

Enacted: November 20, 2012

**BOROUGH OF HIGHSPIRE  
SEWER USE ORDINANCE  
NO. 595**

**BOROUGH OF HIGHSPIRE  
ORDINANCE NO. 595**

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ORDINANCE NO. 595

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHSPIRE DAUPHIN COUNTY, PENNSYLVANIA AMENDING, AND RESTATING CHAPTER 18, PART 1 OF THE CODE OF ORDINANCES OF THE BOROUGH OF HIGHSPIRE RELATING TO SEWER RATES, RULES, AND REGULATIONS, DEFINING CERTAIN TERMS; REQUIRING CONNECTION TO THE SEWER SYSTEM AND PROVIDING APPLICATION PROCEDURES AND STANDARDS THEREFORE; IMPOSING CONNECTION AND TAPPING FEES; DESIGNATING SEWER RENTAL RATES; SETTING PRETREATMENT STANDARDS AND REQUIRING PERMITS AND REPORTS RELATED THERETO; PROHIBITING THE DISCHARGE OF POLLUTANTS INTO THE SEWER SYSTEM; AND PROVIDING ENFORCEMENT PROCEDURES IN ACCORDANCE WITH STATE AND REDERAL LAWS AND REGULATIONS, INCLUDING THE CLEAN WATER ACT (33 U.S.C. 1251 ET SEQ.) AND THE GENERAL PRETREATMENT REGULATIONS (40 CFR PART 403), AS AMENDED; IMPOSING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND SETTING AN EFFECTIVE DATE.

The Borough Council hereby ordains:

**Section 1.** Sewer Amendments. The Borough of Highspire Code of Ordinances is hereby amended as is more fully shown in the complete test of Chapter 18 thereof which is attached hereto and made part hereof by reference hereto as if fully set out at length herein.

**Section 2.** Saving Clause. The provisions of the Borough of Highspire Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this ordinance, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of this ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations except as otherwise provided by law.

Part 1

Sewer Rates, Rules, and Regulations

**§101 SCOPE AND APPLICABILITY**

1. The rates, rules and regulations contained in this Part shall govern the Publicly Owned Treatment Works (POTW) for the Borough of Highspire (Borough) and shall be a part of the contract that every User, by utilizing such facilities, agrees to be bound thereby.

2. To enable the Authority and Borough to comply with all applicable State and Federal laws under the Clean Water Act (33 U.S.C. §1251, et seq.) and the General Pretreatment Regulations (40 CFR §403), requirements are set forth in this Ordinance for direct and indirect contributors to the POTW owned by the Highspire Borough Authority (Authority) and operated by the Borough of Highspire (Borough).

3. The objectives of this Ordinance are:

- A. To prevent the introduction of pollutants and certain nutrients into the sewer system which may interfere with the operation of the POTW or contaminate the resulting sludge.
- B. To prevent the introduction of pollutants into the sewer system which may pass through the POTW inadequately treated and into the receiving waters or the atmosphere or otherwise be incompatible with the POTW.
- C. To improve the opportunity to recycle and reclaim wastewaters and sludge's from the POTW.
- D. To provide for equitable distribution of the cost of operation, maintenance, and improvement of the POTW.
- E. To provide for equitable distribution of the cost of the implementation of the Borough's Industrial Pretreatment Program.
- F. To enable the Borough to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use, and disposal requirements and any other Federal or State laws to which the POTW is subject.

4. This Part provides for the regulation of direct and indirect contributors to the POTW through the issuance of Wastewater Discharge Permits to certain nonresidential Users and through enforcement of general requirements for the other nonresidential Users; authorizes monitoring and enforcement activities; requires User reporting; assumes that existing customer's capacity will not be preempted; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

5. This Ordinance shall apply to the Borough of Highspire and to all persons within and outside the Borough who are Users of the POTW. Except as otherwise provided herein, the Borough shall administer, implement, and enforce the provisions of this Ordinance.

## **§102 DEFINITIONS**

As used or referred to in this Part, the following words and terms shall have the following meanings, unless a different meaning clearly appears from the context.

1. 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.)
2. Approval Authority. The Regional Administrator of the EPA, Region III.
3. Authority. The Highspire Borough Authority, Dauphin County, Pennsylvania, owner of the POTW.
4. Authorized Representative of User.
  - A. If the User is a corporation, the authorized representative shall be:
    - (1) The president, vice-president, secretary or treasurer of the corporation in charge of a principal business function, or any person who performs similar policy or decision-making functions for the corporation; or
    - (2) The manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - B. If the User is a partnership or a sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
  - C. If the User is a Federal, State, or Local government facility, the authorized representative shall mean a ranking elected official, or principal executive official having responsibility for the overall operation and performance of the activities of the principal geographic unit of the government agency;
  - D. The individuals described in paragraphs (A) through (C), above, may designate another authorized representative if:
    - (1) The authorization is made in writing by the individual described above;
    - (2) The authorization specifies either the individual or a position responsible for the overall operation of the facility from which the indirect discharge

originates or having overall responsibility for environmental matters for the company; and

- (3) The written authorization is submitted to the Borough.
5. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees Centigrade (20°C), expressed in terms of weight and concentration, milligrams per liter (mg/L).
6. Borough. The Borough of Highspire, Dauphin County, Pennsylvania, operator of the POTW under a contract and lease.
7. Borough Council. The governing body of the Borough of Highspire, Dauphin County, Pennsylvania.
8. Building Code Official. A construction code official, the building code official's designee, or a person designated by the Borough Council, who manages, supervises and administers building code enforcement activities under §401.7(a)(18) (relating to certification category specifications). Duties include, but are not limited to: management of building code enforcement activities; supervision of building inspectors or plan examiners; authorizing issuance of certificates of occupancy; issuance of building permits, violation notices and orders to vacate; and the initiation of prosecutions.
9. Color. The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
10. Commercial Establishment. Any non-residential dwelling unit for the purpose of this ordinance.
11. 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.
12. Connection Charge. That charge imposed for the permit and inspection of the Service Lateral installation. This fee is payable to the Borough.
13. Control Authority. The Borough of Highspire, Dauphin County, Pennsylvania.
14. Cooling Water. The water discharged from any use to which the only pollutant added is heat, such as air conditioning, cooling or refrigeration.
15. Direct Discharge. The discharge of treated or untreated wastewater directly into the waters of the Commonwealth of Pennsylvania.



16. Domestic Wastewater. Human excrement and gray water (showers, dishwashers, washing machines, etc.) from residential households, institutions, commercial and industrial establishments, but excluding industrial wastewaters.
17. Dwelling Unit. A room or group of rooms within a building which forms one habitable unit with facilities used, or intended to be used, for living, sleeping, sanitation and preparation of meals.
18. Efficiency Apartment. A dwelling unit in which one room typically contains the kitchen and living quarters, with a separate bathroom.
19. EDU. Equivalent Dwelling Unit with a flow of two hundred (200) gallons per day (GPD). Flow shall be determined by the units of measured water consumption.
20. Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
21. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed Federal Categorical Pretreatment Standards which is applicable to such Source if the Federal Categorical Pretreatment Standard is thereafter promulgated in accordance with Section 307(c) of the Act (33 U.S.C. §1317).
22. Federal Categorical Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. §1317), which applies to a specific category of Industrial Users and which appears in 40 CFR Chapter I, Subchapter N, §§405-471.
23. Grab Sample. A sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
24. Holding Tank Waste. Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
25. Indirect Discharge. The discharge or the introduction of pollutants from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act (33 U.S.C. §1317), into the POTW, including holding tank waste discharged into the POTW.
26. Industrial Establishment. Any non-residential dwelling unit for the purpose of this ordinance.
27. Industrial Pretreatment Program. A program administered by the Borough pursuant to this Ordinance controlling the discharge of industrial wastewater to the POTW.
28. Industrial User. A source of Indirect Discharge.

29. Industrial Wastewater. Any liquid, gaseous, or waterborne waste discharged into the sewer system from commercial or industrial establishments, as distinct from domestic wastewater.
30. Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, causes the inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and therefore is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation). The term includes a discharge which causes the prevention of sewage sludge use or disposal by the POTW in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state and local regulations): Section 405 of the Clean Water Act (33 U.S. C. §1345); the Solid Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); the Clean Air Act (CAA); the Toxic Substances Control Act (TSCA); the Marine Protection, Research and Sanctuaries Act; and any State regulations contained in any State sludge management plan prepared pursuant to Title IV (Subtitle D) of the SWDA applicable to the method of disposal or use employed by the POTW.
31. International Plumbing Code. Code book of International Plumbing Codes to be used for construction of service laterals, unless otherwise specified by the Authority or Borough.
32. International Residential Code. Is a model building code developed by the International Code Council (ICC) which has been adopted by the Borough of Highspire.
33. Medical Waste. Medical waste is all waste materials generated at health care facilities, such as hospitals, clinics, physician's offices, dental practices, blood banks, and veterinary hospitals/clinics, as well as medical research facilities and laboratories.  
  
The Medical Waste tracking Act of 1988 defines medical waste as "any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biological." This definition includes, but is not limited to: blood-soaked bandages, culture dishes and other glassware, discarded surgical gloves, discarded surgical instruments, discarded needles used to give shots or draw blood (e.g., medical sharps), cultures, stocks, swabs used to inoculate cultures, removed body organs (e.g., tonsils, appendices, limbs), discarded lancets.
34. Mixed Use. Any parcel that has a combination of residential and non-residential dwelling units.
35. Multiple Unit Building. A building with two or more dwelling units used, or arranged, or intended to be used, by individuals or groups of individuals living independently of each other in those dwelling units.

36. National Pollutant Discharge Elimination System (NPDES) Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. §1342).
37. National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of Section 307(b) of the Act and set forth in 40 CFR §403.5.
38. New Source.
  - A. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed Federal Categorical Pretreatment Standards under Section 307(c) of the Act (33 U.S.C. §1317) which apply to such source, if such standards are thereafter promulgated in accordance with that section provided that:
    - (1) The building, structure, facility or installation is constructed at a site at which no other source is located;
    - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
    - (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered.
  - B. Construction on a site at which an existing source is located results in modification, rather than a new source, if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (A)(2) or (A)(3), of this subsection, but otherwise alters, replaces or adds to existing process or production equipment.
  - C. Construction of a new source as defined under this subsection has commenced if the owner or operator has:
    - (1) 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 are

necessary for the placement, assembly or installation of new source facilities or equipment: or

- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in the operation within a reasonable time from the date on which the contract was entered. 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.
39. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.
40. 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 POTW's NPDES Permit (including an increase in the magnitude or duration of a violation).
41. 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 or Local government entities. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.
42. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per Liter of solution and indicates the degree of acidity or alkalinity of a substance.
43. Pollutant. Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials including but not limited to phosphorus and nitrogen compounds, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal, and agricultural wastes, and certain characteristics of wastewater (i.e. Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Color, Odor, pH, Temperature, Total Suspended Solids (TSS), Toxicity, or Turbidity).
44. Pollution. The manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
45. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
46. Premises. A house or building, commercial, residential or industrial, together with its land and outbuildings.

47. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise 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 as prohibited by 40 CFR §403.6(d).
48. Pretreatment Requirements. Any substantive or procedural requirement relating to pretreatment, other than a Pretreatment Standard.
49. Pretreatment Standards. Prohibited discharge standards, Federal Categorical Pretreatment Standards and local discharge limits.
50. Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. §1292). This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of domestic or industrial wastewater. It includes pipes, sewers and other conveyances only if they convey wastewater to a POTW treatment plant. For the purposes of this Ordinance, POTW shall also include any sewers that convey wastewaters to the POTW from Users inside and outside of the Borough who are, by contract or agreement with the Borough or the Authority, Users of the POTW. The term also means the municipality, as defined in Section 502(4) of the Act (33 U.S.C. §1362(4)), which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
51. Rental Unit. A unit occupied by anyone other than the legal property owner whether or not compensation is received.
52. Repair. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the International Residential Code (IRC).
53. Service Area. That area of the sewer system served by the POTW.
54. Service Lateral. That part of a sewer line extending from the sewer main to the building. The Service Lateral shall be maintained by the owner.
55. Sewer Rental. The annual charge for direct and indirect connection with and use of the POTW.
56. Sewer System. Sewer mains that are under the supervision of the POTW.
57. Shall is mandatory; May is permissive.
58. Significant Industrial User (SIU). Any nonresidential User of the POTW who:

- A. Discharges industrial wastewater subject to Federal Categorical Pretreatment Standards (also known as a Categorical SIU); or
- B. Discharges an average flow of 25,000 gallons per day or more of industrial wastewater to the POTW (excluding sanitary, noncontract cooling water and boiler blowdown wastewater); or
- C. Discharges industrial wastewater which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- D. Is designated as significant by the Borough on the basis that the User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

Upon Finding that a User meeting the criteria in paragraphs (B) through (D) has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Borough may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures established in 40 CFR §403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

- 59. Slug. Any discharge of a nonroutine, episodic nature, or at a flow rate or concentration which could cause a violation of the Prohibited Discharge Standards in §104.1 of this Ordinance.
- 60. Standard Industrial Classification (SIC). A classification pursuant to the *Standard Industrial Classification Manual* issued by the Executive Office of the President, Office of Management and Budget.
- 61. State. Commonwealth of Pennsylvania.
- 62. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting there from.
- 63. Subsoil. That soil which lies below the stone bedding of the sewer pipe.
- 64. Superintendent. The person who is designated by the Borough to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Ordinance, or his/her duly authorized representative.
- 65. Tapping Fee. That charge imposed for the privilege of connecting with or utilizing, whether directly or indirectly, the sewer system under authority of the Municipalities Planning Code. This charge is payable to the Authority.

66. Total Suspended Solids (TSS). The total suspended matter that floats on the surface or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.
67. Toxic Pollutant. One of the pollutants or a combination of those pollutants listed as toxic in regulations promulgated by the EPA pursuant to Section 307(a) (33 U.S.C. §1317) of the Act or other acts.
68. User. Any person who contributes, causes or permits the discharge of wastewater into the POTW. A User also includes, but is not limited to, the following persons contracting for service to a property as hereinafter classified:
- A. A building under one roof and occupied by one family or business;
  - B. A combination of buildings in one common enclosure, occupied by one family or business;
  - C. One side of a double house having a solid vertical partition wall, occupied by one family or business;
  - D. One side or part of a house occupied by one family or business, even though plumbing fixtures be used as common;
  - E. Each apartment in a building having a number of apartments;
  - F. Each office, business or combination of offices or businesses in a building having one or more offices or businesses; or
  - G. Each dwelling unit or business in a building occupied by more than one family or business.
69. Wastewater. The liquid and water-carried industrial or domestic wastes from residential dwellings, commercial buildings, industrial facilities and institutions, together with any ground water, surface water and storm water that may be present, whether treated or untreated, which are discharged into and permitted to enter the POTW.
70. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulation 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.

## §103 ABBREVIATIONS

The following abbreviations shall have the designated meanings:

- § Section
- BCO Building Code Official
- BMR Baseline Monitoring Report
- BOD Biochemical Oxygen Demand
- CAA Clean Air Act, 42 U.S.C. §7401 et. seq.
- CFR Code of Federal Regulations
- COD Chemical Oxygen Demand
- DEP Department of Environmental Protection (Pennsylvania)
- EDU Equivalent Dwelling Unit
- EPA Environmental Protection Agency (United States)
- FOG Fats, Oils and Grease
- GPD Gallons Per Day
- ICC International Code Council
- LEL Lower Explosive Limit
- MGD Million Gallons Per Day
- mg/L Milligrams per Liter
- MSDS Material Safety Data Sheet
- NPDES National Pollutant Discharge Elimination System
- O&M Operation and Maintenance
- POTW Publicly Owned Treatment Works
- RCRA Resource Conservation and Recovery Act, 42 U.S.C. §6901 et. seq.
- SIC Standard Industrial Classification
- SIU Significant Industrial User
- SNC Significant Noncompliance
- SWDA Solid Waste Disposal Act, 42 U.S.C. §6901, et. seq.
- TKN Total KjeldahlNitrogen
- TP Total Phosphorus
- TRC Technical review Criteria
- TRE Toxic Reduction Evaluation
- TSCA Toxic Substances Control Act, 15 U.S.C. §2601, et. seq.
- TSS Total Suspended Solids
- USC United States Code

## §104 GENERAL SEWER USE REQUIREMENTS

1. Prohibited Discharge Standards: No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all Users whether or not the User is subject to Federal Categorical Pretreatment Standards or any other Federal, State or Local Pretreatment Standards or Requirements. A User may not contribute the following substances to the POTW:



- A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances, to cause fire or explosion, or be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (140°F) or 60 degrees Centigrade (60°C) using the test methods specified in 40 CFR §261.21. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the sewer system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Except as otherwise provided by the Borough, prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, bromates, carbides, hydrides, sulfides and any other substance which is a fire hazard or a hazard to the Sewer System.
- B. Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the POTW, including, but not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes.
- C. Any wastewater having a pH less than 6.0 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment.
- D. Any wastewater containing pollutants in sufficient quantity, which either singly or by interaction with other pollutants, injures or interferes with the POTW treatment plant, constitutes a hazard to humans and animals, creates a toxic effect in the receiving waters of the POTW, or exceeds the limitations set forth in a Federal Categorical Pretreatment Standard.
- E. Any 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 or any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance or repair.
- F. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation or reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic

Substance Control Act or State criteria applicable to the sludge management method being used.

- G. Any substance which will pass through and, as a result, cause the POTW to violate its NPDES Permit or the receiving stream's water quality standards.
- H. Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
- I. Any wastewater having a temperature which may inhibit biological activity in the POTW treatment plant resulting in interference. Any wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Centigrade (40°C) or 104 degrees Fahrenheit (104°F) is prohibited.
- J. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that may cause pass through or interference.
- K. Hauled waste is prohibited, except at discharge points designated by the POTW.
- L. Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which cause interference to the POTW.
- M. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Borough in compliance with applicable State or Federal regulations.
- N. Any wastewater which causes a hazard to human life or creates a public nuisance.
- O. Any storm water, surface water, ground water, roof runoff, subsurface drainage, sump pump drainage, swimming pool drainage, noncontact cooling water, unpolluted process water. The discharge of cooling water, from air conditioning units with cooling towers or recirculating systems or those units using flow-through or un-recirculating systems is prohibited.
- P. Medical wastes, except as specifically authorized by the Borough in a Wastewater Discharge Permit.
- Q. Detergents, surface active agents or other substances which may cause excessive foaming in the POTW.

When the Borough determines that a User is contributing to the POTW any of the above enumerated substance in such amounts that interfere with the operation of the POTW, create a hazard to human life or are a public nuisance, the Borough shall advise the User of the impact of the contribution on the POTW and shall take necessary action to eliminate the interference.

2. Federal Categorical Pretreatment Standards: The Federal Categorical Pretreatment Standards, codified at 40 CFR Chapter I, Subchapter N, §§405-471, are hereby incorporated by reference.

- A. When regulated wastestreams, subject to a Federal Categorical Pretreatment Standard, are mixed with unregulated wastestreams, the Borough shall impose alternate limits using the combined wastestream formula found in 40 CFR §403.6(e).
- B. Where a Federal Categorical Pretreatment is expressed only in terms of either mass or concentration for a pollutant, the Borough may impose equivalent concentration or mass limits in accordance with 40 CFR §403.6(c).
- C. A User may obtain a variance from a Federal Categorical Pretreatment Standard if the User proves, pursuant to 40 CFR §403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Federal Categorical Pretreatment Standard.
- D. A User may obtain a net gross adjustment to a Federal Categorical Pretreatment Standard in accordance with 40 CFR §403.15. Federal Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the User's intake water.
- E. Where there is a conflict between Federal, State or Local Pretreatment Standards, the more stringent Pretreatment Standard shall apply.
- F. Where the POTW treatment plant achieves consistent removal of pollutants limited by Federal Categorical Pretreatment Standards, the Borough may apply to the Approval Authority for modifications of specific limits in the Federal Categorical Pretreatment Standards. Appendices G-I and G-II contained in 40 CFR §403.7 list those pollutants that are eligible for removal credits. Removal credits are only available for the various use and disposal practices for sludge as regulated by 40 CFR §503. "Consistent removal" shall mean the reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW treatment plant to a less toxic or harmless state in the effluent in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in 40 CFR §403.7(c)(2). The Borough may then modify pollutant discharge limits in the Federal Categorical Pretreatment Standards if the requirements contained in 40 CFR §403.7 are fulfilled and prior approval from the Approval Authority is obtained.

3. Specific Discharge Limits: Specific discharge limits (or Local Limits) may be established by resolution of the Borough Council to protect against pass through and interference, and to protect the sludge quality. Local limits may be allocated on an individual basis to Users and defined through Wastewater Discharge Permits issued pursuant to §113 of this Ordinance.

4. Borough's Right of Revision: The Borough reserves the right to establish through a Wastewater Discharge Permit more stringent limitations or requirements on discharges to the POTW if deemed necessary and appropriate to comply with the objectives presented in this Ordinance.

5. Dilution: No User shall 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.

## **§105 APPLICATION FOR SERVICE (SERVICE LATERAL)**

1. Application for Connection: Before any connection shall be made by any User to the sewer system, an application for permission to connect to the sewer system in an abutting street, lane, alley, right-of-way or other public highway shall be made in writing to the Borough, and a Sewer Connection Permit shall be issued to the property owner by the Borough upon approval of the application. The application for connection to the sewer system shall be submitted on the official form prepared for this purpose. The application shall be completed and signed by the User or his duly authorized representative. The initial application shall be accompanied by the proper connection charge and tapping fee. Once all charges and fees have been paid and the application approved, the Sewer Connection Permit shall be issued for a period not to exceed one year. A building permit applied for under the ordinances of the Borough shall not be issued (if necessary) prior to the issuance of the Sewer Connection Permit. If the Borough deems it necessary, a User shall obtain a Street Opening Permit from the Borough prior to having a street excavated for placement of sewer pipe.

2. Observance of Rules and Regulations: The owner or user of premises connected to the sewer system shall be responsible for all sewer bills and proper observance of the rules and regulations contained in this section.

3. Other Connections to Sewer Lines: No owner or tenant of any premises connected to the sewer system shall permit another person or premises to use or connect with his service lateral, except upon written permission from the Borough.

4. Separate House Connections: A separate house connection shall be required for each individual building or house whether constructed as a detached unit or as one of a pair or row. However, a single connection may be permitted to serve a school, factory, apartment house or other permanent multiple-unit building in which dwelling units shall not be subject to separate ownership.

5. Common Waste System: Only *existing* single house connections shall be permitted to continue to serve a double house in which the internal waste system is common to both houses, and is not readily separable. In such cases, where common waste systems do exist each property owner shall pay a separate sewer rent, and both parties shall agree to maintain the common waste system. As a condition of the agreement each property owner shall agree to relieve the borough of any responsibility or obligation caused by or resulting from the installation of a common

waste system. The agreement shall provide that any unresolved disagreement between the property owners concerning the future maintenance of the common waste system shall be sufficient cause for the borough to enforce that separate house connections be installed. The installation of such separate service laterals from the sewer main to the building shall be made at the joint expense of the property owners under this agreement.

6. No Work Performed Without Permission:

- A. No person may perform plumbing work on any sewer laterals or internal plumbing without first notifying the Superintendent to determine if a permit is required. If a permit is required, no person may perform the plumbing work before such permit is obtained from the Borough.
- B. All connections made to the sewer system must be inspected by the Borough or its representative prior to backfilling or covering the work. Work shall be installed in accordance with the Authority's *Construction Manual for Sewer Extensions, Sewer Laterals and Appurtenances*. Work failing to meet these standards shall be replaced before connections to the sewer systems may be allowed.

## **§106 SERVICE CONNECTIONS**

1. Supervision of Work: No Sewer connection or disconnection shall be made except under the supervision, control and approval of the Borough.

2. Connection Requirements:

- A. As the sewer system is constructed and/or extended, each and every owner of improved property in the Borough abutting on or adjoining any street, lane, alley, right-of-way or other public highway in which there is a sewer, is required to connect his or her premises therewith, without delay, and to disconnect his or her said premises with any storm sewer, or other sewer or outlet to which it may be connected. If, after the expiration of three (3) months from the date of completion of the construction of the sewer system or the extension of the sewer system whichever applies, any owner of improved property abutting or adjoining a sewer has failed to connect therewith, the Borough shall give such owner forty-five (45) days written notice of the connection requirement, and if such owner fails to make the required connection, within a further period of thirty (30) days, the Borough may make such connection and collect the cost thereof from the owner in accordance with applicable law.
- B. When existing sewers are extended or new sewers are constructed, all adjoining properties that have occupied structures within 300 feet of these sewers shall be required to connect to the sewer system. All costs associated with the connection to the sewer system shall be paid by the property owner.

- C. Past failure to comply with connection requirements shall not exempt any owner from future compliance.

3. Construction or Extension of Sewer Service: Should the Authority elect to construct new sewer mains or to extend existing sewer mains, the Authority may, during construction and at the Authority's expense, install service laterals from the sewer main to the property line of all existing buildings. Upon installation, service laterals shall become the property of the property owner and shall be maintained by the owner. Service laterals shall not be installed to vacant lots or points except to serve existing buildings under construction which are to be completed prior to placing the sewer system in service. If an owner of vacant or unimproved property abutting the sewer system contemplates the construction in the future of buildings abutting constructed sewers and desires to have the service lateral installed during the period of initial construction of the sewer system, such owner shall apply to the Borough for permission. If such permission is granted, the cost of the service lateral shall be borne by the Authority; provided, however, that the future customer shall be liable as hereinafter described in §119.5 of this Ordinance for a deposit, as though he were the owner of improved property desiring connection after the sewer service is available. Such an application for service to an unimproved lot shall be made prior to the time the sewer main is originally constructed in the street, lane, alley, right-of-way or other public highway adjoining the point in the applicant's unimproved property where the sewer service connection is desired.

4. Construction at Discretion of Authority: The Authority shall not be compelled to construct new sewer mains or to extend existing sewer mains. The construction or extension of sewer mains, and the provision of sewer service to new Users, shall be at the sole discretion of the Authority.

5. Service Laterals: After construction of newer sewer mains is completed, the service lateral shall be constructed from the sewer main to the building served by the property owner at his expense and shall be owned and maintained by the property owner. All owners of unimproved property in the service area who do not make application for service as provided in §106.2 of this Ordinance, and all owners of improved property which does not abut or adjoin any street, lane, alley, right-of-way or other public highway in which sewers are originally constructed, may also apply for service, but all such connections, including the service lateral, shall be at the expense of the property owner. Should an existing sewer main be replaced, the Authority shall bear the cost of reconnection to existing laterals in accordance with the Authority's *Construction Manual for Sewer Extensions, Sewer Laterals and Appurtenances*.

6. Existing Connections: Existing service laterals may be utilized provided that the service laterals are inspected by the Borough or its representative and found to be reasonably true to grade and alignment, to be in good condition for the purpose of conveying domestic and industrial wastewaters, to have watertight joints that are constructed of approved materials and to be located such that they are acceptable for use. If the existing service laterals do not conform to all applicable requirements imposed by this Ordinance, new service laterals shall be installed in accordance with the Authority's *Construction Manual for Sewer Extensions, Sewer Laterals and Appurtenances*.

7. Repairs, Alterations and Additions: No repairs, alterations or additions to any service lateral shall be made unless the person desiring to make the same shall first apply to and receive permission from the Borough. No plumber shall do any work on such service laterals until the property owner has exhibited to the plumber the permit for such work. The permit shall then be signed and dated by the plumber to indicate his having seen it. Any permit so issued shall be valid for a period not to exceed ninety (90) days.

8. Supervision and Inspection: The construction of service laterals shall be subject to supervision and inspection by the Borough or its representative and shall conform to the Authority's *Construction Manual for Sewer Extensions, Sewer Laterals and Appurtenances*. The service laterals shall not be covered until approved by the Borough. All backfilling of trenches shall be under Borough supervision.

9. Connections Through Private Property: Connections with sewer mains where same are run through private property shall in all respects be subject to this Ordinance. It shall be the property owners' responsibility to obtain all right-of-way and any other items necessary to facilitate the connection.

## **§107 LIMITATIONS OF LIABILITY**

1. Leaks, Stoppage and/or Defective Plumbing: Neither the Borough nor the Authority shall be liable for any damage or expense resulting from leaks, stoppages, defective plumbing or any other cause, occurring to any premises or within any house or building. No claims shall be made against said Authority or Borough on account of the breaking or stoppage of, or any damages or expense to any service lateral when the cause thereof is found to be in the serve lateral.

2. Condition Within Right-of-Way: The Borough's liability for damages or injury are limited to damages due to a dangerous condition located within a right-of-way as set forth at 42 Pa. C.S.A. §8542(b)(5). The amount of such liability is limited in accordance with 42 Pa. C.S.A. §8553.

## **§108 CONTROL OF SERVICE**

Neither the Authority nor the Borough shall be liable for a deficiency or failure of service when occasioned by an emergency, required repairs or a failure from any cause beyond their control. The Authority and the Borough reserve the right to restrict the use of sewer service whenever the public welfare may require it.

In addition, the Borough may initiate repairs to the Users system without notifying the User and at the Users expense when public health and safety is jeopardized as determined by the Borough or the Authority.

## **§109 CONNECTION CHARGE, TAPPING FEE AND CONNECTION REQUIREMENTS**

Prior to obtaining the Sewer Connection Permit to connect to the sewer system, each property owner or EDU shall pay a connection charge and a tapping fee for each property or EDU to be connected to the sewer system. The connection fee shall be payable to the Borough. The tapping fee shall be payable to the Authority. The amount of the fees shall be established by resolution by the Authority and Borough.

## **§110 VACATING PREMISES**

1. Notice of Vacating Premises: When the premises are vacated, the property owner shall give written notice to the Borough Manager. The owner shall be responsible for full payment of all sewer charges until such notice is given.
2. Change of Users: A new application for service shall be made on any change of Users on a property as heretofore described, and the Borough may discontinue sewer service until such new application has been made and approved.
3. Abatement from Bill: Owners desiring an abatement from sewer bills due to vacating premises shall report same in writing to the Borough Manager. All vacancies shall be effective on the day written notice of the vacancy is given to the Borough Manager. The Borough may require the property owner to submit proof of vacancy to the satisfaction of the Borough. When the vacancy is proven to the Borough's satisfaction, the Borough may permit an allowance for the period of vacancy, but not for a period of less than one-half (1/2) of the billing in any given billing cycle. In addition, properties who desire an abatement must show water consumption of zero (0) for the period they are requesting an abatement. In the case of multiple property units who utilize the same water meter, no discount will be given. The amount of the abatement shall be at the sole discretion of the Borough.

## **§111 PRETREATMENT OF WASTEWATER**

1. Pretreatment Facilities: Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards, local limits and the prohibitions set out in §104.1 of this Ordinance. Any facilities required to pretreat wastewater to a level acceptable to the Borough shall be provided, operated and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the borough for review, and shall be acceptable to the borough before construction of the facility. The Borough does not by its acceptance of any of the designs or installation of the plans and equipment, or of any other information of plans submitted by a User, warrant or aver in any manner that the User's implementation of such measures will result in compliance with applicable Pretreatment Standards and Requirements. Notwithstanding any acceptance of such plans by the Borough, the User remains solely responsible for compliance with applicable Pretreatment Standards and Requirements and all other Federal, State and Local requirements. The review of such plans and operating procedures



in no way relieves the User from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the POTW under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the Borough prior to the User's initiation of the changes.

The User shall at all times properly operate and maintain all pretreatment facilities and systems of treatment and control (and related appurtenances) which are installed or used by the User to achieve compliance with Pretreatment Standards and Requirements. This includes adequate laboratory controls and appropriate quality assurance procedures, the operation of back-up or auxiliary facilities, or similar systems which are installed by the User only when the operation is necessary to achieve compliance.

2. Additional Pretreatment Requirements: Whenever the Borough deems it necessary, the Borough may require a User to restrict its discharge during peak flow periods, to discharge at a consistent flow rate, to discharge certain industrial wastewaters only into specific sewers, to relocate and/or consolidate points of discharge, to separate domestic wastewater from industrial wastewater, and to perform and maintain such other conditions as may be necessary to protect the POTW and to determine the User's compliance with the requirement of this Ordinance.

3. Grease Traps and Oil/Water Separators: Grease traps and oil/water separators are required for all new facilities, such as food establishments and/or vehicle repair facilities. Existing facilities of the same type may be required to install such traps and/or separators when, in the opinion of the Borough, they are necessary for the proper handling of liquid wastes containing grease and oil in excessive amounts as to cause obstruction to the flow in the sewer system or to interfere with the operation of the POTW treatment plant; except that such traps and separators shall not be required for private living quarters or dwelling units.

All traps and/or separators shall be of a type and capacity approved by the Borough and shall be readily and easily accessible for cleaning, inspection and sampling. Such traps and/or separators shall be inspected, cleaned and repaired regularly, as needed, by the owner at his expense. In the maintaining of these traps and separators, the owner shall be responsible for the proper removal and disposal of the captured material, and shall maintain records of the dates and means of disposal, which are subject to review by the Borough. Any removal and hauling of the collected materials not performed by the owner shall be performed by waste disposal firms currently permitted by a state or local agency.

A. Grease Traps: These traps are required for an establishment involved in the preparation of food. Such establishments include, but are not limited to, motels, cafeterias, restaurants, hospitals, schools and other institutions. Wastewaters from garbage grinders shall not be discharged to grease traps.

(1) The grease trap shall be placed outside the building and shall discharge into the sewer system. Grease traps shall be located within 20 to 30 feet from the plumbing fixtures to be served to prevent congealing and clogging of waste lines.

- (2) Sizing of grease traps shall be based on wastewater flow and shall be calculated from the number and kind of sinks and fixtures discharging to the trap. In addition, a grease trap shall be rated on its grease retention capacity, which is the amount of grease, in pounds, that the trap can hold before its average efficiency drops below ninety percent (90%). The minimum size of grease trap permitted is 1,000 gallons and shall be constructed of concrete. Reference should be made to the Authority's *Construction Manual for Sewer Extensions, Sewer Laterals and Appurtenances* for further sizing details. Other design requirements include:
  - a. Grease traps shall be buried so as to intercept the service lateral;
  - b. The inlet and outlet on the grease trap shall be properly baffled;
  - c. Manhole shall be finished to grade to allow for easy access for sampling and proper maintenance; and
  - d. The trap shall be installed so as to be inaccessible to insects and vermin.
- (3) The type and size of the grease trap shall be approved by the Borough prior to installation.

B. Oil/Water Separators: These separators are required for vehicle repair facilities and car washes which have floor drains discharging to the sewer system. The type and size of separator shall be determined by the owner and approved by the Borough prior to installation.

4. Accidental Discharge/Slug Control Plans: Upon notification from the Borough, a User shall provide protection from accidental and slug discharges of prohibited materials or other substances regulated by this Ordinance or by Federal or State regulations. Facilities to prevent accidental or slug discharges of prohibited materials shall be provided and maintained at the User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted by the User to the Borough for review, and shall be subject to Borough acceptance before construction of the facility. All Users shall develop and implement an Accidental Discharge/Slug Control Plan when designated by the Borough in accordance with requirements found at 40 CFR §403.8(f)(2)(v). An Accidental Discharge/Slug Control Plan shall contain, at a minimum, the following elements:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals and Material Safety data Sheets (MSDS);
- C. Procedures for immediately notifying the POTW of any accidental or slug discharge, as required by §114.6 of this Ordinance;

- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response; and
- E. Such other conditions as deemed appropriate by the Borough.

5. Hauled Waste: Should the Borough decide to accept Hauled Waste of domestic origin, such waste shall be introduced into the POTW only at locations designated by the Borough, and at such times as are established by the Borough. Such waste shall not violate this Ordinance or any other requirements established by the Borough.

- A. Waste haulers may be required to obtain a Waste Hauler Permit. In such cases, the application shall contain the following information:
  - (1) Name, address, location and telephone number;
  - (2) Vehicle information;
  - (3) Description of wastes to be discharged;
  - (4) List of permits held by the applicant for generation, transport and disposal;
  - (5) Estimate of total volume of waste to be discharged at the POTW; and
  - (6) Name of the authorized representative of the Waste Hauler.
- B. Waste Hauler Permits may include, but may not be limited to, the following conditions:
  - (1) Permit effective date and annual renewal requirements;
  - (2) Designated disposal site and discharge hours;
  - (3) Sampling requirements;
  - (4) Right of refusal to accept Hauled Waste;
  - (5) Prohibited discharge standards and local limits;
  - (6) Waste tracking system; and
  - (7) Penalties and other enforcement actions.

- C. Tracking of Hauled Waste through the use of a waste manifest form may include, but may not be limited to, the following information:
  - (1) Name, address, and telephone number of generator and hauler;
  - (2) Permit number;
  - (3) Type and volume of waste; and
  - (4) Signature requirements.

## **§112 WASTEWATER DISCHARGE PERMIT ELIGIBILITY**

1. Waste Survey: When requested by the Borough, all nonresidential Users shall submit information on the nature and characteristics of their wastewater by completing a Waste Survey prior to their discharge. The Borough is authorized to prepare a form for this purpose and may periodically require Users to update the survey.

2. Wastewater Discharge Permit Requirements:

- A. No Significant Industrial Users shall discharge industrial wastewater into the POTW without first obtaining a Wastewater Discharge Permit from the Borough; except when a Significant Industrial User has filed a timely permit application pursuant to §§112.3 through 112.5 of this Ordinance.
- B. The Borough shall require other nonresidential Users to obtain Wastewater Discharge Permits, as necessary, to carry out the purposes of this Ordinance. When requested, the owner or his agent shall complete a permit application furnished by the Borough.
- C. There shall be two classes of Wastewater Discharge Permit:
  - (1) Significant Industrial User Permits
  - (2) General User Permits (This class may include insignificant industrial users and commercial users)
- D. Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of this Ordinance and subjects the Permittee to the sanctions set out in §119 of this Ordinance. Obtaining a Wastewater Discharge Permit does not relieve the Permittee of its obligation to comply with all Federal, State and Local Pretreatment Standards or Requirements.

3. Wastewater Discharge Permitting of Existing Connections: Any User which discharges industrial wastewater into the POTW prior to the effective date of this Ordinance and who wishes to continue such discharges in the future shall, within ninety (90) days after said effective

date, apply to the Borough for a Wastewater Discharge Permit in accordance with §112.6 of this Ordinance, if said User does not have an existing Wastewater Discharge Permit, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this Ordinance except in accordance with a Wastewater Discharge Permit issued by the Borough.

4. Wastewater Discharge Permitting of New Connections: Any User proposing to discharge industrial wastewater into the POTW shall obtain a Wastewater Discharge Permit prior to beginning such discharge. An application for this Wastewater Discharge Permit shall be filed at least sixty (60) days prior to the date upon which any discharge is to begin.

5. Wastewater Discharge Permitting of Extra Jurisdictional Industrial Users:

A. Any existing User discharging industrial wastewater to the POTW and located beyond the Borough limits shall submit a Wastewater Discharge Permit application in accordance with §112.6 of this Ordinance within ninety (90) days of the effective date of this Ordinance, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this Ordinance except in accordance with a Wastewater Discharge Permit issued by the Borough.

B. New Users located beyond the Borough limits shall submit a Wastewater Discharge Permit application to the Borough sixty (60) days prior to any proposed discharge to the POTW.

6. Wastewater Discharge Permit Application Contents:

A. Users required to obtain a Wastewater Discharge Permit shall complete and file with the Borough an application in the form prescribed by the Borough and accompanied by the required permit fee. In support of the application, the User shall submit, in units and terms appropriate for evaluation, information including, but not limited to, the following:

- (1) Name, address and location;
- (2) SIC number, according to the *Standard Industrial Classification Manual*, Office of Management and Budget;
- (3) Description of activities, facilities and plant processes on the premises, including all materials used or stored at the facility which are or could be discharged to the POTW;
- (4) Water usage and disposal;
- (5) Time and duration of discharge;
- (6) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

- (7) Each product produced by type, amount, process or processes and rate of production;
- (8) Type and amount of raw materials processed;
- (9) Number and type of employees, hours of plant operation and proposed or actual hours of operation of pretreatment system;
- (10) Wastewater constituents and characteristics as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures contained in 40 CFR §136, as amended;
- (11) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, floor drains and appurtenances by size, location and elevation;
- (12) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Local, State or Federal Pretreatment Standards, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;
- (13) If additional pretreatment and/or O&M is required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule shall meet the requirements set out in §114.2 of this Ordinance.
- (14) If the User also has an NPDES permit for a Direct Discharge, a copy of the NPDES permit;
- (15) Any other information as may be deemed by the Borough to be necessary to evaluate the permit application; and
- (16) The permit application shall be signed by an authorized representative of the User.

B. Applications which are deemed by the Borough to be incomplete or inaccurate shall not be processed and shall be returned to the User for revision.

7. Application Signatories and Certification: All Wastewater Discharge Permit applications and User reports shall be signed by an authorized representative of the User and shall contain the following certification statement:

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

8. Wastewater Discharge Permit Decisions: In evaluating the data furnished by the User, the Borough may request additional information, issue a Wastewater Discharge Permit, or deny any application for a Wastewater Discharge Permit.

### **§113 WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS**

1. Wastewater Discharge Permit Duration: Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years from the effective date of the Permit. A Wastewater Discharge Permit may be issued for a period of less than five (5) years at the discretion of the Borough. Each Wastewater Discharge Permit shall indicate a specific expiration date.

2. Wastewater Discharge Permit Contents: Wastewater Discharge Permits are hereby subject to all provisions of this Ordinance and all other applicable regulations, User charges and fees established by the Borough. Wastewater Discharge Permits may include such conditions as are reasonably deemed necessary by the Borough to prevent pass through or interference, protect the quality of the water body receiving the POTW treatment plant’s effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality and protect against damage to the POTW.

A. Wastewater Discharge Permits shall contain the following conditions:

- (1) The Wastewater Discharge Permit’s duration shall not exceed five (5) years;
- (2) The Wastewater Discharge Permit is nontransferable without prior notification to and approval from the Borough. Permit transfers shall be made in accordance with §113.6 of this Ordinance;
- (3) Specific discharge limits based on applicable Pretreatment Standards;
- (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include and identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on Federal, State and Local law; and

- (5) Civil, criminal and administrative penalties for violations of Pretreatment Standards and Requirements, any applicable compliance schedule or any other requirements set forth in this Ordinance or applicable state or local law. Such compliance schedules may not extend the time for compliance beyond that required by applicable Federal, State and Local law.
- B. Wastewater Discharge Permits may contain, but may not be limited to, the following conditions:
- (1) Limits on average and/or maximum rate and time of discharge and/or requirements for flow regulations and equalization;
  - (2) Limits on the average and/or maximum wastewater constituent concentrations, mass or other measure of identified wastewater pollutants or properties, and limits on the location of discharge points;
  - (3) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
  - (4) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or routine discharges;
  - (5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - (6) The unit charge or schedule of User charges and fees for the treatment of the wastewater discharged to the POTW;
  - (7) Requirements for the installation and proper operation and maintenance of a User's treatment facility, inspection and sampling facilities and other equipment, and notification to the Borough regarding the failure of such facilities and equipment;
  - (8) Requirements for maintaining and affording Borough representatives, including contractors, access to a User's property and plant records relating to discharges;
  - (9) Requirements for notification of any new introduction of wastewater constituents or any substantial changes in the volume or character of the wastewater constituents;
  - (10) A statement that compliance with the Wastewater Discharge Permit does not relieve the Permittee of the responsibility for compliance with all applicable Pretreatment Standards, including those that become effective during the term of the Wastewater Discharge Permit; and



- (11) Other conditions as deemed appropriate by the Borough to ensure compliance with this Ordinance, State and Federal laws, rules and regulations, or as otherwise deemed necessary to protect the POTW, sludge quality, human health and the environment.

3. Wastewater Discharge Permit Public Notice: The Borough shall provide public notice in a newspaper of general circulation in Dauphin County at least fourteen (14) days prior to issuance of a Wastewater Discharge Permit. The notice will indicate a location where the draft/final Wastewater Discharge Permit may be reviewed and an address where written comments may be submitted.

4. Wastewater Discharge Permit Appeals: Any person, including the User, may petition the Borough to reconsider the terms of a Wastewater Discharge Permit within thirty (30) days of its issuance. Such petition shall be in writing and shall clearly state all facts on which it relies.

- A. Failure to submit a timely petition for review shall be deemed a waiver of the administrative appeal.
- B. In its petition the appealing party shall indicate the Wastewater Discharge Permit provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the Wastewater Discharge Permit. If the appeal is for a modified permit, only the modified permit conditions shall be subject to appeal.
- C. The effectiveness of the Wastewater Discharge Permit shall not be stayed pending an appeal.
- D. If the Borough fails to initiate action to reconsider the decision within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a Wastewater Discharge Permit or not to modify a Wastewater Discharge Permit shall be considered a final administrative action for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of final administrative Wastewater Discharge Permit decisions must do so in accordance with law.

5. Wastewater Discharge Permit Modifications: The terms and conditions of the Wastewater Discharge Permit may be subject to modification by the Borough during the term of the permit for cause as provided below. Changes or new conditions in the Wastewater Discharge Permit may include a reasonable time schedule for compliance as determined by the Borough. Causes for modification to a permit include, but are not limited to, the following:

- A. Changes in Federal, State or Local Pretreatment Standards or Requirements;
- B. Alterations or additions to the User's operation, processes or wastewater volume or character since the time of Wastewater Discharge Permit issuance;

- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge, either singly or by interaction with other discharges, poses a threat to the POTW, Borough personnel or the receiving waters, or may place the Borough in violation of its NPDES Permit;
- E. Violation of any terms or conditions of the Wastewater Discharge Permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting;
- G. Revision of or a grant of variance from Federal Categorical Pretreatment Standards pursuant to 40 CFR §403.13;
- H. To correct typographical or other errors in the Wastewater Discharge Permit;
- I. To reflect a transfer of the facility ownership and/or operation to a new owner/operator; and
- J. Any cause identified in §113.7(A) of this Ordinance.

6. Wastewater Discharge Permit Transfer:

- A. Wastewater Discharge Permits shall be issued to a specific User for a specific operation. A Wastewater Discharge Permit shall not be transferred to any person or to different premises and shall not encompass a new or changed operation unless Borough approval is issued. Notice of the transfer shall be provided to the Borough thirty (30) days in advance of the transfer and must include a written certification by the new owner and/or operator which:
  - (1) Provides the name and address of the facility including the name of the new owner and/or operator;
  - (2) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  - (3) Identifies the specific date on which the transfer is to occur; and
  - (4) Acknowledges full responsibility for complying with the existing Wastewater Discharge Permit.
- B. Failure to provide advance notice of a transfer shall render the Wastewater Discharge Permit void on the date of facility transfer.
- C. The Borough may modify or terminate a transferred permit as set forth in §§113.5 and 113.7 of this Ordinance.

7. Wastewater Discharge Permit Termination:

- A. The Borough may revoke or terminate a Wastewater Discharge Permit for cause, including, but not limited to, the following reasons:
- (1) Failure to notify the Borough of significant changes in the operation or wastewater volume, constituents and characteristics prior to discharge;
  - (2) Failure to provide the prior notification to the Borough of changed conditions pursuant to §114.5 of this ordinance;
  - (3) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or reports;
  - (4) Falsifying monitoring reports;
  - (5) Tampering with monitoring equipment;
  - (6) Refusing to allow the Borough or its representative's timely access to the facility premises and records;
  - (7) Failure to meet effluent limitations;
  - (8) Failure to timely pay fines;
  - (9) Failure to timely pay sewer charges;
  - (10) Failure to meet compliance schedules;
  - (11) Failure to complete a Waste Survey or Wastewater Discharge Permit application;
  - (12) Failure to provide advance notice of the transfer of a permitted facility;
  - (13) Violation of any Pretreatment Standard or Requirement or any conditions of the Wastewater Discharge Permit or this Ordinance;
  - (14) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
  - (15) Information indicating that the permitted discharge, either singly or by interaction with other discharges, poses a threat to the POTW, Borough personnel or the receiving waters, or may place the Borough in violation of its NPDES Permit.
- B. Wastewater Discharge Permits shall be voided by the Borough for non-use, cessation of operations, or transfer of business ownership. All Wastewater

Discharge Permits issued to a particular User are void upon the issuance of a subsequent Wastewater Discharge Permit to that User.

- C. A User shall be notified of the proposed termination of its Wastewater Discharge Permit as set forth in §119.4 of this Ordinance.

8. Wastewater Discharge Permit Reissuance: Except as otherwise approved by the Borough, the User shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the User's existing Wastewater Discharge Permit. Notwithstanding any other provision of this Ordinance, if the User has timely filed a complete permit application, and the Borough, through no fault of the User, has not reissued the Wastewater Discharge Permit prior to the expiration date, the conditions of the existing Wastewater Discharge Permit shall continue until such time the Borough has issued another permit.

## **§114 REPORTING REQUIREMENTS**

### 1. Baseline Monitoring Report (BMR):

- A. Within either one hundred eighty (180) days after the effective date of a Federal Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR §403.6(a)(4), whichever is later, existing Categorical Significant Industrial Users (SIUs) subject to such Federal Categorical Pretreatment Standards, and currently discharging to or scheduled to discharge to the POTW, shall submit to the Borough a BMR which contains the information listed in 40 CFR §403.12(b) and paragraph (B) of this subsection. At least ninety (90) days prior to commencement of their discharge, new sources and sources that become Categorical SIUs subsequent to the promulgation of an applicable Federal Categorical Pretreatment standard, shall be required to submit to the Borough a BMR which contains the information listed in 40 CFR §403.12(b) and paragraph (B) of this subsection. A new source shall report the method of pretreatment it intends to use to meet applicable Federal Categorical Pretreatment Standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.

### B. Categorical SIUs shall submit the following information for a BMR:

- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations. A brief description of the nature, average rate of production and standard industrial classifications of the operators(s) carried out by the Categorical SIU. This description shall include a

schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

- (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process wastestreams and other wastestreams, as necessary, to allow use of the combined wastestream formula, as established in 40 CFR §403.6(e).
- (5) Measurement of Pollutants.
  - a. The Federal Categorical Pretreatment Standards applicable to each regulated process.
  - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Federal Categorical Pretreatment Standard or by the Borough, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported. At least one sample representative of daily operations shall be provided with the BMR and shall be analyzed in accordance with procedures found in §114.9 of this Ordinance.
- (6) Certification. A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- (7) Compliance Schedule. If additional pretreatment and/or O&M is required to meet the Pretreatment Standards and Requirements, the Categorical SIU shall submit the shortest schedule by which the User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standards or Requirements. A compliance schedule shall meet the requirements set out in §114.2 of this Ordinance.
- (8) All BMRs shall be signed and certified in accordance with §112.7 of this Ordinance.

2. Compliance Schedule Progress Report: The following conditions shall apply to the schedule required by §§112.6(A)(13) and 114.1(B)(7) of this Ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable

Pretreatment Standards and Requirements (Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction and initiating operation).

- B. No increment referred to in paragraph (A) of this subsection shall exceed nine (9) months.
  - C. The User shall submit a progress report to the Borough no later than fourteen (14) days following each date in the schedule and the final date of compliance, including whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for the delay and the steps being taken by the User to return to the established schedule.
  - D. No more than nine (9) months shall elapse between the dates on which such progress reports are provided to the Borough.
3. Reports on Compliance with Federal Categorical Pretreatment Standard Deadline: Within Ninety (90) days following the date for final compliance with applicable Federal Categorical Pretreatment Standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any User subject to such Federal Categorical Pretreatment Standards shall submit to the Borough a report containing the information described in §114.1(B)(4) through (6) of this Ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR §403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Federal Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with §112.7 of this Ordinance.
4. Periodic Compliance Reports:
- A. All Significant Industrial Users subject to a Federal Categorical Pretreatment Standard or any other Pretreatment Standard or Requirements shall submit Periodic Compliance Reports to the Borough during the months of July and January, unless required more frequently in the Pretreatment Standard or Requirement or by the Borough, indicating the nature and concentration of pollutants in the discharge which are limited by such Pretreatment Standards or Requirements. Both daily maximum and average concentrations shall be reported. In addition, the report shall include a record of the measured or estimated average and maximum daily flows for the reporting period. At the discretion of the Borough and in consideration of such factors as local high and low flow rates, holidays, budget cycles, etc., the Borough may agree to alter the months during which the above reports shall be submitted. All periodic compliance reports shall be signed and certified in accordance with §112.7 of this Ordinance.

- B. The Borough shall impose mass limitations on Users where the imposition of mass limitations is appropriate. In such cases, the report required by paragraph (A) of this subsection shall indicate the mass of pollutants regulated by Pretreatment Standards in the discharge of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass, where requested by the Borough, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be as prescribed in the applicable Pretreatment Standard or by the Borough.
  - C. Categorical Significant Industrial Users subject to equivalent mass or concentration limits established by the Borough in accordance with 40 CFR §403.6(c) shall include a reasonable measure of the Categorical SIU's long-term production rate in the periodic compliance report. Categorical SIU's subject to Federal Categorical Pretreatment Standards, which are expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), shall include the Categorical SIU's actual average production rate for the reporting period in the periodic compliance report.
5. Report of Changed Conditions: Each User shall notify the Borough in writing of any planned significant changes to the User's operations which may alter the nature, quality or volume of its wastewater at least thirty (30) days before the change occurs. This notification requirement includes anticipated changes in User production which can reasonably be expected to impact the POTW.
- A. The Borough may require the User to submit such information as deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application under §112.6 of this Ordinance.
  - B. The Borough may issue a Wastewater Discharge Permit under §112.8 of this Ordinance or modify an existing Wastewater Discharge Permit under §113.5 of this Ordinance in response to changed conditions or anticipated changed conditions.
  - C. No User shall implement the planned changed condition(s) until and unless the Borough has responded to the User's notice. The Borough may require the User to undertake a compatibility study to demonstrate to the satisfaction of the Borough that the wastewater to be discharged is compatible with the POTW, will not affect any requirements imposed upon the Borough (including sludge disposal requirements) and will not adversely affect the POTW.
  - D. For purposes of this requirement, significant changes include, but are not limited to, flow increases of ten percent (10%) or greater and the discharge of any previously unreported pollutants.
6. Report of Potential Problems:

- A. In the case of any discharge including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge or a slug load, which may cause pass through or interference or affect sludge quality at the POTW, the User shall immediately notify the Borough of the incident. The notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User. The notification hereunder does not authorize or otherwise condone a discharge in violation of this Ordinance, a Wastewater Discharge Permit or other applicable Federal State or Local requirement.
- B. Within five (5) days following such discharge, the User shall, unless waived by the Borough, submit a detailed written report describing the cause(s) of the discharge and the measures taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, damage, loss or other liability which may be incurred as a result of damage of the POTW, natural resources or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties or other liability which may be imposed by the Ordinance or other applicable law. This written report shall be signed by an authorized representative of the User.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (A) of this subsection. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedures.

7. Notification of Hazardous Waste Discharge:

- A. Any User shall notify the POTW, the EPA Regional Waste Management Division Director and DEP Waste Management authorities in writing in accordance with 40 CFR §403.12(p) of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR §261. Such notification shall include:
  - (1) The name of the hazardous waste as set forth in 40 CFR §261;
  - (2) The EPA hazardous waste number; and
  - (3) The type of discharge (continuous, batch, or other).

If the User discharges more than 100 kilograms (45.5 pounds) of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known or readily available to the User:

- (4) An identification of the hazardous constituents contained in the waste;



- (5) An estimation of the mass and concentration of such constituents in the industrial wastewater discharged during that calendar month; and
- (6) An estimation of the mass of constituents in the industrial wastewater expected to be discharged during the following twelve (12) months.

All notifications shall take place immediately. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions shall be submitted per §114.5 of this Ordinance. This notification requirement does not apply to pollutants already reported by Users subject to Federal Categorical Pretreatment Standards under the monitoring requirements of §§114.1, 114.3 and 114.4 of this Ordinance.

- B. Dischargers are exempt from the requirements of paragraph (A) of this subsection during a calendar month in which they discharge no more than fifteen (15) kilograms (6.8 pounds) of hazardous waste, unless the wastes are acute hazardous wastes as specified in 40 CFR §§261.3(d) and 261.33(e). Discharge of more than fifteen (15) kilograms (6.8 pounds) of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR §§261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User shall notify the Borough, the EPA Regional Waste Management Waste Division Director and DEP Waste Management authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under the section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a Wastewater Discharge Permit issued hereunder or any applicable Federal, State or Local law.

8. Sample Collection: Samples for Cyanide, Oil and Grease, pH, Phenols, Sulfides, Temperature, Toxicity and Volatile Organic Compounds shall be obtained using grab collection techniques. Grab samples shall also be used for any pollutant subject to an instantaneous maximum limitation. All other wastewater compliance monitoring samples shall be collected using flow-proportioned composite collection techniques. In the event flow-proportioned sampling is not feasible, the Borough may authorize the use of time-proportioned sampling or the collection of one (1) grab sample every two hours for the duration of the discharge where the

User demonstrates to the Borough that the grab samples shall be representative of the effluent being discharged to the POTW.

9. Analytical requirements: All pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR §136, as amended, unless otherwise specified in an applicable Federal Categorical Pretreatment standard. If 40 CFR §136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed in accordance with procedures approved by EPA.

10. Representative Sampling: All wastewater samples shall be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a User to keep the monitoring facility in good working order shall not be grounds for the User to claim the sample results are not representative of the discharge.

11. Sampling Frequency: The User shall insure that an adequate number of samples are collected and analyzed to determine that the process discharge equipment is operating properly and that the wastewater discharge does not violate specific discharge limits. Except as otherwise required, Significant Industrial User sampling for determining compliance shall be conducted at least once every six months and analyzed for applicable pollutants. The Borough reserves the right to require sampling more frequently than set herein.

12. Reporting of Increased Sampling Results: If a User subject to the reporting requirements of this section monitors any pollutant more frequently than required by the Borough using the procedures prescribed in §114.9 of this Ordinance, results of this monitoring shall be included in the report.

13. Repeat Sampling and Reporting: If sampling performed by a User indicates a violation of a Wastewater Discharge Permit or order issued hereunder or any other Pretreatment Standard or Requirement, the User shall notify the Borough within twenty-four (24) hours of becoming aware of the violation. The User shall repeat the sampling and analysis and submit the results of the repeat analysis to the Borough within thirty (30) days after becoming aware of the violation. The User is not required to resample if the Borough monitors the User's wastewater discharge at least once a month and if the Borough sampling occurs between the User's initial sampling and when the User receives the initial sample results.

14. Toxicity Monitoring: A User shall undertake whole effluent toxicity testing using DEP and EPA established protocol, as deemed necessary by the Borough. A User shall also undertake a Toxicity Reduction Evaluation (TRE) and shall take steps to reduce toxicity using DEP and EPA established protocol, as required by the Borough.

15. Recordkeeping: Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records and information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, time of sampling and the

name of the person(s) taking the samples; the dates analyses are performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User, or where the User has been specifically notified of a longer retention period by the Borough.

## **§115 COMPLIANCE MONITORING**

1. Right of Entry – Inspection and Sampling: At reasonable times and upon prior notice (except in an emergency) the Borough shall have the right to enter the premises of any User to ascertain whether the User is complying with all requirements of this Ordinance and any Wastewater Discharge Permit or order issued hereunder. Users shall allow the Borough or its representative's ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or as necessary for the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Borough or its representatives shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Borough shall have the right to set up on a User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. Monitoring Facilities:
  - (1) The Borough may require the User to install monitoring facilities, as necessary, to allow inspection, sampling and flow measurements of the service lateral and/or internal drainage systems. The monitoring equipment shall be situated on the user's premises, but the Borough may, in its sole discretion, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it shall not be obstructed by landscaping or parked vehicles.
  - (2) Monitoring facilities shall be constructed in a manner acceptable to the Borough. The Borough may require that the monitoring facilities be equipped with permanent flow measurement or sampling equipment. Plans and specifications for the construction of monitoring facilities and all required equipment shall be submitted to and be accepted by the Borough prior to the initiation of construction of such facilities.
  - (3) The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at his own expense. All equipment used to measure wastewater flow and quality shall

be calibrated annually to ensure their accuracy. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis.

- (4) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Borough's requirements and applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Borough.

- D. Any temporary or permanent obstructions to safe and easy access to monitoring facilities to be inspected an/or sampled shall be promptly removed by the User at the written or verbal request of the Borough and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the Borough or its representative's access to the User's premises shall be a violation of this Ordinance.

2. Search Warrants: If the Borough has been refused access to a building, structure or property or any part thereof, and if the Borough has probable cause to believe that a User has violated or may violate this Ordinance or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Borough designed to verify compliance with this Ordinance or a Wastewater Discharge Permit or order issued hereunder, or to protect the overall health, safety and welfare of the community, then the Borough may seek issuance of a search warrant from the appropriate legal authority. In the event of an emergency affecting the public health and safety, inspections shall be made without the issuance of a search warrant.

## **§116 DUTY TO PROVIDE INFORMATION**

A User shall furnish to the Borough, within a reasonable time, any information which the Borough shall request to determine whether cause exists for modifying, reissuing, terminating or revoking a Wastewater Discharge Permit, or to determine User pretreatment compliance. The User shall also furnish to the Borough, upon request, copies of records required to be maintained pursuant to this Ordinance or other applicable Federal, State or Local laws or regulations. If the User becomes aware that it failed to submit relevant facts or submitted incorrect information in an application for a Wastewater Discharge Permit, a report to the Borough or in any correspondence pertaining to its industrial wastewater discharge, the User shall promptly submit such facts or information to the Borough.

## **§117 CONFIDENTIAL INFORMATION**

1. Information and data on a User obtained from reports, surveys, Wastewater Discharge Permit applications, Wastewater Discharge Permits and monitoring programs and from inspections, shall be available to the public or other governmental agencies without restriction, unless the User specifically requests confidentiality and is able to demonstrate to the satisfaction

of the Borough that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User. Any such request shall be asserted at the time of submission of the information or data to the Borough. The Borough shall determine whether to grant the request for confidentiality.

2. When requested and demonstrated by the User furnishing a report that such information shall be held confidential, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon written request to governmental agencies for uses related to the NPDES Program or the Pretreatment Program, and in enforcement proceedings involving the User furnishing the report. Wastewater constituents and characteristics as defined by 40 CFR §2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

## **§118 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

The Borough may publish on an annual basis, or more frequent basis as it deems appropriate, in a newspaper of general circulation in Dauphin County or by other means of publication (i.e. website or electronic, etc.), a list of the Users which were in Significant Noncompliance (SNC) with applicable Pretreatment Standards or Requirements during the previous twelve (12) months. A User is in SNC if its violation meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of the wastewater measurements taken during a 6-month period exceed the daily maximum limit or the average monthly limit for the same pollutant parameter by any amount;
2. Technical review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of the wastewater measurements taken for such pollutant and or nutrient parameter during a 6-month period equal or exceed the project of the daily maximum limit or the average monthly limit multiplied by the applicable TRC, which is 1.4 for BOD, FOG, TSS, TN, and TP, and 1.2 for all other pollutants except pH;
3. Any other discharge violations that the Borough determined has caused, alone or in combination with other discharges, pass through or interference, including endangering the health of Borough personnel or the general public;
4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment in accordance with 40 CFR §403.8(f)(2)(vii), or has resulted in the Borough's exercise of its emergency authority under 40 CFR §403.8(f)(1)(vi)(8) to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction or attaining final compliance;

6. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, reports on compliance with Federal Categorical Pretreatment Standard deadlines, periodic compliance reports, reports on compliance with compliance schedules and any other reports required under this Ordinance or by applicable Pretreatment Standards or Requirements;
7. Failure to accurately report noncompliance; or
8. Any violation(s) which the Borough determines will adversely affect the operation or implementation of the Borough's Pretreatment Program.

## **§119 ENFORCEMENT**

1. Compliance Notice: When the Borough finds that a User has violated, or continues to violate, this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the discharge from the User causes the POTW to violate any condition of its NPDES permit, or that the User's past violations are likely to recur, the Borough may issue a Compliance Notice to the User.
  - A. Through the Compliance Notice, the Borough may direct the User to take any or all of the following actions:
    - (1) Cease and desist all such violations.
    - (2) Comply with this Ordinance, a Wastewater Discharge Permit or any applicable Pretreatment Standard or Requirement within the period of time specified in the Compliance Notice.
    - (3) Provide a written explanation for the violation.
    - (4) Submit a specific plan for the satisfactory correction and prevention of the violation.
    - (5) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatening violation, including, but not limited to, halting operations and/or terminating the discharge, additional self-monitoring, and implantation of management practices designed to minimize the amount of pollutants discharged to the sewer system.
  - B. If the User does not come into compliance within the period of time specified in the Compliance Notice, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated by the User.
  - C. Compliance with the demands set forth in the Compliance Notice shall not relieve the User of liability for any violation occurring before or after receipt of the Compliance Notice, including any continuing violation. Nothing in this Section

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

- D. A Compliance Notice shall not extend the deadline for compliance established for a Pretreatment Standard or Requirement. Issuance of a Compliance Notice shall not bar against, or be a prerequisite for, taking any other actions against the User.

2. Criminal Penalties: When the Borough finds that a User has violated, or continues to violate, this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Borough may assess a fine to the User in accordance with the law. The fine shall be a minimum of Two Hundred Fifty Dollars (\$250.00) and shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00) per violation, per day, and shall be imposed regardless of jurisdictional boundaries.

- A. Each violation for each separate day shall constitute a separate and distinct offense. In the case of a monthly or other long-term average discharge limit, fines shall accrue for each day during the period of violation.
- B. the User shall pay the full amount of the fine within thirty (30) days from the date on which the User is notified that a fine has been assessed. This notification may be given by service of a citation, complaint or any other written notice.
- C. If the User elects to contest the charges or the amount of the fine that has been assessed, the user may file an appeal in accordance with the law.

3. Civil Remedies: When the Borough finds that a User has violated, or continues to violate, this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Borough may recover costs for reestablishing the operation of the POTW, reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Borough. In addition, the Borough Council may petition the appropriate court through the Borough Solicitor for the issuance of a temporary or permanent injunction which restrains or compels the specific performance of the Wastewater Discharge Permit, Order or other requirement imposed by this Ordinance, on the activities of the User.

4. Termination of Sewer Service: The Borough may immediately suspend a user's discharge, after notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Borough may also immediately suspend, after notice and opportunity to respond, a User's discharge that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate the discharge to the POTW. In the event of a User's failure to immediately comply voluntarily with the termination order, the Borough shall take steps, as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or

endangerment to any persons. The Borough shall allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Borough that the period of endangerment has passed, unless the termination proceedings set forth in §113.7 of this Ordinance are initiated against the User.

- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the Borough within five (5) days of the date of occurrence as stipulated in §114.6 of this Ordinance, a detailed written statement describing the causes of the harmful discharge and the measures taken to prevent any future occurrence.
- C. Nothing in the subsection shall be interpreted as requiring a hearing prior to any Termination of Sewer Service under the subsection.

5. Disconnection: The Superintendent shall have the authority to close-up or to disconnect from the sewer system any service lateral which conveys rain water, ground water or other objectionable matter. Pursuant to law, where a User fails to pay any rental, rate or charge for sewer service for a period of thirty (30) days from the due date thereof, the Borough may take the necessary steps to shut off the supply of water to the User's premises until such overdue rentals, rates and charges, together with any penalties and interest thereon, are paid.

6. Consent Orders: The Borough may enter in Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with a User responsible for the noncompliance. Such Orders shall include specific actions to be taken by the User to correct the noncompliance within the time period also specified by the Consent Order. Consent Orders shall be enforceable in an appropriate court.

7. Responsible Personnel: Unless otherwise stated in this Ordinance, the provisions of this Ordinance shall be enforced by the Superintendent and/or Pretreatment Coordinator.

## **§120 AFFIRMATIVE DEFENSES**

### 1. Treatment Upsets:

- A. For the purposes of this section, "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Federal Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.
- B. An Upset shall constitute an affirmative defense to an action brought for noncompliance with Federal Categorical Pretreatment Standards if the requirements of paragraph (C) of this subsection are met.



- C. A User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
- (1) An Upset occurred and the User can identify the causes(s) of the Upset;
  - (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
  - (3) The User has submitted the following information to the POTW within 24 hours of becoming aware of the Upset. If this information is provided orally, a written submission must be provided within five (5) days from the date the User became aware of the Upset. The written submission shall include the following information:
    - a. A description of the Indirect Discharge and cause of noncompliance;
    - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an Upset shall have the burden of proof. A User shall have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with Federal Categorical Pretreatment Standards.
- E. The User shall control production of all discharges to the extent necessary to maintain compliance with Federal Categorical Pretreatment Standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility fails or is reduced or lost.

2. Treatment Bypasses:

- A. For the purposes of this section, “Bypass” means the intentional diversion of wastewater from any portion of a User’s treatment facility. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to be inoperable or substantial or permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not include economic loss caused by delays in production.

- B. A User may allow a bypass to occur which does not cause Pretreatment Standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. These types of bypasses are not subject to the provisions in paragraph (C) and (D) of this subsection.
- C. Users anticipating a bypass must submit notice to the Borough at least ten (10) days in advance of the bypass, if possible.
- D. Users shall provide oral notice to the Borough within 24 hours of discovery of an unanticipated bypass that exceeds applicable Pretreatment Standards. Users shall submit a written report to the Borough within five (5) days of becoming aware of the bypass. The written report shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps being taken or planned to reduce, eliminate and prevent recurrence of the bypass. The Borough may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- E. A bypass of the treatment system without Borough approval is prohibited and the Borough may take an enforcement action against the User for a bypass unless all of the following conditions are met:
  - (1) The bypass is unavoidable to prevent loss of life, personal injury or severe property damage;
  - (2) There is no feasible alternative to the bypass, including the use of auxiliary treatment facilities, retention of untreated wastewater or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (3) The User properly notifies the Borough as described in this subsection.
- F. The Borough may approve an anticipated bypass, after considering its adverse effects, if the Borough determines that the User will meet the conditions set forth in this subsection.

## **§121 REFERRAL TO STATE AND/OR FEDERAL AGENCIES**

The Borough may, in its sole discretion, refer any violation of this Ordinance to EPA and/or to DEP for action under Federal and/or State law.

## **§122 SEWER RENTALS AND SURCHARGE COSTS**

1. Sewer Rentals: Sewer rentals shall be collected from each owner of improved property within the Borough limits which is, or shall hereafter be, connected to the sewer system as follows:

- A. Residential: For each residential property a sewer rent shall be paid on a bi-monthly basis in an amount to be determined from time to time by resolution of the Highspire Borough Council.
  - (1) In the case of multiple unit buildings, each dwelling unit shall be deemed to be a separate residential property under this Ordinance.
  - (2) Efficiency apartments are considered to be separate units.
  - (3) Garage apartments, unattached and attached, that maintain separate entrances are considered separate units.
  - (4) Where a property owner disagrees with the Borough's determination of the number of dwelling units within a building, the burden of proof shall be on the property owner to show that the building has a different number of dwelling units.
  
- B. Nonresidential: For all nonresidential properties connected to the sewer system, the sewer rent will be as determined from time to time by resolution of Borough Council.
  - (1) In the case of multiple unit buildings, each unit shall be deemed to be a separate non-residential unit.
  - (2) Where a property owner disagrees with the Borough's determination of the number of non-residential units within a building, the burden of proof shall be on the property owner to show that the building has a different number of non-residential units.
  
- C. Mix Use Properties: For properties that have a mix of residential and non-residential units under the same parcel or address each unit will be billed accordingly and deemed as separate units.
  - (1) Each unit in a mix use property shall have separate water meters. It is the property owner's responsibility to separate the water line and meter to each separate unit.
  - (2) If the water meter is not separated water consumption will be used to calculate the non-residential billing.

- (3) In the case of owner occupied business properties where the owner resides in a residential unit physically attached to the business property and that residential unit is the only residential unit physically attached, charges may only be reflected of the non-residential unit and be billed according to the non-residential standards.
- (4) However, if an owner occupied residential unit within a business becomes a rental unit or is occupied by anyone other than the property owner, whether or not rental fees are charged, a separate residential unit charge will be added.

D. Rents Prior to Connection: If the Authority has installed a service lateral from the sewer main to the curb and thus has made sewer service available to any owner of improved property within the Borough abutting the street, alley, lane or other public highway in which a sewer is constructed; and such owner shall have failed to make connection with such sewer within three (3) months after the date of completion of the construction of the sewer system or an extension thereof, whichever applies, the Borough, after giving to such owner forty-five (45) days written notice of the connection requirements, shall be authorized to charge and collect from such owner sewer rents at the rate or rates imposed in this subsection as a charge for the sewer service so tendered to and made available to such owner.

E. Where a property owner believes that he, she or it is entitled to a refund of sewer rentals, the property owner shall provide the Borough Manager with written notice setting forth the time period for which the refund of sewer rentals is sought and the amount of the claimed refund. The written notice shall be given within one (1) year from the date on which the sewer rental sought to be refunded was first due and payable. A failure to timely comply with the notice requirements described herein shall result in a forfeiture of sewer rentals sought to be refunded.

2. Surcharge for Certain Industrial Wastewaters:

A. Although the POTW may be capable of treating industrial wastewater in excess of typical domestic wastewater concentrations, the actual treatment of such wastewaters may increase the cost of operating and maintaining the POTW. Therefore, there shall be imposed upon each User discharging wastewater into the POTW, in excess of the concentrations provided below, a surcharge, which is intended to cover such additional costs. Such surcharges shall be in addition to the regular sewer service charges set forth by resolution of the Borough Council.

B. The parameters of concern and their surcharge levels are as follows:

<u>Constituent Part</u>	<u>Allowable Concentration (mg/L)</u>
Biochemical Oxygen Demand	250
Fats Oil and Grease	100
Total Suspended Solids	175
TKN	66

Total Phosphorus

6

- C. The strength of the industrial wastewaters used for establishing surcharges shall be determined on at least three monthly 24-hour composite samples per quarter collected by the Borough or its designated representative. Additional samples may be required by the Borough if repeated violations of Pretreatment Standards occur. Sampling and analysis shall be conducted in accordance with §§114.8 and 114.9.
- D. The surcharge shall be calculated according to the following formula:

$$S = 8.34 \times Q \times \{[(BOD-250) \times T_{BOD}] + [(FOG-100) \times T_{FOG}] + [(TSS-175) \times T_{TSS}] + [(TKN-66) \times T_{KN}] + [(TP-6) \times T_P]\}$$

- Where:
- S = Surcharge Cost.
  - 8.34 = Constant to convert wastewater strength expressed in mg/L to pounds.
  - Q = Quarterly User flow, MGD.
  - BOD = User quarterly average BOD concentration, mg/L.
  - T<sub>BOD</sub> = Cost to treat pound of BOD; determined annually based on actual O&M costs and adopted by resolution of the Borough Council.
  - O&G = User quarterly average FOG concentration, mg/L.
  - T<sub>O&G</sub> = Cost to treat pound of FOG; determined annually based on actual O&M costs and adopted by resolution of the Borough Council.
  - TSS = User quarterly average TSS concentration, mg/L.
  - T<sub>SS</sub> = Cost to treat pound of TSS; determined annually based on actual O&M costs and adopted by resolution of the Borough Council.
  - TKN = User quarterly average TKN concentration, mg/L.
  - T<sub>KN</sub> = Cost to treat pound of TKN; determined annually based on actual O&M costs and adopted by resolution of the Borough Council.
  - TP = User quarterly average TP concentration, mg/L.
  - T<sub>P</sub> = Cost to treat pound of TP; determined annually based on actual O&M costs and adopted by resolution of the Borough Council.

When a User's BOD, FOG, TSS, TKN, and TP quarterly average concentrations are less than the surcharge levels stipulated in paragraph (B) of this subsection, the surcharge level concentration shall be used in the surcharge formula.

3. Bills Due and Payable:

- A. Commencement of Rentals: Rentals shall commence on the date the particular connection is made to the sewer system or six (6) months after the issuance of the sewer connection permit, whichever occurs first, or in accordance with any other provisions of this Ordinance, or any amendments thereto. Bills for sewer rentals shall

be rendered bi-monthly in arrears and shall be due and payable when rendered. Customers connected or required to be connected during any billing cycle shall pay a pro rata charge for the services for the balance of any said billing.

- (1) Penalty rates shall be adopted by resolution on a yearly basis by the Highspire Borough Council.
  - (2) Thereafter, all sewer units are subject to interest, in addition to the penalty, at the rate of eighteen (18%) percent per annum on the net bill, plus penalty.
  - (3) Accounts over \$135.00 will be subject to collections and shall include all costs associated with collections including but not limited to: attorney's fees, postage fees, lien fees, water termination fees, administrative costs, civil judgment fees, etc.
  - (4) These penalties, interest, and costs shall apply even though the provisions of Section 119 of this Ordinance have been enforced.
- B. Collection of Rentals: The sewer rentals herein provided shall be collected and enforced in a manner provided by law for the assessment and collection of charges and the enforcement of municipal liens under the laws of the Commonwealth of Pennsylvania.
- C. Delivery of Bills: Bills and notices relating to the sewer system shall be mailed or delivered to the customer's last address shown by the book of the Authority or the Borough, and the Authority or Borough shall not otherwise be responsible for delivery.
- D. Bills Paid by Mail: If bills are paid by mail, the date of the postmark will be considered the date of payment.

## **§123 MISCELLANEOUS PROVISIONS**

1. Pretreatment Charges and Fees: The Borough may adopt charges and fees for reimbursement of costs of setting up and operating the Borough's Pretreatment Program which may include:
  - A. Fees for Wastewater Discharge Permit applications including the cost of processing such applications;
  - B. Fees for monitoring, inspections and surveillance procedures, including the cost for the collection and analysis of a User's discharge, and reviewing monitoring reports submitted by Users;
  - C. Fees for reviewing and responding to accidental discharges and construction;
  - D. Fees for filing appeals; and

- E. Other fees as the Borough may deem necessary to carry out the requirements of this Ordinance. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines and penalties chargeable by the Borough.
2. Right to Change or Amend: The Borough and/or Authority reserve the right to change or amend, from time to time, any or all of the rates, rules and regulations comprising this Part, in accordance with law.
3. Conditions for Modifications of Rules and Regulations: No officer or employee of the Borough or Authority shall amend the rules and regulations contained in this Part without action of the members of the Authority Government Board as may apply. No agent or employee of the Borough or Authority may bind the Borough or Authority by any agreement or representation except when authorized in writing to do so by an executive officer of the Authority.
4. Exceptions and Interpretation:
- A. Exceptions: Any person or persons who desire to take exception to any provision of this Part shall present their exception in writing to the Borough Manager. The Borough Manager may present it with his/her recommendations to the Borough Council for their decision.
  - B. Interpretations: Any person or persons who desire interpretations of any portions of this Part may request such interpretation from the Borough Manager. If his/her interpretation does not satisfy the person raising the question the Borough Manager may present the request with his/her recommendations to the Borough Council for their decision.
  - C. Disputes: Any disputes arising from the application and enforcement of this Part shall be subject to right of appeal by the User to Borough Council.
5. Severability: If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.
6. Conflict: All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.
7. Conformance with Indentures:
- A. Conformance: The provisions of this Part are severable and are subject to the conditions of the Trust Indentures between the Authority and the Trustee, and the invalidation of a section or sections of this Part shall in no way impair any of the remaining sections of this Part.
  - B. Contract and Lease: Every reference to the Authority in the various sections of this Part is subject to the conditions of the contract and lease between the Authority and

the Borough Council, and the word “Council” may take precedence as the terms of the said contract may apply.

## **§124 HOLDING TANK – FOR PRETREATMENT PURPOSES ONLY**

1. Purpose: The purpose of this Section 124 is to establish procedures for the use and maintenance of holding tanks designed to receive and retain waste water from residential or commercial uses within or outside the limits of the Borough of Highspire. It is hereby declared that the enactment of these provisions is necessary for the protection, benefit and preservation of the health, safety, and welfare of the inhabitants of the Borough.

2. Definitions: Unless the context specifically and clearly indicated otherwise, the meaning of the terms used in this Section 124 shall be as follows:

“Authority” shall mean the Highspire Borough Authority, Highspire, Pennsylvania.

“Holding Tank” shall mean a closed, water-tight structure designed and used to receive and store waste water or septic tank effluent. A holding tank does not discharge waste water or septic tank effluent to surface or ground water or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of waste water at another site.

“Improved Property” shall mean any property within the Borough upon which there is a structure intended for continuous or periodic habitation, occupancy, or use by humans and from which structure waste water shall or may be discharged.

“Borough” shall mean the Borough of Highspire, Dauphin County, Pennsylvania.

“Owner” shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Borough.

“Person” shall mean any individual, partnership, company, association, corporation, or other legal group or entity.

“Waste Water” shall mean any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried waste from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other source of water-carried waste of human origin. This term specifically excludes industrial, hazardous, or toxic waste and materials.

3. Rights and Privileges Granted: The Borough and/or Authority are each hereby authorized and empowered to undertake within the Borough, the control of and methods of disposal of holding tank waste water and the collection and transportation thereof.

4. Rules and Regulations: The Authority and/or Borough are each authorized to adopt all such rules and regulations which it deems appropriate or necessary to carry out the provisions of



this Ordinance as long as it is in compliance with all applicable laws and regulations of the Commonwealth of Pennsylvania.

5. Rates and Charges: The Borough shall have the right and power to fix, alter, charge, and collect rates, assessments, and other charges by resolution from time to time regarding the disposal of wastewater from a holding tank at the Borough sewer treatment facilities.

6. Exclusiveness of Rights and Privileges: The collection and transportation of all waste water from any improved property utilizing a holding tank shall be done solely by, or under the direction and control of, the Borough, and the disposal thereof shall be made at such site or sites as may be approved by the Borough in accordance with all applicable laws.

7. Duties of Owner of Improved Property: The owner of an improved property that utilizes a holding tank shall maintain the holding tank in conformance with all ordinances of the Borough of Highspire, the Commonwealth of Pennsylvania, and any other applicable law, rules and regulations that may apply.

8. Violations: Any person who violates any provisions of this Chapter 18, Section 124 shall, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars, plus costs for each day of violation, and be subject to prosecution and fine under any other applicable law.

9. Abatement of Nuisances: In addition to any other remedies provided for in this Ordinance, any violation of Section 124, Paragraph 7 above shall constitute a nuisance and shall be abated by the Borough which may seek appropriate equitable or legal relief from any court of competent jurisdiction, as well as placing a lien on the property for all costs of abatement plus a ten (10%) percent penalty and interest at eighteen (18%) percent per annum.

10. Alternative Disposal: Any alternative means of waste water disposal by any owner or person shall meet any system criteria established by the Borough from time to time.

**Section 3.** Any Ordinance as presently written and any other parts of The Code of Ordinances of the Borough of Highspire inconsistent with this Ordinance are hereby repealed except that nothing in this Ordinance shall affect any act done or any liability incurred, or any suit or prosecution pending or to be instituted under any repealed or superseded Ordinance.

**Section 4.** This Ordinance shall take effect immediately.

Enacted: November 20, 2012

ENACTED AND ORDAINED by the Borough Council of the Borough of Highspire, Dauphin County, Pennsylvania and it is hereby enacted by the authority of the same, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

BOROUGH COUNCIL  
BOROUGH OF HIGHSPIRE

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Borough Secretary

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the Mayor of the Borough of Highspire.

\_\_\_\_\_  
Mayor