

AMITY TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. # 227

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF AMITY TOWNSHIP AMENDING AND RESTATING IN ITS ENTIRETY PART 3, ENTITLED "PUBLIC SEWAGE DISPOSAL SYSTEM" OF CHAPTER XXIII, ENTITLED "SEWERS AND SEWAGE DISPOSAL" REQUIRING ALL OWNERS OF IMPROVED PROPERTIES LOCATED WITHIN THIS TOWNSHIP AND ACCESSIBLE TO AND WHOSE PRINCIPAL BUILDING IS SITUATE WITHIN 150 FEET FROM THE SEWER SYSTEM OWNED AND OPERATED BY AMITY TOWNSHIP, TO CONNECT THEREWITH; REGULATING THE MANNER OF MAKING CONNECTIONS; AUTHORIZING THIS TOWNSHIP TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF THE OWNER OF IMPROVED PROPERTY, FAILING TO MAKE SUCH CONNECTIONS; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS; PROHIBITING THE CONNECTION OF PRIVY VAULTS, CESS POOLS, SINK HOLES, SEPTIC TANKS, AND SIMILAR RECEPTACLES TO ANY SEWER AND PROVIDING FOR THE DISCONNECTION, DECOMMISSIONING, AND REMOVAL OF THE SAME; AND PRESCRIBING PENALTIES FOR VIOLATION AND SETTING FORTH UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTORS INTO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM FOR AMITY TOWNSHIP WHICH ENABLES THE TOWNSHIP 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).

WHEREAS, the Amity Township Board of Supervisors has hereinbefore established regulations to provide for the connection of improved properties to the Amity Township Sewer System, establishing certain rules and regulations, therefore, and prescribing penalties for violation of said regulations; and

WHEREAS, the Township of Amity, by and through its Board of Supervisors, owns, operates, and maintains certain municipal sewer collection, conveyance, and treatment facilities in accordance with permits issued by the Pennsylvania Department of Environmental Protection; and

WHEREAS, the Township has recently constructed, installed, and completed certain improvements, extensions, and additions to said facilities including an extension to the collection and conveyancing components of said system to provide service to

additional areas within the Township in accordance with its approved Act 537 Plan; and

WHEREAS, said additions and expansions necessitate amendment of the technical components of said rules and regulations to insure continued compliance and consistency with recent revisions to the Second Class Township Code and Sewage Facilities Act enacted by the Commonwealth of Pennsylvania and to insure the safe, efficient, and successful operation of the Township sewer facilities.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. Part 3, entitled "Public Sewage Disposal System" of Chapter XXIII, entitled "Sewers and Sewage Disposal", of the Township of Amity Code of Ordinances", is hereby amended and restated in its entirety as follows:

"Part 3

Public Sewage Disposal System

Subpart A. Objectives of Part

Section 301. Purpose and Policy. This Part sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for Amity Township and enables the Township to comply with all applicable State and Federal laws, including the Clean Water Act (33 U.S.C. 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this Part are:

- (a) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- (b) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (c) To protect PTOW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- (d) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and

(f) To enable the Township to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This Part shall apply to all users of the POTW. This Part authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Section 302. Administration and Contents. Except as otherwise provided herein, Amity Township personnel, or their designated representatives, shall administer, implement, and enforce the provisions of this Part.

Section 303. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Part, shall have the meanings hereinafter designated.

Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Approval Authority. U.S. Environmental Protection Agency, Region III, Philadelphia, Pennsylvania.

Authorized Representative of the User.

(a) If the user is a corporation:

(1) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(2) The manager of one or more manufacturing, production, or operation facilities, if authority to sign documents has been assigned or delegated to the manager;

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;

(c) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

(d) The individuals described in Paragraphs (a) through (c) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Township.

Building Sewer. The extension from the sewage drainage system of any building or structure to the lateral of a sewer.

Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration [milligrams per liter (mg/L)].

Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Chlorine Demand. The quantity of chlorine absorbed in water, sewage, or other liquids, allowing a residual of 0.1 ppm after fifteen minutes of contact.

Color. The optical density at a visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

Commercial Connection. A user who discharges domestic wastewater and wastewater generated from preparation or supplying commodities and services such as restaurants, car washes, gasoline stations, and laundromats.

Commercial Waste Discharge Permit. A permit to discharge liquid wastes which are not considered industrial or domestic waste to the POTW.

Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Cooling Water. The water discharged from any system of condensation such as air conditioning, cooling, or refrigeration.

Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Pennsylvania.

Dissolved Solids. The anhydrous residues of the dissolved constituents in water or wastewater.

Domestic Waste. The normal water carrying household and toilet wastes from residences, business buildings, institutions, and industrial establishments.

Dwelling Unit. Any room, group of rooms, house trailer, or other enclosure occupied or intended for occupancy as a separate business or as separate living quarters by a family or other group of persons living together or by a person living alone.

Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

Equivalent Dwelling Unit (EDU). For the purpose of determining the connected EDU's to the collection system and projecting future flows to the wastewater treatment facility, EDU's shall be calculated as follows: The quantity of flow which is equivalent to the average amount of water consumed by a single residential unit. The number of EDU's assigned to a residential dwelling unit, regardless of water consumption (or sewage flow) of the industrial or other non-residential user by the average quarterly water consumption of a residential unit during the previous year. The minimum number of EDU's assigned to any user shall be one.

Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Garbage. Solid waste resulting from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

Grab Sample. A sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Ground Garbage. Garbage that has been shredded to such a degree that all its particles shall be carried freely under normal sewage flow conditions, with no particle greater than one-half inch in any dimension.

Ground Water. Water which is standing in or passing through the ground.

Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Improved Property. Any property located within this Township upon which there is erected a building or structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Sections 307(b), (c), or (d) of the Act.

Industrial Cost Recovery. A charge imposed upon industrial users of the treatment plant to recover the treatment works capital expenditure used for the treatment of industrial wastes.

Industrial Establishment. Any improved property used, in whole or in part, for manufacturing, processing, cleaning, laundering, or assembling any product, commodity, or article, or from which any process waste, as distinct from domestic waste, shall be discharged.

Industrial User. A source of indirect discharge industrial waste which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

Industrial Waste. Any liquid or gaseous substance, whether or not solids are contained therein, discharged from any industrial establishment during the course of any industrial, manufacturing, trade, or business process or in the course of the development, recovery, or processing of natural resources, as distinct from sanitary sewage.

Industrial Waste Permit. A permit to deposit or discharge liquid industrial wastes into the POTW.

Infiltration. The water entering a sewer system and service connections from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections and/or manhole walls. Infiltration does not include, and is distinguished from, inflow.

Infiltration/Inflow. The total quantity of water from both infiltration and inflow without distinguishing the source. Also known as extraneous flow.

Inflow. The water discarded into a sewer system and service connections from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

Instantaneous Maximum Allowable Discharge Limit. The maximum concentration (or loadings) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Township's NPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Lateral. That part of the sewer system extending from a sewer to the curb line or, if there shall be no curb line, to the property line or, if no such lateral shall be provided, then lateral shall mean that portion of or place in the sewer which is provided for connection of any building sewer.

Manhole. A shaft or chamber leading from the surface of the ground to a sewer; large enough to enable a person to gain access to the latter.

May. Permissive. "Shall" is mandatory.

Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Mg/L. Milligrams per liter. Equivalent to parts per million (ppm) by weight.

Multiple Dwelling. Any improved property in which shall be located more than one dwelling unit.

National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

National Pollutant Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

New Source.

(a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(3) The production of wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general activity as the existing source, should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does



not create a new building, structure, facility, or installation meeting the criteria of Section (1)(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(1) Begun, or caused to begin as part of a continuous on-site construction program:

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of a new source facilities or equipment; or

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Non-Contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Normal Strength Waste. Sewage when analyzed or caused to be analyzed by the Township shows a daily average of not more than 250 mg/L of total suspended solids, 300 mg/L of CBOD<sub>5</sub>, 500 mg/L of dissolved solids, and/or 25 mg/L of ammonia nitrogen.

Owner. Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Township's NPDES permit (including an increase in the magnitude or duration of a violation).

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, any local governmental entities.

pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater [i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, or odor].

Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 330 of this Part.

Publicly Owned Treatment Works (POTW). A "treatment works", as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the Township. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the Township.

Receiving Water. The Schuylkill River.

Sanitary Sewage. Normal water-carried household and toilet wastes from any improved property.

Sanitary Sewer. Any pipe or conduit constituting a part of the sewer system, or usable for sewage collection purposes.

Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

Sewer. Any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

Sewer System. All facilities, as of any particular time, for collecting, pumping, transporting, conveying, treatment, and disposing of sanitary sewage and/or industrial wastes, to be owned and operated by the Township.

Shall. Mandatory. "May" is permissive.

Significant Industrial User.

(a) A user subject to categorical pretreatment standards; or

(b) A user that:

(1) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); or

(2) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(3) Is designated as such by the Township on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(c) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Township may at any time, on its own initiative or in response to a petition received

from a user [and in accordance with procedures in 40 CFR 403.8(f)(6)] determine that such user should not be considered a significant industrial user.

Significant Non-Compliance (SNC). This denotes that the circumstances of a particular violation are severe enough to meet the following criteria for Significant Non-Compliance (SNC):

(a) Violations of Wastewater Discharge Limits

(1) Chronic Violations: Sixty-six percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of exceedance).

(2) Technical Review Criteria (TRC) Violations. Thirty-three percent or more of the measurements exceed the same daily maximum limit or the same average limit by more than the following TRC in a six-month period.

Group 1 for conventional pollutants (BOD, TSS, fats, oil and grease): TRC = 1.4.

Group 2 for all other pollutants, except pH: TRC = 1.2.

(3) Any other violation(s) of an effluent limit that Amity Township believes has caused, alone (e.g., slug loads) or in combination with other discharges, interference or pass-through; or endangered the health of the sewage treatment personnel or the public.

(4) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the exercise of emergency authority to halt or prevent such a discharge.

(b) Violations of compliance schedule milestones contained in enforcement orders as well as schedules contained in the Industrial Discharge Permits, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

(c) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 30 days from the due date.

(d) Failure to accurately report non-compliance.

(e) Any other violation or group of violations that the Township considers to be significant because it may adversely affect the operation or implementation of the Pretreatment Program.

Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 330 of this Part.

Special Use Permit. A permit to discharge liquid wastes which are not considered commercial, industrial, or domestic wastes to the POTW.

Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

State. The Commonwealth of Pennsylvania.

Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Strong Waste. Any waste having a CBOD<sub>5</sub>, suspended solids, dissolved solids, or ammonia nitrogen concentration in excess of that found in normal domestic waste, but which is otherwise acceptable into a public sewer under the terms of this Part.

Strong Waste Surcharge. A charge levied on any user of the treatment works of the POTW for the additional cost of treating strong wastes.

Superintendent. The person designated by the Township to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Part, or a duly authorized representative.

Surface Water. That portion of the precipitation which runs off over the surface of the ground.

Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Tapping Fee. A fee charged for the privilege to connect a new EDU to the sanitary sewer system. The fee is established in conformance with Commonwealth of Pennsylvania Act 203 and Act 209 of 1990 and as amended.

Total Solids. Solids that either float on the surface of, or are in suspension, or dissolved in water, sewage, or other liquids, and which are determined by appropriate procedures found in the latest edition of *Standard Methods for the Examination of Water and Sewage* published by the American Public Health Association.

Township. The Township of Amity, Berks County, Pennsylvania, a Pennsylvania municipality, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

Toxic Pollutant. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by EPA under Section 307 (33 U.S.C. 1317) of the Act.

Toxic Substance. Any noxious and/or deleterious substance in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in any sewer system or in the receiving stream of the sewage treatment plant.

Treatment Plant Effluent. The discharge from the POTW into waters of the United States.

User or Industrial User. A source of indirect discharge.

Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

Section 304. Abbreviations. The following abbreviations have the designated meanings:

CBOD <sub>5</sub>	-	Five-Day Carbonaceous Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EPA	-	U.S. Environmental Protection Agency
gpd	-	gallons per day
l	-	liter
mg	-	milligrams
mg/L	-	milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
O&M	-	Operation and Maintenance
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource Conservation and Recovery Act
SIC	-	Standard Industrial Classification
SWDA	-	Solid Waste Disposal Act (42 U.S.C. 6901, <u>et seq.</u> )
TSS	-	Total Suspended Solids
USC	-	United States Code

Subpart B. Use of Public Sewers Required.

Section 305. Use of Public Sewers Required. The owner of any improved property which is located in this Township and is accessible to and whose principal building is within one hundred fifty feet of the sewer system, shall connect such improved property therewith, in such manner as this Township may require, within sixty days or such other additional time as may be determined appropriate by the Township, after notice to such Owner from this Township to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established by this Township, from time to time.

Section 306. All Sewage Shall Be Conducted into a Sewer. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under Section 305, shall be conducted into a sewer, subject to such limitations and restrictions as are established herein or as otherwise shall be established by this Township, from time to time.

Section 307. Discharge of Sewage. No person shall place or deposit or permit to be placed or deposited upon public or private property within this Township any sanitary sewage or industrial wastes in violation of Section 305.

No person shall discharge or permit to be discharged to any outlet, natural or created, within this Township any sanitary sewage or industrial wastes in violation of Section 305, except where suitable treatment has been provided which is satisfactory to this Township, and is consistent and in compliance with the statutes of the Commonwealth of Pennsylvania and the terms of any rules, regulations, or permits issued by the Pennsylvania Department of Environmental Protection.

Section 308. Privy Vault, Cesspool, Sinkhole and Septic Tanks.

(a) Except as is otherwise specifically approved and authorized, in writing, in the discretion of the Board of Supervisors, no privy vault, cesspool, sinkhole, septic tank, or similar receptacle shall be used or maintained at any time upon any improved property which has been connected to a sewer or which shall be required under Section 305 to be connected to a sewer.

(b) Except as is otherwise specifically approved and authorized, in writing, in the discretion of the Board of Supervisors, every such privy vault, cesspool, sinkhole, septic tank, or similar receptacle in existence shall be abandoned and upon connection of an improved property to the sewer system, such privy vault, cesspool, sinkhole, septic tank, or similar receptacle, and the components thereof shall be decommissioned and removed from the improved property or at the discretion of this Township shall be cleansed and filled at the expense of the owner of such improved property and the subject to inspection by the Township and/or its agents, servants, or employees; and any such privy vault, cesspool, sinkhole, septic tank, or similar receptacle not so abandoned and removed, or cleansed and filled as directed by the Township shall constitute a nuisance and such nuisance may be abated as provided at law, at the expense of the owner of such improved property.

(c) No privy vault, cesspool, sinkhole, septic tank, or similar receptacle at any time shall be connected with a sewer.

Section 309. Notice of Connection. The notice by this Township to make a connection to a sewer, referred to in Section 305, shall consist of a copy of this Part, including any amendment at the time in effect, and a written or printed document requiring such connection in accordance with the provisions of this Part and specifying that such connection shall be made within sixty (60) days or such other additional time as may be determined appropriate by the Township from the date such notice is given. Such notice may be given at any time after a sewer is in place which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by registered mail or by such other method as at the time may be provided by law.



Subpart C. Building Sewers and Connections.

Section 310. Application for Permit. No person shall uncover, connect with, make any opening into or use, alter, or disturb, in any manner, any sewer or the sewer system without first making application for and securing a permit, in writing, from this Township. Application for a permit required under this Section shall be made by the owner of the improved property to be served or his duly authorized agent.

Section 311. Conditions for Connection. No person shall make or cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:

(a) Such person shall have notified the Township, in writing, of the desire and intention to connect such improved property to a sewer.

(b) Such person shall have applied for and obtained a permit as required by Section 310.

(c) Such person shall have given the Township at least 24 hours notice of the time when such connection will be made so that this Township may, through its designated agents, servants, and employees, supervise and inspect the work of connection and necessary testing.

(d) Such person shall have furnished satisfactory evidence to the Township that any reserved capacity, connection, tapping, and inspection fees, as may be applicable, charged and imposed against the owner of each improved property who connects such improved property to a sewer have been paid.

Section 312. Separate Connection Required. Except as otherwise provided herein, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted, except under special circumstances for good cause shown and at the sole discretion of the Township, and then only after special permission of this Township, in writing, shall have been secured and subject to such rules, regulations, and conditions as may be prescribed by this Township.

Section 313. Costs of Connection. All costs and expenses of construction of building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save harmless this Township from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.

Section 314. Connection at Lateral. A building sewer shall be connected to a sewer at the place designated by this Township and where the lateral is provided.

The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and gas tight and watertight.

Section 315. Township Authorized to make Connection. If the owner of any improved property located in this Township and accessible to and whose principal building is within one hundred fifty feet of the sewer system, after 60 days or such additional time as may be determined appropriate by the Township, notice from this Township, in accordance with Section 305, shall fail to connect such improved property, as required, this Township may make such connection and may collect from such owner the costs and expenses thereof. In such case, this Township shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the improved property to which connection has been so made, which bill shall be payable within thirty (30) days from the date of issuance. In case of neglect or refusal by the owner of such improved property to pay said bill, this Township shall file a municipal lien for said construction within six months of the date of the completion of the construction of said connection, the same to be subject in all respects to the statutes of the Commonwealth of Pennsylvania for the filing and recovery of municipal liens. Township shall also have the option of prosecuting a claim for the costs of the construction of such connection and any and all fees and expenses associated therewith including, but not limited to, engineering, administrative, and legal fees and expenses arising and resulting therefrom in a court of competent jurisdiction in the same manner as may be otherwise provided for collection and recovery of debts and expenses within the Commonwealth of Pennsylvania.

#### Subpart D. Sewer Rental Charges.

Section 316. Sewer Rentals and Charges. All others of property connected or connecting with the sewage system, and all of the owners of property who may hereafter connect with and use the same shall pay annual sewer rentals or charges in quarterly installments as hereinafter provided, for the use of such sewage facilities based upon a schedule of rates to be established by resolution of the Board of Supervisors as may be enacted from time to time.

Section 317. Quarterly Payments. Sewer rentals or charges shall be paid quarterly in accordance with billings for sewage services, except that during the first quarter that a residential, commercial, or industrial user begins to be based on a per diem amount prorated from the time such sewer connection is made until the next following quarterly billing period. All charges for sewage service shall be subject to a ten percent

(10%) penalty if not paid within thirty (30) days after they are due. If not paid within sixty (60) days after due, the net bill plus penalty shall bear interest at the rate of one-half (1/2) of one percent per month or fraction thereof until paid.

Section 318. Lien on Property. Annual sewer rental charges shall be a lien on the properties charged with payment thereof, from the effective date of this Part, and if not paid after thirty (30) days' notice, may, along with all costs and expenses associated therewith including, but not limited to, filing and legal fees, be collected in any manner provided by law, including without limitation the entry of a municipal lien of record in the Office of the Prothonotary of Berks County, Pennsylvania.

Section 319. Discretion of Township. No statement contained herein shall be construed as to prevent any special agreement or arrangement between the Township and any person or entity whereby an industrial waste of any strength or character may, subject to the discretion of the Township, be accepted by the Township for treatment, subject to payment therefore by the said person or entity.

#### Subpart E. Rules and Regulations Governing Building Sewers and Connections to Sewers.

Section 320. Improved Properties. Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line, as a building sewer. Pre-existing building sewers may be used in connection with said building only when such connection is approved, in writing, by the Township and said connection meets the requirements of this Part and any and all other statutes, ordinances, rules, or regulations as may be otherwise adopted, enacted, and promulgated by the Township.

Section 321. Inspection Required. No building sewer shall be covered until it has been inspected and approved by this Township. If any part of a building sewer is covered before so being inspected and approved, it shall, at the direction of the Township, be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.

Section 322. Safe Operating Condition. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

Section 323. Protection of Public Property. Every excavation for a building sewer shall be guarded adequately with barricades, lights, and/or other safety devices to protect all persons from damage and injury. Streets, sidewalks, and all other public

property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Township, and in accordance and compliance with any and all statutes, ordinances, rules, or regulations as may be enacted, adopted, and/or promulgated by the Township and any other regulatory department, agency, board, or bureau as may have jurisdiction regarding such public property.

Section 324. Notice of Unsatisfactory Conditions. If any person shall fail or refuse, upon receipt of a notice from this Township, in writing, to remedy any unsatisfactory conditions with respect to a building sewer, within thirty (30) days of receipt of such notice, this Township may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory conditions shall have been remedied to the satisfaction of this Township.

Section 326. Approval by Township. The size and slope of the building sewer shall be subject to the approval of the Township, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall not be less than one-quarter (1/4) inch per foot.

Section 327. Elevation. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Cleanouts, in accordance with standards and specifications as may be adopted by the Township or otherwise directed by the Township Engineer, are required to be installed and maintained at every one hundred (100) feet in length of the building sewer.

Section 328. Artificial Flow. In a building in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer, the specifications, design, and installation of which shall be subject to the advance review and approval of the Township Engineer.

Section 329. Additional Rules. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be in the form of a Resolution and shall be construed as a part of this Part.

## Subpart F. General Sewer Use Requirements.

### Section 330. Prohibited Discharge Standards

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

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

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams, with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 6.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow to the POTW resulting in interference with the proper operation of the POTW. Such substances include, but are not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, rags, feathers, tar, plastic, wood, paunch, manure, butchers' offal, whole blood, bentonite, lye, building materials, rubber, hair, leather, porcelain, china, ceramic wastes, asphalt, paint, waxes, needles or syringes of any type, but in no case solids greater than two inches (2") in any dimension.

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Wastewater having a temperature greater than 104°F or lower than 32°F, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent, thereby violating the Township's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the reasonably established norm for aquatic life;

(11) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Township in compliance with applicable State or Federal regulations;

(12) Storm water, surface water, ground water, sump pump discharges, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Township. Where unauthorized discharge of these waters into the POTW exists, they shall be remedied in a manner approved by the Township within ninety (90) days of receipt of a notice from the Township. In the event such condition is not remedied, the Township shall cause the condition to be remedied at the owner's expense;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the Township in a wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW; or

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/L.

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

Section 331. Federal Categorical Pretreatment Standards. The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

Section 332. State Pretreatment Standards. No State pretreatment standards exist so, in their place, categorical pretreatment standards are hereby incorporated.

Section 334. Local Limits. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits.

900 mg/L	CBOD <sub>5</sub>
0.200 mg/L	cadmium
2.67 mg/L	chromium
1.00 mg/L	copper
2.83 mg/L	cyanide
2.00 mg/L	lead
0.00 mg/L	mercury
2.00 mg/L	nickel
100 mg/L	oil and grease (petroleum, mineral, or vegetable oil products)
2.00 mg/L	silver
750 mg/L	total suspended solids
2.55 mg/L	zinc
0.37 mg/L	tin
10.00 mg/L	iron
0.80 mg/L	phenol
0.025 mg/L	arsenic
1,500 mg/L	total dissolved solids
75 mg/L	ammonia nitrogen
0.09 mg/L	selenium

The above limits may be revised by Resolution of Amity Township Board of Supervisors.

The above limits apply at the point where the wastewater is discharged to the POTW (end of the pipe). All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Township may impose mass limitations in addition to or in place of the concentration-based limitations above.

Deductions will be made from these limited substances equal to the concentrations of each substance that is contained in the potable water supply.

Section 335. Township's Right of Revision. The Township reserves the right to adopt, from time to time by ordinance or in wastewater discharge permits, such additional rules and regulations as it shall deem necessary and proper relating to connection to and proper operation of the POTW, which rules and regulations shall be construed as a part of this Part.

Section 336. Special Agreement. The Township reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, a user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. A user also may request a variance from the categorical pretreatment standard from the approved authority. Such a request will be approved only if the user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that categorical pretreatment standard. A user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

Section 337. Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Township may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

#### Subpart G. Pretreatment of Wastewater.

Section 337. Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this Part and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 330 of this Part within the time limitations specified by the EPA, the State, or the Township,



whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Township for review, and shall be acceptable to the Township before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce an acceptable discharge to the Township under the provisions of this Part.

Section 338. Additional Pretreatment Measures. The Township may provide legal authority to do the following:

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

(b) Each person discharging into the POTW greater than 25,000 gallons per day or greater than five percent (5%) of the average daily flow in the POTW, whichever is less, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to ensure equalization of flow over a 24-hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Township. A wastewater discharge permit may be issued solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Township, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Township and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at his expense. The Township may require documentation from the user to confirm that adequate grease, oil, and sand interceptor maintenance is being performed.

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

Section 339. Accidental Discharge/Slug Control Plans. At least once every two years the Township shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Township may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Township

may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the POTW of any accidental or slug discharge, as required by Section 363 of this Part; and
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Section 340. Hauled Wastewater. Hauled waste will not be accepted into the POTW without prior written approval from the Township.

Subpart H. Wastewater Discharge Permit Application.

Section 341. Wastewater Analysis. When requested by the Township, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Township is authorized to prepare a form for this purpose and may periodically require users to update this information.

Section 342. Wastewater Discharge Permit Requirement.

(a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Township, except that a significant industrial user that has filed a timely application pursuant to Section 343 of this Part may continue to discharge for the time period specified therein.

(b) The Township may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Part. A fee for other user discharge would follow the schedule established by Resolution of the Township.

(c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Part and subjects the wastewater discharge permittee to the sanctions set out in Subparts N through P of this Part. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

Section 343. Wastewater Discharge Permitting: Existing Conditions. Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Part and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Township for a wastewater discharge permit in accordance with a wastewater discharge permit issued by the Township.

Section 344. Wastewater Discharge Permitting: New Connections. Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 345 of this Part, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

Section 345. Wastewater Discharge Permit Application Contents. All users required to obtain a wastewater discharge permit must submit a permit application. The Township may require all users to submit as part of an application the following information:

- (a) All information required by Section 358(b) of this Part;
- (b) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (d) Each product produced by type, amount, process or processes, and rate of production;
- (e) Type and amount of raw materials processed (average and maximum per day);

(f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(g) Time and duration of discharges;

(h) Any other information as may be deemed necessary by the Township to evaluate the wastewater discharge permit application; and

(i) An application fee to be paid upon submitting a completed permit application. This fee shall be established by Resolution of the Township, from time to time.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

Section 346. Application Signatories and Certification. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

Section 347. Wastewater Discharge Permit Decisions. The Township will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the Township will determine whether or not to issue a wastewater discharge permit. The Township may deny any application for a wastewater discharge permit.

#### Subpart I. Wastewater discharge Permit Issuance Process.

Section 348. Wastewater Discharge Permit Duration. A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Township. Each wastewater discharge permit will indicate a specific date upon which it will expire.

Section 349. Wastewater Discharge Permit Contents. A wastewater discharge permit shall include such conditions as are reasonably deemed necessary by the Township to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(a) Wastewater discharge permits must contain the following conditions:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;

(2) A statement that the wastewater discharge permit is non-transferable without prior notification to and approval from the Township, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits based on applicable pretreatment standards;

(4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and

(5) A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

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

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans or other special conditions, including management practices

necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

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

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the Township to ensure compliance with this Part, and State and Federal laws, rules, and regulations.

Section 350. Wastewater Discharge Permit Appeals. Any person, including the user, may petition the Township to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

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

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

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

(d) In the event of an appeal, the Township shall conduct a hearing and decide the appeal as provided by administrative law and procedure. In the event, after hearing and decision, the appealing party wishes to make a further appeal, it may do so by filing an appropriate appeal to the Court of Common Pleas of Berks County within thirty (30) days of the final order of the Township.

Section 351. Wastewater Discharge Permit Modification. The Township may modify the wastewater discharge permit for good cause including, but not limited to, the following:

- (a) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- (b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge poses a threat to the Township's POTW, Township personnel, or the receiving waters;
- (e) Violation of any terms or conditions of the wastewater discharge permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (h) To correct typographical or other errors in the wastewater discharge permit; or
- (i) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

Section 352. Wastewater Discharge Permit Transfer. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 60 days advance notice to the Township and the Township approves the wastewater discharge permit transfer. The notice to the Township must include a written certification by the new owner and/or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and

(c) Acknowledge full responsibility for complying with the existing wastewater discharge permit.

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

Section 353. Wastewater Discharge Permit Revocation. Wastewater discharge permits may be revoked for, but not limited to, the following reasons:

(a) Failure to notify the Township of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the Township of a changed condition pursuant to Section 362 of this Part;

(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(d) Falsifying self-monitoring reports;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the Township timely access to the facility premises and records;

(g) Failure to meet effluent limitations;

(h) Failure to pay fines;

(i) Failure to pay sewer charges;

(j) Failure to meet compliance schedules;

(k) Failure to complete a wastewater survey or the wastewater discharge permit application;

(l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Part.



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

Section 354. Wastewater Discharge Permit Reissuance. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 346 of this Part, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit. An application fee shall be submitted along with the completed permit application in the amount as established by Resolution of the Township, from time to time.

Section 355. Municipal Wastewater Discharge Permits. In the event another municipality contributes all or a portion of its wastewater to the POTW, the Township may require such municipality to apply for and obtain a municipal wastewater discharge permit.

- (a) A municipal wastewater discharge permit application shall include:
  - (1) A description of the quality and volume of the wastewater at the point(s) where it enters the POTW;
  - (2) An inventory of all users discharging to the municipality;
  - (3) Such other information as may be required by the Township;  
and
  - (4) An application fee to be paid upon submitting a completed permit application. This fee shall be established by Resolution of the Township, from time to time.

- (b) A municipal wastewater discharge permit shall contain the following conditions:
  - (1) A requirement for the municipal user to adopt a sewer use ordinance which is at least as stringent as this Part, and local limits which are at least as stringent as those set out in Subpart F of this Part. Such ordinance and limits must be revised as necessary to reflect changes made to the Township's sewer use ordinance and/or local limits;
  - (2) A requirement for the municipal user to submit a revised user inventory on at least an annual basis;

(3) A requirement for the municipal user to conduct pretreatment implementation activities including wastewater discharge permit issuance, inspection and sampling, and enforcement; or authorize the Township to take or conduct such activities on its behalf;

(4) A requirement for the municipal user to provide the Township with access to all information that the municipal user obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the municipal user's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the municipal user's discharge; and

(7) A provision ensuring the Township access to the facilities of users located in the municipal user's jurisdiction for the purpose of inspection, sampling, and any other duties deemed necessary by the Township.

(c) Violation of the terms and conditions of the municipal user's wastewater discharge permit subjects the municipal user to the sanctions set out in Subparts N through P of this Part.

Section 356. Commercial Wastewater Discharge Permit. In the event that a commercial user contributes all or a portion of its wastewater to the POTW, the Township may require such commercial user to apply for and obtain a commercial wastewater discharge permit. The Township may require a commercial user to have a discharge permit if, in the opinion of the Township, it is necessary in order for the Township to operate and maintain the POTW and meet its NPDES requirements.

(a) A commercial wastewater discharge permit application shall include:

(1) A description of the quality and volume of the wastewater at the point where it enters the POTW.

(2) Such information as may be required by the Township.

(3) An application fee to be paid upon submitting a completed permit application. This fee shall be established by Resolution of the Township, from time to time.

(b) A commercial wastewater discharge permit may include, but not be limited to, the following:

(1) Grease trap cleaning requirements.

(2) Flow requirements.

(3) Recycling requirements.

(4) A provision ensuring the Township access to the facility during normal hours of business for the purpose of inspection and sampling.

(c) Violation of the terms and conditions of the commercial user's wastewater discharge permit subjects the commercial user to the sanctions set out in Subparts N through P of this Part.

Section 357. Special Use Discharge Permit. In the event that a user contributes all or a portion of its wastewater to the POTW and the user is not considered industrial, commercial, or domestic, the Township may require such user to apply for and obtain a special use discharge permit. The Township may require a user to have a special use discharge permit if, in the opinion of the Township, it is necessary in order to operate and maintain the POTW and meet its NPDES requirements.

(a) A special use discharge permit application shall include:

(1) A description of the quality and volume of the wastewater at the point where it enters the POTW.

(2) Such information as may be required by the Township.

(3) An application fee to be paid upon submitting a completed permit application. This fee shall be established by Resolution of the Township, from time to time.

(b) A special use discharge permit may include, but not be limited to, the following:

(1) Grease trap cleaning requirements.

(2) Flow requirements.

(3) Recycling requirements.

(4) A provision ensuring the Township access to the user's facility during normal hours of business for the purpose of inspection and sampling.

(c) Violations of the terms and conditions of the special use discharge permit subjects the special user to the sanctions set out in Subparts N through P of this Part.

## Subpart J. Reporting Requirements

### Section. 358 Baseline Monitoring Reports.

(a) Within either one hundred and eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4) (whichever is later), existing categorical users currently discharging to or scheduled to discharge to the POTW shall be required to submit to the Township a report which contains the information listed in Paragraph (b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Township a report which contains the information listed in Paragraph b below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(b) Users described above shall submit the information set forth below.

(1) Identifying Information. The name and address of the facility, including the name of the operator and owner.

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) Measurement of Pollutants.

(i) The categorical pretreatment standards applicable to each regulated process.

(ii) The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the Township) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 367 of this Part.

(iii) Sampling must be performed in accordance with procedures set out in Section 368 of this Part.

(6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 359 of this Part.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 346 of this Part.

Section 359. Compliance Schedule Progress Report. The following condition shall apply to the schedule required by Section 358(b)(7) of this Part: (a) the schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation); (b) no increment referred to above shall exceed nine (9) months; (c) the user shall submit a progress report to the

Township no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and (d) in no event shall more than nine (9) months elapse between such progress reports to the Township.

Section 360. Report on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Township a report containing the information described in Section 358(b)(4-6) of this Part. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 346 of this Part.

Section 361. Periodic Compliance Reports.

(a) All significant industrial users shall, at a frequency determined by the Township but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 346 of this Part.

(b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(c) If a user subject to the reporting requirements in this section monitors any pollutant more frequently than required by the Township, using the procedures prescribed in Section 368 of this Part, the results of this monitoring shall be included in the report.

Section 362. Report of Changed Conditions. Each user must notify the Township of any planned significant changes to the user's operations or system which

might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

(a) The Township may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 345 of this Part.

(b) The Township may use a wastewater discharge permit under Section 347 of this Part or modify an existing wastewater discharge permit under Section 351 of this Part in response to changed conditions or anticipated changed conditions.

(c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

#### Section 363. Reports of Potential Problems.

(a) In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Township of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume (if known), and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the Township, submit a detailed written report describing the cause(s) 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, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed pursuant to this Part.

(c) Failure to notify the Township of potential problem discharges shall be deemed a violation of this Part.

(d) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Paragraph (a) above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

Section 364. Reports from Unpermitted Users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Township as the Township may require.

Section 365. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the Township within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Township within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Township monitors at the user's facility at least once a month, or if the Township samples between the user's initial sampling and when the user receives the results of this sampling.

Section 366. Notification of the Discharge of Hazardous Waste. The discharge of hazardous waste into the sewer system is prohibited.

Section 367. Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

Section 368. Sample Collection.

(a) Except as indicated in Section b below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Township may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

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

Section 369. Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.



Section 370. Record Keeping. Users subject to the reporting requirements of this Part shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Part and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Township, or where the user has been specifically notified of a longer retention period by the Township.

#### Subpart K. Compliance Monitoring

Section 371. Right of Entry: Inspection and Sampling. The Township shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Part, and any permit or order issued hereunder. Users shall allow the Township ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

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

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

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

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

(e) Unreasonable delays in allowing the Township access to the user's premises shall be a violation of this Part.

Section 372. Search Warrants. If the Township has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Part, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Township designed to verify compliance with this Part or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Township may seek issuance of a search and/or seizure warrant from the Berks County Court.

#### Subpart L. Confidential Information.

Section 373. Confidential Information. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Township's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Township, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

#### Subpart M. Publication of Users in significant Non-Compliance.

Section 374. Publication of Users. The Township shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements

taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (6.4 for BOD, TSS, fats, oils, and grease, and 6.2 for all other pollutants except pH);

(c) Any other discharge violation that the Township believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Township's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within thirty (30) days after the due date any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report non-compliance; or

(h) Any other violation(s) which the Township determines will adversely affect the operation or implementation of the local pretreatment program.

#### Subpart N. Administrative Enforcement Remedies.

Section 375. Notification of Violation. When the Township finds that a user has violated (or continues to violate) any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Township may serve upon that user a written Notice of Violation. Within seven (7) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Township. Submission of this plan in no way relieves

the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Township to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Section 376. Consent Orders. The Township may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such documents will include specific action to be taken by the user to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 378 and 379 of this Part and shall be judicially enforceable.

Section 377. Show Cause Hearing. The Township may order a user which has violated or continues to violate any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Township and show cause why the proposed enforcement action should not be taken. Notice shall be serviced on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

Section 378. Compliance Orders. When the Township finds that a user has violated or continues to violate any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Township may issue an order to the user responsible for the discharge directing that the user come into compliance within fifteen (15) days. If the user does not come into compliance within thirty (30) days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the non-compliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

Section 379. Cease and Desist Orders. When the Township finds that a user has violated (or continues to violate) any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement,

or that the user's past violations are likely to recur, the Township may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(a) Immediately comply with all requirements; and

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

#### Section 380. Administrative Fines.

(a) When the Township finds that a user has violated or continues to violate any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Township may fine such user in an amount not to exceed \$1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(b) Unpaid charges, fines, and penalties shall, after fifteen (15) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

(c) Users desiring to dispute such fines must file a written request for the Township to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the Township may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Township may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

Section 381. Emergency Suspensions. The Township may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Township may also immediately suspend a user's discharge (after notice and

opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Township may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Township may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Township that the period of endangerment has passed, unless the termination proceedings in Section 382 of this Part are initiated against the user.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Township prior to the date of any show cause or termination hearing under Sections 377 and 382 of this Part.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

Section 382. Termination of Discharge. In addition to the provisions in Section 346 of this Part, any user who violates the following conditions is subject to discharge termination:

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purposes of inspection, monitoring, or sampling; or
- (e) Violation of the pretreatment standards in Subpart E of this Part.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 377 of this Part why the proposed action should not be taken. Exercise of this option by the Township shall not be a bar to, or a prerequisite for, taking any other action against the user.

## Subpart O. Judicial Enforcement Remedies.

Section 383. Injunctive Relief. When the Township finds that a user has violated (or continues to violate) any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Township may petition the Berks County Court through the Township's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirements imposed by this Part on activities of the user. The Township may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

### Section 384. Civil Penalties.

(a) An Industrial User who willfully or negligently violates any pretreatment standards and/or requirements may be assessed a civil penalty by the Township in an amount not to exceed \$25,000 per day for each violation, regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct offense under this Section.

(b) For purposes of this Section, a single operational upset which leads to simultaneous violations of more than one pretreatment standard or requirement shall be treated as a single violation as required by the Federal Water Pollution Control Act.

(c) In addition to the civil penalty, the Township may recover the costs for re-establishing the operation of the POTW.

(d) The Township shall include as part of the notice of an assessment of civil penalties a description of the appeals process to be followed, including the name, address, and telephone number of the person responsible for accepting such appeal.

(e) The Township may publicly adopt a formal, written civil penalty assessment policy and make it publicly available. Each industrial discharger with an industrial waste discharge permit shall be given written notice of the policy. In developing the penalty assessment policy, the POTW shall consider damage to air, water, land, or other natural resources of this Commonwealth and their uses; cost of restoration and abatement; savings resulting to the person in consequence of the violation; history of past violations; deterrence of future violations; and other relevant factors.

(f) Civil penalties collected pursuant to this act shall be placed in a restricted account and shall only be used by the POTW for the repair of damage and any additional maintenance needed or any additional costs imposed as a result of the violation for which the penalty was imposed, to pay any penalties imposed on the POTW by the Federal or State government for violation of pretreatment standards, for the costs incurred by the POTW to investigate and take the enforcement action that resulted in a penalty being imposed, for the monitoring of discharges in the pretreatment program and for capital improvements to the treatment works, including sewage collection lines, which may be required by the pretreatment program. Any remaining funds may be used for capital improvements to the treatment works, including collection lines.

(g) The industrial user charged with the penalty shall have thirty (30) days to pay the proposed penalty in full or, if the industrial user wishes to contest either the amount of the penalty or the fact of the violation, the industrial user must file an appeal within thirty (30) days pursuant to 2 Pa. C.S. (relating to administrative law and procedure). Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty. In the event of an appeal, the Township shall conduct a hearing and decide the appeal as provided by administrative law and procedure. In the event, after hearing and decision, the industrial user wishes to make a further appeal, it may do so by filing an appropriate appeal to the Court of Common Pleas of Berks County within thirty (30) days of the final order of the Township.

#### Section 385. Criminal Prosecution.

(a) A user who violates any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a summary offense and be subject to a fine of not more than \$1,000 per violation, per day.

(b) A user who introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a summary offense and be subject to a fine not more than \$1,000. This fine shall be in addition to any other cause of action for personal injury or property damage available under State law.

(c) A user who knowingly made any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Part, wastewater discharge permit, or order issued hereunder, or who falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this Part shall, upon summary conviction, be punished by a fine of not more than \$1,000 per violation per day.



Section 386. Remedies Non-Exclusive. The remedies provided for in this Part are not exclusive. The Township may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with this Part unless the Township chooses to develop and adopt an enforcement response plan. However, the Township may take other action against any user when the circumstances warrant. Further, the Township is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

#### Subpart P. Supplemental Enforcement Action.

Section 387. Performance Bonds. The Township may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement unless such user first files a satisfactory bond, payable to the Township, in the sum not to exceed a value determined by the Township to be necessary to achieve consistent compliance.

Section 388. Liability Insurance. The Township may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

Section 389. Water Supply Severance. Whenever a user has violated or continues to violate any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Township will request that the public water supplier sever the water service to the user. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

Section 390. Informant Rewards. The Township may pay up to one hundred dollars (\$100.00) for information leading to the discovery of non-compliance by a user. In the event that the information provided results in an administrative fine or civil penalty levied against the user, the Township may dispense up to ten percent (10%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed one hundred dollars (\$100.00).

Section 391. Contractor Listing. Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Township. Existing contracts for the sale of goods or services to the Township held by a user found to be in

significant non-compliance with pretreatment standards or requirements may be terminated at the discretion of the Township.

Subpart Q. Affirmative Defenses to Discharge Violations.

Section 392. Upset

(a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of Paragraph (c) are met.

(c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the Township and treatment plant operator within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

(i) A description of the indirect discharge and cause of non-compliance;

(ii) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and

(iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

(d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with categorical pretreatment standards.

(f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

Section 393. Prohibited Discharge Standards. A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the general prohibitions in Section 330(a) of this Part or the specific prohibitions in Section 330(b)(3) of this Part if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Township was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

Section 394. Bypass.

(a) For the purposes of this section:

(1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to be inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Paragraphs (c) and (d) of this Section.

(c) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Township, at least ten (10) days before the date of the bypass, if possible.

A user shall submit oral notice to the Township of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Township may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) Bypass is prohibited, and the Township may take an enforcement action against a user for a bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The user submitted notices as required under Paragraph (c) of this Section.

The Township, after consulting with its Consulting Engineer, may approve an anticipated bypass, after considering its adverse effects, if they determine that it will meet the three conditions listed in (d) above.

Subpart R. Miscellaneous Provisions.

Section 395. Pretreatment Charges and Fees. The Township may adopt reasonable fees for reimbursement of costs of setting up and operating a Pretreatment Program which may include:

(a) Fees for wastewater discharge permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

(c) Fees for reviewing and responding to accidental discharge procedures and construction;

(d) Fees for filing appeals; and

(e) Other fees as the Township may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Part and are separate from all other fees, fines, and penalties chargeable by the Township.

All fees may be updated by Resolution of the Township.

Section 396. Extraordinary Maintenance Charge. Any person discharging any waste which, in the judgment of the Township, causes any extraordinary maintenance expenses shall be billed by the Township in the amount of said expenses. The billing amount shall be determined by the Township and shall include charges for labor of Township personnel and other costs incurred by the Township.

Section 397. Severability. If any provision of this Part is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Subpart S. Determination of Charges for Strong Wastes.

Section 398. Strong Waste Surcharges. There may be additional charges for wastes having concentrations of BOD, suspended solids, dissolved solids, ammonia-nitrogen, and phosphorus in excess of the average concentration of these pollutants in normal domestic waste. Normal domestic waste shall be considered as having the following concentrations:

- (a) CBOD<sub>5</sub> - 300 mg/L.
- (b) Suspended solids - 250 mg/L.
- (c) Dissolved solids - 500 mg/L.
- (d) Ammonia nitrogen - 25 mg/L.

Maximum acceptable wastewater strength concentrations are as follows:

- (a) CBOD<sub>5</sub> - 900 mg/L.
- (b) Suspended solids - 750 mg/L.
- (c) Dissolved solids - 1,500 mg/L.
- (d) Ammonia nitrogen - 75 mg/L.

Section 399. Strong Waste Surcharge Formula. In order to determine the additional charges for wastes with strength greater than that of domestic waste, the following formula shall be used:

$$S_Q = 0.00834 Q_I [(CBOD_5 - 300) TC_{BOD} + (SS_I - 250) TC_{SS} + (DS_I - 500) TC_{DS} + (NH_3N_I - 25) TC_{NH_3N}]$$

Where:

$S_Q$  is the quarterly surcharge to be added to the normal sewer rent.

0.00834 is a constant to convert waste concentrations expressed in mg/L to thousands of pounds of waste.

$Q_I$  is the quarterly waste flow expressed in million gallons.

CBOD<sub>5</sub>, SS<sub>I</sub>, DS<sub>I</sub>, and NH<sub>3</sub>N<sub>I</sub> are the respective concentrations of CBOD<sub>5</sub>, suspended solids, dissolved solids, and ammonia nitrogen of the waste expressed in mg/L.

300, 250, 500, and 25 are constants which express the waste load concentrations in mg/L for normal domestic waste.

TC<sub>CBOD5</sub> is the treatment cost incurred by the Township as updated annually per 1,000 pounds of CBOD<sub>5</sub>.

TC<sub>SS</sub> is the treatment cost incurred by the Township as updated annually per 1,000 pounds of suspended solids.

TC<sub>DS</sub> is the treatment cost incurred by the Township as updated annually per 1,000 pounds of dissolved solids.

TC<sub>NH<sub>3</sub>N</sub> is the treatment cost incurred by the Township as updated annually per 1,000 pounds of ammonia nitrogen.

When a value of CBOD, suspended solids, dissolved solids, and/or ammonia nitrogen is less than the normal domestic waste concentration set forth in the strong waste surcharge formula, then the normal domestic waste concentration shall be used in the calculation of strong waste surcharge. The Township may choose not to apply the surcharge formula for any of the above parameters depending on the parameters listed in its NPDES permit.

Section 400. Additional Surcharges. The formula specified in Section 399 of this Part is to determine additional charges or surcharges for the treatment of wastes having concentrations of CBOD<sub>5</sub>, suspended solids, dissolved solids, and ammonia nitrogen in excess of those of domestic waste. It is, however, recognized that the discharge of any waste or other substance containing any one of the prohibited substances listed in Section 330 may result in extraordinary laboratory, labor, maintenance and/or treatment expenses to the Township. Hence, in the event of the discharge of any wastes or other matters or substance containing any one of the prohibited substances listed in Section 330 or Section 334 multiplied by the TRC, the Township shall have the power to bill the owner of the property from which such discharge is made an additional surcharge of three hundred dollars (\$300.00). Each day that such discharge is made shall result in a separate three hundred dollar (\$300.00) additional surcharge. This three hundred dollar (\$300.00) charge shall be in addition to the normal sewer rental and/or any strong waste surcharge as incurred under Section 399 of this Part.

Section 401. Methods of Payment of Extra Charges by Industrial Users. The strong waste surcharge shall be paid quarterly. The Township shall cause the water meter of each industrial user where the wastewater flow determination is based upon metered water consumption, and the wastewater meter where the wastewater flow determination is based upon wastewater flow measurement, to be read on a quarterly basis, and the Township shall cause strong waste surcharge bills to be mailed forthwith following each reading.

(a) The Township shall cause periodic sampling of the wastewater discharged by each industrial user in accordance with Section 403 of this Part.

(b) The analysis of the sample shall be the basis for computing strong waste surcharges.

(c) Bills for strong waste surcharge shall be mailed to the owner's address specified on the industrial waste permit. Failure to receive a bill as a result of incorrect address or otherwise shall not excuse non-payment of charges or extend the time for payment.

(c) The strong waste surcharge formula will be updated annually using current operation and maintenance costs and wasteload quantities to reflect actual costs to remove specific pollutants.

Section 402. New Industrial Users. A new industrial user is one which connects to the treatment works after the effective date of this Section. Strong waste surcharge payments by a new industrial user shall begin on the date treatment works use is initiated and continue indefinitely.

#### Subpart T. Measurement of Concentration of Industrial Waste.

Section 403. Industrial Waste Sampling. Industrial wastes being discharged into the sewer system shall be subject to sampling and inspection to be used as a basis for determining additional charges due to excessive concentrations of CBOD<sub>5</sub>, suspended solids, dissolved solids, ammonia nitrogen, and/or substances prohibited in Section 330 of this Part. Such sampling and inspection shall be made by the Township as frequently as may be deemed necessary. The analysis of the sample so obtained shall be the basis for computing additional charges in accordance with Section 401 of this Part. The cost of such sampling and testing thereof shall be borne by the user.

The industry may request that samples be taken in addition to the samples taken by the Township. The cost of making this collection and analysis shall be borne by the user.

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

Section 404. Control Manhole. When required by the Township, the owner of any property discharging industrial waste into the sewer system shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the waste. Such manhole, when required, shall be accessible and safely located, and shall be constructed



in accordance with plans approved by the Township. The manhole shall be installed by the property owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Subpart U. Measurement of Volume of Industrial Wastes for Strong Waste Surcharges.

Section 405. Measurement. Whenever a person purchasing his entire water supply from a water purveyor discharges only industrial waste into the sewer system, the volume of water purchased may be used as a measure of the quantity of industrial waste discharged.

Whenever a person purchasing his entire water supply from a water purveyor discharges combined domestic waste and industrial waste into the sewer system, the volume of water purchased chargeable as industrial waste shall be the total volume of water purchased less the volume determined to be domestic waste. The domestic waste shall be determined by the Township in either of the following two ways:

- (a) Actual measured flow; or
- (b) By multiplying the average number of employees in the establishment during the preceding billing period by ten gallons per day.

Whenever a person purchasing his entire water supply from a water purveyor and discharging industrial waste into the sewer system also discharges unpolluted cooling water to either a separate storm sewer or other outlet, an allowance for the amount of water so discharged shall be made in computing the sewer charges. The person so discharging cooling water shall, at his own expense, install a meter or meters, as required, to indicate accurately and to the satisfaction of the Township the amount of water claimed as a credit.

The Township shall be responsible for the reading of water and/or sewage meters when installed in industrial establishments within its jurisdiction. All meters shall be installed at a location approved by the Township. All meters shall be accessible to the Township at all times.

Subpart V. Access.

Section 406. Access. The Township shall have the right of access to any part of any improved property served by the POTW as shall be required for purposes of inspection, measurement, sampling, and testing, and for performance of other functions relating to service rendered by the Township through the POTW.

Subpart W. Enforcement.

Section 407. Enforcement. Any person who shall violate this Part shall be liable, upon conviction for a first offense and upon conviction for each subsequent offense, to a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00), together with the costs of prosecution, including but not limited to reasonable attorney's fees in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such. Nothing herein shall preclude the Township from seeking such additional remedies as may be available at law or in equity including, but not limited to, request for injunctive relief, as may be otherwise permitted and from pursuing such additional means of enforcement concurrently.

Section 408. Fines and Costs. Fines and costs imposed under provisions of this Part shall be enforceable and recoverable in the manner at the time provided by applicable law.

Subpart X. Declaration of Purpose.

Section 409. Declaration. It is declared that the enactment of this Part is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of this Township."

SECTION 2. Part 4, entitled "Spray Irrigation and Stream Discharge Systems" of Chapter XXIII, entitled "Sewers and Sewage Disposal", of the Township of Amity Code of Ordinances", is hereby amended by renumbering the entire Part from Section 401 through Section 410 to become Section 451 through Section 460.

SECTION 3. Any and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 4. This Ordinance shall become effective five (5) days following the date of adoption.

SECTION 5. The Code of Ordinances, as amended, of the Township of Amity, Berks County, Pennsylvania, shall be and remain unchanged and in full effect except as amended, supplemented and/or modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances, as amended, of the Township of Amity, Berks County, Pennsylvania, upon adoption.

DULY ENACTED AND ORDAINED into law this 5 day of Sept, 2006  
by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania.

AMITY TOWNSHIP  
BOARD OF SUPERVISORS

Leslie Sacks  
Leslie Sacks, Chairperson

Richard L. Gokey  
Richard Gokey, Vice Chairperson

Joseph Karpinski  
Joseph Karpinski

Kim McGrath  
Kim McGrath

Scott Stepp  
Scott Stepp

ATTEST:

[Signature]  
Township Secretary