

Chapter 159

SEWERS

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[HISTORY: Adopted by the Borough Council of the Borough of Dallastown as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sewer Authority — See Ch. 8, Art. I.

Building construction — See Ch. 90.

Plumbing standards — See Ch. 146.

Stormwater management — See Ch. 173.

Water — See Ch. 217.

ARTICLE I

Connections Required**[Adopted 7-9-1973 by Ord. No. 281]****§ 159-1. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

AUTHORITY — The Dallastown Borough Sewer Authority as presently or hereafter constituted, which has been created by the Borough Council of Dallastown Borough.

BUILDING OR HOUSE DRAIN — That part of the main horizontal drain and its branches inside the walls of the building, vault or area, and extending to and connecting with the house sewer.

HOUSE SEWER — That part of the main house drain or sewer extending from a point five feet outside of the inner face of the outer walls of a building, vault or area to its connection with the lateral.

LATERAL — That part of the sewer system extending from a public or private main sewer to curblin or property line if there is no curb.

OCCUPIED BUILDING — Any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage and industrial waste, or either thereof, is or may be discharged.

PERSON — Includes individuals or natural persons or artificial persons existing only in contemplation of law and shall be construed to include associations, partnerships, limited partnerships, joint-stock companies and corporations.

PREMISES ACCESSIBLE TO THE SEWER SYSTEM — Real estate which adjoins, abuts on or is adjacent to the sewer system.

SEWAGE — The normal water-carried household and toilet wastes from any improved property.

SEWER SYSTEM — The present sanitary sewer collection system and appurtenant facilities in the Borough, and the interceptor sewers of the Authority and any improvements, additions or extensions that hereafter may be made thereto by the Authority or the Borough, or to any part or parts of any or all thereof.

§ 159-2. Connection requirements.

- A. All persons owning any occupied building now erected upon premises accessible to the sewer system shall at their own expense connect such building with the sewer system within 60 days after notice to such person from the Borough to make such connection.

- B. All persons owning any premises accessible to the sewer system upon which a building is hereafter erected shall, at the time of the erection of such building and at their own expense, connect the same with the sewer system.
- C. All persons owning any occupied building upon premises which hereafter become accessible to the sewer system shall, at their own expense, connect such building with the sewer system within 60 days after notice to such person from the Borough to make such connection.
- D. All persons shall indemnify and save harmless this Borough, the Authority, York Township, the York Township Water and Sewer Authority, Springettsbury Township and the Springettsbury Township Sewer Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a house sewer or of connection of a house sewer to the sewer system.

§ 159-3. Privies, septic tanks, etc., prohibited.

It shall be unlawful for any person owning any premises accessible to the sewer system to erect, construct or use or maintain or cause to be erected, constructed, used or maintained any privy, cesspools, sinkhole, septic tank or other receptacle on such premises for receiving sewage after the expiration of the period specified in § 159-2 hereof or to connect any of the above to the sewer system or otherwise at any time to erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sewage except into the sewer system.

§ 159-4. Declaration of nuisance.

Any person who erects, constructs or maintains a privy, cesspool, sinkhole or septic tank on any premises accessible to the sewer system or who otherwise erects, constructs, uses or maintains any privy, cesspool, sinkhole, septic tank or other receptacle on such premises for receiving sewage in violation of this article shall be deemed and shall be declared to be erecting, constructing and maintaining a nuisance, which nuisance the Borough is hereby authorized and directed to abate in the manner provided by law.

§ 159-5. Compliance with regulations required.

No connection shall be made to the sewer system except in compliance with the ordinances, resolutions, rules and regulations of the Borough Council or as may be otherwise required by law.

§ 159-6. Rules and regulations.

A. Application for service line.

- (1) Any property owner desiring the introduction of a new service line from the sewer system to his premises must first make written application on forms furnished by the Borough. The application must be signed by the property owner or his duly authorized representative.

(2) No owner or tenant of any premises connected with the sewer system shall permit another person or premises to use or connect with his service line, except upon written permit from the Borough.

B. Permit for connection. It will be necessary to have a permit from the Borough before making any connection to the sewer system. After proper application for service has been received and upon payment of a particular fee as imposed and established and set by resolution of the Borough Council to the Borough, which amount shall cover all costs of permit and inspection of the connection and house sewer, the Borough will issue permits authorizing the attachment of the applicant's lateral to the sewer system. **[Amended 4-13-1998 by Ord. No. 432]**

C. Service connections. No sewer connection or disconnection shall be made, nor any lateral or house sewer line installed, except in the manner and of a type approved by the representative of the Borough who shall have supervision and control over the same. Maintenance, installation and use of plumbing fixtures and appliances shall also be subject to appraisal of said representative. The lateral and house sewer line shall be at the applicant's expense. After all pipe is laid and before the ditch is closed, all work must be inspected and approved by the representative of the Borough.

D. Inspections. The Borough, York Township and Springettsbury Township, or their respective authorized representatives, shall have the right of access at all reasonable times to all parts of any premises connected with the sewer system and to examine and inspect the connections thereto and the plumbing fixtures and appliances and use thereof and to compel the discontinuance of any improper connection, installation, maintenance or use. The Borough, York Township and Springettsbury Township may make reasonable charges for such inspections to users of the sewer system.

E. Maintenance. The owner of any sewer lines which are discharging sewage into the public sewer system shall keep such lines free of roots, grit, soil, stones, building materials, built-up solids and all other objects not limited by the foregoing which are not intended for disposal in a sewer line or which are likely to impede the flow of sewage in a sewer line. Such lines shall be maintained by the owner free of deflection, cracks or other openings which contribute to or are likely to contribute to infiltration or inflow. **[Amended 5-12-2008 by Ord. No. 556¹]**

*tree
ROOTS →*

F. Release of liability.

(1) The Borough, York Township and Springettsbury Township shall not be liable for any damage or expense resulting from leaks, stoppages or defective plumbing or from any other cause occurring to any premises or within any house or building; and it is hereby expressly stipulated by all persons that no claims shall be made against the Borough or York Township or Springettsbury Township on account of the breaking or stoppage of or any damage or expense to any lateral or house sewer line when the cause thereof is found to be in such lateral or house sewer line.

1. Editor's Note: This ordinance also redesignated former Subsections E, F and G as Subsections F, G and H respectively.

- (2) The Borough, York Township and Springettsbury Township shall not be liable for a deficiency or failure of service when occasioned by an emergency, required repairs or failure for any cause beyond control.
- G. Vacated premises. When premises are vacated, the owner or tenant shall give notice thereof to the Borough Secretary, and the owner or tenant will be responsible for the sewage charges until such notice is given.
- H. Changing rules and regulations. The Borough reserves the right to change or amend, from time to time, these rules and regulations in accordance with law.



§ 159-7. Violations and penalties. ²

Any person who shall violate any of the provisions, rules, regulations or requirements set forth in this article shall, upon conviction for a first offense and for each subsequent offense thereof, be punishable by a fine of not more than \$600, plus costs of prosecution, and in default of payment of such fine and costs by imprisonment for not more than 30 days. Each three-month period during which a violation continues shall be deemed and taken to be a separate offense and punishable as such. All fines and penalties shall be paid to the Borough.

ARTICLE II**Sewer Use, Rents and Charges**

[Adopted 7-9-1973 by Ord. No. 282]

§ 159-8. Definitions.

Unless the context specifically and clearly indicates otherwise, the meanings of terms used in this article shall be as follows:

ABNORMAL INDUSTRIAL WASTE — Any industrial waste having a suspended solids content or BOD appreciably in excess of that normally found in municipal sewage. For the purposes of these regulations, any industrial waste containing more than 350 milligrams per liter of suspended solids or having a BOD in excess of 300 milligrams per liter shall be considered an abnormal industrial waste, regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.

AUTHORITY — The Dallastown Borough Sewer Authority, a municipal authority incorporated, organized and existing under provisions of the Pennsylvania Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented.³

BILLING UNIT — Includes, as applicable, each of the following: a commercial establishment, a domestic consumer unit, an educational establishment and an industrial establishment.

BOD OF SEWAGE OR INDUSTRIAL WASTE (designates "biochemical oxygen demand") — The quantity of oxygen utilized in the biochemical oxidation of the organic matter in said sewage or industrial waste under standard laboratory procedure in 5 days at 20° C., expressed in milligrams per liter by weight. It shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Wastewater, cited herein.

BOROUGH — The Borough of Dallastown, York County, Pennsylvania, a municipality existing under laws of the Commonwealth of Pennsylvania, acting by and through its Council or its authorized representatives.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: See 53 P.S. § 301 et seq.

BOROUGH COUNCIL — The group of elected officials acting as the governing body of the Borough.

COMMERCIAL ESTABLISHMENT — Each room, group of rooms, building or other enclosure connected directly or indirectly to the sewer system and used or intended for use in the carrying on of a trade, business or profession or for use in the operation of one business enterprise for the sale and distribution of any product, commodity, article or service, including social, religious, charitable and public uses.

DOMESTIC CONSUMER UNIT — Each room, group of rooms, building or other enclosure connected directly or indirectly to the sewer system and occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by a person living alone.

EDUCATIONAL ESTABLISHMENT — Each room, group of rooms, building or other enclosure connected directly or indirectly to the sewer system and used or intended for use, in whole or in part, for educational purposes, including both public and private schools.

GARBAGE — Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

IMPROVED PROPERTY — Any property, situate within the Borough, upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall be or may be discharged and which is accessible to a sewer as defined in § 159-8 of this article.

INDUSTRIAL ESTABLISHMENT — Each room, group of rooms, building or other enclosure connected directly or indirectly to the sewer system and used or intended for use, in whole or in part, in the operation of one business enterprise for manufacturing, converting, processing, cleaning, laundering or assembling any product, commodity or article or from which any industrial wastes, as distinct from sanitary sewage, shall be discharged.

INDUSTRIAL WASTES — Any solid, liquid, gaseous or waterborne substance or form of energy rejected or escaping in 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.

MULTIPLE UNIT — Any improved property in which shall be located more than one billing unit.

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

PERSON — Any individual, firm, partnership, company, association, society, trust, corporation or other group or entity.

pH — The logarithm to the base 10 of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

ppm — Parts per million, by weight.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

SANITARY SEWAGE — The normal water-carried household and toilet wastes from any improved property.

SEWAGE — Both sanitary sewage and industrial wastes.

SEWER — Any pipe, main 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, transporting, pumping, treating and disposing of sewage, owned by the Authority and leased to the Borough for operation and use.

STORM SEWER — A sewer which is intended to carry stormwater runoff, surface water, groundwater drainage, etc., but which is not intended to carry any sanitary sewage or polluted industrial waste.

STORMWATER RUNOFF — That portion of the rainfall which reaches a channel, trench, sewer or sink.

SUSPENDED SOLIDS — Solids that either float on the surface or are in suspension in water, sewage, industrial waste or other liquids and which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Wastewater, cited herein.

UNPOLLUTED WATER OR WASTE — Any water or waste containing none of the following: Free or emulsified grease or oil; pH less than 6.0 or greater than 9.0; phenols or other substances imparting taste and odor to receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; obnoxious or odorous gases. It shall contain not more than 1,000 milligrams per liter by weight of dissolved solids of which not more than 250 milligrams per liter shall be as chloride and not more than 10 milligrams per liter each of suspended solids and BOD. The color shall not exceed 50 color units. Analyses for any of the above-mentioned substances shall be made in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, cited herein.

WATER COMPANY — The York Water Company, Red Lion Municipal Authority or Dallastown-Yoe Authority, a public utility corporation or municipality authority organized and existing under laws of the Commonwealth of Pennsylvania.

§ 159-9. Connection, customer facilities, and tapping fees. [Amended 4-13-1998 by Ord. No. 432; 5-9-2005 by Ord. No. 528]

- A. Capital charges study. Pursuant to amendments made by Act No. 57 of 2003,⁴ the Borough Engineer, C.S. Davidson, Inc., has analyzed certain fees and prepared Amendment No. 1 to the Capital Charges Study dated April 1, 2005, Project No. 1209.6.00.23. Said Amendment No. 1 to the Capital Charges Study updates the basis for and calculates the revised connection fee, tapping fee and customer facilities fee for and regarding the public sanitary sewer system located in Dallastown Borough in accordance with said Act No. 57. Said Amendment No. 1 to the Capital Charges Study is hereby approved by Dallastown Borough, and a copy of the same shall be kept on file at the Dallastown Borough Office by the Borough Secretary for public inspection. The fees set forth in this section are based upon said Amendment No. 1 to the Capital Charges Study.
- B. Imposition of fees. Pursuant to the provisions of the Municipality Authorities Act at 53 Pa.C.S.A. § 5607(d)(24), enumerating fees for and regarding connecting properties to a sewer system, the fees set forth in this section are hereby imposed as hereinafter set forth. Any person desiring or required to connect a property to the public sanitary sewer system in Dallastown Borough shall pay the fees enumerated in this section at the time of application to the Borough for such connection, except for the fee for additional inspections set forth under Subsection D hereof which shall be paid upon each such additional inspection even after such property is connected to the sewer system.
- C. Connection fee. A connection fee based upon the average cost method for the public service connection or lateral installed between the sewer main and the cleanout near the curblineline or such other facility to which the sewer line from the private building is connected is hereby imposed in the amount of \$655 for a clay (six-inch ESVC) lateral, and the amount of \$955 for a six-inch PVC lateral.
- D. Customer facilities fee. A customer facilities fee is hereby imposed in the following amounts:
- (1) The amount of \$50 to be paid at the time of the application for connection to cover the plumbing hookup application and two plumbing inspections.
 - (2) The amount of \$15 for each additional inspection lateral or the hookup after the aforesaid two initial plumbing inspections, which additional inspection fee shall be paid at the time the same is requested even after the property is connected to the sewer system.
- E. Tapping fee. A tapping fee is hereby imposed in the amount of \$1,609 consisting of a capacity part of \$208, a collection part of \$1,336 and a special purpose part of \$65.

§ 159-10. Sewer rentals or charges. ⁵

4. Editor's Note: See 53 Pa.C.S.A. § 5607(d).

5. Editor's Note: Fees, rates, rents and charges are on file in the Borough offices.

Sewer rentals or charges hereby are imposed upon and shall be collected from the owner of each improved property which shall be connected to the sewer system, for use of the sewer system, whether such use shall be direct or indirect, which sewer rentals or charges shall commence and shall be effective upon the date of connection of each improved property to the sewer system or upon the date when this Borough first shall be capable of accepting sewage from such improved property for transportation and treatment, whichever date last shall occur, and shall be payable as provided herein.

§ 159-11. Computation of sewer rentals or charges. [Amended 3-26-1979 by Ord. No. 320; 6-12-1995 by Ord. No. 416; 4-13-1998 by Ord. No. 432; 11-13-2000 by Ord. No. 458; 12-10-2007 by Ord. No. 553]

- A. Flat rate for domestic consumer units. Sewer rentals or charges for sanitary sewage discharge into the sewer system from any improved property constituting a domestic consumer unit shall be and are hereby imposed on a flat-rate basis per quarter annum for each domestic consumer unit. Beginning January 1, 2008, the flat-rate sewer rental or charge for each improved property constituting a domestic consumer unit shall be \$85 per quarter annum. The flat rate for such sewer rentals or charges may be amended and may be set by resolution of the Borough Council.
- B. Flat rate for commercial establishments, industrial establishments and educational establishments. Where the volume of water usage of any improved property constituting a commercial establishment, an industrial establishment or an educational establishment is not metered by the supplier of the water, the sewer rentals or charges for sanitary sewage discharged into the sewer system from each such establishment shall be and are hereby imposed on a flat-rate basis per quarter annum for each such commercial establishment, industrial establishment or educational establishment. Beginning January 1, 2008, the flat-rate sewer rental or charge for each improved property constituting a commercial establishment, an industrial establishment or an educational establishment shall be \$130 per quarter annum. The flat rate for such sewer rentals or charges may be amended and may be set by resolution of the Borough Council.
- C. Metered rates for commercial establishments, industrial establishments and educational establishments.
 - (1) Where any improved property constituting a commercial establishment or an industrial establishment or an educational establishment has any part of the volume of the water usage of such establishment metered by the supplier of the water, the sewer rentals or charges for sanitary sewage discharged into the sewer system from any such establishment shall be and are hereby imposed on a metered rate to be computed in accordance with the metered rate Schedule, which shall be billed on a quarter-annual basis for each such establishment. For the metered rate Schedule, a quarterly base amount shall be established for specified ranges of water usage. For the metered rate Schedule, a multiplier factor shall be established in a dollar amount or a fraction of a dollar amount for the same specified ranges of water usage. In making the initial calculation under the metered rate Schedule, the multiplier factor shall be multiplied by each 1,000 gallons of water and each portion of 1,000 gallons of water used by or for each said establishment in excess

of the lowest water usage amount stated for the applicable usage range. The metered rate to be paid by or for each improved property constituting a commercial establishment, an industrial establishment or an educational establishment shall be the base amount plus the amount established by the multiplier factor in accordance with the total number of gallons of water used by or upon such establishment during the quarter. The metered rate Schedule, the base amount, the multiplier factor and any other rate, rental or charge hereunder may be amended and may be set by resolution of the Borough Council. Beginning January 1, 2008, and continuing until amended by resolution, the Minimum Rate Schedule for this subsection shall be as follows:

Water Used (gallons)	Base Amount	Multiplier Factor
Over 0 but not over 27,000	\$130	\$0
Over 27,001 but not over 50,000	\$130	\$0.00325
Over 50,001 but not over 999,999	\$204.75	\$0.00275

(2) In the event a commercial establishment, an industrial establishment or an educational establishment subject to the metered rate Schedule obtains its water supply from more than one source, the owner of such establishment shall install and maintain, at the owner's sole cost and expense, a water meter or meters satisfactory to the Borough on all such sources of water supply. The quantity of water used to determine the sewer rentals or charges under this subsection shall be the sum of the quantities of water measured by all such meters subject to the Minimum Rate Schedule as stated above.

D. The Borough may make additions and changes. Additional classifications and sewer rentals or charges therefor or modifications of the schedules of sewer rentals or charges may be adopted and promulgated by this Borough from time to time as they shall be deemed necessary.

§ 159-12. Stormwater runoff.

- A. The discharge of stormwater runoff to the sewer system is prohibited.
- B. All persons connecting to the sewer system shall provide adequate means for excluding stormwater runoff in the event the connection is made to the sanitary sewer.
- C. No person connected to the sewer system shall connect any roof drain or foundation drain thereto or permit any such drains to remain connected thereto, nor shall he permit, allow or cause to enter into the sewer system any spring water or surface water from any other source.

- D. The provisions of this article do not prohibit the present or future discharge of stormwater runoff to storm sewers or to natural watercourses within the Borough.⁶

§ 159-13. Time and method of payment.

- A. Sewer rentals or charges imposed by this article shall be payable quarterly.
- B. All bills based on a flat rate shall be mailed at the end of the month preceding the quarter for which the bill covers. All bills based on a metered rate shall be mailed at the end of each calendar quarter in which the most recent meter reading was taken. **[Amended 7-10-2000 by Ord. No. 456]**
- C. Sewer rentals or charges shall be due and payable immediately after mailing or delivery of the bill therefor by or in behalf of Dallastown Borough to the person responsible for payment thereof. If sewer rentals or charges are paid within 30 days after the mailing date of the bill for the same, the face amount of the bill shall be payable. Sewer rentals or charges that remain unpaid after 30 days after the mailing date of the bill for the same shall bear interest at the rate of 10% per annum beginning on the 31st day following the mailing date of the bill for the same until paid in full, by Sheriff or otherwise. If sewer rentals or charges remain unpaid after 30 days after the mailing date of the bill for the same, a penalty of 10% is hereby imposed and will be added on the 31st day following the mailing date of the bill for the same, until full payment is made, by Sheriff or otherwise. All court costs and expenses, together with reasonable attorney's fees, incurred in the enforcement, defense, collection or other action upon sewer rentals or charges shall be added to the same. All interest, penalties, costs, expenses and attorney's fees shall be part of and added to the lien on the improved property connected to and served by the sewer system as imposed by this article. Payment made or mailed and postmarked on or before the last day of the period during which bills are payable at the face amount thereof shall constitute payment within such period. If the last day of such period shall fall on a legal holiday or on a Sunday, payment made on or mailed and postmarked on the next succeeding business day which is not a legal holiday shall constitute payment within such period. **[Amended 6-12-1995 by Ord. No. 416; 7-10-2000 by Ord. No. 456]**
- D. Whenever service to any improved property shall begin after the first day or shall terminate before the last day of any quarterly billing period, sewer rentals or charges for such period shall be prorated equitably, if appropriate, for that portion of the quarterly billing period during which such improved property was served by the sewer system; provided, however, that in making such proration, a fraction of a month amounting to 1/2 or more of a month shall be counted as a full month and a fraction of a month amounting to less than 1/2 of a month shall be disregarded.

6. Editor's Note: Original Section 6, Industrial Wastes, Section 7, Unacceptable Sanitary Sewage and Industrial Wastes, and Section 8, Measuring Volume of Industrial Wastes for Industrial Establishments, which immediately followed this section, were deleted 4-13-1998 by Ord. No. 432. Industrial wastes and other discharges shall now be regulated pursuant to Ord. No. 407. (See Article IV of this chapter.)

- E. Every owner of improved property which is connected to the sewer system initially shall provide this Borough with and thereafter shall keep this Borough advised of his correct address. Failure of any person to receive quarterly bills for sewer rentals or charges shall not be considered an excuse for nonpayment nor shall such failure result in an extension of the period of time during which said bills shall be payable at the face amount thereof.

§ 159-14. Liens for sewer rentals; filing and collection of liens. [Amended 8-12-1985 by Ord. No. 372; 3-9-1987 by Ord. No. 380; 6-12-1995 by Ord. No. 416]

Sewer rentals or charges imposed by this article shall be a lien on the improved property connected to and served by the sewer system; and any such sewer rentals or charges which are not paid within six months after the beginning of each quarterly billing period shall be filed as a lien against the improved property so connected to and served by the sewer system, which lien shall be filed in the office of the Prothonotary of York County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims.

§ 159-15. Meters and other measuring devices.

No meter for measurement of either water or sewage shall be installed in any improved property until a plan for such installation shall be submitted to this Borough and approved as satisfactory. All meters or other measuring devices installed or required to be used under the provisions of this article shall be under the control of this Borough and may be tested, inspected or repaired by this Borough whenever necessary. The owner of the improved property upon which such meter or other measuring device is installed shall be responsible for its maintenance and safekeeping and all repairs thereto shall be made at such owner's expense, whether such repairs are made necessary by ordinary wear and tear or other causes. Bills for such repairs, if made by this Borough, shall be due and payable immediately after completion of such repairs, shall be collected in the same manner as sewer rentals or charges and shall constitute a lien upon the improved property upon which such meter or other measuring device is installed. This Borough shall be responsible for the reading of all meters. In the case of industrial establishments where, in the opinion of this Borough, it is not necessary to install a meter or meters, measurements of the discharge to the sewer system shall be made quarterly by this Borough and the measurements so made shall be used for determining the sewer rental or charge for the applicable quarter annum. Any person dissatisfied with the sewer rental or charge so determined may, at his sole cost and expense, install a meter or meters as provided in Article IV.

§ 159-16. Segregation of sewer revenues.

The funds received by the Borough from the collection of the tapping fees or connection charges or from sewer rentals and charges and all penalties thereon as herein provided for any fines collected by the Borough in connection with the sewer system shall be segregated and kept separate and apart from all other funds of the Borough and shall be used only for the purpose of defraying the expenses of the Borough in the operation, maintenance (including insurance), repair, alteration, inspection, depreciation or other expenses in relation to such sewer system and for such payments as the Borough may be required to make under any lease

or agreement it may enter into for and of or in connection with said sewer system with the Authority, in accordance with the provisions of the Act of May 2, 1945, P.L. 382, as amended.⁸

§ 159-17. Adoption of additional rules and regulations.

The Borough reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with use and operation of the sewer system, which rules and regulations shall be, shall become and shall be construed as part of this article.

§ 159-18. Violations and penalties.⁹

Any person who shall violate any of the provisions, rules, regulations or requirements set forth in this article shall, upon conviction for a first offense and for each subsequent offense, be punishable by a fine of not more than \$600, plus costs of prosecution, and in default of payment of such fine and costs by imprisonment for not more than 30 days. Each three-month period during which a violation continues shall be deemed and taken to be a separate offense and punishable as such. All fines and penalties shall be paid to the Borough.

§ 159-19. Declaration of purpose.

It is hereby declared that the enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Borough.

ARTICLE III

Delinquent Accounts

[Adopted 7-11-1988 by Ord. No. 391]

§ 159-20. Form for sewer rent bill.

The form for the bill for sewer rent to be used by the Dallastown Sewer Authority on behalf of the Borough of Dallastown shall be as substantially set forth on Exhibit A attached hereto and made a part hereof.¹⁰

8. Editor's Note: See 53 P.S. § 301 et seq.

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

10. Editor's Note: Said form (Exhibit A) is on file in the Borough offices.

§ 159-21. Violations and penalties.

Upon the filing of a lien for unpaid sewer rental under and pursuant to the ordinances of the Borough of Dallastown and the laws of the Commonwealth of Pennsylvania, there shall be added to all amounts due, and the Borough of Dallastown shall be entitled to charge and collect, the penalty assessed according to § 159-13C of Article II, together with the sum of \$10, plus court costs.

ARTICLE IV**Prohibited Discharges**

[Adopted 9-14-1992 by Ord. No. 407]

§ 159-22. Definitions. [Amended 11-9-1998 by Ord. No. 438]

Unless the context specifically indicates otherwise, the following words and terms used in this article shall have the following meanings:

APARTMENT-OFFICE USE — Refers to a building which is intended to be used for continuous or periodic habitation by human beings and containing two or more family dwelling units; or which contains business or professional offices and one or more family dwelling units; or which contains business, professional or any other similar type of office or offices.

BASELINE MONITORING REPORT — Refers to the report required in 40 CFR 403.12, to be submitted by all industrial users and waste generators subject to categorical pretreatment standards.

BIOCHEMICAL OXYGEN DEMAND (BOD₅) — The quantity of dissolved oxygen consumed in the biochemical oxidation of the organic matter in sewage, holding tank waste, septage or trucked industrial waste under standard laboratory procedures in five days at 20° C., expressed in milligrams per liter (mg/l). It shall be determined by an acceptable method described in 40 CFR 136 and amendments thereto or any method approved by EPA.

BOROUGH — The Borough of Dallastown located in York County, Pennsylvania.

CATEGORICAL PRETREATMENT STANDARDS — Pollutant discharge limits promulgated by EPA in accordance with Section 307 of the Clean Water Act that apply to regulated process waste. They are based on the capability of a specific wastewater treatment technology or a series of technologies to reduce pollutant discharges equivalent to best available technology (BAT).

CLEAN WATER ACT (CWA) — Refers to Public Law 92-500, October 18, 1972, 33 USC § 1251 et seq., as amended by P.L. 95-217, December 28, 1977; P.L. 97-117, December 29, 1981; P.L. 97-440, January 8, 1983; and P.L. 100-04, February 4, 1987.

COMBINED SEWER — A sewer designed to receive both sewage and stormwater runoff which has been approved for such purpose.

COMMERCIAL USE or COMMERCIAL ESTABLISHMENT — Refers to a property which is intended to be used for the purpose of carrying on a trade, business or profession, or for social, religious, educational, charitable or public uses.

COMMERCIAL/INDUSTRIAL DISCHARGE PERMIT — Refers to a permit issued to those industrial users that Springettsbury Township does not classify as significant industrial users, but are considered to have a minor impact, either potential or realized, either singly or in combination with other contributing commercial or industrial establishments, on the sanitary sewer system and/or the wastewater treatment facility (either its operational efficiency, effluent quality or quality of the sludge produced by such facility).

COMMERCIAL USER — Any contributor discharging wastewater generated at a commercial establishment to the Springettsbury Township wastewater treatment facility through direct connection (as opposed to discharging to the wastewater treatment facility through a waste hauler).

COMPOSITE SAMPLE — A sample consisting of a combination of individual samples regardless of flow, obtained at regular intervals over a period of time and shall reasonably reflect the actual discharge conditions for that period of time.

DAILY COMPOSITE SAMPLE — A sample consisting of a combination of individual samples, regardless of flow, collected at regular intervals over a period of time; the sampling duration shall be not less than 20 hours, but shall not exceed 28 hours.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) — The Department of Environmental Protection of the Commonwealth of Pennsylvania, or any department or agency of the commonwealth succeeding to the existing jurisdiction or responsibility of the Department of Environmental Protection.

DOMESTIC USE — Refers to a property which is intended to be used for continuous or periodic habitation by human beings in a single-family unit.

DOMESTIC USER — Any person discharging only sanitary sewage.

EQUIVALENT DWELLING UNIT (EDU) — A dwelling consisting of a room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as a separate living quarters by a family or persons living together or by persons living alone. The value of sewage generated by one EDU is, for purposes of this article, 350 gallons per day.

ENVIRONMENTAL PROTECTION AGENCY (EPA) — The Environmental Protection Agency of the United States, or any agency or department of the United States succeeding to the existing jurisdiction or responsibility of the Environmental Protection Agency.

GARBAGE — Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

GRAB SAMPLE — A sample taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and collected over a period of time not exceeding 15 minutes but shall reasonably reflect actual discharge conditions for that instant.

HOLDING TANK — A watertight receptacle designed to receive and retain sewage and is constructed to facilitate the ultimate disposal of the sewage at another site.

HOLDING TANK WASTE — Sanitary sewage that is certified by the generator and waste hauler licensed by Springettsbury Township, to originate from normal household functions, and that is stored in such a manner so as not to concentrate said waste to level of nonfilterable residue exceeding the measurement of such total suspended solids being performed by township staff, and shall include sanitary sewage removed from holding tanks such as, but not limited to chemical toilet wastes, retention tank wastes and vault privy wastes. **[Added 7-14-2003 by Ord. No. 497]**

INDUSTRIAL USE or ESTABLISHMENT — Refers to a property which is intended to be used in whole or in part for the manufacture, conversion or assembly of any product, commodity or article.

INDUSTRIAL USER — Any contributor discharging to the township wastewater treatment facility through direct connection (as opposed to discharging to the wastewater treatment facility through a waste hauler) which is not a domestic user or commercial user.

INDUSTRIAL USER PERMIT — The permit issued to a significant industrial user by Springettsbury Township pursuant to § 159-26 of this article. **[Amended 7-14-2003 by Ord. No. 497]**

INDUSTRIAL WASTES — Any liquid, gaseous or waterborne wastes from industrial or commercial establishments, or wastes having those characteristics of unacceptable wastes enumerated in § 159-27 of this article, that are discharged into the public sanitary sewage system through direct connection (as opposed to discharge by a waste hauler), as distinct from and not including sanitary sewage. **[Amended 7-14-2003 by Ord. No. 497]**

INTERFERENCE — A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the wastewater treatment facility, its treatment processes or operations, or its sludge processes, end-use or disposal and results in a violation of any requirement of the wastewater treatment facility's NPDES permit or prevents sludge use or disposal in compliance with applicable federal statutes, permits or regulations, or that results in a violation of any requirement of the Air Pollution Control Act.¹¹

MUNICIPALITY — The township or Borough using the Springettsbury Township wastewater treatment facility, not including Springettsbury Township, and its elected, appointed or otherwise duly authorized agents or representatives.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES PERMIT) — A permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of the CWA, as amended.

NEW SOURCE — 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 Clean Water Act which shall be

11. Editor's Note: See 35 P.S. § 4001 et seq.

applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that: (a) the building, structure, facility or installation is constructed at a site at which no other source is located; or (b) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (c) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered. Determination of "new source" status shall be consistent with the provisions of 40 CFR 403.3 (k) (1), (k) (2) and (k) (3).

NINETY-DAY COMPLIANCE REPORT — Refers to the report required by 40 CFR 403.12 (d) and which describes the user's compliance status with categorical pretreatment standards, to be submitted by all industrial users subject to categorical pretreatment standards.

OCCUPIED BUILDING — Any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure sanitary sewage and industrial wastes, or either thereof, is or may be discharged.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any property, or his authorized representative.

PASS-THROUGH — A discharge which exits the wastewater treatment facility into waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, is a violation of the wastewater treatment facility's NPDES permit.

PERSON — Includes an individual, a partnership, an association, a corporation, a joint-stock company, a trust, an unincorporated association, a governmental body, a political subdivision, a municipality, a municipal authority or any other group or legally recognized entity. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

pH — The measure of the intensity of the acidic or alkaline character of a material, liquid or solid. pH is represented on a scale of 0 to 14 with 7 representing a neutral state, zero representing the most acidic, and 14 the most alkaline. It shall be determined by one of the acceptable methods described in 40 CFR 136 and amendments thereto, or by any method approved by EPA.

POLLUTANTS — Dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water, or any material that, when added to water, shall render that water (either because of the nature or quantity of the material) unacceptable for its original intended use.

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

POTW — Publicly owned treatment works.

PREMISES ACCESSIBLE TO THE PUBLIC SANITARY SEWER SYSTEM — Any real estate abutting on or adjoining or having access to any street, alley or right-of-way in which a sewer is located which ultimately connects to the public sanitary sewer system upon which the principal building is within 150 feet of such sewer and to which sewer there is gravity flow from the first-floor level of such building.

PRETREATMENT ADMINISTRATOR — The person designated by Springettsbury Township to administer the monitoring and enforcement of industrial waste pretreatment for industrial and commercial contributors of the Springettsbury Township wastewater treatment facility.

PRETREATMENT or TREATMENT — The reduction of the amount of pollutants the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the public sanitary sewer system. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means.

PRETREATMENT FACILITY or PLANT — The processes or equipment used by a user to reduce the amount of pollutants, eliminate pollutants or alter the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the public sanitary sewer system. Pretreatment facilities or plants shall include, but are not limited to, systems designed to remove metals, grease/oil, BOD₅, total suspended solids and toxic organics.

PRETREATMENT STANDARD or STANDARDS — Categorical pretreatment standards and unacceptable wastes and discharges enumerated in § 159-27 of this article. **[Amended 7-14-2003 by Ord. No. 497]**

PRIVATE SERVICE LATERAL — The pipe extending across private property originating at one or more occupied buildings and terminating at the public service lateral. The private service lateral shall normally extend to the street curb or street easement line. In some cases, the private service lateral may not extend to the street curb or street easement line. **[Added 7-14-2003 by Ord. No. 497]**

PROCESS WASTEWATER — Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, by-product or waste product, excluding sanitary noncontact cooling water and boiler blow down.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce that have been shredded to such degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

PUBLIC SANITARY SEWER SYSTEM (sometimes called the "sewer system") — All sanitary or combined sewers, all pumping stations, all force mains, all sewage treatment works and all other sewage facilities owned or leased and operated by the Borough and Springettsbury Township for the collection, transportation and treatment of sanitary sewage and industrial wastes together with their appurtenances, and any additions, extensions or improvements thereto. It shall also include sewers within the Borough's service area which

serve one or more persons and discharges into the public sanitary sewer system even though those sewers may not have been constructed by the Borough or are not located within the Borough boundaries or are not owned or maintained by the Borough. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the wastewater treatment facility.

PUBLIC SERVICE LATERAL — The pipe extending from the public sanitary sewage system and connecting to the private service lateral at the transition joint. Usually the public service lateral is installed by the Borough, its agent or by a developer, and is later dedicated to the Borough. The public service lateral shall normally extend to the street curb or street easement line. **[Added 7-14-2003 by Ord. No. 497]**

RESPONSIBLE INDIVIDUAL**[Amended 7-14-2003 by Ord. No. 497]** —

- A. The chief executive officer or the chief operating officer of the user facility if the industrial user or waste generator is a corporation;
- B. A partner or the general manager of the user facility if the industrial user or waste generator is a partnership;
- C. The owner or the general manager of the user facility if the industrial user or waste hauler is a proprietorship; and
- D. The person duly designated as the responsible individual by a corporation, partnership or proprietorship, provided, such person shall be actually responsible for overall operation of the user facilities.

SANITARY SEWAGE — Wastewater originating from domestic users containing human and customary household wastes, or such wastes from commercial or industrial establishments, but excluding industrial wastes.

SANITARY SEWER — A sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted.

SCHEDULED SAMPLING — A daily composite or grab sample collected from a significant industrial user based on a schedule formulated in accordance with § 159-30E of this article. **[Amended 7-14-2003 by Ord. No. 497]**

SEPTAGE — Waste that is generated in a septic tank as defined by this article, and is certified by the generator and waste hauler licensed by Springettsbury Township to originate from normal household functions and is concentrated or treated in such a manner so as to result in a concentration of total suspended solids between 5,000 mg/L and 24,999 mg/L, the measurement of such total suspended solids being performed by the staff of Springettsbury Township. **[Added 7-14-2003 by Ord. No. 497]**

SEPTIC TANK — An individual wastewater treatment system as described in Division 3 of Article 11, Chapter 18 of the Springettsbury Code of Ordinances, designed to treat sanitary sewage through sedimentation, sludge digestion and liquid discharge. **[Added 7-14-2003 by Ord. No. 497]**

SEWAGE — Sanitary sewage and/or industrial wastes, carried either separately or in combination.

SEWER — A pipe or conduit for carrying sewage.

SHALL — Is mandatory; MAY is permissive.

SIGNIFICANT INDUSTRIAL USER — All industrial users that are regulated by categorical pretreatment standards, or any industrial user of the Springettsbury Township wastewater treatment facility who has a discharge flow of 25,000 gallons or more of process wastewater per average workday or contributes a process waste stream which makes up 5% or more of the average dry weather flow or organic (BOD₅) capacity of the wastewater treatment facility, or is found by Springettsbury Township, EPA or DEP to have significant impact, either potential or realized, either singly or in combination with other wastes, on the sanitary sewer system and/or the wastewater treatment facility (either its operational efficiency, effluent quality or quality of the sludge produced by said facility).

SIGNIFICANT NONCOMPLIANCE (SNC) — Any instance of noncompliance with pretreatment requirements (limits, sampling, analysis, reporting and meeting compliance schedules, and regulatory deadlines) for which the industrial user is liable for enforcement, including penalties.

A. The following is the criteria used to determine SNC:

- (1) Violations of wastewater discharge limits.
 - (a) Chronic violations: 66% or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of such excess).
 - (b) Technical review criteria (TRC) violations: 33% or more of the measurements exceed the same daily maximum limit or the same average by more than the TRC in a six-month period.
 - (c) Any other violation(s) of an effluent limit average or daily maximum that the control authority believes has caused, alone or in combination with other discharges, interference or pass-through, or endanger the health of Borough and Springettsbury Township personnel or the public.
 - (d) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- (2) Violations of compliance schedule milestones for starting and completing construction and attaining final compliance by 90 days or more after the schedule date.
- (3) Failure to provide reports for compliance schedules, self-monitoring reports or categorical standards within 30 days from the due date.
- (4) Failure to accurately report noncompliance.

- (5) Any other violation or group of violations that Springettsbury Township considers to be significant.
- B. For an industrial user that is in SNC, Springettsbury Township must report the information to the approval authority as part of the pretreatment performance summary of industrial user noncompliance, list the industrial user in the largest daily newspaper as having significant violations and address SNC through appropriate enforcement action that may include administrative fines or document in a timely manner the reasons for withholding enforcement.

SIGNIFICANT WASTE GENERATOR — All waste generators that are regulated by categorical pretreatment standards, or any waste generator who has a discharge frequency, flow or character that is found by Springettsbury Township, the EPA or DEP to have significant impact on the wastewater treatment facility (either its operational efficiency, effluent quality or quality of the sludge produced by said facility), either potential or realized, either singly or in combination with other wastes entering the wastewater treatment facility. **[Added 7-14-2003 by Ord. No. 497]**

SLUG LOAD — Any pollutant (including but not limited to BOD₅, total suspended solids, other conventional pollutants and toxins) released in a discharge at a flow rate and/or pollutant concentration which will cause interference or pass-through at the Springettsbury Township wastewater treatment facility.

SPRINGETTSBURY TOWNSHIP — The Township of Springettsbury, York County, Pennsylvania, and the elected and appointed members of the Board of Supervisors of the Township of Springettsbury, as now or hereafter constituted, and its duly authorized agents or representatives.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the latest standard industrial classification manual issued by the Executive Office of the President, Office of Management and Budget.

STORM SEWER — A sewer which is intended to carry stormwater runoff, surface water, groundwater drainage, etc., but which is not intended to carry any sanitary sewage or industrial waste.

STORMWATER RUNOFF — That portion of precipitation which reaches a channel, trench, sewer or sink.

TOTAL PHOSPHATE as P (PO₄ as P) — Refers to the concentration of total phosphate in sewage as determined by an acceptable method referenced in 40 CFR 136 and amendments thereto, or by any other method approved by EPA, expressed in mg/l as P.

TOTAL SUSPENDED SOLIDS (TSS) — Solids that either float to the surface or are in suspension in water, sewage, industrial waste or other liquids and which are removable by laboratory filtration. The quantity of total suspended solids shall be determined by one of the acceptable methods described in 40 CFR Part 136 and amendments thereto, or by any method approved by EPA.

TRANSITION JOINT — The point of connection of the public service lateral and the private service lateral. The transition joint is usually apparent by the junction of pipes of different

materials or diameters. In the absence of a clearly defined transition joint, a representative of Springettsbury Township will determine the location of the transition joint. The transition joint will normally be within nine feet of the street curbline. **[Added 7-14-2003 by Ord. No. 497]**

TRUCKED INDUSTRIAL WASTE — Any liquid, gaseous or waterborne wastes from industrial or commercial establishments, or leachate from sanitary landfills, or wastes having those characteristics of unacceptable wastes enumerated in § 159-27 of this article, as distinct from sanitary sewage, holding tank wastes and septage, that are transported by vehicle and discharged to the public sanitary sewage system. **[Added 7-14-2003 by Ord. No. 497]**

UNPOLLUTED WATER or WASTE — Water that has not had its pollutant level raised by the User, or any water or waste containing none of the following: detectable levels of free or emulsified grease or oil; pH less than 6.0 or greater than 10.5; phenols or other substances imparting taste and odor to receiving waters; toxic or poisonous substances in suspension, colloidal state or solution in levels that exceed state or federal water quality or potable water quality criteria; obnoxious or odorous gases. It shall contain less than 1,000 mg/l of dissolved solids, 250 mg/l of chloride and 10 mg/l each of total suspended solids and BOD. The color shall not exceed 50 color units. Analysis of the parameter referenced in this definition shall be made in accordance with the methods listed in 40 CFR 136 and amendments thereto; if the parameter is not listed in 40 CFR 136, the analysis shall be made in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Waterwork Association, the American Public Health Association and the Water Environment Federation, or Methods of Chemical Analysis of Water and Wastes, published by the EPA, or by any other method approved by EPA.

UNSCHEDULED COMPLIANCE SAMPLING — A daily composite sample or grab sample collected from a significant industrial user or based on the issuance of a notice of violation as referenced in § 159-28 of this article, in accordance with § 159-30 of this article. **[Amended 7-14-2003 by Ord. No. 497]**

USER — Any person who contributes, causes or permits the contribution of sewage into the township's public sanitary sewer system.

WASTE — Any sewage, trucked industrial waste, holding tank waste or septage discharged to the public sanitary sewage system. **[Amended 7-14-2003 by Ord. No. 497]**

WASTE GENERATOR — Any generator of trucked industrial waste. **[Added 7-14-2003 by Ord. No. 497]**

WASTE HAULER — A person licensed by Springettsbury Township to transport to and discharge approved holding tank waste, septage, trucked industrial waste, or waste generated at a commercial establishment at the township wastewater treatment facility. **[Added 7-14-2003 by Ord. No. 497]**

WASTE HAULER LICENSE — A license issued to a waste hauler by Springettsbury Township in accordance with § 159-26G of this article. **[Added 7-14-2003 by Ord. No. 497]**

WASTE PERMIT — The permit issued by Springettsbury Township to a significant waste generator for a particular trucked industrial waste pursuant to § 159-26H of this article. [Added 7-14-2003 by Ord. No. 497]

WASTEWATER TREATMENT FACILITY — The wastewater treatment plant, including all machinery, equipment, land, buildings and appurtenant facilities, operated by Springettsbury Township's Department of Wastewater Treatment.

§ 159-23. Appointment of pretreatment administrator.

The Dallastown Borough Council hereby appoints by law for authority a pretreatment administrator, who shall be the agent or employee of Springettsbury Township so designated and appointed for that purpose by Springettsbury Township. Such pretreatment administrator is hereby delegated by the Dallastown Borough Council all lawful authority as may be required to compel compliance with the provisions of this article.

§ 159-24. Discharge of sanitary sewage to public sanitary sewage system required.

- A. All persons owning any occupied building now erected and all persons erecting any new building intended for occupancy within the Borough accessible to the public sanitary sewage system shall, at their own expense, make connection of such buildings with the public sanitary sewage system.
- B. Where a building required to be connected to the public sanitary sewage system by Subsection A of this section, or otherwise, is accessible to an existing sanitary sewer, such connection shall be made within 60 days following receipt of written notice from the Borough or Springettsbury Township to make such connection.
- C. Where a building required to be connected to the public sanitary sewage system by Subsection A of this section, or otherwise, becomes accessible to a newly constructed sanitary sewer, such connection shall be made within six months following receipt of written notice from the Borough or Springettsbury Township to make such connection.
- D. All connections to the public sanitary sewage system shall be made in accordance with applicable ordinances of the Borough or Springettsbury Township.
- E. No privy vault, cesspool, septic tank, mine hole or similar receptacle for human excrement shall presently or at any time hereafter be connected with the public sanitary sewage system.
- F. When connection of an occupied building not previously connected to the public sanitary sewage system is required by virtue of either new construction or a newly installed sewer, or otherwise, the transition joint or connection shall be made at a point determined by the Borough or Springettsbury Township. Normally this connection will be within nine feet of the street curb or property line. A clean-out as specified by the Borough or Springettsbury Township shall be installed immediately adjacent to and on the private service lateral side of the transition joint.
- G. The replacement, repair and maintenance of the private service lateral serving any occupied building shall in all events be the responsibility of the owner. The replacement,

repair and maintenance of the public service lateral, including the transition joint serving any occupied building, shall be the responsibility of the township with the following exceptions:

- (1) The township shall in no event be responsible for damage to or blockage of a public service lateral if such damage or blockage is caused by the actions of the owner or his agent.
 - (2) The township shall in no event be responsible for damage to or blockage of a public service lateral or private service lateral caused by tree roots, whether the tree be located within the street right-of-way or upon private property. Repair of such damage or blockage shall be the owner's responsibility.
- H. When connection of an occupied building not previously connected to the public sanitary sewage system is required by virtue of either new construction or a newly installed sewer, or otherwise, the owner shall install a clean-out as specified by the Borough or Springettsbury Township immediately adjacent to the transition joint. When it is necessary for the Borough or Springettsbury Township to repair a public service lateral and no cleanout exists, the Borough or Springettsbury Township may install a clean-out at the transition joint as necessary.

§ 159-25. Admission of industrial wastes, holding tank wastes, septage and trucked industrial wastes to public sanitary sewage system. [Amended 11-9-1998 by Ord. No. 438; 7-14-2003 by Ord. No. 497]

- A. General. The economy and desirability of the combined treatment of industrial wastes, holding tank wastes, trucked industrial wastes and sanitary sewage is recognized. In general, any and all industrial wastes, holding tank wastes, trucked industrial wastes and septage may be discharged to the public sanitary sewage system except those that are deemed harmful to the system or are specifically prohibited by this chapter. However, it is recognized that the treatment of these wastes add to the cost of operating and maintaining the public sanitary sewage system. Such additional costs must, therefore, be borne by the person or persons receiving the benefit of such treatment. In addition, the acceptance of trucked wastes, including those described as holding tank wastes, septages and trucked industrial wastes, is based solely on the ability of the wastewater treatment facility to assimilate those wastes without potential for interference or pass through. If and when Springettsbury Township determines that the acceptance of any trucked waste has a potential to cause interference or pass through, Springettsbury Township may deny the discharge of said waste without any prior notice to the licensed waste hauler or waste generator regardless of permits or licenses held by the waste hauler or waste generator.
- B. Harmful wastes. The Borough and Springettsbury Township reserve the right to refuse connection to the public sanitary sewage system for the discharge of deleterious industrial wastes, to refuse the discharge of any trucked industrial waste, holding tank waste or septage, or to compel discontinuance of the use of the system for such wastes, or to require pretreatment and/or equalization of flow thereof in order to prevent harmful or adverse effects upon the system. The design, construction and operation of such pretreatment facilities and/or flow equalization facilities shall be made at the sole

expense of the person discharging said wastes and shall be subject to the approval of the Borough or Springettsbury Township or their designated representative.

C. Harmful characteristics. In general, wastes shall be considered harmful to the public sanitary sewage system if it may cause any of the following damaging effects:

- (1) Chemical reaction either directly or indirectly with the materials of construction of the public sanitary sewage system in such a manner as to impair the strength or durability of any sewer system structures.
- (2) Mechanical action that will destroy any sewer system structures.
- (3) Restriction of the hydraulic capacity of any sewer system structures.
- (4) Restriction of the normal inspection or maintenance of any sewer system structures.
- (5) Danger to public health and safety.
- (6) Obnoxious conditions inimical to the public interest.

§ 159-26. Permitting and licensing. [Amended 11-9-1998 by Ord. No. 438; 7-14-2003 by Ord. No. 497]

A. Industrial user permits.

- (1) All industrial users proposing to contribute to the public sanitary sewage system shall make application for an industrial user permit. All existing significant industrial users contributing to the public sanitary sewage system at the time of the adoption of this article who do not currently have an industrial user permit shall obtain an industrial user permit within 90 days after the effective date of this article. The users required to apply for an industrial user permit shall complete and file with Springettsbury Township an industrial user permit application form approved by Springettsbury Township, accompanied by a nonrefundable processing fee which may be set by a resolution of Springettsbury Township. Proposed new industrial users shall apply at least 90 days prior to connecting to or contributing to the public sanitary sewage system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information, including, but not limited to:
 - (a) Name, address, location, phone number;
 - (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987;
 - (c) Name of responsible individual;
 - (d) Wastewater constituents and characteristics, before and after pretreatment, as determined by a reliable analytical laboratory;
 - (e) Time and duration of contribution;

- (f) Average daily wastewater flow rates, including daily, monthly and seasonal variations, if any;
 - (g) Site plans, plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
 - (h) Description of activities, and plant processes on the premises including all materials which are or could be discharged;
 - (i) Where known, the nature and concentration of any pollutants in the discharge which are limited by the township, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
 - (j) If additional pretreatment and/or O&M shall be required to meet the pretreatment standards, the shortest schedule by which the user shall provide such additional pretreatment must be implemented. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard;
 - (k) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and
 - (l) Any other information as may be deemed by the township to be necessary to evaluate the permit application.
- (2) The completed application shall be signed by the user's responsible individual whose signatures shall be acknowledged by a notary public. Springettsbury Township shall evaluate the data furnished by the industrial user for completeness and may require additional information. After evaluation and acceptance of the data furnished as a complete application, Springettsbury Township may for cause shown either refuse to issue or may issue a wastewater contribution permit subject to terms and conditions provided herein, or may issue a commercial/industrial discharge permit in accordance with § 159-26 of this article.
- B. Commercial/industrial discharge permits. When required by the Borough or Springettsbury Township, industrial and commercial users shall obtain a commercial/industrial discharge permit. After reviewing the industrial user permit application form referenced in § 159-26 of this article, Springettsbury Township may decide to issue a commercial/industrial discharge permit in accordance with guidelines determined by its staff.
- C. Waste hauler licenses.
- (1) All persons desiring to transport and discharge holding tank waste, septage or trucked industrial waste to the wastewater treatment facility shall first make application with Springettsbury Township for a waste hauler license application form approved by Springettsbury Township. No trucked waste shall be discharged

to any discharge point in the public sanitary sewage system except to those specifically designated by the Borough or Springettsbury Township.

- (2) The persons required to apply for a waste hauler license shall complete and file with Springettsbury Township a waste hauler license application form approved by Springettsbury Township, accompanied by a nonrefundable processing fee which may be set by a resolution of Springettsbury Township. In support of the application, the person shall submit, in units and terms appropriate for evaluation, the following information, including, but not limited to:
 - (a) Name, address, location, phone number;
 - (b) Vehicle information including make, year, model, license tag number, waste volume capacity and the total number of vehicles owned. This information will be used for the issuance of vehicle stickers according to Springettsbury Township guidelines;
 - (c) A description of the wastes that will be transported and discharged to the wastewater treatment facility;
 - (d) A list of permits held by the applicant for the generation, transportation or disposal of wastes; and
 - (e) An estimate of the total maximum volume of waste to be transported and discharged daily at the wastewater treatment facility.
- (3) The completed application shall be signed by the applicant's responsible individual. The township shall evaluate the data for completeness, and may require additional information. After evaluation and acceptance of the data furnished as a complete application, the township may at its sole discretion either refuse to issue or may issue a waste hauler license subject to terms and conditions provided herein.

D. Waste permits.

- (1) All waste generators proposing to dispose of trucked industrial wastes at the wastewater treatment facility shall make application with Springettsbury Township for a waste permit for each proposed trucked industrial waste, accompanied by a nonrefundable processing fee which may be set by a resolution of Springettsbury Township. In support of the application, the waste generator shall submit, in units and terms appropriate for evaluation, the following information, including but not limited to the following:
 - (a) Name, address, location, phone number of the waste generator and name of the waste generator's responsible individual;
 - (b) Name, address, location, phone number and name of the responsible individual of the licensed waste hauler designated to transport and discharge the waste;

- (c) SIC number of the waste generator, according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987;
 - (d) Wastewater constituents and characteristics, before and after pretreatment, as determined by a reliable analytical laboratory;
 - (e) Requested discharge rate;
 - (f) Waste generator site plans, plumbing plans and details to show all process waste production areas by size and location;
 - (g) Description of activities and plant processes on the premises including all materials which are or could be discharged;
 - (h) Where known, the nature and concentration of any Pollutants in the discharge which are limited by the township, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis;
 - (i) Any other information as may be deemed by the township to be necessary to evaluate the permit application.
- (2) The completed application shall be signed by the waste generator's responsible individual and the waste hauler's responsible individual, whose signatures shall be acknowledged by a notary public. Springettsbury Township shall evaluate the data furnished for completeness and may require additional information. After evaluation and acceptance of the data furnished as a complete application, Springettsbury Township may at its sole discretion either refuse to issue or may issue a waste permit to the waste generator subject to terms and conditions provided herein.

E. Terms and conditions of industrial user permits.

- (1) Industrial user permits shall contain at least the following terms and conditions:
 - (a) Maximum discharge flow rate.
 - (b) Term of permit.
 - (c) Statement of nontransferability.
 - (d) Definitions.
 - (e) General limitations.
 - (f) Specific limitations.
 - (g) Special conditions.
 - (h) Self-monitoring and reporting requirements (including sampling, reporting, notification, and recordkeeping).
 - (i) Notification requirements for slug discharges.

- (j) Statement of applicable civil and criminal penalties.
 - (k) Reopener clause.
 - (l) Compliance schedules (if required).
- (2) Industrial user permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The application must be accompanied by a nonrefundable processing fee which may be set by a resolution of Springettsbury Township. The terms and conditions of the permit may be subject to modification by Springettsbury Township during the term of the permit to accommodate changing conditions and as local, state and federal laws, rules and regulations are modified or amended, or other just cause exists. The user shall be informed of any proposed changes in the user's permit at least 45 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, including a comment period which shall be the first 30 days of the forty-five-day period prior to the effective date of change.

F. Terms and conditions of commercial/industrial discharge permits.

- (1) Commercial/industrial discharge permits shall contain at least the following terms and conditions:
- (a) Maximum discharge flow rate.
 - (b) Term of permit.
 - (c) Definitions.
 - (d) General limitations.
 - (e) Specific limitations.
 - (f) Special conditions.
 - (g) Annual reporting requirements.
 - (h) Reopener clause.
- (2) Commercial/industrial discharge permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The application must be accompanied by a nonrefundable processing fee which may be set by a resolution of Springettsbury Township. The terms and conditions of the permit may be subject to modification by Springettsbury Township during the term of the permit to accommodate changing conditions and as local, state and federal laws, rules and regulations are modified or amended, or other just cause exists. The user shall be informed of any proposed changes in the user's permit at least 45 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, including a comment

period which shall be the first 30 days of the forty-five-day period prior to the effective date of change.

G. Terms and conditions of waste hauler licenses.

- (1) Waste hauler licenses shall contain at least the following terms and conditions:
 - (a) Maximum discharge rate.
 - (b) Term of license.
 - (c) General limitations and requirements.
 - (d) Specific limitations and requirements.
- (2) Waste hauler licenses shall be issued for a specific time period not to exceed one year. The application for license reissuance must be accompanied by a nonrefundable processing fee which may be set by a resolution of Springettsbury Township.

H. Terms and conditions of waste permits.

- (1) Waste permits shall contain at least the following terms and conditions:
 - (a) Maximum discharge flow rate.
 - (b) Term of permit.
 - (c) General limitations and requirements.
 - (d) Specific limitation and requirements.
 - (e) Self-monitoring requirements.
 - (2) Waste permits shall be issued for a specific time period not to exceed one year. The application for permit reissuance must be accompanied by a nonrefundable processing fee which may be set by a resolution of Springettsbury Township.
- I. Industrial user permit, waste hauler license and waste permit transfer. Industrial user permits are issued to a specific user for a specific operation. Waste hauler licenses are issued to a specific person for one or several waste types and sources. Waste permits are issued to a specific waste generator for a specific waste utilizing a specific operation. An industrial user permit, waste hauler license or waste permit shall not be assigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the township. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit or license.
- J. Permit and license revocation. Industrial user permits shall be subject to revocation according to the provisions outlined in § 159-28 of this article. Commercial/industrial discharge permits shall be subject to revocation according to the provisions outlined in § 159-28 of this article. Waste hauler licenses shall be subject to revocation according to the provisions outlined in § 159-28 of this article. Waste permits shall be subject to revocation according to the provisions outlined in § 159-28 of this article.

- K. Discharge scheduling. Whenever the Borough or Springettsbury Township deems it advantageous to the municipality to have an industrial user discharge its industrial waste into the sanitary sewer system at a rate of flow and at a time of day which shall have a favorable effect upon the operation and maintenance of the sanitary sewer system, and the industrial user shall agree to the same, the Borough or Springettsbury Township, as the case may be, is hereby authorized to enter into an agreement with such industrial user specifying the rate of flow and time of day for the same under such terms and conditions as Springettsbury Township shall establish. In consideration of such agreement, the industrial user shall be entitled to a discount not exceeding 10% of the treatment and/or transportation rate otherwise payable pursuant to this chapter.
- L. Confidential information. Information and data on or about a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests in writing, and is able to demonstrate to the satisfaction of the Borough or Springettsbury Township, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable federal or state law. Any such request must be made in writing and 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 the Environmental Protection Agency or the Pennsylvania Department of Environmental Protection 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, shall not be recognized as confidential information and shall be available to the public without restriction.
- M. New or increased contributions. All industrial users, waste haulers or waste generators shall promptly notify the Pretreatment Administrator prior to any changes in the volume or character of their wastewater discharge or in the operation of their pretreatment processes that may result in interference or pass through at the wastewater treatment facility. The Borough and Springettsbury Township reserve the right to deny the admission of or to require the pretreatment of all discharges to the Public Sanitary Sewer System.
- N. Indemnification. While performing the necessary work on private properties, the wastewater treatment plant operators or duly authorized employees of Springettsbury Township shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to Springettsbury Township employees where such rules are not observed, and Springettsbury Township shall indemnify the user against loss or damage to its property by township employees and against liabilities, claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operations, except such as may be caused by negligence or failure of the user to maintain safe conditions.

§ 159-27. Unacceptable wastes and discharges. [Amended 11-9-1998 by Ord. No. 438; 7-14-2003 by Ord. No. 497]

- A. Unpermitted discharge. No waste from any significant industrial user other than that for which an industrial user permit has been issued shall be discharged to the public sanitary sewage system. No holding tank waste, septage or trucked industrial waste from any waste hauler who does not possess a valid waste hauler license issued by Springettsbury Township in accordance with § 159-26 of this article shall be discharged into the public sanitary sewage system. No trucked industrial waste other than that for which a waste permit has been issued by Springettsbury Township in accordance with § 159-26 of this article shall be discharged to the public sanitary sewage system.
- B. General prohibitions. No person shall discharge to the public sanitary sewage system any of the following:
- (1) Any waste discharged at a flow rate that could cause interference or pass through, alone or in conjunction with a waste or wastes from other sources.
 - (2) Excessive amounts of unpolluted water or waste capable of being discharged or disposed of by any reasonable means other than discharge into the sanitary sewage system, including but not limited to noncontact cooling water and stormwater. The township reserves the right to define the amount it deems excessive in each particular instance.
 - (3) Unpolluted stormwater in any amount.
 - (4) The addition of cooling water or any other unpolluted water or waste or an increase in the use of process water for the purpose of reducing the concentration of substances that are prohibited or limited by this chapter or as a partial or complete substitute for adequate pretreatment.
 - (5) Garbage, unless the same is first properly shredded by a device or equipment designed for that purpose.
 - (6) Any liquids, solids or gases which by reason of their nature or quality either alone, or by interaction with other substances, will or could cause fire, explosions or be in any other way injurious to persons, structures or the facilities of the public sanitary sewer system.
 - (7) Wastes containing any noxious or malodorous gas or substance which either singly or by interaction with sewage or other wastes may create a public nuisance or hazard to health or life, or prevent entry by persons to sewer system structures for maintenance, repair or otherwise.
 - (8) Wastes containing ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, hair, chemical or paint residues, greases, lime, slurry or viscose materials of such character or such quantity that, considering the size of the receiving sewers, may cause an obstruction to the flow or otherwise interfere with the proper and efficient operation of the public sanitary sewer system.

- (9) Wastes containing gases or vapors, either free or occluded, in concentrations toxic or hazardous to humans or animals.
 - (10) Wastes containing toxic radioactive isotopes.
 - (11) Any waste containing toxic substances in quantities sufficient to cause interference or pass through at the wastewater treatment facility.
 - (12) Any sewage with objectionable color not removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
 - (13) Any biological hazards including, but not limited to, unsterilized pathological material from hospitals or private laboratories.
 - (14) Any harmful waste as described under § 159-27 of this article.
 - (15) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts causing interference or pass through at the wastewater treatment facility.
 - (16) Trucked wastes, except at points designated by the township.
 - (17) Pollutants which alone or in combination with other wastes may result in the presence of toxic gasses, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- C. Specific prohibitions. No person shall discharge to the public sanitary sewer system any sanitary sewage, industrial wastes or trucked industrial waste containing the following measured pollutants:
- (1) Wastes containing insoluble, nonflocculent substance having a specific gravity in excess of 2.65.
 - (2) Wastes containing soluble substances in such concentrations as to cause the specific gravity of the waste to be greater than 1.1.
 - (3) Wastes containing more than 100 mg/L of oil and grease, if the oil and grease is of unknown or petroleum origin; wastes containing more than 200 mg/L of oil and grease, if the oil and grease is determined to be of an animal or vegetable origin. The differentiation between oil and grease of animal/vegetable origin and those of petroleum origin shall be made by Springettsbury Township.
 - (4) Wastes containing more than 10 mg/L of free chlorine.
 - (5) Any waste which shall cause the wastewater treatment facility influent to exceed 104° F. (40° C.) or will inhibit the biological activity of the treatment system.
 - (6) Wastes, or wastes that shall react with water to form a solution having a pH lower than 6.0 or higher than 10.5, or having any corrosive properties capable of causing damage or hazards to structures, equipment or personnel of the public sanitary sewage system.
 - (7) Wastes that have a BOD-5 or total suspended solids or total phosphate as P or other pollutant concentration that constitutes a slug load.

- (8) Wastes having a closed-cup flash point of less than 140° F. as determined by a method listed under 40 CFR Part 261.21 and amendments thereto; or wastes that cause the atmosphere above the wastewater discharge at the collection point referenced in § 159-26 of this article to exceed 10% of the lower explosive limit (LEL) as determined by a catalytic, diffusion-type combustible gas meter that measures combustible gases in a range of 0-99% LEL.
- (9) Any wastes which contain the following substances in solution or suspension in concentration exceeding those presented in the following table:

Maximum Permissible Concentrations

Substance	Daily Composite	Grab Sample
Arsenic (As)	0.75 mg/L	
Cadmium (Cd)	0.08 mg/L	
Chromium (Cr)	1.30 mg/L	
Copper (Cu)	1.15 mg/L	
Cyanide (Total)	NA	0.32 mg/L
Lead (Pb)	0.53 mg/L	
Mercury (Hg)	0.001 mg/L	
Molybedunum (Mo)	0.9 mg/L	
Nickel (Ni)	1.64 mg/L	
Selenium (Se)	1.2 mg/L	
Silver (Ag)	0.31 mg/L	
Zinc (Zn)	1.60 mg/L	

D. Individual control limits. If Springettsbury Township determines that a waste from any significant industrial user or significant waste generator poses a unique potential for pass through or interference due to the quantity or quality of the discharge, Springettsbury Township shall place special requirements or limits, in excess of those contained in this article, in any industrial user permit or waste permit to prevent such pass through or interference. Such individual control limits may include, but are not limited to, solvent/toxic organic management plans (STOMPs), toxic reduction evaluation requirements (TREs), hazardous waste disposal plans, slug control discharge plans or specific numerical limitations on substances.

E. Sampling.

- (1) When required by the Pretreatment Administrator, any person discharging to the public sanitary sewage system any industrial wastes or combined industrial wastes and sanitary sewage, shall install a suitable manhole or manholes, flow-metering chambers, flow-monitoring equipment, pH-monitoring equipment and other appurtenances on his connecting sewer or sewers to facilitate observation, sampling and measurement of the combined flow of wastes from such person's

premises. Such manhole or manholes or metering chamber shall be accessible, safely located and secure, and shall be constructed in accordance with plans approved by the Pretreatment Administrator.

- (2) The manhole or manholes or metering chamber shall be installed by such person at such person's expense and shall be maintained by such person so as to be safe and accessible to the Pretreatment Administrator or such Administrator's designated representatives at all times. The construction and maintenance of such manhole or metering chamber shall be mandatory for significant industrial users, and if deemed necessary by the Pretreatment Administrator, flows from such manhole or metering chamber shall be continuously monitored, transmitted and recorded by means of an approved receiving device.
- (3) All licensed waste haulers transporting and discharging wastes to the wastewater treatment facility shall collect a grab sample of waste from each load of waste that is representative of the entire load. This sample shall be submitted to Springettsbury Township in accordance with procedures outlined in each waste license.
- (4) The sampling procedure for the determination of unacceptable sanitary sewage and industrial waste specified in § 159-27 of this article shall be as follows: oil and grease, free chlorine, temperature, closed-cup flash point, pH, total cyanide, phenols, 1,1,1-trichloroethane, chloroform, trichloroethane, tetrachloroethylene, toluene, ethylbenzene, benzene, vinyl chloride and carbon tetrachloride shall be by grab sample only. The remaining substances referenced in § 159-27C (specific prohibitions) shall be by a daily composite sample, except for those parameters listed under § 159-27C that may be determined on either a daily composite sample or on a grab sample (subject to the concentrations stated for each type of sample).
- (5) Monthly limitations shall be based on the arithmetic mean of at least two daily composite samples taken on separate days within one calendar month for those substances referenced in Subsection C(9) of this section that have daily composite limitations. Monthly limitations shall be based on the arithmetic mean of at least two grab samples taken on separate days within one calendar month for those substances referenced in Subsection C(9) of this section that do not have daily composite limitations. Waste samples collected to determine compliance with the provisions of this § 159-27 shall be taken at the manhole or metering chamber referred to in this § 159-27, or in the absence of such manhole or metering chamber, at such place as the township shall determine will provide a representative sample of the discharge, or at any other place mutually agreed upon by Springettsbury Township and the user.
- (6) Trucked industrial waste samples shall be collected by the licensed waste hauler or by Springettsbury Township as a representative grab sample from each load discharged at the wastewater treatment facility. Limits applicable to trucked industrial waste shall be the grab sample limits referenced in this section.

- F. Analytical methods. All analyses of samples shall be performed in accordance with procedures contained in 40 CFR Part 136 and amendments hereto or any method approved by the EPA.

§ 159-28. Violation notice, remedies and penalties. [Amended 11-9-1998 by Ord. No. 438; 7-14-2003 by Ord. No. 497]

- A. Enforcement response. Enforcement actions taken by Springettsbury Township shall be consistent with an enforcement response plan maintained at the wastewater treatment facility.
- B. Notice of violation.
- (1) Whenever the Pretreatment Administrator finds that any user or waste hauler or waste generator has violated any provisions of this chapter or an industrial user permit, a commercial/industrial discharge permit, a waste hauler license, a waste permit, an order or a compliance schedule, then Springettsbury Township, the Pretreatment Administrator and the Pretreatment Administrator's duly authorized representative are hereby authorized to serve upon said user a written notice of violation.
 - (2) If required by Springettsbury Township, a written response to this notice, including an explanation of the cause of the violation and a plan for the correction and prevention thereof, must be submitted to the Pretreatment Administrator within 10 working days of receipt of the notice. Submission of this plan in no way relieves the user of liability for any violation occurring before or after receipt of the notice of violation.
- C. Compliance schedule. When required by the Pretreatment Administrator, compliance schedules must be developed by existing or new users and approved by the Pretreatment Administrator. These schedules shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment equipment required to meet present or proposed applicable pretreatment standards. No increment of progress shall exceed nine months. Springettsbury Township and the Pretreatment Administrator shall have the right to deny or to require the modification of proposed compliance schedules. Users under compliance schedules shall submit progress reports to the Pretreatment Administrator no later than 14 days following each milestone date in the schedule and 14 days following the final date of compliance. Failure to meet required milestone dates shall constitute a violation of this article.
- D. Administrative fine.
- (1) Notwithstanding any other section of this article, any user or waste hauler or waste generator who is found to have violated any provision of this article, or an industrial user permit, or a commercial/industrial discharge permit, or a waste hauler license or a waste permit, or an order issued hereunder, or is found to be in significant noncompliance (SNC), may be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be

deemed a separate and distinct violation. Dallastown Borough hereby authorizes Springettsbury Township to impose and collect such administrative fines. All fine money shall be made payable to the Springettsbury Township Sewer Fund after payment therefrom first to the Borough of any costs, expenses and fees whatsoever incurred by the Borough in connection with any such enforcement; and the remaining fine money paid to the Springettsbury Township Sewer Fund shall be added to the user's next scheduled fee for service charge. The Borough and Springettsbury Township shall have such other collection remedies as they may have to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property.

- (2) Any user or waste hauler that desires to dispute such fines must file a request with Springettsbury Township to reconsider the fine within 10 working days of being notified of the fine. The Springettsbury Township Treatment Facility shall include as part of the notice of an administrative fine, a description of the applicable appeals process to be followed, including the name, address and telephone number of the person responsible for accepting such appeal. Where the township believes the request has merit, it shall convene a hearing on the matter within 15 working days of receiving the request from the user.
 - (3) Any user assessed an administrative fine shall have 30 days to pay the proposed fine in full, or, if the user wishes to contest either the amount of the fine or the fact of the violation, the user must file an appeal of the action. All appeals are to be made pursuant to the instructions included in the notice of administrative fine assessment. Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the fine.
- E. Administrative order (AO). When the Borough or Springettsbury Township finds that a user has violated or continues to violate any provisions of this article, permit or order issued hereunder, or any other pretreatment standard or requirement, Springettsbury Township is hereby authorized to issue an order to the user responsible for the discharge directing that the user come into compliance within a time period set by Springettsbury Township. If the user does not come into compliance within the specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operating. Administrative orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. An administrative order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does an administrative order release the user of liability for any violation, including any continuing violation. Issuance of an administrative order shall not be a prerequisite to taking any other action against the user.
- F. Injunctive relief. Whenever a user has violated or continues to violate the provisions of this article, an industrial user permit or a commercial/industrial discharge permit or an order issued hereunder, the Pretreatment Administrator, through counsel, is hereby authorized on behalf of the Borough and Springettsbury Township to petition the court for the issuance of a preliminary or permanent injunction (or both, as may be appropriate), which restrains or compels the activities on the part of the user. The

Pretreatment Administrator shall have such remedies to collect all fees incurred by the Borough or Springettsbury Township as a result of such action as it has to collect other sewer service charges, including a prayer for payment of costs and attorney's fees as may be authorized by law.

G. Industrial user permit or commercial/industrial discharge permit revocation.

- (1) Any user who violates any of the following conditions of this article, of an industrial user permit, or of a commercial/industrial discharge permit or of any order may be subject to the revocation of its permit:
 - (a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
 - (b) Failure of the user to report significant changes in wastewater constituents or characteristics;
 - (c) Refusal of reasonable access to the user's premises for the purposes of inspection or monitoring; and
 - (d) Violation of the conditions of the permit.
- (2) The township shall not revoke an industrial user permit or commercial/industrial discharge permit without first allowing the noncompliant user the opportunity to show cause under this § 159-28 why the proposed action should not be taken. Before any further discharge of wastewater may be made by a user whose permit has been revoked, the user must apply for, and be granted, a reinstatement of the revoked permit, or a new permit, as Springettsbury Township may require, and pay all delinquent fees, charges and costs occasioned by the violation, in accordance with all conditions set forth in this chapter and the procedural guidelines recorded and available at the wastewater treatment facility.
- (3) The township shall not renew an industrial user permit or commercial/industrial discharge permit until all delinquent fees, charges and costs occasioned are paid in full, or prior arrangements for payment of the same have been made with Springettsbury Township on a payment plan approved by Springettsbury Township.

H. Waste hauler license revocation. Any waste hauler who violates any provision of this article or of their waste hauler license or of a waste permit held by the waste hauler or of any additional requirements set by Springettsbury Township, may be subject to immediate license revocation. In addition, Springettsbury Township may and is hereby authorized to immediately and without notice revoke any waste hauler license if Springettsbury Township determines that the acceptance of the waste is detrimental to the overall operation of the wastewater treatment facility.

I. Waste permit revocation. Any waste generator who violates any provision of this article or of their waste permit or of any additional requirements set by the Borough or Springettsbury Township may be subject to immediate permit revocation. In addition, Springettsbury Township may and is hereby authorized to immediately and without notice revoke any waste permit if Springettsbury Township determines that the

acceptance of the waste is detrimental to the overall operation of the wastewater treatment facility.

- J. Show-cause hearing. The Pretreatment Administrator may and is hereby authorized to order any user which causes or contributes to a violation of this article or industrial user permit or commercial/industrial discharge permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail to any principal executive, general partner, corporate officer or owner of the industrial user at least 10 days prior to the hearing. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.
- K. Emergency response.
- (1) The Pretreatment Administrator may and is hereby authorized to suspend the wastewater treatment service and/or industrial use permit or commercial/industrial discharge permit whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, wastewater treatment facility or the environment.
 - (2) Any user notified of a suspension of the wastewater treatment service and/or industrial user permit or commercial/industrial discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Pretreatment Administrator shall take such steps as deemed necessary, including the immediate severance of the sewer connection, to prevent or minimize damage to the wastewater treatment facility, its receiving stream, or endangerment to any individuals. The Pretreatment Administrator shall allow the user to recommence its discharge when the endangerment has passed, unless the permit revocation proceedings set forth in this § 159-28 are initiated against the user.
 - (3) Any user which is responsible, in whole or in part, for imminent danger shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Pretreatment Administrator prior to the date of the show-cause hearing described in this § 159-28.
- L. Criminal penalties.
- (1) With or without notice, any person who shall violate the provisions of this article, an industrial user permit, a commercial/industrial discharge permit, a waste hauler license, a waste permit or order shall, upon conviction thereof by a District Justice, be sentenced to pay a fine of up to \$1,000 together with costs of prosecution, and in default thereof, be sentenced to imprisonment in the York County prison for a period of not more than 30 days. If such person violating the provisions of this article shall be a partnership, then the members thereof, or if such person be a

corporation or association, then the officers, members, agents, servants, or employees thereof shall, in default of payment of any fine levied hereunder, be imprisoned in the county prison as aforesaid. Each day of continued violation of any provision of this article shall constitute a separate offense. All fine money assessed through suit or summary proceedings before any District Justice, pursuant to this section, shall be transferred to the Springettsbury Township Sewer Fund after payment therefrom first to the Borough of any costs, expenses and fees whatsoever incurred by the Borough in connection with any such enforcement or the violation underlying the same.

- (2) The Pretreatment Department may recover reasonable legal fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Borough or Springettsbury Township or both.

M. Public notification. Springettsbury Township shall, at least annually, publish in the largest daily newspaper distributed in the Borough, a list of industrial users which in the last 12 months were significantly violating applicable pretreatment standards or other pretreatment requirements or that were determined to be in significant noncompliance. Significant noncompliance shall be determined according to guidelines set in 40 CFR Part 403.8(f)(2)(vii) or amendments thereto.

N. Civil penalties and costs.

- (1) Any person who shall violate the provisions of this article, any permit issued pursuant to this article, or any regulation adopted under this article, may, after notice and hearing as hereinafter provided, be assessed a civil penalty for such violation, and in addition to such penalty, be assessed the cost of any damages caused by the violation or the cost of correcting such violation whether or not incurred by the Borough or Springettsbury Township.
- (2) Before assessing a civil penalty or costs, Springettsbury Township shall provide the violator with a written notice of proposed assessment citing the ordinance provision, permit or regulation violated with an offer to conduct an assessment hearing to evaluate the violation and the amount of the penalty or cost. Said notice shall contain an explanation of the right to a hearing and its right to appeal from the assessment made.
- (3) Springettsbury Township shall assign a representative to hold the assessment hearing who will normally be Springettsbury Township's Director of Wastewater Treatment. In no event shall the Pretreatment Administrator act as the hearing officer.
- (4) The assessment hearing shall be informal and shall not be governed by requirements for formal adjudicatory hearings. The hearing shall be held at the administrative offices of the wastewater treatment facility at the convenience of the parties; provided, however, that should the violator fail or refuse to agree as to a time for the hearing, the hearing officer shall fix a time and direct the violator's attendance. Should the violator fail or refuse to attend, the hearing officer may proceed with the hearing and if appropriate, assess a civil penalty and costs, if any.

- (5) A civil penalty may be assessed whether or not the violation was willful. The amount of the penalty shall not be less than \$300 and not more than \$2,500 for each violation; provided, however, that any industrial user who shall violate Springettsbury Township's pretreatment standards or the requirements of Springettsbury Township's approved pretreatment program or both, may be assessed a penalty not to exceed \$25,000 per day as provided in the Publicly Owned Treatment Works Penalty Law.¹² In determining the amount of the penalty, the hearing officer shall consider the following:
- (a) The willfulness of the violation;
 - (b) Damages to air, water, land or other natural resources or their user;
 - (c) Cost of restoration and abatement;
 - (d) Savings resulting to the person in consequence of the violation;
 - (e) Deterrence of future violations;
 - (f) History of past violations; and
 - (g) Other relevant factors.
- (6) If a person against whom a civil penalty of costs has been assessed fails to pay the amount assessed in full or appeal the assessment de novo as provided in Subsection N(7) hereof within 30 days following the date of assessment, such failure to pay or perfect an appeal shall constitute a separate violation for which an additional civil penalty may be assessed after notice and hearing. Additional violations shall be deemed to occur and additional civil penalties may be assessed each time a person fails to pay or perfect an appeal.
- (7) A person assessed with a civil penalty or costs pursuant to this section shall have 30 days to pay the penalty and costs in full. If the person assessed wishes to contest the violation or the penalty or costs assessed, such person shall have the right to appeal de novo to the Springettsbury Township Board of Supervisors for a hearing under the Local Agency Law.¹³ The notice of appeal and request for hearing shall be filed within 30 days of the date of receipt of notice of the action appealed. The notice of the appeal must be accompanied by the amount of the civil penalty and/or costs to be held in an escrow account by Springettsbury Township. In lieu of such payment, the appellant may post an irrevocable letter of credit for the required amount issued by a federal- or commonwealth-chartered lending institution or an appeal bond in such amount executed by a surety licensed to do business in this commonwealth and in a form satisfactory to Springettsbury Township. If after the Local Agency Law review or final judicial review the civil penalty and/or costs are removed or reduced, the amount paid into escrow shall be adjusted accordingly and the balance remitted to the appellant within 30 days, or in the case of a letter of credit or surety bond having been posted, upon payment of

12. Editor's Note: See 35 P.S. § 752.1 et seq.

13. Editor's Note: See 2 Pa.C.S.A. § 105.

the amount due, such letter of credit or bond shall be released. Failure to make the required deposit in escrow or submit an irrevocable letter of credit or a surety as provided in this subsection shall result in a waiver of all legal rights to appeal the violation or the amount of the penalty and/or costs assessed.

- (8) In any case where Springettsbury Township determines that the violation is of a continuing nature, Springettsbury Township may impose a weekly assessment of not more than \$2,500 per week for each week the violation continues unabated by the violator. Such weekly assessment shall accrue indefinitely after the date of notice of the assessment to the violator.
- (9) All civil penalties and costs assessed pursuant to this subsection shall be payable to the Springettsbury Township Sewer Fund after payment therefrom first to the Borough for any costs, expenses and fees whatsoever incurred by the Borough in connection with the violation or the proceeding in which such penalty or costs were assessed, and shall be collectible in any manner provided by law for the collection of debts. Unpaid civil penalties and/or costs, together with interest and any costs that may accrue, shall constitute a judgment in favor of Springettsbury Township and be a lien upon the real property of the violator from the date such amount has been entered and docketed on the record by the Prothonotary of York County.

- O. Fines and civil penalties collected. All fines and civil penalties collected pursuant to Subsections L or N of this section shall be placed in a restricted account and shall only be used for the repair of damage or mitigation of threats to the public health, to pay any penalties imposed on the township by the federal or state governments for violation of pretreatment standards, for costs incurred to investigate and take enforcement actions, and for the administration of this article and the Sewage Facilities Act.¹⁴

§ 159-29. Reporting requirements. [Amended 11-9-1998 by Ord. No. 438; 7-14-2003 by Ord. No. 497]

- A. Self-monitoring report (SMR). Springettsbury Township shall require all significant industrial users and all significant waste generators to submit to the township's Pretreatment Administrator during the months of June and December, unless required more frequently by the Pretreatment Administrator, a report on a form supplied by the township, indicating the concentration of pollutants in the effluent or generated waste which are of particular concern to the township and which are limited by this article. In addition, this report shall include a record of all daily flows which occurred during the reporting period. At the discretion of the Pretreatment Administrator and in consideration of such factors as local high- or low-flow rates, holidays, budget cycles, etc., the Pretreatment Administrator may agree to alter the months during which the above report is to be submitted.

- (1) Repeat sampling and reporting. All wastewater samples must be representative of the user's discharge. If sampling performed by a user indicates a violation, the user

¹⁴ Editor's Note: 35 P.S. § 750.1 et seq.

must notify the Pretreatment Department within 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 Pretreatment Department within 30 days after becoming aware of the violation.

- (2) If the user is monitoring any pollutant more frequently than required by the Pretreatment Department, the results of this monitoring shall be included in the self-monitoring report (SMR).

B. Baseline-monitoring report.

- (1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users and significant waste generators subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to Springettsbury Township a report which contains the information listed under this § 159-29.
- (2) At least 90 days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable Categorical pretreatment standard, shall be required to submit to Springettsbury Township a report which contains the information listed under this § 159-29. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
- (3) The industrial user shall submit the information required by this § 159-29, including the following:
 - (a) Identifying information. The name and address of the facility including the name of the operator and owners.
 - (b) Wastewater discharge permits. A list of any environmental control wastewater discharge permits held by or for the facility.
 - (c) 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 industrial user. This description should include a schematic process diagram which indicates points of on discharge to the POTW from the regulated processes.
 - (d) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process wastewater and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
 - (e) Measurement of pollutants. Identify the categorical pretreatment standards applicable to each regulated process. Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by Springettsbury 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 § 159-27 of this article.

- (f) Certification. A statement reviewed by the industrial user's authorized responsible individual and certified by a qualified professional, indicating whether pretreatment standards are being met on a constant basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 - (g) Compliance schedule. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the schedule by which the industrial user will provide such additional pretreatment and/or operation and maintenance. 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 § 159-29 shall meet the requirements set out in § 159-28 of this article.
 - (h) All baseline-monitoring reports must be signed and certified in accordance with this § 159-29.
- C. Compliance schedule progress report. The following conditions shall apply to the schedule required under this § 159-29. 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 as events including hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to in this § 159-29C shall exceed nine months. The user shall submit a progress report to Springettsbury Township no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not the user 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. In no event shall more than nine months elapse between such progress reports to Springettsbury Township.
- D. Ninety-day compliance report. All industrial users or waste generators subject to categorical pretreatment standards shall submit, within 90 days following the date of final compliance with applicable categorical pretreatment standards, a report containing the information listed in 40 CFR Part 403.12(b)(4)-(6). Industrial users or waste generators subject to equivalent mass or concentration limits, established in accordance with 40 CFR Part 403.6(c), must include in the report a reasonable measure of the user's long-term production rate.
- E. Signatory requirements. All reports submitted pursuant to requirements outlined in this article, including but not limited to the baseline-monitoring report, the self-monitoring report and the ninety-day compliance report shall be signed by the responsible individual.

- F. Certification requirements. All reports referenced in this § 159-29, as well as industrial user permit applications, waste permit applications and waste hauler license applications submitted pursuant to § 159-26 of this article, shall include the following 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 quality 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.

- G. Notification of spills.

- (1) All users shall notify the Borough and Springettsbury Township immediately by phone or in person upon any planned or unplanned discharge of wastes of a strength or character unusual for the discharger or in violation of the discharger's industrial user permit or any other regulations set forth in this article. All licensed waste haulers or permitted waste generators shall notify the township in advance of the discharge of a waste that is of a strength or character unusual for the hauler or generator or is in violation of the hauler's license or generator's permit or any other regulations set forth in this article.
- (2) This report is to be followed within 10 working days of the day of the occurrence by a detailed written statement sent to the Pretreatment Administrator describing the cause and characteristics of the discharge and measures that are being taken to prevent further similar discharges. Such notification shall not relieve the user from any liability which may be incurred as a result of the discharge.

- H. Hazardous waste discharges.

- (1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and the state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such wastes per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the waste, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

- (2) All notifications as required under this § 159-29 must take place no later than 180 days after the discharge commences. Any notification under this § 159-29 need be submitted only once for each hazardous waste discharged. Notification of changed discharges must be submitted under this § 159-29.
 - (3) Dischargers are exempt from the hazardous waste notification requirements during a calendar month for which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), discharge of more than 15 Kg of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), require a one-time notification.
 - (4) Subsequent months during which the user discharges more than such quantities of any hazardous wastes do not require additional notification.
 - (5) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous wastes or listing any additional substances as a hazardous waste, the user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
 - (6) In the case of any notification under this § 159-29, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- I. Notice to employees. In order that employees of industrial users and significant waste generators be informed of the requirements of this article, industrial users and significant waste generators shall make available to their employees copies of these regulations and any other wastewater information and notices which may be furnished by Springettsbury Township directed toward more effective water pollution control. A notice shall be furnished by the user and permanently posted in a prominent area on the user's bulletin board explaining proper procedures for spill prevention, containment, or neutralization and advising employees who to call in case of an accidental discharge in violation of these regulations.
- J. Right-of-access. The wastewater treatment plant operators and other duly authorized employees of Springettsbury Township and the Borough bearing proper credentials and identification shall be allowed to enter all properties and waste transportation vehicles for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. Springettsbury Township shall inspect all significant industrial users and all significant waste generators at least once per year.
- K. Recordkeeping requirements. Any industrial user or waste generator subject to reporting requirements shall be required to retain for a minimum of three years any records of monitoring activities and results. Springettsbury Township shall retain all reports that it receives from industrial users and waste generators for a minimum of three years. Any records of monitoring activities and results shall be made available for inspection and copying by the Pretreatment Administrator or his duly authorized representatives.

- L. Federal requirements. Upon the promulgation of any federal standards or requirements (including, but not limited to, federal categorical pretreatment standards for any particular industrial subcategory), the federal standards or requirements shall immediately supersede the limitations imposed under this article if the federal standards are more stringent than the limitations imposed under this article. Any user or waste generator which is subject to federal categorical standards is required to comply with all standards and requirements in accordance with Section 307 of the Clean Water Act.
- M. State requirements. Upon the promulgation of any Pennsylvania state standards or requirements, the state standards or requirements shall immediately supersede the limitations imposed under this article if the state standards are more stringent than federal limitations or requirements or the limitations and requirements imposed under this article.
- N. General pretreatment facility management requirements. All users shall install and operate at his own expense any pretreatment facility that, in the opinion of the Borough or Springettsbury Township, is necessary for the proper handling of wastes. Such facilities shall be of a type and capacity approved by the Borough or Springettsbury Township and shall be located as to be readily and easily accessible for maintenance by the user and for inspection by the Borough or Springettsbury Township. All plumbing appurtenances and grease trap installations shall conform to any Dallastown Borough Plumbing Code¹⁵ then in force and to the most recent BOCA code requirements.
- O. Pretreatment facility requirements.
- (1) Pretreatment facilities, including but not limited to grease traps, shall be provided by a user when, in the opinion of the Borough or Springettsbury Township, they are necessary for the proper handling of wastes containing excessive amounts of pollutants. All pretreatment facilities shall be of type and capacity approved by the Borough or Springettsbury Township, and shall be located to be easily accessible for cleaning, inspection and maintenance.
 - (2) Where installed, all pretreatment facilities shall be maintained by the user, at his own expense, and shall be kept in continuous and efficient operation at all times.
- P. Notice of changed discharge requirements. Each user shall notify the Pretreatment Administrator 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 45 days before the change.

§ 159-30. Fees and surcharges for certain users and industrial wastes and sampling schedules. [Amended 11-9-1998 by Ord. No. 438; 7-14-2003 by Ord. No. 497¹⁶]

- A. Surcharges. Although the sewage treatment works will be capable of treating certain industrial wastes and wastes generated from a commercial establishment, the actual treatment of such wastes may increase the cost of operating and maintaining the public sanitary sewage system. Therefore, there shall be imposed upon each person discharging

15. Editor's Note: See Ch. 146, Plumbing Standards.

16. Editor's Note: This ordinance also provided for the redesignation of former § 159-30 as § 159-31.

such waste into the public sanitary sewage system a surcharge or surcharges which are intended to cover such additional costs. Such surcharges shall be in addition to the regular sewage service charges established by this chapter, and shall be payable as herein provided.

B. Determination of surcharges. The strength of any waste, the discharge of which is to be subject to surcharge as determined by this § 159-30, shall be determined quarterly, or more frequently as Springettsbury Township shall determine, from samples taken either at the manhole or metering chamber referred to herein, or at any other sampling point mutually agreed upon by Springettsbury Township and the producer of such waste. The frequency and duration of the sampling period shall be such as, in the opinion of Springettsbury Township, shall permit a reasonably reliable determination of the average composition of such waste, exclusive of stormwater runoff. Samples shall be collected or their collection supervised by a representative of Springettsbury Township and shall be samples that reasonably reflect the characteristics of the waste over a twenty-four-hour period. Except as hereinafter provided, the strength of the waste so found by analysis shall be used for establishing the surcharge or surcharges. The costs of sample collection and analysis for the purpose of determining surcharge rates may be established by a resolution of Springettsbury Township. However, Springettsbury Township may, if it so elects, accept the results of routine sampling and analyses by the producer of such wastes in lieu of making its own sampling and analyses.

C. Calculation of surcharges.

(1) In the event that, after sampling and analysis as prescribed in this § 159-30, any waste found by the township to have pollutants of BOD concentration in excess of 300 mg/L and/or total suspended solids concentration in excess of 350 mg/L and/or total phosphate as P concentration in excess of 10 mg/L, the producer of said waste shall pay a strength-of-waste surcharge in addition to the flat rate of volume charge established under this chapter, which surcharge shall be computed by using the following formula:

$$\text{Factor}(\%) = 60 + \frac{15[(\text{BOD}-5 \text{ mg/L})]}{[300]} + \frac{15[(\text{TSS mg/L})]}{[350]} + \frac{10[(\text{P mg/L})]}{[10]} - 100$$

(2) Where the concentration of the waste is less than 300 mg/L for BOD or 350 mg/L for total suspended solids or 10 mg/L for phosphate as P, the values in parentheses for BOD and/or total suspended solids and/or total phosphate as P shall be equal to one. The amount of the strength-of-waste surcharge shall be computed by multiplying the flat rate of volume charge, as established under this chapter for collection, transportation and treatment, by the surcharge factor derived above.

D. The strength-of-waste surcharges provided for in this section shall be added to the sewage service charge established under this chapter.

E. Sampling fees and schedules for significant industrial users. All significant industrial users requiring an industrial user permit shall be assessed a fee for service charge for each scheduled sampling and unscheduled compliance sampling to be performed by Springettsbury Township. The charge to the significant industrial user for each scheduled sampling may be established by a resolution of Springettsbury Township. The charge to

the significant industrial user for each unscheduled compliance sampling shall be 120% of the cost of each scheduled sampling.

F. Sampling fees and schedules for commercial users.

- (1) All commercial users requiring an industrial user permit shall be assessed a fee for service charge for each scheduled sampling and unscheduled compliance sampling to be performed by Springettsbury Township. The charge to the commercial user for each scheduled sampling may be established by a resolution of Springettsbury Township. The charge to the commercial user for each unscheduled compliance sampling shall be 120% of the cost of each scheduled sampling.
- (2) A sampling frequency table shall be on file at the wastewater treatment facility for each significant industrial user and commercial user and shall indicate the number of scheduled samplings that are to be routinely performed by Springettsbury Township for a certain time period, not including unscheduled compliance samplings. Springettsbury Township shall sample all significant industrial users and commercial users at least once per year.
- (3) The scheduled sampling frequency shall be based on several criteria including, but not limited to: flow, SIC number and historical waste characteristics including past ordinance violations. Periodic reviews of data at least once per year but not more frequently than every six months may result in revisions of the table. An unscheduled compliance sample may be collected from any user within 30 days after Springettsbury Township identifies a violation of any provision of § 159-27B or C of this article resulting from any scheduled or unscheduled sampling.

G. Other sampling and testing fees. The Borough or Springettsbury Township may collect waste samples, make inspections and incur other expenses in order to determine user compliance with applicable rules and regulations, and may assess users certain fees for those services, which fees may be established by a resolution of Springettsbury Township.

§ 159-31. Rates for transportation and treatment of sewage from properties outside Springettsbury Township.

The rates for the transportation and treatment of sewage from properties outside the geographical limits of Springettsbury Township, including strength of water surcharges, shall be such amount as the Springettsbury Township Board of Supervisors shall have negotiated and agreed, in writing, with Dallastown Borough Council.