

December 17, 2021

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105-3265

In re: Docket No. A-2021-3026132

Application of Aqua Pennsylvania Wastewater, Inc. pursuant to Sections 1102, 1329, 507 and 2102 of the Public Utility Code for Approval of its Acquisition of the Wastewater System Assets of East Whiteland Township

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Dear Secretary Chiavetta:

We are counsel to Aqua Pennsylvania Wastewater, Inc. (“Aqua”, “APW” or “Company”) in connection with its above referenced Application, filed with the Public Utility Commission (“Commission”) on July 23, 2021, pursuant to Sections 1102, 1329, 507 and 2102 of the Public Utility Code, for approval of the acquisition of the wastewater system assets of East Whiteland Township. The Bureau of Technical Utility Services is reviewing the Application and has asked that we address certain requests for additional information Aqua addressed the Bureau’s initial information requests in letters filed on August 25, 2021, and October 29, 2021. At the further request of the Bureau, we are providing the following:

A Further Updated Application Exhibit G – Pro Forma Tariff Supplement that: references a Revised Exhibit H where a depiction of Sewer Districts A, B, C, D and E can be found; removes language from the explanation of the Quarterly Consumption Charge; and adds a “Special Charges” section providing a credit for qualifying customers’ domestic water utilized outside of the property which does not enter the Company’s sanitary sewer system; and

The Revised Exhibit H referenced in the Further Updated Application Exhibit G.

Along with the foregoing, we are including with this letter East Whiteland Township’s Ordinance No. 343–2021, adopted December 8, 2021, amending its Township Code to insert the missing EDU value for Category 16, as we advised in our letter of October 29, 2021, that the Township would be doing.

The Verification of William C. Packer verifying the foregoing is included with this letter.

Aqua believes that, with this letter and accompanying information, it has complied with the Bureau of Technical Utility Services' requests for supplemental information and asks that the Public Utility Commission acknowledge that the Application has been perfected.

Please contact me with any questions about the foregoing.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

A handwritten signature in blue ink, appearing to read 'Thomas T. Niesen', is written over a horizontal line.

Thomas T. Niesen

cc: Certificate of Service  
Alexander R. Stahl, Esquire (via email)  
Thomas S. Wyatt, Esquire (via email)

# **FURTHER UPDATED APPLICATION EXHIBIT G**

AQUA PENNSYLVANIA WASTEWATER, INC.  
(hereinafter referred to as the "Company")

RATES, RULES, AND REGULATIONS

GOVERNING THE COLLECTIONS OF

WASTEWATER

IN PORTIONS OF

ADAMS, BUCKS, CARBON, CHESTER, CLARION, CLEARFIELD, DELAWARE,  
LACKAWANNA, LUZERNE, MONROE, MONTGOMERY, PIKE, SCHUYLKILL, VENANGO,  
AND WYOMING COUNTIES

IN THE COMMONWEALTH OF PENNSYLVANIA

ISSUED: XXXX XX, 202X

EFFECTIVE: XXXX XX, 202X

By:

Marc Lucca, President  
Aqua Pennsylvania, Inc.  
762 Lancaster Avenue  
Bryn Mawr, Pennsylvania 19010

## **NOTICE**

THIS TARIFF ESTABLISHES THE WASTEWATER RATES FOR THE  
CUSTOMERS OF EAST WHITELAND TOWNSHIP SITUATED WITHIN CHESTER  
COUNTY, PENNSYLVANIA.

LIST OF CHANGES MADE BY THIS TARIFF

Changes: This tariff makes changes to reflect the acquisition of the wastewater assets of East Whiteland, located within East Whiteland Township, Chester County, Pennsylvania. Closing on the acquisition took place on XX/XX/202X, with the effective date of ownership occurring at 12:01AM on XX/XX/202X. (See pages 7 and 8.13.1, 8.13.2, and 8.13.3)

This tariff is made pursuant to the Commission's Order adopted and entered XX/XX/202X at Docket No. A-2021-3026132, which authorizes the issuance of the Certificate of Public Convenience.

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DESCRIPTION OF TERRITORIES SERVED

	<u>Township</u>	<u>County</u>
RATE ZONE 12 Lower Makefield Township Division	Lower Makefield	Bucks

**(C) RATE ZONE 13**

East Whiteland Township Division Sewer District A: that part of East Whiteland Township not included within Sewer Districts B, C, D, and E Sewer District B: properties served by the western extension of the Route 30 sewer main Sewer District C: residential dwellings located in the Lockwood Chase subdivision Sewer District D: all properties that flow into and whose effluent is treated at the sanitary sewage facility that serves the dwellings in the Malvern Hunt development Sewer District E: all commercial and residential properties located in the Atwater development south of the quarry	East Whiteland	Chester
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A depiction of the Sewer Districts as noted above can be found in Revised Exhibit H to the Application filed at Docket No. A-2021-3026132



## RATE ZONE 13 – CONTINUED

## 2. Unit Schedule

For customers in the East Whiteland Township service area, the number of equivalent dwelling units is determined as follows.

Category		Number of EDU
(1)	Each private dwelling unit or living unit	1
(2)	Each individual commercial establishment or business, having 10 or less of its own employees, attached to or forming a part of owner's residence, unless otherwise specified herein	1
(3)	Each additional 5 of its own employees or fraction thereof	1/2
(4)	Each individual commercial establishment or business, having 10 or less of its own employees, not attached to or forming a part of owner's residence, unless otherwise specified herein	1
(5)	Each additional 5 of its own employees or fraction thereof	1/2
(6)	(i) Hotel guest room/suite, motel guest room/ suite and conference center guest room/suite with kitchenette - 2.5 bedrooms	1
	(ii) Hotel guest room/suite, motel guest room/ suite and conference center guest room/suite without kitchenette - 3.0 bedrooms	1
	(iii) Kitchenette shall include any one or more of the following facilities or combination thereof: (i) sink and refrigerator; (ii) sink and stove; (iii) sink and dishwasher; (iv) sink and disposal	
(7)	Each restaurant (without liquor license) per 25 seats	1
(8)	Each restaurant (with liquor license) per 10 seats	1
(9)	Each service station garage and automobile repair shop, without carwash facilities:	
	2 bays or less	2
	Each additional bay over 2	1
(10)	Each barber or beauty shop, not attached to owner's residence:	
	2 chairs or less	1 1/2
	Each additional two chairs or fraction thereof	1/2
(11)	Each firehouse	1 1/2
(12)	Each church or chapel	1
(13)	Each public swimming pool or private swimming club	3
(14)	Each school, public or private, having:	
	Toilet facilities only, per 25 pupils and staff or fraction thereof	1
	Toilet facilities and kitchen, per 20 pupils and staff or fraction thereof	1

	Toilet facilities and gymnasium, per 15 pupils and staff or fraction thereof	1
	Toilet facilities, kitchen and gymnasium, per 12 pupils and staff or fraction thereof	1
(15)	Each property having a commercial garbage grinder of 3/4 horsepower or greater per grinder	1
(16)	Each business providing showers for employees:	
	7 or less employees	1
	Each additional 7 employees or fraction thereof	1
(17)	Each funeral home	2
(18)	Each nursing home, per bed	3/4

To compute the sewer rate for facilities in a single commercial establishment which consists of multiple uses, such as a shopping center or an office building, each unit, tenant, or use shall be calculated by using the above schedule as though each unit, tenant, or use were a separate property or user with a separate connection to the sewer system. In such cases, the owner shall be liable for the full sewer charges. Charges shall be due and payable on all units whether vacant or occupied. If the unit is vacant, one-half of the EDUs assigned to the space shall be used for the calculation.

The DSIC surcharge shall not be applied to bills of wastewater customers in East Whiteland Township; this will remain effective until an amended Long-Term Infrastructure Improvement Plan (LTIIP) is filed and approved which includes East Whiteland. Following the approval of an amended LTIIP, the DSIC surcharge shall be applicable to wastewater customers in East Whiteland Township.

Special Charges:

Customers may apply for a credit to domestic water utilized outside of the property which does not enter the Company’s sanitary sewer system; provided, that to be an eligible Customer for this credit, the Customer shall have applied for or shall have been currently using the credit as of the execution date of January 8, 2021 of the Asset Purchase Agreement between the Company and East Whiteland Township. Eligible Customers must have a properly calibrated outside meter upon their premises for the purpose of recording outside usage, and such meter shall be approved by the Company. All such costs of maintenance, repair, furnishing and installation of an approved meter shall be borne by the eligible Customer. Eligible Customers are required to submit, or cause to be submitted, all data required to calculate the credit in a manner approved by the Company within a time period determined by the Company.

# **REVISED EXHIBIT H**

**EAST WHITELAND TOWNSHIP  
CHESTER COUNTY, PA  
RESOLUTION NO. 2019- 23**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF EAST WHITELAND  
TOWNSHIP REESTABLISHING THE 2019 SEWER RATES  
FOR EAST WHITELAND TOWNSHIP**

**RECITALS:**

**A.** East Whiteland Township (“Township”) owns certain public sewer facilities (the “System”) which provide public sewer service to the residents of East Whiteland Township.

**B.** The Township Code Book of Ordinances specifies that the rates and charges for the Township customers utilizing the System, which rates and charges must be set at an amount sufficient to cover the costs of operating, maintaining and expanding the System, as well as for treatment costs associated with the Valley Forge Sewer Authority treatment plant, must be established by resolution.

**C.** In the past, the Township, through consultants, conducted a rate review process on the sewer rates being charged by the Township and the review indicated that the Township should raise the rates to cover the operation and maintenance costs of the System.

**D.** Accordingly, the sewer rates for Sewer Districts A through E were raised pursuant to Resolution 40-2016, which rates remain unchanged below. Additionally, the sewer rates for high volume commercial and industrial users were raised on December 12, 2018, which rates remain unchanged below.

**E.** This Resolution is intended to clarify and reestablish the existing sewer rates, payment discounts, and volume measurement methods within the Township and does not establish any new rates or other similar terms.

**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Board of Supervisors of East Whiteland Township as follows:

1. The 2019 sewer rates for East Whiteland Township are established as follows:

Sewer District A: \$400 per EDU per year.

Sewer District B: \$400 per EDU per year.

Sewer District C: \$542 per EDU per year.

Sewer District D: \$600 per EDU per year.

Sewer District E: \$480 per EDU per year.


2. Commercial and Industrial users whose quarterly sewer discharge or water consumption is in excess of 100,000 gallons shall pay a quarterly charge of \$6.20 per 1,000 gallons.
3. Single-family residential users in Sewer Districts A, B, C, D, and E shall be entitled to a discount of 2% the annual rates set forth herein upon payment of the full amount of the annual sewer bill not later than 30 days after the date of the first bill issued by the Township for that calendar year.
4. The Board of Supervisors reserves the right to amend the sewer rates in any and all districts at any time the Board of Supervisors deems appropriate.
5. The rates established herein shall remain in full force and effect until such time as the Board of Supervisors amends the rates.
6. All resolutions inconsistent herewith are hereby repealed.

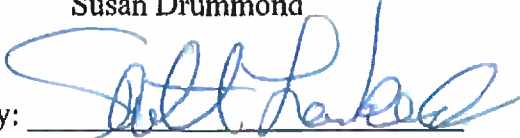
**RESOLVED AND ADOPTED**, this 13<sup>th</sup> day of March, 2019.

**ATTEST:**

**BOARD OF SUPERVISORS  
EAST WHITELAND TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

By:   
John Nagel, Township Secretary

By:   
Susan Drummond

By:   
Scott Lambert

By:   
Richard Orlow

## **Chapter 154**

### **SEWERS AND SEWAGE DISPOSAL**

#### **GENERAL REFERENCES**

**East Whiteland Municipal Authority – See Ch. 6, Art. I.**      **Subdivision and land development – See Ch. 175.**

**Sanitation – See Ch. 150.**

**Water – See Ch. 198.**



**Part 1**  
**[Adopted 5-11-1987 By Ord. No. 85-87]**  
 **Holding Tanks**

ARTICLE I  
**Use Regulations**

**§ 154-1. Purposes.**

The purpose of this Part 1 is to establish procedures for the installation, use and maintenance of holding tanks designed to receive and retain sewage whether from residential or commercial uses when an alternate method to on-site disposal is deemed necessary and it is hereby declared that the enactment of this part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality.

**§ 154-2. Definitions.**

As used herein, the following terms shall have the meanings herein described unless otherwise provided:

BOARD — The Board of Supervisors of East Whiteland Township.

CCHD — The office of the Chester County Health Department administering the issuance of permits and promulgating the regulations governing holding tanks in the various municipalities of Chester County.

DEP — The bureau or office of the Department of Environmental Protection of the Commonwealth of Pennsylvania which is responsible for administering the issuance of permits and promulgating the regulations governing the issuance of permits for holding tanks. **[Amended 11-21-2000 by Ord. No. 132-2000]**

DESIGN STANDARDS — Design standards for holding tanks as established by DEP (25 Pa. Code § 73.61 et seq.) as well as all relevant installation standards and relevant locational standards established by such regulations are incorporated herein by reference as fully as though set forth at length. As used herein, the term "design standards" shall be deemed to include "installation standards" and "locational standards."

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 to which sewage is conveyed by a water carrying system.
- C. PRIVY — A holding tank designed to receive sewage where water under pressure is not available.

**HOLDING TANK CLEANER** — The entity, agency or person, including a holding tank owner, who being duly licensed by the Chester County Health Department, removes the contents of a holding tank for purposes of transporting and/or disposing of the sewage at another site.

**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.

**MUNICIPALITY** — East Whiteland Township, Chester County, Pennsylvania.

**OWNER** — Any person vested with legal ownership, 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 for recreation.

### **§ 154-3. Rights and privileges granted.**

The Board is hereby authorized and empowered to undertake within the Township the control and methods of holding tank sewage disposal and the collection and transportation thereof. Any permit or permission for the use of holding tanks pursuant to this Part 1 is intended to provide for an interim or temporary method of disposal under circumstances where a sanitary sewer extension has been approved for connection to the public sewer system operated by the municipality and the Board has authorized the design and/or construction contracts and awaiting the completion of design and construction of the sewer system. Any such permit or permission shall be limited to a maximum of three years or such other time as the Board may deem proper under the circumstances.

### **§ 154-4. Permit required.**

No landowner shall erect, own, operate or maintain, or suffer to be erected, owned, operated or maintained, any holding tank on his lands, nor shall any person own, operate, erect or maintain any holding tank on lands of another unless a permit therefor has been issued by CCHD and DEP and security has been posted with the Board, which permit and security shall remain unexpired, unsuspended and unrevoked. In any other areas of the Township where the DEP and CCHD has allowed holding tank installation after the adoption of this Part 1, the applicant shall post all securities and assurances, as noted herein.

**§ 154-5. Conditions for issuance of permit.**

Before any permit to construct, own, operate or maintain a holding tank is issued to any owner or other person in East Whiteland Township, all of the following conditions precedent shall have occurred:

- A. The Official Sewage Facilities Plan of East Whiteland Township or the revision thereto indicates the use of holding tanks for the lot and provides for replacement by adequate public sewerage service, as approved by DEP and CCHD. The plan for replacement by adequate sewerage service shall include appropriate assurance of the project's implementations, such as public financing, bonding or other security of sufficient present value to assure completion, or any other assurances, either singularly or in combination, or such other provisions for the discontinuance of holding tank authorization as the DEP, CCHD or the Board deems necessary.
- B. The owner has filed with the Board copies of plans, contracts or other assurances enforceable according to their terms for the maintaining and removal of such holding tanks and connection to public facilities when available, adequate security to guarantee the performance of and payment for the same, and the assignment to the municipality of the right to enforce all such contracts, assurances and securities.
- C. The holding tank meets the design standards.

**§ 154-6. Installation.**

Holding tanks may be installed if and only if:

- A. They meet the design standards;
- B. A permit has been issued therefor;
- C. All fees in connection with the permit have been paid.
- D. Adequate security, as mandated under § 154-8 hereof has been posted; and
- E. Adequate land has been set aside for alternate on-site disposal systems and such land is shown on the site development plans submitted for the holding tank.

**§ 154-7. Inspection; maintenance and operation.**

Upon installation of the holding tank, but prior to its maintenance and operation, the same shall be inspected by the Chester County Health Department and the Township Engineer. The Township Engineer shall certify that the same is installed in and only in accordance with the design standards and that all conditions precedent have been complied with and adequate security, as required under § 154-8 hereof has been posted. Said holding tank may be maintained and operated only during the time such permit and security remains in force. The holding tank shall be installed,

operated and maintained in accordance with applicable DEP and CCHD regulations, including but not limited to 25 Pa. Code § 73.61 et seq.

**§ 154-8. Posting of security.**

The applicant shall post with the Board a letter of credit or other similar undertaking from a reputable financial institution or insurance carrier authorized to conduct such business in the Commonwealth of Pennsylvania or (at the applicant's election) an amount in cash guaranteeing:

- A. That the applicant will install and maintain the holding tank in accordance with DEP, CCHD and Township regulations as the same exist at the time of application.
- B. That the applicant will cause a holding tank cleaner, duly licensed by the CCHD, to pump out such holding tank at regular intervals and at times of malfunction or emergency and at such other times as may be necessary to avoid overflow or other hazard and will remove the said effluent and deposit the same at and only at an authorized disposal facility, as approved by CCHD and DEP.
- C. That, within 30 days after public sewage facilities are available to the lot, the owner will dismantle such holding tank and connect to the public sewage facility and pay all costs and fees therefor. The method of the holding tank dismantling shall be approved by the Township Engineer and shall include, but not be limited to, complete removal or the destruction and backfilling in place of said tank.
- D. That, in the event that public facilities are not available within the time period stated in § 154-3, the applicant will construct alternate facilities on the site and disconnect said holding tank and pay all costs therefor. Security shall be in an amount equal to 110% of the contract prices and (in absence of such contract prices) the estimated cost of all of the foregoing, plus an additional 10% of such costs and contracts for each year beyond the first year for the duration of the permit.
- E. The security agreement shall provide that the applicant may draw from the security so posted pumpout costs to and only to the extent provided in accordance with the terms of the contracts and estimates for and only for completed work. The maximum of any draw shall be limited to the proportion of the contract completed, materials furnished or work done. The security agreement shall provide that, in default by the permittee and during the period such default continues, the Board or its authorized representative may draw upon said security for necessary payments for expenses incurred on the Board's sole demand without the necessity of approval or concurrence by the landowner. The amount and adequacy of the security shall be determined by the applicant, subject to the approval of the Township Engineer, which approval shall not be unreasonably withheld.

**§ 154-9. Application procedures.**

Any person desiring to own, construct, operate or maintain a holding tank on lands within East Whiteland Township shall file an application therefor on a form supplied by, or satisfactory to, the Board, together with all plans and other materials necessary to demonstrate compliance with all of the requirements of this part. The Board shall establish by resolution, and may from time to time by resolution amend, a schedule of fees for the application for such holding tanks and the administration of this part. Upon approval by the Board of Supervisors, the same shall be forwarded to the CCHD, which shall, if it finds the application, plans and approvals to be in accordance with this part, process the application in accordance with the regulations administered by CCHD and upon approval issue such permits.

**§ 154-10. Appeals.**

Any person aggrieved by the action of CCHD and DEP with respect to such permit application, whether the same be based upon alleged noncompliance with the regulations of CCHD and DEP or noncompliance with the provisions of this Part 1 shall appeal from the denial of such permit in accordance with the rules and regulations established by CCHD and DEP.

**§ 154-11. Violations and penalties.<sup>1</sup>**

Any person who violates or permits the violation of any provision of this Part 1 shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense, and shall be subject to the payment of a fine of not less than \$100 and not more than \$1,000, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. Each provision of this Part 1 that is violated shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$100 and not more than \$1,000, plus the costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. All fines and penalties collected for the violation of this Part 1 shall be paid to the Township Treasurer. The penalties hereby imposed are for violations of this Part 1. Violations of the Chester County Health Department regulations shall be punishable in accordance with the rules and regulations applicable thereto and shall be deemed in addition to any violation of the provisions hereof.

**§ 154-12. Remedies.**

In addition to the penalties provided in § 154-11 above, the Board is authorized to file appropriate actions at law or in equity in the Court of Common Pleas in and for Chester County or before any other body having

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

jurisdiction over the persons and activities herein regulated to abate any violations and remove any holding tank not owned, operated, maintained or constructed in accordance with the provisions of this part. Violations of this Part 1 are declared to be public nuisances, abatable as such.

**Part 2**  
**[Adopted 11-19-1987 By Ord. No. 86-87]**  
**Sewer Use**

ARTICLE II  
**General Provisions**

**§ 154-13. Title.**

This Part 2 shall be known as the "Revised Sewer Code of East Whiteland Township, 1987."

**§ 154-14. Definitions; word usage.**

- A. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Part 2 shall be as follows:

AUTHORITY — East Whiteland Municipal Authority.

BOD (denoting "biochemical oxygen demand") — The quantity of oxygen expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of the organic matter in sanitary sewer or industrial waste under standard laboratory procedure in five days at 20° C. It shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by American Public Health Association, and the Water Pollution Control Federation, or the latest edition of "Methods for Chemical Analysis of Water and Wastes" published by the U.S. Environmental Protection Agency.

BUILDING SEWER — The extension from the sewage drainage system of any structure to the service lateral of a collection sewer.

CAPPED SEWER — A complete sanitary sewage system installed on any improved property for future connection to the collection sewer system.

CHLORINE REQUIREMENT — The amount of chlorine, in parts per million by weight, which must be added to sewage or other liquid to produce a residual of 0.1 parts per million after 15 minutes of content, or to meet the requirements of some other objective, in accordance with procedures set forth in "Standard Methods."

COLLECTION SEWER — The Township's sanitary sewers located under highways, roads, streets and right-of-way with branch service laterals that collects and conveys sanitary sewage or industrial wastes or a combination of both and into which storm, surface, and ground waters or unpolluted industrial wastes are not intentionally admitted.

COLOR OF AN INDUSTRIAL WASTE — The color of the light transmitted by the waste solution after removing the suspended material, including the pseudocolloidal particles.

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

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

CONNECTION UNIT — Each individual building or house whether constructed as a detached unit or as one of a pair or row which is designed or adaptable to separate ownership for use as a family dwelling unit or for commercial or industrial purposes. A school, factory, apartment house, cooperative or condominium apartment house, office building or other multiple-unit structure whose individual apartments or units are connected to a common internal sewage system and which are not commonly subject to separate ownership shall be considered as one connection unit.

CONSULTING ENGINEER — A duly qualified engineer designated by the Township or the Authority as its consulting engineer.

COOLING WATER — The water discharged from any system of condensation, including but not limited to air conditioning, cooling, or refrigeration.

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

DISSOLVED SOLIDS — That concentration of matter in the sewage consisting of colloidal particulate matter one micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

DOMESTIC USER — A property which is intended to be used for continuous or periodic habitation by human beings.

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

FLOATABLE OIL — Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Authority.

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

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

**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.

**GROUND WATER** — Water which is standing in or passing through the ground.

**HOLDING TANK WASTE** — Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

**IMPROVED PROPERTY** — Any property within the sewered area 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. The property may or may not have public water or private water.

**INDUSTRIAL USER** — Any property discharging wastewater to the sanitary sewer system, and which is intended to be 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, is discharged.

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

**INDUSTRIAL WASTE PERMIT** — A permit to deposit or discharge liquid industrial wastes into any sanitary sewer discharging to the wastewater treatment plant owned by the Valley Forge Sewer Authority.

**INFILTRATION** — The groundwater unintentionally entering the public sewer system, including building foundation drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

**INFILTRATION/INFLOW** — The total quantity of water from both infiltration and inflow without distinguishing the source.

**INFLOW** — The water discharge into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to: roof leaders, cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewer and/or combined sewers; catch basins; storm waters; surface runoff; street wash waters; or drainage. Inflow does not include, and is distinguishable from, infiltration.

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 latter.

mg/l — Milligrams per liter and is equivalent to parts per million by weight.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT — A permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of Public Law 92-500, as amended.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD — Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

NITROGEN, TOTAL KJELDAHL (TKN) — The sum of the organic nitrogen and ammonia nitrogen, expressed in milligrams per liter.

NONFILTERABLE RESIDUE — Solids that either float to the surface or are in suspension in water, sewage, industrial waste or other liquids, and which are removable by laboratory filtration. The quantity of nonfilterable residue shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water and Wastewater" or "Methods for Chemical Analysis of Water and Wastes," cited above.

NORMAL DOMESTIC STRENGTH SEWAGE — Wastewater or sewage having an average daily suspended solids (SS) concentration of not more than 250 milligrams per liter and an average daily BOD of not more than 250 milligrams per liter and excluding toxic and/or inflammable wastes.

OBJECTIONABLE WASTE — Any wastes that can in the Authority'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 sewered area.

PARTS PER MILLION (PPM) — A weight-to-weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

PERSON — An individual, a partnership, an association, a corporation, a joint-stock company, a trust, an unincorporated association, a

governmental body, a political subdivision, a municipality, a municipality authority or any other group or legally recognized entity. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

pH — The 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 subject to aeration. It shall be determined by one of the accepted methods described in the latest edition of "Standard Methods for Examination of Water and Wastewater," published by the American Public Health Association.

PHOSPHORUS (P) — The sum of the orthophosphate, polyphosphate, and organic phosphate form of phosphorus expressed in milligrams per liter.

POLLUTANTS — Any material that, when added to water, shall render that water (either because of the nature or quantity of the material) unacceptable for its original intended use; including, but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, sand, cellar dirt, and industrial, municipal, and agricultural wastes.

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

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

RESPONSIBLE INDIVIDUAL —

- (1) The chief executive officer or the chief operating officer of the user facility if the industrial user is a corporation;
- (2) A partner or the general manager of the user facility if the industrial user is a partnership;
- (3) The owner or the general manager of the user facility if the industrial user is a proprietorship; or
- (4) The person duly designated as the responsible individual by a corporation, partnership or proprietorship, provided that such person shall be actually responsible for overall operation of the user facilities.

**SANITARY SEWAGE** (also referred to herein as "sewage") — Wastewater originating from residential users containing human and customary household wastes, or such wastes from commercial or industrial establishments, but excluding industrial wastes.

**SANITARY SEWER** — A sewer that conveys sewage or industrial wastes or a combination of both, and into which storm-, surface, and ground waters or unpolluted industrial wastes are not intentionally admitted.

**SERVICE LATERAL** — Part of the sewer system from the collection sewer to the curb line or right-of-way line.

**SEWAGE TREATMENT PLANT** — The Valley Forge Treatment Plant and facilities operated for such purpose by the Valley Forge Authority to which the sewer system is to be connected.

**SEWER** — Any pipe or conduit constituting a part of the sanitary sewer system used or usable for sewage collection purposes and to which ground-, surface and storm water is not intentionally admitted.

**SEWERED AREA** — That portion of the Township of East Whiteland in which there shall be constructed a sewage collection system of the Authority in accordance with the plans of the Authority's designated consulting engineer, as from time to time constructed and extended.

**SEWER SYSTEM** — All facilities, as of any particular time for collecting, pumping, treating and disposing of sanitary sewage and industrial wastes, situated in the sewered area and owned and/or operated by the Authority.

**SIGNIFICANT INDUSTRIAL USER** — Any industrial user of the Valley Forge Wastewater Treatment Facility who has a discharge flow of 25,000 gallons or more per average work day or is found by the Authority, EPA or DER to have significant impact, either potential or realized, either singly or in combination with other contributing industries, on the sanitary sewer system and/or the wastewater treatment facility (either its operational efficiency, effluent quality or quality of the sludge produced by said facility).

**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 longer duration than 15 minutes, more than five times its average hourly concentration or flow during a normal working day.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC)** — A classification pursuant to the latest Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

**STANDARD METHODS** — The laboratory procedures set forth in the following sources: Standard Methods for the Examination of Water and Wastewater, Latest Edition, as amended, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation; Methods for Chemical Analysis for Water and Wastes, prepared and published

by the Analytical Quality Control Laboratory, U.S. Environmental Protection Agency; "Guidelines Establishing Test Procedures for the Analysis of Pollutants," enumerated in 40 CFR 436.1 et seq. (1975), as amended; and/or any other procedures recognized by the U.S. Environmental Protection Agency and the Commonwealth of Pennsylvania.

**STORM SEWER** — A sewer that carries storm-, surface and ground water drainage but excludes sewage and industrial wastes.

**STREET** — Any street, highway, road, lane, court, alley and public square.

**SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS)** — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtration. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods."

**TOTAL SOLIDS** — The sum of suspended and dissolved solids.

**TOWNSHIP** — East Whiteland Township or its authorized representatives, including the East Whiteland Municipal Authority where appropriate.

**TOXIC POLLUTANT** — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

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

**USER** — Any person who contributes, causes or permits the contribution of wastewater into the sanitary sewer system.

**WASTEWATER** — The liquid and water-carried industrial or domestic 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 contributed into or permitted to enter the treatment plant.

- B. "May" is permissible; "shall" is mandatory.

**§ 154-15. Unsanitary deposits.**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Township of East Whiteland, or in any area under the jurisdiction of said Township, any human or animal excrement, garbage, or other objectionable waste.

**§ 154-16. Discharges to natural outlets.**

It shall be unlawful to discharge to any creek, stream or other area which may continuously or from time to time carry a natural flow or surface or subsurface water within the Township of East Whiteland or in any area under the jurisdiction of said Township, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Part 2 and any applicable laws of the Commonwealth of Pennsylvania relating to sewage and industrial waste.

**§ 154-17. Duty to connect to public sewer.**

## A. Notice.

- (1) Whenever any sewer constituting a branch or extension of the Township sanitary sewer system has been completed and is ready for public use, it shall be the duty of the Authority to cause a printed or written notice of the completion of such sewer, together with a copy of this Part 2, to be served in the manner hereinafter provided on the owner as defined in Subsection B(3).
- (2) If the Authority shall so elect, notice of such completion may also be advertised in one newspaper circulated in the Township.
- (3) Such notice in each instance to state that it is the duty of such owners to cause buildings erected on their premises requiring sewage drainage to be connected therewith at their own expense and subject to the payment of the tapping fee required by § 154-66.

## B. Duty to connect.

- (1) It shall be the duty of every owner, as defined in Subsection B(3) hereof, of the existing premises to cause each old or new building erected thereon requiring sewage drainage to be separately connected to the Township sewer within 60 days from the time of the receipt of the aforesaid notice.
- (2) If a new building is erected on any premises the duty to connect shall arise upon completion of said building and must be completed within 60 days of said completion.
- (3) "Owner" for the purpose of this § 154-17 shall mean the owner or owners of any type of building or structure which contains sewage

facilities where some point of the structure is within 150 feet of a Township collection sewer.

- (4) Special exceptions to this requirement may be granted by the Authority upon the showing of unusual hardship or circumstance.
  - (5) If at any time the Authority shall deem it necessary for the public health to require that any building erected on premises abutting on, adjoining, or adjacent to any Township sewer, wheresoever any such building may be located on such premises, shall be connected with such sewer, it shall cause to be served upon the owner or owners of any such building, in the manner hereafter provided, a copy of this Part 2 and a printed or written notice directing that the necessary connections be made within 60 days from the date of its service.
- C. Failure to connect. If any owner of premises situated along the line of a Township sewer shall fail to heed the notice, the Authority shall cause the necessary connections to be made, and, upon completion of the work for the same shall render a bill covering the cost of said work to the owner of such premises. All such bills shall contain a notice that, if bills be not paid within 60 days after date thereof, the same shall be collected in the manner provided by law.
- D. Obtaining permit to connect.
- (1) No person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner, any sewer or sewer system without first obtaining written permission from the Authority. Such permission will be issued to owners required to connect to a Township collection sewer by this Part 2. The improved property owner shall apply to the Authority for the required permit, stating his desire and intention to connect to the sewer system and noting the type of existing facilities to be abandoned. At least 48 hours' notice prior to the connection shall be given the Authority so arrangements can be made to inspect and test the connection works. (See also §§ 154-60, 154-62, 154-67, 154-68 and 154-77.)
  - (2) Before commencing any phase of the construction for building sewer connection, the plumbing contractor shall locate and expose the existing wye or stub provided to connect to the Township sewer. No cap, stopper or plug shall be removed or punctured until permission has been granted by an authorized Municipal Authority Engineer. If no connection is provided, the contractor shall locate and expose the Township sewer main at the point where the connection is to be made.
  - (3) A 1/4 inch per foot gradient is required from point of entry at the building to sewer main. A check shall be made to verify that there is a 1/4 inch per foot gradient by obtaining the differential elevation using approved methods. If the elevations are such that the connection cannot be made at 1/4 inch per foot gradient, he shall

contact the Municipal Authority Engineer for permission to install the line at a minimum grade of 1/8 inch per foot. Under no circumstances shall the trench between connections be excavated before it is ascertained that the minimum can be obtained.

**§ 154-18. Liability for costs of violations.**

Any person violating any of the provisions of this Part 2 shall become liable to the Authority for any expense, loss, or damage occasioned to the Authority by reason of such violation.

**§ 154-19. Notice of change of ownership.**

Each property owner shall give the Authority written notice of any change of ownership of any improved property.

**§ 154-20. Notice of vacating possession.**

When the premises are vacated, the owner of improved property shall give written notice to the Authority, and the owner will be responsible for all sewer charges and fees until such notice is given.

**§ 154-21. Disposition of private sewage treatment plants.**

- A. In addition to the requirements of § 154-17, where there exists on the premises abutting, adjoining, or adjacent to a Township sanitary sewer a privately owned, operated, or maintained sewage treatment plant or other process designed and maintained for the purpose of processing or packaging sanitary sewage, the Authority shall submit to the Board of Township Supervisors proposals as to the disposition of such privately owned, operated, or maintained sanitary sewage packaging plant or processing plant.
- B. The aforementioned proposals may include, but are not limited to, one or more of the following:
  - (1) That the sewage treatment plant or similar sewage processing system be condemned according to law and closed down.
  - (2) That the sewage treatment plant or similar processing system be converted into a sanitary sewage pretreatment plant, designed for the purpose of treating and processing sewage or industrial effluence so as to conform such sewage or effluence to the requirements of this Part 2 regarding the permissible content of matter permitted to enter the Township's sanitary sewage system.
  - (3) That the sewage treatment plant or similar processing system be condemned according to law and be purchased by the Authority for use by the Authority in any manner consistent with a design for promoting the public health and welfare, and consistent with the provisions of this Part 2.

**§ 154-22. Responsibility for costs of system design beyond minimum required.**

Where pursuant to the provisions of this Part 2, the owner of improved property is required by the Authority to install sewage facilities in quantities, sizes and/or capacities in excess of the minimum requirements as provided in this Part 2, the owner of said improved property shall be responsible for all costs incident to the construction, installation and connection of such facilities; provided that the Authority shall be responsible for, but only for, that portion of the costs of such construction, installation and connection which would not have been incurred by the owner had the owner not been required to install sewage facilities in quantities, sizes and/or capacities in excess of the minimum requirements as provided for in this Part 2; but provided further, that the Authority shall not be responsible for costs incident to any requirements for sewage facilities in excess of the minimum requirements, where such excess was necessary in order to accommodate the larger sewage disposal needs of a building or buildings erected on a particular property.

**§ 154-23. Failure to comply with notice.**

If any person shall fail or refuse, upon receipt of written notice of the Authority, to remedy any unsatisfactory conditions or violations of this Part 2 within 60 days of receipt of such notice, the Authority may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of the Authority or consulting engineer.

**§ 154-24. Right to refuse service upon harmful discharges.**

In order to prevent discharge into the sewer system of wastes, the discharge of which is in violation of the provisions of this Part 2 or which may be deemed by the Authority to be harmful to the sewer system or to have a deleterious effect on sewage treatment process, or to have a deleterious effect on the public health, welfare or safety, the Authority shall refuse to any person the privilege of connection of any improved property to a sewer, or to compel discontinuance of use of a sewer by any person, or to compel the pretreatment of industrial and harmful wastes.

**§ 154-25. Disclaimer of liability of Authority.**

- A. The Authority shall not be liable for any damages, expenses, costs, or other injury resulting from leaks, stoppages or defective plumbing, or from any other cause occurring to any premises or within any house or building.
- B. The Authority shall not be liable for damages, expenses, costs, or other injury caused by the breakage or stoppage of, or any damage or expense to, any lateral or house connection when the cause thereof is found to be in the lateral or house connection.

- C. The Authority shall not be liable for any breaking, stoppage or any damage or expense to any service lateral or building sewer, where the cause thereof is found to be in the building sewer.
- D. The Authority shall not be liable for any costs, damages, expenses or other injury caused or occasioned by or in connection with a deficiency or failure of service when occasioned by an emergency, required repairs, or failure from any cause beyond control.

**§ 154-26. Conditions of service.**

- A. The Authority will furnish sewage service only in accordance with the prevailing, and as hereafter revised, rates, rules and regulations of the Authority, which rates, rules and regulations are made a part of every application, permit and contract entered into between the property owner or customer and the Authority.
- B. The Authority hereby reserves the right, so often as it may deem necessary, to alter, amend and/or repeal the rates, rules and regulations in part or in whole, to substitute new rates, rules and regulations which altered and/or amended new rates, rules and regulations shall forthwith, after due notice, become and thereafter be a part of every application, permit and contract for sewage service in effect at the time of such alteration, amendment and/or adoption.

## ARTICLE III

**Building Sewers and Service Laterals****§ 154-27. Size of pipe.**

Unless a larger size is required in pursuance of this Part 2, no building sewer shall be less than four inches in diameter.

**§ 154-28. Type of pipes.**

All building sewers and service laterals shall be constructed by use of one of the following types of pipe:

- A. Service weight (SV) cast iron soil pipe at least four inches in internal diameter conforming to "Cast Iron Soil Pipe and Fitting," ASTM A-74-69, latest revision.
- B. Polyvinylchloride (PVC) pipe at least four inches in internal diameter gasket type conforming to ASTM D-3034-74SDR35 or equal or Schedule 80 PVC, using solvent cement. The rubber rings to comply with ASTM D-3212.
- C. Jointing materials for the various types of pipe shall be as follows:
  - (1) Cast iron pipe shall have push-on joints consisting of rubber gaskets conforming to the requirements of "Rubber Gaskets for Cast Iron Soil Pipe," ASTM 564-74.
  - (2) Polyvinylchloride (PVC), four-inch and six-inch pipe shall be joined with separate fluid-tite twin gasket couplings. Each coupling shall consist of a body of extruded stock, internally machined and furnished with two rubber gaskets. Eight-inch diameter and larger diameter pipe shall be joined with bell and spigot type of rubber gasketed joint. Each joint shall consist of a formed bell complete with a single rubber gasket. All fittings shall utilize rubber gasket joints. Rubber gaskets shall comply with the requirements specified in ASTM D-1869, C-361 or C-443.

**§ 154-29. Beddings.**

Uniform bedding shall be provided along the entire length of a building sewer, and all joints of a building sewer shall be watertight and rustproof. No cement mortar joints shall be used.

- A. Trenches (both earth and rock trenches). "First Class Bedding" shall be provided as a foundation for all pipe. The bedding material shall consist of crushed stone conforming to the Commonwealth of Pennsylvania Department of Transportation grading and quality requirements for No. 2B coarse aggregate. The crushed stone shall be placed in the bottom of the trench within six inches of the bottom of pipe, minimum depth of six inches over the pipe.

- B. Concrete joints shall be used when tying new pipe to existing pipe. Proper adopting fittings (i.e., Johns-Manville Duplex couplings for AC to pipe of other material) along with concrete encasement.

**§ 154-30. Method of transfer to Authority system.**

Where a building or buildings on an improved property, at the time of securing a permit under § 154-17 to connect to a sewer, shall be served by its own sewage disposal system, device, or other form of private sewage disposal, and where such building or buildings are required, pursuant to this Part 2, to be connected to a collection sewer, the existing house sewer or building sewer shall be broken on the structure side of such existing sewage disposal system or device and an attachment shall be made, with proper fittings, to continue such house or building sewer line, as a building sewer undiminished in inside diameter, but not less than four inches, to the service lateral.

**§ 154-31. Common trench permitted for building sewers to adjoining property.**

A building sewer which serves one improved property may occupy the same trench as a building sewer to serve the next adjoining improved property; and provided that such joint occupancy is by mutual agreement of the owners concerned.

**§ 154-32. Responsibility for proper material and connection.**

It shall be the duty of every person constructing or owning any building sewer, house drain, soil pipe, waste pipe, vent pipe, plumbing fixtures, or any other passage or connection between a sewer and any grounds, buildings, erections, and in like manner it shall be the duty of the owners of all grounds, buildings, erections, and all parties interested therein or thereof, to cause and require that such building sewer, house drain, soil pipe, waste pipe, vent pipe, plumbing fixtures and every other passage or connection shall be adequate for its purpose, and at all times allow to pass freely all material that enters or should enter the same.

**§ 154-33. Notice and approval for changes in connections.**

In order to change, alter or modify any building sewer, house drain, service lateral, vent pipe, waste pipe, soil pipe, plumbing fixtures or any other sewer passage or connection, written notice of such must be served on the Authority which must give its written approval before any changes, alterations or modifications shall be made.

**§ 154-34. Fittings.**

Fittings in a building sewer shall conform to the type of pipe used in construction of such sewer.

**§ 154-35. Directional changes in building sewers.**

Change in direction in a building sewer must be made by use of "Y" branches or of 1/8, 1/16, 1 1/4 or 1/6 bends.

**§ 154-36. Nonpermissible fittings.**

Fittings or connections in a building sewer which have an enlargement, chamber or recess with a ledge, shoulder reduction of pipe area that shall offer any obstruction to flow, shall not be allowed.

**§ 154-37. Preparation, packing and caulking of joints.**

- A. Lead joints in cast iron soil pipe in a building sewer shall be packed with oakum in the bell and spigot terminations and thereafter shall be filled with molten lead to a depth of at least one inch for pipes four-inch and six-inch diameter pipe and 1.25 inches for eight-inch and twelve-inch diameter pipe and not to be depressed more than 1/8 inch below the rim of the hub. The lead then must be caulked in place. No paint, varnish or other coating shall be permitted on the jointing material until after the building sewer has been tested and approved as provided in §§ 154-44 and 154-45.
- B. Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of 160° F., nor be soluble in any of the wastes carried by the drainage system. The joint shall first be caulked tight with jute, hemp, or similar approved material.

**§ 154-38. Use of floor drains.**

- A. Floor drains shall be permitted to be connected to the Building Sewer only where it can be shown to the satisfaction of the Township that their connection is absolutely necessary. Where such drains are permitted, arrangements shall be made to maintain a permanent water-seal in the traps, and such drains shall be provided with check or backwater valves where warranted.
- B. A permit shall be obtained from the Authority before any floor drain may be attached to the house drain.
- C. No permit for a basement floor drain shall be granted until the owner of the building or his agent has executed, signed and filed a written agreement upon a form furnished by the Township releasing the Township from any damage that may result from the basement being flooded by the stoppage of sewers.
- D. Sump pumps shall not be connected to, nor the discharge therefrom flow into, any drain pipe which is connected to a building sewer.
- E. See § 154-80 for waters not permitted.

**§ 154-39. Cleanouts required.**

- A. Cleanouts shall be provided in each building sewer at maximum intervals of 75 feet and each change of direction to permit rodding with an auger or tape. Cleanouts shall be constructed by using a "T" or "Y" fitting in the run of pipe with a forty-five-degree bend and riser to the ground surface. The cast iron riser pipes shall be provided with brass screw plug. PVC riser pipes may use brass or PVC screw plug. Risers shall be at a level equal to the finished grade level.
- B. Refer to the Typical Building Sewer Sheet, Sketch Number 213A.<sup>2</sup>

**§ 154-40. Interceptor traps required.**

- A. A building sewer shall be provided with horizontal single vented trap, known as an interceptor trap, of not less than four inches inside diameter. The trap shall be provided with a cast iron mushroom vent. The trap shall be cast iron or polyvinylchloride (PVC). Fabricated PVC traps shall be as shown on Sketch 213A or as may be approved by the Authorities Engineer. All materials shall comply with § 154-28.
- B. The vented trap shall be constructed at the lower end of the building sewer. The 10 feet dimension shown on the sketch is approximate and may be revised according to conditions encountered in the field. Where the distance from the main sewer to the building is less than 75 feet, the vented trap may be used as the cleanout in lieu of the cleanout located approximately 10 feet from the building as shown on Sketch 213A.

**§ 154-41. Location of interceptor traps.**

The interceptor trap described under § 154-40 shall be located at a point to be determined and approved by the Authority and in accordance with rules and regulations applicable thereto as adopted by Authority. Such trap and its vent shall be on the property side of the curblines or right-of-way line.

**§ 154-42. Special conditions.**

Wherever in the opinion of the Authority the trenching conditions require either a specific type of pipe, jointing material or encasement in concrete, such materials as it may direct shall be installed to protect the property owner and/or the Township for special conditions as follows:

- A. Where the trench is less than four feet deep in a traveled roadway, special bedding, consisting of crushed stone or concrete cradle, as directed by the Township shall be used.
- B. Service laterals and building sewer for all service stations, garages, or other establishments storing, using, or dispensing gasoline, kerosene, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid

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2. Editor's Note: Said sketch is included at the end of this chapter.

or gas, or similar solvents shall be constructed of cast iron pipe with leaded joints.

- C. Where lines are laid in fill or within 18 inches of potable water lines, cast iron soil pipe with caulked and lead gasket joints shall be used.
- D. Where water, excessive amounts of wet backfill or marshy ground exists the use of cast iron pipe will be required.
- E. Where foundation conditions are poor due to ground water, or subsurface materials, the building sewer shall be laid on a base of Pennsylvania Department of Transportation No. 2B crushed stone at least six inches in depth.
- F. Backfilling of pipe trenches on Township roads and right-of-ways shall be made with loose earth, free of rock and stones, and carefully tamped about and over the pipe in six-inch layer for a depth of two feet above the pipe, when coarser materials may be backfilled and the trench brought to its original condition. Backfilling of pipe trenches on state roads and right-of-way shall conform to the Pennsylvania Department of Transportation Specifications, Form 408-1970 and Form 945B REV.

#### **§ 154-43. Slope and grading.**

The slope or grade of a building sewer shall be no less than 1/4 inch per foot of length and shall be sloped downward in the direction of flow. If elevations are such that the connection cannot be made at 1/4 inch per foot the Municipal Authority may grant permission to install the line at some gradient less than 1/4 inch per foot but in no case less than 1/8 inch per foot.

#### **§ 154-44. Testing, approval and observation.**

- A. The Authority or the consulting engineer shall observe all testing of a building sewer. All equipment and material required for testing shall be furnished by the owner of the improved property to be connected to a sewer.
- B. In the event a building sewer is not approved by the Authority further test or tests shall be made following completion of necessary corrections. A fee as set from time to time by resolution of the Board of Supervisors or the Authority will be charged by the Authority for observation of each test subsequent to the initial test. **[Amended 11-21-2000 by Ord. No. 132-2000]**

#### **§ 154-45. Approval required prior to covering building sewers.**

No building sewer shall be covered until it has been inspected, tested, as provided in § 154-44, and approved. If any part of a building sewer is covered before being inspected, tested and accepted, it shall be uncovered for inspection and testing at the cost and expense of the owner of the improved property.

**§ 154-46. Safe and sanitary operation.**

Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner.

**§ 154-47. Excavations.**

Every excavation for a building sewer or service lateral shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer or service lateral shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Township.

**§ 154-48. Restoration of excavations; permits and standards.**

Wherever the surface of any public street, sidewalk or cartway is disturbed by construction of the service laterals, the surfacing material must be restored in kind and maintained to the satisfaction of the Authority and Township. Any and all construction in a public street of the Township shall be in compliance with the ordinances of the Township and any and all construction in a state highway shall be in compliance with Pennsylvania Department of Transportation requirements and specifications. All permits shall be obtained before construction is commenced, including the permits required for opening, or disturbing the surface of streets controlled by the Township and state. All Pennsylvania Department of Transportation permits will be obtained by the Township. All permits issued for construction will require that streets or roads under construction remain passable for vehicular traffic during the period of construction.

**§ 154-49. Supervision of construction by Authority.**

The construction of service laterals and building sewers shall at all times, be subject to supervision and inspection by the Authority or its representative and shall conform to the Authority specifications. The service laterals and building sewer shall not be covered until permitted by the Authority and all backfilling or trenches shall be under its supervision and shall be compacted according to § 154-42.

**§ 154-50. Sewers through private land.**

Connections with sewers where same are run through private property shall in all respects be governed by this Part 2.

**§ 154-51. Capped sewer and lateral; private disposal.**

- A. In all cases where collection sewers are not available either in the street or in easements accessible to any property for which subdivision is requested or intended, the developer shall be responsible to install collection sewers, sewer service laterals, and building sewers to connect with each dwelling unit, but such sewers shall be capped at the

appropriate points (which is designated and approved by Authority) until the Authority sewers become available. In such event the owner shall install on-site disposal units or an on-site temporary treatment facility, in each case, in accordance with the regulations of the Chester County Health Department.

- B. All capped sewers shall be designed, installed, accepted and dedicated to the Authority in accordance with this Part 2.

**§ 154-52. Use of old building sewers.**

- A. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Authority, to meet all requirements of this Part 2.
- B. All asphalt-paper pipe, such as Orangeburg, shall be replaced with pipe material used for making the lateral connection except in unusual conditions permitted by the Authority's engineer.

**§ 154-53. Depth and positioning.**

No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost.

**§ 154-54. Use of power other than gravity.**

In all buildings in which any building drain is too low to permit gravity flow to the collection sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the Authority and discharged to the building sewer.

**§ 154-55. Open trench work required.**

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Authority in writing.

**§ 154-56. Testing, approval and tapping.**

- A. Every building sewer shall be tested by filling the same with water, completely, so that every section shall be tested with not less than a ten-foot head of water. Water shall be kept in the building sewer for 15 minutes before inspection starts and no leakage shall be observable at the time of inspection.
- B. Upon approval of the test of a building sewer by the Authority, a certificate of approval will be issued to the owner of the improved property.
- C. The applicant for the building sewer connection permit shall notify the Authority when the building sewer is ready for inspection and connection to the public sewer. The removal of the stopper in or tapping

of the public sewer shall be made under the supervision of the Authority or its representatives.

D. Air testing.

- (1) Low pressure air testing of building sewers may be used as an alternative for water exfiltration tests. All building sewer connection pipes shall be tested whether the line is under water or not.
- (2) The test section of the building sewer shall be plugged at each end. One of the plugs used must be tapped and equipped for the air inlet connection for filling the line from the air compressor. All pipe outlets shall be properly capped or plugged, and carefully braced against the internal pressure to prevent air leakage by slippage and blowout.
- (3) The air control equipment shall have a monitoring pressure gage having a pressure range from zero to 15 psi. The gage shall have minimum divisions of 0.10 psi and an accuracy of  $\pm 0.5$  psi. The air control equipment shall be Cherne Air-Loc equipment as manufactured by Cherne Industrial of Hopkins, Minnesota, or approved equal.
- (4) If the time, in minutes and seconds, for the air pressure to drop from 3.5 to 2.5 psig is less than that shown in the table below for the designated pipe size, the section of the pipe undergoing the test shall not have passed the test; therefore, adequate repairs must be made and the line restored.
- (5) As a safety precaution, all pneumatic plugs shall be seal tested before being used in the actual test installations.

**Time Requirements for Air Testing**

<b>Pipe Size (inches)</b>	<b>Time (minutes)</b>
4	2.0
6	3.0
8	4.0
10	5.0

- (6) Adjustment and procedures for making air pressure correction for groundwater. An air pressure correction is required when the prevailing ground water is above the sewer line being tested. Under this condition, the air pressure must be increased 0.433 psi for each foot the groundwater level is above the invert of the pipe.

**§ 154-57. Building demolition; severance from sewer.**

In the event of the demolition of any building, the owner of the building shall be responsible for plugging the existing building sanitary sewer connection at the property line. Any reuse of such connection shall require a building sewer connection permit and connection fee.

**§ 154-58. Approval of service laterals; supervision of construction.**

No service lateral shall be constructed, laid and connected except in a manner and type approved by the Authority which shall supervise and control the construction of the same.



## ARTICLE IV

**Connections of Building Sewers****§ 154-59. Separate connections required for each unit.**

Each connection unit on each improved property shall be connected separately to a service lateral through a building sewer. Special written permission must be obtained from the Authority to group more than one connection unit on one building sewer.

**§ 154-60. Costs to be borne by owner; indemnity of Township.**

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

**§ 154-61. Materials to be used.**

Materials for a building sewer, jointing materials and methods of installation shall be in accordance with requirements of this Part 2, and shall be subject to approval of this Authority.

**§ 154-62. Display of permit.**

The permit required by § 154-17 shall be displayed prominently upon the improved property to be connected to a sewer at all times during construction of the building sewer and connection of the building sewer to the service lateral and/or collection sewer.

**§ 154-63. Permissible types and places of joints and connections.**

- A. A building sewer shall be connected to a collection sewer at the service lateral or at the place where the wye (Y) in the collection sewer is located. No person shall make a connection directly to or tamper with a collection sewer in any manner, except as herein provided.
- B. All work of making connections to any of the Township sewers shall be done under the personal supervision of an authorized representative of the Authority or its consulting engineer and shall conform to the following requirements:
  - (1) The location of existing service wye (Y) or house laterals will be secured by the property owner from the Authority records before construction is undertaken so that the house sewer may be properly located. If the existing service wye or service lateral location is not suitable for building sewer connecting alignment or a service wye or service lateral does not exist, the connection to the

collection system shall be made with an approved saddle fitting properly installed and encased in a minimum of six inches of concrete on all sides of fitting. All associated costs shall be paid by the property owner.

- (2) Connections to the collection sewer where no branch or wye (Y) fitting has been previously provided shall be made with an approved saddle type fitting properly installed and encased in an envelope of concrete extending completely around the barrel of the collection sewer pipe, and a minimum of six inches either side of fitting; the cost thereof shall be paid by the property owner.
- (3) All joints shall be sealed and made watertight, and shall be made smooth and clean inside, with all sewers in proper alignment and of proper grade, so as to provide free flow of sewage matter without any obstructions, and to be made in accordance with the Authority specifications for its sanitary sewers. All work pertaining to the connection with the Authority's sewers shall be, financially and otherwise, the responsibility of the owner of the property with which connection is made, subject to the right of supervision hereby reserved by the Authority.

#### **§ 154-64. Size of connecting pipes.**

Connections to the service laterals shall be made of the same pipe diameter (size), properly joined. When the building sewer is made with a pipe of larger diameter than the existing service lateral, the building sewer shall be extended to the collection sewer and connected with a saddle fitting.

#### **§ 154-65. Connections required to comply.**

All connections shall be made pursuant to §§ 154-36 and 154-51 and the other provisions of this Part 2.

#### **§ 154-66. Connection fees.**

There will be charged and imposed upon the owner of each connection unit a connection fee as set forth in the appropriate resolutions adopted by the Authority from time to time. Such connection fee shall be due and payable to the Authority at the time the connection is made by the owners required to connect to the sewer by Authority ordinance. If the owner fails to connect in the allotted time covered by the ordinance, then the connection fee shall be due and payable 60 days, including the allotted time under the ordinance, after written notice to connect is given to the owner by the Authority. Owners not required to connect but who desire to do so shall pay the connection fee at the time of permit application approval. Refer to Ordinance 5375, latest revision, for tabulation of user charges.

#### **§ 154-67. Authorized plumbers; permit; insurance required.**

- A. Any individual desiring to do plumbing installation or other plumbing work upon the building sewer and its connection with the service lateral connected with any improved property which is connected to or which is to be connected to a sewer shall obtain from the Authority a permit authorizing such individual to engage in such plumbing work. Such permits shall be issued on a calendar year basis. A fee as set from time to time by resolution of the Board of Supervisors or the Authority shall be charged for issuance of each permit. Such permits shall be issued to such individuals who have demonstrated to the satisfaction of the Authority that they are qualified and capable of performing plumbing work in accordance with good plumbing practice and shall be revocable by this Authority for negligent or willful failure to comply with rules and regulations to be adopted by resolution by the Authority. Any individual who is performing plumbing work must file the following insurance certificates at the time he applies for his permit: **[Amended 11-21-2000 by Ord. No. 132-2000]**
- (1) Property damage.
    - (a) Minimum: \$50,000.
  - (2) Personal injury.
    - (a) Injury to any one person minimum: \$300,000.
    - (b) Injuries in any one incident minimum: \$300,000.
- B. Such permits shall be reissued from calendar year to calendar year by appropriate endorsement of this Authority or by issuance of a new permit, at the discretion of this Authority upon payment of the required fee. Owners, their agents, employees or independent contractors may do trench preparation work independently of the plumbing work involved upon receipt of a permit from the Authority and subject to compliance with its regulations and inspection requirements.
- C. The Township shall be responsible for administering the permits for the licensing of plumbers and collection of all fees.

**§ 154-68. Permit required.**

Any improved property upon which plumbing work is performed by an individual not possessing a permit as required under § 154-67 will not be approved for connection to a sewer.



## ARTICLE V

**Private Sanitary Sewage Disposal****§ 154-69. Private disposal prohibited.**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

**§ 154-70. Exceptions.**

Where a public sanitary sewer is not available under the provisions of this Part 2, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

**§ 154-71. Permit required.**

Before commencement of construction of a private sewage disposal system, the owner or his agent shall first obtain a written permit from the County Health Department and file a copy of the permit with the Township.

**§ 154-72. Effective date of permit.**

The permit for a private sewage disposal system shall not become effective for operation until the installation is completed and inspected by the County Health Department and a copy of the inspection report is filed with the Township.

**§ 154-73. Permissible types, locations and discharges.**

- A. The type, capacities, location, and layout of a private sewage disposal system shall comply with all regulations and ordinances of the County Health Department.
- B. If a cesspool is hereinafter constructed on or near a property line, the same shall be backfilled and the system moved to a proper location to comply with the County Health Department regulations.
- C. No septic tank or cesspool shall be permitted to discharge into any public sewer or natural outlet.

**§ 154-74. Safe and sanitary maintenance.**

The owner of premises utilizing private sewage disposal facilities shall operate and maintain the same in a safe and sanitary manner at all times, at no expense to the Authority.

**§ 154-75. Declaration of private facilities required.**

Pursuant to § 154-17, an application for a permit to connect to a public sanitary sewer must state the type and location of all existing private sewage disposal facilities.

**§ 154-76. Effect of availability of public sewerage.**

At such time as a public sanitary sewer becomes available for use, as set out in this Part 2, a direct connection shall be made to the public sanitary sewer in compliance with this Part 2, and any cesspools, septic tanks and similar private sewage disposal facilities shall be pumped out of all sewage. Metal tanks shall be collapsed and filled with earth. Concrete tanks are recommended to be filled but it is not mandatory.

**§ 154-77. Abandonment and filling of private systems.**

- A. All abandoned cesspools, septic tanks, privy vaults, seepage pits or similar sanitary waste receptacles shall be pumped out and dirt filled within 60 days after abandonment, under the direction of the Authority. Metal tanks shall be collapsed and filled with earth. Concrete tanks are recommended to be filled but it is not mandatory.
- B. An Authority permit shall be required prior to the abandonment of existing facilities.
- C. Where a plumber, contractor, employee, or any other agent or independent contractor of the owner of the property is delegated and assumes the responsibility for all service lateral and building sewer work to be performed, the permit shall require the pumping and filling of the abandoned private sewage disposal facility shall be performed by the aforementioned person or persons.
- D. Where the particular property owner assumes the responsibility of pumping and filling the facilities to be abandoned, he shall be required to secure a permit from the Authority for this work.

**§ 154-78. Public health rules to apply.**

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any state or county department, agency or similar entity.

**§ 154-79. Unlawful maintenance of private facility; public nuisance; remedy.**

The maintenance of a private sewage disposal facility in violation of the provisions of this Part 2 is deemed to be a public nuisance, and all rights and remedies are available to the Authority for the abatement of such a nuisance. Additionally, the person violating the provisions of this article shall be liable for all costs incident to the said abatement.

ARTICLE VI  
**Permissible Discharges**

**§ 154-80. Waters not permitted.**

- A. No roof drainage, cellar, surface water, waste from hydrants or ground water from underground drainage fields shall be admitted or be permitted to drain into the sewer system. The sewer system is intended to convey sanitary sewage and permitted wastes only.
- B. No person shall discharge or cause to discharge any stormwater, surface water, foundation drain water, groundwater, roof runoff, subsurface drainage drainage cooling water or unpolluted industrial or unpolluted commercial process water into any sewer. All connections which would result in the discharge of infiltration or inflow are hereby specifically prohibited.

**§ 154-81. Industrial discharge.**

Except as otherwise provided in this Part 2, all industrial users shall comply with the requirements of Article VII.

**§ 154-82. Other prohibited wastes and waters.**

Except as otherwise provided in these rules and regulations, no person shall discharge or cause to be discharged any of the following described wastes or waters into the sewer system:

- A. Any liquid or vapor having a temperature higher than 150° F.
- B. Any water or waste containing more than 100 ppm by weight of fats, oils, or greases.
- C. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either along or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sanitary sewer system or the treatment plant or to the operation of same. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5%, nor any single reading over 10%, of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Township, the Authority, the Commonwealth of Pennsylvania or EPA has notified the User is a fire hazard or a hazard to the system.
- D. Any noxious or malodorous gas or substance which, either singly or by interaction with other wastes, shall be capable of creating a public nuisance or hazard to life or of preventing entry into any sewer or the sewage treatment plant for maintenance and repair.

- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, bones, feathers, tar, plastic, wood, paunch manure, butcher's offal, whole blood, bentonite, lye, building materials, rubber, hair, leather, porcelain, china, ceramic wastes, asphalt, paint, waxes or any other solid or viscous substance which shall be capable of causing obstruction to the flow in any sewer or other interference with the proper operation of the sewer system or the sewage treatment plant.
- F. Any water or waste having a pH lower than 6.0 or higher than 9.0 or having any corrosive property capable of causing damage or hazard to structures or equipment of the sewer system or the sewage treatment plant or to personnel engaged in operation and maintenance thereof.
- G. Any water or waste containing any toxic substance in quantity sufficient to constitute a hazard to humans or animals or to interfere with the biochemical processes of the sewage treatment plant or that will pass through the sewage treatment plant in such condition so that it will exceed state, federal or other existing valid requirements for the receiving stream.
- H. Any water or waste containing suspended solids of such character and quantity that unusual attention or expense shall be required to handle such water or waste at the sewage treatment plant.
- I. Any toxic radioactive isotopes, except by special permission of this Township.
- J. Any drainage from building construction.
- K. Any 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 sanitary sewers, with no particles under any circumstance, greater than 1/2 inch in any dimension.
- L. Containing color from any source that when diluted with distilled water 1:10 will have a luminescence of 10% or better and a purity of 90% or less, at its dominant wave length by the tristimulus method.
- M. Having a chlorine demand in excess of 12 mg/l.
- N. Prohibited by any permit issued by the Commonwealth of Pennsylvania, or by the U.S. Environmental Protection Agency or any other federal agency.
- O. Containing wastes which are not amenable to biological treatment or reduction in existing treatment facilities, specifically nonbiodegradable complex carbon compounds.
- P. Quantities of flow or concentrations, or both, which constitute a "slug" as defined in this Part 2.
- Q. Any waters which are used for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations.

- R. Ammonia nitrogen in such an amount that would cause the Authority to be in noncompliance with regulations of the Commonwealth of Pennsylvania.
- S. Wastes containing more than 10 milligrams per liter of hydrogen sulfide, sulfur dioxide, nitrous oxide, or any of the halogens.

**§ 154-83. Traps and interceptors required for certain users.**

- A. Gas stations and garages are required to provide oil interceptor approved by the Authority, in the proper location, where the dangerous liquids are to be intercepted.
- B. Restaurants are required by the Authority to provide grease interceptors of the type Series J of the Josam Manufacturing Company or equivalent.
- C. Grease, oil, and sand interceptors, and oil reclaimers shall be provided when, in the opinion of the Authority, they are necessary for the proper handling of liquid wastes, sand, and other harmful ingredients; hair traps shall be provided for all barbershops and beauty parlors; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. User shall submit certified quarterly report for grease and/or oil interceptors cleanup operation and shall include the location where the material is being disposed of.

**§ 154-84. Stormwater drainage.**

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Authority.

**§ 154-85. Authority's right to waive requirements.**

Nothing contained in this article shall be construed as prohibiting any special agreement or arrangement between this Authority and any person whereby wastes of unusual strength or character may be admitted into the sewer system by this Authority, either before or after preliminary treatment.



## ARTICLE VII

**Discharging into Public Sanitary Sewage System  
[Amended 12-12-1994; 8-20-2002 by Ord. No. 138-2002]****§ 154-86. Purpose and policy; word usage and definitions.**

## A. Purpose and policy.

(1) This article sets forth uniform requirements for connected and nonconnected users discharging into the public sanitary sewage system and treatment plant of the Valley Forge Sewer Authority and enables the Authority to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).

(2) The objectives of this article are to:

(a) Prevent the introduction of pollutants into the public sanitary sewage system and treatment plant which will interfere with the operation of the sewer system or contaminate the resulting biosolids or otherwise be incompatible to the sewer system;

(b) Prevent the introduction of pollutants into the treatment plant which will pass through the treatment system, inadequately treated, into receiving waters or the atmosphere;

(c) Improve the opportunity to recycle and reclaim wastes and biosolids from the sewer system;

(d) Provide for equitable distribution of the cost of the treatment plant operation and maintenance.

(3) This article provides for the regulation of contributors to the public sanitary sewage system through the execution of agreements, the issuance of permits to certain nondomestic users, the issuance of licenses to waste haulers and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' approved and authorized capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

B. Word usage and definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated. Words in the present tense include the future. The singular number includes the plural number. The plural number includes the singular number. "Shall" is mandatory; "may" is permissive.

AUTHORITY — The Valley Forge Sewer Authority or its authorized representatives.

**BASELINE MONITORING REPORT** — The report required in 40 CFR Part 403.12, to be submitted by all industrial users or waste generators subject to national categorical pretreatment standards.

**BEST MANAGEMENT PRACTICES (BMPs)** — Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR Part 403.5(a)(1) and (b). 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 2-11-2009 by Ord. No. 216-2009]**

**BIOSOLIDS** — The primarily solid organic material recovered from a sewage treatment process and recycled especially as a fertilizer.

**BOD (biochemical oxygen demand)** — The quantity of dissolved oxygen consumed in the biochemical oxidation of the organic matter in waste under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter (mg/L). It shall be determined by one of the acceptable methods described in 40 CFR Part 136 and amendments thereto, or by any other methods approved by the Environmental Protection Agency (EPA).

**CATEGORICAL INDUSTRIAL USER** — Any industrial user subject to a national categorical pretreatment standard.

**CATEGORICAL WASTE GENERATOR** — Any waste generator subject to a national categorical pretreatment standard.

**CLEAN WATER ACT (CWA)** — Public Law 92-500, October 18, 1972, 33 U.S.C. § 1251 et seq.; as amended by PL 95-2 17, December 28, 1977; PL 97-177, December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987, and any subsequent amendments or reauthorizations thereto.

**COLOR** — The color of the light transmitted by the waste solution after removing the suspended material, including the pseudocolloidal particles.

**COMMERCIAL DISCHARGE PERMIT** — A permit issued to those industrial users that the Authority does not classify as significant industrial users, but are considered to have an impact, either potential or realized, either singly or in combination with other contributing commercial or industrial establishments, on the public sanitary sewage system and/or the treatment plant (either its operational efficiency, effluent quality or quality of the biosolids produced by such facility).

**COMMERCIAL USER or COMMERCIAL ESTABLISHMENT** — A property which is intended to be used for the purpose of carrying on a trade, business or profession, or for social, religious, educational, charitable or public uses, or a person discharging waste generated by the trade, business, profession, social, religious, educational, charitable or public use of the property.

COMPOSITE SAMPLE — A sample consisting of a combination of individual samples that are either time- or flow-proportioned or both, obtained at regular intervals over a period of time and shall reasonably reflect the actual wastewater or waste discharge conditions for that period of time.

CONNECTED USER — A user located in the Authority service area that discharges into the public sanitary sewage system through a direct connection point that has been approved by the Authority.

COOLING WATER — The water discharged from any system of condensation, including but not limited to air conditioning, cooling or refrigeration.

DAILY COMPOSITE SAMPLE — A sample consisting of a combination of individual samples, regardless of flow, collected at regular intervals over a period of time; the sampling duration shall be not less than 20 hours, but shall not exceed 28 hours, or as specified in an industrial waste discharge permit or commercial discharge permit.

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

DISSOLVED SOLIDS — That concentration of matter in a waste consisting of colloidal particulate matter, and both organic and inorganic molecules and ions present in solution that pass through a standard filter according to the approved procedures outlined in 40 CFR Part 136 or amendments thereto, or outlined in any other procedure approved by the EPA.

DOMESTIC USER — Any connected user discharging only sanitary sewage. This discharge shall not exceed an average daily total suspended solids concentration of 250 milligrams per liter (mg/L) and an average daily BOD concentration of 250 milligrams per liter (mg/L).

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

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

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

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.

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

HOLDING TANK WASTE — The wastes originating from normal household activities containing human and customary household wastes, or such wastes from commercial or industrial establishments, but excluding industrial wastes. The waste must be certified by a waste hauler licensed by the Authority as sanitary sewage, and must be stored in such a way as not to concentrate said waste to a level of total suspended solids exceeding 1,000 milligrams per liter (mg/L).

HOUSEHOLD WASTE — The water-carried waste originating from normal household functions such as waste from kitchens, toilets, lavatories and laundries, or such waste from industrial or commercial establishments, but excluding industrial waste.

INDIRECT DISCHARGE or DISCHARGE — The introduction of pollutants into the Authority's public sanitary sewage system from any nondomestic source regulated under Section 307(b), (c) or (d) of the Clean Water Act. **[Added 2-11-2009 by Ord. No. 216-2009]**

INDUSTRIAL USER — Any connected user which is not a domestic user.

INDUSTRIAL WASTE — Any liquid, solid or gaseous substance, whether or not solids are contained therein, discharged from any user during the course of any industrial, manufacturing, trade, or business process or in the course of development, recovery or processing of natural resources, or any wastes having any of the characteristics described under § 154-87A of this article (General discharge prohibitions), as distinct from sanitary sewage.

INDUSTRIAL WASTE DISCHARGE PERMIT — A permit issued to a significant industrial user in accordance with § 154-89 of this article.

INFILTRATION — The groundwater unintentionally entering the public sanitary sewage system, including building foundation drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connection or manhole walls. Infiltration does not include, and is distinguishable from, inflow.

INFILTRATION/INFLOW — The total quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW — The water discharged into a public sanitary sewage system, including building drains and sewers, from such sources as, but not limited to: roof leaders, cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connection from storm sewer and/or combined sewers; catch basins; stormwater; surface runoff; street wash water; or drainage. Inflow does not include, and is distinguishable from, infiltration.

**INTERCEPTOR** — A device designed and installed so as to separate and retain for removal by automatic or manual means, deleterious, hazardous or objectionable waste, including but not limited to grease, oil or sand, while permitting sanitary sewage or industrial waste to discharge by gravity into a public sanitary sewage or on-site drainage system.

**INTERFERENCE** — A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations and results in a violation of any requirement of the treatment plant's NPDES permit or prevents biosolids use or disposal in compliance with applicable federal or state statutes or regulations. The term includes those discharges that cause a prevention of biosolids use or disposal by the treatment plant in accordance with 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, 40 CFR Part 503, or more stringent state criteria, including those contained in any state biosolids management plan prepared pursuant to Title IV of SWDA or any more stringent DEP criteria, guidelines or regulations pursuant to the Solid Waste Management Act (SWMA),<sup>3</sup> the Clean Streams Law (CSL),<sup>4</sup> or the Air Pollution Control Act (APCA)<sup>5</sup> applicable to the method of disposal or use employed by the treatment plant, and those discharges that cause a pass through or disrupt operations at the treatment plant or in the public sanitary sewage system.

**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 latter.

**Mg/L or mg/L** — Milligrams per liter.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD** — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 40 CFR Chapter I, Subchapter N, Parts 405-471 and Section 307 (b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of industrial user or waste generator.

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

**NEW SOURCE** — Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Clean Water Act which will be

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3. **Editor's Note: See 35 P.S. § 6018.101 et seq.**

4. **Editor's Note: See 35 P.S. § 691.1 et seq.**

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

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

**NONCONNECTED USER** — Any user who contributes waste (including trucked industrial waste, domestic holding tank waste or septage) to the treatment plant by transporting or allowing the transport of such waste by vehicle and allows or causes the discharge of said trucked waste into the treatment plant at such a discharge point and under such conditions as may be approved by the Authority.

**NORMAL DOMESTIC STRENGTH SEWAGE** — Wastewater or sewage having an average daily total suspended solids concentration of not more than 250 milligrams per liter (mg/l) and an average daily BOD of not more than 250 milligrams per liter (mg/L) and excluding toxic and/or flammable wastes.

**OBJECTIONABLE WASTE** — Any wastes that can, in the Authority's judgment, harm either the sewer system or treatment plant process or equipment, have an adverse effect on the receiving stream; 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, or his authorized representative.

**PASS THROUGH** — A discharge which exits the treatment plant into waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, is a cause of a violation of the treatment plant's NPDES permit or of any applicable local, state or federal water quality criteria (including an increase in the magnitude or duration of a violation).

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

**pH** — The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution indicating the degree of acidity or alkalinity of a substance. pH shall be determined by one of the accepted

methods described in 40 CFR Part 136 and amendments thereto, or by any other method approved by the EPA.

**POLLUTANTS** — Any material that, when added to water, shall render that water (either because of the nature or quantity of the material) unacceptable for its original intended use, including, but not limited to dredged spoil; solid waste; incinerator residue; sewage; garbage; biosolids; chemical wastes; biological materials; radioactive materials; heat; sand; cellar dirt; and/or industrial, municipal, and agricultural wastes.

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

**PRETREATMENT** — The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in a waste to a less harmful state prior to or in lieu of discharging (either by a connected user or nonconnected user through a licensed waste hauler) or otherwise introducing such pollutants into the public sanitary sewage system. The reduction or alteration can be obtained by physical, chemical or biological processes, or by process changes by other means.

**PRETREATMENT REQUIREMENT** — Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user or waste generator.

**PRETREATMENT STANDARD** — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. § 1317), which applies to industrial users and including prohibitive discharge limits established pursuant to 40 CFR 403.5.

**PROCESS STREAM OF THE TREATMENT PLANT** — The forward flow of waste through various treatment units of the treatment plant, including primary clarifiers, aeration tanks, secondary (final) clarifiers and chlorine contact tanks, and including holding tank waste or trucked industrial waste discharged directly into one of those treatment units.

**PROCESS WASTE** — 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, excluding noncontact cooling water and boiler blowdown.

**PUBLIC SANITARY SEWAGE SYSTEM** (sometimes called the sewer system) — All sanitary sewers, all pumping stations, all force mains, all sewage treatment works, and all other sewage facilities owned or leased and operated by the Authority for the collection, transportation and treatment of sanitary sewage and industrial wastes and septage, together with their appurtenances, and any additions, extensions or improvements thereto. It shall also include sewers within the Authority's service area which serve one or more persons and discharge into the public sanitary sewage system, even though those sewers

may not have been constructed by the Authority and are not owned or maintained by the Authority. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying stormwater or surface runoff, the discharge from which is not and does not become tributary to the treatment plant.

REPORT ON COMPLIANCE WITH NATIONAL CATEGORICAL PRETREATMENT STANDARDS or NINETY-DAY COMPLIANCE REPORT — The report required by 40 CFR Part 403.12 (d), to be submitted by all industrial users or waste generators subject to national categorical pretreatment standards.

RESPONSIBLE INDIVIDUALS —

- (1) 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- or decision-making functions for the corporation.
- (2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (3) A general partner or proprietor if the industrial user submitting the reports required by paragraphs (b), (d) and (e) of 40 CFR Part 403.12 is a partnership or sole proprietorship respectively.
- (4) A duly authorized representative of the individual designated in Subsection (1) or (2) if:
  - (a) The authorization is made in writing by the individual described in Subsection (1) or (2);
  - (b) 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; and
  - (c) The written authorization is submitted to the control authority.
- (5) If an authorization under Subsection (3) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of Subsection (3) must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

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

**SANITARY SEWER** — Any pipe or conduit constituting a part of the sewer system, or usable for sewage collection purposes, which carries wastewater and to which stormwater, surface and groundwater are not admitted and which discharges to the treatment plant owned by the Valley Forge Sewer Authority.

**SEPTAGE** — Household waste from normal household functions, or such waste from commercial or industrial establishments, concentrated or treated in such a manner so as to concentrate the total suspended solids in such waste to a level at which it is treatable through the septage discharge station at the treatment plant.

**SEPTAGE DISCHARGE STATION** — One of the locations at the treatment plant designated by the Authority to receive septage, holding tank waste or trucked industrial waste which is not discharged directly into the process stream of the treatment plant.

**SEWAGE** (also referred to as wastewater) — Any sanitary sewage or industrial waste, carried either separately or in combination, that are discharged into the public sanitary sewage system by a connected user, or any trucked industrial waste or holding tank waste generated by a waste generator and transported to the treatment plant by a licensed waste hauler and discharged into the process stream of the treatment plant as a Tier I Waste.

**SIGNIFICANT INDUSTRIAL USER** —

- (1) Except as provided in Subsection (2) of this definition, shall mean:
  - (a) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
  - (b) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process waste to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement [in accordance with 40 CFR 403.8 (f) (6)].
- (2) Upon a finding that an industrial user meeting the criteria in Subsection (1)(b) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Authority may at any

time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8 (f) (6), determine that such industrial user is not a significant industrial user.

**SIGNIFICANT NONCOMPLIANCE (SNC) — A violation by an industrial user meeting one or more of the following criteria [40 CFR 403.8 (f) (2)(vii)]:****[Amended 2-11-2009 by Ord. No. 216-2009]**

- (1) Chronic violations of waste 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, average or instantaneous limit for the same pollutant parameter;
- (2) 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, average or instantaneous limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
- (3) Any other violation of a pretreatment effluent limit (daily maximum, instantaneous limit or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority [40 CFR 403.8 (f) (1) (vi) (B)] to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
- (6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations, including a violation of best management practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

**SIGNIFICANT WASTE GENERATOR —**

- (1) Any categorical waste generator;

- (2) Any other waste generator which:
- (a) Discharges a flow of 10,000 gallons or more process waste per day to the treatment plant;
  - (b) Contributes a process waste which makes up 5% or more of the average dry weather hydraulic flow or 5% or more of the organic (BOD) capacity of the treatment plant; or
  - (c) Is designated by the Authority, EPA or DEP to have a reasonable potential, either singly or in combination with other users, for adversely affecting the operation of the public sanitary sewer system and/or the treatment plant (either its operational efficiency, effluent quality or quality of the biosolids produced by said facility), or for violating any pretreatment standard or requirement.

**SLUDGE** — Any solid material containing large amounts of entrained water collected during water or wastewater treatment which may be recycled.

**SLUG** — Any discharge of a nonroutine, episodic nature, or at a flow rate or concentration which would cause a violation of the prohibited discharge standards in § 154-87 of the article.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC)** — A classification pursuant to the latest Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

**STORMWATER** — That portion of the precipitation that 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 treatment plant to exceed the normal or ordinary flow.

**TIER I WASTE** — A waste generated by any user that is required, by the Authority, to be discharged directly into the process stream of the treatment plant. The Authority's determination is based on waste characteristics including, but not limited to total suspended solids and BOD concentration. This category of waste may include, but is not limited to most holding tank wastes, industrial wastes and sanitary landfill leachates.

**TIER II WASTE** — A waste generated by any user that is transported to the treatment plant by a licensed waste hauler and is required, by the Authority, to be discharged into the septage discharge station at the treatment plant. The Authority's determination is based on waste characteristics including, but not limited to total suspended solids and BOD concentration. This category of waste may include, but is not limited to most septages, biosolids and sludges.

**TOTAL SOLIDS** — The sum of the total suspended solids in milligrams per liter (mg/l) and dissolved solids in milligrams per liter (mg/L), as determined by one of the acceptable methods described in 40 CFR Part

136 and amendments thereto, or by any other method approved by the EPA.

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

**TOXIC POLLUTANT** — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of CWA 307 (a) or other acts.

**TREATMENT PLANT** — The structures, equipment and processes owned by the Valley Forge Sewer Authority and required to collect, transport and treat domestic and industrial waste and to treat trucked industrial waste, holding tank waste and septage and to dispose of the effluent and accumulated residual solids.

**TRUCKED INDUSTRIAL WASTE** — Any liquid, solid or gaseous substance, whether or not solids are contained therein, produced by any 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 sanitary sewage, that is permitted in accordance with § 154-89B of this article and that is transported by vehicle and discharged to the treatment plant by a waste hauler licensed in accordance with § 154-89 of this article. Leachates from sanitary landfills shall be considered trucked industrial waste.

**USER** — Any person who contributes, causes or permits the contribution of wastewater or waste into the Authority's treatment plant.

**WASTE** — Any sewage (or wastewater), trucked industrial waste, holding tank waste or septage.

**WASTE GENERATOR** — Any nonconnected user of the treatment plant.

**WASTE HAULER** — A person licensed by the Authority under § 154-89B of this article to transport and discharge trucked industrial waste (generated by a permitted waste generator), or holding tank waste or septage at the treatment plant.

**WASTE HAULER LICENSE** — The license issued by the Authority pursuant to § 154-89B of this article which allows the discharge of domestic holding tank waste, septage or trucked industrial waste transported to the treatment plant in an over-the-road vehicle.

**WASTE PERMIT** — The permit issued by the Authority to a significant waste generator for a particular trucked industrial waste pursuant to § 154-89B of this article.

## **§ 154-87. Regulations.**

## A. General discharge prohibitions.

- (1) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant, or waste which will cause pass through or interference with the operation or performance of the treatment plant. These general prohibitions apply to all such users of the treatment plant whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.
- (2) The following limitations and prohibitions shall apply to all users of the treatment plant:
  - (a) Unpolluted water or waste prohibition. No person shall discharge to the public sanitary sewage system unpolluted water or waste capable of being disposed of by any means other than discharge into the public sanitary sewage system, including but not limited to noncontact cooling water, except under such conditions as may be authorized in a permit issued by the Authority pursuant to this article.
  - (b) Stormwater prohibition. No person shall discharge to the public sanitary sewage system any amount of unpolluted stormwater, including but not limited to surface water, foundation drainwater, groundwater, roof runoff or surface drainage. All connections which would result in the discharge of inflow are hereby specifically prohibited.
  - (c) Dilution of wastes prohibited. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant-specific limitation developed by the Authority or DEP.
  - (d) Grease and oil prohibitions. No person shall discharge to the public sanitary sewage system any grease, oils or grease-interceptor wastes capable of being disposed of by any means other than discharge into the public sanitary sewage system, except under such conditions as may be authorized in a permit issued by the Authority pursuant to this article. In addition, discharge of petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts causing interference or pass through at the treatment plant is prohibited.
  - (e) Other general prohibitions. Except as otherwise provided, no person shall discharge or cause to be discharged, any waste or other matter or substance:
    - [1] That could cause pass through or interference, alone or in conjunction with a waste or wastes from other sources.

- [2] Containing any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the treatment plant or to the operation of the treatment plant.
  - [3] Containing any noxious or malodorous or toxic gases/vapors/fumes or substance, which alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance and repair. The discharge of wastes that result in gases, vapors or fumes in quantities that could cause worker health or safety problems at the treatment plant is specifically prohibited.
  - [4] Containing garbage that is not ground garbage.
  - [5] 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 treatment plant. Such substances include, but are not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, rags, feathers, tar, plastic, wood, paunch manure, butchers offal, whole blood, bentonite, lye, building materials, rubber, hair, leather, porcelain, china, ceramic wastes, asphalt, paint and waxes.
  - [6] Containing a toxic pollutant or poisonous substance in sufficient quantity, either singly or by interaction with any sewage treatment process, to constitute a hazard to humans or animals or to create any hazard in the receiving stream of the treatment plant, or that exceeds any applicable limitation set forth in a national categorical pretreatment standard.
  - [7] Containing total solids, total suspended solids or BOD of such character or quantity that unusual attention or expense is required to handle such materials at the treatment plant, except as may be approved by the Authority, or as may be otherwise provided herein.
  - [8] Containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
  - [9] Prohibited by any permit issued by the Commonwealth of Pennsylvania, or by the EPA or any other federal agency.
  - [10] That constitute a slug, as defined in this article.
- B. Specific discharge prohibitions. The discharge of the following wastes into the treatment plant is hereby specifically prohibited:

- (1) Wastes containing more than 100 milligrams per liter (mg/L) of grease and oil, if the grease and oil is of unknown or petroleum origin in a Tier I or Tier II waste; or containing more than 200 milligrams per liter (mg/L) of grease and oil in a Tier I waste, or more than 10,000 milligrams per liter (mg/L) of grease and oil in a Tier II waste, if the grease and oil is determined to be of an animal or vegetable origin. The differentiation between grease and oil of animal/vegetable origin and those of petroleum origin shall be made by the Authority.
- (2) Wastes having a temperature higher than 150° F. or less than 32° F., but in no case heat in such quantities that the temperature of the influent to the treatment plant exceeds 104° F. or inhibits the biological activity of the treatment plant.
- (3) Wastes having a closed cup flash point of less than 140° F. as determined by a method listed under 40 CFR 261.21 and amendments thereto are specifically prohibited. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5%, nor any single reading over 10%, of the lower explosive limit (LEL) of the meter.
- (4) Wastes having a pH lower than 6.0 or greater than 9.5 in a Tier I waste, or a pH lower than 5.0 or greater than 9.5 in a Tier II waste, or having any corrosive or scale-forming property capable of causing damage or hazards to structures, equipment, bacterial action, or health or safety hazards to operating personnel or the sewer system or the treatment plant.
- (5) Wastes that exceed any of the following concentrations in a discharge to the process stream of the treatment plant from a connected user as sewage or Tier I waste or from a nonconnected discharge (through a licensed waste hauler) as a Tier I waste, as a daily composite sample or grab sample: **[Amended 12-8-2010 by Ord. No. 228-2010]**

Parameter	Tier I Limits	
	Limitation	Units
Arsenic (total)	0.04	mg/L
Cadmium (total)	0.09	mg/L
Chromium (total)	6.00	mg/L
Chromium (hexavalent)	0.12	mg/L
Copper (total)	1.00	mg/L
Cyanide (total)	0.26	mg/L
Lead (total)	0.10	mg/L
Mercury (total)	0.005	mg/L

**Tier I Limits**

<b>Parameter</b>	<b>Limitation</b>	<b>Units</b>
Molybdenum (total)	0.50	mg/L
Nickel (total)	0.90	mg/L
Selenium (total)	0.50	mg/L
Silver (total)	0.08	mg/L
Zinc (total)	1.00	mg/L

- (6) Wastes that exceed any of the following concentrations in a discharge to the septage discharge station of the treatment plant from a nonconnected discharge (through a licensed waste hauler) as a Tier II Waste in a grab sample or daily composite sample: **[Amended 12-8-2010 by Ord. No. 228-2010]**

**Tier II Limits**

<b>Parameter</b>	<b>Limitation</b>	<b>Units</b>
Arsenic (total)	6.00	mg/L
Cadmium (total)	0.50	mg/L
Chromium (total)	21.00	mg/L
Chromium (hexavalent)	0.50	mg/L
Copper (total)	50.00	mg/L
Cyanide (total)	0.26	mg/L
Lead (total)	39.00	mg/L
Mercury (total)	0.04	mg/L
Molybdenum (total)	5.00	mg/L
Nickel (total)	5.00	mg/L
Selenium (total)	4.00	mg/L
Silver (total)	5.00	mg/L
Zinc (total)	95.00	mg/L

ND = Not detectable

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

- (8) Any pollutant, including oxygen demanding pollutants (BOD etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with or pass through at the treatment plant.
- (9) Wastes containing color from any source that when diluted with distilled water 1:10 will have a luminescence of 10% or greater and a purity of 90% or less, at its dominant wavelength by the tristimulus method, or containing any objectionable color not removed by the treatment process utilized by the Authority.
- (10) Wastes containing more than 10 milligrams per liter (mg/L) of hydrogen sulfide, sulfur dioxide or nitrous oxide as determined by a method referenced in 40 CFR Part 136 and amendments thereto or any method approved by the EPA.
- (11) Trucked industrial waste, holding tank waste or septage, except at discharge points designated by the Authority in accordance with § 154-89B of this article.

C. Federal and state requirements.

- (1) Primary of state and federal requirements. Nothing in this section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by the EPA or DEP.
- (2) National categorical pretreatment standards. The National Categorical Pretreatment Standards, as defined in § 154-86B (relating to definitions) and promulgated by the EPA as of May 9, 1994, and the National Prohibitive Discharge Standards, as defined in § 154-86B and promulgated by the EPA as of May 9, 1994, are specifically incorporated herein by reference. A National Categorical Pretreatment Standard or a National Prohibitive Discharge Standard and Pretreatment Standard, as defined in § 154-86B, and promulgated by the EPA subsequent to May 9, 1994, is specifically incorporated by reference upon publication in the Federal Register as final rulemaking. Any EPA standard as defined above which is more stringent than that imposed under this article shall immediately supersede the less stringent requirement upon incorporation by reference as provided herein.
- (3) Pennsylvania state standards. Upon the promulgation of any Pennsylvania state (DEP) standards or requirements, the DEP standards or requirements shall immediately supersede the limitations imposed under this article if the DEP standards are more stringent than federal limitations or requirements or the limitations and requirements imposed under this article.

D. Accidental and slug discharges.

- (1) Accidental discharge and slug discharge prevention. All users shall provide and maintain at their own expense facilities adequate, in the judgment of the Authority, to prevent accidental discharge of prohibited and/or regulated substances and/or slug discharges and to protect the public sanitary sewage system from damages caused by such substances. No industrial user or significant waste generator which commences discharge to the treatment plant after the effective date of this article shall be permitted to introduce pollutants into the treatment plant until the Authority has reviewed and approved that user's accidental discharge prevention or slug prevention procedures (if those procedures are required by the Authority). Users designated as SIUs after October 14, 2005, must be evaluated for the need for a slug control discharge plan within one year of designation. If the Authority decides a slug control plan is needed, the plan shall contain, at a minimum, the following elements: **[Amended 2-11-2009 by Ord. No. 216-2009]**
  - (a) Description of discharge practices, including nonroutine batch discharges;
  - (b) Description of stored chemicals;
  - (c) Procedures for immediately notifying the POTW 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; and
  - (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 run-off, worker training, building of containment structures or equipment measures for containing toxic organic pollutants (including solvents), and/or measures and equipment necessary for emergency response.
- (2) Accidental and/or slug discharge notification. In the case of an accidental and/or slug discharge to the treatment plant the user shall immediately telephone and notify the Authority of the accident. The notification shall include information regarding the location of the discharge, the type of pollutants involved, the concentration and volume of the discharge and corrective actions taken and/or contemplated.
- (3) Accidental and/or slug discharge report. Within five working days following an accidental and/or slug discharge, the user shall submit to the Authority a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the treatment plant, fish kills, or

any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

- (4) Employee notice concerning accidental and/or slug discharge. 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.

E. Grease and sand interceptors.

- (1) Interceptors required. Grease, oil and sand interceptors or retainers shall be installed by the user at his own expense when, in the opinion of the Authority, such are necessary for the proper handling of liquid wastes containing grease, oil or sand in excessive amounts, and of such other harmful ingredients. Such interceptors shall be of a type and capacity approved by the Authority and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Authority.

- (2) Interceptor maintenance. Where installed, all grease, oil and sand interceptors shall be maintained by the user, at his own expense, and shall be kept in continuous and efficient operation at all times.

F. Hazardous wastes; general notification requirements. All users shall notify in writing the EPA, DEP and the Authority of any discharge of a substance whereby if otherwise disposed of would be hazardous waste (listed or characteristic under Section 3001 of RCRA) into the public sanitary sewage system per the requirements of 40 CFR 403.12 (p) (1) through (4).

**§ 154-88. Surcharges and fees for certain wastes.**

Surcharges and fees for certain wastes.

- A. Surcharges required. Although the sewage treatment works will be capable of treating certain industrial wastes, the actual treatment of such wastes may increase the cost of operating and maintaining the public sanitary sewage system. Therefore, there will be imposed upon each user discharging such waste into the public sanitary sewage system a surcharge or surcharges which are intended to cover such additional costs. Such surcharges shall be in addition to regular sewage service charges and shall be payable as herein provided.

B. Determination of surcharges.

- (1) The strength of any industrial or commercial waste discharge which is to be subject to a surcharge as determined by Subsection C of this § 154-88 shall be determined quarterly, or more frequently, as the Authority shall determine. The surcharge shall be

determined from samples taken either at the manhole or metering chamber referred to in this article, or at any other sampling point mutually agreed upon by the Authority and the producer of such waste. The frequency and duration of the sampling period shall be such as, in the opinion of the Authority, will permit a reasonably reliable determination of the average composition of such waste, exclusive of stormwater runoff.

- (2) Samples shall be collected or their collection supervised by a representative of the Authority and will be samples that reasonably reflect the characteristics of the waste. Except as hereinafter provided, the strength of waste so found by analysis shall be used for establishing the surcharge or surcharges. However, the Authority may, if it so elects, accept the results of routine sampling and analyses by the producer of such wastes in lieu of making its own sampling and analyses.
- C. Calculation of surcharges. In the event that, after sampling and analysis as prescribed in Subsection B hereof, any industrial or commercial waste is found by the Authority to have pollutants of BOD concentration in excess of 250 milligrams per liter (mg/L) and/or total suspended solids concentration in excess of 250 milligrams per liter (mg/L), the producer of said waste shall pay a strength-of-waste surcharge in addition to the regular sewage service charge, which surcharge shall be computed by using the following formula:

$$S = 0.00834 \text{ QI} [(BODI - 250) \text{ TA} + (TSSI - 250) \text{ TB}]$$

Where:

S is the surcharge to be added to the basic user charge.

QI is the industrial or commercial waste flow expressed in million gallons.

0.00834 is a constant to convert waste concentration.

BODI and TSSI are the respective concentrations of BOD and total suspended solids of the industrial or commercial waste expressed in milligrams per liter (mg/L).

250 is a constant which expresses the waste load concentrations of BOD and total suspended solids for normal domestic strength sewage in milligrams per liter (mg/L).

TA and TB are actual treatment costs incurred by the Authority per 1,000 pounds of BOD and total suspended solids, respectively. These costs are determined annually by the Authority based upon actual costs of operation and maintenance.

When a value of BOD and/or total suspended solids is less than 250 milligrams per liter (mg/L), than 250 milligrams per liter (mg/L) shall be used in the calculation of the surcharge.

- D. Sampling fees and schedules. All industrial or commercial users and all significant waste generators shall be assessed a fee or service charge

for each sampling to be performed by the Authority. The fees to the user for each sampling shall include charges, as determined by the Authority, for sample collection, analysis and administrative services, and shall be in addition to any costs of sample collection and analysis which the user performs or has performed independently or privately.

**§ 154-89. Administration.**

- A. General; permits required for certain wastes. Only sanitary sewage may be discharged into the public sanitary sewage system except as may be authorized by the Authority in accordance with the provisions of this article concerning industrial waste discharge permits, waste hauler licenses, waste generator permits and commercial discharge permits.
- B. Permits and licenses.
- (1) Permits and licenses required. No sanitary sewage, industrial waste, trucked industrial waste, holding tank waste or septage shall be discharged to the treatment plant from any significant industrial user, significant waste generator or waste hauler other than that for which the following permits or licenses have been issued:
    - (a) Significant industrial users require industrial waste discharge permits;
    - (b) Significant waste generators require waste permits; or,
    - (c) Waste haulers require waste hauler licenses.
  - (2) Commercial discharge permits. When determined by the Authority, a commercial establishment may be required to obtain a commercial discharge permit.
  - (3) Permit and license applications.
    - (a) All industrial users, waste generators and waste haulers proposing to contribute to the public sanitary sewage system shall make application for a permit or license according to Subsection B(1) and (2) of this section. All existing significant industrial users, significant waste generators and waste haulers contributing to the treatment plant at the time of the adoption of this article shall apply for a permit or license within 30 days after the adoption of this article, and shall obtain a permit or license within 90 days after the effective date of this article. Any user required to apply for a permit or license shall complete and file an application form approved by the Authority, accompanied by a nonreturnable processing fee to be set by the Authority. Proposed new industrial users shall apply at least 90 days prior to connecting to or contributing to the treatment plant. In support of the application for an industrial waste discharge permit, commercial discharge

permit, waste permit or waste hauler license the user may be required to submit, in units and terms appropriate for evaluation, any of the following information, including, but not limited to:

- [1] Name, address, location, phone number;
- [2] Standard industrial classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987;
- [3] Names of responsible individuals;
- [4] Waste constituents and characteristics, before and after pretreatment, as determined by a reliable analytical laboratory;
- [5] Time and duration of contribution;
- [6] Average daily waste flow rates and/or estimated or required daily discharge volumes and frequency, including daily, monthly and seasonal variations, if any;
- [7] Site plans, plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- [8] Description of activities, and plant processes on the premises including all materials which are or could be discharged;
- [9] Description of waste to be discharged;
- [10] Where known, the nature and concentration of any pollutants in the discharge which are limited by the Authority, state or federal pretreatment standards, and a statement reviewed by an authorized representative of the user (as defined in § 154-86B of this article) and certified to by a qualified professional, indicating whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards;
- [11] If additional pretreatment and/or operation and maintenance (O&M) will be required to meet 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;

[12] Make, model, year, capacity and vehicle registration number of all vehicles to be used for transportation and discharge at the treatment plant;

[13] Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and,

[14] Any other information as may be deemed by the Authority to be necessary to evaluate the permit application.

- (b) The Authority shall also have, at its discretion, the right to inspect the premises, equipment and material, and laboratory testing facilities of the applicant. The completed application shall be signed by the user's responsible individuals. The Authority will evaluate the data furnished by the user for completeness and may require additional information. After evaluation and acceptance of the data furnished as a complete application, the Authority may for cause shown either refuse to issue or may issue a permit or license subject to terms and conditions provided herein.
  - (c) If the application for a permit or license is denied by the Authority, or if the discharge indicated from the application is not in accordance with the requirements of this article, the user may have the Authority review the denial, provided the user shall give written notice of his request within 30 days after receiving the denial. The Authority shall review the permit application, the written denial, and such other evidence and matters as the applicant shall present at a public hearing following receipt of request for its review, and the decision of the Authority rendered publicly shall be final.
- (4) Terms and conditions of permits and licenses. Permits and licenses may include any of the following terms and conditions, including, but not limited to: **[Amended 2-11-2009 by Ord. No. 216-2009]**
- (a) Maximum discharge flow rate;
  - (b) Term of permit;
  - (c) Definitions;
  - (d) General limitations;
  - (e) Specific limitations;
  - (f) Special conditions;
  - (g) Self-monitoring requirements (including sampling, reporting, notification and recordkeeping);
  - (h) Reopener clause;

- (i) Compliance schedules (if required);
  - (j) Statements of applicable civil and criminal penalties;
  - (k) Statement of nontransferability; or
  - (l) Best management practices.
- (5) Industrial waste discharge permit and commercial discharge permit. Industrial waste discharge permits and commercial discharge permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit accompanied by a nonreturnable processing fee to be set from time to time by ordinance of the Authority. The terms and conditions of the permit may be subject to modification by the Authority during the term of the permit to accommodate changing conditions and as local, state and federal laws, rules and regulations are modified or amended, or other just cause exists. The user shall be informed of any proposed changes in his permit at least 60 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, including a comment period which shall be the first 30 days of the sixty-day period prior to the effective date of change.
- (6) Waste permit and waste hauler license duration. Waste permits and waste hauler licenses shall be issued for a specified time period, not to exceed one year. Each significant waste generator or waste hauler shall apply for a waste permit or waste hauler license reissuance a minimum of 30 days prior to the expiration of the existing permit or license accompanied by a nonreturnable processing fee to be set from time to time by ordinance of the Authority. The terms and conditions of the waste permit or waste hauler license shall be subject to modification by the Authority during the term of the permit or license to accommodate changing conditions and as local, state and federal laws, rules and regulations are modified or amended, or other just cause exists.
- (7) Permit and license transfer. Permits and licenses are issued to a specific operation. No permit or license shall be assigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior approval of the Authority upon written application therefor accompanied by a nonreturnable processing fee to be set from time to time by ordinance of the Authority. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit or license.
- (8) Revocation of permits and licenses.

- (a) All permits and licenses are subject to revocation according to the provisions outlined in § 154-89C of this article.
  - (b) In the event that any discharge of material to a sewer shall materially and substantially differ in type or volume from that shown in the application or permit, the person and user shall immediately cease and desist from such discharge.
  - (c) The Authority may suspend any permit, license, and/or waste treatment service when such suspension is necessary, in the judgment of the Authority, in order to stop a discharge which presents a hazard to the public health, safety, or welfare, to the environment or operations at the Authority's treatment plant or upon a finding that the discharger has violated any provisions of this article. Any discharger notified of such a suspension shall immediately stop the discharge of all wastes into the system. The Authority may reinstate the permit or license upon proof of satisfactory compliance with all discharge requirements of this article and all other requirements of the Authority.
  - (d) In the event of a failure of a person to comply voluntarily with the suspension order, the Authority may take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the system or endangerment to any individuals. The Authority may reinstate the permit, license and/or the waste treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Authority within 15 days of the date of the occurrence.
- C. Permit/license revocation causes for revocation. An industrial waste discharge permit or a hauler license or a waste permit or a commercial discharge permit may be revoked by the Authority for, including, but not limited to, the following causes.
- (1) Failure of a permittee or licensee to accurately report his wastewater characteristics;
  - (2) Failure of a permittee to report significant changes in operations which affect wastewater characteristics;
  - (3) Refusal of access to the permittee's premises or licensee's vehicle for the purpose of inspection or monitoring;
  - (4) Any violation of any condition of any permit or license or this article;
  - (5) Falsification of self-monitoring reports;

- (6) Application falsification;
- (7) Tampering with monitoring equipment; or,
- (8) Failure to meet compliance schedule.

D. Compliance schedules.

- (1) Compliance schedules required. If additional pretreatment and/or operation and maintenance procedures are required for a permittee to meet all applicable regulations contained herein, the shortest schedule by which the permittee can provide such additional pretreatment and/or operation and maintenance procedures may be issued by the Authority or submitted by the permittee to the Authority for review and approval. The completion date for this schedule shall not be later than the compliance date established for applicable pretreatment standards. The Authority shall have the right to deny or to require the modification of proposed compliance schedules.
- (2) Compliance schedule increments of progress. 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 permittee 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.).
- (3) Time limits for increments of progress. No increment of progress shall exceed nine months.
- (4) Compliance schedule compliance reports. 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 Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which the user expects to comply with this increment of progress, the reason for delay, and the steps being taken by the permittee to return to the schedule established. In no event shall more than nine months elapse between such progress reports to the Authority. Failure to meet required milestone dates shall constitute a violation of this article.

E. Record maintenance.

- (1) Record retention requirements. All users shall maintain and retain all records, including, but not limited to, documentation associated with best management practices, relating to wastewater discharged for a period of not less than three years and shall afford the Authority access thereto at all reasonable times. This period of retention shall be extended during the course of any unresolved

litigation. Such records shall include for all samples: **[Amended 2-11-2009 by Ord. No. 216-2009]**

- (a) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
  - (b) The date(s) and time(s) the analyses were performed;
  - (c) Who performed the analyses;
  - (d) The analytical techniques/methods used; and
  - (e) The results of such analyses.
- (2) Availability of records. All records maintained by users relating to compliance with pretreatment standards shall be made available to officials of the EPA, DEP and the Authority for inspection and copying upon request.
- F. Industrial agreements. Industrial agreements required. As a condition precedent to the issuance of an industrial waste discharge permit, the Authority shall require industrial users to enter into agreements with the Authority containing such provisions as the Authority deems appropriate in furtherance of its effort to comply with regulations promulgated by the EPA in 40 CFR Part 403. Industrial users shall comply with federal, state and local statutes, ordinance rules and regulations, and with the provisions of such agreements; and in the event of conflict between provisions, shall comply with whichever provision on a particular matter is most stringent or more strict.
- G. Pretreatment and handling of industrial wastes.
- (1) General. Users shall provide necessary pretreatment as required to comply with this article and shall achieve compliance with all national categorical pretreatment standards within time limitations as specified in 40 CFR Part 403 and amendments thereto. Any facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before construction of the facility. The review of such plans and operating procedures and approval of such plans as required by § 154-89G(3) of this article shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority prior to the user's initiation of the changes.
  - (2) Purposes and pretreatment. The Authority may require the owner of an improved property to construct, operate and maintain at his

expense a pretreatment facility when, in the opinion of the Authority, such facility is necessary to reduce quantities and/or concentrations of pollutants or flows to:

- (a) Decrease the concentration levels of pollutants in the wastewater discharge to comply with the maximum limits specified in § 154-87 of this article;
  - (b) Prevent excessive quantities of flow; or
  - (c) Prevent discharges (flow or concentration) of pollutants from the user which may cause interference or pass through at the Authority's treatment plant.
- (3) Review and approval of pretreatment facilities. If required by the Authority, no pretreatment plant and facilities shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance are reviewed by the Authority and found by the Authority to conform to all Authority regulations; and unless written approval of the plans, specifications, technical operating data and biosolids disposal methods has been obtained by the Authority from the EPA, the Commonwealth of Pennsylvania, and any other local, state or federal agency having regulatory authority with respect thereto, providing such approval is required by those agencies.
  - (4) Pretreatment facility maintenance requirement. All such pretreatment facilities as required by this article shall be maintained continuously in satisfactory and effective operating conditions by the user or person operating and maintaining the facility served thereby, and at the user's expense. The Authority shall have access to such facilities at all reasonable times for purposes of inspection and testing.
  - (5) Rejection of waste if not adequately pretreated. The Authority reserves the right to reject admission to the system of any waste harmful to the public sanitary sewage system or to the receiving stream, to compel discontinuance of use of the public sanitary sewage 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 public sanitary sewage system or receiving stream.
- H. Sampling procedures and reporting criteria for industrial users, waste haulers waste generators.
- (1) Self-monitoring reports. **[Amended 2-11-2009 by Ord. No. 216-2009]**
    - (a) All significant industrial users shall submit at least twice annually to the Authority a self-monitoring report on a form

approved by the Authority indicating the nature and concentration of pollutants in the waste discharged to the Authority treatment plant which are of particular concern to the Authority and which are limited by this article. The waste characteristics to be measured and reported shall be determined by the Authority and specified in the industrial waste discharge permit or waste permit. All wastewater samples must be representative of the user's discharge. In cases where the article requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the Authority to determine compliance of the user. If an industrial user monitors any pollutant more frequently than required by the Authority, using the procedures prescribed in 40 CFR Part 403.12 (g) (4), the results of this monitoring shall be included in the report. In addition, this report shall include flow information for the reporting period, and shall be signed by the user's responsible individuals. This report shall be received by the Authority no later than the 30th day of the month following the quarter for which the report is required.

- (b) All categorical industrial users and categorical waste generators shall submit at least twice annually to the Authority a self-monitoring report on a form approved by the Authority indicating the nature and concentration of pollutants in the waste discharged to the Authority treatment plant which are of particular concern to the Authority and which are limited by this article. The waste characteristics to be measured and reported shall be determined by the Authority and specified in the industrial waste discharge permit or waste permit. All wastewater samples must be representative of the user's discharge, and, for all parameters required to be analyzed utilizing a grab sample, a minimum of one grab sample must be collected and analyzed for each parameter. In cases where the article requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the Authority to determine compliance of the user. If a categorical industrial user or categorical waste generator monitors any pollutant more frequently than required by the Authority, using the procedures prescribed in 40 CFR Part 403.12 (g) (4), the results of this monitoring shall be included in the report. In addition, this report shall include flow information for the reporting period and shall be signed by the user's responsible individuals. This report shall be received by the Authority no later than the 30th day of the month following the period for which the report is required.
- (c) All significant waste generators shall submit at least annually to the Authority a self-monitoring report on a form approved by

the Authority indicating the nature and concentration of pollutants in the waste discharged to the Authority treatment plant which are of particular concern to the Authority and which are limited by this article. The waste characteristics to be measured and reported shall be determined by the Authority and specified in the industrial waste discharge permit or waste permit. All wastewater samples must be representative of the user's discharge, and, for all parameters required to be analyzed utilizing a grab sample, a minimum of one grab sample must be collected and analyzed for each parameter. In cases where the resolution requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the Authority to determine compliance of the user. If a significant waste generator monitors any pollutant more frequently than required by the Authority, using the procedures prescribed in 40 CFR Part 403.12 (g) (4), the results of this monitoring shall be included in the report. In addition, this report shall include flow information for the reporting period, and shall be signed by the user's responsible individuals. This report shall be received by the Authority no later than the 30th day of the month following the period for which the report is required.

- (2) Responsible individuals. All significant industrial users, significant waste generators, licensed waste haulers and industrial users issued commercial discharge permits shall designate responsible individuals as described by this article.
- (3) Signatory requirements. All reports submitted pursuant to requirements outlined in this article, including but not limited to the "Baseline Monitoring Report," the "Self Monitoring Report" and the "Report on Compliance with National Categorical Pretreatment Standards or Ninety-Day Compliance Report" shall be signed by the user's responsible individuals.
- (4) Certification requirements. All reports referenced in § 154-89H of this article, as well as industrial waste discharge permit applications, waste permit applications and waste hauler license applications submitted pursuant to § 154-89A of this article, shall include the following statement:

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

- (5) Monitoring manholes. Whenever required by the Authority, the owner of any property served by a building sewer carrying wastewater and material shall install a large manhole or sampling chamber, flow-metering chamber, flow-monitoring equipment, pH-monitoring equipment and other appurtenances in the building sewer to facilitate the observation, sampling and measurement of the combined flow of wastes from the user's premises into the public sanitary sewage system. These monitoring facilities shall be constructed in accordance with plans and specifications approved by the Authority and installed and maintained at all times at the user's expense. There shall be ample room in each sampling chamber to accurately sample and composite samples for analysis. The chamber shall be safely and easily and independently (of other premises and buildings of users) accessible to authorized representatives of the Authority at all times. When construction of a sampling chamber and monitoring facilities are not economically or otherwise feasible in the opinion of the Authority, alternative arrangements for sampling and monitoring may be made at the discretion of the Authority.
- (6) Flow monitoring and recording. Each flow-measuring chamber shall contain a Parshall flume, weir or similar device with a recording and totalizing register for measuring liquid quantity, or the metered water supply to the industrial plant may be used as a measure of liquid quantity where it is substantiated by the Authority that the metered water supply and waste quantities are approximately equal or where a measurable adjustment agreed to by the Authority is made in the metered water supply to determine the liquid waste quantity.
- (7) Sampling by Authority. Samples shall be taken as deemed appropriate by the Authority. All significant industrial users shall be sampled by the Authority at least once per year. Such sampling shall be done as prescribed by the Authority to insure that the compliance of the user is determined with a reasonable degree of certainty for the entire reporting period. Samples shall be taken at the manhole or metering chamber referred to in § 154-89H(5) of this article, or in the absence of such manhole or metering

chamber, at such place as the Authority shall determine will provide a representative sample of the discharge and shall represent the entire flows from the significant industrial user.

- (8) Inspection and verification of sampling and testing. The sampling frequency, sampling device, sampling methods, and analyses of samples shall be subject, at any time, to inspection and verification by the Authority.
- (9) Sampling and testing methods. All sampling measurements, tests and analyses of the characteristics of waters and wastes shall be determined in accordance with procedures contained in 40 CFR Part 136, and amendments hereto or any other method approved by the EPA.
- (10) Confidentiality of information.
  - (a) The Authority shall consider all information regarding an industrial user's or waste generator's effluent characteristics as being nonconfidential and may make all such information available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge information of processes or methods of production entitled to protection as trade secrets of the user.
  - (b) Upon written request, at the time of submission of the data by the industrial user or waste generator furnishing a report, permit application or answering a questionnaire, those portions of any document which might disclose trade secrets or secret processes shall not be disclosed to any person other than to duly authorized representatives of the EPA or DEP. Any effluent data of a user's waste will not be recognized as confidential information or as a trade secret.
- (11) Sampling and testing costs. When the Authority conducts its own sampling and/or analyses of wastes discharged by any user, the Authority may make or have made any such tests, and the user shall reimburse the Authority for the full cost thereof. Such costs shall be established by ordinance annually.
- (12) Ninety-day compliance reports.
  - (a) Within 90 days following the date for final compliance with applicable national categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the treatment plant, any industrial user or waste generator subject to national categorical pretreatment standards and requirements shall submit to the Authority a report containing the information listed in 40 CFR Part 403.12 (b) (4) through (6) indicating the nature and concentration for all pollutants in the discharge

from the regulated process which are limited by the national categorical pretreatment standards and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards. Industrial users or waste generators subject to equivalent mass or concentration limits established in accordance with 40 CFR Part 403.6 (c), must include in the report a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

- (b) The report shall indicate the compliance status of the user with the applicable pretreatment standards as listed in 40 CFR 403.12 (b) and (d), whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with all applicable pretreatment standards. This statement shall be signed by the user's responsible individuals.
- (13) Baseline monitoring reports. All industrial users and waste generators subject to national categorical pretreatment standards shall submit to the Authority, within 180 days after the effective date of a categorical standard or the final administrative decision on a category determination under 40 CFR 403.6 (a) (4), whichever is later, a report (baseline monitoring report) which indicates the compliance status of the user with the applicable national categorical pretreatment standards as listed in 40 CFR 403.12 (b).
- (14) New or increased contributions. All industrial users, waste haulers or waste generators shall immediately notify the Authority prior to any changes in the volume or character of their waste discharge or in the operation of their pretreatment processes that may result in interference or pass through at the treatment plant, or affect the potential for a slug discharge to the treatment plant. The Authority reserves the right to deny the admission of or to require the pretreatment of all discharges to the public sanitary sewage system. **[Amended 2-11-2009 by Ord. No. 216-2009]**
- (15) Mass limitations. The Authority may impose mass limitations on users which, in the opinion of the Authority are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Subsection H(12) of this subsection shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration,

or production and mass where required by the Authority, of pollutants contained herein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the CWA and contained in 40 CFR Part 136, and amendments thereto, or with any other test procedures approved by the EPA.

(16) Notice of violation/resampling requirement. If sampling performed by an industrial user or significant waste generator indicates a violation, the industrial user or significant waste generator shall notify the Authority within 24 hours of becoming aware of the violation. The industrial user or significant waste generator shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within 30 days after becoming aware of the violation pursuant to 40 CFR Part 403.12 (g). Where the Authority has performed the sampling and analysis in lieu of the industrial user or significant waste generator, the Authority must perform the repeat sampling and analysis within 30 days unless it notifies the industrial user or significant waste generator of the violation and requires the industrial user or significant waste generator to perform the repeat analysis. **[Amended 2-11-2009 by Ord. No. 216-2009]**

- I. Annual fee. All permitted industrial users shall be subject to an annual fee to defray the cost of administration of this article. The annual fee shall be set from time to time by ordinance of the Authority.
- J. Administrative fee. All connected and nonconnected users utilizing the services of the Authority under this article shall be subject to an administrative fee to defray the cost of processing invoices, bills and other charges and fees for such services. The administrative fee shall be set from time to time by ordinance of the Authority.

#### **§ 154-90. Enforcement.**

- A. Enforcement response; enforcement response plan. Enforcement actions taken by the Authority shall be consistent with an enforcement response plan maintained at the wastewater treatment plant offices.
- B. Inspection rights.
  - (1) General. Any duly authorized employee or agent of the Authority bearing credentials which so identify them shall be permitted at any reasonable time to enter upon all properties served by the treatment plant or all properties generating trucked waste for discharge to the treatment plant, or licensed vehicles transporting waste for the purpose of discharge at the treatment plant, for the purpose of inspecting, observing, measuring, sampling and testing, as may be required in pursuance of the implementation and enforcement of the terms and provisions of this article. Any records

of monitoring activities or results maintained by any user shall be made available for inspection and copying by the Authority and/or the DEP and/or the EPA. Users may be required by the Authority to install monitoring equipment, as per 40 CFR 403.8 (f) (1) (v). **[Amended 2-11-2009 by Ord. No. 216-2009]**

- (2) All significant industrial users and all significant waste generators shall be inspected by the Authority at least once per year.

C. Injunctive relief.

- (1) General. The Authority reserves the right to seek injunctive relief for noncompliance by any industrial user or waste generator with any pretreatment standard or pretreatment requirement, or for noncompliance by any person with any provision of this article.
- (2) The Authority, through counsel, may petition the Court for the issuance of a preliminary or permanent injunction (or both, as may be appropriate), which restrains or compels the activities on the part of the industrial user, waste generator, or person, including a prayer for payment of costs and attorney's fees as may be authorized by law. In addition, the Authority shall have such remedies to collect all fees incurred by the Authority as a result of this petition as it has to collect other sewer service charges.

D. Show-cause hearing.

- (1) General. The Authority may order any industrial user which causes or contributes to a violation of this article or industrial waste discharge permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the industrial user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken.
- (2) The notice of the meeting shall be served personally or by registered or certified mail to any principal executive, general partner, corporate officer or owner of the industrial user at least 10 days prior to the hearing. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

E. Emergency response.

- (1) General.
  - (a) The Authority may suspend the waste treatment service and/or industrial waste discharge permit, waste permit, waste hauler license, or commercial discharge permit whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or

substantial endangerment to the health or welfare of persons, the public sanitary sewage system or the environment.

(b) Any user notified of a suspension of the waste treatment service and/or industrial waste discharge permit, waste permit, waste hauler license or commercial discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Authority shall take such steps as deemed necessary, including the immediate severance of the sewer connection, to prevent or minimize damage to the treatment plant, its receiving stream, or endangerment to any individuals. The Authority may allow the user to recommence its discharge when the endangerment has passed, unless the permit revocation proceedings set forth in § 154-89B(8) of this article are initiated against the user.

(2) Report requirements. Any industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Authority prior to the date of a show cause hearing as described in § 154-90D of this article.

F. Administrative fine.

(1) General. Notwithstanding any other section of this article, any user, industrial user or waste generator or waste hauler who is found to have violated any provision of this article, or commercial discharge permit or industrial waste discharge permit, or waste permit or hauler license or order issued hereunder, shall be fined in an amount up to \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. All fine money shall be made payable to the Authority. The Authority shall have such other collection remedies as it has to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property.

(2) Appeals. Users who desire to dispute such fines must file a request before the Authority to reconsider the fine within 10 working days of being notified of the fine.

G. Civil penalties.

(1) General. Any person who violates any substantive or procedural provision of § 154-87 hereof or any term or condition of any industrial waste discharge permit, commercial discharge permit or waste permit shall be subject to a civil penalty not to exceed \$25,000 per day for each violation. Each violation for each separate day shall constitute a separate and distinct violation. Notwithstanding the foregoing, a single operational upset which

gives rise to simultaneous violations shall be treated as a single violation.

- (2) Appeals. Users who desire to dispute such fines must file a request before the Authority to reconsider the fine within 10 working days of being notified of the fine.

#### H. Criminal penalties.

- (1) General. Any person who willfully or negligently violates any provision of a municipal ordinance incorporating the provisions of this article, or who violates any condition of an industrial waste discharge permit, a waste permit, a hauler license, a commercial discharge permit or an order issued pursuant to this article and incorporating ordinance, is guilty of a summary offense, and, following institution of a summary proceeding by the municipality and, upon conviction, such person shall be subject to a fine of not less than \$100 nor more than \$1,000 for each separate offense, and, in default of the payment of such a fine, a person shall be imprisoned for a period of 30 days.
  - (2) Partnership, corporations and associations. If such person violating the provisions of this article shall be a partnership, then the members thereof, or if such person be a corporation or association, then the officers, members, agents, servants, or employees thereof shall, in default of payment of any fine levied under this section, be imprisoned in the county prison.
  - (3) Continuing violations. Each day of continued violation of any provision of this article and incorporating ordinance shall constitute a separate offense.
  - (4) Transfer of fine money. All fine money assessed through suit or summary proceedings before any District Justice, pursuant to this section, shall be transferred to the municipality instituting the summary proceeding for the use and benefit of the Valley Forge Sewer Authority.
- I. Notice of violation; general. Whenever the Authority determines that any industrial user or waste generator or waste hauler has violated any provisions of any permit or license issued under any section of this article, or a compliance schedule issued under § 154-89D of this article, the Authority or its duly authorized representative shall serve upon said user a written notice of violation. Within 10 working days of the receipt of this notice, a written response to this notice, including an explanation of the cause of the violation and a plan for the correction and prevention thereof, shall be submitted to the Authority by the user. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.
- J. Public notification; public notice of significant noncompliance. The Authority shall at least annually publish in the largest daily newspaper

published in the area encompassed by the Authority, a list of the users which were significantly violating applicable pretreatment standards or requirements or other provisions of this article, or who were determined to be in significant noncompliance, during the 12 previous months. Significant noncompliance shall be determined according to the standards as defined in 40 CFR Part 403.8 (f) (2) (vii).

ARTICLE VIII  
**Sewer Extensions**

**§ 154-91. Permit required for subdivision or land development.**

No person shall be permitted to develop a subdivision, tract or parcel of land without first obtaining a sewer permit from the Authority. Such permit shall be issued to the person required to comply to this Part 2 subject always to compliance with the Code.

**§ 154-92. Escrow required.**

No lot in a subdivision may be sold, no permit shall be issued to erect, alter or repair any building in a subdivision, tract or parcel of land until the sewer permit is approved, recorded and escrow moneys have been posted with the Authority sufficient to cover the construction cost of the sewer installation, engineering and/or review, inspection during construction and other direct costs incurred by the Authority resulting from this particular work.

**§ 154-93. Prerequisites for use of system.**

- A. The following procedure outlines the prerequisites to be fulfilled by the owner and the special requirements of the Authority. Generally the following events must take place prior to the use of the collection system by the owner.
- (1) Preliminary approval by Authority.
  - (2) Prepare detailed plans and specifications.
  - (3) Approval of plans and specifications by Authority.
  - (4) Enter into agreement with the Authority.
  - (5) Construct system.
- B. Preliminary approval. Preliminary or initial approval of the project at the expense of the owner is required by the Authority in order that the Authority may review what is proposed and provide whatever prior planning is necessary to include additional users in the system. In general, the Authority and consulting engineer review will determine:
- (1) If plan conforms to the Township Master Sewer Plan.
  - (2) If existing sewer system and appurtenances are of sufficient size and capacity for inclusion of additional users.
  - (3) A Planning Module as required by the Pennsylvania Department of Environmental Protection shall be submitted to the Township, at the owner's expense.
- C. Prepare detailed plans and specifications.

- (1) Detailed plans, profiles and construction specifications are to be prepared for the project. Minimum design standards as set forth in the "Sewerage Manual" of the Pennsylvania Department of Environmental Protection are to be maintained in all situations. Sewer plans shall conform to all the specifications established by the Authority. In no cases will lesser standards than exist in the present specifications or as outlined in this Part 2 be adopted by the Authority.
  - (2) Where pump station or ejector stations are used in the design, standby generation will be required as an auxiliary source of electrical power. The generator equipment will be of sufficient size to supply electrical power to the entire pump and/or ejector station. Emergency or bypass connection that would bypass the pumps and/or ejector station is prohibited. The specification for the pump and ejector station and emergency generation equipment shall be subject to the review and approval of the Authority and the consulting engineer.
  - (3) Standard specifications for the collection sewers shall be purchased from the Authority.
  - (4) Information relative to specifications for building sewers is available in Articles III and IV of this Part 2.
  - (5) The owner shall submit a specified number of the as-built plans to the Township prior to the Authority's final acceptance of the system.
- D. Approval of plans and specifications.
- (1) The Authority and consulting engineer, at the expense of the owner shall review plans and specifications submitted to the Authority.
  - (2) After the plans and specifications have been approved by the Township and the consulting engineer, the Authority will submit the plans and specifications to the Pennsylvania Department of Environmental Protection for approval of that portion of the sewer system governed by their regulations. The Township shall also apply for state, county and Township highway permit(s), stream encroachment permit(s), railroad crossing permit(s) and all other permits associated with the sewer extension.
  - (3) The owner shall prepare applications for all permits required, at his expense, and submit them to the Township.
- E. Enter into agreement with Authority. The Authority Solicitor, at the expense of the owner, shall prepare an agreement between the Township and owner. The agreement shall, among other items, provide for the owner to escrow sufficient funds to defray the Authority costs for:

- (1) Review and approval of plans.
  - (2) Preparation of agreements and permits.
  - (3) Inspection of construction by consulting engineer.
  - (4) Design fee for consulting engineer if applicable.
- F. Construction and inspection.
- (1) The owners shall construct, at their own expense, all lines, pumping facilities and appurtenances required for their development regardless of the proximity of the development to the Township collection system.
  - (2) All construction work associated with the sewer lines and appurtenances within the corporation limits of the Township shall be subject to inspection by the Authority and the consulting engineer. After a final inspection and acceptance of the collection system the Authority will issue a certificate of completion which will state that the collection has been constructed according to the Authority requirements. Requirements for maintenance bonds, dedication, conveyance of sewer right-of-ways are contained in Chapter 175, Subdivision and Land Development, of the Code of Township of East Whiteland.



ARTICLE IX  
**Miscellaneous Provisions**

**§ 154-94. Tampering with sewage system prohibited.**

- A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the municipal sewage works.
- B. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**§ 154-95. Right to inspect; owner's liability for defects and inspection costs.**

- A. The Authority and other duly authorized employees of the Township bearing proper credentials and identification shall be permitted at any time to enter upon all properties for the purpose of inspection, observation, measurement, sampling, testing, supervising, and any other functions relating to service rendered by the Township through the sewer system in accordance with the provisions of this Part 2.
- B. All found defects shall be corrected at the owner's expense.
- C. If defects are found as a result of an inspection, test, sample, measurement, or observation, the owner will indemnify the Authority for the cost of said inspection, observation, measurement, sample, test or supervision.

**§ 154-96. Notice of violations; time for cure; violations and penalties.**

- A. Any person found to be violating any provision of this Part 2, except § 154-94, shall be served by the Township with written notice stating the nature of the violation 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. Violation and enforcement provision. Any person who violates or permits the violation of any provision of this Part 2 shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense, and shall be subject to the payment of a fine of not less than \$100 and not more than \$1,000, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. Each provision of this Part 2 that is violated shall constitute a separate offense, and each day or portion thereof in which a violation of this Part 2 is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District

Justice of not less than \$100 and not more than \$1,000, plus the costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. All fines and penalties collected for the violation of this Part 2 shall be paid to the Township Treasurer. **[Amended 7-2-1996 by Ord. No. 111-96; 4-1-1997 by Ord. No. 117-97]**

**§ 154-97. Liability of violators for damages and expenses.**

Any person violating any of the provisions of this Part 2 shall become liable to the Authority for any expense, loss, or damage occasioned the Authority by reason of such violation.

**§ 154-98. Engineering requirements.**

In order to maintain the same standards that exist in the sewage collection system and as set out in this Part 2, the Authority shall require any property owner applying for a sewer permit to have the collection system engineered in one of the following ways:

- A. The property owner may request that the Authority through the consulting engineer, prepare plans and specifications, obtain approvals from the Department of Environmental Protection of the Commonwealth of Pennsylvania and from any other governmental regulatory body having jurisdiction, and inspect construction of the sewer system in accordance with approved plans and specifications; or
- B. The property owner may retain a professional engineer with experience in the design of sewer systems, waste treatment plants and related appurtenances; said engineer to prepare plans and specifications in accordance with this Part 2, and obtain approval from the Authority and the Department of Environmental Protection of the Commonwealth of Pennsylvania and any other governmental regulatory body having jurisdiction.

**§ 154-99. When effective.**

This Part 2 shall be in full force and effect from and after the date of its passage, approval, recording and publication as provided by law.

**§ 154-100. Method of service of notice.**

Unless otherwise specifically provided, whenever notice is required by this Part 2 to be served on any person and/or property owners, such service shall be made personally upon the owner, if he can be found in the Township, or an adult person residing on the property affected, or in case personal service cannot be made upon the owner, or an adult person cannot be found residing on the property, said notice shall be tacked or posted conspicuously on the premises.

**§ 154-101. Limitation on waiving provisions.**

No officer or employee of the Authority is authorized to vary the provisions of this Part 2 without the express action of the Township Board of Supervisors.

**§ 154-102. Power to contract.**

The Township has the express right, power, and authority to enter into agreements, contracts, or arrangements with any persons for the purpose of effectuating the provisions of this Part 2.

**§ 154-103. Substitution of Township for Authority.**

The Authority may at any time elect to lease some or all of its facilities to the Township and may, by agreement with the Township, delegate back to the Township any rights, privileges, duties or obligations as may be set forth in this Part 2. In such event, or in the event that the Authority and the Township may agree, in all or any portion of this Part 2 where the word "Authority" may appear, the word "Township" may be substituted with the same force and effect as if it was therein written ab initio. If at any time the word "Township" may appear in this Part 2 and the Authority agrees, the word "Authority" may be substituted for the word "Township" in such section with the same force and effect as if it was therein written ab initio.



**Part 3**  
**[Adopted 12-27-1995 By Ord. No. 107-95]**  
**Sewer Rents**

ARTICLE X  
**Rates and Charges**

**§ 154-104. Sewer districts. [Amended 3-5-1996 by Ord. No. 109-96; 12-18-1996 by Ord. No. 115-96; 11-14-2007 by Ord. No. 200-2007; 4-10-2019 by Ord. No. 308-2019]**

The Township shall be divided into five sanitary sewer districts: District A, comprising that part of East Whiteland Township not included within Districts B, C, D, and E; District B, comprised of those properties served by the western extension of the Route 30 sewer main; District C, comprised of the residential dwellings located in the Lockwood Chase subdivision; District D, comprised of all properties that flow into and whose effluent is treated at the sanitary sewage facility that serves the dwellings in the Malvern Hunt development; District E, comprised of all commercial and residential properties located in the Atwater development south of the quarry; and such additional districts as shall be established by ordinance from time to time by the Board. The geographic boundaries of each such district shall be shown on the Township's Sewer Districts Map, which is authorized hereby, incorporated herein by reference thereto, and made a part hereof. Such Map shall be amended from time to time as authorized by the Board by resolution or as necessitated by amendment of this chapter. Together, these districts shall constitute the East Whiteland Public Sanitary Sewer System. All sewer transmission, trunk, interceptor and outfall mains, manholes, pumping stations and other facilities owned by or dedicated to the Authority and now physically located or hereafter installed, constructed, replaced, repaired and maintained within each such district shall constitute a part of the sewer system of each such district.

**§ 154-105. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this Part 3 shall be as follows:

**AUTHORITY** — East Whiteland Municipal Authority, as presently or hereafter constituted, which has been created by the Board of Supervisors and to which has been referred by the Board of Supervisors the specific project of sewers.

**BOARD** — The Board of Supervisors as the governing body of the Township.

**COMMERCIAL ESTABLISHMENT** — Any structure or any portion thereof intended to be used wholly or in part for the purposes of carrying on a trade, business or profession or for social, amusement, religious, education, charitable or public use, and which contains plumbing for kitchen, toilet or washing facilities. Hotels, motels, boarding or rooming houses and institutional dormitories shall be included in this definition, except as otherwise provided in the schedule set forth in § 154-106 hereof.

**INDUSTRIAL ESTABLISHMENT** — Any structure or any portion thereof, intended to be used wholly or in part for the manufacturing, fabricating, processing, cleaning, laundering or assembly of any product, commodity or article.

**INDUSTRIAL USER** — (as defined in the United States Environmental Protection Agency Rules and Regulations, 40 CFR 35.905-8)

- A. Any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:
- B. Division A: Agriculture, Forestry, and Fishing.
- C. Division B: Mining.
- D. Division D: Manufacturing.
- E. Division E: Transportation, Communications, Electric, Gas, and Sanitary Services.
- F. Division I: Services.
- G. A user in the divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

**INDUSTRIAL WASTE** — Any solid, liquid, or gaseous substance or waterborne wastes or form of energy rejected or escaping from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources, as distinct from sanitary sewage.

**OWNER** — Any person vested with ownership, legal or equitable, sole or partial, of any property served, directly or indirectly by the sewer system.

**PERSON** — Any individual, firm, company, association, society, corporation or group.

**PRIVATE DWELLING UNIT** — Any room, group of rooms, house trailer, structure, dwelling or enclosure intended to be occupied as separate living quarters by a family or other group of persons living together or by persons living alone but excluding institutional dormitories. Each private dwelling unit in a double house, row or connection houses, in a trailer park or in an apartment or condominium or cooperative development will be billed as a separate entity.

**PUBLIC WATER SYSTEM** — A water supply system regulated by the Pennsylvania Public Utility Commission, and any other "community water system," as defined in the regulations of the Pennsylvania Department of Environmental Protection.

**SANITARY SEWAGE** — The normal water carrying household and toilet wastes from residences, business buildings, institutions, commercial and industrial establishments.

**SEWER SYSTEM** — All temporary and permanent facilities at any time, and from time to time, owned by the Authority and leased to and operated by the Township and used or usable for, or in connection with, the collection of waste waters.

**TOWNSHIP** — The Township of East Whiteland, Chester County, Pennsylvania.

**§ 154-106. Imposition of sewer rent or charge. [Amended 3-5-1996 by Ord. No. 109-96; 12-18-1996 by Ord. No. 115-96; 5-5-1998; 11-18-1999 by Ord. No. 127-99]**

There is hereby imposed upon each owner of each property served by the sewer system and having the use thereof, a sewer rent or charge, which shall be uniform throughout each sewer district, but which may vary from district to district, payable in equal quarterly payments as hereinafter provided, for the use, whether direct or indirect, of the sewer system, based on the schedules of classifications and rates or charges and calculated as hereinafter set forth for each such sewer district.

- A. Compliance with EPA regulations. The sewer rent shall be determined in accordance with the United States Environmental Protection Agency (US EPA) Rules and Regulations CFR 35.928 and 40 CFR 35.935-13 and Appendix B to Part 35. The user charges for all classifications set forth below shall be subject to annual review and periodic revisions to reflect the actual operation and maintenance costs of the sewer system, and of the transmission and treatment facilities owned by others but used by the sewer system.
- B. Unit Schedule for Availability Charge.

<b>Category</b>	<b>Number of EDU</b>
(1) Each private dwelling unit or living unit	1
(2) Each individual commercial establishment or business, having 10 or less of its own employees, attached to or forming a part of owner's residence, unless otherwise specified herein	1
(3) Each additional 5 of its own employees or fraction thereof	1/2
(4) Each individual commercial establishment or business, having 10 or less of its own employees, not attached to or forming a part of owner's residence, unless otherwise specified herein	1

- |      |  |       |
|------|--|-------|
| (5)  | Each additional 5 of its own employees or fraction thereof   | 1/2   |
| (6)  | (i) Hotel guest room/suite, motel guest room/suite and conference center guest room/suite with kitchenette - 2.5 bedrooms  | 1     |
|      | (ii) Hotel guest room/suite, motel guest room/suite and conference center guest room/suite without kitchenette - 3.0 bedrooms  | 1     |
|      | (iii) Kitchenette shall include any one or more of the following facilities or combination thereof:<br>(i) sink and refrigerator; (ii) sink and stove; (iii) sink and dishwasher; (iv) sink and disposal |       |
| (7)  | Each restaurant (without liquor license) per 25 seats  | 1     |
| (8)  | Each restaurant (with liquor license) per 10 seats   | 1     |
| (9)  | Each service station garage and automobile repair shop, without carwash facilities:  |       |
|      | 2 bays or less   | 2     |
|      | Each additional bay over 2   | 1     |
| (10) | Each barber or beauty shop, not attached to owner's residence:   |       |
|      | 2 chairs or less   | 1 1/2 |
|      | Each additional two chairs or fraction thereof   | 1/2   |
| (11) | Each firehouse   | 1 1/2 |
| (12) | Each church or chapel  | 1     |
| (13) | Each public swimming pool or private swimming club   | 3     |
| (14) | Each school, public or private, having:  |       |
|      | Toilet facilities only, per 25 pupils and staff or fraction thereof  | 1     |
|      | Toilet facilities and kitchen, per 20 pupils and staff or fraction thereof   | 1     |
|      | Toilet facilities and gymnasium, per 15 pupils and staff or fraction thereof   | 1     |
|      | Toilet facilities, kitchen and gymnasium, per 12 pupils and staff or fraction thereof  | 1     |
| (15) | Each property having a commercial garbage grinder of 3/4 horsepower or greater per grinder   | 1     |
| (16) | Each business providing showers for employees:   |       |

7 or less employees	1
Each additional 7 employees or fraction thereof	
(17) Each funeral home	2
(18) Each nursing home, per bed	3/4

C. Computation of charges.

- (1) If two or more private dwelling units or commercial establishments are connected through a single lateral, or if two or more families use separate cooking and/or toilet facilities in a single dwelling, or if two or more types of use are made of the same property, the availability component under the foregoing schedule shall be computed as through each such unit and establishment and each such family and each such types of use were a separate property or user with a separate connection to the sewer system.
- (2) To compute the sewer rate for facilities in a single commercial establishment which consists of multiple uses, such as a shopping center or an office building, each unit, tenant, or use shall be calculated by using the above schedule as though each unit, tenant, or use were a separate property or user with a separate connection to the sewer system. In such cases, the owner shall be liable for the full sewer charges but the owner may request the Township to bill individual units as an accommodation. Such accommodation shall not relieve the owner of the underlying obligations. Charges shall be due and payable on all units whether vacant or occupied. If the unit is vacant, one-half of the EDUs assigned to the space shall be used for the calculation. **[Amended 8-9-2006 by Ord. No. 184-2006]**
- (3) The sewer rate for each owner whose charge is based upon the number of employees shall be computed on the basis of the average number of employees for the calendar quarter preceding the date for the quarterly bill.
- (4) The Township shall be entitled to request from each owner and to receive promptly periodic information as to the number of employees or pupils at the property. Information as to employees shall be furnished semiannually in the form of a certified list of the names of all employees and independent contractors based at the property. In the event that the Township is not provided with accurate information, including supporting documentation, to determine the number of employees or pupils and staff using any property or such data as may be necessary to determine a user classification or rate, the Township's estimate or determination thereof shall be conclusive.
- (5) The Township reserves the right to change unit values from time to time, to add or delete property classifications, and in cases of

dispute, to determine the property classification of a given property.

D. Sewer rates. **[Amended 12-18-2001 by Ord. No. 135-2001; 8-9-2006 by Ord. No. 184-2006; 11-14-2007 by Ord. No. 200-2007; 11-12-2008 by Res. No. 15-2008; 2-12-2014 by Ord. No. 252-2014; 12-14-2016 by Ord. No. 287-2016]**

- (1) Sewer District A: The sewer rate shall be established by resolution of the Board of Supervisors and such rate resolution shall be amended from time to time as the Board of Supervisors deems appropriate.
- (2) Sewer District B: The sewer rate shall be established by resolution of the Board of Supervisors and such rate resolution shall be amended from time to time as the Board of Supervisors deems appropriate.
- (3) Sewer District C: The sewer rate shall be established by resolution of the Board of Supervisors and such rate resolution shall be amended from time to time as the Board of Supervisors deems appropriate.
- (4) Sewer District D: The sewer rate shall be established by resolution of the Board of Supervisors and such rate resolution shall be amended from time to time as the Board of Supervisors deems appropriate.
- (5) Sewer District E: The sewer rate shall be established by resolution of the Board of Supervisors and such rate resolution shall be amended from time to time as the Board of Supervisors deems appropriate.
- (6) Commercial and industrial users: The owner of each commercial and industrial user, whose total quarterly sewage discharge or water consumption is greater than 100,000 gallons, shall pay a sewer rate to be established by resolution of the Board of Supervisors, and such rate resolution shall be amended from time to time as the Board of Supervisors deems appropriate. **[Added 4-10-2019 by Ord. No. 308-2019]**
  - (a) Where the use of water by a commercial or industrial establishment is such that substantial portions of the water so used is not discharged into the sewer system, the quantity of water used to determine the usage component shall be computed by one of the following methods:
    - [1] Method No. 1: By placing the meter or measuring device on the sewer connection. The reading from this meter or measuring device shall be used in computing the usage component; or

- [2] Method No. 2: By placing the meter or measuring device on the effluent not discharging into the sewer system. The reading from this meter or measuring device will then be deducted from the total water meter reading and the remainder shall be used in computing the usage component.
- (b) When an owner can demonstrate that it is not practical to install meters or measuring devices or where the Township determines that because of infiltration or after cause, the amount of waste water discharged to the system exceeds the readings of the water meter, in either case the Township may determine, in such manner and by such methods as it may prescribe, the amount of wastewater discharged into the sewer system, and the quantity so determined to be discharged shall be used to determine the usage component, which determination shall be final.
- (c) Measuring devices. All meters or other measuring devices not provided by the public water system, but which may be used under the provisions of this chapter, shall be furnished and installed by the owner and shall be under the control of the Township and may be tested, inspected or repaired by Township employees or agents whenever necessary. The owner shall be responsible for its maintenance and safekeeping and all repairs which are made necessary to ordinary wear and tear or other causes. Bills for such repairs, if made by the Township or Township's agents, shall be due and payable at the same time and collected in the same manner as are the bills for sewer services, and such bills from and after their due date shall constitute a lien upon the property upon which such measuring device is installed. The Township shall have the right to read all meters or measuring devices, and they shall be available to Township employees or agents for meter reading at any reasonable time.
- (7) Single-family residential users in Sewer Districts A, B, C, D, and E shall be entitled to a discount of the annual rates set forth herein upon payment of the full amount of the annual sewer bill not later than 30 days after the date of the first bill issued by the Township for that calendar year. The discounted amount shall be established by resolution of the Board of Supervisors, and such resolution shall be amended from time to time as the Board of Supervisors deems appropriate. **[Added 4-10-2019 by Ord. No. 308-2019]**

**§ 154-107. Exclusion of industrial waste.**

Industrial wastes may be discharged into the sewer system only pursuant to written agreement with the Township and the Valley Forge Sewer Authority and upon obtaining an industrial waste discharge permit from Valley Forge Sewer Authority; provided that rules, regulations and acceptability

standards which may from time to time be adopted by the Township and Valley Forge Sewer Authority prescribed for the pretreatment of Industrial Waste are fully complied with to the satisfaction of the Township and Valley Forge Sewer Authority. Industrial wastes to be acceptable for collection and/or treatment must not exceed the characteristics set forth in Part 2, Sewer Use, of this Chapter 154. Industrial waste surcharges will be imposed and collected by the Valley Forge Sewer Authority, and will be in addition to the rentals imposed herein.

**§ 154-108. Changes in classifications; additional classifications and modifications.**

If the use or classification of any property should change within any quarterly billing period, the difference in sewer rental, if any, prorated on a monthly basis to the end of the then current calendar quarter will be charged or credited, as the case may be, on the bill for the succeeding calendar quarter. Additional classifications and additional sewer rentals may be established by the Township from time to time.

**§ 154-109. Payments; initial billing. [Amended 3-5-1996]**

The payments for the sewer rents (including the availability component and the usage component) by each owner shall begin immediately upon completion of the sewer connection (i.e., sewage flow is accepted into the sewer system). The sewer rents imposed shall be payable quarterly, in advance, and rent for each calendar quarter shall be billed and payable within 15 days following the beginning of each quarterly billing period, i.e., on the 15th day of January, April, July and October in each year. Rent for any billing period in which a connection is made shall be prorated, and shall be billed in conjunction with the next regular billing or by special billing as the officials responsible for billing may elect.

**§ 154-110. Penalties for delinquent payment; liens.**

- A. The charges for sewer service shall be subject to 10% penalty if not paid within 60 days after the date of the bill. If not paid within 120 days after the date of the bill, the bill plus the penalty shall bear interest from the due date at the rate of 1% per month or fraction thereof, or the maximum as permitted by law, until paid. Any unpaid sewer rent, together with penalties and interest thereon to the extent permitted by law, and all delinquent costs, shall be a lien on the property served, which may be collected by action in assumpsit, by distress and/or by a lien filed in the nature of a municipal claim and/or by termination of services as and to the extent provided by law. In addition, any costs and/or attorney's fees incurred by the Township shall be added to the unpaid sewer rent, to the extent permitted by law, along with penalties and interest as set forth above, and the aggregate of the same shall be entered as a lien on the property served.

- B. All owners connected to the sewer system must give the Township their correct address and must inform the Township of any change of address. Failure to receive bills will not be considered an excuse for nonpayment nor permit an extension of the period during which bills are payable at face.
- C. Payments made, as evidenced by the United States Post Office mark, on or previous to the end of the period during which the bills are payable at face, will be deemed to be a payment within such period.
- D. All sewer rentals, together with all penalties, interest and costs, including attorney's fees, to the extent permitted by law, not paid on or before the end of 180 days from the date of each bill shall be deemed to be delinquent. All delinquent sewer rentals and all penalties, interest and costs, including attorney's fees, shall be a lien on the property served and shall be entered as a lien against such property in the office of the Prothonotary of Chester County and shall be collected in the manner provided by law for the filing and collection of such liens.

**§ 154-111. Segregation of sewer revenues.**

The funds received by the Township from the collection of the sewer rental and charges and all penalties and interest thereon, as herein provided for, shall be segregated and kept separate and apart, except for purposes of investment, from all other funds of the Township and shall be used only for the purpose of defraying the expenses of the Township in the operation, maintenance, repair, alteration, inspection, depreciation or other expenses in relation to such sewer system and for such payments as the Township may be required to make to the Valley Forge Sewer Authority or to the Tredyffrin Township Municipal Authority in connection with transportation and treatment service or under any lease or agreement it may enter into in connection with the financing of the sewer system pursuant to the provisions of the Act of May 2, 1945, P.L. 382, as amended.<sup>6</sup> Such funds, however, may be invested in common with other Township funds pending the use thereof for the purposes above specified, provided that the amounts of such funds and the income therefrom can at all times be traced and determined.

**§ 154-112. Separate account for certain revenue. [Amended 3-5-1996]**

Beginning with the year 1996, the budget and the annual financial statements for the Sewer Fund of the Township will separately set forth the estimated and actual revenues derived from tapping fees, and the income estimated and actually earned on the Construction Fund held by the Trustee under the Trust Indenture of the East Whiteland Township Municipal Authority (said tapping fee revenue and interest income being herein collectively called the "Capital Income").

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

**§ 154-113. Rules and regulations.**

The Township reserves the right to, and may from time to time, adopt, revise, amend and readopt such rules and regulations as it deems necessary and proper for the use and operation of the sewer system, and all such rules and regulations shall be and become a part of this Part 3.

**§ 154-114. Termination of service.**

The Township reserves the right to restrict or discontinue the owner's use of the sewer service if the owner fails to comply with the established effluent standards, or comply with other provisions of this Part 3.

~~Adopted 12-12-2007 By Ord. No. 202-2007~~  
**Part 4**  
**On-Lot Sewage Disposal Systems**

ARTICLE XI

**Sewage Management Program for On-Lot Systems**

**§ 154-115. Short title; legislative authority; purpose.**

- A. This article shall be known and may be cited as an "Ordinance Providing for a Sewage Management Program for East Whiteland Township."
- B. Pursuant to Section 1522 of the Second Class Township Code (Act of May 1, 1933, P.L. 103, No. 69, as amended through Act 60-1995)<sup>7</sup>; the Clean Streams Law (Act of June 22, 1937, P.L. 1987, No. 394, as amended, 35 P.S. §§ 691.1 to 691.1001); and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.1 et seq., known as "Act 537"), specifically Title 25, Chapter 71, Section 71.71, it is the power and the duty of East Whiteland Township to provide for adequate sewage treatment facilities and for the protection of the public health by prohibiting the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for East Whiteland Township states that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.
- C. The purpose of this article is to provide for the regulation, inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

**§ 154-116. Definitions.**

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

**ABSORPTION AREA** — A component of an individual or community sewage system where liquid from a septic tank seeps into the soil; it consists of an aggregate-filled area containing piping for the distribution of liquid in the soil or sand/soil combination located beneath the aggregate.

**AUTHORIZED AGENT** — The Township Codes Enforcement Officer, a sewage enforcement officer, employee of the Township, professional engineer, plumbing inspector or any other qualified or licensed person who is authorized to function within specified limits as an agent of East Whiteland Township to administer or enforce the provisions of this article.

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7. **Editor's Note: See 53 P.S. § 66601.**

**BOARD** — The Board of Supervisors of East Whiteland Township, Chester County, Pennsylvania.

**COMMUNITY ON-LOT DISPOSAL SYSTEMS (COLDS)** — Any system, whether publicly or privately owned, for the collection of sewage of a liquid nature from two or more lots, and the treatment and/or disposal of the sewage on one or more of the lots or at any other location for final disposal in whole or in part into the soil. This includes land application by spray irrigation.

**LOT** — A parcel of land, the land area of which is contiguous and undivided by a street and which conforms to the provisions of Chapter 200, Zoning, and Chapter 175, Subdivision and Land Development, of the Code of the Township of East Whiteland and any other Township ordinances, codes, regulations, plans and maps; or any other parcel or tract of land, whether or not improved.

**MALFUNCTION** — A condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into groundwaters of this commonwealth or into surface waters of this commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground- or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.

**ON-LOT SEWAGE SYSTEM** — A system of piping, treatment tanks or other facilities serving a single lot and collecting, treating and disposing of sewage into a subsurface absorption area or spray irrigation system.

**OWNER** — An individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the United States or commonwealth, political subdivision, municipality, district, authority or other legal entity which is recognized by the law as the subject of rights and duties, being the title owner of property in East Whiteland Township. The term includes members of an association, partnership or firm and the officers of a local agency or municipal, public or private corporation, for profit or not for profit.

**PERSON** — Any individual, partnership, corporation or other legal entity.

**RETAINING TANK** (also called a "holding tank") — A watertight receptacle which receives and retains sewage and is designed and constructed to hold sewage pending the ultimate disposal of the sewage at another site.

**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 substances 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 which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as the "Clean Streams Law," as amended.

SEWAGE ENFORCEMENT OFFICER — The Chester County Health Department.

TOWNSHIP — East Whiteland Township, Chester County, Pennsylvania.

TREATMENT TANK — A watertight receptacle which receives the discharge of sewage from a house or building sewer line and is designed and constructed so as to permit settling of settleable solids from the liquid digestion of the organic matter by detention and discharge of the liquid portion into a distribution system or pit for underground dispersion or elevated sand mound, individual spray irrigation. Treatment tanks include septic tanks, cesspools, aerobic units and the like.

**§ 154-117. Scope; applicability.**

A. The requirements of this article shall be effective throughout the municipal limits of East Whiteland Township, Chester County.

B. Applicability.

(1) The operation, maintenance and repair of an individual, commercial or community on-lot sewage system shall be the responsibility of the property owner; provided, however, that maintenance and repair shall be subject to the continuing surveillance and inspection by the Township, its authorized agent and/or the Sewage Enforcement Officer.

(2) It shall be the responsibility of the property owner who utilizes an on-lot sewage disposal system to have it pumped in accordance with the schedule set forth in § 154-119 of this article and to make such other repairs or replacements as are necessary to prevent the malfunctioning of the system.

(3) The construction, repair and/or replacement of an individual, commercial or community on-lot disposal system shall be subject to the issuance of appropriate permits by the Chester County Health Department and/or PADEP.

**§ 154-118. Inspection.**

A. All on-lot systems, COLDS and small flow treatment facilities shall be subject to periodic inspections and shall be subject to inspection at any time if one or more of the following events occurs:

(1) During the installation of any individual, commercial or community on-lot sewage system or small flow treatment facilities.

(2) If the licensed septic tank contractor performing his regular pumpout schedule contacts the Township or Chester County Health Department that a serious malfunction condition exists at an on-lot system or small flow treatment facility.

- (3) If the owner or a neighboring property owner of a facility contacts the Township, PADEP or the Chester County Health Department.
  - (4) If the owner fails to submit the proof of pumping within 90 days after the date on which pumping is required as specified in § 154-119.
  - (5) For a small flow treatment facility, in addition to the above, if periodic reports submitted to the Township or PADEP indicate that the facility effluent is not achieving its minimum requirements.
- B. Items to be inspected for on-lot systems:
- (1) Baffle condition.
  - (2) Extensions (riser rings).
  - (3) Inspection ports.
  - (4) High water level in tank.
  - (5) Wet areas near system or site.
  - (6) Noticeable odors.
  - (7) Sewer backup into house.
  - (8) Abundant grass growth near system or site.
  - (9) Backflow of water from absorption area to tank.
- C. For the small flow treatment facility, the following inspections should be made in addition to any of the applicable items under Subsection B:
- (1) Evidence that the system is operating in accordance with the design.
  - (2) Test for alternating of blowers and other operating parts.
  - (3) Inspect outfall line, if any, for evidence of recent discharge and no clogs in the outfall line.
  - (4) Inspect discharge effluent for clarity and sampling if deemed appropriate.

**§ 154-119. On-lot/COLDS maintenance.**

- A. Treatment tank systems. The owner of a lot who uses a treatment tank system must have the tank(s) pumped and the contents disposed of at a licensed sewage disposal facility at least once every three years by a Chester County Health Department licensed septic tank contractor. Every owner of a treatment tank system existing on any lot on the effective date of this article shall submit proof of the required pumping and disposal to the Township's Codes Enforcement Officer not later than May 31, 2008, in the form of a receipted bill issued by the

contractor or such other proof as shall be acceptable to said Officer. If a system has been pumped within 12 months of the May 31, 2008, deadline, proof of such pumping shall be submitted to the Township's Code Enforcement Officer. That system will then have to be pumped prior to the expiration of three years from the date that the system was last pumped. Thereafter, proof of pumping shall be submitted to the Codes Enforcement Officer demonstrating pumping and disposal of the system's contents within the preceding twelve-month period at least once every three years. The owner of a system installed after the effective date of this article shall henceforth pump his system in accordance with the schedule set forth herein.

- B. Retaining tanks. The owner of a lot utilizing a retaining tank(s) or a sewage treatment system designed or operated as a retaining tank on the effective date of this article shall enter into a written contract with a Chester County Health Department licensed septic tank contractor requiring periodic pumping and disposal of the tank's contents in accordance with the schedule required by the permit which authorized the installation and use of the retaining tank system. A copy of the contract shall be filed by the owner with the Codes Enforcement Officer by May 31, 2008, and annually thereafter and shall be in effect and valid for a period of at least one year. The owner of a system installed after the effective date of this article shall submit the required contract to the Codes Enforcement Officer within one year of the installation and annually thereafter.
- C. Stream discharge systems. The owner of a lot on which a stream discharge sewerage system approved and permitted by the PADEP has been installed shall register the system with the Township within 90 days following the effective date of this article by filing a copy of the current PADEP permit, together with any other information required by the Codes Enforcement Officer to verify the current validity of the permit and copies of any tests verifying the system's operational integrity performed during the 12 months immediately preceding the registration. The owner of a system installed after the effective date of this article shall register the system with the Township within 90 days of such installation. The Codes Enforcement Officer or other authorized agent shall arrange for periodic inspections as required.
- D. Community on-lot disposal systems (COLDS). The operator(s) of any COLDS permitted for flows over 2,500 gallons per day shall submit regular reports to the Township. Reports shall be in the PADEP format for municipal waste load management and discharge monitoring reports. Reports are to be submitted to the Township at least as often and at the same time as they are to be submitted to PADEP.
- E. Compliance. Failure to comply with the provisions of Subsections A through D of this § 154-119 or to correct any defect determined during an inspection conducted pursuant to § 154-118 hereof within the time specified for by the Codes Enforcement Officer shall constitute a violation of this article, subjecting the owner of the property on which

the system is installed to the enforcement and penalty provisions of §§ 154-121 and 154-122 of this article.

- F. Change of ownership. Prior to the conveyance of any lot which is subject to the provisions of this article, the sewage system installed on such lot shall be pumped and its contents disposed of as required by this section, unless the owner has filed with the Township a receipt issued by a licensed septic tank contractor proving that the system was pumped out within the immediately preceding six-month period. Following any conveyance of the lot, the owner shall be subject to the provisions of this article.
- G. Promulgation of regulations and required proof. In addition to the requirements specified in this section, the Board may, by resolution, promulgate such forms and regulations for the administration and enforcement of this article as it shall determine necessary. Failure of a lot owner to receive or secure any required form shall not constitute a defense to the enforcement or penalty provisions of this article.

#### **§ 154-120. System rehabilitation.**

When the Township becomes aware of a violation(s) of this article, regulations promulgated by the Township hereunder or County Health Department regulations, it shall report such violation(s) to the Chester County Health Department and/or PADEP. All facilities regulated in this article shall be subject to the applicable rules and regulations of the Chester County Health Department and/or PADEP.

#### **§ 154-121. Enforcement; appeals.**

- A. The Township's Codes Enforcement Officer shall have the power and authority to determine all issues relating to compliance with the provisions of this article and to bring and prosecute in the name of the Township enforcement and penalty proceedings for violations of its provisions.
- B. Notice. If it appears that a violation of this article has occurred, the Township's Codes Enforcement Officer shall issue an enforcement notice to the property owner. Such notice shall be personally delivered or sent via certified mail to the owner of record of the property where the violation has occurred. The enforcement notice shall state the following:
  - (1) The name of the owner of record and any other person against whom the Township intends to take action.
  - (2) The location of the property where the violation has occurred.
  - (3) The specific violation of this article.
  - (4) The date before which steps for compliance must be completed.

- (5) That failure to comply with the notice within the time specified constitutes a violation with possible sanctions imposed.
- C. Appeals from the Codes Enforcement Officer's determinations or interpretations of the provisions of this article shall be taken to the Board within 30 days from the date of such determination or interpretation. Appeals shall be heard and determined in accordance with the provisions of the Local Agency Law. The Board may request documentation and consult with the Township Engineer or Solicitor or other competent authorities as it determines necessary for a just resolution of the appeal and may impose the reasonable costs thereof upon the appellant; provided, however, that the Board shall have no jurisdiction to hear or determine any appeal from the action of the Codes Enforcement Officer in prosecuting a violation of this article in a summary proceeding before a District Justice.

**§ 154-122. Violations and penalties.**

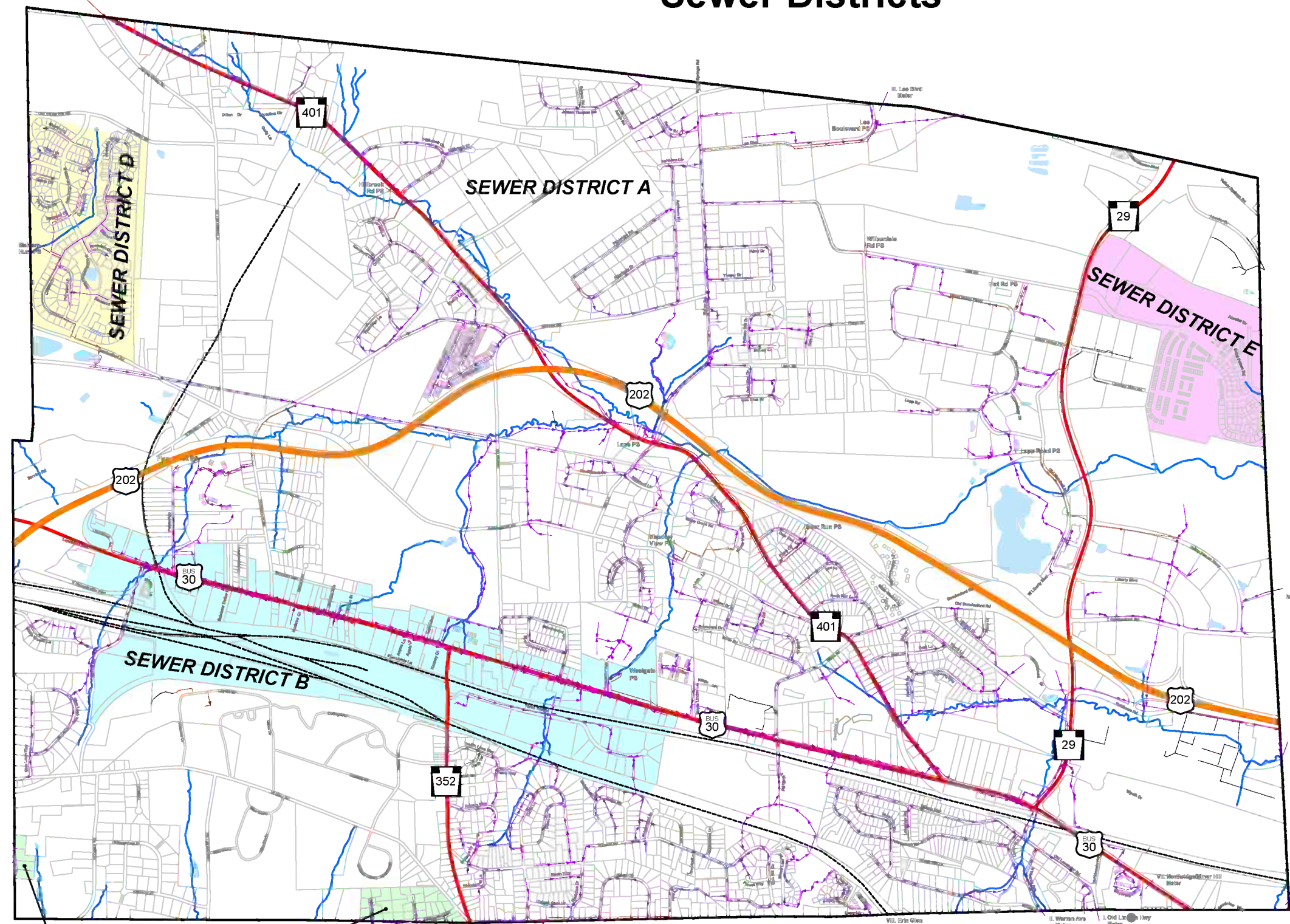
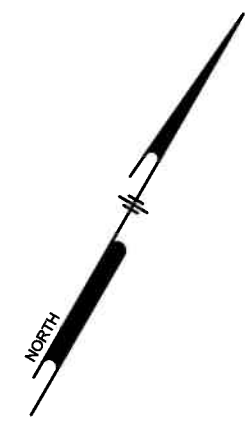
Any person who violates any provision of this article or who fails to comply with any of its provisions or regulations promulgated hereunder or who fails or refuses to comply with any lawful notice, order or direction of the Codes Enforcement Officer shall be guilty of a summary offense and, upon conviction by a District Justice, shall pay a fine of not less than \$100 nor more than \$1,000, together with the costs of prosecution, and upon default in payment of the fine and costs, shall be subject to imprisonment in the county prison for a term not exceeding 30 days. Each day during which any violation of this article continues shall constitute a separate offense punishable by like fine or imprisonment.

**§ 154-123. Fee schedule.**

The Board of Supervisors shall, by resolution, adopt a fee schedule for the administration of this article. Said schedule shall be kept on file by the Township Secretary and shall be reviewed and revised as necessary.

# **SEWER DISTRICT MAP**

# East Whiteland Township Sewer Districts



## Legend

- Sewer District A
- Sewer District B
- Sewer District C
- Sewer District D
- Sewer District E
- Highway
- Primary
- Railroad
- Municipal Boundaries
- Lakes & Ponds
- Streams
- FMs
- Private Gravity Sewer
- Parcel Boundaries
- Gravity Sewer

Revised 9/29/2021



U:\ACCOUNTS\NEWTPX17000 - SALE OF SYSTEM\PROJ RESOURCES\SEWER DISTRICT MAP\SEWER DISTRICT MAP 2021.DWG  
 PLOTTED: 10/3/2014 4:08:04 PM, BY: RYAN GASPARINI PLOTSTYLE: PENNONI\NCS-STB, PROJECT STATUS: ...

**EAST WHITELAND TOWNSHIP  
ORDINANCE NO. 343-2021**

**TOWNSHIP OF EAST WHITELAND  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 343-2021**

---

**AN ORDINANCE AMENDING THE EAST WHITELAND TOWNSHIP CODE, CHAPTER 154, SEWERS AND SEWAGE DISPOSAL, PART 3, SEWER RENTS, ARTICLE X, RATES AND CHARGES, SECTION 154-106, IMPOSITION OF SEWER RENT OR CHARGE, SUBSECTION B, UNIT SCHEDULE FOR AVAILABILITY CHARGE, TO CORRECT THE MISSING NUMBER OF EDU FOR SUBSECTION 16.**

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**WHEREAS**, Section 2511(a) of the Second Class Township Code permits a township to adopt sewer rates by resolution;

**WHEREAS**, the Second Class Township Code authorizes the Township's Board of Supervisors to make and adopt Ordinances that are consistent with the Constitution and the laws of the Commonwealth that it deems necessary for the proper management and control of the Township and welfare of the Township and its citizens;

**WHEREAS**, the Township of East Whiteland (the "Township") deems it to be in the best interest and general welfare of the citizens and residents of the Township to amend Chapter 154, Part 3, Article X, Section 106, Subsection B, Subsection 16 of the Township's Code Book of Ordinances to correct the missing number of "EDU" for "Each additional 7 employees or fraction thereof," by adding the number one (1) to the "Number of EDU" column;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors for East Whiteland Township, and it is hereby ordained and enacted, by the authority of the same, to wit:

**SECTION 1. CODE AMENDMENTS.**

**A. Chapter 154-106, Imposition of Sewer Rent or Charge, is hereby amended in part to read as follows:**

Section 154-106.B. Unit Schedule for Availability Charge

<b>Category</b>	<b>Nmber of EDU</b>
....	
(16) Each business providing showers for employees:	
7 or less employees	1
Each additional 7 employees or fraction thereof	1

**SECTION 2. REPEALER.**

All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

**SECTION 3. REVISIONS.**

The East Whiteland Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

**SECTION 4. SEVERABILITY.**

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall become effective five (5) days after date of adoption.

**SECTION 6. FAILURE TO ENFORCE NOT A WAIVER.**

The failure of East Whiteland Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**ENACTED AND ORDAINED** this 8th day of December 2021 by the Board of Supervisors of East Whiteland Township.

**BOARD OF SUPERVISORS  
EAST WHITELAND TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ATTEST:**

By: Dennis W. Kent  
Township Secretary

By: Susan Drummond  
Susan Drummond

By: Scott Lambert  
Scott Lambert

By: Richard Orlow  
Richard Orlow

**VERIFICATION OF  
WILLIAM C. PACKER**

## VERIFICATION

I, William C. Packer, Vice President, Regulatory Accounting & Regional Controller of Aqua Pennsylvania, Inc., hereby state that the facts set forth in the foregoing letter of Counsel of Aqua Pennsylvania Wastewater, Inc., dated December 17, 2021, addressing information requests of the Bureau of Technical Utility Services in the matter at PaPUC Docket No. A-2021-3026132, are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

*William C. Packer*

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William C. Packer  
Vice President, Regulatory  
Accounting & Regional Controller  
Aqua Pennsylvania, Inc.

Dated: December 17, 2021

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 17<sup>th</sup> day of December, 2021, served a true and correct copy of the foregoing Letter and Additional Information, upon the persons and in the manner set forth below:

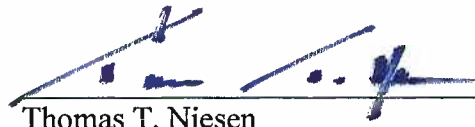
**VIA ELECTRONIC MAIL**

Sean Donnelly, P.E., Supervisor  
Clinton McKinley  
Paul R. Zander  
Water/Wastewater Section  
Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
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Carrie B. Wright, Prosecutor  
Bureau of Investigation and Enforcement  
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\_\_\_\_\_  
Thomas T. Niesen  
PA Attorney ID No. 31379



Commonwealth of Pennsylvania  
**Pennsylvania Public Utility Commission**  
 Harrisburg, PA 17105-3265  
**EFILING - FILING DETAIL**

Date Created	Filing Number
12/17/2021	2330669

Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (with reason) of the filing. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

The date filed on will be the current day if the filing occurs on a business day before or at 4:30 p.m. (EST). It will be the next business day if the filing occurs after 4:30 p.m. (EST) or on weekends or holidays.

**Docket Number:** A-2021-3026132

**Case Description:** Application of Aqua Pennsylvania Wastewater, Inc. - East Whiteland Township

**Transmission Date:** 12/17/2021 3:11 PM

**Filed On:** 12/17/2021 3:11 PM

**eFiling Confirmation Number:** 2330669

File Name	Document Type	Upload Date
AquaWW - Response to TUS Information Requests - December 17, 2021.pdf	Reply to Data Request	12/17/2021 3:10:09 PM

For filings exceeding 250 pages, the PUC is requiring that filers submit one paper copy to the Secretary's Bureau within three business days of submitting the electronic filing online. Please mail the paper copy along with copy of this confirmation page to Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg PA 17120 a copy of the filing confirmation page or reference the filing confirmation number on the first page of the paper copy.

**No paper submission is necessary for filings under 250 pages.**

You can view a record of this filing and previous filings you have submitted to the PUC by using the links in the Filings menu at the top of the page. Filings that have been submitted within the last 30 days can be viewed by using the Recent Filings link. Older filings can be viewed by using the search options available in the Filing History link.