

AMENDMENT TO SHENANGO TOWNSHIP

ORDINANCE NO. 5-1987

WHEREAS, the Board of Supervisors of the Township of Shenango, Lawrence County, Pennsylvania, have determined that certain amendments to the Shenango Township Ordinance No. 5-1987 are needed;

NOW, THEREFORE, be it ordained and enacted by the Supervisors of the Township of Shenango, Lawrence County, Pennsylvania;

That Section IV of Shenango Township Ordinance No. 5-1987 be and is hereby amended to read as follows:

Section IV Charges and Fees

(a) Sewer Service Charges

(1) Imposition of Sewer Service Charge

There is hereby imposed upon the owners of, or the users of water in or on, all properties situated within the corporate limits of the Township and served by the sewer system, a sewer service charge for the collection, transportation, treatment and disposal of industrial and domestic wastewaters payable as hereinafter provided in the amounts hereinafter provided. The sewer service charge for collection, transportation, treatment and disposal of industrial and domestic wastewater shall begin to accrue from and after or thereafter on a date forty-five (45) days after notice to connect to the sewer system is given as provided in ordinance of the Township. Such owners and users shall be jointly and severally liable for the payment of the sewer service charge and the penalty herein prescribed for delinquent payment thereof.

(2) Schedule of Sewer Service Charges

The sewer service charge for the collection, transportation, treatment and disposal of industrial and domestic wastewater in every case shall be based on the volume of water used in or on such properties as follows:

(A) Metered Water Users. The following schedule of rates shall be applicable to each user of metered water and the sewer service charge shall be based upon the quantity of water delivered to each such water user as measured by the most recent available water meter reading:

1,100 Cubic Feet/Month

Minimum Rate/Month	\$12.50
Rate/100 cubic feet over minimum	\$ 0.95/100 cubic feet

(B) Nonmetered Water Users. All owners of, or users of water in or on, all residential properties having an unmetered private water supply and/or supplied with unmetered water service by a water utility shall pay a flat rate sewer service charge of \$12.50/month. All commercial and industrial users having an unmetered private water supply and/or supplied with unmetered water sewer by any water utility, shall pay a flat sewer service charge as fixed by the Township from time to time based upon estimated water consumption or industrial and domestic wastewater volumes discharged into the public sewerage system and the schedule of rates set forth in subsection (A) hereof.

(C) For the terms of this Ordinance one (1) cubic foot of water shall be taken as seven and one-half (7.5) gallons.

(D) The aforesaid schedule of rates shall be based on the water service consumed by the user as metered by the New Castle Water Company, its successors or assigns, and which meters may be read montly or quarterly at the option of the New Castle Water Company, its successors and assigns. If the meters are read quarterly, then an estimated statement shall be rendered for the months that the meter is not read.

(E) All persons connected to the sanitary sewer but having an independent water supply shall be metered at the above rates, the Township of Shenango shall furnish and install a meter on the independent water supply.

(3) Billing and Delinquency Penalty

Owners and Users shall be billed quarterly for the sewer service charge. The billing shall be based upon the water usage shown by the Water Utility's most recent available water meter reading or upon the appropriate minimum sewer service charge. All bills for sewer service charge shall be due when rendered and shall be subject to a penalty of five percent (5%) if not paid within fifteen (15) days from the date of the bill.

(4) Combining Charges

The measurement by two or more meters of the quantity of water used in or on one property by one owner or User may be combined and the sewer service charge billed to such owner or user as though the quantity of water was measured by one meter, if the Township so elects.

(5) Multiple Minimum Charges

Where two or more families or dwelling units receive water through one water meter, multiple minimum sewer service charges shall be billed in accordance with the then current practices of the Water Utility and as the Township shall direct.

(6) Commercial Units with Common Sanitary Facilities

Office building and other commercial buildings where more than one tenant is using a common sanitary facility shall be charged a minimum sewer service charge for each individual tenant, unless volume recording would indicate a larger volume than minimum. If a larger volume than minimum is recorded, the Authority shall pro-rate the additional volume cost above minimum to the tenants based on usage estimated by the Township.

(7) Metering Water Obtained from Other Sources

In the event the owner of, or the user of water in or on, any industrial or commercial property served by the sewer system and/or the treatment works obtains part or all of the water used in or on such property from sources other than the Water Utility, such owner or User shall, upon demand of and at no expense to the Township, install and maintain a water meter or meters satisfactory to the Township for measuring all water used other than that obtained from the Water Utility, and the quantity of water used to determine the sewer service charge shall be the quantity of water measured by all such meters plus the quantity of water obtained from the Water Utility.

(8) Determination of Water Entering System

In the event it is established to the satisfaction of the Township that a portion of the water used in or on property served by the sewer system and/or the treatment works does not and cannot enter the sewer system and/or the treatment works, and in the event that the total water used in or on such property exceed 25,000 cubic feet per quarter, the Township may determine, in such manner and by such method as it may deem practical, the percentage of the water entering the sewer system and/or the treatment works, or the Township may require or permit the installation of additional meters in such manner as to determine either the quantity of water excluded from the sewer system and/or the treatment works or the quantity of water system and/or the treatment works, exclusive of storm water runoff, surface water and ground water. The sewer service charge shall be based upon the quantity of water estimated, measured or computed by the Township to be actually entering the sewer system and/or the treatment works, exclusive of storm water runoff, surface water and ground water, subject to the minimum charge set forth in Section IV (2).

(9) Application for Reduction

Any person requesting a reduction of the amount of the sewer service charge because of water purchased which does not enter the sewer system and/or treatment works, shall make written application to the Township, giving the name of such person, his address and setting forth supporting data fully describing other sources of water, if any, as well as the disposition of water alleged not to be entering the sewer system and/or treatment works. The application shall be accompanied by a sketch to approximate scale showing the plan of the property, the water distribution system, sewer layout, existing meters and proposed meters in the scheme to determine the quantity of flow entering, or not entering, the sewer system and/or the treatment works. The cost of furnishing, installing and maintaining any meters other than those utilized to measure water purchased from the water utility shall be borne by the applicant. The type, size, location, arrangement and maintenance of such meters shall be subject to the approval of the Township and the Water Utility.

(10) Industrial Wastewater Records

The Township reserves the right to require every person discharging any industrial wastewater into the public sanitary sewer or sewer connected thereto, to keep and maintain records to consist of the following minimum information:

- (A) Name and address.
- (B) Title of Official making report.
- (C) Location of Establishment.
- (D) The nature of the business conducted in such establishment.
- (E) The volume of industrial wastewater and domestic wastewater discharged by each establishment to sanitary sewers and to storm sewer respectively.
- (F) The average daily number of employees employed in each establishment and the volume of water used by each establishment, daily, specified separately as to each source.
- (G) The source of water supply of each establishment and the volume of water used by each establishment, daily, specified separately as to each source.
- (H) Such additional information as is deemed applicable to ascertain the volume, nature and composition of the waste so discharged.

Such records shall be available for inspection during regular business hours by authorized representatives or employees of the Authority, upon presenting written credentials of their authority, and such representatives or employees shall be permitted to make and retain copies of such records.

(11) Testing

The Authority may conduct such tests as are necessary to enforce this ordinance, and employees of the Authority may enter upon any property for the purpose of taking samples, obtaining information, inspecting water meters, or conducting surveys or investigations relating to such enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the Authority for the purpose of checking to determine if a previously found violation of this article has been corrected, the cost of such tests shall be charged to the User's sewer charge. In those cases where the Authority determines that the nature of volume of a particular User's wastewater requires more frequent than normal testing, the Authority may charge such User for the tests, after giving the User ten (10) days written notice of its intention to do so, and the cost thereof shall be added to the User's sewer charge. In any case where industrial wastes are discharged to a public sewer, the Authority may require the User, at his own expense, to test his discharge on a regular basis and to report the test results to the Authority within a reasonable time. All such tests shall be as ordered by the Authority and shall be conducted by qualified personnel in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" and also Regulation 40 CFR, Part 136, Guidelines Establishing Test Procedures for Analysis of Pollutants.

(b) Surcharges for BOD and SS

There shall be a surcharge imposed upon the owners of, and the Users of water in or on, all properties discharging or permitting to be discharged or infiltrated into the sewer system and/or treatment works abnormal industrial wastewater, which surcharge is intended to cover the additional cost to the sewer system and/or the treatment works resulting from the treatment and disposal of such abnormal industrial wastewater. Such surcharges shall be in addition to the regular sewer service charge set forth in Section IV(2), and shall be payable as hereinafter provided in the amount hereinafter provided.

(1) Sampling to Determine Waste Strength for Surcharge

The strength of any industrial wastewater, the discharge of which is subject to surcharge, shall be determined monthly, or more frequently, from samples taken either at the monitoring facility referred to in Section V(d) or at any other sampling point mutually agreed upon by the Authority and the producer of such wastewater. The frequency and duration of the sampling period shall be such as, in the opinion of the Authority, will permit a reasonably reliable determination of the average composition of such wastewater, exclusive of storm water runoff, surface water and ground water. Samples shall be collected by the Authority in proportion to the flow of wastewater, exclusive of storm water runoff, surface water and ground water, and composited for analy-

sis in accordance with the latest edition of Standard Methods for the Examination of Water and Sewage as published by the American Public Health Association. Except as hereinafter provided, the strength of such wastewater so found by analysis shall be used for establishing the surcharge or surcharges. The Authority may, if it so elects, accept the results of routine sampling and analyses by the producer of such wastewater in lieu of making its own sampling and analyses.

(2) BOD Surcharge Rate and Determination

In the event any sample has a BOD in excess of 300 p.p.m., the owners of and the Users of water in or on, the property from which such wastewater is discharged shall be surcharged an amount equal to the product of:

- (A) The actual volume of wastewater in thousand gallons per billing period, exclusive of storm water runoff, surface water and ground water, discharged to the sewer system and/or the treatment works; and
- (B) The "BOD surcharge rate." The "BOD surcharge rate" shall be determined by the following formula:

$$R_c = 0.00834 P (C - 300)$$

Where R_c = the BOD surcharge rate in cents per 1,000 gallons of waste discharged.

P = the average annual fixed, operating and maintenance cost of treatment processes per pound of BOD received at the treatment works, including chlorination.

C = the average BOD of the industrial wastewater expressed in p.p.m. as determined in accordance with Section IV(1).

The figure 300 appearing in the above formula corresponds to the maximum BOD permissible without surcharge. The figure 0.00834 is the factor to convert parts per million to pounds per 1,000 gallons. No discount will be permitted for domestic or industrial wastewaters having a BOD less than 300 p.p.m.

(3) Suspended Solids Surcharge Rate and Determination

In the event any sample has an average suspended solids concentration in excess of 275 p.p.m., the owner or, and the Users of water in or on, the property from which such wastewater is discharged shall be surcharged an amount equal to the product of:

- (A) The actual volume of wastewater in thousand gallons per billing period, exclusive of storm water runoff, surface water and ground water, discharged to the sewer system, and/or the treatment works; and
- (B) The "suspended solids surcharge rate." The "suspended solids surcharge rate" shall be determined by the following formula:

$$R_s = 0.00834 \times B (S - 275)$$

R_s = the suspended solids surcharge rate in cents per 1,000 gallons of wastewater discharged.

B = the average annual fixed, operating and maintenance cost of the sludge digestion, sludge drying and sludge disposal operations per pound of suspended solids received at the treatment works.

S = the average suspended solids concentration of the abnormal industrial wastewater expressed in the p.p.m., as determined in accordance with Section 833.03(1).

The figure 275 appearing in the above formula corresponds to the maximum suspended solids concentration permissible without surcharge. The figure 0.00034 is the factor to convert parts per million to pounds per 1,000 gallons. No discount will be permitted for domestic or industrial wastewaters having a suspended solids concentration less than 275 p.p.m.

(4) Surcharge Additional

The surcharges provided for in this article will be added to the service charges set forth in Section IV(2). They will be billed monthly or quarterly, as the Authority shall determine, and shall be due at the same time and shall be subject to the same penalty as set forth in Section IV(3).

(c) Surcharge for Pretreatment Program

There shall be a surcharge imposed upon the Industrial Users of the Authority's treatment works to provide for the recovery of costs expended by the Authority for implementing and operating the pretreatment program adopted herein. This surcharge will be added to the service charges set forth in Section IV(2) and any applicable surcharges as set forth in Sections IV(1) and (2), and will include, but not be limited to, the following charges and fees.

- (1) fees for reimbursement of costs of setting up and operating the Authority's Pretreatment Program;
- (2) fees for monitoring, inspections and surveillance procedures;
- (3) fees for reviewing accidental discharge procedures and construction;
- (4) fees for permit applications;
- (5) fees for filing appeals;
- (6) fees for consistent removal (by the Authority) of pollutants otherwise subject to Federal Pretreatment Standards;
- (7) other fees as the Authority may deem necessary to carry out the requirements contained herein.

Said fees and charges shall be based on each individual discharge or application for actual costs incurred by the Authority. An estimate of said costs shall be placed in a separate escrow account with the Authority or the Authority may enter into an agreement with said Users for payment of costs. All funds remaining in the escrow account upon completion of work by the Authority shall be returned to said Users. If ongoing costs for monitoring and testing are required, an annual cost will be estimated which will be funded by said Users based on the estimate the first year and actual costs for each year thereafter.

(d) Annual Rate Review and Revision

The Authority shall review the rates and charges established herein at least annually to determine if each recipient of treatment service is paying its proportionate share of the costs of operation and maintenance for all treatment and monitoring services provided by the Authority. If, in the course of this annual review, it is determined that a new rate structure is required in order to insure that each recipient of the Authority's treatment and monitoring services pays its proportionate share of the costs of operation and maintenance, the Authority shall have such a suitable proportionate rate structure developed and officially adopted within a reasonable time. The Authority shall maintain records of all billing calculations, actual billings and receipts, and any other appropriate information which is necessary to document compliance with federal regulations.

(e) Billing and Collection Practices

The sewer service charge and the surcharges, where applicable, provided for in this ordinance shall be payable in monthly payments. The billing for the monthly billings may be computed on actual water used for that month or on estimated use of water for that month or on estimated use of water for that month and adjusted every third month of the year based on the actual water used for that quarter. All bills for sewer service charges and surcharges shall be due when rendered shall be payable at the face amount within fifteen (15) days from date of the bills, and shall be subject to a penalty of five percent (5%) of the face amount if not paid within fifteen (15) days from the date of the bill, plus interest on overdue bills at the rate of one-half percent (½%) per month or part thereof upon one hundred five percent (105%) of the sewer service charge and surcharge, if any, which interest shall begin sixty (60) days after the date of the bill.

(f) Contracts for Collection

The Township either directly or through any person whom it may by resolution appoint or with whom it may contract, will render such bills for the sewer service charges and surcharges imposed by this ordinance and will make collections thereof in accordance with this ordinance and any agreements entered into with neighboring municipalities and between the City and the Water Utility relating to such billing and collection.

(g) Delivery of Bills and Notices, Address Change

Bills and notices relating to the sewer service charges and surcharges will be mailed or delivered to the property owner's and/or the water User's last address as shown on the books of the Township Board of Supervisors, or the Water Utility, and the Township shall not be otherwise responsible for delivery of such bills and notices. No change shall have been furnished in writing to the Township and the Water Utility. The Township reserves the right to alter the provision in this section by written agreement with any owner.

(h) Change of Ownership and Occupancy

Change of ownership or occupancy of any property served by the sewer system and/or the treatment works as to which the service charge, surcharge, penalty or interest imposed by this ordinance is delinquent, as provided in Section IV (j), shall not be a cause for reducing or eliminating the right and remedies of the Township set forth in Section IV (j).

(i) Collection Rules and Regulations

The Township shall have the power and authority at any time and from time to time to make such other rules and regulations or to change the foregoing provisions with respect to the manner and procedure of billing and collections as the Township in its sole discretion, may determine consistent with the agreement.

(j) Rights and Remedies for Delinquency

Each sewer service charge, surcharge, penalty and interest imposed by this ordinance shall be a debt due the Township and shall be a lien on the property served, and if not paid within thirty (30) days after the date of the bill shall be deemed delinquent. In such event, the Township may proceed to file a lien in the office of the Prothonotary of Lawrence County, and collect the same in the manner provided by law for the filing and collection of claims, or the Township may proceed to collect such delinquent sewer service charge, surcharge, penalty and interest by an action in assumpsit, or by distress of personal property on the premises. In the event of failure to pay the sewer service charge, surcharge, penalty and interest after they become delinquent as herein provided, the Township shall be authorized by law, and to the extent authorized by law, to shut off, or cause to be shut off, the water to be delivered to such property, and/or to remove or close the sanitary sewer connection, and shall have the right to enter upon the property served for such purposes and to take such steps as may be necessary to accomplish the same. Any expenses with respect thereto, as well as the expense of restoring any such water and/or sewer service or connection, shall likewise be a debt due the Township and a lien on the property served and may be filed and collected as hereinabove provided, and such water and/or sanitary sewer connection may not again be turned on or restored until all sewer charges, surcharges, penalties and interest including the expense of removal, closing and restoration, shall have been paid.

(k) Official Action Authorized

The proper officers of the Township are hereby authorized and directed to make, execute and deliver the necessary drafts or vouchers in payment for and discharge of the Township's obligation of this ordinance, if any, and the work herein directed, and to do and perform all and every act and thing necessary or convenient to fully and completely carry out the obligations and purposes of the Township set forth in this ordinance.

- (1) The Township, upon concurrence by the Authority, may, by agreement with the Authority or any other person, firm or municipal authority delegate, transfer, set over and assign to the Authority or to such other person, firm or municipal authority any and/or all administrative duties, obligations and rights of the Township under this ordinance.

This amendment to the Shenango Township Ordinance No. 5-1987 shall become effective five (5) days after its passage or adoption.

ATTEST:

BOARD OF SUPERVISORS, SHENANGO
TOWNSHIP, LAWRENCE COUNTY,
PENNSYLVANIA

Thomas K. Milela
Secretary

Joseph Shinsky
Chairman

DATED:

Andrew Picuto
Supervisor

November 12, 1987

Earl F. Cunningham
Supervisor