

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) PSMA Certified Driver. An individual who possess a current certification by the Pennsylvania Septage Management Association who is employed by a septage hauling company.

(16) 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.

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

(18) 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).

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

(20) 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.

(21) 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.

(22) 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.

(23) 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.

(24) 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.

(25) 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; as amended by Ordinance 268, November 3, 2010, 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, a L&I Certified Plumbing Inspector or a PSMA Certified individual employed by a septage hauler 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; as amended by Ordinance 268, November 3, 2010, Section 2)

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 PTOW 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:

CBOD₅ - 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, et seq.)
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 Requirements

Section 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)