

ORDINANCE NO. 5-1987

An Ordinance to regulate the use of public sanitary sewers in Shenango Township, Lawrence County, Pennsylvania; defining terms; prohibiting certain practices with respect to disposal of sewage; imposing service charges and surcharges for the use of the sewer system; providing for the billing and collection of service charges and surcharges and for filing liens therefore; requiring and providing for the making of connections to available public sewers according to Township Rules and Regulations; requiring applications for and the issuance of permits to make connections, including execution of bonds and payment of fees in connection therewith; authorizing the Supervisors to make such connections and recover the cost thereof in case of neglect or refusal of owners to do so; imposing duties on owners of property which discharged industrial wastes and potentially harmful substances into said sewers; regulating substances that may be introduced into said sewers; and providing penalties.

WHEREAS, Shenango Township has heretofore approved the construction by Shenango Township Municipal Authority of certain additional sewers, pumping stations, force mains and appurtenances constituting additions to the aforesaid existing sewer system of the Township; and

WHEREAS, the aforesaid Authority and the Township have entered into a Contract and Lease under the terms of which the Authority has leased to the Township the aforesaid additional sewers, etc., for operation by the Township; and

WHEREAS, Shenango Township has entered into an agreement with the City of New Castle, New Castle Sanitation Authority, and Shenango Township Municipal Authority with respect to the transportation treatment, and disposal of acceptable sewage and/or industrial wastes from the Township users of the sewer system; and

WHEREAS, certain Rules and Regulations must be stipulated and adopted with respect to the use of the sanitary sewage system and the making of connections thereto.

WHEREAS, it is necessary and appropriate to impose sewer service charges for providing or causing to be provided sanitary sewage collection and transportation and sanitary sewage treatment and disposal services, in part under the terms and conditions of the agreement.

NOW, THEREFORE, BE IT ORDAINED by the Supervisors of Shenango Township, Lawrence County, Pennsylvania, that in lieu of the former Ordinance 1967-6, the following be enacted:

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWNSHIP SUPERVISORS OF THE TOWNSHIP OF SHENANGO, PENNSYLVANIA, that Ordinance No. 1967-6 of the Township Of Shenango be amended as follows:

Section I    GENERAL PROVISIONS

(a)    Purpose and Policy

This ordinance set forth uniform requirements for direct and indirect contributors into the wastewater collection system of the Shenango Township Municipal Authority and enables the Authority to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this ordinance are:

- (1) To prevent the introduction of pollutants into the Authority's wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the Authority's wastewater system which will pass through the system, inadequately treated, into receiving waters of the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the Authority's wastewater system including capital expenditures and operation costs.

This ordinance provides for the regulation of direct and indirect contributors to the Authority's wastewater system through the issuance of permits to certain non-domestic Users and through enforcement of general requirements for the other Users, authorizes monitoring and enforcement activities, requires User reporting and assumes that existing customer's capacity will not be preempted and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein; all fees, penalties, and charges collected shall be used for the purpose of operating, maintaining, and replacing the sewerage facilities.

This ordinance shall apply to the Township of Shenango, the Shenango Township Municipal Authority, and to persons who are, by contract or agreement with the Authority, Users of the Authority's sewers. Except as otherwise provided herein, the Township shall administer, implement, and enforce the provisions of this ordinance.

(b) Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

- (1) Act of "the Act". The Federal Water Pollution Control Act, also known as as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (2) Approval Authority for Pretreatment Regulations and Requirements. Administrator of the EPA.
- (3) Authority. The Shenango Township Municipal Authority and its successors or assigns.
- (4) Authorized Representative of Industrial User. An authorized representative User may be: (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (5) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade, expressed in terms of parts per million (p.p.m.) or milligrams per liter (mg/l) by concentration. BOD shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes: published jointly by the American Public Health Association, the American Water Works Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association, hereinafter termed an "acceptable method".
- (6) Building Sewer. A sewer conveying wastewater from the premises of a User of the POTW.
- (7) Categorical Standards. National Categorical Pretreatment Standards of Pretreatment Standard.
- (8) City. The City of New Castle, Lawrence County, Pennsylvania, and its successors and assigns.
- (9) City Authority. The New Castle Sanitation Authority and its successors or assigns.
- (10) Commercial User. Any user who discharges wastewater into the Authority's POTW which contains wastes not characteristic of domestic wastewaters or which does not originate in a single family domicile.

- (11) Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in the Authority's NPDES Permit, where the Authority's POTW is designed to pollutants to the degree required by the Authority's NPDES Permit.
- (12) Composite Sample. A sample consisting of several effluent portions collected during a specific time period and combined to constitute a representative sample.
- (13) Control Authority. The term "control authority" shall refer to the "Approval Authority", defined hereinabove, or the "City Authority" if the Authority has an approved Pretreatment Program under the provision of 40 CFR, 403.11
- (14) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (15) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Pennsylvania.
- (16) Discharge. The releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a pollutant into the waters of the State or onto the land or into wells from which the pollutant might flow or drain into said waters, and shall include the release of any pollutant into the Authority's POTW.
- (17) Domestic Wastewater. The liquid waste or liquid borne waste (1) resulting from the non-commercial preparation, cooking and handling of food and/or (2) consisting of human excrement and similar wastes from sanitary conveniences.
- (18) Dwelling Unit. A single family home, a single apartment or condominium with sanitary facilities, or a trailer attached to sanitary facilities, or a single unit of a duplex (even if there is only one sanitary facility for both units of the duplex).
- (19) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (20) Garbage. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products and produce.
- (21) Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (22) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (23) Incompatible Pollutant. Any pollutant which is not a "Compatible Pollutant" as defined in this section.
- (24) Indirect Discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307 (b) or (c) of the Act (33 U.S.C. 1317), into the POTW (including holding tank water discharged into the system).
- (25) Industrial Process Wastewater. In addition to any ground water, surface water, and storm water from the site which is introduced into a treatment works, the liquid waste or liquid borne waste resulting from the processes

employed by any person identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following division:

Division A. Agriculture, Forestry, and Fishing

Division B. Mining

Division C. Manufacturing

Division E. Transportation, Communications, Electric, Gas and Sanitary Services

Division I. Services

- (26) Industrial User. Any person who discharges, caused, or permits the discharge of nondomestic wastewater into the treatment works and/or is a source of Indirect Discharge which does not constitute a "discharge or pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (27) Interference. Means (i) inhibiting or disrupting the operation of the POTW or its treatment process so as to contribute to, or cause a violation of any condition of the City Authority's NPDES Permit under which the POTW operates, or (ii) discharging industrial process wastewater which, in combination with existing domestic flows are of such volume and/or strength as to exceed the POTW design capacity, or (iii) exceeding the threshold concentrations of organic or inorganic pollutants that are inhibitory to biological treatment processes as specified in the "Federal Guidelines for State and Local Pretreatment Programs," EPA-430/9-76-017a, Volume 1, 1977 (or the latest revision thereof), unless in the case of a specific pollutant the treatment works is designed to accommodate higher concentrations of that specific pollutant, or (iv) preventing the use of disposal of sludge produced by the POTW in accordance with Section 405 of the Federal Clean Water Act of 1977 (33 U.S.C. 1251 et. seq.), any regulations, criteria or guidelines developed pursuant to the Federal Resource Conservation and Recovery Act of 1976 (42 U.S.C. 3251 et. seq.), the Federal Toxic Substances Control Act (15 U.S.C. 2601 Et. Seq.), or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of the SWDA) applicable to the method of disposal or use employed by the POTW.
- (27a) Mass Unit. That unit of measurement expressing the amount of pollutant as a weight as determined by the allowable concentration of the pollutant and the volume of water containing the pollutant permitted to be discharged to the sanitary sewer system.
- (28) National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.
- (29) National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (30) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307 (b) a of the Act of 40 CFR, Section 403.5
- (31) New Source. Any source, the construction of which is commenced after the publication of proposed regulation prescribing a Section 307 (c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than on hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of

- (32) Person. Any individual, partnership, copartnership, firm, company, corp., association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representative, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (33) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in grams per liter of solution. Solutions with a pH greater than seven (7) are said to be basic, solutions with a pH less than seven (7) are said to be acidic, pH equal to seven (7) is considered neutral. Analysis shall be performed in accordance with an approved test procedure.
- (34) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal or agricultural waste or other residue discharged into water.
- (35) Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (36) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to our lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by 40 CFR, Section 403.6 (d).
- (37) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.
- (38) Publicly Owned Treatment Works (POTW). Authority or City Authority treatment works as defined related to pretreatment.
- (39) POTW Treatment Plant. That portion of the City Authority's POTW designed to provide treatment to wastewater.
- (40) Properly Shredded Garbage. Wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products and produce that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (41) Residential User. A user whose contribution to the Authority's POTW consists of only domestic household wastes which originate in a single family domicile.
- (42) Sanitary Sewers. A sewer which carries sanitary sewage and/or industrial wastes and to which storm, surface, and ground waters are not intentionally admitted.
- (43) Shall is mandatory, May is permissive.
- (44) Significant Industrial User. Any Industrial User who discharges, into the Authority's treatment works, industrial process wastewater where either:
  - (A) the volume exceeds 25,000 gallons per day, or
  - (B) the amount of BOD or Suspended Solids in the discharge exceeds the mass equivalent of 25,000 gallons per day of the domestic waste of the POTW, or
  - (C) the volume exceeds five percent (5%) of the average daily flow of the treatment works, or

promulgation of the standard.

- (32) Person. Any individual, partnership, copartnership, firm, company, corp., association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representative, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (33) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in grams per liter of solution. Solutions with a pH greater than seven (7) are said to be basic, solutions with a pH less than seven (7) are said to be acidic, pH equal to seven (7) is considered neutral. Analysis shall be performed in accordance with an approved test procedure.
- (34) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal or agricultural waste or other residue discharged into water.
- (35) Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (36) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to our lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by 40 CFR, Section 403.6 (d).
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  - (A) the volume exceed 25,000 gallons per day, or
  - (B) the amount of BOD or Suspended Solids in the discharge exceeds the mass equivalent of 25,000 gallons per day of the domestic waste of the POTW, or
  - (C) the volume exceed five percent (5%) of the average daily flow of the treatment works, or

- (D) the discharge contains toxic pollutants as defined pursuant to Section 307 of the Act, or
- (E) the Authority or the EPA find the discharge to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- (45) State. State of Pennsylvania.
- (46) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (47) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (48) Superintendent. The person designated by the Authority to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.
- (49) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering. Quantitative determination of suspended solids shall be made by an acceptable method.
- (50) Township. The Township of Shenango, Lawrence County, PA, and its successors or assigns.
- (51) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.
- (52) User. Any person who contributes, causes or permits the contribution of wastewater into the Authority's POTW.
- (53) Wastewater. The liquid and water-carried wastes from dwellings, commercial building, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the Authority's treatment works.
- (54) Wastewater Contribution Permit. As set forth in Section III (b) of this ordinance.
- (55) Waters of the State. All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- (56) Water Utility. The Western Pennsylvania Water Company or any other utility, public or quasi-public corporation supplying water within the territorial limits of the City.
- (c) Abbreviations - The following abbreviations shall have the designated meanings:

<u>BOD</u>	-	Biochemical Oxygen Demand
<u>CFR</u>	-	Code of Federal Regulations
<u>EPA</u>	-	Environmental Protection Agency
<u>l</u>	-	Liter
<u>mg</u>	-	Milligrams
<u>mg/l</u>	-	Milligrams per liter
<u>NPDES</u>	-	National Pollutant Discharge Elimination System
<u>POTW</u>	-	Publicly Owned Treatment Works
<u>p.p.m.</u>	-	Parts per million
<u>SIC</u>	-	Standard Industrial Classification
<u>SWDA</u>	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
<u>USC</u>	-	United States Code
<u>TSS</u>	-	Total Suspended Solids



SECTION II. Use of Public Sewers Required.

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within Shenango Township, Lawrence County, Pennsylvania, or in any area under the jurisdiction of said Shenango Township, human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge sanitary sewage into any natural outlet within Shenango Township or to discharge industrial wastes or other polluted water into said outlets unless the person so doing is operating with the approval of, or under a permit issued by, the Pennsylvania Department of Environmental Resources, or the Environmental Protection Agency.
- C. It shall be unlawful to construct or maintain any privy, privy vault, or cesspool, other than an on-lot system approved by the Township and constructed in accordance with the current requirements of the Pennsylvania Department of Environmental Resources.
- D. Each owner of any house, building or property used for human occupancy, employment, recreation, or other purpose, situated in Shenango Township and abutting on any street, alley or right-of-way in which there has been constructed a public sanitary sewer and the principal building is within one hundred fifty (150) feet of said sewer, shall at his own expense install suitable sanitary facilities therein and connect such facilities and industrial waste outlets directly with the proper public sanitary sewer in accordance with the provisions of this Ordinance within sixty (60) days after the date of official notice to do so given in the manner provided by law. In the event any owner of property shall refuse or neglect to connect with such sewer system within said sixty (60) day period, the Township Supervisors or their agents may enter upon such property and construct such connection. In such case, the Township Supervisors shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay said bill, it shall be the duty of the Township Supervisors to file municipal liens for said construction within six months of the date of the completion of the construction of said connection, the same to be subject in all respect to the general law provided for the filing and recovery of municipal liens. The above regulations shall not apply to the owner of any property who is operating under a permit from, or with the approval of, the Pennsylvania Department of Environmental Resources.
- E. Each owner of any premises as set forth in Section II-D above shall make application in writing to the Township for a permit to make the required connection to the public sanitary sewer. Such application shall set forth the name of the owner or owners, the location of the lot including the

street and number and a description thereof, together with a plan of said premises showing the proposed connection and the sanitary facilities. Each applicant shall execute a Bond in favor of the Township and pay the fee as required by Sections \_\_\_\_\_ of Ordinance No. \_\_\_\_\_ as revised enacted by the Supervisors of Shenango Township.

The Bond shall be in the amount of Five Hundred (\$500.00) Dollars and shall be conditioned "that the applicant shall well and faithfully observe and comply with all the rules and regulations of said Township of Shenango for or on account of any damages or injuries received or sustained by any party or parties, in the construction of said connection, or the maintenance thereof, or by or in consequence of any negligence in guarding the same, or by or on account of any act or omission of the said party, or his agents or employees, and shall also well and faithfully comply with all the conditions of said PERMIT in every particular, and shall pay, or cause to be paid, when due and payable, each and every assessment that shall hereafter be made upon his real estate, abutting the line of said Township sewer system for the construction of the same, then this obligation to be void and of no effect, otherwise to be and remain in full force and virtue."

Upon the execution of the said Bond and the payment of a fee of Twenty (\$20.00) Dollars, the applicant shall be entitled to a permit to make such connection.

- F. All connection made to any public sanitary sewer of Shenango Township shall be constructed in compliance with standard rules and regulations heretofore adopted by the Township governing the making of connections, which rules and regulations shall be printed on the reverse side of each Bond and each PERMIT.
- G. All building sewers shall be constructed in compliance with all applicable federal, state, and local laws governing safety, health, and sanitation providing all required safeguards in conformance with OSHA regulations for the protection of public safety and property in connection with the work.
- H. A separate and independent building sewer shall be provided for each individual building connected to the sewer system except as follows:
  - In the case where one building stands directly at the rear of another building on an interior lot, and no private sewer is available, service may be permitted to both buildings from one building sewer with approval of the Township.
- I. Prior to connection of a new building to an existing building sewer, said existing building sewer shall be examined to confirm all requirements of this ordinance are met.

### Section III REGULATIONS

#### (a) General Discharge Prohibitions

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of the Authority's POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. A User may not contribute the following substances to the POTW:

- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Authority, the State or EPA has notified the User is a fire hazard or a hazard to the system.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones,

hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

- (3) Any wastewater having a pH less than 5.5 or greater than 9.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any toxic pollutant identified pursuant to Section 307(a) of the Act.
- (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with the sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.
- (7) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
- (8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F) unless the POTW treatment plant is designed to accommodate such temperature.
- (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a User knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- (11) Any storm water, surface drainage, ground drainage, roof runoff or subsurface drainage, including ground water from sump pumps and cellar drains or unpolluted industrial process water.
- (12) Any oil and grease in concentrations or amounts violating pretreatment standards (this includes petroleum based hydrocarbons, as determined by silica gel absorption); wastewater containing

floatable fats, wax, grease, or oil; total fats, wax, grease or oil concentration of more than 100 mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32° and 104°F (0° and 40°C) at the point of discharge into the POTW.

(13) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Authority in compliance with applicable state or federal regulations.

(14) Any wastewater which causes a hazard to human life or creates a public nuisance.

**(b) Federal Categorical Pretreatment Standards**

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance. The Authority shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

**(c) Modification of Federal Categorical Pretreatment Standards**

Where the City Authority's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Authority may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7(c) (2) of Title 40 of the Code of Federal Regulations, Part 403 - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Authority may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

**(d) Specific Pollutant Limitations**

No person shall discharge wastewater containing in excess of:

1.0 mg/l cyanide  
3.5 mg/l chromium - total  
0.5 mg/l chromium - hexavalent  
2.0 mg/l copper  
15.0 mg/l iron  
2.0 mg/l lead  
3.0 mg/l nickel  
2.0 mg/l tin  
2.0 mg/l zinc  
1.0 mg/l phenolic compounds  
or its equivalent mass unit.

**(e) State Requirements**

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

**(f) Authority's Right of Revision**

The Authority reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section of this ordinance.

(g) Excessive Discharge

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 the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Authority or State. [Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in Section , e.g. the pH prohibition.]

(h) Sewer Capacity and Exclusion

The Authority reserves the right to determine the adequacy and capacity of sewers as well as exclude unpolluted waters and cooling waters from sewer systems within its service area.

(i) Right of Access for Inspection

The Authority shall have the right of access, at all reasonable times, to dwelling units, residences, business and other building, institutions, schools, churches and industrial or commercial establishments connected to the Authority's sewer system and/or treatment works, and to any water meters measuring water used in such places and establishments to inspect such meters, the connection with the sewer system and/or treatment works, and/or the discharge of domestic wastewater, water of any kind and industrial wastes into the sewer and/or treatment works.

(j) Regulatory Actions

The Authority reserves the right to refuse connection to the sewer system for the discharge of deleterious industrial wastes.

If wastewater containing any substance prohibited, exceeding prescribed limits, or violating restrictions imposed by this ordinance is discharged into the Authority's POTW, the Authority shall advise the User of the impact of the contribution on the POTW and take all actions necessary to:

- (1) Prohibit the discharge of any such wastewater;
- (2) Require the User to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances to as to be in conformance with this ordinance;
- (3) Require pretreatment, including storage facilities, or flow equalization necessary to insure complete compliance with this ordinance.
- (4) Require the person making, causing, or allowing the discharge to pay all the additional cost or expense incurred by the Authority for any damages caused by excess loads imposed on the POTW, and
- (5) Take such other remedial action, including discontinuation of service, as may be deemed to be desirable or necessary to achieve the purpose of this ordinance.

(k) Hauled and Unsewered Wastes

The Authority may allow wastewater which is hauled via truck or other conveyance to be discharged to the Authority's POTW. Prior to such discharge, the Authority may require a written report from the hauler describing the quantity, source of wastewater, laboratory analysis of the pollutants/constituents, and other information as deemed necessary by the Authority. The Authority shall require that written permission and discharge conditions be issued by the Authority to the hauler prior to discharge of any hauled wastewater.

(1) Accidental Discharges

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review, and shall be approved by the Authority before construction of the facility. All existing Users shall complete such a plan within ninety (90) days of the effective date of this ordinance. No User who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been improved by the Authority. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this ordinance. In the case of an accidental 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.

Written Notice. Within five (5) days following an accidental discharge the User shall submit to the Authority a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, 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 article or other applicable law.

Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause such a dangerous discharge to occur, or who may suffer from such a discharge, are advised of the emergency notification procedure.

(m) Garbage Disposals

The Authority reserves the right to approve garbage grinders or disposers; however, no private dwelling unit shall operate more than one (1) grinder or disposer, which shall not be greater than three (3) horsepower in size, and, when so required by the Authority, shall be equipped with an approved water meter.

(n) Grease, Oil and Sand Interceptors

The Authority reserves the right to require that grease, oil and sand interceptors shall be provided for outlets connected with the public sanitary sewers when, in the opinion of the Authority they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Authority, and shall be located so as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

All oil, grease and sand interceptors, where required, shall be installed and maintained by the owner or User at his expense. Such units shall be operated and maintained so that they shall be continuously efficient and shall be cleaned and repaired as required to maintain such efficient operation.

## 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 wastewates, 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:

	<u>1,100 Cubic Feet/Month</u>
Minimum rate month	\$ 9.50
Rate per 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 calculated as detailed in Appendix A and which in the aggregate equals per year per residential user dwelling unit, or its adjusted equivalent for sewer service periods of less than one year. All commercial and industrial users having an unmetered private water supply and/or supplied with unmetered water service 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 shedule 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 (7½) 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 monthly 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 monthly 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 charges 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 Authority 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 Authority 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 prorate the additional volume cost above minimum to the tenants based on usage estimated by the Authority.

(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 Authority, install and maintain a water meter or meters satisfactory to the Authority 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 Authority that a portion of the water used in or on any 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 exceeds 25,000 cubic feet per quarter, the Authority 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 Authority 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 and domestic and industrial wastewaters actually entering the sewer 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 Authority 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 Charge 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 the treatment works, shall make written application to the Authority, 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 the 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 Authority and the Water Utility.

(10) Industrial Wastewater Records

The Authority reserves the right to require every person discharging any industrial wastewater into the public sanitary sewer or sewers 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 sewers respectively.
- (F). The average daily number of employees employed in each establishment by shifts.
- (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 or 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 933.03(1).

The figure 275 appearing in the above formula corresponds to the maximum suspended solids concentration 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 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)

(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 be 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 authority 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.

## Section V ADMINISTRATION

### (a) Wastewater Discharges

It shall be unlawful to discharge without a permit to any natural outlet or in any area under the jurisdiction of the Authority, and/or to the POTW any wastewater except as authorized by the Authority in accordance with the provisions of this ordinance.

### (b) Wastewater Contribution Permits

#### (1) General Permits

All significant users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant Users connected to or contributing to the POTW shall obtain Wastewater Contribution Permit within one hundred eighty (180) days after the effective date of this ordinance.

#### (2) Permit Application

Users required to obtain a Wastewater Contribution Permit shall complete and file with the Authority, an application in the form prescribed by the Authority, and accompanied by a fee of \$100. Existing Users shall apply for a Wastewater Contribution Permit within sixty (60) days after the effective date of this ordinance, and proposed new Users shall apply at least ninety (90) days prior to connecting to or contribution to the POTW. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

- (A) Name, address, and location, (if different from the address);
- (B) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (C) Wastewater constituents and characteristics including but not limited to those mentioned in Section 933.02 of this ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (D) Time and duration of contribution;
- (E) Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (F) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by size, location and elevation;
- (G) Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;
- (H) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (OM) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;
- (I) If additional pretreatment and/or OM will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress 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 (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(ii) No increments referred to in paragraph (i) shall exceed nine (9) months.

(iii) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reasons for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Authority.

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

(K) Type and amount of raw material processed (average and maximum per day);

(L) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(M) Any other information as may be deemed by the Authority to be necessary to evaluate the permit application.

The Authority will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Authority may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

### (3) Permit Modifications

Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by Section III

(2), the User shall apply for a Wastewater Contribution Permit within one hundred eighty (180) days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Authority within one hundred eighty (180) days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraphs (H) and (I) of Section V (2).

### (4) Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the Authority. Permits may contain the following:

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

(B) Limits on the average and maximum wastewater constituents and characteristics;

- (C) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization,
- (D) Requirements for installation and maintenance of inspection and sampling facilities,
- (E) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule,
- (F) Compliance schedules,
- (G) Requirements for submission of technical reports of discharge reports (see Section V (c)),
- (H) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Authority and affording the Authority access thereto,
- (I) Requirements for notification of the Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (J) Requirements for notification of slug discharges as per Section V (b).
- (K) Other conditions as deemed appropriate by the Authority to ensure compliance with this ordinance.

(5) Permits Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the Authority during the term of the permit as limitations or requirements as identified in Section III are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(6) Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Authority. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit.

(c) Reporting Requirements for Permittee

All Industrial Users subject to categorical Pretreatment Standards shall, at a minimum, comply with the reporting requirements contained in 40 CFR, Part 403.12, including, but not limited to, Baseline Monitoring Reports, Compliance Date Reports, and Periodic Compliance Reports.

(1) Compliance Date Report

Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Authority a report indicating the

nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User's facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements.

This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

(2) Periodic Compliance Reports

- (A) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Authority, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph (4)(B) of this section. At the discretion of the Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Authority may agree to alter the months during which the above reports are to be submitted.
- (B) The Authority may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (A) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. The reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Authority, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Administrator of the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved in accordance with the techniques approved by the Administrator. (Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.)

(d) Monitoring Facilities

The Authority may require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Authority may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

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

(e) Inspection and Sampling

The Authority shall inspect the facilities of any User to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Authority or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or copying, or in the performance of any of their duties.

The Authority and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(f) Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review and shall be acceptable to the Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority prior to the User's initiation of the changes.

The Authority shall annually publish in a major local newspaper a list of the Users which were not in compliance with any Pretreatment Requirements or Standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the User(s) during the same twelve (12) months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA upon request.

(g) Confidential Information

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available upon written request to governmental agencies for uses related to this ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the Pretreatment Programs, provided, however, that such portions of a report shall be available for the use of the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Authority as confidential, shall not be transmitted to any governmental agency or to the general public by the Authority until and unless a ten (10) day notification is given to the User.

(h) Records Retention

All Industrial Users subject to this ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling, and chemical analyses made by or in behalf of a User in connection with its discharge. All records which pertain to matters which are the subject to any enforcement or litigation activities brought by the Authority or EPA pursuant hereto shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Section VI ENFORCEMENT

(a) Harmful Contributions

The Authority may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the Authority in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment, causes interference to the POTW or causes the Authority to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service 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 Authority shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Authority shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Authority within fifteen (15) days of the date of occurrence.

(b) Revocation of Permit

Any User who violates the following conditions of this ordinance, or applicable State and Federal regulations, is subject to having his permit revoked in accordance with the procedures of Section VI of this ordinance:

- (1) Failure of a User to factually report the wastewater constituents and characteristics of his discharge;
- (2) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the User's premises for the purpose of inspection of monitoring; or,

(4) Violation of conditions of the permit.

(c) Notification of Violations

Whenever the Authority finds that any User has violated or is violating this ordinance, wastewater contribution permit, or any prohibition, limitation or requirement contained herein, the Authority may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Authority by the User.

(d) Show Cause Hearing

- (1) The Authority may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the Authority why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Authority regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Authority why the proposed enforcement action, should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- (2) The Authority may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Authority to:
  - (A) Issue in the name of the Authority notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings,
  - (B) Take the evidence,
  - (C) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Authority for action thereon.
- (3) At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- (4) After the Authority has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(e) Legal Action

If any person discharges domestic or industrial wastewater or other wastes into the Authority's POTW contrary to the provisions of this ordinance, Federal or State Pretreatment Requirements, or any order of the Authority, the Authority's Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court of this county.

## Section VII PENALTY: COSTS

### (a) Civil Penalties

Any User who is found to have violated an Order of the Authority or who willfully or negligently failed to comply with any provisions of this ordinance, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Authority may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the order, rules, regulations and permits issued hereunder.

### (b) Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both.

## VIII SEVERABILITY

If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

## IX CONFLICT

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

## X EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

## XI AMENDMENTS

Amendments to this ordinance shall be adopted only after public notice is given as provided by law.

ATTEST:

*Debra A. McEl.*

PASSED FINALLY BY TOWNSHIP SUPERVISORS

APPROVED:

*Joseph Shinsky*

✓ *Andrew Piccuta*

✓ *Earl F. Cunningham*