

**Application of Pennsylvania-American Water Company for Acquisition of  
the Wastewater Assets of the Township of Exeter  
66 Pa. C.S. §1329  
Application Filing Checklist – Water/Wastewater  
Docket No. A-2018-\_\_\_\_\_**

18. Rates.
- b. Provide a copy of the seller's current rules and regulations for service.

**RESPONSE:**

- b. See attached Chapter 305 Sewer, provided by the Township representing their Rules and Regulations governing the provision of wastewater service served by those connected to the System. These Rules and Regulations can also located at <https://ecode360.com/8333548>.



## Chapter 305. Sewers

[HISTORY: Adopted by the Board of Supervisors of the Township of Exeter as indicated in article histories. Amendments noted where applicable.]

### GENERAL REFERENCES

Uniform construction codes — See Ch 150  
Stormwater management — See Ch 320  
Subdivision and land development — See Ch 330  
Water — See Ch 375  
Zoning — See Ch. 390.

305a Ex A Table 1 Est Septic Tank Pumping Freq 

## Article I. Holding Tanks

[Adopted 6-8-1987 by Ord No 244, amended in its entirety 6-11-2001 by Ord No 516]

### § 305-1. Purpose.

The purpose of this article is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage, whether from residential or commercial use, and 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 Township.

### § 305-2. Scope.

Holding tanks may be allowed only for structures in existence at the time of the enactment of this article, as well as for institutional, recreational and certain commercial uses.

### § 305-3. Definitions.

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

#### HOLDING TANK

A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include, but are not limited to, the following:

- A **CHEMICAL TOILET**  
A toilet using chemicals that discharge to a holding tank.
- B **RETENTION TANK**  
A holding tank where sewage is conveyed to it by a water-carrying system.
- C **VAULT PIT PRIVY**  
A holding tank designed to receive sewage where water under pressure is available.

#### IMPROVED PROPERTY

Any property within the Township 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 or may be discharged.

#### OWNER

Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

#### PERSON

Any individual, partnership, company, association, corporation or other group or entity.

#### SEWAGE

Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or recreation.

#### TOWNSHIP

The Township of Exeter, Berks County, Pennsylvania.

### § 305-4. Compliance with rules and regulations of Department of Environmental Protection.

The Sewage Enforcement Officer of Exeter Township is hereby authorized and empowered to license and allow holding tanks in accordance with the provisions of this article and the rules and regulations adopted by the Township pursuant to this article.

### § 305-5. Rules and regulations.

[Amended 8-13-2007 by Ord No 640]

- A The Township shall adopt and amend, as necessary hereinafter, rules and regulations for the disposal of domestic waste by holding tanks. All such rules and regulations adopted by the Township shall include and be in conformity with the provisions of the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- B Holding tanks shall be constructed to meet the specifications of 25 Pa. Code § 73.31(b) of the Pennsylvania Sewage Facilities Act <sup>[1]</sup>  
| *Editor's Note: See 35 PS § 7501 et seq.*
- C The minimum capacity of a holding tank shall be 1,000 gallons or a volume equal to the quantity of waste generated in three days, whichever is larger.
- D The holding tank shall be equipped with a warning device to indicate when the tank is filled to within 75% of its capacity. Such warning device shall create an audible and visual signal at a location frequented by the homeowner or responsible individual.
- E Disposal of waste from a holding tank shall be at a site approved by the Department of Environmental Protection.

### § 305-6. Rates and charges.

The Township shall have the power and the right to fix, alter, charge and collect rates, as shall be established by resolution duly adopted hereinafter or so amended, for permits granted by the Sewage Enforcement Officer in accordance with the provisions of this article and the rules and regulations duly adopted. In any case, the owner shall hold the Township harmless from any expense, cost or charge that it may incur from the enforcement of this article as it relates to any permit granted to such person or owner.

### § 305-7. Exclusiveness of rights and privileges.

The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done under the jurisdiction of the Sewage Enforcement Officer of the Township, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

### § 305-8. Condition precedent to issuance of permit.

- A No permit shall be granted to any owner of an approved property that utilizes a holding tank prior to that owner presenting evidence to the Sewage Enforcement Officer that the owner has a binding agreement with a sewage disposal company for the regular maintenance and disposal of the sewage collected in the holding tank for a period no less than one year
- B Additionally, the owner shall execute with the Township a holding tank agreement setting forth the terms of this article therein and deposit with the Township an amount of money or other security sufficient to guarantee the maintenance of said system, as determined by the Sewage Enforcement Officer.
- C All fees and costs of and concerning said contract shall be paid to assure that the contractual agreement is binding and that the sewage will be removed accordingly. Any permit granted to an owner of an improved property shall be for a period of not more than one year and in no event for a period in excess of the aforesaid contractual period.

### § 305-9. Duties of improved property owner.

[Amended 8-13-2007 by Ord No 640]

The owner of an improved property that utilizes a holding tank shall maintain the holding tank in conformance with this or any ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Department of Environmental Protection and any administrative agency of the Commonwealth of Pennsylvania, and execute an agreement as set forth in § 305-8 aforesaid

### § 305-10. Violations and penalties.

[Amended 8-13-2007 by Ord No. 640]

Any person, firm or corporation who shall violate any provision of this article, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this article continues or each section of this article which shall be found to have been violated shall constitute a separate offense.

### § 305-11. Abatement of nuisances.

[Amended 8-13-2007 by Ord No 640]

In addition to any other remedies provided in this article, any violation of this article shall constitute a nuisance and may be abated by the Township or the Department of Environmental Protection by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

## Article II. Collection by Installment

[Adopted 7-13-1987 by Ord No. 247]

### § 305-12. Assessment of cost.

Whenever the Board of Supervisors of Exeter Township shall authorize the construction or acquisition of any sanitary sewer or system of sanitary sewers, or the improvement of any street or portion thereof, or the installation of curbing or sidewalks, and the entire cost or any part thereof shall be assessed against the properties benefitted, improved or accommodated by such sewer or system of sewers, or curbing or sidewalks, or abutting upon such street or portion thereof, the Township Supervisors may authorize the payment of such assessment in equal installments not to exceed three years.

### § 305-13. Payments.

Payments on account of § 305-12 aforesaid shall be made at least annually and shall not be extended for more than three years with each payment representing a minimum of 1/3 of the total principal amount assessed and shall bear interest at the rate of 6% per annum on the unpaid principal balance.

### § 305-14. Duties of Township Secretary.

The Township Secretary is authorized to execute all documents to enable the Solicitor to secure the assessments against the subject properties to enter the same in the Prothonotary's Office of Berks County for collection in the same manner as municipal claims are filed and collected.

### § 305-15. Assessments payable at Township office.

Assessments in connection with this article shall be payable at the office of the Township Treasurer or Township Solicitor, or remittance unto the said Township, together with interest and costs as provided by law and in accordance with this article.

## Article III. Public Sewage System

[Adopted 5-17-1993 by Ord No 345, amended in its entirety 3-22-2004 by Ord No 568]

### § 305-16. Purpose; definitions.

[Amended 8-13-2007 by Ord No 640]

- A Purpose and policy.
  - (1) This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Township of Exeter (Township) and enables the Township to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403), as amended
  - (2) The objectives of this article are:
    - (a) To prevent the introduction of pollutants into the Exeter Township wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
    - (b) To prevent the introduction of pollutants into the Exeter Township wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system,

- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
  - (d) To provide for equitable distribution of the cost of the Exeter Township wastewater system.
- (3) This article provides for the regulation of direct and indirect contributors to the Exeter Township wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- (4) This article shall apply to the Township of Exeter and to persons outside the Township who are, by contract or agreement with the Township, users of the Exeter Township wastewater management system.
- B Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

**ACT or THE ACT**

The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, P.L. 92-500, as amended, 33 U.S.C. § 1251 et seq.

**AGENCY (REGULATORY AGENCY)**

Any local, municipal, state, regional or federal entity with jurisdiction over wastewater disposal or environmental matters in the Exeter Township's service area.

**AMMONIA NITROGEN (NH<sub>3</sub>-N)**

The quantity of elemental nitrogen present in the form of ammonia as analyzed by the approved EPA method, expressed in terms of mg/l.

**APPROVAL AUTHORITY**

The Environmental Protection Agency (EPA).

**AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER**

- (1) In the case of a corporation a president, secretary, treasurer or vice president of the corporation in charge of a principal business function or any other person who performs similar policy-making or decisionmaking functions for the corporation, or the management of one or more manufacturing, production or operation facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures,
- (2) In the case of a partnership or sole proprietorship, a general partner or proprietor; or
- (3) A duly authorized representative of the individual designated above if
  - (a) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company;
  - (b) The authorization is in writing; and
  - (c) The written authorization is submitted to Exeter Township.

**AUTHORITY**

The Exeter Township, Berks County Sewer Authority or, in appropriate cases, acting by and through its authorized representatives.

**BEST MANAGEMENT PRACTICES (BMPs)**

Schedules of activities, prohibitions or practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 305-21. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. [Added 12-28-2009 by Ord. No. 689]

**BOD<sub>5</sub> (BIOCHEMICAL OXYGEN DEMAND)**

The quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five days at 20° C. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association

**BUILDING SEWER OR LATERAL**

The extension of the building drain from the curblin or property line to the public sewer or other place of disposal.

**BYPASS**

- (1) With regard to the pretreatment program, it shall mean the intentional diversion of waste streams from any portion of the industrial user's pretreatment facility.
- (2) With regard to the metering of customers' water consumption or volume of wastewater, it shall mean intentional diversion of flows prior to the water meter when such flows are or may be ultimately discharged to the sewer system.

**CATEGORICAL STANDARDS (NATIONAL CATEGORICAL PRETREATMENT STANDARDS or PRETREATMENT STANDARD)**

A categorical industrial user shall mean any industry which is regulated under federal categorical standards.

**CHAIN OF CUSTODY**

Written documentation such as receipts and record book entries to show the history of possession, custody and/or control of a sample from collection through analysis.

**CHLORINE DEMAND**

The quantity of chlorine absorbed in water, sewage and other liquids, allowing a residual of 0.1 mg/l, after 15 minutes of contact.

**CHURCH**

Any improved property, the purpose of which is for the gathering of people for public Christian worship. For the purposes of this article, churches shall be classified as residential.

**COD (CHEMICAL OXYGEN DEMAND)**

The quantity of oxygen, expressed in mg/l, utilized in chemical oxidation of organic matter under standard laboratory procedure.

**COLLECTION FACILITIES**

The sewers, lift stations and other Exeter Township facilities used to collect wastewater from individual users within specific tributary districts and transport them to conveyance facilities for transmission to the treatment plant for processing.

**COMMERCIAL USER**

A source of discharge of wastewater to the Exeter Township sewer system from premises used partially or entirely for commercial purposes.

**COMPOSITE SAMPLE**

A sample prepared by combining discrete samples collected from the waste stream either at periodic time intervals or in proportion of the waste stream flow. The frequency of discrete sample collection is a function of variability of types of pollutant(s) concentration(s) and/or volume of waste stream flow

**CONSUMPTION CHARGE**

A charge per 1,000 gallons of water consumption in excess of the minimum consumption charge. This charge shall be in addition to the service charge and the minimum consumption charge.

**CONTROL AUTHORITY**

The approval authority, defined hereinabove, or the Township of Exeter when the Township has an approved pretreatment program under the provisions of 40 CFR 403.11.

**CONVENTIONAL WASTEWATER POLLUTANTS**

Pollutants so designed in accordance with Section 304(a)(4) of the Act as being effectively managed by secondary treatment as defined by 40 CFR Part 133.

**CONVEYANCE FACILITIES**

The interceptors, pumping stations and other Exeter Township facilities used to transport wastewater from tributary districts to centralized areas for wastewater treatment.

**COOLING WATER (NONCONTACT COOLING WATER)**

Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product, to which the only pollutant added is heat and which does not contain a level of contaminants detestably higher than that of the sources of the water.

**DAILY MAXIMUM**

The maximum allowable discharge of a pollutant during a calendar day. Where maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of a day. Where daily maximum limitations are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant derived from all measurements taken that day.

**DIRECT DISCHARGE**

The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania which may occur through Exeter Township's stormwater conduits.

**DISSOLVED SOLIDS**

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

**DOMESTIC WASTE**

The normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial establishments.

**DWELLING UNIT (RESIDENTIAL UNIT)**

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

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

The United States Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency

**EQUIVALENT DWELLING UNIT**

The quantity of flow which is equivalent to the average amount of water consumed by a single residential unit served by the Exeter Township sanitary sewer system.

**EXETER TOWNSHIP WASTEWATER MANAGEMENT SYSTEM**

All components, piping, valving, equipment, structures, conveyance facilities, collection facilities and other sewerage facilities administered by Exeter Township for purposes of wastewater collection, conveyance and/or treatment.

**FLASHPOINT**

The temperature at which a liquid or volatile solid gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid or within the test vessel. Flashpoint is determined by the test methods set out in 40 CFR 261.21.

**FLAT RATE CUSTOMERS**

Customers who have their own source of water, such as wells or springs, and have elected not to have a water meter installed to measure the water consumption.

**GARBAGE**

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

**GRAB SAMPLE**

An individual discrete sample collection from a waste stream taken at neither set time nor set flow

**GROUND GARBAGE**

Garbage that has been shredded to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particle greater than 1/2 inch in any dimension.

**GROUNDWATER**

Water which is standing in or passing through the ground.

**HAZARDOUS POLLUTANTS**

Substances so defined pursuant to criteria established within Section 311 of the Act.<sup>(1)</sup>

**HOLDING TANK WASTE**

Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, vacuum-pump tank trucks or trucked or hauled pollutants and/or sludge.

**IMPROVED PROPERTY**

Any property within the Township 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 sanitary sewage and/or industrial wastes shall be or may be discharged.

**INDIRECT DISCHARGE or DISCHARGE**

Introduction of pollutants into the Exeter Township wastewater treatment plant from any nondomestic source regulated under Section 307(b),(c) or (d) of the Act.

**INDUSTRIAL ESTABLISHMENT**

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

**INDUSTRIAL USER**

A source of indirect discharge to the Exeter Township Wastewater Management System. An industrial establishment.

**INDUSTRIAL WASTE PERMIT**

A permit issued to an industrial user by Exeter Township to deposit or discharge liquid industrial wastes into any sanitary sewer operated by the Township.

**INDUSTRIAL WASTEWATER (WASTE)**

The liquid or waterborne wastes from industrial or manufacturing processes. Unless specifically stated otherwise, this term shall not include sanitary sewage or sanitary wastewater components

**INTERFERENCE**

A discharge, alone or in conjunction with a discharge or discharges from other sources, which.

- (1) Inhibits or disrupts the Exeter Township wastewater treatment plant, its treatment processes, operations or maintenance activities, or its sludge and resultant ash processes, use, reuse, recycling or disposal.
- (2) Therefore is a cause of a violation of any requirement of the Township's operating permits (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use, recycling or reuse or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local statutes and/or regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) [including Title II more commonly referred to as the "Resource Conservation and Recovery Act" (RCRA), and including any applicable Commonwealth of Pennsylvania regulations contained in any sludge management plan prepared pursuant to Subtitle D of the SWDA], the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act

**MANHOLE**

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

**MASS LOADING**

The mass of pollutant(s) discharged from a user's connection with respect to either time, or in cases of certain industrial users, in terms of characteristic production units.

**MAY**

Is permissive; "shall" is mandatory.

**METERED NONRESIDENTIAL CUSTOMER**

All customers not classified as a residential customer.

**METERED RESIDENTIAL CUSTOMER**

A customer who is a single-family residential facility connected to the sewer system.

**MG/L**

Milligrams per liter and is equivalent to parts per million (ppm) by weight.

**MINIMUM CONSUMPTION CHARGE**

A charge for a minimum volume of water consumption which shall be applied to all metered customers and which will cover the Township's costs for meter readings, recovery of all capital costs of meters and meter reading equipment, as well as transportation, labor and overhead associated with administration of service to each metered customer. This charge shall be in addition to the service charge.

**MOBILE HOME PARK**

Any improved property which has four or more mobile home units connected to the sewer system through one or more sewer connections.

**MONTHLY AVERAGE**

The arithmetic mean of the values for effluent samples collected over a calendar month.

**MULTIPLE DWELLING CUSTOMER**

Any improved property housing four or more dwelling units which are connected to the sewer system through one or more sewer connections. The term multiple dwelling customer shall include "mobile home park."

**NATIONAL CATEGORICAL PRETREATMENT STANDARDS (PRETREATMENT STANDARDS, CATEGORICAL STANDARDS)**

Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1341) which applies to a specific category of industrial users and pretreatment standards as published in 40 CFR Parts 405 through 471.

**NATIONAL PROHIBITIVE DISCHARGE STANDARDS (PROHIBITIVE DISCHARGE STANDARDS, GENERAL PRETREATMENT REGULATIONS)**

Any regulation containing pollutant discharge limits promulgated by the EPA under the authority of Section 307(b) of the Act and as published in 40 CFR Parts 401 through 403.

**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES PERMIT)**

A permit issued to Exeter Township pursuant to Section 402 of the Act (33 U.S.C. § 1342).

**NATIONAL STANDARDS (NATIONAL PRETREATMENT STANDARDS, PRETREATMENT STANDARD, STANDARD)**

The collective system of National Categorical Pretreatment Standards and National Prohibitive Discharge Standards as published in 49 CFR Parts 401 through 471.

**NATURAL OUTLET**

Any outlet into a watercourse, pond, ditch, lake, other body of surface or groundwater.

**NEW SOURCE**

- (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that.
  - (a) The building, structure, facility or installation is constructed at a site where 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 of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection A(2) and (3) of this definition but otherwise alters, replaces or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this subsection has commenced if the owner or operator has:
  - (a) Begun or caused to begin as a continuous on-site construction program:
    - [1] Any placement, assembly or installation of facilities or equipment; or
    - [2] Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
  - (b) Entered into binding contractual obligation for the purchase of a facility or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

**NONDOMESTIC SOURCE**

A source of wastewater which contains pollutants other than sanitary wastewater.

**NONDOMESTIC WASTE**

Any liquid or gaseous substance, whether or not solids are contained therein, discharged from any nondomestic sewer user during the course of any industrial, manufacturing, trade or business process or in the course of development, recovery or processing of natural resources, as distinct from normal domestic waste.

**NONSIGNIFICANT CATEGORICAL INDUSTRIAL USER (NSCIU)**

A categorical industrial user that meets the following conditions as determined by the Authority:

[Added 12-28-2009 by Ord. No. 689]

- (1) Never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard;
- (2) Has consistently complied with all applicable categorical pretreatment standards and requirements;
- (3) Never discharges any untreated concentrated wastewater; and
- (4) Annually submits a certification statement stating that the facility met the definition of a NSCIU together with any additional information necessary to support the certification statement.

**NORMAL STRENGTH WASTE**

Sewage which when analyzed by the Township shows a daily average of not more than 250 mg/l of total suspended solids and/or not more than 250 mg/l of BOD<sub>5</sub>.

**OBJECTIONABLE WASTE**

Any wastes that can, in the Township's judgment, harm either the sewers or sewage treatment process or equipment; can have an adverse effect upon the receiving stream, can otherwise endanger life, health or property; or which constitutes a public nuisance

**OWNER**

Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township sewer service area.

**PASS-THROUGH**

A discharge which exits the Exeter Township Wastewater Management System into waters or the atmosphere of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Township's NPDES permit (including an increase in the magnitude or duration of a violation) or a violation of any air emission standards set pursuant to the Clean Air Act.

**PERSON**

Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns, whether users or not. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

**pH**

The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance. A stabilized pH will be considered as a pH which does not change beyond the specific limits when the waste is subjected to aeration. It shall be determined by one of the accepted methods approved by the EPA.

**POLLUTANT**

Any liquid, solid or gaseous material, including, but not limited to, any dredged spoil, 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, nondomestic sewage water and agricultural waste discharged into water, including conventional wastewater pollutants.

**POLLUTION**

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

**POTW (PUBLICLY OWNED TREATMENT WORKS)**

Treatment works as defined by Section 212 of the Act, which is owned by Exeter Township. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyance facilities only if they convey wastewater to the Exeter Township treatment plant. The term also means Exeter Township as defined in Section 1362(4) of the Act. For the purposes of these standards, rules and regulations, POTW shall also include any sewers, pipes and other conveyances that convey wastewaters to Exeter Township's Wastewater Management System.

**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 prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or other means except as prohibited by 40 CFR 403.6(d). Pretreatment technology includes control equipment, such as equalization tanks or facilities, or protection against surges or slug loading that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with EPA regulations, 40 CFR 403.6(e).

**PRETREATMENT REQUIREMENTS**

Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

**PROCESS WASTEWATER**

Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product, either discharged continuously, intermittently or as a batch discharge.

**RECEIVING STREAM**

The Schuylkill River.

**REPRESENTATIVE SAMPLE**

A sample extracted from the waste stream whose characteristics are completely indicative of overall waste stream quantity, quality, variations in same and of the process generating the waste stream.

**RESIDENTIAL USER/DOMESTIC SOURCE**

A source of discharge of sanitary wastewater and/or domestic sewage to a public sewer system from premises used for residential purposes only.

**RESIDUALS (SLUDGE, RESULTANT ASH)**

The solid or semisolid by-product remaining after the processing of raw wastewater within physical, chemical and/or biological treatment units of the Exeter Township Wastewater Treatment Plant into a condition suitable for release to the environment.

**SANITARY SEWER**

Any pipe conduit constituting a part of the sewer system, or usable for sewage collection purposes, which carries sanitary sewage and to which storm, surface and ground waters are not admitted.

**SANITARY WASTEWATER**

The liquid or waterborne wastes from residential, commercial or industrial establishments containing only waste of a domestic nature; that is, waste products, excrement or other discharge from the bodies of humans or animals in addition to wastes from residential or incidental culinary and laundry activities.

**SERVICE CHARGE**

A basic charge applied to all customers for those services not directly proportional to the volume of flow such as the administrative services of maintaining accounts, preparation of bills and collection of user fees.

**SEWAGE**

The water-carried wastes from residences, business buildings, institutions and industrial establishments.

**SEWAGE TREATMENT PLANT**

The Exeter Township Wastewater Treatment Plant which is an arrangement of devices and structures used for treating and disposing of sanitary sewage and certain industrial wastes.

**SEWER SYSTEM**

The Exeter Township sewer system, including all facilities, as of any particular time, for collecting, pumping, treating or disposing of sanitary sewage and/or industrial wastes.

**SHALL**

Is mandatory; "may" is permissive.

**SLUG**

Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24 concentration or flow during normal operation.

**SIGNIFICANT INDUSTRIAL USER**

- (1) Except as provided in Subsection (1)(b) below, this term means:
  - (a) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N.
  - (b) Any other industrial user that.



- [1] Discharges an average of 25,000 gallons per day or more of process wastewater to the Exeter Township Wastewater Management System (excluding sanitary, noncontact cooling water and boiler blowdown wastewater);
  - [2] Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic organic capacity or inorganic capacity of the Exeter Township Wastewater Management System treatment plant; or
  - [3] Is designated as such by Exeter Township on the basis that the industrial user has a potential for adversely affecting the operation of the Exeter Township Wastewater Management System or for violating any pretreatment standard or requirement.
- (2) Upon a finding that an industrial user meeting the criteria in Subsection (1)(b)[2] of this definition has no potential for adversely affecting the Exeter Township Wastewater Management System operation or for violating any pretreatment standard or requirement, Exeter Township may at any time, in its sole discretion in accordance with 40 CFR 403.8(f)(6), and in § 305-22 herein, determine that such industrial user is not a significant user.

**SPLIT SAMPLE**

A technique where by a sample is divided into multiple aliquots for multiple analytical investigations.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC)**

A classification pursuant to the latest edition of the Standard Industrial Classification Manual issued by the United States Government Publications Office (U S G P.O.).

**STATE**

The Commonwealth of Pennsylvania.

**STORMWATER**

That portion of the precipitation which runs off over the surface during a storm and for a short period following a storm and enters the sewer system and causes the flow at the sewage treatment plant to exceed the normal or ordinary flow.

**STORMWATER SEWER (STORM SEWER, STORM DRAIN)**

A pipe or conduit intended for carrying stormwater and/or noncontact cooling water.

**STRONG WASTE**

Any nondomestic waste having a BOD<sub>5</sub> greater than 250 mg/l and a total suspended solids greater than 250 mg/l

**STRONG WASTE SURCHARGE**

A charge levied on nondomestic users of the treatment works for the additional cost of treating their abnormal strength wastes.

**SURFACE WATER**

That portion of the precipitation which runs off over the surface of the ground

**TOTAL SOLIDS**

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

**TOTAL SUSPENDED SOLIDS (TSS)**

The total matter in water, wastewater or other liquids and which is retained by laboratory filtering, expressed in terms of weight and concentration [milligrams per liter (mg/l)]

**TOWNSHIP**

The Township of Exeter acting by and through the Board of Supervisors and its authorized representative.

**TOXIC (PRIORITY) POLLUTANTS**

Any pollutant or combination of pollutants which have been so declared in regulations promulgated pursuant to Section 307(a) of the Act, or pursuant to Pennsylvania statutes and rules, or as otherwise may be so discerned and classified by responsible agencies due to toxic health effects to the general populace and surrounding environs.

**TOXIC SUBSTANCE**

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

**TREATMENT WORKS**

All facilities used to convey and treat wastewater including the sewage treatment plant and the sanitary sewer system. A POTW.

**USER(S)**

Any person, municipality, municipal authority, industry or other legal entity which contributes, causes or permits the contribution of wastewater into the Exeter Township wastewater management system. User categories defined herein include residential users, commercial users, industrial users, municipal authority users and significant industrial users.

**UNPOLLUTED WATER**

Water which does not contain a level of contaminants or pollutants detectably higher than that of the source of the water such as precipitation, surface water, groundwater or other nonpolluted waters. However, in no case shall leachate be considered unpolluted water

**WASTEWATER**

The liquid and waterborne wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the POTW collection facilities.

**WATERS OF THE COMMONWEALTH (WATERS OF THE STATE)**

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

{ Editor's Note See 33 U.S.C. § 1321

**C Abbreviations. The following abbreviations shall have the designated meanings:**

- (1) BOD<sub>5</sub> - biochemical oxygen demand
- (2) CERCLA - Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq.
- (3) CFR - Code of Federal Regulations.
- (4) COD - chemical oxygen demand.
- (5) DEP - Pennsylvania Department of Environmental Protection.
- (6) EDTA - ethylenediaminetetraacetic acid.
- (7) EPA - United States Environmental Protection Agency.
- (8) l or L - liter.
- (9) mg or MG - milligrams
- (10) mg/l or MG/L - milligrams per liter.

- (11) NH<sub>3</sub>-N - ammonia nitrogen.
- (12) NPDES - National Pollutant Discharge Elimination System.
- (13) NTA - nitrotriacetic acid.
- (14) POTW - publicly owned treatment works.
- (15) RCRA - Resource Conservation Recovery Act, 42 U.S.C. § 6901 et seq.
- (16) SIC - standard industrial classification.
- (17) SIU - significant industrial user
- (18) SWDA - Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq., as amended by RCRA.
- (19) TSS - total suspended solids.
- (20) U.S.C. - United States Code.

### § 305-17. Sewer rentals or charges.

- A Sewer rentals or charges are hereby imposed upon and shall be collected from the owner of each improved property served by the sewer system, for use of the sewer system, whether such use shall be direct or indirect. Sewer rentals or charges shall commence and shall be effective as of the date of connection of each such improved property to the sewer system, and shall be payable as provided herein, in accordance with a schedule of rates and charges set forth in a resolution to be modified and adopted annually by Exeter Township. Such resolution shall adopt a service charge, a minimum consumption, a minimum consumption charge, and a charge per 1,000 gallons for consumption in excess of the minimum consumption for metered residential and metered nonresidential customers, and shall adopt rates for flat rate customers.
- B All bills for all customers shall be based on quarterly consumption or service. All metered customers shall be billed for the actual consumption of water measured by the water meter regardless if the meter is owned and maintained by Citizens Home Water Company, Mount Penn Borough Municipal Authority, or Exeter Township. Each dwelling unit in a double house or in a row of connecting houses shall be billed as a separate entity.
- C All costs of collecting and analyzing samples incurred by Exeter Township in connection with determining strong waste surcharges or with monitoring nondomestic wastewaters to determine compliance with this article shall be billed by Exeter Township directly to the nondomestic user whose wastewater was sampled.
- D Haulers of wastewater into the plant for treatment shall pay, in addition to regular treatment charges, an additional charge, to cover costs of repairing plant roads. Said additional charge shall be determined annually by resolution of Exeter Township
- E Metering customers.
- (1) Customers who have metered water service from Citizens Home Water Company or Mount Penn Borough Municipal Authority will be billed quarterly based on the consumption measured through those meters.
  - (2) Customers who have a well, spring, or other source of supply and have requested Exeter Township to install a water meter prior to the effective date of this article will be billed quarterly based on the consumption measured through the meter as soon as consumption information becomes available.  
[Amended 9-14-2015 by Ord. No. 762]
  - (3) Customers who have a well, spring, or other source of supply and a meter has not been installed prior to the effective date of this article may have a meter installed by requesting Exeter Township to furnish a meter for installation in the residence or nonresidential improved property. Water meters to be installed on a well, spring, or other source shall only be obtained from Exeter Township. Exeter Township will assess a one-time fee for the meter and appropriate appurtenances; said fee shall be determined annually by a resolution adopted by Exeter Township. All such meters shall be installed by a registered plumber registered in Exeter Township. Exeter Township shall inspect the installation upon completion of the installation as to the suitability for the intended purpose of measuring consumption of water which will flow to the sewer system. There will be no charge for the Exeter Township inspection. Customers will be billed quarterly based on consumption measured through the meter.
  - (4) Customers who construct a structure either for residential habitation or for other purposes which will be connected to the sewer system, who are not supplied by a metered public water supply, shall obtain a meter and appurtenances from Exeter Township. Exeter Township will assess a one-time fee for the meter and appurtenances; said fee shall be determined annually by a resolution adopted by Exeter Township. All such meters shall be installed by a registered plumber registered in Exeter Township. Exeter Township shall inspect the installation upon completion of the installation as to suitability for the intended purpose of measuring the consumption of water which will flow to the sewer system. Customers will be billed quarterly based on consumption measured through the meter.
  - (5) No customer shall modify plumbing which would alter or affect the measurement of water passing through the meter without prior notification and prior approval by Exeter Township. Exeter Township will inspect any such modifications to determine the effectiveness and suitability of the meter in measuring the consumption of all water which would flow to the sewer system.
    - (a) Exeter Township shall maintain all meters furnished by Exeter Township without charge to the customer for ordinary wear and tear, but the customer shall be responsible to Exeter Township for any damage to the meter arising out of, or caused by, the customer's negligence or carelessness, or by the negligence or carelessness of any person upon the premises. The customer shall not permit anyone not an agent of Exeter Township or otherwise lawfully authorized to remove, inspect or tamper with Exeter Township's meter. The customer shall notify Exeter Township of any damage to or failure of the meter as soon as it comes to the customer's knowledge.
  - (6) There shall be no bypassing of flows from before any meter if such unmetered flows could flow to the sewer system.
    - (a) Adjustment of a customer's sewer bill for swimming pool water not discharged to the sanitary sewer system will be made only as follows: Exeter Township will permit either the unmetered filling of swimming pools or will credit the water used to fill swimming pools over 5,000 gallons in capacity, provided the drains or other means of emptying the swimming pool are connected to the sanitary sewer system either directly, indirectly, or temporarily. Exeter Township will not permit unmetered topping or makeup water for swimming pools and will not credit for such use.
    - (b) Nonchargeable filling of swimming pools will apply only to newly constructed swimming pools or to completely empty swimming pools and only one filling each calendar year will be permitted.
    - (c) The Exeter Township Board of Supervisors, may for cause shown, issue a one-time credit up to 15,000 gallons of water for customers establishing new lawns or landscaping. The credit will be limited to one billing period. Residents will have to notify the Township office in writing to be eligible to receive credit. Reimbursements will be based on the consumption average of the last four quarters, being subtracted from the higher quarter consumption.
  - (7) After the effective date of this article, there shall be no new unmetered connections to the sewer system. All new customers shall be metered customers; those customers who were unmetered customers prior to the effective date of this article do not have to change over to meters immediately. When a customer, unmetered prior to the effective date of this article, subsequently has a meter installed, he/she becomes a metered customer and cannot revert to an unmetered status. Whenever an unmetered customer decides to transfer ownership or title to a property, said property shall be changed to a metered property prior to change of ownership or title. Purchase of and installation of a water meter is required to change to a metered property, and the costs for doing so are the responsibility of the seller.  
[Amended 9-14-2015 by Ord. No. 762]
  - (8) Those customers who remain unmetered as of the effective date of this article shall be considered flat rate customers until such time as a meter is installed. Flat rate customers shall be charged a flat rate charge. The flat rate charge shall be determined annually by resolution of Exeter Township.
  - (9) Mobile home parks.
    - (a) Upon the effective date of this article, all mobile home parks located within 1,000 feet of sanitary sewers shall construct sewer collection lines to convey all sanitary sewage to the Exeter sewer system.

- (b) Upon the effective date of this article, all owners of mobile home parks connected to the public sewer system shall pay sewer rentals or charges based upon actual water consumption according to the schedule of rates and charges set forth in a resolution to be modified and adopted annually by Exeter Township
- [1] Charges for mobile home parks based on water consumption shall be computed at the schedule of rates and charges for the gallons of water consumed during the quarter.
  - [2] However, if the entire park is not connected to the public sewer system, the average consumption per water connection will be calculated and the total consumption for the connected units to the sewer system computed and charged at the schedule of rates and charges for gallons of water consumed during the quarter.
  - [3] The volume of water to be used for billing sewer rentals or charges to owners of mobile home parks connected to the public sewer system shall include any and all water purchased from any private or public water company and in addition, all water obtained from any other source (wells, springs, streams, etc.) as determined by meters installed and maintained by the private or public water company and/or meters installed by the mobile home park owner as approved by Exeter Township. All metering devices must be readily accessible to facilitate periodic inspection and quarterly readings as Exeter Township might deem necessary
- (c) All owners of any mobile home park shall be required to supply a plot plan showing all available spaces, sewer lines, water lines, water sources, and metering devices to the Township within 30 days of enactment of this article; and in addition thereto, advise Exeter Township of any and all changes to said plan within 15 days of any such changes.
- (d) It shall be the responsibility of all trailer and mobile home park owners, plus any individual trailer or mobile home owner, if applicable, to maintain any and all sewer lines, traps and/or laterals incidental to the use of the sewer system, from the point where said sewer line or lines intersect with the main trunk line located within the specific street or right-of-way of the Township adjacent to said mobile home park.
- (e) No person shall alter, change or interfere with any metering devices or bypass such device without Exeter Township approval
- F Exeter Township may require the owner of an industrial establishment or other property discharging a nondomestic wastewater or the owner of an industrial establishment or other property discharging a nondomestic wastewater may elect to install, pay for and maintain a meter approved by Exeter Township for measuring wastes discharged into the sewer system, in which case the sewer rentals or charges shall be based on the actual quarterly volume of wastes discharged into the sewer system, at the same volume rate and subject to the same minimum sewer rental and service charge set forth a resolution to be modified and adopted annually by Exeter Township.
- G If the owner of any nonresidential improved property (including any school) shall fail to provide Exeter Township with complete information required to compute the sewer rental or charge to such nonresidential improved property, Exeter Township may estimate a reasonable applicable sewer rental or charge for such nonresidential improved property and such estimated sewer rental or charge shall be the actual sewer rental or charge payable until the required information is filed; provided, however, that no rebates will be paid by Exeter Township if the information filed reveals a lower indicated sewer rental or charge than that estimated by Exeter Township.
- H Additional classifications and sewer rentals or changes or modifications of the schedule of sewer rentals or charges may be established by Exeter Township as deemed necessary.
- I Nothing contained herein shall be construed as prohibiting special agreements between Exeter Township and nonresidential improved properties under conditions and circumstances making special agreements advisable and necessary.
- J. Charges and fees.
- (1) The Township may adopt charges and fees which may include:
    - (a) Fees for reimbursement of costs of setting up and operating the Township's pretreatment program;
    - (b) Fees for monitoring, inspections and surveillance procedures;
    - (c) Fees for reviewing accidental discharge procedures and construction;
    - (d) Fees for permit applications;
    - (e) Fees for filing appeals; and
    - (f) Other fees as the Township may deem necessary to carry out the requirements contained herein.
  - (2) These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the Township.

## § 305-18. Strong waste surcharge.

- A Additional charges for strong wastes.
- (1) There shall be additional charges for nondomestic wastes, discharged to the sewer system from any industry, business or commercial enterprise, and having suspended solids and/or BOD<sub>5</sub> in excess of the average suspended solids and BOD<sub>5</sub> of normal domestic sewage. Normal domestic sewage shall be defined as having the following concentrations:
    - (a) BOD<sub>5</sub>: 250 mg/l.
    - (b) Total suspended solids: 250 mg/l.
  - (2) There shall be no strong waste surcharges applied to residential domestic wastes.
- B Surcharge formula.
- (1) In order to determine the additional charge for nondomestic wastes with strength greater than that of normal domestic sewage, the following formula shall be used:
 
$$S_q = 0.00834 Q_1 [(BOD_5 - 250) TA + (SS_1 - 250) TB]$$
 Where:
    - S<sub>q</sub> is the quarterly surcharge to be added to the quarterly sewer rental charge.
    - 0.00834 is a constant to convert waste strength expressed in mg/l to thousand pounds of waste.
    - Q<sub>1</sub> is the quarterly volume of nondomestic wastewater flow expressed in millions of gallons.
    - BOD<sub>5</sub> is the five-day BOD of the nondomestic wastewater expressed in mg/l.
    - SS<sub>1</sub> is the total suspended solids in mg/l of the nondomestic wastewater.
    - 250 and 250 are constants expressing waste-load strength of domestic waste in mg/l for the respective pollutant parameters.
  - (2) TA represents the cost incurred by the Township in treating 1,000 pounds of BOD<sub>5</sub>; and TB represents the cost of treating 1,000 pounds of total suspended solids. TA and TB vary each year as treatment plant operation and maintenance costs change. Therefore, TA and TB shall be determined at the beginning of each year by the Township based upon budgeted operating costs, and adopted by resolution of the Board of Supervisors.
  - (3) When a value of BOD<sub>5</sub> and/or suspended solids of a nondomestic waste is less than 250 mg/l, the value of 250 shall be used in the calculation of the strong waste discharge in place of the actual value which is less than 250 mg/l.
- C. Industrial waste sampling.
- (1) Nondomestic waste being discharged into the sewer system shall be subject to periodic sampling and inspection by Exeter Township to be used as a basis for determining additional charges due to excessive concentrations for BOD<sub>5</sub> and/or total suspended solids, and substances prohibited in § 305-21. Such sampling and inspection shall be the basis for computing strong waste surcharges in accordance with this section.
  - (2) All sampling shall be of a representative manner and in accordance with 40 CFR 403.12. The collection and analysis of samples obtained shall be made in accordance with U.S. EPA methodology and procedures, including 40 CFR Part 136, as amended

- (3) At the request of the industrial user, samples taken by Township personnel can be split and the results of both analyses used in calculating the strong waste surcharge. The industrial user must arrange for and pay for the pickup of the split sample at the Exeter Township POTW by the industrial user's laboratory. All analysis results shall be copied to the Exeter Township POTW and used in the calculation of the surcharge bill.
- (4) Commercial and industrial customers will be sampled and invoiced on a quarterly basis. Customers who have a weak waste product get sampled yearly. The sampling is done unannounced by trained licensed operators. A twenty-four-hour composite sample is taken with an automatic sampling device. The samples are then taken to a professional industrial laboratory. Upon receipt of a laboratory analysis, the Township will review the results. If those results are 50% greater than the average of the four quarters samples, the Township will notify the customer of the unusually high result.
- (5) Customers may opt to be resampled at their own expense or they may accept the initial results. If a customer chooses to be resampled, the sampling will occur unannounced within the next two weeks. The subsequent sample will be used in calculating the surcharge for that quarter. In the absence of additional samples (this would most likely occur, if at all, in the winter when cold weather might prevent additional sampling), an estimated bill using the average results of the four previous quarters would be used in calculating the surcharge for that quarter.
- (6) A small commercial user [1 EDU (18,000 gallons of water consumption) or less a quarter] may opt to have the results of the first quarter applied to the following three quarters of that year. This is a benefit to the customer since the sampling fees far exceed the actual surcharge.

D Measurement of volume.

- (1) Whenever a person purchasing his entire water supply from a private or public water supply discharges only nondomestic waste into the sewer system, the volume of water purchased shall be used as a measure of the quantity of nondomestic waste discharged.
- (2) Whenever a person purchasing his entire water supply from a private or public source discharges combined domestic waste and nondomestic waste into the sewer system, the total volume of water purchased shall be used to determine that person's sewer charge and/or his strong waste surcharge.
- (3) Whenever a person purchasing his entire waste usage from a private or public supply and discharging nondomestic waste into the sewer system also discharges unpolluted cooling water to either a storm sewer or other outlet, an allowance for the amount of water so discharged shall be made in computing the sewer charge. The person discharging cooling water shall, at his own expense, install a meter or meters, as required, to indicate accurately the amount of water claimed as a credit.
- (4) Whenever a person using a private water supply discharges nondomestic waste into the sewer system, the charges for such discharge shall be in accordance with §§ 305-17 and 305-18D. Such person, however, shall install, at his expense, a suitable meter or meters to measure the total volume of water used; or shall install, at his expense, a meter on the sewer line leaving the plant so as to measure the entire flow of water discharged into the sewer system. No meter for measurement either of water or sewage shall be installed until a plan for such installation is approved by Exeter Township. All meters or other measuring devices installed or required to be used under the provisions of this article shall be tested, inspected or repaired as required by the Township. The owner of the property upon which such measuring device is installed shall be responsible for its maintenance and safekeeping; and all repairs thereto shall be made at the property owner's expense.
- (5) Exeter Township shall be responsible for reading of water and/or sewage meters when installed in industrial establishments within its jurisdiction. All meters shall be accessible to the Township at all times.

### § 305-19. Time and method of payment.

- A All bills for sewer rentals or charges, except those based on metered water consumption or metered waste volume, shall be rendered in calendar quarters on the first days of January, April, July and October, respectively, in each year, or on such other dates as Exeter Township shall specify and shall cover a quarterly billing period consisting of the immediately preceding three complete calendar months. All bills for sewer rentals or charges based on metered water consumption or metered waste volumes or estimates of Exeter Township shall be rendered for each quarter annum promptly after the meters are read or estimates made. Owners of improved properties connected to the sewer system during any calendar quarter shall paid a prorated sewer rental charge for service for the balance of the calendar quarter.
- B Sewer rentals or charges shall be due and payable upon the applicable billing date as provided for in Subsection A above, and the appropriate amount computed in accordance with this article shall constitute the net bill. If sewer rentals and charges are not paid within 30 calendar days after each billing date, an additional sum of 5% shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such thirty-day calendar period shall constitute payment within such period. If the end of such thirty-calendar-day period shall fall on a legal holiday or a Sunday, payment made on or mailed and postmarked on the next succeeding weekday which is not a legal holiday shall constitute payment within such period. Onto any portion of any gross bill which has not been paid by the first day of the following quarterly billing period shall be added a penalty in the amount of 5% of such unpaid balance. This total shall then constitute the new gross bill. Further, an additional penalty, in the amount of 5% of the unpaid balance of the new gross bill shall be assessed for each quarterly billing period which expires without payment in full of such previous gross bill having been made in the same manner as the first penalty is assessed. Any owner of residential improved property who, within 30 calendar days after any quarterly billing date, pays the total of four quarterly payments for the following four calendar quarters, shall be entitled to a refund of 2% of such payment.
- C Every owner of an improved property which is connected to the sewer system initially shall provide this Township with and thereafter shall keep this Township advised of his correct address. Failure of any person to receive 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 the net bill shall be payable.

### § 305-20. Liens for sewer rentals; filing and collection of liens.

- A 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 sewer rentals or charges which are delinquent shall be filed as a lien against the improved property connected to and served by the sewer system, which lien shall be filed and collected in the manner provided by law for the filing and collecting of municipal claims.
- B In addition, Exeter Township may require any water supplier to shut off the water supply to any property with respect to which the sewer rent imposed hereby is unpaid until all such rents, together with interest and penalties as aforesaid, are paid.

### § 305-21. Use of public sewers.

[Amended 9-27-2004 by Ord No 577, 8-13-2007 by Ord No. 640]

- A All domestic wastes and authorized nondomestic waste, including authorized industrial waste, may be discharged into the Exeter Township Wastewater Management System, except those which are deemed harmful to the system or are specifically prohibited by this article, or are otherwise prohibited under the laws of the Commonwealth of Pennsylvania and/or the United States, or prohibited by EPA or DEP regulations, or a statute, rule, regulation, or ordinance of any public agency having jurisdiction over the Township
- B It shall be unlawful to place, deposit or permit to be deposited upon public or private property within the Township any human or animal excrement, garbage, or other objectionable wastes
- C It shall be unlawful to discharge to any natural outlet or receiving stream within the Township any domestic or nondomestic waste or other polluted water, except where suitable treatment has been provided to the satisfaction of Exeter Township and appropriate state and federal agencies.
- D It shall be unlawful for any person, firm or corporation to erect, construct, own, maintain, operate, or use within the Township a privy, cesspool, septic tank, or treatment or waste holding facility for receiving sewage, upon any property now or hereafter improved which abuts on or adjoins any street, alley, lane, or other public highway in which sewer service is available by virtue of a service of the sewer system; or to connect any privy, cesspool, septic tank, or treatment or waste holding facility on any such property to the sewer system; or to discharge sewage into any pipe or other outlet leading from any such property and not connected to the sewer system; except any building situate in excess of 150 feet from any sewer main, plus any building previously exempt prior to January 1, 1982.
- E All connections to the sewer system which would result in the discharge of infiltration or inflow into the sewer system are hereby specifically prohibited
- F No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

- G No person shall discharge or cause to be discharged into the sewer system effluent from any sump pump or any other type of pump which pumps any stormwater, surface water, ground water, roof runoff, subsurface drainage, basement drainage, uncontaminated cooling water or unpolluted industrial process waters into any sanitary sewer. Where such conditions exist, they shall be remedied in a manner approved by the Township within 90 days of receipt by the owner or authorized agent of the owner or individual in charge of a notice from the Township. In the event said conditions are not remedied, the Township shall cause said conditions to be remedied at the owner's expense.
- H No unauthorized person shall uncover, make any connection with or opening into, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Township
- I No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building drain which in turn is connected directly or indirectly to a sanitary sewer.
- J Discharge of wastewaters into the sewer system containing the following constituents is hereby prohibited:
  - (1) Discharges from any user containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils, or other products of mineral oil origin.
  - (2) Discharges from nondomestic users which contain floatable oils, fats, or grease.
  - (3) Discharges from any user containing more than 100 mg/l of fats, oils or grease
- K The Township shall require the installation of grease separators in building sewers serving hotels, restaurants and other facilities likely, in the judgement of the Township, to discharge significant quantities of oil and grease into the sanitary sewer system. It shall be the responsibility of the owner to properly clean or have the same cleaned and maintain such grease separations.
- L Except as otherwise provided, no person shall discharge or cause to be discharged, into the sewer system any domestic waste, industrial waste or other matter or substance:
  - (1) Having a temperature higher than 150° F. or less than 32° F., or containing heat in amounts which will inhibit biological activity in the sewage treatment plant resulting in interference, but in no case heat in such quantities that the temperature of the influent of the treatment plant exceeds 104° F.
  - (2) Containing any liquids, solids or gases, with a closed cup flashpoint of less than 140° F., which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the treatment plant or to the operation of the treatment plant. At no time shall two successive readings on any explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5%, nor any single reading over 10% of the lower explosive limit (LEL) as read by the meter. Prohibited materials include but are not limited to, gasoline, benzene, naphtha, fuel oil, paint products, kerosene, toluene, xylene, ethers, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, or any other flammable or explosive substances which the Township, the Commonwealth of Pennsylvania, Department of Environmental Protection, or the Environmental Protection Agency has notified the user is a fire hazard or a hazard to the Exeter Township Wastewater Management System.
  - (3) Containing any noxious or malodorous gas or substance which, either singly or by interaction with other wastes, is in the judgement of Exeter Township capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance and repair.
  - (4) Containing any solid or viscous substances in quantities or of size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities. Such substances include, but are not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, rags, feathers, tar, plastic, wood, paunch manure, butchers offal, whole blood or blood products, bentonite, lye, building materials, rubber, hair, leather, porcelain, china, ceramic wastes, asphalt, paint, waxes, or any other solids or viscous substances capable of causing obstruction to the flow in the sewer system or other interference with the proper operation of the sewer system or the sewage treatment plant.
  - (5) Containing garbage that has not been ground to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particles under any circumstances, greater than 1/2 inch in any dimension. Garage grinding for the purpose of discharge to the sewer system shall be applied only to food waste from processors preparing food for consumption on the premises.
  - (6) Having a pH, stabilized, lower than 6.0 or higher than 9.0 or having any corrosive or scale forming property capable of causing damage or hazards to structures, equipment, bacterial action, or personnel of the sewer system or the sewage treatment plant.
  - (7) Establishing local limits applicable to discharges of industrial waste.
    - [Amended 7-13-2009 by Ord. No. 680]
    - (a) Local limits applicable to discharges of industrial wastewater shall be as follows:

**Local Discharge Limitations**

Parameter	Maximum Daily Limit (mg/l)
Arsenic, total	0.24
Cadmium, total	0.18
Copper, total	0.76
Cyanide, total	0.47
Lead, total	1.39
Mercury, total	0.020
Molybdenum, total	0.24
Nickel, total	2.10
Selenium, total	0.90
Silver, total	1.54
Zinc, total	2.00

- (b) Application of the local limits.
  - [1] All of the local limits refer to the total recoverable amount of the substance limited.
  - [2] All of the local limits shall be imposed as monthly average limits. The Township may develop and impose such other limits, including daily maximum or instantaneous maximum limits, as may be necessary to ensure that the purposes of this article are met, provided that such other limits are based on the local limits above.
  - [3] The local limits set forth above may be modified by special agreement, as provided by Subsection M of this section, provided that the total discharge of any substance limited by a local limit that is allowed by all industrial waste discharge permits shall not exceed the total allowable industrial loading (in pounds per day) established in Table 14 of the Report dated February 2009 entitled "Municipal Industrial Pretreatment Program Re-evaluation of Local Limits," and prepared by the Exeter Township, Berks County, Authority.
  - [4] If limitations are imposed by the Commonwealth of Pennsylvania or the United States Environmental Protection Agency on the wastes discharged by a particular industrial user and such limitations are more stringent than the local limits, then the more stringent discharge limitations apply
- (c) All prior local discharge limitations applicable to industrial wastes established by resolution of the Township, or by any Township ordinance, are hereby rescinded and are void as of July 14, 2009. This rescission does not apply to prohibited discharges in Subsections A, E, F, G, I, J, L and O of this section or to other generally applicable prohibitions and limitations in this article
- (8) Any substance which may cause the wastewater treatment plant effluent or any other product of the treatment plant thereof such as residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the sewer system cause the wastewater treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Clean Water Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the "Solid Waste Disposal Act," the "Clean Air Act," the "Toxic Substances Control Act," or commonwealth criteria applicable to the sludge management method being used.
- (9) Any substance which will cause the treatment plant to violate its NPDES permit or the receiving water quality standards, causing pass-through or interference.

- (10) Containing total solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as may be approved by Exeter Township, or as otherwise provided herein
- (11) Containing any toxic radioactive isotopes in excess of that allowed by state or federal law and without special permit.
- (12) Having a chlorine demand in excess of 12 mg/l.
- (13) Prohibited by any permit issued by the Commonwealth of Pennsylvania, or by the U.S. Environmental Protection Agency or any other federal agency
- (14) Containing wastes which are not amenable to biological treatment or reduction in existing treatment facilities, specifically nonbiodegradable complex carbon compounds.
- (15) Quantities of flow or concentrations, or both, which constitute a "slug" as defined in § 305-16 of this article.
- (16) Any waters which are used for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations. Exeter Township may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate.
- M Nothing in this section shall be construed as preventing any special agreement or arrangement between Exeter Township and any user of the sewer system whereby wastewater of unusual strength or character is accepted into the sewer system should such wastewater be deemed by Exeter Township to be acceptable for treatment without harm to the treatment works or operating personnel. Special agreements are allowed only if the wastewater is within acceptable levels according to state and/or federal laws and regulations. Each special agreement must first be approved by the U.S. EPA as a substantial modification under 40 CFR 403.18
- N Exeter Township hereby reserves the right to inspect any building sewer, lateral or collecting sewer that discharges wastewater directly or indirectly to Exeter Township's facilities to determine compliance with this article.
- O No user shall ever increase the use of process water to dilute or, in any other way, attempt to dilute a wastewater discharge as a partial or complete substitute for adequate treatment to achieve compliance with this article.
- P Exeter Township may suspend the wastewater treatment services to a user and/or an industrial waste permit when such suspension is necessary, in the opinion of Exeter Township, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the sewage treatment plant, damage to the collection system, or causes Exeter Township to violate any condition of its NPDES permit. Said suspension may take place after informal notice to the user. Any person notified of a suspension of wastewater treatment service and/or industrial waste permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, Exeter Township may take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the sewer system or endangerment to any individuals. Exeter Township shall reinstate the industrial waste permit and/or wastewater treatment service upon proof of the elimination of the noncomplying discharge.
- Q Any user who, in the opinion of Exeter Township, may accidentally discharge materials or substances which are prohibited materials or other substances regulated by this article shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to Exeter Township for review and shall be approved by Exeter Township before construction of the facility.
- (1) Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. In the case of any discharge including, but not, limited to, accidental discharges; discharges of a nonroutine, episodic nature; a noncustomary batch discharge; or a slug load, that may cause potential problems for the POTW, it is the responsibility of the user to immediately telephone and notify Exeter Township of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- (2) Within five days following said discharge, the user shall submit to Exeter Township a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result, of damage to person or property; nor shall such notification relieve the user of any fines, civil and criminal penalties, or other liability which may be imposed by this article or other applicable law.
- (3) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
- (4) Slug control plan. The Township shall evaluate, at least once every two years, whether each significant industrial user needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or noncustomary batch discharge. If the Township decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
- (a) Description of discharge practices, including nonroutine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying Exeter Township of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days;
- (d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- R Hauled wastewater
- (1) Septic tank waste, sludges and industrial waste may be introduced to the POTW.
- (2) Exeter Township shall require haulers of septage, sludges and industrial waste to obtain wastewater discharge permits. Exeter Township may require generators of hauled septage, sludges and industrial waste to obtain wastewater discharge permits. Exeter Township also may prohibit the disposal of hauled septage, sludges and industrial waste. The discharge of hauled septage, sludges and industrial waste is subject to all other requirements of this article.
- (3) Septage, sludges and industrial waste haulers may discharge loads only at locations designated by Exeter Township. No load may be discharged without prior consent of Exeter Township. Exeter Township may collect samples of each hauled load to ensure compliance with applicable standards. Exeter Township may require the septage, sludges and industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (4) Septage, sludges and industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the septage, sludges and/or industrial hauler, permit number, truck identification, names and addresses of sources of waste and sludges, and volume and characteristics of waste and sludge and the location where it is to be deposited. The form shall identify the type of industry, known or suspected waste constituents and whether any wastes are RCRA hazardous wastes.

## § 305-22. Regulations governing admission of industrial wastes into sewer system.

[Amended 8-13-2007 by Ord. No. 640]

- A The economy and desirability of the combined treatment of wastes from domestic and nondomestic users is recognized. However, not all types of nondomestic wastes can be so treated. Hence it shall be the established policy of Exeter Township to accept those types and quantities that are not harmful or damaging to the structures, processes or operation of the POTW or are not specifically prohibited by this article. It is also recognized that to provide this service, additional expenditures are required. These expenditures must be borne by those persons receiving the benefits.
- B Any industrial user discharging into the sewer system an industrial waste having any one or more of the following characteristics shall obtain approval from Exeter Township in the form of an industrial waste discharge permit:
- (1) A BOD<sub>5</sub> greater than 250 mg/l

- (2) A total suspended solids content greater than 250 mg/l.
  - (3) A dissolved solids content greater than 500 mg/l
  - (4) A COD greater than 600 mg/l.
  - (5) A chlorine demand greater than 12 mg/l.
  - (6) An average daily flow greater than 5% of the average daily sewage flow of the sewer system.
  - (7) Any quantity of substances possessing characteristics described in § 305-21 of this article.
  - (8) Having been discharged from an industrial establishment as this term is defined in § 305-16B of this article.
  - (9) Being classified as a significant industrial user as defined in § 305-16B of this article.
  - (10) Industrial users existing at the time this article is enacted will be screened by Exeter Township on the basis of information then available. Exeter Township will notify in writing existing industrial users within 30 days of the enactment of this article if a permit is required. Existing industrial users shall apply for a permit if so notified within 30 days of the notifications. New industrial users may not discharge to the sewer system without first obtaining an industrial waste discharge permit.
  - (11) New industrial users shall apply for a permit at least 60 days prior to discharging to the sewer system.
  - (12) All applications for permits shall be made on industrial waste permit application forms furnished by Exeter Township in support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
    - (a) Name, address, and location (if different from the address);
    - (b) SIC number according to the Standard Industrial Classification Manual;
    - (c) Wastewater constituents and characteristics, including, but not limited to, those mentioned in § 305-21 of this article as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136 as amended;
    - (d) Time and duration of contribution;
    - (e) Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
    - (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
    - (g) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;
    - (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Township, state, or federal pretreatment standards, and a statement, which has been reviewed by an authorized representative and certified by a professional, 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;
    - (i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this compliance schedule:
      - [1] The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
      - [2] No increment shall exceed nine months.
      - [3] Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Township, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Township.
      - [4] The compliance schedule shall not be a waiver of the user's noncompliance nor shall it protect the user from enforcement action.
    - (j) Each product produced by type, amount, process or processes and rate of production;
    - (k) Type and amount of raw materials processed (average and maximum per day);
    - (l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
    - (m) Any other information as may be deemed by the Township to be necessary to evaluate the permit application.
  - (13) The Township will evaluate the data furnished by the user and may require additional information.
  - (14) The industrial waste permit application form shall be competently completed and returned to Exeter Township for review and approval. Only upon approval of Exeter Township will an industrial waste permit be issued and the discharge to the sewer system allowed. No industrial user requiring an industrial waste permit may discharge wastewater to the sewer system without a valid industrial waste permit.
  - (15) Where necessary, in the opinion of Exeter Township, the property owner shall provide, at his expense, a survey analysis and report by a registered professional engineer acceptable to the Township.
  - (16) Upon review of the industrial waste permit application, Exeter Township will issue to the applicant an industrial waste permit should the applicant's waste be suitable for treatment in the judgement of Exeter Township. Said permit is not transferable without the prior written consent of Exeter Township.
  - (17) Federal Categorical Pretreatment Standards. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The Township shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.
- C Industrial waste discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by Exeter Township; permits may contain the following:
- (1) Limits on the average and maximum wastewater constituents and characteristics
  - (2) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
  - (3) Requirements for installation and maintenance of inspection and sampling facilities.
  - (4) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules.
  - (5) Compliance schedules
  - (6) Requirements for submission of technical reports or discharge reports.

- (7) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by Exeter Township, and affording Exeter Township access thereto.
- (8) Requirements for notification of Exeter Township of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (9) Requirements for notification of slug discharges and preparation and implementation of slug control plans or other special conditions, including best management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges.  
[Amended 12-28-2009 by Ord. No. 689]
- (10) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
- (11) Other conditions as deemed appropriate by Exeter Township to ensure compliance with this article.
- D Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 60 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Township during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Industrial waste discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of Exeter Township. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.
- E Any user who violates the following conditions of this article, or applicable state or federal regulations, is subject to having his permit revoked by Exeter Township:
- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
  - (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
  - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
  - (4) Violation of any conditions of the permit or of this article. Whenever Exeter Township finds that any user has violated or is violating this article, industrial waste permit, or any prohibition, limitation of requirements contained herein, Exeter Township may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to Exeter Township by the user.
- F Any person who shall discharge industrial wastes into the sewer system, when required by Exeter Township, shall construct and thereafter shall properly maintain, at his own expense, a suitable control manhole and other devices as may be approved by Exeter Township to facilitate observation, measurement and sampling by Exeter Township of industrial wastes discharged to the sewer system.
- (1) Any such control manhole, when required by Exeter Township, shall be constructed at an accessible, safe, suitable and satisfactory location in accordance with plans approved by this Township prior to commencement of construction.
  - (2) There shall be ample room in the monitoring manhole to allow accurate sampling and preparation of samples for analysis. The facility shall be maintained at all times in a safe and proper operating condition by the owner at his expense.
  - (3) Exeter Township and its duly authorized representative shall be permitted to enter upon all properties at all times for the purpose of inspection, observation, measurement, sampling, and testing.
- G Whenever necessary, in the opinion of Exeter Township, the owner of an improved property shall provide, at his expense, such facilities for pretreatment and handling of industrial wastes as may be necessary to:
- (1) Reduce BOD<sub>5</sub> to 250 mg/l and/or suspended solids to 250 mg/l.
  - (2) Reduce objectionable characteristics or constituents to come within the maximum limits permitted in this article; or
  - (3) Control the quantities and rates of discharge over a twenty-four-hour day and seven-day week.
- H. Plans, specifications and any other pertinent information relating to proposed facilities for pretreatment and handling of industrial wastes shall be submitted for approval to Exeter Township and no construction of any such facility shall be commenced until approval thereof first shall have been obtained in writing, from Exeter Township, and until approval thereof first shall have been obtained from any governmental regulatory body having jurisdiction. Such approvals shall not relieve the discharger from meeting any of the limitations of this article.
- I. Whenever facilities for pretreatment and handling of industrial wastes shall have been provided by the owner of such improved property, such facilities shall be continuously maintained in satisfactory operating condition at the expense of such owner, and Exeter Township shall have access to such facilities at all times for purposes of inspection and testing.
- J. Whenever it is necessary for an industry or commercial user to provide pretreatment, said user shall submit to Exeter Township a pretreatment compliance schedule containing milestone dates for design, implementation and final compliance for approval. Failure to comply with any of the Exeter Township approved time restraints herein contained shall be considered a violation of this article.
- K Any industrial establishment discharging sanitary sewage and/or industrial wastes into the sewer system and contemplating a change in the method of operation which will alter the characteristics and/or volumes of wastes at the time being discharged into the sewer system shall notify Exeter Township, in writing, as soon as possible prior to consummation of such change.
- (1) This Township reserves the right to require industrial establishments having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the sewer system.
  - (2) All industrial users shall notify Exeter Township as soon as possible in advance, in writing, of any substantial change in the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under § 305-22S herein and/or as required by 40 CFR 403.12(p).
- L. Exeter Township reserves the right to refuse permission to connect to the sewer system, to compel discontinuance of use of the sewer system or to compel pretreatment of industrial wastes in order to prevent discharges deemed harmful to or having a deleterious effect upon any portion of the sewer system or receiving stream.
- M Permit modifications. As the U.S. EPA adds or amends specific pretreatment and effluent guidelines, or as Exeter Township deems necessary, the restrictions or conditions of an industrial waste permit may require amendment. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a permit as required by § 305-22B, the user shall apply for a permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing permit shall submit to Exeter Township within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by § 305-22B(12)(h) and (i).
- N Baseline monitoring reports. Within 90 days after the effective date of a categorical pretreatment standard, existing industrial users subject to such categorical pretreatment standard shall submit a baseline monitoring report in conformance with 40 CFR 403.12(b), compliance schedule progress reports in conformance with 40 CFR 403.12(c), and the ninety-day compliance report in conformance with 40 CFR 403.12(d).
- O The Township reserves the right to require any nonresidential user to periodically submit self-monitoring reports in accordance with that user's permit. All significant industrial users must submit self-monitoring reports in accordance with 40 CFR 403.12(e) or 40 CFR 403.12(h), and/or as specified in the industrial waste permit
- (1) If a user monitors any pollutant more frequently than required by the permit, using the procedures prescribed in the permit, the results of this monitoring shall be included in the self-monitoring report.
  - (2) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify Exeter Township 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 Exeter Township within 30 days after becoming aware of the violation. The user is



not required to resample if Exeter Township monitors at the user's facility at least once per month, or if Exeter Township samples between the user's initial sampling and when the user receives the results of this sampling.

**P Certification requirement.**

- (1) All reports submitted pursuant to this article, including baseline monitoring reports, reports on compliance with categorical pretreatment standards, significant industrial user reports and periodic reports on continued compliance, shall include the certification statement set forth in 40 CFR 403.6(a)(2)(ii).
- (2) All significant industrial users subject to categorical pretreatment standards shall include in any report submitted pursuant to these standards, rules and regulations, any applicable certifications as required in the categorical pretreatment standards.

**Q Signatory requirement** Baseline monitoring reports, reports on compliance with categorical pretreatment standards, significant industrial user reports and periodic reports on continued compliance shall be signed as specified in 40 CFR 403.12(1).

**R Recordkeeping requirements.**

- (1) All users subject to the reporting requirements established herein or in the national pretreatment standards shall maintain records of all information resulting from any required monitoring activities. Such records shall include for all samples
  - (a) The date, exact place, method and time of sampling and the name(s) of the person(s) taking the samples;
  - (b) The dates analyses were performed,
  - (c) The identity of a laboratory and/or persons who performed the analysis;
  - (d) The analytical techniques/methods used; and
  - (e) The results of such analyses.
- (2) Records required to be maintained in this section shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding the user or Exeter Township or when requested by the Township, the DEP or the EPA.
- (3) Records required to be maintained by the user shall be made available for inspection and copying by Exeter Township, the DEP and the EPA.

**S Notification of discharge of listed or characteristic wastes.** In accordance with 40 CFR 403.12(p), all industrial users shall notify Exeter Township, the EPA Region III, Director of the Waste Management Division, and the DEP, in writing, of any discharge into the Exeter Township Wastewater Management System of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

**T. National Categorical Pretreatment Standards.** The categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter N, Parts 405 through 471 are hereby incorporated.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, Exeter Township may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, Exeter Township shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- (3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

### § 305-23. Measuring devices, meter readings and access.

- A. The furnishing and installation of meters or other measuring devices which shall not be owned by Exeter Township or any private or public water supplier, but shall be permitted under provisions of this article, shall be the sole responsibility of the owner. The installation or use of such meters or other measuring devices at all times shall be subject to the approval of Exeter Township and may be tested and inspected by Exeter Township whenever necessary. The owner shall be responsible for the maintenance, safekeeping and repair of any such meter, whether such repairs shall be made necessary by ordinary wear and tear or other causes. Where such meters or measuring devices are installed, the owner shall be responsible for having them calibrated at least annually by an authorized representative of the manufacturer. Upon each calibration, the owner shall have the manufacturer's representative submit to Exeter Township a certificate of calibration certifying that the meter or other measuring device has been properly calibrated.
- B. Exeter Township shall be responsible for the reading of all meters or other measuring devices, other than those opened and read by any private or public water supplies, and the same shall be available to employees and agents of Exeter Township at all reasonable times.
- C. Representatives of Exeter Township shall have the right of access at reasonable times to any part of any improved property served by the sewer system and any meters used for purposes of establishing or determining water consumption, water excluded from the sewer system or sanitary sewage or industrial wastes discharged to the sewer system.

### § 305-24. Removal, transportation and disposal of domestic waste and industrial wastes.

Any tank truck or any other equipment used or intended to be used within the Township for the removal and/or transportation of domestic waste and/or industrial wastes shall conform to the following requirements:

- A. The container shall be watertight.
- B. Tanks, containers or other equipment shall be so constructed that every portion of the interior and exterior can be easily cleaned and shall be kept in a clean and sanitary condition.
- C. Piping, valves and permanent or flexible connections shall be accessible and easily disconnected for cleaning purposes.
- D. The inlet opening, or openings, to every container shall be so constructed that the material will not spill out during filling, transfer or transport.
- E. The outlet connections shall be so constructed that no material will leak out or run out to other than the point of discharge and shall be of a design and type suitable for the material handled and capable of controlling the flow or discharge without spillage, undue spray or flooding of immediate surroundings while in use.
- F. No connections shall be made at any time between a tap or outlet furnishing potable water on any premises and any container or equipment holding material by any means other than an open connection. No domestic waste and/or industrial wastes shall be discharged by tank trucks into the sewer system.

### § 305-25. Access and confidential information.

- A. Exeter Township shall have the right of access at all times to any part of any improved property served by the sewer system as shall be required for purposes of inspection, measurement, sampling and testing and for performance of other functions relating to service rendered by Exeter Township through the sewer system
- B. EPA and/or DEP shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from Exeter Township, EPA and/or DEP will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

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

### § 305-26. Responsibility of owners of improved property.

The owner of each improved property connected to the sewer system shall be responsible for all acts of tenants or other occupants of such improved property insofar as such act shall be governed by provisions of this article

### § 305-27. Adoption of additional rules and regulations.

Exeter Township 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 become effective as though set forth herein.

### § 305-28. Violations and penalties; enforcement.

[Amended 8-13-2007 by Ord. No. 640]

- A Any person who shall violate any of the provisions of this article or who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article; or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall be fined up to \$1,000 per day per violation and shall pay the costs of prosecution and, in default of payment of such fines and costs, such person shall be imprisoned in the Berks County jail for not more than 90 days. Each day of the continuation of a violation shall constitute a separate offense.
- B Exeter Township reserves the right to seek injunctive relief from discharge of substances to the sewer system which it deems harmful and/or to require compliance with the terms and conditions of this article
- C Cease and desist orders. When Exeter Township finds that an industrial user has violated or continues to violate this article or any permit or order issued hereunder. Exeter Township may issue an order to cease and desist all such violations and direct those persons in noncompliance to comply forthwith and/or take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and terminating the discharge.
- D Significant noncompliance.
- (1) An industrial user is in significant noncompliance if the violation meets one or more of the following criteria:
    - (a) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
    - (b) Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC value. The TRC values are:
 

TRC = 1.4 for BOD<sub>5</sub>, TSS, fats, oils and grease

TRC = 1.2 for all other pollutants except pH
    - (c) Any other violation of a pretreatment effluent limit (daily, maximum or longer-term average) that the Exeter Township determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of Exeter Township personnel or the general public);
    - (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the Exeter Township's exercise of its emergency authority to halt or prevent such a discharge;
    - (e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a user permit, control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
    - (f) Failure to provide, within 30 days after the due date, required reports, including, but not limited to, baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, significant industrial user reports and reports on compliance with compliance schedules;
    - (g) Failure to accurately report noncompliance; and/or
    - (h) Any other violation or group of violations, which may include a violation of best management practices, which Exeter Township determines will adversely affect the operation or implementation of the pretreatment program.  
[Amended 12-28-2009 by Ord. No. 689]
  - (2) Any violation that meets the criteria of Subsection D(1)(a) above shall be considered a major violation.
  - (3) At least once a year, Exeter Township shall publish in the largest daily newspaper published in Berks County a notice to the public of industrial users which were in significant noncompliance. This notice shall include the name(s) and address(es) of the user and may also include additional information such as the duration of the violation, nature of the violation, compliance action taken (if any), whether the user is currently complying with a compliance schedule and whether the user has returned to compliance. At the discretion of Exeter Township, the type of enforcement action undertaken may also be reported. This provision does not prohibit the publication of this notice in more frequent intervals.
  - (4) Exeter Township may also take such other enforcement response actions it deems necessary to bring the user into compliance with this article.
- E Exeter Township will follow the Exeter Township Enforcement Response Guide which will be reevaluated and amended as needed.

## Article IV. Individual and Community On-Site Sewage Systems

[Adopted 5-16-1994 by Ord. No. 360]

### § 305-29. Purpose.

- A Septic tanks, subsurface waste disposal systems, may be used as a means of sanitary waste disposal in areas of Exeter Township providing they comply with all provisions of Chapters 71, 72 and 73 of the Rules and Regulations promulgated by Pennsylvania Department of Environmental Protection and subsequent amendments thereof, and the provisions of this article.
- B The aforementioned systems are an adequate and beneficial system of domestic waste disposal, if properly installed, operated and maintained. However, they may constitute a problem in the Township for several reasons, including:
- (1) Poor site evaluation.
  - (2) Inadequate design.
  - (3) Poor construction.
  - (4) Hydraulic overloading.
  - (5) Lack of maintenance, which may result in the following:

- (a) Ground and surface water pollution.
  - (b) Foul odors.
  - (c) Well contamination.
  - (d) Nuisance problems.
  - (e) Hazards to public health.
- C. This article establishes the authority to regulate the installation, inspection, maintenance, operation, rehabilitation and replacement of existing and future (all) subsurface waste disposal systems.

## § 305-30. Definitions.

- A. For the purpose of this article, the following terms shall be defined as set forth below, unless a different meaning is plainly required by the context:

### **ALTERATION**

The repair, modification or replacement of any component of a subsurface waste disposal system.

### **AUTHORIZED AGENT**

A licensed Sewage Enforcement Officer, professional engineer or sanitarian, plumbing inspector, soils scientist or any other qualified or licensed person who is delegated to function within specified limits as the agent of Exeter Township to carry out the provisions of this article

### **COMMUNITY SUBSURFACE SEWAGE SYSTEM**

Any below ground wastewater disposal system, including sand mound, which accommodates sewage generated from more than one residence or dwelling.

### **DEPARTMENT**

The Pennsylvania Department of Environmental Protection.

### **HOLDING TANK**

A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include, but are not limited to, the following:

- (1) **CHEMICAL TOILET**  
A toilet using chemicals that discharge to the holding tank.
- (2) **RETENTION TANK**  
A holding tank where sewage is conveyed to it by a water-carrying system.
- (3) **VAULT PIT PRIVY**  
A holding tank designed to receive sewage where water under pressure is not available.

### **INDIVIDUAL SURFACE WASTE DISPOSAL SYSTEM**

A system for the disposal of domestic wastewaters operating below ground level and located on or near the site of the building or buildings being served by the system, e.g., septic tank or aerobic unit with discharge effluent flowing to drainage field or sand mound.

### **PERSON**

Any individual, partnership, company, corporation or other group or entity.

### **SEPTAGE**

The products of domestic sewage which are discharged into a central collection septic tank, holding tank, cesspool and/or aerobic tank for primary treatment and which shall be periodically pumped and disposed of at a Pennsylvania Department of Environmental Protection approved site.

### **SEWAGE**

Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings, related facilities or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal life, or to the use of water for domestic water supply or for recreation. Industrial wastes, nondomestic oils and petroleum products, toxic and hazardous substances are not considered sewage and shall not be discharged into a subsurface disposal system, community system, or public sewer. The Township or its engineer shall make the final determination when a wastewater will be classified as not typical sewage.

### **SEWAGE ENFORCEMENT OFFICER**

A person authorized by the Pennsylvania Department of Environmental Protection as per Chapter 71, Administration of Sewage Facilities Program, of Title 25, Rules and Regulations, to perform percolation tests, site and soil evaluations and issue sewage permits for on-lot systems.

### **SEWAGE PERMIT**

Proof or evidence that the proposed subsurface waste disposal system-for a realty improvement is in compliance with Chapter 73, Standards for Sewage Disposal Facilities, of Title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection and/or any supplements or revisions thereto.

### **SUBDIVISION**

Any legal division of land.

### **TOWNSHIP**

Exeter Township, Berks County, Pennsylvania.

### **WASTEWATER**

Refers to sewage.

- B. All other definitions or words and terms used in this article shall have the same meanings as set forth in Chapter 73, Standards of Sewage Disposal Facilities, of Title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection, and/or any supplements or revisions thereto.

## § 305-31. Installation of systems.

- A. Sewage permits shall comply with all provisions of "Chapters 72 and 73, Standards for Sewage Disposal Facilities" of "Title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection, and/or any supplements or revisions thereto, and comply with this article. Sewage permits shall be obtained from the Township appointed Sewage Enforcement Officer prior to conducting any alteration, construction or repair to any sewage system within the Township, regardless of lot size or configuration. The Township shall retain final authority for the conditions and issuance of sewage permits
- B. The Code Enforcement Officer or authorized person of the Township shall not issue a building permit, certification of occupancy for a building structure to be served by an individual or community subsurface sewage system prior to receiving a sewage permit for that sewage system, as provided for and in accordance with the Pennsylvania Sewage Facilities Act (P.L. 537, as amended) and pursuant to rules and regulations and/or the provisions of this article.
- C. All sand mound sewage systems, community sewage systems and oversized sewage systems shall require that sufficient area be set aside to provide for a replacement absorption area, should the original absorption area fail, maintaining all of the appropriate isolation distance established by Chapter 73 and the provisions of this article.
- D. All sewage systems shall provide at a minimum the following, in addition to the standard items required by the Pennsylvania Department of Environmental Protection, Chapter 73
- (1) Cleanouts at end of laterals with removal plug for all pressurized distribution.

- (2) Piping from treatment tank to absorption area be minimum thickness of Sch. 40 plastic.
- (3) A distribution box, approved by the Sewage Enforcement Officer shall be employed in all gravity feed distribution systems.
- (4) All gravity feed systems shall have at least one cleanout in seepage bed piping, to identify location and check ponding, installed with wate tight cap above final grade.

### § 305-32. Applicability.

- A The owner of any building serviced by a subsurface waste disposal system shall be subject to all the requirements herein. "Owner" is defined to include a natural person, corporation, partnership or any approved subdivision. If the owner does not live in said building, she/he remains responsible for complying with this article. Responsibility for compliance may be transferred to the lessee or resident of the building by an agreement between the owner and lessee or resident. The Township will not recognize said agreement until notified in writing. If the lessee or resident shall move out of the building, responsibility for compliance shall revert back to the owner, even though a valid agreement with the lessee or resident continues to exist
- B Upon transfer of responsibility, for compliance, the owner shall provide the lessee or resident with a copy of all information concerning prior installation, operation and maintenance of the subsurface waste disposal system.
- C Upon transfer of responsibility for compliance in accordance with the above requirements, all references to "owner" in this article shall hereinafter refer to the lessee or resident of the building.
- D The owner of any building serviced by a subsurface waste disposal system within the Township shall become subject to all of the requirements contained herein, upon the occurrence of one of the following events
  - (1) Receipt of a sewage permit from the Sewage Enforcement Officer/Township for the installation or rehabilitation of a subsurface waste disposal system and/or alternative system (See § 305-31).
  - (2) Transfer of ownership of the building
  - (3) Malfunctioning of the subsurface waste disposal system and/or alternative system (See § 305-35).
  - (4) In the case of an existing building or system, upon the passage of this article.
  - (5) Increase the sewage flows to the system beyond the permitted sewage system capacity after the passage of this article.

### § 305-33. Small community systems.

- A A small community system is any subsurface water disposal system and/or alternative system which services two or more buildings on different sites. Privately owned small community systems are subject to the same requirements of this article as individual subsurface waste disposal systems and/or alternative systems. In addition, the following shall be applicable to small community systems:
  - (1) A list of the names and addresses of all participants in the small community systems shall be provided to the Township.
  - (2) Participants shall be equally liable for expenses incurred by the Township or its authorized agent on the shared component of the community system unless they have decided among themselves to assume unequal burdens of responsibility for the system, in which case the Township shall assess expenses incurred accordingly.
  - (3) Expenses incurred on the individual property of participants by the Township or its authorized agent shall be assessed against the individual participant.
- B Participants in a small community system shall be assessed directly for expenses incurred by the Township or its authorized agent unless an organization exists that manages the system, in which case the Township may deal solely with that organization.

### § 305-34. Construction observation.

- A All subsurface disposal systems shall have construction observations by the Township Sewage Enforcement Officer during performance of the various tasks as follows.
  - (1) Sand mounds.
    - (a) Chisel plow.
    - (b) Sand placement.
    - (c) Stone and pipe placement with all pumps complete.
    - (d) Final grade and berm.
  - (2) Other systems. Prior to cover, all parts or as specifically indicated on permit application.
- B Construction observation requests should be received by the Township Sewage Enforcement Officer two working days prior to requiring same. All sewage systems shall require inspection regardless of time of inspection request.
- C A subsurface waste disposal system and/or alternative system is malfunctioning when it causes pollution of ground or surface waters, contamination of private or public drinking water supplies, nuisance problems, or a hazard to the public health. Indications of a malfunctioning system include, but are not limited to, foul odors, lush grass growing over the system, backup of wastewater into the attached building, soggy ground over the system, surfacing sewage effluent over the ground and occurring at any time of the year.
- D A copy of the construction observation report shall be furnished to the owner and shall contain: the date of observation, name and address of system owner, contractor's name, date and time of request, date and time of observation and all conditions observed.

### § 305-35. Rehabilitation of malfunctioning systems.

- A Any subsurface waste disposal system and/or alternative system or component thereof which is found to be malfunctioning and causing pollution of groundwater or surface water, contamination of private or public drinking water supply, a nuisance or a hazard to the public health, shall be repaired, modified or replaced, pursuant to the order of the Township Sewage Enforcement Officer to correct the condition caused by the malfunction. Rehabilitation shall be performed in accordance with "Chapter 73, Standards for Sewage Disposal Facilities" of "Title 25, Rules and Regulations," Pennsylvania Department of Environmental Protection. The Sewage Enforcement Officer shall inspect rehabilitation and certify their compliance with state and local standards.
- B The Township shall retain final authority for the conditions and issuance of sewage permits.
- C The Township Sewage Enforcement Officer shall have the authority to order the repair of any existing subsurface waste disposal system and/or alternative system, including, but not limited to, the installation of a new conventional drainage field, the addition of dosing tanks and distribution boxes to the system, the replacement of any component of the system, and the replacement of an existing septic system with a completely different system such as a holding tank, an aerobic system or waterless toilet. The Township shall also have the authority to require two or more buildings serviced by malfunctioning septic tanks and subsurface drainage fields to hook up to a small community system
- D Rehabilitation of a subsurface waste disposal system and/or alternative system ordered by the Township Sewage Enforcement Officer shall commence construction within 30 days of issuance of said order and shall be completed within 60 days, unless seasonal conditions mandate a longer period, in which case the Township Sewage Enforcement Officer shall set the extended completion date. If construction is not commenced or completed within the allotted time period, the Township Sewage Enforcement Officer shall set the extended completion date. If construction is not commenced or completed within the allotted time period, the Township Sewage Enforcement Officer shall file the proper legal proceedings as provided in § 305-41.

- E The owner of a subsurface waste disposal system and/or alternative system shall not undertake any independent repair, modification or replacement of the system without prior notice to and approval of the Township Sewage Enforcement Officer. Upon completion, the Sewage Enforcement Officer shall inspect the rehabilitated system and certify its compliance with state and local standards prior to its use.
- F The Township may apply for federal and state grants, if available, to be used for the rehabilitation of subsurface waste disposal systems and/or alternative systems.

### § 305-36. Right of entry; easement.

- A Employees and authorized agents/personnel of the Township shall, upon presentation of proper credentials and identification, be permitted to enter upon all properties for the purpose of inspection, observation, sampling, maintenance and rehabilitation of subsurface waste disposal systems or other alternative systems in accordance with the provisions of this article.
- B The right to enter shall include the right to excavate any part of the property to inspect, maintain or alter any component of the subsurface waste disposal system and/or alternate system, or to sample soil, water or septage. Upon completion of the activity requiring excavation, the Sewage Enforcement Officer shall return the land to its former condition as soon as possible.

### § 305-37. Disposal of septage.

- A All septage generated from domestic sewage shall be disposed at sites or facilities approved by Pennsylvania Department of Environmental Protection and operated in accordance with state regulations. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites and on approved farmlands.
- B The Township may provide for the disposal of septage at a site or facility owned and operated by it or through a contractual agreement with a municipal utilities authority, sewage authority or private party. Any contractual agreement or site or facility owned and operated by the Township may restrict the acceptance of septage not collected within the Township. If such restriction exists, the septage waste hauler must certify to the disposal site or facility operator upon delivery of septage, that the entire contents of the truck come from systems located within the Township. If the truck contains the septage from outside of the Township, the disposal site or facility operator may refuse to accept the entire truckload.
- C All septage waste haulers doing business in the Township must possess a copy of the permit issued by the Pennsylvania Department of Environmental Protection authorizing the disposal of septage or waste sludge and must notify the Township that they are operating in the Township.
- D Any septage waste hauler who violated any local or state laws, conditions of its state permit or regulations of Exeter Township or disposal site or facility, facilities, disposal of septage from outside the Township at sites or facilities, disposal of septage from outside the Township at sites or facilities that only accept septage from within the Township, or failure to clean up after disposing of its septage, may be prohibited from operating in the Township. Such action may be appealed by the aggrieved party through the administrative appeal process detailed in § 305-39.

### § 305-38. Land development/subdivision testing; on-site testing requirements.

- A All lots shall be required to have a six hole satisfactory percolation test and at least two deep probe analyses per lot as determined by the Township Sewage Enforcement Officer prior to being considered for subdivision or land development approval.
- B All newly proposed subdivision or land development lots, which only qualify for an elevated sand mound sewage system, shall be required to be retested for a second alternate disposal site and shall only be considered for approval providing a primary and alternate disposal site are completely tested and accepted in compliance with all the provisions of Chapter 73 Pennsylvania DEP Rules and Regulations. This second site shall include two additional probes and a percolation test. The final approved plan shall reserve both the primary and alternate disposal sites in order that the salve are not disturbed during the construction process.
- C All subdivision land development projects which propose over 10 residential lots or densities greater than two EDUs or 800 gallons per acre shall require a preliminary background nitrate study in order to evaluate conditions on site and within one quarter mile of said site. Providing background nitrate concentrations test any site to be greater than five parts per million prior to development, a detailed hydrogeological study shall be required according to the provisions of Component Planning Module III and further specified by Pennsylvania DEP requirements. The study shall evaluate the effect of the proposed sewage disposal on the water supply within the site and downstream of the same, and should said study show that the plume of any sewage system shall intercept with the waters of the Commonwealth as defined in Pennsylvania DEP regulations causing a concentration greater than 10 milligrams per liter the site shall be denied and/or the sewage flow be reduced proportionately to eliminate a pollution condition.

### § 305-39. Appeals.

- A Appeals from decisions of the Township Sewage Enforcement Officer shall be made to the Township Secretary, in writing, within 30 days from the date of the decision issued, in writing, by the Township Sewage Enforcement Officer.
- B The appellant shall be entitled to a hearing before the Board of Supervisors at its next regularly scheduled meeting if made at least 14 days prior to the meeting. If made within 14 days of the next meeting, the appeal shall be heard at a special meeting. The Board of Supervisors shall thereafter reverse, modify or affirm the aforesaid decision. The hearing may be postponed for good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing provided it is submitted with the written notice of appeal.
- C A decision shall be rendered within 30 days of the date of hearing. If a decision is not rendered within 30 days, the relief sought by the appellant shall be deemed granted.

### § 305-40. Fees.

The Board of Supervisors of Exeter Township may by resolution adopt and amend from time to time a schedule of fees to be paid to Exeter Township for administration and enforcement of this article

### § 305-41. Violations and penalties.

[Amended 8-13-2007 by Ord No. 640]

- A Any subsurface waste disposal system and/or alternative system owner found to be violating the following provisions of this article shall be served by the Township Sewage Enforcement Officer with written notice stating the nature of the violation and the penalties prescribed in § 305-41B and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B Any person violating any of the provisions of this article or who shall violate the provisions of the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535, as amended) shall, upon conviction before any Magisterial District Judge, be subject to the payment of a fine not exceeding \$1,000 and the payment of the costs of prosecution for each offense, or shall be subject to imprisonment for a period not exceeding 90 days. Each day's continuance of any violation of this article shall constitute a separate offense, punishable by a like fine, costs and imprisonment in default of payment thereof.
- C Any septage waste hauler who violates any of the provisions of this article or regulations of the Township, the conditions of the state permit, or of any state or local law governing its operations, shall, upon conviction thereof, be suspended from operating within this Township for a period of not less than six months nor more than two years for each violation, to be determined by the Township.

## Article V. (Reserved)

[Editor's Note: Former Art. V, Permits and Tipping Fees, adopted 5-12-1997 by Ord No. 427, as amended, was repealed 2-27-2012 by Ord No. 723]

### § 305-42. through § 305-43. (Reserved)

## Article VI. On-Lot Sewage Disposal Systems (OLDS)

[Adopted 2-13-2006 by Ord No. 613]

## § 305-44. Purpose.

The purposes of this article include:

- A The regulation of soil testing for and installation, inspection, operation, rehabilitation, replacement, and timely ongoing maintenance of on-lot systems within the Township; and
- B The establishment of provisions and safeguards for the Township which enable the issuance of permits for bonded systems by the Sewage Enforcement Officer (SEO); and
- C Establishment of minimum standards for the periodic pumping of treatment and pump tanks which are components of OLDS permitted by the SEO; and
- D Adoption, by reference, of standards for initial inspection and subsequent pumping of systems and tanks; and
- E Establishment of standards for the proper abandonment of OLDS.

## § 305-45. Definitions.

The following words and terms when used in the article shall have the following meanings:

### **ABSORPTION AREA**

A component of an individual or community OLDS where liquid from a treatment tank seeps into the soil; it consists of an aggregate-filled area containing piping for the distribution of liquid and the soil or sand/soil combination located beneath the aggregate.

### **ABSORPTION AREA EASEMENT**

A portion of a lot, tract, or parcel that encompasses the primary and replacement area and which shall be delineated and preserved. The primary and replacement areas need not be contiguous.

### **ACT**

The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. § 750.1 et seq.

### **AUTHORIZED AGENT**

A certified Sewage Enforcement Officer (SEO), professional engineer, or sanitarian, plumbing inspector, soil scientist, water quality specialist, or any other person who is designated to carry out the provisions of this article as the agent of the Board of Supervisors of Exeter Township.

### **BOARD**

The Board of Supervisors of Exeter Township, Berks County, Pennsylvania

### **BONDED DISPOSAL SYSTEM**

An individual sewage system located on a single lot serving a single-family residence, where soil mottling is within 20 inches of the mineral soil surface and the installation, operation, and replacement of which is guaranteed by the property owner

### **CHISEL PLOW**

A farm or tractor implement used to "rough up" or scarify the soil surface, break down surface vegetation, and increase the soil surface area.

### **COMMUNITY SYSTEM**

A system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site

### **DEP/THE DEPARTMENT**

The Department of Environmental Protection of the Commonwealth of Pennsylvania.

### **DEVELOPER**

Any person, partnership, or corporation which erects or contracts to erect a building on property owned by it, with the intent to sell the building to some other party upon its full or partial completion or upon the conveyance of property on which the building is to be built.

### **EQUIVALENT DWELLING UNIT (EDU)**

For the purpose of determining the number of lots in a subdivision or land development, that part of a multiple-family dwelling or commercial, industrial, or institutional establishment with sewage flows equal to 400 gallons per day

### **INDIVIDUAL ON-LOT SEWAGE SYSTEM**

An individual sewage system that uses a system of piping, tanks, or other facilities for the collecting, treating, and disposing of sewage into a soil absorption area or retaining tank.

### **INDIVIDUAL SEWERAGE SYSTEM**

An individual sewage system which uses a method of collection, conveyance, treatment, and disposal other than renovation in a soil absorption area or retention in a retaining tank.

### **INDUSTRIAL WASTE**

A liquid, gaseous, radioactive, solid, or other substance, which is not sewage, resulting from manufacturing or industry or other plant or works and mine drainage, silt, coal mine solids, rock, debris, dirt, and clay from coal mines, coal collieries, breakers, or other coal processing operations. The term includes substances whether or not generally characterized as waste.

### **MALFUNCTION**

The condition, which occurs when an on-lot system causes pollution to the groundwater or surface waters, contamination of private or public drinking water supplies, nuisance problems or hazard to the public health

### **MARGINAL CONDITIONS**

A property shall be deemed to exhibit marginal conditions if it displays any of the following characteristics: gross lot size of less than 1.5 acre; wetlands; floodplain; limiting zones of less than 20 inches to evidence of seasonal high water table or rock; slopes in excess of 25%; isolation limitations that would limit available space for OLDS or reduce the net lot size to less than 1.5 acres.

### **OLDS**

Individual or community on-lot sewage disposal system

### **OWNER**

Any person, corporation, partnership, etc., holding deed or title to lands within the Township.

### **PLANNING MODULE FOR LAND DEVELOPMENT**

A revision to, or exception to the revision of, the Official Plan, submitted in accordance with DEP regulations, and in connection with the request for approval of a subdivision or land development plan.

### **PRIMARY AREA**

An area on a lot, tract, or parcel of land which has been tested by the SEO and found suitable, based upon the then current DEP site requirements, for the installation of an on-lot sewage disposal system and which will be preserved and protected from alteration for installation of the initial on-lot sewage disposal system for the sewage generated on that lot, tract, or parcel. See "replacement area."

### **REPLACEMENT AREA**

An area on a lot, tract, or parcel of land, separate from the primary area, which has been tested by the SEO and found suitable, based upon the then current DEP site requirements, for the installation of an on-lot system and which will be preserved and protected from alteration for potential future use if the primary area on the same lot, tract, or parcel shall fail for any reason. See "primary area."

**RETAINING TANK**

A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes, but is not limited to, the following:

- A. **CHEMICAL TOILET**  
A permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.
- B. **HOLDING TANK**  
A tank, whether permanent or temporary, to which sewage is conveyed by a water-carrying system.
- C. **PRIVY**  
A tank designed to receive sewage where water under pressure is not available.
- D. **INCINERATING TOILET**  
A device capable of reducing waste material to ashes.
- E. **COMPOSTING TOILET**  
A device for holding and processing human and organic kitchen waste, employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.
- F. **RECYCLING TOILET**  
A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

**SEPTAGE**

The residual scum, sludge, and other materials pumped from septic or aerobic treatment tanks and the systems they serve.

**SEWAGE**

Any substance that contains any waste products, or excrement, or other discharge from the bodies of human beings or animals; a substance harmful to the public health, animal or aquatic life, or the use of water for domestic water supply or for recreation, or a substance that constitutes pollution to the waters of the commonwealth under the Clean Streams Law

**SOIL SCIENTIST**

A practicing Pennsylvania ARC PAC or PAPSS Certified Soils Professional qualified for on-lot sewage evaluations.

**TOWNSHIP**

Exeter Township, Berks County, Pennsylvania.

**TREATMENT TANK**

A watertight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place. The term includes the following:

- A. **SEPTIC TANK**  
A treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.
- B. **AEROBIC SEWAGE TREATMENT TANK**  
A mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.

**WATERS OF THE COMMONWEALTH**

Rivers, streams, creeks rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, ponds, springs, and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this commonwealth.

**§ 305-46. Permits required; coordination with building permits; DEP permitted systems.**

- A. All individual or community on-lot systems, regardless of the size of the lot, tract, or parcel on which they are proposed to be constructed, are subject to issuance of a permit by the SEO pursuant to the requirements of this article, the Act and regulations.
- B. Building and zoning permits shall not be issued for any building or improvement to real property to be serviced by an on-lot system prior to receiving a permit for the installation of the on-lot system from the SEO.<sup>[1]</sup>  
[1] Editor's Note See Ch 126, Building Permits, and Ch 390, Zoning
- C. All sewage system components, including absorption areas, must be located on the same lot, tract, or parcel as the structure they will serve. Systems or components cannot be located on a separately deeded parcel, regardless of the parcel's ownership, except through means of an easement.
- D. All planning modules proposing individual or community sewage systems which require a DEP permit shall include a provision granting the Township and its agents the right to enter the premises to inspect the construction and/or operation of the DEP permitted system and, if the system is not being constructed or operated according to the permitted design, issue a stop-work order or revoke the occupancy permit until construction or operation is brought into compliance with the permit.
- E. No part or component of any OLDS shall be altered, extended, augmented, modified, or repaired without the issuance of a repair permit by the SEO.
- F. No OLDS shall be used or loaded in a manner that is inconsistent with the permit that was issued to authorize the system's installation.
- G. Permit applications for on-lot systems that include electronically, mechanically, hydraulically, or pneumatically operated or controlled devices shall be accompanied by the respective manufacturer's recommended maintenance schedule and product specifications.
- H. Permit applications for which the provisions of Section V.A. or Section VI.K. apply shall include a fully executed maintenance contract indicating the person or company responsible to carry out the required maintenance, the maintenance schedule, and a provision that if the contract is terminated that the Township be so notified

**§ 305-47. Replacement areas.**

- A. Soil probe and percolation testing and/or soil morphological evaluations by a soil scientist to provide a replacement area shall be required on all proposed lots, which exhibit marginal conditions as defined in § 305-45.
- B. A replacement area shall be required for all unimproved lots existing prior to the effective date of this article, which is intended to be serviced by a soil absorption system and contain marginal soils but for which a permit to install an on-lot system has not been issued.
- C. Allowance of open land for the replacement area, without performance of appropriate soil testing to verify suitability of the land for a replacement area, shall not constitute compliance with this section.
- D. The location of the primary and replacement areas shall be delineated and identified as an absorption area easement on the plot plans and maps or diagrams submitted as part of the permit application and subdivision or land development plan.<sup>[1]</sup>  
[1] Editor's Note See Ch 390, Subdivision and Land Development
- E. The description, including metes and bounds, of every absorption area easement shall be recorded as part of the deed for each lot created as part of a subdivision or land development and shall contain language reflecting the following:
  - (1) No improvements, whether permanent or temporary, shall be constructed upon or within the absorption area easement.
  - (2) No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in the absorption area easement.

- (3) During any construction or other activities, the absorption area easement shall be so marked to prevent equipment with greater wheel loadings than a common garden tractor/riding mower from traveling over or operating on the surface of the absorption area easement.
  - (4) The final cover or improvement to every absorption area easement shall be limited to shallow rooted vegetation. The exception shall be where drip irrigation systems are proposed, trees will be allowed to remain.
  - (5) No trees shall be planted or remain which are located within 10 feet of the proposed sewage absorption area.
- F A landowner wishing to alter the use of the absorption area easement must first document, through a site evaluation by the SEO, that an additional area suitable for the installation of an on-lot system exists, and upon such a finding shall:
- (1) Prepare and submit to the SEO for approval a declaration of easement which shall:
    - (a) Meet the identification, nonuse, and preservation requirements of this section.
    - (b) Describe, by metes and bounds, the easement area to be abandoned.
  - (2) Within 15 days of the approval by the Township, record the declaration of easement at the Berks County Recorder of Deeds office.
  - (3) File a copy of the recorded easement with the Township.

§ 305-48. On-site probe and percolation testing.

- A All sites shall have a minimum of two soil probes excavated and observed by the SEO.
- B Commercial or community sites shall have a minimum of one probe every 50 feet on conventional ground-based systems and one probe every 100 feet for drip and spray sites. Probes shall be staggered in order that the lower probe is in the middle of the upper two.
- C All sites shall have a minimum of six percolation test holes conducted uniformly within the proposed sewage absorption area.
- D Commercial and community sites shall require the following number of percolation test holes as follows:

Proposed Absorption Area (square feet)	Number of Percolation Test Holes
2,000	9
3,000	12
4,000	15
5,000	18
6,000	21
7,000	24

- E No sewage system repairs may be completed involving the installation of a new sewage absorption area or a repair to an existing sewage absorption area without completing percolation and soil probe testing as per Subsections A through D.
- F All percolation and soil probe testing shall be observed by the Township SEO to be valid.
- G All percolation and probe excavations shall be located on a referenced scaled plan drawing by the applicant or subdivider within 60 days after completion.
- H The applicant or land owner shall be responsible to protect the safety, health and welfare of all individuals relative to conducting on-site probe and percolation testing. The excavations shall be protected during testing and closed within 72 hours thereafter.

§ 305-49. Permitting and installation of OLDS.

- A Permits for OLDS shall comply with all provisions of the Pennsylvania Code, Title 25, Chapters 71, 72, and 73, and any supplements or revisions thereto, and shall comply with this article. A permit shall be obtained from the Township's appointed SEO prior to conducting any alteration, construction, or repair to any sewage system within the Township regardless of lot size or configuration. The Township shall retain final authority for the conditions and issuance of OLDS permits.
- B The Code Enforcement Officer or authorized person of the Township shall not issue a building permit for a building to be served by either an individual or community OLDS without first receiving a copy of the permit for the OLDS issued by the Township's appointed SEO.
- C The Code Enforcement Officer or authorized person of the Township shall not issue an occupancy permit for a building to be served by either an individual or community OLDS without first receiving a copy of the permit for the OLDS bearing the signature of the Township's SEO granting approval to cover.
- D All systems shall provide, at a minimum, the following, in addition to the standard items required by Pennsylvania DEP regulations:
  - (1) Cleanouts at the end of laterals with a removable plug for all pressurized systems.
  - (2) All piping from the treatment tank to the absorption area shall have a minimum thickness of Sch. 40 PVC.
  - (3) Where a distribution box is used, a cleanout shall be provided at the inlet of the "d-box" to identify location, installed with watertight cap above final grade.
  - (4) Where a manifold is used for gravity distribution, at least one cleanout must be provided in seepage bed piping, to identify location, and check ponding, installed with watertight cap above final grade.
- E Conventional in-ground trench sewage systems shall have the following minimum horizontal separation distances from edge of trench to edge of trench as follows:

Land Slope (%)	Minimum Horizontal Separator (feet)
0% to 10%	6
10% to 20%	7
21% to 25%	8

§ 305-50. Community systems.

- A Privately owned community systems are subject to the same requirements of this article as individual OLDS. In addition, the following shall be applicable to community systems:
  - (1) A list of the names and addresses of all participants in the community system shall be provided to the Township.
  - (2) Participants shall be equally liable for expenses incurred by the Township or its authorized agent on the shared component of the system unless they have decided among themselves to assume unequal burdens of responsibility for the system, in which case the Township shall assess expenses incurred accordingly.
  - (3) Expenses incurred on the individual property of participants by the Township or its authorized agent shall be assessed against the individual participant.



B Participants in a community system shall be assessed directly for expenses incurred by the Township or its authorized agent unless an organization exists that manages the system, in which case the Township may deal solely with that organization

§ 305-51. Construction observation.

A All OLDS shall have construction observations by the Township's appointed SEO during performance of the various tasks as follows:

- (1) Elevated sand mound systems:
  - (a) Chisel plow/scarification of soil surface.
  - (b) Sand placement.
  - (c) Stone and pipe placement, including pressure test.
  - (d) Final grade and seeding.
- (2) Alternate at-grade bed systems:
  - (a) Chisel plow/scarification of soil surface.
  - (b) Stone and pipe placement, including pressure test
  - (c) Final grade and seeding.
- (3) In-ground systems:
  - (a) Excavation of bed or trenches, including scarification of same.
  - (b) Stone and pipe placement, including pressure test, if applicable.
  - (c) Final grade and seeding.
- (4) Drip irrigation systems (will include, but not be limited to):
  - (a) Preconstruction meeting with contractor to review lateral layout and system components.
  - (b) Laterals, upon installation and system components prior to cover
  - (c) Activation of system.

B All specified OLDS construction observations shall permit visual review of all sewer system components prior to placing soil cover

C Any sewage system component covered without review and observations by the SEO will be required to be opened for examination prior to approval.

D No structure may be occupied nor any land placed in use where an OLDS in utilized without the sewage system being approved by the Township SEO.

E Construction observation requests should be received by the SEO two working days prior to requiring same. All OLDS shall require inspection regardless of time of inspection request.

F The Code Enforcement Officer or authorized person of the Township shall not issue a demolition permit for any building that is served by an OLDS without first receiving written notice from the SEO that the OLDS has been properly abandoned.

G Landowners wishing to abandon an existing OLDS must first contact the SEO for instructions and/or standards for the proper abandonment of said system. The owner shall be responsible to pay the necessary fees incurred for a minimum of one compliance inspection in accordance with the current municipal fee schedule. Exact requirements for safe abandonment of OLDS may vary according to the individual system characteristics and design Requests will be handled on a case-by-case basis.

H Exeter Township's Plumbing Code requires the Township to inspect the building sewer. The property owner/excavator shall contact the Township prior to installation for requirements.

§ 305-52. Isolation distances.

A The following minimum horizontal distances shall be maintained between the named feature and the sewage absorption area pump tank, septic tanks, and/or holding tank as follows:

Named Feature	Distance to HT, ST, PT, TP (feet)	Distance to Sewage Absorption Area (feet)	Distance to Alternate Drip Tubing (feet)
Water supply well	50	100	102
Driveway	10	10	12
Pools	10	50	52
Occupied building	10	10	12
Cistern	25	25	27
Water suction line	50	100	102
Water supply line under pressure	10	10	12
Stormwater infiltration system	50	100 uphill 35 downhill 35 side	100 uphill 20 downhill 20 side
Drainage swale	10	10	12
Stormwater pond	25	50	52
Stream or lake	25	50	52
Grading or disturbed area	5	10	12
Closed depression or minihole	50	100	102
Slopes above 25%	10	10	10
Property lines	10	10	12
Unoccupied buildings	10	10	12
Rock outcrop	10	10	12

- HT = Holding tank
- ST = Sewage tank
- PT = Pump tank
- TP = Treatment plant

§ 305-53. Operation and maintenance of OLDS.

- A. All systems shall be operated by the owner in a manner that is in full compliance with the terms of this article, Pennsylvania DEP regulation, and the system's permit.
- B. Only sewage and normal domestic wastes may be discharged into any OLDS
- C. The following shall not, under any circumstances, be discharged into any OLDS:
  - (1) Industrial waste.
  - (2) Fats and grease.
  - (3) Motor oil.
  - (4) Hazardous wastes.
  - (5) Chemicals, including, but not limited to:
    - (a) Pesticides and herbicides.
    - (b) Acids.
    - (c) Paint, paint thinner and solvents, including latex or water-based paints.
    - (d) Wallpaper pastes and adhesives.
    - (e) Photo-processing chemicals.
  - (6) Downspout and/or roof drain discharges.
  - (7) Sump pump and basement drain discharges.
- D. The Township may require the on-site pretreatment of effluents prior to their discharge to any sewage facilities owned and operated by the Township or any other entity, to assure that the effluent's chemical or biological constituents are compatible with the renovative methods employed by the receiving facilities.
- E. The owner of a property upon which an OLDS is constructed shall at all times operate and maintain the OLDS in such condition as will permit it to function in the manner in which it was designed and to prevent the unlawful discharge of sewage.
- F. The owner of a property upon which an OLDS is constructed shall maintain the area around such system so as to provide convenient access for inspection, maintenance, and pumping, and divert surface water and downspouts away from the absorption area and system components.
- G. Every aerobic or septic treatment tank is recommended to be pumped out in accordance with the table in Exhibit A attached or more frequently for smaller nonconforming tanks.<sup>[1]</sup>

[1] Editor's Note: Exhibit A is included at the end of this chapter
- H. When an on-lot system's treatment tank is pumped out, all dosing tanks, lift tanks, and other tanks associated with the system shall also be pumped out.
- I. Holding tanks shall be pumped out at such intervals as will prevent overflow, leakage, backup, other malfunction, or a public health hazard or nuisance, but no less frequently than one time per year in accordance with this article.
- J. The SEO may require additional maintenance activities, including, but not limited to, the cleaning or unclogging of piping; the servicing or repair of electrical or mechanical equipment; the leveling of distribution boxes, tanks and lines; removal of obstructing roots or trees; and diversion of surface water away from soil absorption areas.

### § 305-54. Rehabilitation of malfunctioning systems.

- A. In the event a property owner detects conditions that indicate or could reasonably be interpreted to indicate a malfunction, the landowner shall contact the SEO and, if repair or replacement is necessary, apply for a permit to repair or replace the malfunctioning system.
  - (1) Landowners who disclose to the SEO the presence of a malfunction upon their lands shall not be penalized for the disclosure.
  - (2) If a landowner who has disclosed the presence of a malfunction fails to make voluntary repairs, the Township may seek injunctive or other relief to compel the repair of the malfunction or cause the repair to be effectuated.
- B. The Township's appointed SEO shall have the authority to order the repair or replacement of any existing sewage disposal system with an up-to-date method of sewage disposal. This authority shall include the replacement of any component of the system, the addition of components to the system, and the replacement of an existing septic system with a completely different system, as determined by site evaluation and soil testing as deemed appropriate by the SEO.
- C. Rehabilitation of a malfunctioning system as ordered by the SEO shall commence construction within 30 days of issuance of said order and shall be completed within 60 days unless seasonal conditions mandate a longer period, in which case the SEO will set the extended completion date. If construction is not commenced or completed within the allotted time period, the SEO shall file the proper legal proceedings as provided in § 305-55.
- D. The owner of a malfunctioning system may not undertake any independent repair, modification, or replacement of the system without prior notice to and approval of the Township SEO. Upon completion, the SEO shall inspect the rehabilitated system and certify its compliance with state and local standards prior to its use.

### § 305-55. Violations and penalties.

- A. Any OLDS owner found to be violating the provisions of this article shall be served by the Township's appointed Sewage Enforcement Officer with written notice stating the nature of the violation and the penalties prescribed in Subsection B and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall violate any provision of this article shall be liable for the payment of a fine and penalty in an amount not less than \$500 and not exceeding \$5,000, plus costs, or to imprisonment not to exceed 90 days, or both. Each day a violation continues shall constitute a separate offense.
- C. Any septic waste hauler who violates any of the provisions of this article, or regulations of the Township, and conditions of its state permit or of any state or local law governing its actions shall, upon conviction thereof, be suspended from operating within this Township for a period of not less than six months nor more than two years for each violation, to be determined by the Township.
- D. Upon written notice from the SEO that an imminent health hazard exists due to failure of a property owner to properly operate, maintain, repair, or replace an OLDS as provided under the terms of this article, the Board shall have the authority to perform, or contract to have performed, any repairs as may be directed by the SEO to abate the health hazard.
- E. The costs for the actual repair, repair permit, and site investigations in support of the permit shall be borne by the property owner
- F. The Township may take whatever action necessary to recover those costs in accordance with the law, including entering a lien against the property
- G. The Township may seek injunctive relief to prevent continued use of a malfunctioning system.
- H. A violation will be assessed against both parties when the property is under joint ownership and a contractor if construction occurred without compliance with this article.

### § 305-56. Right of entry; easement.

- A All permits for the installation of on-lot systems shall be conditioned upon the inclusion of language in the deed establishing a grant of right of entry by the landowner, his heirs, successors, and assigns to the Township for the limited purpose of inspecting, maintaining, sampling, testing, evaluating, or repairing the on-lot system described in the application and permit. The right to enter shall include the right to excavate any part of the property or to sample soil water or septage. Upon completion of the activity requiring excavation, the SEO shall return the land to its former condition as soon as possible.
- B The grant of right of entry cannot be revoked, suspended, or discontinued by the present or any future owner.
- C Any property on which an on-lot system presently exists or on which an on-lot system is under construction shall not be conveyed by the owner without the inclusion of language in the deed establishing and assigning a nonrevocable grant of right of entry by the landowner, his heirs, successors, and assigns to the Township for the limited purpose of inspecting, maintaining, sampling, testing, evaluating, or repairing the on-lot disposal system described in the application and permit.
- D In the event that the on-lot system is abandoned and not replaced by another OLDS and all sewage is collected and treated at a site not on the lot, the Township shall abandon the easement and right of entry, which shall then cease.

### § 305-57. Applicability.

- A The owner of any property serviced by an OLDS shall be subject to all the requirements contained herein.
- B If the owner does not reside on the property in question or within a building on said property, she/he remains responsible for compliance with this article. Responsibility for compliance may be transferred to the lessee or resident of the building by an agreement between the owner and the lessee or resident. The Township will not recognize said agreement until notified in writing. If the lessee or resident shall move out of the building, responsibility shall revert back to the owner, even though a valid agreement with the lessee or resident continues to exist.
- C Upon transfer of responsibility for compliance, the owner shall provide the lessee or resident with a copy of all information concerning prior installation, operation, and maintenance of the system.
- D Upon transfer of responsibility for compliance in accordance with the above requirements, all references to "owner" in this article shall hereinafter refer to the lessee or resident of the building or property.
- E The owner of any building serviced by an OLDS within the Township shall become subject to all of the requirements contained herein, upon the occurrence of one of the following:
  - (1) Receipt of a sewage permit from the SEO for the installation or rehabilitation of an OLDS;
  - (2) Transfer of ownership of the building;
  - (3) Malfunctioning of the OLDS; and
  - (4) In the case of an existing building or system, upon the passing of this article.

### § 305-58. Fees.

The Board may, by resolution, establish a fee schedule and collect fees to cover the Township's actual costs of administering this article.

### § 305-59. Appeals.

- A Appeals from decisions of the Township-appointed SEO shall be made to the Township Secretary in writing within 30 days from the date of the decision issued in writing by the SEO.
- B The appellant shall be entitled to a hearing before the Township Board of Supervisors at its next regularly scheduled meeting if made at least 14 days prior to the meeting. If made within 14 days of the next meeting, the appeal shall be heard at a special meeting. The Board shall thereafter reverse, modify, or affirm the aforesaid action. The hearing may be postponed for good cause shown by the appellant or the Township. Additional evidence may be presented at the hearing, provided it is submitted with the written notice of the appeal.
- C A decision shall be rendered within 30 days of the date of the hearing. If a decision is not rendered within 30 days, the relief sought by the appellant shall be deemed granted.

## Article VII. Grinder Pumps

[Adopted 1-26-2009 by Ord No 674]

### § 305-60. Purpose.

The purpose of this article is to establish procedures for the installation, use and maintenance of sewage grinder pumps and any associated force mains or low-pressure laterals. 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 Exeter Township.

### § 305-61. Definitions.

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

#### **ACT 537 PLAN**

The Township's Official Plan as defined in the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535 (1965), No. 537, as amended, 35 P.S. §§ 750.1 through 750.20a (Sewage Facilities Act or Act 537).

#### **DEPARTMENT**

The Pennsylvania Department of Environmental Protection.

#### **GRINDER PUMP**

Any electric motor-driven, submersible pump capable of macerating all material found in normal domestic sanitary sewage, including reasonable amounts of objects, such as plastics, sanitary napkins, disposable diapers, rubber and the like, to fine slurry, and pumping this material through a small-diameter discharge

#### **GRINDER PUMP SYSTEM**

The grinder pump and any associated force mains or low-pressure laterals that connect the grinder pump to the Township's sewage collection system

#### **IMPROVED PROPERTY**

Any property within the Township 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 or may be discharged.

#### **MUNICIPAL AUTHORITY**

The Exeter Township, Berks County, Authority.<sup>[1]</sup>

#### **OFFICIAL PLAN REVISION**

A change in the Township's Act 537 Plan to provide for additional or newly identified future or existing sewage facilities needs, as defined fully in Section 1 of the Sewage Facilities Act, 35 P.S. § 750.1.

#### **PROPERTY OWNER**

Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

**SEWAGE**

Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals, and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or any substance which constitutes pollution under the Clean Stream Law, 35 P.S. §§ 691.1 through 691.1001, as amended.

**TOWNSHIP**

Exeter Township, Berks County, Pennsylvania.

[1] Editor's Note See Ch. 8, Authority, Municipal

**§ 305-62. Planning requirements.**

The connection of existing properties or a proposed new land development to an existing or proposed sewer system through the use of a grinder pump system shall occur only after an Official Plan revision to the Township's Act 537 Plan approved by both the Township and Department, unless the Township determines that an Official Plan revision to the Township's Act 537 Plan is not required by law, designates that the proposed properties be served by such a connection and the Township issues a sewer permit authorizing such connection.

**§ 305-63. Powers of Township and Authority.**

The Township and the Authority are hereby authorized and empowered to adopt such rules and regulations concerning the use and maintenance of grinder pump systems which they may deem necessary from time to time to effect the purposes herein. The Township and the Authority are hereby authorized and empowered to take such other actions as are necessary, including, but not limited to, requiring property owners to enter an agreement with the Township and/or the Authority to assure proper operation and maintenance of grinder pump systems.

**§ 305-64. Duties and responsibilities of Township.**

- A The Township shall exercise its powers and legal authority set forth herein, and under all applicable statutes, ordinances, and other laws, to effect the purposes of this article.
- B The Township shall enter into an agreement with each property owner who proposes to install or who has installed a grinder pump system to assure the short-and long-term operation and maintenance, use, service, repair or replacement of such system. The agreement shall be in a form acceptable to the Township Solicitor and shall be recorded in the office of the Recorder of Deeds in Berks County, Pennsylvania, prior to the issuance of a sewer permit to connect the property to the Township's sewage collection and conveyance system. The agreement shall specify that the property owner is responsible for the short- and long-term operation and maintenance, use, service, repair or replacement of the grinder pump system. The agreement shall provide that if the property owner fails to adequately maintain the grinder pump system, the Township may enter the property served by such system and maintain the same at the sole cost and expense of the property owner. All of the Township's costs to maintain the grinder pump system, including administrative fees and legal fees, shall constitute a lien against the property until paid.
- C All grinder pump systems (and the installation, use, operation, maintenance, service, repair and replacement thereof) shall comply with the rules and regulations of the Township and the Authority which are in effect.
- D All grinder pump systems shall be connected to the Township's sewage collection and conveyance system in full compliance with the rules and regulations of the Township and the Authority which are in effect.
- E The Township, or its designated agent, shall approve the design and specifications for the type of grinder pump system used prior to the installation of the same and the issuance of a sewer permit.
- F The Township or its designated agent shall inspect and approve the installation of the grinder pump system prior to it being covered.
- G The Township and the Authority shall bear no responsibility for the purchase, installation, use, operation, maintenance, service, repair, or replacement of the grinder pump system, except as otherwise set forth herein.

**§ 305-65. Duties and responsibilities of property owner.**

- A Each property owner of a property served by a grinder pump system shall bear full responsibility for providing, installing, using, operating, maintaining, servicing, repairing and replacing his/her grinder pump system.
- B Each property owner of a property served by a grinder pump system shall enter into an agreement with the Township which imposes upon the property owner the duty of operating and maintaining the grinder pump system as further described in § 305-64B.
- C Each property owner of a property served by a grinder pump system shall have full responsibility for using the pump consistent with the manufacturer's instructions and shall avoid introducing into the Township's sewer collection system materials that may damage the pump, including, but not limited to, items designated as biodegradable in septic tanks.
- D If a property is using an on-lot septic system prior to the installation of the grinder pump system and connection to public sewer, the property owner shall, within 90 days after the property owner connects his property to the Township's sewage system, pump any tanks associated with the on-lot septic system and have the tanks disinfected by a licensed hauler. Verification that the tanks were pumped and properly cleaned must be submitted to the Township. Once pumped and cleaned, all associated tanks must be promptly filled using clean 2B stone. The Township shall be notified a minimum of 24 hours in advance of filling to allow for backfill inspections to be scheduled.
- E Each property owner of a property which is served by a grinder pump system shall immediately notify the Township of any alarm or other notification that the grinder pump system is malfunctioning. If the grinder pump system malfunctions or fails to operate as designed, the property owner shall immediately cease all operations of the grinder pump until it is repaired and/or replaced.
- F Where the low-pressure force main or lateral is shared between property owners, the low-pressure force main or lateral shall be owned by the Municipal Authority and said property owners shall transfer ownership by deed to the Municipal Authority. The Municipal Authority shall have the duty to maintain, service, repair and replace the low-pressure sewer system as may be necessary. Said deed of ownership shall be recorded in the office of the Recorder of Deeds in Berks County, Pennsylvania

**§ 305-66. Abatement of nuisances.**

In addition to any other remedies provided in this article, any violation of § 305-65 above shall constitute a nuisance and shall be abated by the Township by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

**§ 305-67. Rules and regulations to be in conformity with applicable law.**

All rules and regulations adopted by the Township or Authority to effectuate this article shall be in conformity with the provisions herein, all other ordinances of the Township or resolutions of the Authority, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania

**§ 305-68. Violations and penalties.**

Any person who shall violate any provisions of this article, as the same may now be or may hereafter be amended, or any order issued by any Township official pursuant to the provisions of this article, shall, upon summary conviction before an issuing authority having jurisdiction thereof, be punished by a fine of not less than \$100 and not more than \$1,000 for each offense, plus costs and attorneys' fees. Each separate building, each separate dwelling unit and each separate discharge in respect to which a violation occurs shall be deemed a separate offense.