

CHAPTER XXIII

SEWERS AND SEWAGE DISPOSAL

Part 1

Holding Tanks

- Section 101. Purpose
- Section 102. Definitions
- Section 103. Rights and Privileges Granted
- Section 104. Rules and Regulations
- Section 105. Rules and Regulations to be in Conformity with Applicable Law
- Section 106. Rates and Charges
- Section 107. Exclusiveness of Rights and Privileges
- Section 108. Duties of Improved Property Owner
- Section 109. Violations
- Section 110. Abatement of Nuisances
- Section 111. Severability

Part 2

On-Lot Sewage Disposal Systems

- Section 201. Title; Introduction; Purpose
- Section 202. Terms and Definitions
- Section 203. Applicability
- Section 204. Sewage Permit Requirements
- Section 205. Inspections
- Section 206. Operation
- Section 207. Maintenance
- Section 208. System Rehabilitation
- Section 209. Liens
- Section 210. Disposal of Sewage
- Section 211. Administration
- Section 212. Appeals
- Section 213. Penalties
- Section 214. Severability

Part 3

Public Sewage Disposal System

Subpart A. Objectives of Part

- Section 301. Purpose and Policy
- Section 302. Administration and Contents
- Section 303. Definitions
- Section 304. Abbreviations

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

- Section 305. Use of Public Sewers Required
- Section 306. All Sewage Shall Be Conducted Into a Sewer
- Section 307. Discharge of Sewage
- Section 308. Privy Vault, Cesspool, Sinkhole and Septic Tanks
- Section 309. Notice of Connection

Subpart C. Building Sewers and Connections

- Section 310. Application for Permit
- Section 311. Conditions for Connection
- Section 312. Separate Connection Required
- Section 313. Costs of Connection
- Section 314. Connection at Lateral
- Section 315. Township Authorized to Make Connection

Subpart D. Sewer Rental Charges

- Section 316. Sewer Rentals and Charges
- Section 317. Quarterly Payments
- Section 318. Lien on Property
- Section 319. Discretion of Township

Subpart E. Rules and Regulations Governing Building Sewers and Connections to Sewers

- Section 320. Improved Properties
- Section 321. Inspection Required
- Section 322. Safe Operating Condition
- Section 323. Protection of Public Property
- Section 324. Notice of Unsatisfactory Conditions
- Section 325. Approval by Township
- Section 326. Elevation
- Section 327. Artificial Flow
- Section 328. Additional Rules

Subpart F. General Sewer Use Requirements

- Section 330. Prohibited Discharge Standards
- Section 331. Federal Categorical Pretreatment Standards
- Section 332. State Pretreatment Standards
- Section 333. Local Limits
- Section 334. Township's Right of Revision
- Section 335. Special Agreement
- Section 336. Dilution

Subpart G. Pretreatment of Wastewater

- Section 337. Pretreatment Facilities
- Section 338. Additional Pretreatment Measures
- Section 339. Accidental Discharge/Slug Control Plans
- Section 340. Hauled Wastewater

Subpart H. Wastewater Discharge Permit Application

- Section 341. Wastewater Analysis
- Section 342. Wastewater Discharge Permit Requirement
- Section 343. Wastewater Discharge Permitting; Existing Conditions
- Section 344. Wastewater Discharge Permitting; New Connections
- Section 345. Wastewater Discharge Permit Application Contents
- Section 346. Application Signatories and Certification
- Section 347. Wastewater Discharge Permit Decisions

Subpart I. Wastewater Discharge Permit Issuance Process

- Section 348. Wastewater Discharge Permit Duration

- Section 349. Wastewater Discharge Permit Contents
- Section 350. Wastewater Discharge Permit Appeals
- Section 351. Wastewater Discharge Permit Modification
- Section 352. Wastewater Discharge Permit Transfer
- Section 353. Wastewater Discharge Permit Revocation
- Section 354. Wastewater Discharge Permit Reissuance
- Section 355. Municipal Wastewater Discharge Permits
- Section 356. Commercial Wastewater Discharge Permit
- Section 357. Special Use Discharge Permit

Subpart J. Reporting Requirements

- Section 358. Baseline Monitoring Reports
- Section 359. Compliance Schedule Progress Report
- Section 360. Report on Compliance with Categorical Pretreatment Standard
Deadline
- Section 361. Periodic Compliance Reports
- Section 362. Report of Changed Conditions
- Section 363. Reports of Potential Problems
- Section 364. Reports from Unpermitted Users
- Section 365. Notice of Violation; Repeat Sampling and Reporting
- Section 366. Notification of Discharge of Hazardous Waste
- Section 367. Analytical Requirements
- Section 368. Sample Collection
- Section 369. Timing
- Section 370. Record Keeping

Subpart K. Compliance Monitoring

- Section 371. Right of Entry; Inspection and Sampling
- Section 372. Search Warrants

Subpart L. Confidential Information

- Section 373. Confidential Information

Subpart M. Publication of Users in Significant Noncompliance

- Section 374. Publication of Users

Subpart N. Administrative Enforcement Remedies

- Section 375. Notification of Violation
- Section 376. Consent Orders
- Section 377. Show Cause Hearing
- Section 378. Compliance Orders
- Section 379. Cease and Desist Orders
- Section 380. Administrative Fines
- Section 381. Emergency Suspensions
- Section 382. Termination of Discharge

Subpart O. Judicial Enforcement Remedies

- Section 383. Injunctive Relief
- Section 384. Civil Penalties
- Section 385. Criminal Prosecution
- Section 386. Remedies Nonexclusive

Subpart P. Supplemental Enforcement Action

- Section 387. Performance Bonds
- Section 388. Liability Insurance
- Section 389. Water Supply Severance
- Section 390. Informant Rewards
- Section 391. Contractor Listing

Subpart Q. Affirmative Defenses to Discharge Violations

- Section 392. Upset
- Section 393. Prohibited Discharge Standards
- Section 394. Bypass

Subpart R. Miscellaneous Provisions

- Section 395. Pretreatment Charges and Fees
- Section 396. Extraordinary Maintenance Charge
- Section 397. Severability

Subpart S. Determination of Charges for Strong Wastes

- Section 398. Strong Waste Surcharges
- Section 399. Strong Waste Surcharge Formula
- Section 400. Additional Charges
- Section 401. Methods of Payment of Extra Charges by Industrial Users
- Section 402. New Industrial Users

Subpart T. Measurement of Concentration of Industrial Waste

- Section 403. Industrial Waste Sampling
- Section 404. Control Manhole

Section U. Measurement of Volume of Industrial Wastes for Strong Waste Surcharges

- Section 405. Measurement

Subpart V. Access

- Section 406. Access

Subpart W. Enforcement

- Section 407. Enforcement
- Section 408. Fines and Costs

Subpart X. Declaration of Purpose

- Section 409. Declaration

Part 4

Spray Irrigation and Stream Discharge Systems

- Section 451. Purpose
- Section 452. Scope
- Section 453. Definitions
- Section 454. Township Regulations

Section 455. Fees
Section 456. Plan Review Process
Section 457. Permit
Section 458. Operation and Maintenance
Section 459. Amendments
Section 460. Severability

Part 5

Sewage Sludge Disposal

Section 501. Authorization
Section 502. Definitions
Section 503. Procedure
Section 504. Planning Commission Review and Recommendation
Section 505. Standards
Section 506. Determination by the Board of Supervisors.
Section 507. Sludge Disposal Area Map
Section 508. Insurance
Section 509. Administrative and Tipping Fee
Section 510. Severability

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. Title; Introduction; Purpose.

(a) This Part shall be known as the Amity Township On-lot Sewage Disposal System Management Ordinance.

(b) As required by the Pennsylvania Second Class Township Code, as amended, (53 P.S. 65101), the Pennsylvania Clean Streams Law, as amended, (35 P.S. 691.1. et seq.), and the Pennsylvania Sewage Facilities Act, as amended, (35 P.S. 750.1, et seq., also known as Act 537), municipalities have the authority and the obligation to provide for adequate sewage treatment facilities and for the protection of public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Amity Township requires the Township to enact an Ordinance to formulate and implement a Sewage Management Program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

(c) The purpose of this Part is to provide for the regulation, inspection, maintenance, and rehabilitation of on-lot sewage disposal systems within Amity Township; to further permit the Township to intervene in situations which are public nuisances or hazards to the public health due to improper management of on-lot SDS's; and to establish penalties and appeal procedures necessary for the proper administration of a Sewage Management Program.

(Ordinance 221, January 17, 2006, Section 1)

Section 202. Terms and Definitions.

(a) General Terms. In the interpretation of this Part, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

(b) Specific Terms. For the purposes of this Part, the listed terms shall be construed to have the following meanings:

(1) Act. The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. Section 750.1 et. seq.

(2) Authorized Agent. A licensed Sewage Enforcement Officer, professional engineer or sanitarian, plumbing inspector, soils scientist, or any other qualified or licensed person who is delegated to function within the specified limits as the agent of the Board to carry out the provisions of this Part.

(3) Board. The Board of Supervisors of Amity Township, Berks County, Pennsylvania.

(4) Community Sewage System. Any system, whether publicly or privately owned, for the collection of Sewage from two or more lots or uses, or two (2) or more equivalent dwelling units, and the treatment and/or disposal of the Sewage on one or more of the lots

or at any other site, and which shall comply with all applicable regulations of the DEP.

(5) DEP. The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

(6) Individual Sewage System. Any 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 any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposal.

(7) L&I Certified Plumbing Inspector. Any individual currently employed by Amity Township or their designated third party agency who holds a current certification from L&I as a residential and or commercial plumbing inspector.

(8) Malfunction. The condition which occurs when an On-lot Sewage Disposal System causes pollution to the ground or surface waters, contamination of private or public drinking water supplies, nuisance problems, or hazards to public health. Indications of malfunctioning systems include, but are not limited to, foul odors, lush grass growing over the system, backup of wastewater in the attached buildings, soggy ground over the system, surfacing Sewage effluent flowing over the ground and occurring at any time of the year.

(9) Official Sewage Facilities Plan. A comprehensive plan for the provision of adequate Sewage disposal systems adopted by the Township and approved by the DEP in accordance with the Act and with applicable DEP regulations.

(10) On-lot Sewage Disposal System. Any system for disposal of domestic Sewage involving pretreatment and subsequent disposal of the clarified Sewage into a subsurface soil absorption area or retaining tank.

(11) Owner. Any Person holding deed or title to lands within the Township.

(12) Person. Any individual, association, partnership, public or private corporation whether for profit or not-for-profit, trust, estate or other legally recognized entity. Whenever the term "Person" is used in connection with any clause providing for the imposition of a fine or penalty or the ordering of action to comply with the terms of this Part, the term "Person" shall include the members of an association, partnership or firm and the officers of any public or private corporation, whether for profit or not-for-profit.

(13) Property. A tract or parcel of land, held in Single and Separate Ownership, located in Amity Township.

(14) Property Area. The gross acreage as specified on the deed or deeds, and contained within the boundaries of a Property.

(15) Pumper/Hauler. Any Person approved and licensed by the Township, which engages in cleaning Community or Individual Sewage Systems and transporting the Septage cleaned from these systems.

(16) Rehabilitation. Work done to modify, alter, repair, enlarge, or replace an existing On-lot Sewage Disposal System.

(17) Replacement Area. An area designated as the future location of an Individual On-lot Sewage System that shall be installed should the initial Individual On-lot System installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the DEP and all applicable Township ordinances for an Individual Sewage System, and shall be protected from encroachment by an easement recorded in the Berks County Recorder of Deeds (this easement requirement may be satisfied by the recording of the Final Plan of a subdivision or land development plan upon which the easement appears).

(18) Septage. The residual scum and sludge pumped from septic systems.

(19) Sewage. Any substance that contains any of the waste products or excrements or other discharge from the bodies of human beings or 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.

(20) Sewage Enforcement Officer (hereinafter called SEO). A person appointed by the Board to administer various provisions of this Part and authorized by the DEP in accordance with Chapter 71, Administration of Sewage Facilities Program of Title 25, Rules and Regulations, Department of Environmental Protection, of the Pennsylvania Code. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits, and do all other activities as they may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder, and this Part or any other Ordinance adopted by the Board.

(21) Sewage Management District. Any area or areas of the Township designated in the Official Sewage Facilities Plan adopted by the Board as an area for which a Sewage Management Program is to be implemented.

(22) Sewage Management Program. A comprehensive set of legal and administrative requirements encompassing the requirements of this Part, the Act, The Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Board to effectively enforce and administer this Part.

(23) Single and Separate Ownership. The ownership of a contiguous land area consisting of one or more lots by an Owner irrespective of the fact that parts of the land may have been acquired at different times or that the area may have been divided into parts on any plan or plat.

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

All other definitions of words and terms used in this Part shall have the same meaning as set forth in the Sewage Facilities Act and the Regulations promulgated thereto, currently found in Chapter 73, Standards for Sewage Disposal Facilities of Title 25, Rules and Regulations, Department of Environmental Protection, of the Pennsylvania Code.

(Ordinance 221, January 17, 2006, Section 1)

Section 203. Applicability. From the effective date of this Part, its provisions shall apply as follows:

(a) All Persons owning any Property serviced by an On-lot Sewage Disposal System shall be subject to Sections 205 and 207 of this Part. All Persons owning any Property serviced by a Community Sewage System shall be subject to Sections 205 and 207 of this Part. All Persons owning Property intended to be served with public sewer, as delineated in the Township's latest Act 537 Plan, shall not be subject to Sections 205 and 207 of this Part. All Persons owning Property within the delineated public sewer service area (until public sewers are actually installed), may participate in the requirements of Sections 205 and 207 of this Part on a voluntary basis.

(b) All Persons installing, altering or rehabilitating an On-lot Sewage Disposal System (whether individual or community) on a Property, regardless of the Property Area, shall be subject to Sections 204 and 208 of this Part.

(c) All Persons owning Property not presently served by public sewer, including those described in paragraphs (a) and (b), shall be subject to Sections 201, 202, 203, 206, 209, 210, 211, 212, and 213 of this Part.

(Ordinance 221, January 17, 2006, Section 1)

Section 204. Sewage Permit Requirements.

(a) No Person shall request bid proposals for construction or alteration of an Individual Sewage System or Community Sewage System, install or construct an Individual or Community Sewage System, or occupy any building or structure for which an Individual or Community Sewage System is to be installed, without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Act, and the standards adopted pursuant thereto.

(b) No Community Sewage System shall be approved for installation or operation until and unless the Owner enters into an agreement with the Township specifying the duties of the Owner, its successors and assigns, for the operation, maintenance and repair of said system, and posts with the Township a bond, cash, or other financial instrument, equal to fifty percent (50%) of the initial cost of the equipment and installation for the first two (2) years of operation. After the first two (2) years of operation, and throughout the remaining life of the system, the amount shall be ten percent (10%) of the cost of replacing and installing the equipment, as determined by the SEO at the time and from time to time during the remaining life of the system.

(1) The bond or financial instrument shall be in the name of the Township as payee, except that if the Community Sewage System is to be owned and operated by a homeowners' association, then, in that event, the bond or financial instrument shall be in the joint name of that homeowners' association and the Township.

(2) The financial instrument shall provide for the use of the annual income from the instrument, if any, to cover the costs

of operation and inspection of the Community Sewage System if those costs are not paid directly by the Owner of homeowners' association. If no annual income is derived, or if the annual income so derived is insufficient to cover the costs of operation and inspection of the system, the Owner or homeowners' association shall provide the amount necessary to recover the costs of operation and inspection.

(3) In the event that the Board, or the Board's Authorized Agent, determines that there has been a Malfunction of the system, and the Owner or homeowners' association fails, after notice, to repair the Malfunction, the principal of the financial instrument may be employed to fund the correction of the Malfunction. Payment will be made from the principal to the Township upon receipt of notification from the Township of the Malfunction and delivery of a contract between the Township and the contractor for the repair of the Malfunction.

(4) No such Community Sewage System shall be approved unless the Owner evidences to the Township a bona fide contract employing a qualified Sewage plant operator, for regular maintenance and operation of the system, with the operator's annual fees being paid by the Owner or homeowners' association and in default thereof, from the aforementioned financial instrument or bond.

(5) Where the system is to be owned by a homeowners' association which has legal responsibility for the operation and maintenance of the system, the contract with the plant operator may be on an annual basis. Otherwise, the contract for the operation and maintenance shall cover a period representative of the anticipated life of the system.

(c) No system or structure designed to provide individual or community Sewage disposal shall be covered from view until approval to cover the same has been given by the Township SEO. If after written notice has been given to the SEO, seventy-two (72) hours, excepting Sundays and holidays, have elapsed without inspection by the SEO, then the applicant may cover said system or structure, unless permission has been specifically refused by the SEO.

(d) The Township may require applicants for Sewage permits to notify the Township's SEO of the schedule for construction of the permitted On-lot Sewage Disposal System so that inspection(s) in addition to the final inspection required by Act 537 may be scheduled and performed by the Township's SEO at the cost of the applicant.

(e) No building or occupancy permit shall be issued by the Township for a new building which will contain Sewage generating facilities until a valid Sewage permit has been obtained from the Township's SEO or from a municipal authority or other public entity if the building is serviced by a public sewer system.

(f) No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of an existing structure which is served by an On-lot Sewage Disposal System, if said alteration or conversion will result in the increase or potential increase in Sewage flows from the structure, until the Township and the structure's owner receive from the Township's SEO either a permit for alteration or a replacement of the existing Sewage disposal system or written notification

that such a permit will not be required. In accordance with the regulations contained in Chapter 73, Section 73.1, et seq., Title 25 of the Pennsylvania Code, the SEO shall determine whether the proposed alterations of the structure will result in increased Sewage flows if on-site Sewage disposal is being used.

(g) Sewage permits for an On-lot Sewage Disposal System may be issued only by an SEO employed by the Township for that express purpose. The DEP shall be notified during January of each year after the effective date of this Ordinance by the Township as to the identity (by name, address, and SEO Certification Number) of its currently employed SEO and alternate SEO. The DEP shall also be notified in writing within 15 days of a change in the SEO or his address.

(Ordinance 221, January 17, 2006, Section 1)

Section 205. Inspections.

(a) All On-lot Sewage Disposal Systems subject to this section of the Ordinance shall be inspected by a Township Sewage Enforcement Officer or L&I Certified Plumbing Inspector every three (3) years in conjunction with a pumping schedule and regions established by the Township, or at any other reasonable time as of the effective date of this Part. A report of the inspection shall be delivered to the property owner within thirty (30) days of the inspection. The report shall be prepared on forms provided by the Township. In cases where there is an evident Malfunction posing a substantial imminent health hazard, the SEO, should he not have performed the inspection, shall be notified within twenty-four (24) hours of the inspection.

(b) The On-lot Sewage Disposal inspection may include a physical tour of the Property, and an inspection of the septic tank, piping and absorption area.

(c) The Township's SEO shall inspect On-lot Sewage Disposal Systems known to be, or alleged to be, malfunctioning at any time, in addition to the routine scheduled inspections. Should said inspections reveal that the system is malfunctioning, the Township's SEO shall take immediate action in accordance with Section 7 of the Act (35 P.S. Section 750.7) to require the correction of the Malfunction. If total correction is not technically feasible in the opinion of the Township and/or a representative of the DEP, action by the Owner to mitigate the Malfunction shall be required.

(d) There may arise geographical areas within the Township where numerous On-lot Sewage Disposal Systems are malfunctioning. A resolution of these area wide problems may necessitate detailed planning and a Township sponsored revision to that area's Act 537 Official Sewage Facilities Plan. When a DEP authorized Official Sewage Facilities Plan Revision has been undertaken by the Township, mandatory repair or replacement of malfunctioning Individual Sewage Disposal Systems within the study area may be delayed at the discretion of the Township pending the outcome of the plan revision process. However, the Township may compel immediate corrective action whenever a Malfunction, as determined by the Township and the DEP, represents a serious public health or environmental threat.

(Ordinance 221, January 17, 2006, Section 1)

Section 206. Operation. Only normal domestic wastes shall be discharged into any On-lot Sewage Disposal System. The following shall not be discharged into the system:

- (a) Industrial waste.
- (b) Automobile oil and other non-domestic oil.
- (c) Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
- (d) Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and French drains.

(Ordinance 221, January 17, 2006, Section 1)

Section 207. Maintenance.

(a) Any person, subject to the provisions of this Part, owning a building served by an On-lot Sewage Disposal System shall have the septic tank pumped by a licensed Pumper/Hauler within three (3) years after the effective date of this Part in accordance with a schedule and regions developed by the Township. Thereafter, that Person shall have the tank pumped at least once every three (3) years in accordance with a schedule and regions developed by the Township. Receipts from the Pumper/Hauler shall be submitted to the Township within thirty (30) days following the pumping.

(b) The Township will be divided into three (3) management areas, with one (1) area designated to be pumped each year. The management areas will be evaluated with the area with greatest number of older systems to be pumped the first year, and the area with the greatest number of new systems will be pumped in the third year.

(c) To assure that septic tanks are properly pumped, septic tank lids shall be exposed prior to pumping. The exposure of the septic tank lid shall be the responsibility of the tank Owner. After pumping, the lid must remain accessible until the Sewage Enforcement Officer or Plumbing Inspector performs his inspection.

(d) In the event that a Person provides a receipt or other written evidence demonstrating that the Person's septic tank has been pumped within three (3) years prior to the effective date of this Part, the Township may delay that Person's initial required pumping.

(e) The required pumping frequency may be increased at the discretion of the Authorized Agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system Malfunctions, or for other good cause shown.

(f) Should maintenance be required as determined by the Sewage Enforcement Officer or Plumbing Inspector, such maintenance must be performed by the property owner. If permits are required, the property owner must first secure the necessary permits.

(Ordinance 221, January 17, 2006, Section 1)

Section 208. System Rehabilitation.

(a) No person shall operate and maintain an On-lot Sewage Disposal System in such a manner that it Malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No Sewage system shall discharge untreated or partially treated Sewage to the surface of the ground or into the waters of the Commonwealth of Pennsylvania, unless a permit to discharge has been obtained from the DEP.

(b) A written notice of violation shall be issued to any Person who is the Owner of any Property which is found to be served by a malfunctioning On-lot Sewage Disposal System or which is discharging Sewage without a permit.

(c) Within seven (7) days of notification by the Township that a Malfunction has been identified, the Property Owner shall make application to the SEO for a permit to repair or replace the malfunctioning system. Within thirty (30) days of initial notification by the Township, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.

(d) An SEO shall have the authority to require the repair of any Malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative appropriate for the specific site.

(e) In lieu of, or in combination with, the remedies described in Subsection (d) above, an SEO may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.

(f) In the event that the Rehabilitation measures set forth in the preceding Subsections (a) through (e) are not feasible or do not prove effective, the Township may require the Owner to apply for a permit to construct a holding tank in accordance with any applicable Township ordinance. Upon receipt of said permit, the Owner shall complete construction of the system within thirty (30) days. Until that time, the Owner is responsible to keep the system pumped to keep it from discharging to the surface of the ground.

(g) Should none of the remedies described above prove totally effective in eliminating the Malfunction of an existing On-lot Sewage Disposal System, the Owner is not absolved of responsibility for that Malfunction. The Township may require whatever action is necessary to lessen or mitigate the Malfunction, including imposition of fines and other penalties under the authority granted to the Township under Section 7, 8, 12, 13, 13.1, 14, 15, and 16 of the Act (35 P.S. Sections 750.7, 750.8, 750.12, 750.13, 750.13.1, 750.14, 750.15, and 750.16).

(Ordinance 221, January 17, 2006, Section 1)

Section 209. Liens. The Township, upon written notice from the SEO that an imminent health hazard exists due to failure of a Property Owner to maintain, repair, or replace an On-lot Sewage Disposal System as provided under the terms of this Part, shall have the authority to perform or contract to have performed, the work required by the SEO. The Owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with law. (Ordinance 221, January 17, 2006, Section 1)

Section 210. Disposal of Septage.

(a) All Septage shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, P.S. §§6018.101 et seq.) and all other applicable laws and at sites or facilities approved by DEP. Approved sites or facilities shall include the following: Septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.

(b) Pumper/Haulers of Septage operating within the Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101-6018.1003) and all other applicable laws.

(c) Pumper/Haulers of Septage operating within the Township shall be licensed by the Township.

(d) Septage from residential and commercial properties within the Township will be accepted at the Amity Township Sewage Treatment Plant. Industrial waste will not be accepted. A manifest indicating the origin of the load will be required.

(Ordinance 221, January 17, 2006, Section 1)

Section 211. Administration.

(a) The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Part.

(b) The Township shall employ qualified individuals to carry out the provisions of this Part. Those employees shall include an SEO and may include an administrator and such other persons as may be necessary. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this Part.

(c) All permits, records, reports, files and other written material relating to the installation, operation and maintenance and Malfunction of On-lot Sewage Disposal Systems in the Township shall become the property of, and be maintained by, the Township. Existing and future records shall be available for public inspection during regular business hours at the official office of the Township. All records pertaining to Sewage permits, building permits, occupancy permits and all other aspects of the Sewage Management Program shall be made available, upon request, for inspection by representatives of the DEP, or at a frequency required by Chapter 73 of Title 25 of the Pennsylvania Code.

(d) The Township shall establish all administrative procedures necessary to properly carry out the provisions of this Part.

(e) The Township Board shall establish a fee schedule, and authorize the collection of fees, to cover the cost of the Township of administering this program.

(Ordinance 221, January 17, 2006, Section 1)

Section 212. Appeals.

(a) Appeals from final decisions of the Township or any of its Authorized Agents under this Part shall be made to the Board in writing within thirty (30) from the date of written notification of the decision in question. The appeal must be made on an official appeal form and be accompanied by the appropriate appeal fee as established from time to time through resolution of the Board of Supervisors.

(b) The appellant shall be entitled to a hearing before the Board of Supervisors at its next regularly scheduled meeting, if a written appeal is received at least fourteen (14) days prior to that meeting. If the appeal is received within fourteen (14) days of the next regularly scheduled meeting, the appeal shall be heard at the next regularly scheduled meeting. The Board shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.

(c) A decision shall be rendered in writing within thirty (30) days of the date of the hearing.

(Ordinance 221, January 17, 2006, Section 1)

Section 213. Penalties. For each violation of the provisions of this Part, the Owner, agent, lessee, or contractor or any other person who commits, takes part in, or assists in any such violation shall be liable upon conviction thereof in a summary proceeding to pay a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) for each offense, together with the costs of prosecution. Each day or portion thereof in which a violation exists shall be considered to be a separate violation, and each Section of this Part which is violated shall be considered a separate violation. In default of payment of such fine, such Person shall be liable to imprisonment for a period not exceeding ninety (90) days. In addition, the Township may also institute an action at law or in equity to require compliance with the terms of this Part. All such Persons shall be required to correct or remedy such violations or noncompliance within the time period set forth in an enforcement notice. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this Part may be declared to be a public nuisance and abatable as such. (Ordinance 221, January 17, 2006, Section 1)

Section 214. 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 of Amity that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ordinance 221, January 17, 2006, Section 1)

Part 3

Public Sewage Disposal System

Subpart A. Objectives of Part

Section 301. Purpose and Policy. This Part sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for Amity Township and enables the Township to comply with all applicable State and Federal laws, including the Clean Water Act (33 U.S.C. 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this Part are:

- (a) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- (b) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (c) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- (d) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- (f) To enable the Township to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This Part shall apply to all users of the POTW. This Part authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Ordinance 227, September 5, 2006, Section 1)

Section 302. Administration and Contents. Except as otherwise provided herein, Amity Township personnel, or their designated representatives, shall administer, implement, and enforce the provisions of this Part. (Ordinance 227, September 5, 2006, Section 1)

Section 303. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Part, shall have the meanings hereinafter designated.

- (a) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- (b) Approval Authority. U.S. Environmental Protection Agency, Region III, Philadelphia, Pennsylvania.
- (c) Authorized Representative of the User.

(1) If the user is a corporation:

(i) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one or more manufacturing, production or operation facilities, if authority to sign documents has been assigned or delegated to the manager;

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;

(3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

(4) The individuals described in Subsections (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Township.

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

(e) Carbonaceous Biochemical Oxygen Demand (CBOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees centigrade (20°C), usually expressed as a concentration [milligrams per liter (mg/L)].

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

(g) Chlorine Demand. The quantity of chlorine absorbed in water, sewage, or other liquids, allowing a residual of 0.1 ppm after fifteen (15) minutes of contact.

(g) Color. The optical density at a visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

(h) Commercial Connection. A user who discharges domestic wastewater and wastewater generated from preparation or supplying commodities and services such as restaurants, car washes, gasoline stations, and laundromats.

(i) Commercial Waste Discharge Permit. A permit to discharge liquid wastes which are not considered industrial or domestic waste to the POTW.

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

(k) Cooling Water. The water discharged from any system of condensation such as air conditioning, cooling, or refrigeration.

(l) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Pennsylvania.

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

(n) Domestic Waste. The normal water carrying household and toilet wastes from residences, business buildings, institutions, and industrial establishments.

(o) Dwelling 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.

(p) Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

(q) Equivalent Dwelling Unit (EDU). For the purpose of determining the connected EDU's to the collection system and projecting future flows to the wastewater treatment facility, EDU's shall be calculated as follows: The quantity of flow which is equivalent to the average amount of water consumed by a single residential unit. The number of EDU's assigned to a residential dwelling unit, regardless of water consumption (or sewage flow) of the industrial or other non-residential user by the average quarterly water consumption of a residential unit during the previous year. The minimum number of EDU's assigned to any user shall be one (1).

(r) Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

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

(t) Grab Sample. A sample which is taken from a wastestream on a one (1) time basis without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

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

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

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

(x) Improved Property. Any property located within the 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.

(y) Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Sections 307(b), (c) or (d) of the Act.

(z) Industrial Cost Recovery. A charge imposed upon industrial users of the treatment plant to recover the treatment works capital expenditure used for the treatment of industrial wastes.

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

(bb) Industrial User. A source of indirect discharge industrial waste which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(cc) Industrial Waste. Any liquid or gaseous substance, whether or not solids are contained therein, discharged from any industrial establishment during the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.

(dd) Industrial Waste Permit. A permit to deposit or discharge liquid industrial wastes into the POTW.

(ee) Infiltration. The water entering a sewer system and service connections from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections and/or manhole walls. Infiltration does not include, and is distinguished from, inflow.

(ff) Infiltration/Inflow. The total quantity of water from both infiltration and inflow without distinguishing the source. Also known as extraneous flow.

(gg) Inflow. The water discarded into a sewer system and service connections from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration.

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

(ii) Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Township's NPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent State or local regulations):

Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

(jj) 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 the sewer which is provided for connection of any building sewer.

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

(ll) May. Permissive. "Shall" is mandatory.

(mm) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

(nn) Mg/L. Milligrams per liter. Equivalent to parts per million (ppm) by weight.

(oo) Multiple Dwelling. Any improved property in which shall be located more than one (1) dwelling unit.

(pp) National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

(qq) National Pollutant Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(rr) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

(ss) New Source.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Subsection (1)(i), (1)(ii) or (1)(iii) above but otherwise alters, replaces or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous on-site construction program:

a) any placement, assembly, or installation of facilities or equipment; or

b) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of a new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

(tt) 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.

(uu) Normal Strength Waste. Sewage when analyzed or caused to be analyzed by the Township shows a daily average of not more than two hundred fifty (250) mg/L of total suspended solids, three hundred (300) mg/L of CBOD₅, five hundred (500) mg/L of dissolved solids, and/or twenty-five (25) mg/L of ammonia nitrogen.

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

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

(xx) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, any local governmental entities.

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

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

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

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

(ccc) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

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

(eee) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 330 of this Part.

(fff) Publicly Owned Treatment Works (POTW). A "treatment works", as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the Township. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the Township.

(ggg) Receiving Water. The Schuylkill River.

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

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

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

(kkk) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

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

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

(nnn) Shall. Mandatory. "May" is permissive.

(ooo) Significant Industrial User.

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); or

(ii) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(iii) Is designated as such by the Township on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

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

(ppp) Significant Non-Compliance (SNC). This denotes that the circumstances of a particular violation are severe enough to meet the following criteria for Significant Non-Compliance (SNC):

(1) Violations of Wastewater Discharge Limits

(i) Chronic Violations: Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period (any magnitude of exceedance).

(ii) Technical Review Criteria (TRC) Violations: Thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit or the same average limit by more than the following TRC in a six (6) month period.

Group 1 for conventional pollutants (BOD, TSS, fats, oil and grease): TRC = 1.4.

Group 2 for all other pollutants, except pH: TRC = 1.2.

(iii) Any other violation(s) of an effluent limit that Amity Township believes has caused, alone (e.g., slug loads) or in combination with other discharges, interference or pass-through; or endangered the health of the sewage treatment personnel or the public.

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the exercise of emergency authority to halt or prevent such a discharge.

(2) Violations of compliance schedule milestones contained in enforcement orders as well as schedules contained in the Industrial Discharge Permits, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

(3) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety (90) day compliance reports, and periodic reports) within thirty (30) days from the due date.

(4) Failure to accurately report non-compliance.

(5) Any other violation or group of violations that the Township considers to be significant because it may adversely affect the operation or implementation of the Pretreatment Program.

(qqq) Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 330 of this Part.

(rrr) Special Use Permit. A permit to discharge liquid wastes which are not considered commercial, industrial, or domestic wastes to the POTW.

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

(ttt) State. The Commonwealth of Pennsylvania.

(uuu) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(vvv) Strong Waste. Any waste having a CBOD₅, suspended solids, dissolved solids or ammonia nitrogen concentration in excess of that found in normal domestic waste, but which is otherwise acceptable into a public sewer under the terms of this Part.

(www) Strong Waste Surcharge. A charge levied on any user of the treatment works of the POTW for the additional cost of treating strong wastes.

(xxx) Superintendent. The person designated by the Township to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Part, or a duly authorized representative.

(yyy) Surface Water. That portion of the precipitation which runs off over the surface of the ground.

(zzz) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

(aaaa) Tapping Fee. A fee charged for the privilege to connect a new EDU to the sanitary sewer system. The fee is established in conformance with Commonwealth of Pennsylvania Act 203 and Act 209 of 1990 and as amended.

(bbbb) Total Solids. Solids that either float on the surface of, or are in suspension, or dissolved in water, sewage, or other liquids, and which are determined by appropriate procedures found in the latest edition of *Standard Methods for the Examination of Water and Sewage* published by the American Public Health Association.

(cccc) 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.

(dddd) Toxic Pollutant. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by EPA under Section 307 (33 U.S.C. 1317) of the Act.

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

(ffff) Treatment Plant Effluent. The discharge from the POTW into waters of the United States.

(gggg) User or Industrial User. A source of indirect discharge.

(hhhh) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(iiii) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(jjjj) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation

systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use. (Ordinance 227, September 5, 2006, Section 1)

Section 304. Abbreviations. The following abbreviations have the designated meanings:

CBOD ₅	-	Five (5) Day Carbonaceous Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EPA	-	U.S. Environmental Protection Agency
gpd	-	gallons per day
l	-	liter
mg	-	milligrams
mg/L	-	milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
O&M	-	Operation and Maintenance
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource Conservation and Recovery Act
SIC	-	Standard Industrial Classification
SWDA	-	Solid Waste Disposal Act (42 U.S.C. 6901, <u>et seq.</u>)
TSS	-	Total Suspended Solids
USC	-	United States Code

(Ordinance 227, September 5, 2006, Section 1)

Subpart B. Use of Public Sewers Required

Section 305. Use of Public Sewers Required. The owner of any improved property which is located in this 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 this Township may require, within sixty days or such other additional time as may be determined appropriate by the Township, after notice to such Owner from this Township to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established by this Township, from time to time. (Ordinance 227, September 5, 2006, Section 1)

Section 306. All Sewage Shall Be Conducted into a Sewer. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under Section 305, shall be conducted into a sewer, subject to such limitations and restrictions as are established herein or as otherwise shall be established by this Township, from time to time. (Ordinance 227, September 5, 2006, Section 1)

Section 307. Discharge of Sewage. No person shall place or deposit or permit to be placed or deposited upon public or private property within this Township any sanitary sewage or industrial wastes in violation of Section 305.

No person shall discharge or permit to be discharged to any outlet, natural or created, within this Township any sanitary sewage or industrial wastes in violation of Section 305, except where suitable treatment has been provided which is satisfactory to this 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. (Ordinance 227, September 5, 2006, Section 1)

Section 308. Privy Vault, Cesspool, Sinkhole and Septic Tanks.

(a) 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 Section 305 to be connected to a sewer.

(b) 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 this Township shall be cleansed and filled at the expense of the owner of such improved property and the 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.

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

(Ordinance 227, September 5, 2006, Section 1)

Section 309. Notice of Connection. The notice by this Township to make a connection to a sewer, referred to in Section 305, shall consist of a copy of this Part, including any amendment at the time in effect, and a written or printed document requiring such connection in accordance with the provisions of this Part 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 or by registered mail or by such other method as at the time may be provided by law. (Ordinance 227, September 5, 2006, Section 1)

Subpart C. Building Sewers and Connections

Section 310. Application for Permit. 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 this Township. Application for a permit required under this Section shall be made by the owner of the improved property to be served or his duly authorized agent. (Ordinance 227, September 5, 2006, Section 1)

Section 311. Conditions for Connection. 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:

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

(b) Such person shall have applied for and obtained a permit as required by Section 310.

(c) 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 this Township may, through its designated agents, servants, and employees, supervise and inspect the work of connection and necessary testing.

(d) 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.

(Ordinance 227, September 5, 2006, Section 1)

Section 312. Separate Connection Required. 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 this Township, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by this Township. (Ordinance 227, September 5, 2006, Section 1)

Section 313. Costs of Connection. All costs and expenses of construction of 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 this 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. (Ordinance 227, September 5, 2006, Section 1)

Section 314. Connection at Lateral. A building sewer shall be connected to a sewer at the place designated by this 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. (Ordinance 227, September 5, 2006, Section 1)

Section 315. Township Authorized to Make Connection. If the owner of any improved property located in this Township and accessible to and whose principal building is within one hundred fifty feet of the sewer system, after sixty (60) days or such additional time as may be determined appropriate by the Township, notice from this Township, in accordance with Section 305, shall fail to connect such improved property, as required, this Township may make such connection and may collect from such owner the costs and expenses thereof. In such case, this 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, this 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 may be otherwise provided for collection and recovery of debts and expenses within the Commonwealth of Pennsylvania. (Ordinance 227, September 5, 2006, Section 1)

Subpart D. Sewer Rental Charges

Section 316. Sewer Rentals and Charges. All others 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. (Ordinance 227, September 5, 2006, Section 1)

Section 317. Quarterly Payments. 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. (Ordinance 227, September 5, 2006, Section 1)

Section 318. Lien on Property. Annual sewer rental charges shall be a lien on the properties charged with payment thereof, from the effective date of this Part, 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. (Ordinance 227, September 5, 2006, Section 1)

Section 319. Discretion of Township. 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 therefore by the said person or entity. (Ordinance 227, September 5, 2006, Section 1)

Subpart E. Rules and Regulations Governing Building Sewers and Connections to Sewers

Section 320. Improved Properties. 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. Pre-existing 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 Part and any and all other statutes, ordinances, rules, or regulations as may be otherwise adopted, enacted, and promulgated by the Township. (Ordinance 227, September 5, 2006, Section 1)

Section 321. Inspection Required. No building sewer shall be covered until it has been inspected and approved by this Township. If any part of a building sewer is covered before so being inspected and approved, it shall, 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. (Ordinance 227, September 5, 2006, Section 1)

Section 322. Safe Operating Condition. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property. (Ordinance 227, September 5, 2006, Section 1)

Section 323. Protection of Public Property. 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. (Ordinance 227, September 5, 2006, Section 1)

Section 324. Notice of Unsatisfactory Conditions. If any person shall fail or refuse, upon receipt of a notice from this Township, in writing, to remedy any unsatisfactory conditions with respect to a building sewer, within thirty (30) days of receipt of such notice, this 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. (Ordinance 227, September 5, 2006, Section 1)

Section 325. Approval by Township. 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 not be less than one-quarter inch (1/4") per foot. (Ordinance 227, September 5, 2006, Section 1)

Section 326. Elevation. 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 one hundred feet (100') in length of the building sewer. (Ordinance 227, September 5, 2006, Section 1)

Section 327. Artificial Flow. 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 of the Township Engineer. (Ordinance 227, September 5, 2006, Section 1)

Section 328. Additional Rules. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and 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 Part. (Ordinance 227, September 5, 2006, Section 1)

Subpart F. General Sewer Use RequirementsSection 330. Prohibited Discharge Standards.

(a) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other Federal, State or local pretreatment standards or requirements.

(b) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams, with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 6.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow to the POTW resulting in interference with the proper operation of the POTW. 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, bentonite, lye, building materials, rubber, hair, leather, porcelain, china, ceramic wastes, asphalt, paint, waxes, needles or syringes of any type, but in no case solids greater than two inches (2") in any dimension.

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Wastewater having a temperature greater than 104°F or lower than 32°F, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to

life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent, thereby violating the Township's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the reasonably established norm for aquatic life;

(11) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Township in compliance with applicable State or Federal regulations;

(12) Storm water, surface water, ground water, sump pump discharges, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Township. Where unauthorized discharge of these waters into the POTW exists, they shall be remedied in a manner approved by the Township within ninety (90) days of receipt of a notice from the Township. In the event such condition is not remedied, the Township shall cause the condition to be remedied at the owner's expense;

(13) Sludges, screenings or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the Township in a wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW; or

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/L.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(Ordinance 227, September 5, 2006, Section 1)

Section 331. Federal Categorical Pretreatment Standards. The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated. (Ordinance 227, September 5, 2006, Section 1)

Section 332. State Pretreatment Standards. No State pretreatment standards exist so, in their place, categorical pretreatment standards are hereby incorporated. (Ordinance 227, September 5, 2006, Section 1)

Section 333. Local Limits. The following pollutant limits are established to protect against pass through and interference. No person shall

discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits.

900 mg/L	CBOD ₅
0.200 mg/L	cadmium
2.67 mg/L	chromium
1.00 mg/L	copper
2.83 mg/L	cyanide
2.00 mg/L	lead
0.00 mg/L	mercury
2.00 mg/L	nickel
100 mg/L	oil and grease (petroleum, mineral or vegetable oil products)
2.00 mg/L	silver
750 mg/L	total suspended solids
2.55 mg/L	zinc
0.37 mg/L	tin
10.00 mg/L	iron
0.80 mg/L	phenol
0.025 mg/L	arsenic
1,500 mg/L	total dissolved solids
75 mg/L	ammonia nitrogen
0.09 mg/L	selenium

The above limits may be revised by Resolution of Amity Township Board of Supervisors.

The above limits apply at the point where the wastewater is discharged to the POTW (end of the pipe). All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Township may impose mass limitations in addition to or in place of the concentration-based limitations above.

Deductions will be made from these limited substances equal to the concentrations of each substance that is contained in the potable water supply. (Ordinance 227, September 5, 2006, Section 1)

Section 334. Township's Right of Revision. The Township reserves the right to adopt, from time to time by ordinance or in wastewater discharge permits, such additional rules and regulations as it shall deem necessary and proper relating to connection to and proper operation of the POTW, which rules and regulations shall be construed as a part of this Part. (Ordinance 227, September 5, 2006, Section 1)

Section 335. Special Agreement. The Township reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, a user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. A user also may request a variance from the categorical pretreatment standard from the approved authority. Such a request will be approved only if the user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that categorical pretreatment standard. A user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13. (Ordinance 227, September 5, 2006, Section 1)

Section 336. Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge

limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Township may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate. (Ordinance 227, September 5, 2006, Section 1)

Subpart G. Pretreatment of Wastewater

Section 337. Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this Part and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 330 of this Part within the time limitations specified by the EPA, the State, or the Township, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Township for review, and shall be acceptable to the Township before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce an acceptable discharge to the Township under the provisions of this Part. (Ordinance 227, September 5, 2006, Section 1)

Section 338. Additional Pretreatment Measures. The Township may provide legal authority to do the following:

(a) Whenever deemed necessary, the Township may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Part.

(b) Each person discharging into the POTW greater than twenty-five thousand (25,000) gallons per day or greater than five percent (5%) of the average daily flow in the POTW, whichever is less, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to ensure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Township. A wastewater discharge permit may be issued solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Township, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Township and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at his expense. The Township may require documentation from the user to confirm that adequate grease, oil, and sand interceptor maintenance is being performed.

(d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ordinance 227, September 5, 2006, Section 1)

Section 339. Accidental Discharge/Slug Control Plans. At least once every two (2) years the Township shall evaluate whether each significant

industrial user needs an accidental discharge/slug control plan. The Township may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Township may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the POTW of any accidental or slug discharge, as required by Section 363 of this Part; and
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(Ordinance 227, September 5, 2006, Section 1)

Section 340. Hauled Wastewater. Hauled waste will not be accepted into the POTW without prior written approval from the Township. (Ordinance 227, September 5, 2006, Section 1)

Subpart H. Wastewater Discharge Permit Application

Section 341. Wastewater Analysis. When requested by the Township, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Township is authorized to prepare a form for this purpose and may periodically require users to update this information. (Ordinance 227, September 5, 2006, Section 1)

Section 342. Wastewater Discharge Permit Requirement.

(a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Township, except that a significant industrial user that has filed a timely application pursuant to Section 343 of this Part may continue to discharge for the time period specified therein.

(b) The Township may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Part. A fee for other user discharge would follow the schedule established by Resolution of the Township.

(c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Part and subjects the wastewater discharge permittee to the sanctions set out in Subparts N through P of this Part. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

(Ordinance 227, September 5, 2006, Section 1)

Section 343. Wastewater Discharge Permitting: Existing Conditions. Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Part and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Township for a wastewater discharge permit in accordance with a wastewater discharge permit issued by the Township. (Ordinance 227, September 5, 2006, Section 1)

Section 344. Wastewater Discharge Permitting: New Connections. Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 345 of this Part, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence. (Ordinance 227, September 5, 2006, Section 1)

Section 345. Wastewater Discharge Permit Application Contents. All users required to obtain a wastewater discharge permit must submit a permit application. The Township may require all users to submit as part of an application the following information:

(a) All information required by Section 358(b) of this Part;

(b) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(c) Number and type of employees, hours of operation, and proposed or actual hours of operation;

(d) Each product produced by type, amount, process or processes, and rate of production;

(e) Type and amount of raw materials processed (average and maximum per day);

(f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains and appurtenances by size, location and elevation, and all points of discharge;

(g) Time and duration of discharges;

(h) Any other information as may be deemed necessary by the Township to evaluate the wastewater discharge permit application; and

(i) An application fee to be paid upon submitting a completed permit application. This fee shall be established by Resolution of the Township, from time to time.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. (Ordinance 227, September 5, 2006, Section 1)

Section 346. Application Signatories and Certification. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

(Ordinance 227, September 5, 2006, Section 1)

Section 347. Wastewater Discharge Permit Decisions. The Township will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Township will determine whether or not to issue a wastewater discharge permit. The Township may deny any application for a wastewater discharge permit. (Ordinance 227, September 5, 2006, Section 1)

Subpart I. Wastewater discharge Permit Issuance Process

Section 348. Wastewater Discharge Permit Duration. A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Township. Each wastewater discharge permit will indicate a specific date upon which it will expire. (Ordinance 227, September 5, 2006, Section 1)

Section 349. Wastewater Discharge Permit Contents. A wastewater discharge permit shall include such conditions as are reasonably deemed necessary by the Township to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(a) Wastewater discharge permits must contain the following conditions:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;

(2) A statement that the wastewater discharge permit is non-transferable without prior notification to and approval from the Township, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits based on applicable pretreatment standards;

(4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on Federal, State and local law; and

(5) A statement of applicable civil, criminal and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(b) Wastewater discharge permits may contain, but need not be limited to, the following special conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or non-routine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the Township to ensure compliance with this Part, and State and Federal laws, rules, and regulations.

(Ordinance 227, September 5, 2006, Section 1)

Section 350. Wastewater Discharge Permit Appeals. Any person, including the user, may petition the Township to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(b) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(d) In the event of an appeal, the Township shall conduct a hearing and decide the appeal as provided by administrative law and procedure. In the event, after hearing and decision, the appealing party wishes to make a further appeal, it may do so by filing an appropriate appeal to the Court of Common Pleas of Berks County within thirty (30) days of the final order of the Township.

(Ordinance 227, September 5, 2006, Section 1)

Section 351. Wastewater Discharge Permit Modification. The Township may modify the wastewater discharge permit for good cause including, but not limited to, the following:

(a) To incorporate any new or revised Federal, State or local pretreatment standards or requirements;

(b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the Township's POTW, Township personnel, or the receiving waters;

(e) Violation of any terms or conditions of the wastewater discharge permit;

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(h) To correct typographical or other errors in the wastewater discharge permit; or

(i) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

(Ordinance 227, September 5, 2006, Section 1)

Section 352. Wastewater Discharge Permit Transfer. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least sixty (60) days advance notice to the Township and the Township approves the wastewater discharge permit transfer. The notice to the Township must include a written certification by the new owner and/or operator which:

(a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(b) Identifies the specific date on which the transfer is to occur; and

(c) Acknowledge full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer.

(Ordinance 227, September 5, 2006, Section 1)

Section 353. Wastewater Discharge Permit Revocation. Wastewater discharge permits may be revoked for, but not limited to, the following reasons:

(a) Failure to notify the Township of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the Township of a changed condition pursuant to Section 362 of this Part;

(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(d) Falsifying self-monitoring reports;

(e) Tampering with monitoring equipment;

- (f) Refusing to allow the Township timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Part.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user. (Ordinance 227, September 5, 2006, Section 1)

Section 354. Wastewater Discharge Permit Reissuance. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 346 of this Part, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit. An application fee shall be submitted along with the completed permit application in the amount as established by Resolution of the Township, from time to time. (Ordinance 227, September 5, 2006, Section 1)

Section 355. Municipal Wastewater Discharge Permits. In the event another municipality contributes all or a portion of its wastewater to the POTW, the Township may require such municipality to apply for and obtain a municipal wastewater discharge permit.

- (a) A municipal wastewater discharge permit application shall include:
 - (1) A description of the quality and volume of the wastewater at the point(s) where it enters the POTW;
 - (2) An inventory of all users discharging to the municipality;
 - (3) Such other information as may be required by the Township; and
 - (4) An application fee to be paid upon submitting a completed permit application. This fee shall be established by Resolution of the Township, from time to time.
- (b) A municipal wastewater discharge permit shall contain the following conditions:
 - (1) A requirement for the municipal user to adopt a sewer use ordinance which is at least as stringent as this Part, and

local limits which are at least as stringent as those set out in Subpart F of this Part. Such ordinance and limits must be revised as necessary to reflect changes made to the Township's sewer use ordinance and/or local limits;

(2) A requirement for the municipal user to submit a revised user inventory on at least an annual basis;

(3) A requirement for the municipal user to conduct pretreatment implementation activities including wastewater discharge permit issuance, inspection and sampling, and enforcement; or authorize the Township to take or conduct such activities on its behalf;

(4) A requirement for the municipal user to provide the Township with access to all information that the municipal user obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the municipal user's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the municipal user's discharge; and

(7) A provision ensuring the Township access to the facilities of users located in the municipal user's jurisdiction for the purpose of inspection, sampling, and any other duties deemed necessary by the Township.

(c) Violation of the terms and conditions of the municipal user's wastewater discharge permit subjects the municipal user to the sanctions set out in Subparts N through P of this Part.

(Ordinance 227, September 5, 2006, Section 1)

Section 356. Commercial Wastewater Discharge Permit. In the event that a commercial user contributes all or a portion of its wastewater to the POTW, the Township may require such commercial user to apply for and obtain a commercial wastewater discharge permit. The Township may require a commercial user to have a discharge permit if, in the opinion of the Township, it is necessary in order for the Township to operate and maintain the POTW and meet its NPDES requirements.

(a) A commercial wastewater discharge permit application shall include:

(1) A description of the quality and volume of the wastewater at the point where it enters the POTW.

(2) Such information as may be required by the Township.

(3) An application fee to be paid upon submitting a completed permit application. This fee shall be established by Resolution of the Township, from time to time.

(b) A commercial wastewater discharge permit may include, but not be limited to, the following:

(1) Grease trap cleaning requirements.

(2) Flow requirements.

(3) Recycling requirements.

(4) A provision ensuring the Township access to the facility during normal hours of business for the purpose of inspection and sampling.

(c) Violation of the terms and conditions of the commercial user's wastewater discharge permit subjects the commercial user to the sanctions set out in Subparts N through P of this Part.

(Ordinance 227, September 5, 2006, Section 1)

Section 357. Special Use Discharge Permit. In the event that a user contributes all or a portion of its wastewater to the POTW and the user is not considered industrial, commercial or domestic, the Township may require such user to apply for and obtain a special use discharge permit. The Township may require a user to have a special use discharge permit if, in the opinion of the Township, it is necessary in order to operate and maintain the POTW and meet its NPDES requirements.

(a) A special use discharge permit application shall include:

(1) A description of the quality and volume of the wastewater at the point where it enters the POTW.

(2) Such information as may be required by the Township.

(3) An application fee to be paid upon submitting a completed permit application. This fee shall be established by Resolution of the Township, from time to time.

(b) A special use discharge permit may include, but not be limited to, the following:

(1) Grease trap cleaning requirements.

(2) Flow requirements.

(3) Recycling requirements.

(4) A provision ensuring the Township access to the user's facility during normal hours of business for the purpose of inspection and sampling.

(c) Violations of the terms and conditions of the special use discharge permit subjects the special user to the sanctions set out in Subparts N through P of this Part.

(Ordinance 227, September 5, 2006, Section 1)

Subpart J. Reporting RequirementsSection. 358 Baseline Monitoring Reports.

(a) Within either one hundred and eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4) (whichever is later), existing categorical users currently discharging to or scheduled to discharge to the POTW shall be required to submit to the Township a report which contains the information listed in Subsection (b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Township a report which contains the information listed in Paragraph b below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(b) Users described above shall submit the information set forth below.

(1) Identifying Information. The name and address of the facility, including the name of the operator and owner.

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) Measurement of Pollutants.

(i) The categorical pretreatment standards applicable to each regulated process.

(ii) The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the Township) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 367 of this Part.

(iii) Sampling must be performed in accordance with procedures set out in Section 368 of this Part.

(6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 359 of this Part.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 346 of this Part.

(Ordinance 227, September 5, 2006, Section 1)

Section 359. Compliance Schedule Progress Report. The following condition shall apply to the schedule required by Section 358(b)(7) of this Part:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine (9) months;

(c) The user shall submit a progress report to the Township no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the Township.

(Ordinance 227, September 5, 2006, Section 1)

Section 360. Report on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Township a report containing the information described in Section 358(b)(4-6) of this Part. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of

operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 346 of this Part. (Ordinance 227, September 5, 2006, Section 1)

Section 361. Periodic Compliance Reports.

(a) All significant industrial users shall, at a frequency determined by the Township but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 346 of this Part.

(b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(c) If a user subject to the reporting requirements in this section monitors any pollutant more frequently than required by the Township, using the procedures prescribed in Section 368 of this Part, the results of this monitoring shall be included in the report.

(Ordinance 227, September 5, 2006, Section 1)

Section 362. Report of Changed Conditions. Each user must notify the Township of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

(a) The Township may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 345 of this Part.

(b) The Township may use a wastewater discharge permit under Section 347 of this Part or modify an existing wastewater discharge permit under Section 351 of this Part in response to changed conditions or anticipated changed conditions.

(c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

(Ordinance 227, September 5, 2006, Section 1)

Section 363. Reports of Potential Problems.

(a) In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Township of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume (if known), and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the Township, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed pursuant to this Part.

(c) Failure to notify the Township of potential problem discharges shall be deemed a violation of this Part.

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

(Ordinance 227, September 5, 2006, Section 1)

Section 364. Reports from Unpermitted Users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Township as the Township may require. (Ordinance 227, September 5, 2006, Section 1)

Section 365. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the Township within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Township within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Township monitors at the user's facility at least once a month, or if the Township samples between the user's initial sampling and when the user receives the results of this sampling. (Ordinance 227, September 5, 2006, Section 1)

Section 366. Notification of the Discharge of Hazardous Waste. The discharge of hazardous waste into the sewer system is prohibited. (Ordinance 227, September 5, 2006, Section 1)

Section 367. Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA. (Ordinance 227, September 5, 2006, Section 1)

Section 368. Sample Collection.

(a) Except as indicated in Section b below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Township may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(b) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(Ordinance 227, September 5, 2006, Section 1)

Section 369. Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (Ordinance 227, September 5, 2006, Section 1)

Section 370. Record Keeping. Users subject to the reporting requirements of this Part shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Part and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Township, or where the user has been specifically notified of a longer retention period by the Township. (Ordinance 227, September 5, 2006, Section 1)

Subpart K. Compliance Monitoring

Section 371. Right of Entry: Inspection and Sampling. The Township shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Part, and any permit or order issued hereunder. Users shall allow the Township ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Township will be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The Township shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(c) The Township may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated quarterly to ensure their accuracy and certificates of calibration shall be sent to the Township.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Township and shall not be replaced. The costs of clearing such access shall be borne by the user.

(e) Unreasonable delays in allowing the Township access to the user's premises shall be a violation of this Part.

(Ordinance 227, September 5, 2006, Section 1)

Section 372. Search Warrants. If the Township has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Part, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Township designed to verify compliance with this Part or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Township may seek issuance of a search and/or seizure warrant from the Berks County Court. (Ordinance 227, September 5, 2006, Section 1)

Subpart L. Confidential Information

Section 373. Confidential Information. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Township's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Township, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ordinance 227, September 5, 2006, Section 1)

Subpart M. Publication of Users in significant Non-Compliance

Section 374. Publication of Users. The Township shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (6.4 for BOD, TSS, fats, oils, and grease, and 6.2 for all other pollutants except pH);

(c) Any other discharge violation that the Township believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Township's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within thirty (30) days after the due date any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report non-compliance; or

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

(Ordinance 227, September 5, 2006, Section 1)

Subpart N. Administrative Enforcement Remedies

Section 375. Notification of Violation. When the Township finds that a user has violated (or continues to violate) any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Township may serve upon that user a written Notice of Violation. Within seven (7) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Township. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.

Nothing in this section shall limit the authority of the Township to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. (Ordinance 227, September 5, 2006, Section 1)

Section 376. Consent Orders. The Township may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such documents will include specific action to be taken by the user to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 378 and 379 of this Part and shall be judicially enforceable. (Ordinance 227, September 5, 2006, Section 1)

Section 377. Show Cause Hearing. The Township may order a user which has violated or continues to violate any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Township and show cause why the proposed enforcement action should not be taken. Notice shall be serviced on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. (Ordinance 227, September 5, 2006, Section 1)

Section 378. Compliance Orders. When the Township finds that a user has violated or continues to violate any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Township may issue an order to the user responsible for the discharge directing that the user come into compliance within fifteen (15) days.

If the user does not come into compliance within thirty (30) days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the non-compliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ordinance 227, September 5, 2006, Section 1)

Section 379. Cease and Desist Orders. When the Township finds that a user has violated (or continues to violate) any provision of this Part, a

wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Township may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ordinance 227, September 5, 2006, Section 1)

Section 380. Administrative Fines.

(a) When the Township finds that a user has violated or continues to violate any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Township may fine such user in an amount not to exceed One Thousand Dollars (\$1,000.00). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(b) Unpaid charges, fines, and penalties shall, after fifteen (15) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

(c) Users desiring to dispute such fines must file a written request for the Township to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the Township may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Township may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ordinance 227, September 5, 2006, Section 1)

Section 381. Emergency Suspensions. The Township may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Township may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Township may take such steps as deemed necessary, including immediate

severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Township may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Township that the period of endangerment has passed, unless the termination proceedings in Section 382 of this Part are initiated against the user.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Township prior to the date of any show cause or termination hearing under Sections 377 and 382 of this Part.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section. (Ordinance 227, September 5, 2006, Section 1)

Section 382. Termination of Discharge. In addition to the provisions in Section 346 of this Part, any user who violates the following conditions is subject to discharge termination:

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purposes of inspection, monitoring, or sampling; or
- (e) Violation of the pretreatment standards in Subpart E of this Part.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 377 of this Part why the proposed action should not be taken. Exercise of this option by the Township shall not be a bar to, or a prerequisite for, taking any other action against the user. (Ordinance 227, September 5, 2006, Section 1)

Subpart O. Judicial Enforcement Remedies

Section 383. Injunctive Relief. When the Township finds that a user has violated (or continues to violate) any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Township may petition the Berks County Court through the Township's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirements imposed by this Part on activities of the user. The Township may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ordinance 227, September 5, 2006, Section 1)

Section 384. Civil Penalties.

(a) An Industrial User who willfully or negligently violates any pretreatment standards and/or requirements may be assessed a civil penalty by the Township in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00) per day for each violation, regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct offense under this Section.

(b) For purposes of this Section, a single operational upset which leads to simultaneous violations of more than one pretreatment standard or requirement shall be treated as a single violation as required by the Federal Water Pollution Control Act.

(c) In addition to the civil penalty, the Township may recover the costs for re-establishing the operation of the POTW.

(d) The Township shall include as part of the notice of an assessment of civil penalties a description of the appeals process to be followed, including the name, address, and telephone number of the person responsible for accepting such appeal.

(e) The Township may publicly adopt a formal, written civil penalty assessment policy and make it publicly available. Each industrial discharger with an industrial waste discharge permit shall be given written notice of the policy. In developing the penalty assessment policy, the POTW shall consider damage to air, water, land, or other natural resources of this Commonwealth and their uses; cost of restoration and abatement; savings resulting to the person in consequence of the violation; history of past violations; deterrence of future violations; and other relevant factors.

(f) Civil penalties collected pursuant to this act shall be placed in a restricted account and shall only be used by the POTW for the repair of damage and any additional maintenance needed or any additional costs imposed as a result of the violation for which the penalty was imposed, to pay any penalties imposed on the POTW by the Federal or State government for violation of pretreatment standards, for the costs incurred by the POTW to investigate and take the enforcement action that resulted in a penalty being imposed, for the monitoring of discharges in the pretreatment program and for capital improvements to the treatment works, including sewage collection lines, which may be required by the pretreatment program. Any remaining funds may be used for capital improvements to the treatment works, including collection lines.

(g) The industrial user charged with the penalty shall have thirty (30) days to pay the proposed penalty in full or, if the industrial user wishes to contest either the amount of the penalty or the fact of the violation, the industrial user must file an appeal within thirty (30) days pursuant to 2 Pa. C.S. (relating to administrative law and procedure). Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty. In the event of an appeal, the Township shall conduct a hearing and decide the appeal as provided by administrative law and procedure. In the event, after hearing and decision, the industrial user wishes to make a further appeal, it may do so by filing an appropriate appeal to the Court of Common Pleas of Berks County within thirty (30) days of the final order of the Township.

(Ordinance 227, September 5, 2006, Section 1)

Section 385. Criminal Prosecution.

(a) A user who violates any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a summary offense and be subject to a fine of not more than One Thousand Dollars (\$1,000.00) per violation, per day.

(b) A user who introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a summary offense and be subject to a fine not more than One Thousand Dollars (\$1,000.00). This fine shall be in addition to any other cause of action for personal injury or property damage available under State law.

(c) A user who knowingly made any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Part, wastewater discharge permit, or order issued hereunder, or who falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this Part shall, upon summary conviction, be punished by a fine of not more than One Thousand Dollars (\$1,000.00) per violation per day.

(Ordinance 227, September 5, 2006, Section 1)

Section 386. Remedies Non-Exclusive. The remedies provided for in this Part are not exclusive. The Township may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with this Part unless the Township chooses to develop and adopt an enforcement response plan. However, the Township may take other action against any user when the circumstances warrant. Further, the Township is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently. (Ordinance 227, September 5, 2006, Section 1)

Subpart P. Supplemental Enforcement Action

Section 387. Performance Bonds. The Township may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement unless such user first files a satisfactory bond, payable to the Township, in the sum not to exceed a value determined by the Township to be necessary to achieve consistent compliance. (Ordinance 227, September 5, 2006, Section 1)

Section 388. Liability Insurance. The Township may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge. (Ordinance 227, September 5, 2006, Section 1)

Section 389. Water Supply Severance. Whenever a user has violated or continues to violate any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Township will request that the public water supplier sever the water service to the user. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply. (Ordinance 227, September 5, 2006, Section 1)

Section 390. Informant Rewards. The Township may pay up to One Hundred Dollars (\$100.00) for information leading to the discovery of non-compliance by a user. In the event that the information provided results in an administrative fine or civil penalty levied against the user, the Township may dispense up to ten percent (10%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed One Hundred Dollars (\$100.00). (Ordinance 227, September 5, 2006, Section 1)

Section 391. Contractor Listing. Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Township. Existing contracts for the sale of goods or services to the Township held by a user found to be in significant non-compliance with pretreatment standards or requirements may be terminated at the discretion of the Township. (Ordinance 227, September 5, 2006, Section 1)

Subpart Q. Affirmative Defenses to Discharge Violations

Section 392. Upset.

(a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of Subsection (c) are met.

(c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the Township and treatment plant operator within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

(i) A description of the indirect discharge and cause of non-compliance;

(ii) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and

(iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

(d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with categorical pretreatment standards.

(f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(Ordinance 227, September 5, 2006, Section 1)

Section 393. Prohibited Discharge Standards. A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the general prohibitions in Subsection 330(a) of this Part or the specific prohibitions in Subsection 330(b)(3) of this Part if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Township was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements. (Ordinance 227, September 5, 2006, Section 1)

Section 394. Bypass.

(a) For the purposes of this Section:

(1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

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

(b) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsections (c) and (d) of this Section.

(c) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Township, at least ten (10) days before the date of the bypass, if possible.

A user shall submit oral notice to the Township of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The Township may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) Bypass is prohibited, and the Township may take an enforcement action against a user for a bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment

downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The user submitted notices as required under Subsection (c) of this Section.

The Township, after consulting with its Consulting Engineer, may approve an anticipated bypass, after considering its adverse effects, if they determine that it will meet the three conditions listed in Subsection (d) above.

(Ordinance 227, September 5, 2006, Section 1)

Subpart R. Miscellaneous Provisions

Section 395. Pretreatment Charges and Fees. The Township may adopt reasonable fees for reimbursement of costs of setting up and operating a Pretreatment Program which may include:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (c) Fees for reviewing and responding to accidental discharge procedures and construction;
- (d) Fees for filing appeals; and
- (e) Other fees as the Township may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Part and are separate from all other fees, fines, and penalties chargeable by the Township.

All fees may be updated by Resolution of the Township. (Ordinance 227, September 5, 2006, Section 1)

Section 396. Extraordinary Maintenance Charge. Any person discharging any waste which, in the judgment of the Township, causes any extraordinary maintenance expenses shall be billed by the Township in the amount of said expenses. The billing amount shall be determined by the Township and shall include charges for labor of Township personnel and other costs incurred by the Township. (Ordinance 227, September 5, 2006, Section 1)

Section 397. Severability. If any provision of this Part is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect. (Ordinance 227, September 5, 2006, Section 1)

Subpart S. Determination of Charges for Strong Wastes

Section 398. Strong Waste Surcharges. There may be additional charges for wastes having concentrations of BOD, suspended solids, dissolved solids, ammonia-nitrogen, and phosphorus in excess of the average concentration of these pollutants in normal domestic waste. Normal domestic waste shall be considered as having the following concentrations:

- (a) CBOD₅ - 300 mg/L
- (b) Suspended solids - 250 mg/L
- (c) Dissolved solids - 500 mg/L
- (d) Ammonia nitrogen - 25 mg/L

Maximum acceptable wastewater strength concentrations are as follows:

- (w) CBOD₅ - 900 mg/L
- (x) Suspended solids - 750 mg/L
- (y) Dissolved solids - 1,500 mg/L
- (z) Ammonia nitrogen - 75 mg/L

(Ordinance 227, September 5, 2006, Section 1)

Section 399. Strong Waste Surcharge Formula. In order to determine the additional charges for wastes with strength greater than that of domestic waste, the following formula shall be used:

$$S_Q = 0.00834 Q_I [(CBOD_5 - 300) TC_{BOD} + (SS_I - 250) TC_{SS} + (DS_I - 500) TC_{DS} + (NH_3N_I - 25) TC_{NH3N}]$$

Where:

S_Q is the quarterly surcharge to be added to the normal sewer rent.

0.00834 is a constant to convert waste concentrations expressed in mg/L to thousands of pounds of waste.

Q_I is the quarterly waste flow expressed in million gallons.

CBOD₅, SS_I, DS_I, and NH₃N_I are the respective concentrations of CBOD₅, suspended solids, dissolved solids, and ammonia nitrogen of the waste expressed in mg/L.

300, 250, 500, and 25 are constants which express the waste load concentrations in mg/L for normal domestic waste.

TC_{CBOD5} is the treatment cost incurred by the Township as updated annually per 1,000 pounds of CBOD₅.

TC_{SS} is the treatment cost incurred by the Township as updated annually per 1,000 pounds of suspended solids.

TC_{DS} is the treatment cost incurred by the Township as updated annually per 1,000 pounds of dissolved solids.

TC_{NH3N} is the treatment cost incurred by the Township as updated annually per 1,000 pounds of ammonia nitrogen.

When a value of CBOD, suspended solids, dissolved solids and/or ammonia nitrogen is less than the normal domestic waste concentration set forth in the strong waste surcharge formula, then the normal domestic waste concentration shall be used in the calculation of strong waste surcharge. The Township may choose not to apply the surcharge formula for any of the above parameters depending on the parameters listed in its NPDES permit. (Ordinance 227, September 5, 2006, Section 1)

Section 400. Additional Surcharges. The formula specified in Section 399 of this Part is to determine additional charges or surcharges for the treatment of wastes having concentrations of CBOD₅, suspended solids, dissolved solids and ammonia nitrogen in excess of those of domestic waste. It is, however, recognized that the discharge of any waste or other substance containing any one of the prohibited substances listed in Section 330 may result in extraordinary laboratory, labor, maintenance and/or treatment expenses to the Township. Hence, in the event of the discharge of any wastes or other matters or substance containing any one of the prohibited substances listed in Section 330 or Section 334 multiplied by the TRC, the Township shall have the power to bill the owner of the property from which such discharge is made an additional surcharge of Three Hundred Dollars (\$300.00). Each day that such discharge is made shall result in a separate Three Hundred Dollar (\$300.00) additional surcharge. This Three Hundred Dollar (\$300.00) charge shall be in addition to the normal sewer rental and/or any strong waste surcharge as incurred under Section 399 of this Part. (Ordinance 227, September 5, 2006, Section 1)

Section 401. Methods of Payment of Extra Charges by Industrial Users. The strong waste surcharge shall be paid quarterly. The Township shall cause the water meter of each industrial user where the wastewater flow determination is based upon metered water consumption, and the wastewater meter where the wastewater flow determination is based upon wastewater flow measurement, to be read on a quarterly basis, and the Township shall cause strong waste surcharge bills to be mailed forthwith following each reading.

(a) The Township shall cause periodic sampling of the wastewater discharged by each industrial user in accordance with Section 403 of this Part.

(b) The analysis of the sample shall be the basis for computing strong waste surcharges.

(c) Bills for strong waste surcharge shall be mailed to the owner's address specified on the industrial waste permit. Failure to receive a bill as a result of incorrect address or otherwise shall not excuse non-payment of charges or extend the time for payment.

(c) The strong waste surcharge formula will be updated annually using current operation and maintenance costs and wasteload quantities to reflect actual costs to remove specific pollutants.

(Ordinance 227, September 5, 2006, Section 1)

Section 402. New Industrial Users. A new industrial user is one which connects to the treatment works after the effective date of this Section. Strong waste surcharge payments by a new industrial user shall begin on the date treatment

works use is initiated and continue indefinitely. (Ordinance 227, September 5, 2006, Section 1)

Subpart T. Measurement of Concentration of Industrial Waste

Section 403. Industrial Waste Sampling. Industrial wastes being discharged into the sewer system shall be subject to sampling and inspection to be used as a basis for determining additional charges due to excessive concentrations of CBOD₅, suspended solids, dissolved solids, ammonia nitrogen, and/or substances prohibited in Section 330 of this Part. Such sampling and inspection shall be made by the Township as frequently as may be deemed necessary. The analysis of the sample so obtained shall be the basis for computing additional charges in accordance with Section 401 of this Part. The cost of such sampling and testing thereof shall be borne by the user.

The industry may request that samples be taken in addition to the samples taken by the Township. The cost of making this collection and analysis shall be borne by the user.

Samples and the analysis of samples shall be made in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA. (Ordinance 227, September 5, 2006, Section 1)

Section 404. Control Manhole. When required by the Township, the owner of any property discharging industrial waste into the sewer system shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the waste. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Township. The manhole shall be installed by the property owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ordinance 227, September 5, 2006, Section 1)

Subpart U. Measurement of Volume of Industrial Wastes for Strong Waste Surcharges

Section 405. Measurement. Whenever a person purchasing his entire water supply from a water purveyor discharges only industrial waste into the sewer system, the volume of water purchased may be used as a measure of the quantity of industrial waste discharged.

Whenever a person purchasing his entire water supply from a water purveyor discharges combined domestic waste and industrial waste into the sewer system, the volume of water purchased chargeable as industrial waste shall be the total volume of water purchased less the volume determined to be domestic waste. The domestic waste shall be determined by the Township in either of the following two (2) ways:

(a) Actual measured flow; or

(b) By multiplying the average number of employees in the establishment during the preceding billing period by ten (10) gallons per day.

Whenever a person purchasing his entire water supply from a water purveyor and discharging industrial waste into the sewer system also discharges unpolluted cooling water to either a separate storm sewer or other outlet, an allowance for the amount of water so discharged shall be made in computing the sewer charges. The person so discharging cooling water shall, at his own expense, install a meter or meters, as required, to indicate accurately and to the satisfaction of the Township the amount of water claimed as a credit.

The Township shall be responsible for the reading of water and/or sewage meters when installed in industrial establishments within its jurisdiction. All meters shall be installed at a location approved by the Township. All meters shall be accessible to the Township at all times. (Ordinance 227, September 5, 2006, Section 1)

Subpart V. Access

Section 406. Access. The Township shall have the right of access to any part of any improved property served by the POTW as shall be required for purposes of inspection, measurement, sampling, and testing, and for performance of other functions relating to service rendered by the Township through the POTW. (Ordinance 227, September 5, 2006, Section 1)

Subpart W. Enforcement

Section 407. Enforcement. Any person who shall violate this Part 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. (Ordinance 227, September 5, 2006, Section 1)

Section 408. Fines and Costs. Fines and costs imposed under provisions of this Part shall be enforceable and recoverable in the manner at the time provided by applicable law. (Ordinance 227, September 5, 2006, Section 1)

Subpart X. Declaration of Purpose

Section 409. Declaration. It is 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 227, September 5, 2006, Section 1)

Part 4

Spray Irrigation And Stream Discharge Systems

Section 451. 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 452. 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 453. 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 or 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 454. 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 455. 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 456. 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 457. 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 458. 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 459. 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 460. 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 prospective 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)

