

CODIFIED ORDINANCES OF THE TOWNSHIP OF LAWRENCE PARK

PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE TWO - Street and Sidewalk Areas

Chap. 1020. Excavations.

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CHAPTER 1020

Excavations

EDITOR'S NOTE: Chapter 1020, previously a codification of Ordinance 220, passed July 13, 1971, was re-enacted in its entirety by Ordinance 349-92, passed November 24, 1992.

1020.01	Definitions.	1020.05	Fees; deposits; bonds; insurance.
1020.02	Permit terms and conditions.	1020.06	Inspections.
1020.03	Completion of restoration by Township.	1020.07	Construction specifications.
1020.04	Permit application.	1020.99	Penalty.

CROSS REFERENCES

Power to lay out, open, widen, vacate, etc., streets and highways - see 1st Class Sec. 2005

Opening and repairing roads - see 1st Class Sec. 2013

Road material, ditches, drains and watercourses - see 1st Class Sec. 2065 et seq.

Tampering with warning lamps, signs or barricades - see GEN. OFF. 650.03

Excavations in subdivisions - see P. & Z. 1250.03(a)(1),(c), 1250.05(a), 1250.06(a)

1020.01 DEFINITIONS.

As used in this chapter, unless the context clearly indicates otherwise:

- (a) "Applicant" means any person who makes application for a permit.
- (b) "Emergency" means an unforeseen occurrence or combination of circumstances which calls for immediate action or remedy.
- (c) "Engineer" means the Township Engineer or his or her authorized representative.
- (d) "Pavement" means the combination of subbase, base course and surface course placed on a subgrade to support the traffic load or to distribute it to the roadbed, or both.
- (e) "Permit" means a street opening permit issued by the Township to an owner of a utility or facility located within a Township street right of way.
- (f) "Permittee" means any person who has been issued a permit and has agreed to fulfill all the terms of this chapter.
- (g) "Person" means a natural person, firm, partnership, association, corporation, authority or political subdivision.
- (h) "Street" means any and all streets, roads, highways and alleys within or abutting the Township, for the full width thereof from property line to property line, including pavement, curbs, walks, lawns and other State facilities usually found within the right-of-way lines, provided, however, that State highways shall not be streets within the provisions of this chapter.
- (i) "Street opening" or "street cut" means any and all work contemplated by Section 1020.02(a).
(Ord. 349-92. Passed 11-24-92.)

1020.02 PERMIT TERMS AND CONDITIONS.

(a) Permit Required; Exceptions. It shall be unlawful for any person to make any street opening without first securing a permit therefor from the Township. However, any person maintaining existing pipes, lines or underground conduits in or under the surface of any street may proceed with an excavation or opening without a permit when emergency circumstances demand that the work be done immediately for the preservation of the public health, safety or welfare, provided that a permit could not be reasonably and practically obtained beforehand. Such person, however, shall thereafter apply for a permit on the first regular business day of the Township, and such permit shall be retroactive to the date when work began.

(b) Application; Fee; Bond or Deposit; Proof of Insurance; Notice. Any person desiring to open a street within the curb lines of a street, including the curbs or shoulder areas of such street, shall first make application to the Township for a permit to do such work, pay the permit fees, post the required bond or deposit, obtain and show proof of required insurance and give notices as hereinafter required.

1999 Replacement

(c) Rights of the Permittee and Township. The granting of any street opening permit shall confer a right upon the permittee, subject to the terms and conditions of the

permit, to temporarily occupy and use the street surface during the course of construction work covered by the permit, subject in every case to the specific right of the Township to require temporary or permanent relocation or removal of any of the facilities, entirely at the permittee's expense, in the event such facilities are in conflict with the Township's interest or the public interest in use of the street.

(d) Special Conditions. In granting any permit, the Township may attach such special conditions thereto as may be reasonably necessary to protect public and private property.

(e) Conditions of Acceptance. By accepting the permit, the applicant agrees to perform the work in accordance with the terms and conditions of the permit and with any special conditions which may be attached thereto, and to save the Township and its officers, employees and agents from any costs, damages and liabilities which may result from the permitted work.

(f) Expiration; Extensions. Every permit issued under the provisions of this chapter shall expire on the date specified in the permit. If the permittee is unable to complete the work by the expiration date, he or she shall, prior to the expiration of the permit, present, in writing to the Township, an application in letter form for an extension of time, setting forth therein the reasons for the requested extension. A fee of five dollars (\$5.00) shall accompany the application to defray the costs of processing and filing the application.

(g) Revocation.

- (1) All street opening permits are subject to revocation at any time by the Township, after written notice, for the following reasons:
 - A. Violation of any condition of the permit.
 - B. Violation of any provision of this chapter or any law relating to the work.
 - C. The existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or property of others.
- (2) Written notice of such violations shall be served upon the person to whom the permit was granted, or his or her agent or employee engaged in the work. Such notice shall also contain a brief statement of the reasons for revoking such permit. Notice may be given by personal delivery thereof to the person to be notified or by United States mail, addressed to such person to be notified.
- (3) Upon revocation of a permit, degradation and inspection fees will be refunded to the permittee for that portion of the work not begun.

(h) Denial. The Township may refuse the issuance of a street opening permit to an applicant if it is determined that the applicant is not qualified to perform the work, if the applicant does not comply with the bonding, insurance and fee remittance requirements contained in this chapter or if the applicant has a history of noncompliance with past street opening permits and/or this chapter.
(Ord. 349-92. Passed 11-24-92.)

1020.03 COMPLETION OF RESTORATION BY TOWNSHIP.

Whenever final paving repairs are not completed to the satisfaction of the Township, the Township reserves the right, after notice to the permittee, to complete the work, including the removal of substandard work, and the permittee agrees to reimburse the Township the actual cost thereof, plus fifteen percent. The decision of the Township to exercise its right to have final paving repairs completed shall not revoke the permit, and all other responsibilities of the permittee shall remain in full force and effect.
(Ord. 349-92. Passed 11-24-92.)

1020.04 PERMIT APPLICATION.

Any person intending to make a street opening shall make written application therefor to the Township on a form provided for that purpose. No work shall commence until the Township has approved the application and issued a permit, excepting emergency work as provided in Section 1020.02(a). Each application shall include an accurate drawing clearly showing the extent of the proposed street opening, the location and depth of subsurface facilities to be installed and, when required by the Township, the locations and depths of all other subsurface facilities in the vicinity of the work. A separate application must be submitted for each street opening, except where multiple street openings are required within a single block for a single project.
(Ord. 349-92. Passed 11-24-92.)

1020.05 FEES; DEPOSITS; BONDS; INSURANCE.

An applicant shall pay a fee or fees, and may be required to make a deposit or provide a bond, and must produce certificates of insurance at the time of the issuance of the street opening permit, as follows:

(a) Fees. Fees for street opening permits shall be as follows:

- (1) Basic fee. A basic fee of fifty dollars (\$50.00) shall be paid for every street opening permit issued.
- (2) Degradation fee. There shall be a degradation fee for the opening of streets which have been constructed, reconstructed or resurfaced within three years prior to the date of application. The amount of the degradation fee shall be as provided in the following table:

Table I: Degradation Fees

Age of Constructed,
 Fee Per Square
 Reconstructed or
 Yard of Opening
Resurfaced pavement
As Field Measured *

Less than 1 year	\$15.00
1 year but less than 2	10.00
2 years but less than 3	5.00
3 years and older	0.00

* If the street opening is for an emergency repair, the degradation fee for Opening pavements less than three years old shall be twenty percent of the fees provided in Table I.

- (3) Inspection fee. An applicant shall be required to pay for an inspection fee prior to the issuance of any street opening permit. The amount of this fee shall be based upon the total square yards of the street opening as set forth in Table II below.

Table II: Inspection Fees

<u>Total Square Yards Of Street Opening</u>	<u>Fee</u>
0 to 2	\$ 5.00
3 to 10	15.00
10 to 25	25.00
25 to 50	40.00
50 to 100	60.00
Over 10	60.00 plus \$1.00 Per sq. yd. over 100

The amounts for the basic fee, the degradation fee and the inspection fee may be amended from time to time by resolution of the Board of Commissioners.

(b) Bonds. All persons who desire to open a street, except contractors contracted by the Township, shall be required to furnish a properly executed corporate surety bond or a cashier's check. Persons such as public utility companies who or which anticipate the opening of streets on a more frequent basis may provide bonding on a yearly basis. The value of the actual street openings, however, may not exceed seventy-five percent of the yearly bond amount. If the seventy-five percent figure is exceeded, the amount of the bonding shall be required to be increased accordingly. All such bonds shall be required to be in effect for the duration of the work and for the first 36 months thereafter.

The total amount of the bonding will be computed as five hundred dollars (\$500.00) for openings up to ten square yards in size, plus thirty-five dollars (\$35.00) per square yard for every square yard over ten.

(c) Certificates of Insurance; Liability. All applicants who desire to open a street within the curb lines or shoulder areas of such street shall be required to secure certificates of insurance. Proof of insurance shall be submitted in the form of certificates of insurance to the Township. The certificates of insurance shall be issued by insurance companies approved by the owner and admitted to do business in the State. Minimum amounts of insurance to be maintained are as follows:

General Liability

Bodily Injury Liability and Property Damage Liability

Combined Single Liability	\$1,000,000.00
Aggregate Limit	\$2,000,000.00

Contractor's Protective Liability

Bodily Injury Liability and Property Damage Liability

Combined Single Liability	\$1,000,000.00
Aggregate Limit	\$2,000,000.00

Completed Operations

Bodily Injury Liability and Property Damage Liability

Combined Single Liability	\$1,000,000.00
Aggregate Limit	\$2,000,000.00

Contractor's Automobile Liability

Bodily Injury Liability and Property Damage Liability

Combined Single Liability	\$500,000.00
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Worker's Compensation and Employer's Liability
Bodily Injury Liability and Property Damage Liability

Fire insurance with extended coverage under Builder's Risk Completed Value Form shall be maintained by the owner in the name of the owner and contractor as their respective interests may appear, and inception date of such insurance shall be not later than the date of commencement of construction.

The applicant shall save and hold harmless the Township and its employees and agents from any and all damages and liability by reason of personal injury or property damage arising from the work done by the applicant under the provisions of this chapter. Furthermore, the Township and its employees and agents shall be named as additional insureds in the applicant's certificates of insurance.

(Ord. 349-92. Passed 11-24-92; Ord. 410-98. Passed 10-27-98; Ord. 445-03. Passed 10-14-03.)

1020.06 INSPECTIONS.

(a) The Township and/or its duly authorized representatives shall have access to the work at all times, and the permittee shall provide proper facilities for such access.

(b) The presence of Township employees or agents shall in no way relieve the permittee of the responsibilities included under the permit or this chapter or be of any warrant for the furnishing of bad materials or workmanship.

(Ord. 349-92. Passed 11-24-92.)

1020.07 CONSTRUCTION SPECIFICATIONS.

(a) Scope. The work to be included under this section shall include all labor, materials, appliances and equipment necessary for excavating and restoring the openings in streets in the Township.

(b) Materials. Materials for street excavations shall be as follows:

Bedding Material
(sanitary sewer laterals,
sanitary sewer mains,
and storm sewers)

AASHTO No. 57 or No. 67 coarse aggregate, free from clay, silt, vegetation or other substances determined to be deleterious and in accordance with the most recent edition of PADOT Pub. 408, Section 703.2.

Excavation Backfill	PENNDOT 2A coarse aggregate free from clay, silt, vegetation or other substances determined to be deleterious and in accordance with the most recent edition of PADOT Pub. 408, Section 703.2.
Cement Concrete (for all street openings less than 100 linear feet)	Class H.E.S. cement concrete having a minimum 3-day compressive strength of 3,000 psi, a 28-day compressive strength of 3,750 psi and in accordance with the most recent edition of PADOT Pub. 408, Section 704.
Bituminous Concrete Base Course (BCBC)	In accordance with the most recent edition of PADOT Pub. 408, Section 305.
Bituminous Binder Course, ID-2	In accordance with the most recent edition of PADOT Pub. 408, Section 421.
Bituminous Wearing Course, FJ-1	In accordance with the most recent edition of PADOT Pub. 408, Section 422.
Bituminous Wearing Course, ID-2	In accordance with the most recent edition of PADOT Pub. 408, Section 420.
Bituminous Tack Coat	E-6 or E-8 bituminous bonding material in accordance with the most recent edition of PADOT Pub. 408, Section 460.
Reinforcement Steel	Grade 60 reinforcement steel in accordance with the most recent edition of PADOT Pub. 408, Section 709.
Bituminous Sealing Material	Hot bituminous material of the type and class designated for the wearing course utilized. The use of Class E-1, E-6 or E-8 emulsified asphalt will be permitted in place of the hot bituminous material.

(c) Excavation and Restoration Procedures.

- (1) Where excavations for new facilities or for repairs are to take place, the street pavement shall be sawcut to neat lines prior to excavation. Sawing shall be performed for the full depth of the pavement surface.
- (2) If more than 100 linear feet of longitudinal or traverse openings, or both, are made in the pavement, the permittee shall be required to mill and resurface, from curb to curb, the roadway in which the openings have been made, for the entire length of the opening, plus two (2) feet at each end.
- (3) If two (2) or more longitudinal or transverse openings have been made within 100 linear feet, or when four (4) or more emergency openings have been made within 100 linear feet within one (1) calendar year, the permittee shall be required to mill and resurface from curb to curb, the roadway in which the openings were made for the entire length between the openings and including the openings plus two (2) feet at each end. (Specific requirements for pavement milling and resurfacing are incorporated by reference into this section and are available at the Township building during normal business hours.)
- (4) All excavated material must be removed from and disposed of off-site in accordance with all local, State and Federal regulations. A material suitable for bedding or insulation may be used for backfill around and over the facility to a height not to exceed one foot over the top of the facility and shall be compacted to a minimum of 95% of the material's dry weight density as determined in accordance with ASTM D698. The bedding and/or insulation material must be free from all vegetation, organic matter and frozen material. The remainder of the excavation shall be backfilled with PENNDOT No. 2A coarse aggregate. The coarse aggregate must be placed in maximum six-inch loose lifts and be thoroughly compacted to meet the following criteria. Lifts are to be mechanically compacted to 97% of the material's maximum dry weight density as determined by ASTM-D698 (Standard Proctor). The final 6 inches shall be mechanically compacted to 100% of the Standard Proctor. At the discretion of the Township, each lift shall be tested, inspected and approved by the Township Engineer. Payment for compaction testing and inspection shall be paid for by the permittee. Compaction shall be achieved utilizing approved pneumatic and/or vibratory equipment. If whackers or tampers are used in smaller excavations, the backfill layers shall not exceed a four-inch depth.
- (5) Once the backfilling is completed, the existing pavement shall be sawcut full depth back one foot on all sides of the excavation. The excavated pavement shall be restored with six inches of H.E.S. cement concrete and one and one-half (1½) inch of ID-2 wearing course. The finished surface of restored pavements shall be at an elevation of three-sixteenths of one inch higher than the adjacent existing pavement. The joint between new and existing asphalt pavements shall be sealed in accordance with PADOT Pub. 408, Section 401. The sawcut face of the existing pavement shall be cleaned and prepared with E-6 or E-8 tack coat prior to placement of bituminous materials.

- (6) The permittee shall be responsible for erecting and maintaining traffic control and safety devices in accordance with PADOT Pub. 203.
(Ord. 349-92. Passed 11-24-92.)
- (7) The permittee shall permanently repair all street openings immediately upon completion of the permitted work except when unfavorable weather conditions prevent the proper construction of such repairs. In such cases, the opening shall be repaired temporarily, but as soon as weather conditions permit, the permanent repairs shall be completed. For excavations undertaken between May 1 and the following October 31, all permanent repairs shall be completed within four weeks. For excavations undertaken between November 1 and the following April 30, all permanent repairs shall be completed no later than the following May 15.
(Ord. 410-98. Passed 10-27-98.)
- (8) The permittee is responsible for providing a smooth riding surface and proper drainage at all times over the street opening, and the permittee shall make required repairs as directed by the Township.
- (9) The permittee shall provide a three-year guarantee for all permanent repairs completed to streets within the Township. If settling occurs or the pavement repair fails in any fashion during the three-year guarantee period, the permittee shall be required to immediately correct such deficiencies at no expense to the Township.
- (10) The surface of the street shall be kept clear of all stones and debris at all times. Removal of debris shall be performed by sweeping or other methods as required.

(Cont.)

1020.99 PENALTY.

Whoever violates any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than six hundred dollars (\$600.00), and costs of prosecution, including reasonable attorney fees, and, in default of payment of such fine and costs, to imprisonment of not less than five days nor more than thirty days. Each violation of any provision of this chapter, and each day the same is continued, shall be deemed a separate offense.

(Ord. 349-92. Passed 11-24-92.)

CHAPTER 1022
Trees

1022.01	Notice of proposed tree planting or removal.	1022.06	Replacement of removed trees.
1022.02	Cost responsibility.	1022.07	Violations.
1022.03	Removal of diseased trees.	1022.08	Obstruction of rights-of-way.
1022.04	Notice of assessments.	1022.99	Penalty.
1022.05	Stumps to be removed or buried.		

CROSS REFERENCES

Notice of Commission's activities; planting or removal of shade trees - see 1st Class Sec. 3026
 Landholder's liability for costs - see 1st Class Sec. 3027
 Removal of diseased trees - see 1st Class Sec. 3027.1
 Assessments liens - see 1st Class Sec. 3028
 Shade Tree Commission - see ADM. Ch. 264
 Subdivision improvements - see P. & Z. 1250.10

1022.01 NOTICE OF PROPOSED TREE PLANTING OR REMOVAL.

Whenever the Shade Tree Commission proposes to plant, transplant or remove shade trees on any street or highway, notice of the time and place of the meeting at which such work is to be considered shall be given in a newspaper of general circulation in the Township, once a week for two weeks, immediately preceding the time of the meeting. The notice shall specify in detail the streets or highways, or portions thereof, upon which trees are proposed to be so planted, replanted or removed. (Ord. 189. Passed 10-1-68.)

1022.02 COST RESPONSIBILITY.

The cost of planting, transplanting or removing any shade trees in the streets or highways of the Township, of the necessary and suitable guards, curbing or grading for the protection thereof, and of the replacing of any pavement or sidewalk necessarily disturbed in the execution of such work, shall be paid by the owner of the real estate in front of whose property the work is done. The amount each owner is to pay shall be ascertained

and certified by the Shade Tree Commission to the Township Commissioners and to the Township Treasurer.

(Ord. 189. Passed 10-1-68.)

1022.03 REMOVAL OF DISEASED TREES.

The Shade Tree Commission may, upon thirty days written notice, require owners of property to cut and remove trees afflicted with the Dutch elm disease or with other diseases which threaten to injure or destroy shade trees in the Township, under regulations promulgated by the Commission.

Upon failure of any such owner to comply with such notice, the Township may cause the work to be done by the Township and levy and collect the cost thereof from the owner of the property. The cost of such work shall be a lien upon the premises from time to time of the commencement of the work, which date shall be fixed by the Township Engineer and shall be filed with the Township Secretary. Any such lien may be collected by an action in assumpsit or by a lien filed in the manner provided by law for the filing and collection of municipal liens.

(Ord. 189. Passed 10-1-68.)

1022.04 NOTICE OF ASSESSMENTS.

Upon the filing of a certificate with the Board of Township Commissioners, the Township Secretary shall cause thirty days written notice to be given to the persons against whose property an assessment has been made. The notice shall state the amount of the assessment and the time and place for payment thereof and shall be accompanied by a copy of the certificate. The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with the Township Commissioners, and, if not paid within the time designated in the notice, a claim may be filed and collected by the Township in the same manner as municipal claims are filed and collected. (Ord. 189. Passed 10-1-68.)

1022.05 STUMPS TO BE REMOVED OR BURIED.

Whenever any tree is removed pursuant to Section 1022.06, the stump of the tree so removed shall either be taken out or cut below the surface of the ground and buried.

(Ord. 189. Passed 10-1-68.)

1022.06 REPLACEMENT OF REMOVED TREES.

Whenever any shade tree is removed or otherwise destroyed, whether pursuant to this chapter or otherwise, a new shade tree, approved by the Shade Tree Commission, shall be planted in replacement thereof during the next planting season, provided that a new tree shall not be required to be planted if another shade tree is growing within thirty feet of the removed tree. Notwithstanding this provision, the Commission may require that a new tree be planted in substitution of the one removed. (Ord. 189. Passed 10-1-68.)

1022.07 VIOLATIONS.

No person shall violate any of the provisions of this chapter or the regulations of the Shade Tree Commission. Any penalty so assessed shall be a lien upon the real estate of the offender and may be collected as municipal claims are collected. All penalties or assessments imposed under this chapter, shall be paid to the Township Treasurer to the credit of the Shade Tree Commission and shall be subject to be drawn upon by the Commission for the purposes hereinabove provided.

(Ord. 189. Passed 10-1-68.)

1022.08 OBSTRUCTION OF RIGHTS-OF-WAY.

(a) The property owner is responsible for all trees on real estate owned by them and along streets, alleys and sidewalks abutting such real estate, including the area between the sidewalk and the curb of the street.

(b) The Tree Commission, Commissioner, or designated representative may determine a tree, branch, or any portion of the tree, a nuisance by declaring it to be unsafe and its removal as necessary for the safety of the community.

(c) The Tree Commission, Commissioner, or designated representative may, upon fifteen day's written notice to the property owner, require the removal of the designated tree, branch or any portion of said tree, excepting where there is imminent danger and in such case, notice, if any, shall be given in such method and form which is practical under the existing circumstances. Upon the failure of the owner to do so, the Township may cause the work to be done and collect the costs thereof from the owner of the property by providing the owner thirty days' written notice to submit payment of the cost incurred for removal and upon failure to do so file a lien against the property for the costs of removal plus legal costs associated with filing a municipal lien. Any such lien may be collected by an action in assumpsit or by lien filed in the manner provided by law for the filing and collection of municipal claims.

(d) Upon receipt of the notice to remove a tree, branch or any portion thereof, except where imminent danger exists, the owner may appeal the determination by filing a written request, prior to the fifteen-day limit in the letter to the property owner, to appear before the Board of Commissioners at a regularly scheduled meeting. The Board will hear such matters as may be presented by the owner. Notice of the time and place of such meeting shall be given to the affected owner. The redetermination of the Board of Commissioners shall be final and shall set forth the time within which any tree or portion of tree shall be cut and removed by the owner.

(Res. 2008-05. Passed 2-12-08.)

1022.99 PENALTY.

The Shade Tree Commission may assess penalties according to a uniform scale not exceeding one hundred dollars (\$100.00) for the violation of this chapter or the regulations of the Commission. Any penalty so assessed shall be a lien upon the real estate of the offender, and may be collected as municipal claims are collected. All penalties or assessments imposed under this chapter shall be paid to the Township Treasurer to the credit of the Shade Tree Commission and shall be subject to be drawn upon by the Commission for the purposes hereinabove provided.

(Ord 189. Passed 10-1-68.)

TITLE FOUR - Utilities

Chap. 1040.	Sewers Generally.
Chap. 1042.	Pretreatment Regulations.
Chap. 1043.	Stormwater Management.
Chap. 1044.	Sewer Rates and Charges.
Chap. 1046	Water.
Chap. 1048.	Electricity.
Chap. 1050.	Gas.

 CHAPTER 1040
 Sewers Generally

1040.01	Connections to available sewers required.	1040.03	Storm drainage.
1040.02	Sewage disposal where sewers unavailable.	1040.04	Alteration of nonconforming storm drainage systems.
		1040.99	Penalty.

CROSS REFERENCES

Sewers and drains - see 1st Class Secs. 2401 et seq.
 Collection by installment of cost of street, curb, sidewalk and sewer improvements - see 1st Class Art. XXV
 Revolving fund for street and sewer improvements - see 1st Class Art. XXVI
 Tampering with public property - see GEN. OFF. 650.01
 Pretreatment regulations - see S.U. & P.S. Ch. 1042
 Stormwater management - see S.U. & P.S. Ch. 1043
 Sewer rates and charges - see S.U. & P.S. Ch. 1044
 Subdivision improvements - see P. & Z. 1250.03(a), 1250.06
 Design and construction of sewers in flood control areas - see B. & H. 1420.47
 Sewers in bluff recession hazard areas - see B. & H. 1424.04

1040.01 CONNECTIONS TO AVAILABLE SEWERS REQUIRED.

All buildings within the Township of Lawrence Park erected on property abutting the sanitary sewer system of the Township shall be connected to said sanitary sewer system. (Ord. 201. Passed 1-13-70.)

1040.02 SEWAGE DISPOSAL WHERE SEWERS UNAVAILABLE.

All buildings erected upon properties not abutting the sanitary sewer system shall accommodate sanitary sewage in such manner as may be approved by the Erie County Department of Health or by such other body having jurisdiction. (Ord. 201. Passed 1-13-70.)

1040.03 STORM DRAINAGE.

All storm drainage shall be deposited into the storm sewer system or shall be accommodated in such other manner as may receive the approval of the Township Engineer, who shall specify that any proposed private storm sewer system shall not deposit storm drainage into the sanitary sewer system. (Ord. 201. Passed 1-13-70.)

1040.04 ALTERATION OF NONCONFORMING STORM DRAINAGE SYSTEMS.

All private storm sewer systems, which presently deposit storm drainage into the sanitary sewer system, shall be altered by the property owner within a period of twelve months from the effective date of this section (Ordinance 201, passed January 13, 1970) so as to come within the requirements of Section 1040.03. (Ord. 201. Passed 1-13-70.)

1040.99 PENALTY.

Any person who shall violate any provision of this chapter shall, upon conviction thereof before a Justice of the Peace, pay to the Township of Lawrence Park a penalty not exceeding three hundred dollars (\$300.00) for each violation. The Township may collect such penalty by suit brought in the name of the Township before any Justice of the Peace in like manner as debts of like amount may be sued for under existing laws. (Ord. 201. Passed 1-13-70.)

CHAPTER 1042
Pretreatment Regulations

EDITOR'S NOTE: This chapter, previously a codification of Ordinance 298-85, passed March 4, 1985, was re-enacted in its entirety by Ordinance 364-94, passed May 24, 1994, and was subsequently amended and restated in its entirety by Ordinance 497-2009, passed September 8, 2009.

1042.01	Purpose and policy; administration.	1042.20	Effective period of permits.
1042.02	Abbreviations and definitions.	1042.21	Permit conditions.
1042.03	Prohibited discharge standards.	1042.22	Administrative appeals on terms of permits.
1042.04	National Categorical Pretreatment Standards.	1042.23	Permit modifications.
1042.05	State requirements.	1042.24	Permit transfers.
1042.06	Specific pollutant limitations.	1042.25	Permit revocation.
1042.07	Right of revision.	1042.26	Permit reissuance.
1042.08	Dilution of discharges.	1042.27	Baseline monitoring reports.
1042.09	Pretreatment facilities.	1042.28	Compliance schedule progress reports.
1042.10	Additional pretreatment measures.	1042.29	Reports on compliance with Categorical Pretreatment Standard deadline.
1042.11	Accidental/slug discharges and control plans.	1042.30	Periodic compliance reports.
1042.12	Hauled wastewater.	1042.31	Reports of changed conditions.
1042.13	Wastewater analysis.	1042.32	Reports of potential problem discharges.
1042.14	Wastewater discharge permit requirements.	1042.33	Reports from users who are not required to have permits.
1042.15	Existing connections.	1042.34	Notice of violation; repeat sampling, analysis and reporting.
1042.16	New connections.	1042.35	Notification of hazardous waste discharge.
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1042.38	Submission date for written reports.	1042.47	Legal and equitable remedies.
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1042.44	Suspension or revocation of permits.	1042.53	Cease and desist orders.
1042.45	Notification of violation.	1042.54	Affirmative defenses to discharge violations.
1042.46	Show cause hearing.	1042.55	Notice of upsets and bypasses.
		1042.99	Penalty.

CROSS REFERENCES

Sewers and drains - see 1st Class Sees. 2401 et seq.

Tampering with public property - see GEN. OFF. 650.01

Sewers generally - see S.U. & P.S. Ch. 1040

Sewer rates and charges - see S.U. & P.S. Ch. 1044

1042.01 PURPOSE AND POLICY; ADMINISTRATION.

(a) Purpose and Policy.

- (1) This chapter sets forth uniform requirements for users of the publicly owned treatment works (POTW) for the Township of Lawrence Park and the City of Erie and enables the Township and the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC 1251 et seq.), the General Pretreatment Regulations (40 CFR Part 403), the Pennsylvania Clean Streams Law (35 P.S. 69.1 et seq.), and the Standard For Discharges of Industrial Waste To POTW's (25 Pa. 97.91 et seq.). The objectives of this chapter are:
 - A. To prevent the introduction of pollutants into the POTW that will interfere with its operation;
 - B. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving water, or otherwise be incompatible with the POW;
 - C. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
 - D. To promote Re-use and recycling of industrial wastewater and sludge from the POTW;

- E. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and
 - F. To enable the City 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.
- (2) This chapter shall apply to all users of the POTW. This chapter authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(b) Administration. Except as otherwise provided herein, the Superintendent shall administer, implement and enforce the provisions of the chapter. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other City personnel.
(Ord. 497-2009. Passed 9-8-09.)

1042.02 ABBREVIATIONS AND DEFINITIONS

(a) Abbreviations. The following abbreviations, when used in the chapter, shall have the designated meaning:

BMP	best management practice
BOD	biochemical oxygen demand
CFR	Code of Federal Regulation
COD	chemical oxygen demand
EPA U.S.	Environmental Protection Agency
gpd	gallons per day
mg/l	milligrams per liter
NPDES	national pollutant discharge elimination system
POTW	publicly owned treatment works
RCRA	Resource Conservation and Recover Act
SIC	standard industrial classification
TSS	total suspended solids
use	United States Code

(b) Definitions. Unless a provision explicitly states otherwise, the following words, terms and phrases, as used in this chapter, shall have the meaning hereinafter designated.

- (1) "Act" and "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.
- (2) "Approval authority" means the Regional Administrator of EPA Region III.

- (3) "Authorized representative of the user" means:
- A. If the user is a corporation:
 - 1. The president, secretary, treasurer or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - 2. The manager of one or more manufacturing, production or operation facilities, provided the manager is authorized to make management decision that govern the operation of regulated facility including having the explicit or implicit duty of making major capitol investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where 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 sole proprietorship: a general partner or proprietor, respectively.
 - C. If the user is a Federal, State or local governmental facility; a director or the highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.
 - D. The individuals described in subsections (b) (3) A. to C. hereof may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position who or that is responsible for the overall operation of the facility from which the discharge originates, or who or that has overall responsibility for environmental matters for the company, and the Written authorization is submitted to the Superintendent.
- (4) "Best Management Practice or BMP" means the schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibition listed in Section 1042.03 (a) and (b)) and 40 CFR 403.5 (a) (1) and (b). BMP's include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- (5) "Biochemical oxygen demand" and "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at twenty degrees Centigrade, usually expressed as a concentration (e.g. mg/l).

- (6) "Categorical pretreatment standard" and "categorical standard" mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (7) "City" means the City of Erie and/or the City Council of Erie.
- (8) "Daily Maximum" means arithmetic average of all effluent samples for a pollutant collected during a calendar day or 24-hour period.
- (9) "Daily Maximum Limit" means the maximum allowable discharge limit of a pollutant during a calendar day or 24-hour period. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (10) "Environmental Protection Agency" and "EPA" means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said Agency.
- (11) "Existing source" means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (12) "Grab sample" means a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen minutes.
- (13) "Indirect discharge" and "discharge" mean the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.
- (14) "Instantaneous maximum allowable discharge limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (15) "Interference" means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhabits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, and therefore is a cause of a violation of the City's NPDES permit (including an increase in magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or

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

- (16) "Local Limit" means specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5 (a)(1) and (b).
- (17) "Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
- (18) "Monthly Average" means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- (19) "Monthly Average Limit" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- (20) "New source" is defined as follows:
 - A. "New source" means any building structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which standards commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, which standards will be applicable to such source if such standard 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 replaced the process or production equipment that cause the discharge of pollutants at an existing source; or
 3. The wastewater generating process of the building, structures, facility or installation are substantially independent of a existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 - B. A "new source" is not created when construction on a site at which an existing source is located results in a modification only and does not

- create a new building, structure, facility or installation meeting the criteria of paragraph (14) A.2. or 3. hereof, but otherwise alters, replaces or adds to existing process or production equipment.
- C. Construction of a "new source," as defined under this paragraph, 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 building, structures, or facilities, which clearing, excavation or removal are necessary for the placement, assembly or installation of new 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 its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies, do not constitute a contractual obligation under this paragraph.
- (21) "Noncontract cooling water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.
- (22) "Pass through" means 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 City's NPDES permit, including an increase in the magnitude or duration of a violation.
- (23) "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or other legal entity, or their legal representatives, agent or assigns. This definition includes all Federal, State and local governmental entities.
- (24) "pH" means a measure of the acidity or alkalinity of a solution, expressed in standard units.
- (25) "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewerage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

- (26) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties, in wastewater, prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (27) "Pretreatment requirements" means any substantive or procedural requirement relating to pretreatment imposed on a user, other than a pretreatment standard.
- (28) "Pretreatment standards" and "standards" mean prohibited discharge standards, categorical pretreatment standards and local limits.
- (29) "Prohibited discharge standards" and "prohibited discharges" mean absolute prohibitions against the discharge of certain substances, as provided in Section 1042.03.
- (30) "Publicly owned treatment works" and "POTW" mean a "treatment works," as defined by Section 212 of the Act (33 USC 1292), which is owned and/or operated by the City and/or the Township. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial waste of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- (31) "Septic tank wastes" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.
- (32) "Sewage" means human excrement and gray water (household showers, dishwashing operations, etc.).
- (33) "Significant industrial user" means:
- A. A user subject to categorical pretreatment standards; or
 - B. A user that:
 - 1. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - 2. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - 3. Is designated as such by the City because it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirements.
- Upon a finding that a user meeting the criteria set forth in paragraph (b)(27)B. hereof has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Superintendent may at any time, on his or her own initiative or in response to a petition received from a user, and in

- accordance with procedures set forth in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant user.
- (34) "Slug Load or Slug" means any discharge of a non-routine, episodic nature, or at a flow rate or concentration which would cause a violation of the prohibited discharge standards set forth in Section 1042.03, has the reasonable potential to cause Interference or Pass Through, or any other way violate the POTW's regulations, Local Limits, or Permit Conditions.
- (35) "Standard Industrial Classification (SIC) Code" means classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- (36) "Storm water" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (37) "Superintendent" means the person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.
- (38) "Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid, and which is removable by laboratory filtering.
- (39) "Township" means the Township of Lawrence Park, Erie County, Pennsylvania.
- (40) "User" and "industrial user" mean a source of indirect discharge.
- (41) "Wastewater" means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial building, industrial and manufacturing facilities, and institutions, together with any ground water, surface water and storm water may be present, whether treated or untreated, which are contributed to the POTW.
- (42) "Wastewater treatment plant" and "treatment plant" mean that portion of the POTW which is designated to provide treatment, including recycling and reclamation, of Municipal sewage and industrial waste. (Ord. 497-2009. Passed 9-8-09.)

1042.03 PROHIBITED DISCHARGE STANDARDS.

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

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

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (sixty degrees Centigrade) using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a pH less than 5.0 or more than 12.0, or otherwise designated more stringent by the Superintendent for the purpose of protecting the POTW;
- (3) Solids or viscous substance in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half inch in any dimension;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (forty degrees Centigrade);
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problem;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 1042.12;
- (9) Noxious or malodorous liquids, gases, solids or other wastewaters, which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewer for maintenance or repair;
- (10) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (11) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontract cooling water and unpolluted wastewater, unless specifically authorized by the Superintendent;
- (12) Sludge, screening or other residues from the pretreatment of industrial wastes;
- (13) Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit;
- (14) Wastewater that plant's alone or in conjunction with other sources, cause the treatment plant's effluent to fail a toxicity test;

- (15) Detergents, surface-active agents or other substance which may cause excessive foaming in the POTW;
- (16) Fats, oils or greases of animals or vegetables origin in concentrations having a negative impact on the POTW; or
- (17) Wastewater causing two reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent or any single reading over ten percent of the Lower Explosive Limit of the meter.

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

(Ord. 497-2009. Passed 9-8-09.)

1042.04 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

(a) Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, found at 40 CFR Chapter I, Subchapter N, the Federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter.

(b) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(c) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternative limit using the combined wastestream formula in 40 CFR 403.6 (e).

(d) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13 that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(e) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(Ord. 497-2009. Passed 9-8-09.)

1042.05 STATE REQUIREMENTS.

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

(Ord. 497-2009. Passed 9-8-09.)

1042.06 SPECIFIC POLLUTANT AND LIMITATIONS.

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

<u>Parameter</u>	<u>Limit</u>
Arsenic (As)	2.1 mg/1
Cadium (Cd)	1.2 mg/1
Chromium (Cr)	8.0 mg/1
Copper (Cu)	1.9 mg/1
Cyanide (CN)	1.7 mg/1
Lead(Pb)	1.2 mg/l
Mercury (Hg)	0.0003 mg/1
Nickel (Ni)	7.0 mg/1
Silver (Ag)	1.9 mg/1
Zinc (Zn)	5.0 mg/1
Phosphorus (P)	25.0 mg/1
Oil and Grease	250 mg/1
PH	5.2/12.0

The above limits apply at the point where the wastewater is discharged to the POTW. The Superintendent may impose a more stringent limit for oil and grease, on a case-by-case basis, for the purpose of protecting the POTW. All concentrations for metallic substance are for total metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

(Ord. 497-2009. Passed 9-8-09.)

1042.07 RIGHT OF REVISION.

The Township reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharge to the POTW.

(Ord. 497-2009. Passed 9-8-09.)

1042.08 DILUTION OF DISCHARGES.

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

(Ord. 497-2009. Passed 9-8-09.)

1042.09 PRETREATMENT FACILITIES.

User shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 1042.03 within the limitations specified by EPA, the State or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Superintendent under the provisions of the chapter.

(Ord. 497-2009. Passed 9-8-09.)

1042.10 ADDITIONAL PRETREATMENT MEASURES.

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

(b) The Superintendent may require any person discharging into the POTW to install and maintain, on his or her property and at his or her expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(c) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand, except that such interception shall not be required for residential users. All interceptor units shall be of type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at such user's expense.

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

(Ord. 497-2009. Passed 9-8-09.)

1042.11 ACCIDENTAL/SLUG DISCHARGES AND CONTROL PLANS.

(a) Each user shall provide protection from any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, of prohibited materials or other substance regulated by this

chapter, or that may cause potential problem for the POTW. Facilities to prevent these discharges shall be provided and maintained at the owner's or user's own cost and expense. In the case of such a discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(b) Within five days following such a discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law. 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 such a discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedures.

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

- (1) A description of discharge practices, including nonroutine batch discharge;
- (2) A description of stored chemicals;
- (3) Procedures for immediately notifying the Superintendent of any accidental or slug discharge; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage area, 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.
- (5) Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.
- (6) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures includes but are not limited to, inspection and maintenance of storage areas, handing 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.
(Ord. 497-2009. Passed 9-8-09.)

1042.12 HAULED WASTEWATER.

(a) Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate any of the provisions of Section 1042.03 through 1042.08 or any other requirements established by the Superintendent. The Superintendent may require septic tank waste haulers to obtain wastewater discharge permits.

(b) The Superintendent shall require haulers of industrial waste to obtain wastewater discharge permits. The Superintendent may require generators of hauled industrial waste to obtain wastewater discharge permits. The Superintendent may also prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of the chapter.

(c) Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without the prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, the permit number, the truck identification, the names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether or not any waste are RCRA hazardous waste.
(Ord. 497-2009. Passed 9-8-09.)

1042.13 WASTEWATER ANALYSIS.

When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within thirty days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.
(Ord. 497-2009. Passed 9-8-09.)

1042.14 WASTEWATER DISCHARGE PERMIT REQUIREMENTS.

(a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit form the Superintendent, except

that a significant industrial user that has filed a timely application pursuant to Section 1042.15 may continue to discharge for the time period specified therein.

(b) The Superintendent may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

(c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and shall subject the wastewater discharge permittee to the sanctions set forth in Sections 1042.44 through 1042.49 and 1042.99. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standard or requirements or with any other requirements of Federal, State and local law.

(Ord. 497-2009. Passed 9-8-09.)

1042.15 EXISTING CONNECTIONS.

Any user who is required to obtain a wastewater discharge permit and who was discharging wastewater into the POTW prior to the effective date of this chapter, and who wishes to continue such discharges in the future, shall, within thirty days after said date, apply to the Superintendent for a wastewater discharge permit in accordance with Section 1042.17 and shall not cause or allow discharges to the POTW to continue after ninety days of the effective date of the chapter, except in accordance with a wastewater discharge permit issued by the Superintendent.

(Ord. 497-2009. Passed 9-8-09.)

1042.16 NEW CONNECTIONS.

Any user who is required to obtain a wastewater discharge permit and who proposes to begin or commence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 1042.17, must be filed at least sixty days prior to the date upon which any discharge will begin or recommence.

(Ord. 497-2009. Passed 9-8-09.)

1042.17 CONTENTS OF WASTEWATER DISCHARGE PERMIT APPLICATIONS.

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

- (a) All information required by Section 1042.27(b);
- (b) A description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (c) The number and type of employees, the hours of operation and proposed or actual hours of operation;

- (d) Each product produced by type, amount, process or processes, and the rate of production;
- (e) The type and amount of raw materials processed (average and maximum per day);
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation and all points of discharge;
- (g) The time and duration of discharges; and
- (h) Any other information that may be deemed necessary by the Superintendent to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(Ord. 497-2009. Passed 9-8-09.)

1042.18 APPLICATION SIGNATORY AND CERTIFICATION.

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement: "I certify under penalty of law 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."

(Ord. 497-2009. Passed 9-8-09.)

1042.19 EVALUATION OF APPLICATION; ISSUANCE OR DENIAL OF PERMITS.

The Superintendent will evaluate the data furnished by the user and may require additional information. Within sixty days of receipt of a complete wastewater discharge permit application, the Superintendent will determine whether or not to issue a wastewater discharge permit. The Superintendent may deny, for cause, any application for a wastewater discharge permit.

(Ord. 497-2009. Passed 9-8-09.)

1042.20 EFFECTIVE PERIOD OF PERMITS.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(Ord. 497-2009. Passed 9-8-09.)

1042.21 PERMIT CONDITIONS.

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

(a) Wastewater discharge permits must contain:

- (1) A statement that indicates the duration of the permit, which in no event shall exceed five years;
- (2) A statement that the permit is nontransferable without prior notification to the Superintendent in accordance with Section 1042.24 and without provision for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable pretreatment standards;
- (4) Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on Federal, State and local law; and
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements to control Slug Discharge if determined by the Superintendent to be necessary, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law.

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

- (1) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other conditions, including management practices necessary to adequately prevent accidental, unanticipated or non routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee to responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this chapter, and State and Federal laws, rules and regulations.
(Ord. 497-2009. Passed 9-8-09.)

1042.22 ADMINISTRATIVE APPEALS ON TERMS OF PERMITS.

(a) Any user may petition the Superintendent to reconsider the terms of a wastewater discharge permit or permit modification within thirty days of its issuance.

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

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

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

(e) If the Superintendent fails to act within thirty days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final.
(Ord. 497-2009. Passed 9-8-09.)

1042.23 PERMIT MODIFICATIONS.

The Superintendent may modify a wastewater discharge permit for good cause, including, but not limited to, the following reason:

- (a) To incorporate any new or revised Federal, State or local pretreatment standards or requirements;
- (b) To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge posed a threat to the POTW, it's personnel or the receiving water;
- (e) Violation of any terms or conditions of the wastewater discharge permit;

- (f) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (h) To correct typographical or other errors in the wastewater discharge permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator.
(Ord. 497-2009. Passed 9-8-09.)

1042.24 PERMIT TRANSFERS.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty days advance notice to the Superintendent and the Superintendent approves the wastewater discharge permit transfer. The notice to the Superintendent must include a written certification by the new owner or operator which:

- (a) States that the owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and
- (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

(Ord. 497-2009. Passed 9-8-09.)

1042.25 PERMIT REVOCATION.

The Superintendent may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharges;
- (b) Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 1042.31;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (d) Falsifying self monitoring reports;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the Superintendent timely access to the facility premises and records;
- (g) Failure to meet effluent limitation;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;

- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any pretreatment standard or requirement or of any terms of the wastewater discharge permit or this chapter.

Wastewater discharge permits shall be voidable upon cessation of operations or transfers of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(Ord. 497-2009. Passed 9-8-09.)

1042.26 PERMIT REISSUANCE.

A user with an expiring wastewater discharge permit shall apply for reissuance of the permit by submitting a complete permit application, in accordance with Section 1042.17, a minimum of sixty days prior to the expiration of the user's existing wastewater discharge permit.

(Ord. 497-2009. Passed 9-8-09.)

1042.27 BASELINE MONITORING REPORTS.

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

(b) Users described in subsection (a) hereof shall submit the information set forth below:

- (1) Identifying information. The name and address of the facility, including the name of the operator and owner.
- (2) Environmental permits. A list of any environmental control permits held by or for the facility.
- (3) Description of operation. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated

process streams and other streams, as necessary, to allow use of the combined wastestream formula set forth in 40 CFR 403.6(e).

- (5) Measurement of pollutants.
 - A. The categorical pretreatment standard applicable to each regulated process.
 - B. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set forth in Section 1042.36 of this ordinance. In the cases where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Superintendent or the applicable standard to determine compliance with the standard.
 - C. Sampling must be performed in accordance with procedures set forth in Section 1042.37.
- (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 are required to meet the pretreatment standards and requirements.
- (7) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this paragraph must meet the requirements set forth in Section 1042.18.
- (8) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with Section 1042.18.
(Ord. 497-2009. Passed 9-8-09.)

1042.28 COMPLIANCE SCHEDULE PROGRESS REPORTS.

The following condition shall apply to the compliance schedule required by Section 1042.27(b)(7):

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable

- pretreatment standards. Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation.
- (b) No increment referred to above shall exceed nine months.
 - (c) The user shall submit a progress report to the Superintendent no later than fourteen days following each date in the schedule and the final date of compliance, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.
 - (d) In no event shall more than nine months elapse between such progress reports to the Superintendent.
(Ord. 497-2009. Passed 9-8-09.)

1042.29 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE.

Within ninety days following the date for final compliance with applicable categorical pretreatment standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in Section 1042.27(b)(4) to (6). For users subject to equivalent or concentration limits established in accordance with the procedures set forth in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 1042.18.
(Ord. 497-2009. Passed 9-8-09.)

1042.30 PERIODIC COMPLIANCE REPORTS.

(a) All significant industrial users shall, at a frequency determined by the Superintendent, but in no case less than twice per year (April and October), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or pretreatment standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Section 1042.18.

(b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept

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

(c) If a user subject to the reporting requirements set forth in this section monitors any pollutant more frequently than required by Superintendent, using the procedures prescribed in Section 1027.37, the results of this monitoring shall be included in the report.

(Ord. 497-2009. Passed 9-8-09.)

1042.31 REPORTS OF CHANGED CONDITIONS.

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

(a) The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 1042.17.

(b) The Superintendent may issue a wastewater discharge permit under Section 1042.19, or modify an existing wastewater discharge permit under Section 1042.23, in response to changed conditions or anticipated changed conditions.

(c) For purpose of this section, significant changes include, but are not limited to, flow increases over daily flow requirements, reported by the user in its baseline monitoring report, of twenty percent or greater, which are not associated with normally occurring process fluctuations, and the discharge of any previously unreported pollutants.

(Ord. 497-2009. Passed 9-8-09.)

1042.32 REPORTS OF POTENTIAL PROBLEM DISCHARGES.

In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall follow the reporting procedures set forth in Section 1042.11.

(Ord. 497-2009. Passed 9-8-09.)

1042.33 REPORTS FROM USERS WHO ARE NOT REQUIRED TO HAVE PERMITS.

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

(Ord. 497-2009. Passed 9-8-09.)

1042.34 NOTICE OF VIOLATION; REPEAT SAMPLING, ANALYSIS AND REPORTING.

If sampling performed by a user indicates a violation, the user must notify the Superintendent within twenty-four hours of becoming aware of the violation. The user

shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty days after becoming aware of the violation. The user is not required to resample if the Superintendent monitors at the user's facility at least once a month, or if the Superintendent samples between the time of user's receives the results of this sampling. If the Superintendent performed the sampling and analysis in lieu of the Industrial User, the Superintendent will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

(Ord. 497-2009. Passed 9-8-09.)

1042.35 NOTIFICATION OF HAZARDOUS WASTE DISCHARGE.

(a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFP Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other.) If the user discharge more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent that such information is known and readily available to be user: an identification of the hazardous constituents contained in the waste, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under Section 1042.31. The notification requirement of this subsection does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 1042.27, 1042.29 and 1042.30.

(b) Discharges are exempt from requirements of subsection (a) hereof, during a calendar month in which they discharge no more than fifteen kilograms of hazardous waste, unless the waste is acute hazardous waste as specified in 40 CFR 261.30 (d) and 261.33 (e). Discharges of more than fifteen kilograms of nonacute hazardous waste in a calendar month, or of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e), requires a onetime 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 must notify the Superintendent, the EPA Regional Waste

Management Waste Division Director and State hazardous waste authorities of the discharge of such substance within ninety days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste 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 chapter, by a permit issued under this chapter or by any applicable Federal or State law.
(Ord. 497-2009. Passed 9-8-09.)

1042.36 POLLUTANT ANALYSIS TECHNIQUES.

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 with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

(Ord. 497-2009. Passed 9-8-09.)

1042.37 WASTEWATER SAMPLE COLLECTION.

(a) Except as indicated in subsection (b) hereof, the user must collect wastewater samples using 24-hour flow proportional composite collection techniques unless time proportional composite sampling or grab sampling is authorized by the Superintendent. Where time proportional composite sampling or grab sampling is authorized by the Superintendent the user must demonstrate that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

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

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 (40 CFR 403.12 (b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil & grease, sulfide and volatile organic compounds for facilities for which historical data are available, [the Superintendent] may authorize a lower minimum. For the reports required by Section 1042.30 (40 CFR 403.12 (e) and 403.12 (h) the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(Ord. 497-2009. Passed 9-8-09.)

1042.38 SUBMISSION DATE FOR WRITTEN REPORTS.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Services, the date of receipt of the report shall govern. (Ord. 497-2009. Passed 9-8-09.)

1042.39 RECORD KEEPING.

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, including documentation associated with BMP's and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling, and the name of the person taking the samples; the dates on which analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. The period shall be automatically extended for the duration of any litigation concerning the user, the Township, or the City, or where the user has been specifically notified of a longer retention period by the Superintendent. (Ord. 497-2009. Passed 9-8-09.)

1042.40 RIGHT OF ENTRY; INSPECTION; SAMPLING.

(a) The Superintendent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. User shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

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

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

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

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

(f) Unreasonable delays in allowing the Superintendent access to the user's premises shall be deemed to be a violation of this chapter.
(Ord. 497-2009. Passed 9-8-09.)

1042.41 SEARCH WARRANTS.

If the Superintendent has been refused access to a building, structure or property, or any part thereof, and is to demonstrate probable cause to believe that there may be a violation of the is chapter, or that there is a need to inspect and/or sample as a part of a routine inspection and sampling program of the Township, designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Superintendent may seek issuance of a search warrant from a District Justice or the Court of Common Peas of Erie County.
(Ord. 497-2009. Passed 9-8-09.)

1042.42 CONFIDENTIALITY OF INFORMATION.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the Superintendent and sampling activities, shall be available to the public without restriction, unless the user specifically requests confidentiality and is able to demonstrate to the satisfaction of the Superintendent that the release of such information would divulge information, processes or methods of production entitled to protection and trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When such request and demonstration are made, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302, will not be recognized as confidential information and will be available to the public without restriction.
(Ord. 497-2009. Passed 9-8-09.)

1042.43 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.

The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the users which, during the previous twelve months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Section 2;
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of wastewater measurements taken for each pollutant parameter during a six month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by section 1042.03 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a pretreatment standard or requirement as defined by Section 1042.03 (Daily Maximum, Long-Term Average, Instantaneous Limits or Narrative Standard) that the Superintendent believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety days of the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;
- (f) Failure to provide, within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violations which may include a violation of best management practices which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.
(Ord. 497-2009. Passed 9-8-09.)

1042.44 SUSPENSION OR REVOCATION OF PERMITS.

(a) Suspension of permit. The Superintendent may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the Superintendent, in order to stop an actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference with the POTW or cause the POTW to violate any condition of its NPDES permit. Any person notified of a suspension of the wastewater treatment services and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Superintendent shall take

such steps as are deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Superintendent shall reinstate the wastewater treatment service and/or the wastewater contribution permit upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the cause of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Superintendent within fifteen days of the date of occurrence.

(b) Revocation of permit. Wastewater discharge permits may be revoked in accordance with Section 1042.25.
(Ord. 497-2009. Passed 9-8-09.)

1042.45 NOTIFICATION OF VIOLATION.

When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, or of a wastewater discharge permit or order issued under this chapter, or any other pretreatment standard or requirements, the Superintendent may serve upon that user a written notice of violation. Within thirty days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(Ord. 497-2009. Passed 9-8-09.)

1042.46 SHOW CAUSE HEARING.

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

1042.47 LEGAL AND EQUITABLE REMEDIES.

If any person has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued under this chapter, or any other pretreatment standard or requirement, the Superintendent may commence an action for appropriate

legal and/or equitable relief in a court of competent jurisdiction, including, but not limited to, injunctive relief, civil penalties, fines and imprisonment.
(Ord. 497-2009. Passed 9-8-09.)

1042.48 FALSIFICATION; TAMPERING WITH MONITORING DEVICES.

No person shall knowingly make any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or to a wastewater contribution permit, or falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this chapter.
(Ord. 497-2009. Passed 9-8-09.)

1042.49 REMEDIES; AUTHORITY OF SUPERINTENDENT.

The remedies provide for in this chapter are not exclusive. The Superintendent may make use of any, all or any combination of such remedies against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the POTW enforcement response plan. However, the Superintendent may take other action against any user when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant user.
(Ord. 497-2009. Passed 9-8-09.)

1042.50 FEES.

It is the purpose of this section to provide for the recovery of costs from users of the POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth by the Superintendent.

- (a) Surcharge Fees. In the event that any user discharges industrial waste to the POTW in excess of 300 milligrams per liter of suspended solids, and/or an average five-day BOD on excess of 250 milligrams per liter, such user shall pay a surcharge based upon the excess strength of its wastes. The amount of the surcharge shall be determined by using the following formulas:
 - (1) Biological oxygen demand. $(\text{BOD} - 250 \text{ mg/l} \times 8.34 \times \text{MGD} \times \text{treatment Cost per lbs.} =)$
 - (2) Suspended solids. $(\text{TSS} - 300 \text{ mg/l} \times 8.34 \times \text{MGD} \times \text{Treatment Cost per lbs} =)$
 - (3) Surcharge. The cost per pound for treatment will be determined by the Superintendent of the POTW and will be based on actual cost of treatment.
- (b) Pretreatment Program Charges and Fees. The Superintendent may adopt charges and fees which may include:
 - (1) Fees for reimbursement of cost of setting up and operating the POTW's pretreatment program.
 - (2) Fees for monitoring, inspection and surveillance procedures.
 - (3) Fees for reviewing accidental discharge procedures and constructions.
 - (4) Fees for permit applications.

- (5) Fees for filling appeals.
- (6) Fees for consistent removal by the treatment plant of pollutants otherwise subject to Federal pretreatment standards.
- (7) Other fees as the Superintendent may deem necessary to carry out the requirements contained herein.

These fees relate solely to matters covered by this chapter and are separate from all others fees chargeable by the Township or City.

(Ord. 497-2009. Passed 9-8-09.)

1042.51 CONSENT ORDERS.

The Superintendent may enter into consent orders assurance of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the documents. Such documents shall have the same force and effect as the administrative orders issued pursuant to this chapter and shall be judicially enforceable. The Superintendent and the user shall notify the Township, in writing, within five days of entering into a consent order with such user in Lawrence Park Township.

(Ord. 497-2009. Passed 9-8-09.)

1042.52 COMPLIANCE ORDERS.

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

(Ord. 497-2009. Passed 9-8-09.)

1042.53 CEASE AND DESIST ORDERS.

(a) When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or an order issued hereunder,

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

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

(b) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user. The Superintendent and the user shall notify the Township, in writing within five days of a cease and desist order being issued to such user in Lawrence Park Township.

(Ord. 497-2009. Passed 9-8-09.)

1042.54 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

(a) Upset.

- (1) For the purpose of this chapter, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (a)(3) hereof are met.
- (3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous, operating logs, or other relevant evidence, the following:
 - A. An upset occurred and the user can identify the cause(s) of the upset;
 - B. The facility was, at the time, being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
 - C. The user has submitted the following information to the Superintendent within twenty-four hours of becoming aware of the upset (If this information is provided orally, a written submission must be provided within five days):
 1. A description of the indirect discharge and cause of noncompliance;
 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- (4) In any enforcement proceeding, the user seeking to establish the occurrences of an upset shall have burden of proof.
- (5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (6) Users shall control production of all discharges, to the extent necessary to maintain compliance with categorical pretreatment standards, upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(b) Prohibited Discharge Standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 1042.03(a) or the specific prohibitions in Section 1042.03(b)(3) through (7) and (9) through (17) if it can prove that it did not know, or have reason to know, that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference and that either:

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

(c) Bypass.

- (1) For the purpose of this subsection:
 - A. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
 - B. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss caused by delays in production.
- (2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if such bypass is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c)(3) and (4) hereof.

- (3) A. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten days before the date of the bypass, if possible.
- B. A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.
- (4) A. Bypass is prohibited, and the Superintendent may take an enforcement action against a user for a bypass, unless:
1. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during, normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 3. The user submitted notices as required under paragraph (c)(3) hereof.
- B. The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (c)(4) hereof.
- (Ord. 497-2009. Passed 9-8-09.)

1042.55 NOTICE OF UPSETS AND BYPASSES.

The Superintendent and the user shall notify the Township, in writing, of all upsets and bypasses within five days of their occurrence.
(Ord. 497-2009. Passed 9-8-09.)

1042.99 PENALTY

(a) Criminal Penalty. Whoever violates Section 1042.48 shall be fined not more than one thousand dollars (\$1000) and, in default of the payment thereof, shall be imprisoned not more than thirty days.

(b) Civil Penalty. Any user who is found to have violated, or continues to violate, one or more of the provisions of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, for which no penalty is otherwise provided, may be assessed a civil penalty. The penalty may be assessed whether or not the violations were willful or negligent. The civil penalty shall not exceed twenty-five thousand dollars (\$25,000) per day for each violation. Each violation for each separate day shall constitute a separate and distinct offense. For purposes of this section, a single operational upset which leads to simultaneous, multiple violations, shall be treated as a single violation as required by the Federal Water Pollution Control Act, 33 USC 1252 et seq. In addition to penalties provided herein, the Superintendent may recover interest, damages, costs, reasonable attorney's fees, expert witness fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law or in equity against the person or user found to be in violation. (Ord. 497-2009. Passed 9-8-09.)

CHAPTER 1044
Sewer Rates and Charges

1044.01	Responsibility for payment.	1044.06	Payment of charges; liens; shut off of service.
1044.02	Billing.	1044.065	Collection fees for delinquent accounts.
1044.03	Water usage as basis of charges.	1044.07	Notices of violations.
1044.04	Computation of charges; reduction.	1044.08	Connections outside Township; sewer rental.
1044.05	Change of basis for billing.		

CROSS REFERENCES

Sewers and drains - see 1st Class Secs. 2401 et seq.
 Tampering with public property - see GEN. OFF. 650.01
 Sewers generally - see S.U. & P.S. Ch. 1040
 Pretreatment regulations - see S.U. & P.S. Ch. 1042
 Storm water management - see S.U. & P.S. Ch. 1043

1044.01 RESPONSIBILITY FOR PAYMENT.

There is hereby imposed upon the owners of or upon the users of water in or on all properties served by the public sanitary sewage system, sewage collection, transportation and treatment charges for the use of said system, payable in the amounts and as provided from time to time by the Board of Township Commissioners. Said owners and users will be jointly and severally liable for the payment of said sewage collection, transportation and treatment charges and the penalties therein prescribed for delinquent payments thereof. (Ord. 278-80. Passed 12-2-80.)

1044.02 BILLING.

All bills for sewage collection, transportation and treatment charges shall be due when rendered and shall be subject to the penalty provisions set forth in the Township's sewer rate resolution. Owners and, where adequate arrangements have been made with the Board of Township Commissioners, users will be billed periodically for the sewage collection, transportation and treatment charges and the penalties therein prescribed for delinquent payments thereof. (Ord. 278-80. Passed 12-2-80.)

1044.03 WATER USAGE AS BASIS OF CHARGES.

(a) Sewer Service Charges. The sewer service charge for all customers per quarter shall be \$23.91 per EDU (equivalent dwelling unit). EDUs shall be established annually by Board of Commissioners resolution. EDUs for all sewer customers shall be determined as follows:

User	EDU
Single family dwelling	1
Each multi-family dwelling unit or apartment unit	1
Each mobile home unit within a mobile home park	1
Commercial establishment containing, attached to, or appended to a residential unit	1
Commercial, industrial, public - to be determined by meter service size as follows: <u>Meter/Service Size (in inches)</u>	
5/8	1
3/4	1
1	2.5
1 1/2	5
2	8
3	16
4	25
6	50
8	80
10	115
12	165

(b) Sewer Usage Charges. The Board of Commissioners has established a sewer usage charge per quarter for all connections based on the customer's actual usage per 100 cubic feet (CCF) and over as follows:

<u>Three Month's Usage Increments</u> (cubic feet)	<u>Rate per 100 Cubic Feet</u> (CCF)
100 cubic feet to 2,100	\$2.39
All usage over 2,100	\$2.39 for 70% of usage

(c) The Three Months' Usage Rate Schedule and other provisions contained in this section shall apply to all bills for sewer usage dated January 1, 2014, and thereafter.

(d) General electric sewer usage charges. The sewer service and sewer usage charge per quarter for general electric for all connections shall be established at \$29.83 per EDU and \$2.28 per CCF.

(Ord. 405-98. Passed 3-24-98; Ord. 513-11. Passed 12-27-11; Ord. 523-2012. Passed 12-27-12; Ord. 529-2013. Passed 12-26-13.)

1044.04 COMPUTATION OF CHARGES; REDUCTION.

(a) Upon application of a customer, the Board of Township Commissioners may approve billings based upon 100 percent of the sewer meter readings (based upon 100 cubic feet) upon demonstration of the following to the satisfaction of the Board:

- (1) That a portion of the water used in or on the property of the customer does not enter the public sewerage system;
- (2) That the total water used in or on the property exceeds 100,000 gallons per quarter;
- (3) That the meter(s), as installed, will properly and accurately measure the effluent entering the public sanitary system and that said meter(s) shall be properly maintained and readings shall be accurate and taken on a timely basis;
- (4) That all water flow not discharged into the public sanitary sewer system shall be discharged in accordance with Pennsylvania statutes, Pennsylvania Department of Environmental Resources regulations and such Federal statutes and regulations as are applicable;
- (5) That all flow into the public sanitary sewer system is at approved meter points or shall otherwise be billed in accordance with the normal billing procedures; and
- (6) That all billings prior to the approval of the application are true and correct.

(b) The application submitted by the customer shall be in the following form:

(Cont.)

CHAPTER 1046
Water

EDITOR'S NOTE: There are no sections in Chapter 1046. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

- Creation of water districts - see 1st Class Sec. 1502 - XV
- Revolving fund for construction of water lines - see 1st Class Secs. 2601, 2602
- Water supply and waterworks - see 1st Class Art. XXVII
- Storm water management - see S.U. & P.S. Ch. 1043
- Water usage as basis for sewer charges - see S.U. & P.S. 1044.03
- Subdivision improvements - see P. & Z. 1250.05
- Water recreation and storage areas - see P. & Z. 1286.03
- Design and construction of water facilities in flood control areas - see B. & H. 1420.47
- Water facilities in bluff recession hazard areas - see B. & H. 1424.04
- Water supply, fixtures and facilities in dwellings - see B. & H. 1448.04(d)

CHAPTER 1048

Electricity

EDITOR'S NOTE: Electricity is supplied in the Township by the Pennsylvania Electric Company. There are no sections in Chapter 1048. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Conditions for construction of electric conduits in or under streets - see 1st Class Sec. 2084

Manufacture and sale of electricity - see 1st Class Art. XXVII-A

Subdivision improvements - see P. & Z. 1250.07

Electrical disturbances - see P. & Z. 1286.17(d)(6)

Electrical systems in flood control areas - see B. & H. 1420.47

Electrical systems in bluff recession hazard areas - see B. & H. 1424.04

Electric fixtures and outlets in dwellings - see B. & H. 1448.04(b)