsible maintenance entity established under Chapter 72, Section 72.25(h). Each component must be inspected for compliance with the following standards:

(1) Chlorine residual sampled after the contact/storage tank must be maintained at a concentration of at least 0.2 ppm.

(2) The chlorinator must be functioning within the specifications of the manufacturer. "Bridging" of chlorine tablets must be prevented. Regular inspection of the disinfection equipment is necessary to verify proper operation and treatment.

(3) Solids shall not accumulate on the sand filter surface. No more than twelve inches (12") of effluent may be ponded over the sand surface at any time. The high water alarm shall be functional.

(d) The surface of the free access sand filter must be raked and porous. Any of the same that is removed must be replaced with sufficient clean sand to maintain a depth of sand at twenty-four inches (24"). Sand inspection and maintenance (raking, removal/replacement) shall be conducted on a frequency sufficient to ensure proper treatment.

(e) The plumbing in the free access sand filter tank must be sound and functional and splash plates must be in place.

(f) The free access sand filter tank and cover must be structurally sound. All components that prevent unauthorized access must be in place. The proper insulation (filter tank sides to twenty-four inches (24") and filter tank cover) shall be used to help prevent freezing.

(g) The areas surrounding a buried sand filter must be free of ponded effluent and down-gradient.

(h) The plumbing to the spray field must be sound and functional.

(i) The spray nozzles must be functioning within design specifications.

(j) A laboratory shall test the discharge to the system for fecal coliforms, BOD, suspended solids and chlorine residual to determine compliance with Chapter 72. A copy of the test results along with a report of the most recent system inspection (performed by the maintenance entity established under the requirements of Chapter 72, Section 72.25(f)) shall be sent to the local agency. This information shall be sent no less than once a year.

(k) Septic tank and lift tank pumping should be done on a three (3) to five (5) year basis.

(l) The use of biological or chemical additives in the septic tank is not recommended or necessary. The addition of such products, in many cases, interferes with the natural bacteriological action necessary to treat sewage.

(Ordinance 167, October 11, 1999, Section 8)

Section 409. Amendments. The Township Board of Supervisors reserves the right to amend these regulations by Resolution or as may be appropriate from time to time as is deemed necessary and proper. (Ordinance 167, October 11, 1999, Section 9)

Section 410. Severability. If any sentence, clause, section or part of this Part is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Part. It is hereby declared as the intent of the Board of Supervisors of the Township that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ordinance 167, October 11, 1999, Section 11)

Part 5

Sewage Sludge Disposal

Section 501. Authorization. This Part is enacted pursuant to the authority granted to Amity Township by the legislature of the Commonwealth of Pennsylvania in the following duly enacted Statutes:

(a) The sections of the Second Class Township Code, the Act of May 1, 1933, P.L. 103, No. 69, reenacted and amended by the Act of November 9, 1995, P.L. 350, No. 60, 53 P.S. 66529, et seq., and 53 P.S. 67101, et seq., respectively, authorizing the Township to enact ordinances dealing with the protection of the health of the Township residents, refuse materials, nuisance and public safety, as amended.

(b) The applicable provisions of the Pennsylvania Solid Waste Management Act, the Act of July 7, 1980, P.L. 380, 53 P.S. 6018.101, et seq., as amended.

(c) The applicable provisions of the Pennsylvania Sewage Facilities Act, the Act of January 24, 1966, P.L. 1535, No. 537, as amended by the Act of December 14, 1994, P.L. 1250, No. 149, 35 P.S. Section 750.1, et seq., as amended.

(d) The applicable provisions of the Pennsylvania Clean Streams Act, the Act of November 26, 1978, P.L. 1375, No. 325, as amended by the Act of October 23, 1979, P.L. 204, No. 70, 33 P.S. Section 691.1, et seq., as amended.

(Ordinance 155, September 2, 1997, Section 1)

Section 502. Definitions.

(a) Disposal. The discharge, deposit, injection, dumping, spilling, leaking or placing of any sewage sludge from a municipal or private wastewater treatment plant or pumpings from a private residential wastewater treatment plant or pumpings from a private residential septic system into, on or about any land in the Township; provided, however, that the spreading of poultry and/or livestock manure generated from conventional on-site agricultural activities on crop land or farm land for agricultural purposes shall not be included within this term, and such activity shall not be regulated by this Part.

(b) Township. Whenever used in this Part, the term "Township" shall refer to Amity Township.

(c) Sewage Sludge. Also biomass solids, as defined in Chapter 75 of the Pennsylvania Department of Environmental Protection, "Solid Waste Management Rules and Regulations", i.e., "The Coarse Screenings, Grit and Dewatered or Air Dried Sludges, Septic Tanks and Holding Tank Pumping and

other residues from Sewage Collection and Treatment Systems which require disposal", or as hereinafter amended.

(Ordinance 155, September 2, 1997, Section 2)

Section 503. Procedure. Any individual person, association, partnership, joint venture, company or other entity desiring, proposing or intending to apply, dispose, spread or deposit sewage sludge on any lands or property situate within the Township shall, in addition to submitting an application for a permit to the Department of Environmental Protection, in accordance with the statutes of the Commonwealth of Pennsylvania and the regulations thereof, as may be applicable, also submit a full and complete copy of the same to the Township which shall include any and all exhibits, supplements, amendments, revisions, additions or addendums as may be required and/or submitted to the Department of Environmental Protection and, in addition thereto, or if such application to the Department is not required, an application shall be submitted to the Township containing the following information, as may be necessary and relevant:

(a) A description of the proposed application program, including the source(s) of the sludge and how and by whom it is to be transported to the site, a proposed time table for application, a description of any storage operations, the proposed application rate, the total acreage involved and the anticipated useful life of the proposed site.

(b) Topographical drawing(s) of the receiving site, prepared by a registered engineer, to a scale no greater than one inch (1") to two hundred feet (200') showing:

- (1) Location of the site relative to public roads;
- (2) Identity of owners of the receiving site and adjacent properties;
- (3) Boundaries of the area to be used for land application;
- (4) Location of public and/or private water supplies, wells, springs, streams, ponds or other bodies of water, within one-fourth (1/4) of one (1) mile of the boundaries of the proposed land application site;
- (5) Soil classifications of the land application area;
- (6) Vegetation present on or within the area to be used for land application.

(c) A soils and geologic report indicating the physical characteristics of the site with respect to its suitability for application of sewage sludge and impact, if any, upon surface and ground waters. The report shall be based on any available soil survey and geologic data, and shall be accompanied by field test data, results and analysis. Field tests shall include:

(1) Soil borings by a soil scientist to confirm that the actual soil profile characteristics are consistent with published soil survey data.

(2) A groundwater monitoring well shall be established to test water quality prior to, during and after the application program. A description of the groundwater composition shall be included in the application, along with subsequent quarterly monitoring data and reports during the application program. The location of the monitoring well shall be subject to advanced notice to the Township Engineer prior to drilling. In the event that groundwater is found to flow in several directions, a monitor well for each direction shall be required.

(d) A chemical analysis of the sewage sludge from each proposed source. The analysis shall be done by an independent laboratory approved by the Township and shall involve a minimum of four (4) samples. The analysis shall include, in addition to other relevant data, the following items:

- (1) Total moisture content.
- (2) Percent total nitrogen (wet and dry weight).
- (3) Percent ammonia nitrogen (wet and dry weight).
- (4) Percent organic nitrogen (wet and dry weight).
- (5) Biochemical oxygen demand.
- (6) pH.

(7) Percent on a dry weight basis of cyanide, sodium, cadmium, zinc, copper, nickel, lead, chromium, mercury, molybdenum and other toxic substances and enteric pathogens.

(e) A Twenty Dollar (\$20.00) application fee shall be required with the application for all private residential septic tank pumpings. For all other applications, there shall be an application fee accompanying said application in the minimum non-refundable amount of Five Hundred Dollars (\$500.00). Said application fee shall be used to offset all Township costs including Township engineering fees. As and when said costs exceed the Five Hundred Dollar (\$500.00) payment, applicant shall pay, within thirty (30) days following issuance of an invoice, as additional application fees the additional costs incurred upon presentation of statements by the Township to the applicant.

(f) A true and correct copy of the agreement between the generator of the sewage sludge, the hauler/applicator and the landowner containing the terms of the agreement, the operation to be carried out in application of the sewage sludge, and the production and maintenance of records.

(g) Where the proposed application of sewage sludge involves a leasehold arrangement between the owner of the property and the party transporting and/or applying the sewage sludge, a land development plan shall be prepared and filed in accordance with the provisions of the Pennsylvania Municipalities Planning Code and any applicable Subdivision and Land Development and Ordinance (see Chapter XXVII of the Township Code of Ordinances) of the Township.

(Ordinance 155, September 2, 1997, Section 3)

Section 504. Planning Commission Review and Recommendation. The Township Planning Commission shall review the application together with all submissions made by the applicant and shall make recommendations thereon to the Township Board of Supervisors. (Ordinance 155, September 27, 1997, Section 4)

Section 505. Standards. The standards for application of sewage sludge to the land shall be in accordance with the then currently adopted standards and regulations of the Pennsylvania Department of Environmental Protection as set forth in Chapter 75, and/or any and all other applicable rules, regulations, orders or directives of the Department or any other terms and permit conditions imposed by the Department, except that the following additional regulations and/or requirements when applicable and determined necessary and appropriate by the Board of Supervisors shall be imposed.

(a) Area. No receiving site shall be approved which contains less than ten (10) contiguous acres.

(b) Setback Requirements. Sewage sludge shall not be applied, in any fashion, to land within two hundred fifty feet (250') of a stream, five hundred feet (500') of a water supply source (whether said source consists of a well head, ground or surface water supply), one hundred feet (100') of property lines and three hundred feet (300') of an occupied dwelling.

(c) Slope Concentrations. Application shall not take place on slopes exceeding twenty percent (20%).

(d) Testing/Chemical Analysis. Chemical analysis and laboratory testing of the sewage sludge from each and every source may be required by the Township, as determined necessary by the Township Engineer, and results shall be provided immediately to the Township, at applicant's expense, by an independent registered/certified laboratory selected by applicant to insure sewage sludge content remains within the criteria and limits established by the Pennsylvania Department of Environmental Protection, but shall include a minimum of four (4) samples a year to be taken at not less than monthly intervals as part of the Township's monitoring program.

(e) Soil Coverage. Sewage sludge applied to the land shall be injected under the surface of the soil or, if applied to the surface, shall be plowed under within forty-eight (48) hours after application.

(f) Soil Analysis. The soil analysis performed by an independent certified/registered laboratory selected by applicant, at applicant's expense, shall be performed semi-annually and results shall be provided immediately to the Township.

(g) Waste Material Storage. Sewage sludge shall be applied to the land immediately upon delivery to the site and shall not, under any circumstances, be stored upon the site for any purpose or for any period of time.

(h) Waste Accumulations. Any ponding or standing accumulation of said sewage sludge is expressly prohibited.

(i) Weather Conditions. Sewage sludge is not to be applied when the ground is saturated, snow covered, frozen or during periods of rain.

(j) Records. The applicant shall maintain records of quantities, dates, sources and application locations of the above described sewage sludge and any testing or chemical analysis conducted on the same and shall furnish copies of said records to the Township upon request.

(Ordinance 155, September 2, 1997, Section 5)

Section 506. Determination by the Board of Supervisors. Excluding applications for land development plans which shall be subject to the terms and conditions of the Municipalities Planning Code and the Township ordinances, the Board of Supervisors, by and through its appointees, agents, servants and employees, shall, within forty-five (45) days following the full submission of the application, render a final decision upon the same and shall, by written communication directed to the applicant, either: (a) disapprove the application as presented; (b) approve the application as presented; or (c) approve the application subject to specific conditions, the failure to comply with which shall provide grounds for revocation of such approval.

Within said forty-five (45) day review period, the Board of Supervisors shall transmit copies of said application to the Township Planning Commission for review and comment, as may be appropriate. Further, the Board of Supervisors may, in their discretion, schedule a public hearing, pursuant to public notice, for the purposes of reviewing said application and receiving comments thereon. (Ordinance 155, September 2, 1997, Section 6)

Section 507. Sludge Disposal Area Map. Any land within the Township which has been used for the purposes herein discussed shall be designated on a map which shall be known as the Amity Township Sewage Sludge Disposal Area Map, which shall be made available for public inspection as may be necessary or appropriate. Any property owner whose land has been used as hereinbefore discussed shall not at any time sell, transfer, convey or otherwise dispose of said property without first informing any perspective purchaser, lessee, assignee or grantee that said land has been used for such purposes. (Ordinance 155, September 2, 1997, Section 7)

Section 508. Insurance. Concurrent with presentation of the application, the applicant shall present to the Township evidence and/or documentation of the

insurance policy, bond, indemnification agreement or such other financial security as may be in place and which addresses injury to persons and/or damage to property which might arise or result from the aforesaid activities and the applicant's faithful performance of the conditions of any and all applicable permits and/or providing for remediation or restoration in the event of a default in the faithful performance of said obligations. Said policies, bonds, guarantees and/or evidence of financial security shall remain in full force and effect for the entire duration of said activities and/or the life and term of the permit and for at least two (2) years following the termination of such activities and/or permit. The amount of such insurance, bond, guarantee and/or financial security shall be as specified and determined necessary and appropriate by the Pennsylvania Department of Environmental Protection or, in the event that no such financial security is required by the Department of Environmental Protection, then in such amount as is determined necessary and appropriate based upon the nature of the activities and potential damage or harm anticipated to result from such operation or activities. (Ordinance 155, September 2, 1997, Section 8)

Section 509. Administrative and Tipping Fee. Any applicant that has received approval and/or been issued a permit hereunder shall, upon commencement of operations which proposes an application rate in excess of one (1) ton per acre, per year upon any land within the Township, tender to the Township a Five Dollar (\$5.00) per ton tipping fee charge, such charge or fee to be payable on a monthly basis on the 15th day of each month calculated based upon the tonnage, or portion thereof, applied to any such land within the preceding month, such payment to be accompanied by substantiating documentation regarding the source, the transporter, the total weight, the dates of application and any and all transport manifest/invoices/records associated therewith. Applicant/permittee shall also provide an annual report on or before the 15th day of January of each calendar year for the preceding calendar year during which such operations or activities were performed. Any tipping fee/administrative charge not tendered to the Township on or before the 15th day of the month immediately succeeding application of the sewage sludge to a property shall be subject to an additional ten percent (10%) penalty/surcharge, which sums shall further accrue interest at the lawful rate of interest calculated from the 15th day of the month when said fee/charge was due to be compounded daily. In the event that Permittee/Applicant fails or refuses to tender said fee/administrative charge within thirty (30) days of the date when due, the Township may authorize initiation and prosecution of any and all actions at law or in equity necessary to recover such fees as are determined due and owing in accordance with the terms and conditions of this Part including a claim for reasonable counsel fees, in an amount not less than ten percent (10%) of the obligation due, or such other additional sums as may be determined reasonable and appropriate by a court of competent jurisdiction. Further, upon failure of Applicant/permittee to tender such fees and/or administrative charges as may be due and owing, the Township may, at the discretion of its Board of Supervisors, initiate and file a municipal lien on the land or tract which is the subject of the application of the sewage sludge including the costs and expenses and reasonable attorney's fees associated with filing said lien and further the Township, by and through its Board of Supervisors, may, at its discretion, terminate and withdraw the approval and/or permit issued for such application activities. (Ordinance 155, September 2, 1997, Section 9)

Section 510. Severability. The provisions of this Part shall be severable and should any section, paragraph, clause, term, condition or phrase of this Part be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said Part shall not be affected thereby and shall remain in full force and effect. (Ordinance 155, September 2, 1997, Section 10)

ORDINANCE NO. 190

AN ORDINANCE OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, AMENDING AND SUPPLEMENTING CHAPTER XXIII ENTITLED SEWERS AND SEWAGE DISPOSAL OF THE AMITY TOWNSHIP CODE OF ORDINANCES BY SUPPLEMENTING SECTION 338 BY ADDING SECTION 338(r) ESTABLISHING STORM WATER, SURFACE WATER, GROUND WATER, ROOF RUNOFF, SUBSURFACE DRAINAGE, UNCONTAMINATED COOLING WATER, UNPOLLUTED INDUSTRIAL PROCESS WATERS, AND ANY EFFLUENT FROM ANY SUMP PUMP OR ANY OTHER TYPE OF PUMP WHICH PUMPS THE ABOVE AS A PROHIBITED WASTE; AMENDING, RESTATING AND SUPPLEMENTING SECTION 342 TO ADD THE RESERVATION BY THE TOWNSHIP FOR INSPECTION FOR COMPLIANCE REGARDING THE USE OF SUMP PUMPS AND OTHER PUMPS; SUPPLEMENTING SECTION 374 BY ADDING SECTION 374(e) TO INCLUDE A PENALTY FOR REFUSAL TO ALLOW AN INSPECTION REGARDING THE USE OF SUMP PUMPS AND OTHER PUMPS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Section 338 entitled "Prohibited Wastes" of Subpart B entitled "Sewer Rentals, Waste Discharges; Rules and Regulations" of Part 3 entitled "Public Sewage Disposal System" of Chapter XXIII entitled "Sewers and Sewage Disposal", of the Amity Township Code of Ordinances is hereby supplemented by adding thereto the following additional Subsection (r):

"(r) Any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, unpolluted industrial process waters or any effluent from any sump pump or any other type of pump which pumps any storm water, surface water, ground water, roof runoff, subsurface drainage, basement drainage, uncontaminated cooling water or unpolluted industrial process waters."

Section 2. Section 342 entitled "Reservation of Right to Inspect" of Subpart B entitled "Sewer Rentals, Waste Discharges; Rules and Regulations" of Part 3 entitled "Public Sewage Disposal System" of Chapter XXIII entitled "Sewers and Sewage Disposal", of the Amity Township Code of Ordinances is hereby amended, restated and supplemented as follows:

"Section 342. Reservation of Right to Inspect.

(a) The Township hereby reserves the right to inspect any building sewer, lateral or collecting sewer that discharges wastewater directly or indirectly to the Township's facilities to determine compliance with this Subpart.

(b) The Township hereby reserves the right to inspect any improved property to ensure the compliance with this Ordinance regarding the flow of any "Prohibited Wastes" (as that term is herein defined above) including but not

limited to Section 338(r) above and/or the use of sump pumps and any other type of pump or pumps of any storm water, surface water, ground water, roof runoff, subsurface drainage, basement drainage, uncontaminated cooling water and unpolluted industrial process waters."

Section 3. Section 374 entitled "Sewer Rental Charges" of Subpart C entitled "Sewer Connections, Rules and Regulations" of Part 3 entitled "Public Sewage Disposal System" of Chapter XXIII entitled "Sewers and Sewage Disposal", of the Amity Township Code of Ordinances is hereby supplemented by adding thereto the following additional Subsection (e)

"(e) All owners of property connected or connecting with the sewage system who refuse an inspection of their improved property as provided for in Section 342(b) of this Ordinance, shall, at the discretion of the Board of Supervisors of the Township, be subject to pay an additional quarterly penalty in an amount equal to their quarterly sewer rental or shall be subject to enforcement pursuant to Section 376 hereof."

Section 4. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

Section 5. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

Section 6. This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED this 6th day of May, 2002.

TOWNSHIP OF AMITY
BOARD OF SUPERVISORS

F. Eric Sills

F. Eric Sills, PhD

D. Gene Hafer

D. Gene Hafer

Leslie S. Sacks

Leslie S. Sacks

Robert R. Yanos

Robert R. Yanos

Kathleen Greenawalt

Kathleen Greenawalt

Attest:

Kelly J. Yanos
Secretary