

**Application of Pennsylvania-American Water Company for the Acquisition
of the Wastewater Collection, Conveyance and Treatment System
Owned and Operated by Towamencin Township and Towamencin Municipal Authority
(collectively “Towamencin”)**

Docket No. A-2023-3039900

66 Pa. C.S. § 1329

Application Filing Checklist – Water/Wastewater

18. Rates.
- b. Provide a copy of the seller’s current rules and regulations for service.
- RESPONSE:** b. See attached Towamencin’s current rules and regulations governing the provision of wastewater service marked as **Appendix A-18-b**.

Chapter 127

SEWERS

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

GENERAL REFERENCES

Sewer Authority — See Ch. 21, Municipal Authorities, Art. I.

Individual sewage disposal systems — See Ch. 124.

Plumbing Code — See Ch. 62, Art. VII.

Part 1
[Adopted 9-24-1987 By Ord. No. 87-12]
Regulations And Rates

ARTICLE I
Definitions

§ 127-1. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms used herein shall be as follows:

AUTHORITY — Towamencin Municipal Authority. **[Amended 8-26-2020 by Ord. No. 20-05]**

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

CAPITAL PROJECTS — Includes all extensions and additions to the sewer system in the Township, additional interceptor sewers, pumping stations and force mains and other sewer facilities; improvements and additions to the conveyance system, relocation of sewer and sewer facilities; reconstruction, restoration, or replacement of buildings, equipment, or property damaged or destroyed additional machinery and equipment; additional lands, rights-of-way, and easements; renewals and replacements, and other improvements, extensions, additions, betterments to the sewer system or any part thereof. **[Added 8-26-2020 by Ord. No. 20-05]**

EQUIVALENT DWELLING UNIT (EDU) — A source of wastewater equivalent to that generated by a single-family dwelling unit. Every building or use connected to the sewer shall constitute at least one EDU. For the purposes of residential uses, the number of EDUs applicable shall consist of the total number of residential dwelling units, together with the EDUs applicable to any common-use areas calculated as set forth herein for nonresidential use. For the purposes of a nonresidential use, the number of EDUs applicable to that use shall consist of the actual or estimated total gallonage discharge of wastewater at the property per day divided by 200.¹ **[Amended 11-12-2014 by Ord. No. 14-13]**

HOUSEHOLD UNIT — Consists of the number of persons per household as established for Montgomery County by the census data provided by the United States Census Bureau. As set forth as Section 5607(d)(24)(i)(C)(V)(e) of Act 57, the amount of domestic sewage generated by a household unit is calculated to be the number of persons times 90 gallons per person per day. **[Added 8-26-2020 by Ord. No. 20-05]**

INDUSTRIAL ESTABLISHMENT — Any premises used in whole or in part for the manufacture, processing, cleaning or assembly of any product, commodity or article, or any other premises from which wastewater other than sanitary sewage is discharged.

INDUSTRIAL WASTE — Any solid, liquid or gaseous substance, rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, which is discharged into the sewer system, as distinct from sanitary sewage.

LATERAL — That part of the sewer system extending from a sewer to the curblin or, if there shall be no curblin, extending to the edge of the right-of-way or sewer easement.

METERING FACILITIES — A flow-measuring system, designed and installed in accordance with accepted engineering practices and approved by the Township, for the measurement of sewage flows. For industrial establishments and nonresidential users, publicly metered water use records may be considered metering facilities if approved by the Township.

NONRESIDENTIAL USER — Any commercial, institutional or industrial use, other than a residential unit, which is connected to the sewer system and from which sanitary sewage or industrial waste is or may be discharged into the sewer system.

OUTSIDE SEWER FACILITIES — The system of sanitary sewers and appurtenances for the collection,

1. Editor's Note: The former definition of "improved property," which immediately followed this definition, was repealed 4-23-2014 by Ord. No. 14-06.

transportation and pumping of sewage that is located outside of the municipal boundaries of Towamencin Township and is owned and operated by the Township and/or Authority.

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

PERSON — Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the commonwealth, political subdivision, municipality, district, authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term "person" shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit. **[Amended 8-26-2020 by Ord. No. 20-05]**

PLUMBING CODE — The BOCA Plumbing Code of the Township.²

PRIVATE SEWER SYSTEM — The system of sanitary sewers and appurtenances for the collection, transportation and pumping of sewage that is located on private property or in noneasement areas and is not owned and maintained by the Township or Authority.

RESIDENTIAL UNIT — Each private dwelling; each dwelling unit in a double house or in a row of connecting houses; each apartment; each room, group of rooms, house trailer, mobile home, independent living unit, or any structure occupied or intended for occupancy as separate living quarters by a family or group of persons living together or by persons living alone, which accommodation is connected to the sewer system and from which sanitary sewage is or may be discharged into the sewer system. **[Amended 11-12-2014 by Ord. No. 14-13]**

SANITARY SEWAGE — The type of toilet and other water-carried waste normally discharged from residential properties.

SEWER — Any pipe or conduit constituting a part of the sewer system, used or usable for sewage collection purposes, other than a lateral.

SEWERED AREA — That portion of the Township in which there shall be constructed a sewage collection system as from time to time constructed and extended by the Authority, the Township or others, and that part of areas outside the Township in which sewers shall be constructed which connect to the sewage treatment plant of the Authority located in the Township.

SEWER SYSTEM — All facilities, as of any particular time, for collecting, pumping and disposing of sanitary sewage and industrial waste, situate in the sewer area and owned and/or operated by the Authority or the Township.

STREET — Any street, road, lane, court, alley or public square.

TAPPING FEES — The fee charged as a capital contribution at the time of a request for allocation of capacity in the conveyance system or at the time of actual connection to the sewer system. Said tapping fee shall be in addition to any sewer rental or assessment for the cost of construction of the sewer system. Said tapping fee shall not be in lieu of any charge by the Township of Towamencin of a fee for supervising or carrying out any connection to the sewer system. **[Added 8-26-2020 by Ord. No. 20-05]**

TOWNSHIP — The Township of Towamencin, Montgomery County, Pennsylvania, or as the context may require, the Board of Township Supervisors (in connection with matters requiring action of the Supervisors) or such officers or employees of the Township as are authorized to act for the Township in the premises, including but not limited to the Township Engineers, Sewage Enforcement Officer and Code Enforcement Officer.

TREATMENT PLANT — The facility owned and operated by the Authority situated at 2225 Kriebel Road, Towamencin Township.

2. Editor's Note: See Ch. 62, Construction Codes, Art. VII, Plumbing Code.
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ARTICLE II
Building Sewers and Connections

§ 127-2. Permit required for connection.

No person shall uncover, connect to, make any opening into or use, alter or disturb in any manner any lateral or any other part of the sewer system without first obtaining a permit in writing from the Township and the Authority authorizing such connection and/or use. No permit shall be issued unless there is sufficient capacity in the sewer system to convey the wastewater to the treatment plant and sufficient capacity in the treatment plant to treat the wastewater.

§ 127-3. Application for permit.

Application for a permit required under § 127-2 shall be made by the owner of the improved property to be served or by his duly authorized representative.

§ 127-4. Conditions for connections.

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

- A. Such person shall have applied for and obtained a permit as required by § 127-2.
- B. Such person shall have given the Township at least 48 hours' notice of the time when such connection will be made so that the Township may supervise and inspect the work of connection and necessary testing.

§ 127-5. Display of permit.

The permit required by § 127-2 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 a lateral.

§ 127-6. Separate connection for each unit.

Except as otherwise provided in this section, each connection unit on each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one connection unit on one building sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of the Township in writing shall have been secured.

§ 127-7. Costs of construction and connection.

All costs and expenses of construction of a building sewer and of a connection to a lateral shall be borne by the owner of the property to be connected; and in addition thereto, as a condition of the grant of a permit, such owner shall agree to indemnify and save harmless the Township and Authority from all loss or damage resulting directly or indirectly from the connection to the lateral, including any damages to persons or property occasioned thereby.

§ 127-8. Construction of lateral.

In instances where no lateral exists, the person shall contact the Township to determine the method of connection to the sewer. The Township shall approve the location and method of connection to the sewer. The person, at a minimum, shall be required to install a lateral from the sewer for a distance of 10 feet or to the curblin, whichever is greater, prior to installing the building sewer. All work shall be done in accordance with the Township's standards. In instances where, in the opinion of the Township, a connection to the sewer may result in potential damage in the form of collapse, blockage or failure of the sewer, special requirements to perform the connection may be specified. These include but are not limited to the setup of bypass pumping equipment at the site capable of transporting flows equal to peak daily quantities and the posting of a bond equal to the maximum established cost

of repair should damage occur.

§ 127-9. Adherence to standards and specifications.

The construction of building sewers and the connection thereof to a lateral shall be done in accordance with the provisions of the BOCA Plumbing Code and the Township's specifications.³

§ 127-10. Guarding of excavations; restoration. [Amended 8-26-2020 by Ord. No. 20-05]

Every excavation for a building sewer 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 shall be restored at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Township. Every excavation requiring a road opening of a Township, state or county highway requires a highway occupancy permit from the appropriate agency. The road restoration must be done in accordance with the specifications of the appropriate agency.

§ 127-11. Maintenance of building sewer.

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

§ 127-12. Correction of defects in sewers.

Whenever the Township has reason to believe that any building sewer has become defective, such building sewer shall be subject to test and inspection. Defects found upon such test and inspection, if any, shall be corrected as required by the Township in writing, at the cost and expense of the owner of the improved property served through such building sewer.

§ 127-13. Surface water excluded from sewers.

No person shall make connection of roof downspouts, foundation drains, sump pump areaway drains or other sources of surface runoff or groundwater in any manner resulting in such surface runoff's or groundwater's being discharged directly or indirectly into the sewer system. Any person found to have a connection of this type shall be formally notified that he must remove the connection discharging such surface runoff or groundwater. Such person shall have 30 days from said notification in which to remove such connection or shall hereby be in violation of this Part 1, and such person shall, upon conviction, be subject to the penalties in § 127-46, with each day such violation shall persist constituting a separate violation.

§ 127-14. Substances excluded from sewers.

- A. No person shall cause, permit or allow any discharge or flow of any flammable or explosive substance, solid, liquid or gas (such substances include but are not limited to acetone, benzene, fuel oil, gasoline, kerosene or naphtha), either directly or indirectly into the sewer system that could create any danger of fire or explosion or result in damage or injury to persons or to the structures, equipment or processes of the sewer system or treatment plant.
- B. No person shall cause, permit or allow any discharge or flow of any corrosive substance, solid, liquid or gas, either directly or indirectly into the sewer system that could create any danger of corrosive damage or injury to persons or to the equipment, structures or processes of the sewer system or treatment plant.
- C. No person shall cause, permit or allow the discharge, flow or placement directly or indirectly into the sewer system of any substance, material or object that could cause or result in the obstruction of flow of wastewater

3. Editor's Note: See Ch. 62, Construction Codes, Art. VII, Plumbing.
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in the sewer system or the interference with or damage to the equipment, structures or processes of the sewer system or treatment plant.

- D. In addition to invoking the penalties provided for violation of this Part 1 as set forth in § 127-46 hereof, the Township shall be empowered to discontinue sewer service to any property from which objectionable discharges emanate, to direct the owner or person occupying the property to discontinue such discharge or make such repairs or changes to the property, including the removal of materials from the property, as to prevent such discharges of objectionable substances, or to take such other measures as may be required to safeguard persons, equipment, structures or processes of the sewer system or treatment plant.

ARTICLE III
Connection to Public Sewer Facilities

§ 127-15. Disposal of wastewater on public or private property.

No person shall discharge or dispose of any wastewater, sanitary sewage, industrial waste or other objectionable wastewater on public or private property within the Township except into an existing and properly functioning on-site sewage disposal system or in conformity with this Part 1. All such discharges or disposal are hereby declared to be public nuisances and are subject to abatement as provided by law.

§ 127-16. Connections to available sewers required.

The owner of any property in the Township which abuts or adjoins any easement, alley, street or highway in which a sanitary sewer of the sewer system owned or leased by the Township is located or through which a sewer of such sewer system is constructed and upon which property there is generated sanitary sewage or industrial waste shall, upon receipt of written notice from the Township, connect such improved property to the sewer system without delay in accordance with the rules and regulations of the Township.

§ 127-17. Connections by Township; costs.

If any owner of such property required to be connected to said sewer system shall neglect or refuse to connect thereto after written notice so to do, the Township may give such owner written notice making reference to this section and ordering such owner to make the required connection within 60 days of the date of said notice, and upon failure of such owner to make the required connection within said sixty-day period, the Township or its agents may enter upon such property and construct such connection and, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the property owner, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay said bill, it shall be the duty of the proper Township officials and Township Solicitor to file municipal liens for said construction within six months of the date of the completion of the construction of said connection.

§ 127-18. Failure to make sewer connection a violation.

If any owner of improved property within the Township shall have failed to connect such property with the sewer system as required by § 127-16 and the Township shall have given such owner written notice pursuant to § 127-17, and if such owner shall have failed within said sixty-day period to make the required connection, such failure shall be and hereby is declared a violation of this Part 1, and such owner shall, upon conviction thereof, forfeit and pay to the use of the Township the sum \$300 for each day such violation shall persist, together with costs of prosecution.

§ 127-19. Use of septic tank or similar receptacle prohibited.

It shall be unlawful, 60 days from receipt of written notice pursuant to § 127-16 or 127-17, for any person, firm or corporation to own, maintain, operate or use within the Township a privy, cesspool, vault, septic tank or similar receptacle for sanitary sewage upon any property now or hereafter improved which is accessible to a collection sewer line of said sewer system, or to connect any such privy, cesspool, vault, septic tank or similar receptacle with any such collection sewer line.

§ 127-20. Wastes other than sanitary sewage excluded; exception.

No owner of property shall be permitted to discharge into the sewer system any waste or drainage other than sanitary sewage except as may be expressly permitted by the rules and regulations of the Township currently in effect.

§ 127-21. Service of notice to property owners.

Notices to property owners under §§ 127-16 and 127-17 may be given either by personal service or by certified mail sent to the last known address of such owner. In the event that such notice is returned as unclaimed, the Township may enter into the property as provided in § 127-17 hereof.

§ 127-22. Denial of use of sewer system.

If any person shall fail for 60 days after written notice from the Township to remedy any unsatisfactory conditions with respect to a building sewer, the Township may refuse to permit such person to use the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of the Township Engineer.

§ 127-23. Prevention of discharge of harmful wastes.

The Township reserves the right to refuse to any person the use of the sewer system or to compel the pretreatment of industrial waste in order to prevent discharge into the sewer system of harmful wastes.

§ 127-24. Metering facilities.

All private sewer systems, industrial establishments and nonresidential users, except as specifically exempted by the Township, shall have metering facilities. The type and location of the metering facilities shall be approved by the Township. Operation and maintenance of the metering facilities shall be the responsibility of the private sewer system, industrial establishment or nonresidential user. For existing private sewer systems, industrial establishments or nonresidential users not already equipped with metering facilities, the private sewer system will have six months from the effective date of this Part 1 to receive approval for the design and installation procedures associated with metering facilities and must complete construction and begin operation of such facilities within 12 months from the effective date of this Part 1. The private sewer system, industrial establishment or nonresidential user shall submit to the Township on a monthly basis a copy of the actual flow charts and a summary tabulation of the daily flow volume and seven-day moving average flow volume. Failure to comply with these requirements will require such owner to pay the Township the sum of \$300 for each day past the stated dates the requirements are not met. Failure to properly maintain and operate the metering facility will require the owner to pay the Township the sum of \$100 for each day the metering facility does not operate properly. The owner will be given 30 days' notice to repair the metering facilities to an operational condition prior to the penalty fee's being imposed. Should the meter continuously malfunction, the owner shall remove the equipment and install a new metering facility as approved by the Township. New private sewer systems, industrial establishments and nonresidential users shall be required to comply with this requirement upon the effective date of this Part 1.

§ 127-25. Approval required for increase in wastewater flow. [Amended 8-26-2020 by Ord. No. 20-05]

No private sewer system, industrial establishment or nonresidential user shall increase the quantity of wastewater discharge through an existing connection or construct a new connection to the sewer system without first obtaining approval from the Township. Any such increase in wastewater flow may require additional tapping and/or usage charges in accordance with this Part 1.

§ 127-26. Metering of outside sewer facilities.

All outside sewer facilities shall be equipped with metering facilities at the connection point to the Township sewer system, and the Township may require such outside sewer facilities to be organized into a separate sewer district for the purpose of collecting sewer rentals and charges.

ARTICLE IV
Connection Charges
[Amended 3-14-2005 by Ord. No. 05-02]

§ 127-27. Imposition of charge; when due and payable. [Amended 8-26-2020 by Ord. No. 20-05]

There is hereby charged and imposed upon the owner of each EDU to be connected a tapping fee, which shall be due and payable to the Township, with respect to those owners who are required to connect to the sewer by this Part 1, at the time the connection permit is issued or 60 days after written notice to such owner to connect, whichever date is earlier, and with respect to owners not so required to connect but who desire to do so, prior to the issuance of the connection permit referred to in Article II.

§ 127-28. Notice of completion of sewer section.

Upon the completion of each section of the sewer system constructed by the Authority, by the Township or by others, the Township shall give notice to all owners of properties required to be connected to such section and for which a lateral has been constructed to connect to such property and shall advise the owners of all properties not required to connect of their opportunity to do so.

§ 127-29. Tapping fee. [Amended 11-12-2014 by Ord. No. 14-13; 8-26-2020 by Ord. No. 20-05]

- A. A tapping fee for capital contributions is hereby imposed on all persons seeking an allocation of capacity in the Township's conveyance sewer system. The fees are hereby established for connection in Towamencin Township in the amount of \$5.07 per gallon per day; therefore, \$1,154/EDU per household unit for residential contributors and for sale of capacity in 200 GPD increments to nonresidential customers in the amount of \$1,014/200 GPD/EDU of water meter usage at the property.
- B. The Manager of the Township is hereby directed to deposit tapping fees received and to treat such funds as capital funds not be used for ordinary operating expenses.

(NOTE: Detailed calculations for the respective tapping fees are attached as Appendix A⁴ at the end of this chapter.)

§ 127-30. Payment of tapping fees by developer. [Amended 11-12-2014 by Ord. No. 14-13; 8-26-2020 by Ord. No. 20-05]

A developer or other person who shall construct a collection system for two or more residential units in a new development or housing cluster which is then connected to the sewer system in accordance with the plans approved pursuant to Article VI hereof shall pay the applicable tapping fee for the sewer system. The Authority's tapping fee in effect at the time the request for the EDU connections is made shall be due and payable at the same time as the Township's EDU tapping fee. All such charges and fees shall be paid prior to the signing of the developer agreement for the total number of EDU connections approved for construction as per the plans approved by the developer agreement.

§ 127-31. Basis for tapping fees. [Amended 11-12-2014 by Ord. No. 14-13; 8-26-2020 by Ord. No. 20-05]

The number of EDU connections and corresponding tapping fees for private sewer systems, nonresidential users and outside sewer facilities shall be based on: the actual number of equivalent dwelling units connected to the system as determined by the Township; or the total flow for any ninety-day period, as selected by the Township from metering facilities data, divided by the 90 days and 200 gallons per day per EDU and rounded to the nearest whole number, whichever is greater. All such charges and fees shall be payable prior to the time final approval is given for the connection to the sewer system for the total number of EDU connections.

4. Editor's Note: Appendix A is on file in the Township offices.

- A. For private sewer systems, industrial establishments and nonresidential users, the currently utilized sewer capacity will be compared to available records indicating the sewer capacity previously reserved and paid for. If the current utilized sewer capacity over a calendar year exceeds the capacity previously reserved, the private sewer system, industrial establishment and nonresidential user will be required to either pay the Township the appropriate tapping fee and the Authority's current tapping fee for capacity above the previously reserved capacity within 60 days after being so notified by the Township of this condition or submit a report prepared by a professional engineer outlining a plan to reduce flows to previously reserved levels within the same sixty-day period. Upon review and approval of the report by the Township, the private sewer system, industrial establishment and nonresidential user shall have six months in which to complete the work outlined in the report. If, upon completion of said work and the recalculation of utilized sewer capacity, the usage still exceeds the capacity previously reserved, the user will be required to pay the charges and fee stated above.

- B. For the sewer facilities not within the Towamencin Township boundary, the calculated sewage usage shall not exceed the actual reserved sewage capacity. If this condition exists, the Township shall have the right to inspect, repair and rehabilitate the system to reduce flow quantities to acceptable levels. All costs associated with such activities shall be borne by the separate sanitary sewer district for the particular sewer facilities, and the Township shall have the right to make special assessments accordingly.

§ 127-32

§ 127-35

ARTICLE V
Sewer Rentals and Charges

§ 127-32. Rentals established. [Amended 4-23-2014 by Ord. No. 14-06]

Sewer rentals are hereby established and imposed, which shall be payable by and collected from the owner of each property, based upon the number of EDUs applicable to such property, from and after the date the Township certifies the connection of such property to the sewer system as complete.

§ 127-33. Basic rental. [Amended 8-28-1991 by Ord. No. 87-12; 12-16-1992 by Ord. No. 92-6; 2-23-1994 by Ord. No. 94-2; 2-25-1998 by Ord. No. 98-2]

The annual sewer rental for each EDU shall be established by resolution of the Board of Supervisors. Said sewer rental as established shall be payable in one annual payment for residential units. The rental as established shall be the basic rental for each residential unit, and the nonresidential users shall be charged semiannually in accordance with § 127-35 as set forth below. For all residential users, whether their system is a private system or public, the rate shall be as set forth in said resolution.

§ 127-34. (Reserved)⁵

§ 127-35. Nonresidential users; private systems; industrial establishments. [Amended 11-12-2014 by Ord. No. 14-13]

The sewer rental for nonresidential uses shall be calculated as the greater of the basic sewer rental for one EDU or the product of multiplying the number of EDUs applicable to such use, calculated based upon the six-month volume of actual water consumption or measured volume of wastewater, by the basic sewer rental.

- A. Metering facilities: water usage. The volume of water to be used for billing sewer rentals to industrial establishments and nonresidential users shall include any and all water purchased from the North Penn Water Authority or North Wales Water Authority or any other private or public water company and, in addition, all water obtained from any other source or sources (wells, springs, streams, etc.) as determined by meters installed and maintained by either of said Water Authorities or any other private or public water company, by meters maintained and installed by the property owner as may be required, approved and inspected by the Township, or from estimates or measurements made by the Township where metering is considered impractical by the Township or when meters have not been installed.
- B. Excluded water.
 - (1) Exclusion from the sewer system and treatment plant of nonprocess, nonsanitary waters not requiring treatment may be required by the Township or such exclusion may be optional with the property owner if not required by the Township. When such waters are not discharged to the sewer system, sewer rentals shall be based upon total water consumption less waters not discharged to the sewer system.
 - (2) Waters not discharged to the sewer system may be determined from meters installed and maintained by the owner or from estimates or measurements made by the Township, or the owner may elect to measure the volume of wastewater actually discharged to the sewer system as provided for below.
- C. Metering facilities: sewer meters. The Township shall require all private sewer systems and outside sewer facilities, and may require any industrial establishment and nonresidential user, to install, at their own expense, and maintain a meter of a type approved by the Township to measure the volume of wastewater discharged to the sewer system by such user. Such a meter shall be installed for any nonresidential user obtaining, in whole or in part, a supply of water from other than a public water company.

5. Editor's Note: Former § 127-34, Special rental, as amended, was repealed 12-11-2013 by Ord. No. 13-09.

- D. Surcharge. In addition to the sewer rental established hereby, a nonresidential user may be subject to surcharges based upon the strength of the wastewater discharged, as established under the provisions of Ordinance 84-6 of the Township, known as the "Pretreatment Ordinance."⁶ Any nonresidential user subject to a strength surcharge under the pretreatment ordinance shall pay, in addition to such surcharge, an additional amount to be added to each billing to cover all costs associated with the monitoring, sampling, testing or analysis of wastewater discharged by such nonresidential user.
- E. Sampling facilities. When directed by the Township, industrial establishments shall install, pay for and maintain a manhole or other device as may be approved by the Township to facilitate observation, measurement and sampling of wastes discharged to the sewer system and treatment plant. The Township or its duly authorized representatives shall at all reasonable times be permitted to enter upon any and all properties for the purpose of inspecting all metering devices and of observing, measuring and sampling wastes discharged to the sewer system and treatment plant. Any industrial establishment that desires to connect with the sewer system or which is connected to the sewer system and plans to change its operations so as to materially alter the characteristics and volumes of wastes discharged therefrom shall notify the Township in writing at least 10 days before making such connection or changing its operations.
- F. Installation and maintenance of meters. If the owner of any industrial establishment shall be required pursuant to the foregoing provisions to install a water meter or meters or a meter or meters for measuring wastewaters, it shall be the duty of such owner to furnish and install such meter at his own expense, and in such case and also if such owner shall have voluntarily installed such meter or meters, such owner shall be required to maintain the same in good operating condition and make all necessary repairs and replacements. If the owner, being obligated so to do, shall fail to furnish or install such meter or meters or shall fail to maintain the same as above provided, then in any such case after 10 days' written notice by the Township to perform such obligation, the Township may enter onto such property at all reasonable times and install such meter or meters or repair and maintain the same, as the case may be, and charge the cost of such installation or repair to such owner. Bills for such installation or repairs if made by the Township shall be due and payable immediately upon completion of the work and then shall be collected in the same manner as semiannual bills for sewer rentals and charges.
- G. Amendments and modifications. Additional classifications of sewer rentals or modifications of the above schedule of rentals may be established or made by the Township from time to time as deemed necessary.

§ 127-36. Time and method of payment; penalties and interest. [Amended 12-28-1988 by Ord. No. 88-15; 2-23-1994 by Ord. No. 94-2; 2-25-1998 by Ord. No. 98-2]

- A. Sewer rentals for residential units shall be billed annually on the first day of March, commencing on the first day of the annual billing period next succeeding the date upon which the Township certifies the connection of the property to the sewer system as complete, and shall be due and payable immediately. Apportionment of sewer rentals for properties connected for less than the annual billing period shall be in accordance with § 127-37 of the Towamencin Township Code. Sewer rentals for industrial establishments and nonresidential users shall be billed semiannually on such dates or as soon thereafter as necessary data to prepare such bills for the semiannual period next preceding such dates shall become available and shall be due and payable immediately. **[Amended 4-23-2014 by Ord. No. 14-06]**
- B. If the full amount of such bills shall not be paid within 120 days from the date of billing, 10% of the face amount of the bill shall be added thereto, which together with the face amount of the bill shall become the gross amount thereof. In the event any bill shall remain unpaid as of December 31 of any year, the Township shall proceed to collect all sums due in accordance with law. **[Amended 1-27-2021 by Ord. No. 21-03]**
- C. Failure of any owner to receive a bill for sewer rentals and charges due to the failure of such owner to notify the Township of his correct address or failure of any owner to receive a correct bill for sewer rentals and

6. Editor's Note: See Part 2 of this chapter.

charges by reason of the failure of such owner to notify the Township of the use or uses of which an improved property or any portion thereof is made, pursuant to the notice requirements of § 127-44, shall not excuse nonpayment or failure to pay the amount which would be properly applicable to the use or uses of which said improved property is made, and shall not result in an extension of the period of time during which the bill shall be payable.

§ 127-37. Apportionment of rents. [Amended 2-25-1998 by Ord. No. 98-2; 4-23-2014 by Ord. No. 14-06]

Whenever sewer service to any property begins after March 1, the sewer rentals for such property shall be for that portion of the annual billing period during which the property is served. However, in making such apportionment, a fraction of a month amounting to 1/2 or more of a month shall be counted as a full month, and a fraction of a month amounting to less than 1/2 of the month shall be disregarded.

§ 127-38. Collection of delinquent rents; lien.

Delinquent bills for sewer rentals, together with all charges, expenses and fees added thereto, shall, in the manner provided by law, become a lien upon the property served and shall be collectible by the Township by an action in assumpsit against the owner of such property or be enforced against such property by the filing of a municipal lien.

§ 127-39. Pump station operation and maintenance cost assessments. [Amended 11-12-2014 by Ord. No. 14-13]

The Township shall have the right to allocate the operation and maintenance costs associated with a Township- and/or Authority-owned and -operated pump station to the improved properties' tributary to said pump station. These costs shall include but not be limited to electricity, parts and equipment replacement and associated labor costs, servicing, cleaning, routine inspection and mileage costs. Such allocation of costs shall be in addition to the other applicable sewer rentals and charges and shall be assessed to each tributary improved property on the basis of volume of flow contributed during each billing period.

ARTICLE VI
Housing Developments

§ 127-40. Construction of extensions. [Amended 8-26-2020 by Ord. No. 20-05]

- A. In cases where a builder or developer desires to install sewers, laterals and building sewers to every housing unit within a housing development prior to their individual sale, he shall meet all conditions as set forth in this section and in other sections of this Part 1.
- B. Plot plans for such a development must be submitted to the Township, which must include a covenant to convey and dedicate to the Authority the sewers so constructed, other than building sewers, when the said sewers are connected to the sewer system. Said plans must be approved by the Township and the Authority prior to any construction. Sewer plans conforming to all original specifications established by the Township as to type of pipe, location of mains, size of pipe, grades, methods of laying pipe and the type of construction of all necessary appurtenances must be prepared, approved by the Township and the Authority, and approval obtained from the necessary state agencies. The engineering fees and charges for permits will be paid by the builder or developer. In no case will lesser standards than exist in the sewer system presently to be constructed and as outlined in this Part 1 be permitted for any future extensions. Upon approval of such plans by the Township, the Authority and the necessary state agencies, the extensions may be constructed by and at the expense of the builder or developer, but only under the inspection of an inspector designated by the Township. The cost of such inspection, including salaries and expenses, shall be borne by the builder or developer making the extensions.
- C. Prior to acceptance of dedication by the Authority, a builder or developer shall post financial security to secure structural integrity of said dedicated improvements as well as the functioning of said dedicated improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. The amount of the financial security shall not exceed 15% of the actual cost of installation of said dedicated improvements.
 - (1) Without limitation as to other types of financial security which the Authority may approve, which approval shall not be unreasonably withheld, federal- or commonwealth-chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
 - (2) Such financial security shall be posted with a bonding company or federal- or commonwealth-chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the commonwealth.

ARTICLE VII
Miscellaneous Provisions

§ 127-41. Access to property.

The Township shall have the right of access at reasonable times to any part of any improved property served by the sewer system as shall be required for purposes of inspection, measurement, sampling and testing and for performance of other functions relating to service rendered by the Township through the sewer system.

§ 127-42. Variance of provisions.

No officer or employee of the Township is authorized to vary this Part 1 without action by the Board of Township Supervisors.

§ 127-43. Nonliability of Township.

The Township shall not be liable for a deficiency or failure of service when occasioned by an emergency, required repairs or failure from any cause beyond control. The Township reserves the right to restrict the use of sewer service whenever the public welfare may require it.

§ 127-44. Notices to Township.

Each owner must give the Township written notice of his address, any change of address, any change of ownership and of the use or uses of any improved property or any part thereof or any change in such use or uses.

§ 127-45. Compliance.

Except as expressly provided herein, compliance with this Part 1 shall not relieve any person from the requirement of complying with other ordinances, resolutions or specifications of the Township or rules, resolutions or specification regulations of the Authority, including but not limited to Ordinance No. 84-6, the Pretreatment Ordinance; Ordinance No. 81-6, the Subdivision and Land Development Ordinance; and the Plumbing Code.⁷

7. Editor's Note: See Part 2 of this chapter; Ch. 136, Subdivision and Land Development; and Ch. 62, Construction Codes, Art. VII, Plumbing.
127:19

§ 127-46

ARTICLE VIII
Violations

§ 127-48

§ 127-46. Violations and penalties. [Amended 12-28-1988 by Ord. No. 88-15]

Violation of any of the terms of this Part 1 shall constitute a summary offense and any person violating the terms of this Part 1 shall be liable, upon conviction in a summary proceeding, to a fine of not more than \$300, together with the costs of prosecution or, upon default in payment of the fine and costs, by imprisonment in the Montgomery County Prison for no more than 30 days. Where more than one provision of this Part 1 has been violated, each such violation shall constitute a separate offense, and where any violation shall continue from day to day, each day that such violation shall continue shall constitute a separate offense.

§ 127-47. Additional violations.

In addition to the penalties provided by law for criminal mischief under Section 3304 of the Pennsylvania Crimes Code, as amended, Editor's Note: See 18 Pa. C.S.A. § 3304. any person who intentionally, recklessly or by criminal negligence damages, destroys or tampers with any equipment, structure or other property of the sewer system or treatment plant or who opens or tampers with any manhole or metering facilities shall be guilty of a violation of this Part 1 and shall be subject to the penalty provided in § 127-46 hereof.

§ 127-48. Disposition of fines and penalties.

Except as may be provided by other law, all fines and penalties collected for violation of this Part 1 shall be paid into the Township and used, together with other funds, for the purpose of operating, maintaining and replacing the sewer system.

Part 2
[Adopted 4-25-2007 By Ord. No. 07-03⁸]
Pretreatment Program

ARTICLE IX
General Provisions

§ 127-49. Purpose and policy.

- A. This Part 2 sets forth uniform requirements for Township contributors, directly and indirectly into the wastewater collection and treatment system of the Upper Gwynedd-Towamencin Municipal Authority to enable the Authority and Township to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).
- B. The objectives of this Part 2 are:
- (1) To prevent the introduction of pollutants into the Authority wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 - (2) To prevent the introduction of pollutants into the Authority wastewater system which will pass-through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 - (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
 - (4) To provide for equitable distribution of the cost of operation, maintenance, and improvement of the Authority's wastewater system.
 - (5) To protect both the Authority's personnel who may be affected by wastewater and sludge in the course of their employment and the general public; and
 - (6) To enable the Authority to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the Authority is subject.
- C. This Part 2 provides for the regulation of direct and indirect contributors to the wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring, compliance, and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- D. This Part 2 shall apply to Towamencin Township and to persons outside the Township who are, by contract or agreement with the Township, users of the Authority POTW. This Part 2 is a supplement to Ordinance No. 87-12,⁹ as amended. Except as otherwise provided herein, the Township Manager and/or Authority Manager shall administer, implement and enforce the provisions of this Part 2.

§ 127-50. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Part 2, shall have the meanings hereinafter designated:

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

APPROVAL AUTHORITY — The Director in an NPDES state with an approved state pretreatment program

8. Editor's Note: This Ordinance Also Superseded Former Part 2, Pretreatment Program, Adopted 8-6-1984 By Ord. No. 84-6, As Amended.

9. Editor's Note: See Part 1, Regulations and Rates, of this chapter.

and the Administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

AUTHORITY — Towamencin Municipal Authority. [Amended 8-26-2020 by Ord. No. 20-05]

AUTHORITY MANAGER — The person designated to enforce this Part 2 along with the Township Manager.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER — An authorized representative of an industrial user may be:

A. Corporate officer or manager.

- (1) A responsible corporate officer of the level of President, Vice President, Secretary or Treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
- (2) The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

B. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

C. A duly authorized representative of the individual designated above if:

- (1) The authorization is made in writing by the individual described in Subsection A(1); or
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facilities from which the indirect 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
- (3) The written authorization is submitted to the Control Authority.

BEST MANAGEMENT PRACTICES or BMPs — Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 127-52A(1) and (2) [40 CFR 403.5(a)(1) and (b)]. BMPs 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.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C. expressed in terms of weight and concentration [milligrams per liter (mg/l)].

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

CATEGORICAL INDUSTRIAL USER — An industrial user subject to a categorical pretreatment standard or categorical standard.

CATEGORICAL PRETREATMENT STANDARDS OR CATEGORICAL STANDARD — Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 CFR Chapter 1, Subchapter N, Parts 405 through 471.

CHEMICAL OXYGEN DEMAND (COD) — A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

CONTROL AUTHORITY — Refers to the Authority.

COOLING WATER — The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DAILY MAXIMUM — The arithmetical average of all effluent samples for a pollutant collected during a calendar day.

DAILY MAXIMUM LIMIT — The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetical average measurement of the pollutant concentration derived from all measurements taken that day.

DIRECT DISCHARGE — The discharge of treated or untreated wastewater directly to the waters of the State of Pennsylvania.

DRBC DOCKET — An approval issued by the Delaware River Basin Commission (DRBC) under the Delaware Basin Compact, termed "docket," together with the standards of discharge quality imposed under such docket, issued to the Authority with respect to the discharges from the wastewater treatment plant, as may be issued from time to time and any successor permit or license, and is an additional operating approval to the NPDES Permit. **[Added 3-24-2021 by Ord. No. 21-05]**

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

EXISTING SOURCE — Any source of discharge that is not a new source.

GRAB SAMPLE — A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

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

INDIRECT DISCHARGE — The discharge or the introduction of pollutants from any nondomestic source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. § 1317), into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER — A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act. (33 U.S.C § 1342).

INSTANTANEOUS LIMIT — The maximum concentration of a pollutant allowed to be discharged at any time, determined from analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE — A discharge which, along or in conjunction with a discharge or discharges from other sources, both causes the inhibition or disruption of the POTW treatment processes or operations, or its sludge processes, use or disposal, and contributes to a violation of any requirements of the Authority's NPDES permit (including an increase in the magnitude or duration of a violation). The term includes prevention of sewage sludge use or disposal by the POTW 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), including Title II, more commonly referred to as the "Resource Conservation and Recovery Act (RCRA)," the Clean Air Act, the Toxic Substances Control Act, the Marine Protection, Research and Sanctuaries Act, or more stringent state criteria, including those contained in any state sludge management plan prepared pursuant to Title IV (Subtitle D) of the SWDA applicable to the method of disposal or use employed by the POTW.

LOCAL LIMIT — Specific discharge limits developed and enforced by the Authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

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

MONTHLY AVERAGE — The sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

MONTHLY AVERAGE LIMIT — The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or NPDES PERMIT — A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

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

NEW SOURCE —

- A. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (3) The production or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.
- B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation.
- C. Construction of a new source as defined under this definition has commenced if the owner or operator has:
 - (1) Begun, or caused to begin, as part of a continuous on-site construction program:
 - (a) Any placement, assembly, or installation of facilities or equipment; or
 - (b) Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment; or
 - (3) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

NONDOMESTIC WASTEWATER — A wastewater that is not discharged in the normal day-to-day operation of a household.

NON-RESIDENTIAL USER —

- A. Any person who discharges, causes, or permits the discharge of wastewater from any facility other than a residential unit.

B. Any person who discharges, causes, or permits the discharge of nondomestic wastewater from a residential unit.

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

PERMIT — Written permission by the Authority for the discharge of nonresidential wastewater to the POTW.

PERSON — Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the commonwealth, political subdivision, municipality, district, authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term "person" shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit. **[Amended 8-26-2020 by Ord. No. 20-05]**

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

POLLUTANT — Any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, medical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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

POTW TREATMENT PLANT — That portion of the POTW designed to provide treatment to wastewater.

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 a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by applicable pretreatment standards.

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

PRETREATMENT STANDARD or STANDARDS — Prohibited discharge standards, categorical pretreatment standards, and the most recent EPA-approved local limits.

PUBLICLY OWNED TREATMENT WORKS (POTW) — A treatment works, as defined by Section 212 of the Act, (33 U.S.C. § 1292) which is owned by the Authority. This definition includes any devices or sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Part 2, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Township who are, by contract or agreement with the Township, users of the POTW.

SIGNIFICANT INDUSTRIAL USER —

A. A user subject to categorical pretreatment standards; or

B. A user that:

- (1) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow down wastewater);
- (2) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

- (3) Is designated as such by the Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- C. The Authority may determine that an industrial user subject to categorical pretreatment standards is a nonsignificant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blow down wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
- (1) The industrial user, prior to the Authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - (2) The industrial user annually submits the certification statement required in § 127-67E [See 40 CFR 403.12(q).], together with any additional information necessary to support the certification statement; and
 - (3) The industrial user never discharges any untreated concentrated wastewater.
- D. Upon a finding that a user meeting the criteria in Subsection B 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 a user, and in accordance with procedures in 40 CFR, Section 403.8(f)(6), determine that such use should not be considered a significant industrial user.

SLUG LOAD or SLUG DISCHARGE — Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in § 127-52 of this Part 2. A slug discharge is any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's regulations, local limits, or permit conditions.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

STATE — State of Pennsylvania.

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

TOTAL SUSPENDED SOLIDS or SUSPENDED SOLIDS — The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

TOWNSHIP — Towamencin Township or the Board of Supervisors of Towamencin Township.

TOWNSHIP MANAGER — The person designated by the Township who is charged with certain duties and responsibilities by this Part 2, or his duly authorized representative.

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.

USER or INDUSTRIAL USER — Any person who contributes, causes or permits the contribution of wastewater into the Authority's POTW.

WASTEWATER — The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any other waters which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WASTEWATER TREATMENT PLANT or TREATMENT PLANT — That portion of the POTW which is designed to provide treatment of municipal wastewater and industrial waste.

WATERS OF THE STATE — All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs,

reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

§ 127-51. Abbreviations.

The following abbreviations shall have the designated meanings:

BOD — Biochemical oxygen demand.

BMP — Best management practice.

BMR — Baseline monitoring report.

CFR — Code of Federal Regulations.

CIU — Categorical industrial user.

COD — Chemical oxygen demand.

EPA — Environmental Protection Agency.

GPD — Gallons per day.

IU — Industrial user.

l — Liter.

mg — Milligrams.

mg/l — Milligrams per liter.

NPDES — National Pollutant Discharge Elimination System.

NSCIU — Nonsignificant categorical industrial user.

POTW — Publicly owned treatment works.

RCRA — Resource Conservation and Recovery Act.

SIC — Standard industrial classification.

SIU — Significant industrial user.

SNC — Significant noncompliance.

SWDA — Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq.

U.S.C. — United States Code.

TSS — Total suspended solids.

ARTICLE X
Regulations

§ 127-52. General discharge prohibitions.

- A. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater into the POTW which causes pass-through or interference. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW: **[Amended 8-13-2008 by Ord. No. 08-04]**
- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion, including but not limited to, waste streams with a closed-cup flash point of less than 140° F. (60° C.) using the test methods specified in 40 CFR, 261.21, or which are, or may be, injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading be 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 state or EPA has notified the user is a fire hazard or a hazard to the system.
 - (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to: grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
 - (3) Any wastewater having a pH less than 6.0, or greater than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.
 - (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
 - (5) Any noxious or malodorous liquids, gases, or solids which, either single or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewer for maintenance and repair.
 - (6) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.
 - (7) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.

- (8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
 - (9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40° C. (104° F.) or exceeds 65° C. (150° F.) at the point of discharge to the sewer system.
 - (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average twenty-four-hour concentration, quantities, or flow during normal operation.
 - (11) Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration in accordance with applicable state or federal regulations.
 - (12) Any wastewater which causes a hazard to human life or creates a public nuisance.
 - (13) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.
 - (14) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 - (15) Trucked or hauled pollutants, except at discharge points designated by the Authority.
- B. When the Authority determines that a user is contributing to the POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the Authority shall:
- (1) Advise the user of the impact of the contribution on the POTW; and
 - (2) Develop effluent limitations for such user to correct the interference with the POTW.

§ 127-53. Federal categorical pretreatment standards.

- A. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Part 2 for sources in that subcategory, shall immediately supersede the limitations imposed under this Part 2. The Authority shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.
- B. Users must comply with the categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter N, Parts 405 through 471.

§ 127-54. Specific pollutant limitations.

The Upper Gwynedd-Towamencin Municipal Authority, in accordance with the United States EPA regulations, shall develop and maintain technically based local limits. Local limits shall be developed through the evaluation of the following criteria:

- A. Sludge use;
- B. National Pollutant Discharge Elimination System (NPDES) limitations;
- C. Interference and inhibition; and
- D. Worker safety.

§ 127-55. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Part 2.

§ 127-56. Right of revision.

The Township or Authority reserves the right to establish more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 127-49 of this Part 2, or as required by the United States EPA.

§ 127-57. Excessive discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the Township, Authority, or state.

§ 127-58. Accidental discharges.

- A. Accidental and/or problem discharges. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Part 2 and from discharges that could cause problems to the operations of the POTW, including any slug loadings. Facilities to prevent accidental or problem discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review by the Authority before construction of the facility. All existing users shall complete such a plan when designated by the Authority. No user who commences contribution to the POTW after the effective date of this Part 2 shall be permitted to introduce pollutants into the system until accidental and/or problem discharge procedures have been provided to the Authority. Review of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Part 2. In the case of an accidental or problem discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- B. Written notice. Within five days following an accidental or problem discharge, the user shall submit to the Authority a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Part 2 or other applicable law.
- C. Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental or problem discharge. Employers shall ensure that all employees who may cause or suffer such an accidental or problem discharge to occur are advised of the emergency notification procedure.
- D. The Authority shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The Authority may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. An accidental/slug discharge control plan shall address, at a minimum, the following:
 - (1) Description of discharge practices, including nonroutine batch discharges;
 - (2) Description of stored chemicals;

- (3) Procedures for immediately notifying the Authority of any accidental or slug discharge; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of stored areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

§ 127-59. Local limits. [Amended 7-14-2010 by Ord. No. 10-02; 11-22-2016 by Ord. No. 16-15; 3-24-2021 by Ord. No. 21-05]

The following pollutant limits are established to protect pass-through and interference. No person shall discharge wastewater at the point where the wastewater is discharged to the POTW containing parameters in excess of the these limits:

Parameter	Daily Maximum (mg/l)	Average Monthly (mg/l)
Arsenic, total		0.05
BOD-5	540.0	450.0
COD	1,110.0	922.0
Cadmium, total		0.0032
Chromium, total		1.3
Cyanide, free		0.1
Lead, total		0.03
Mercury, total		0.004
Nickel, total		0.3
Nitrogen-ammonia	65	54
Oil & grease	100	75.0
pH	6 to 10	6 to 9
Phosphorus, total	14	13
Selenium, total		0.05
Silver, total		0.05
Total dissolved solids (TDS)**	3,950	1,000
Total suspended solids (TSS)	360.0	300.0
Zinc, total		0.45
Merck		1.1
Clemens Food Group		0.23
Lehigh Valley Dairies		0.23
Accupac		2.8
Iron, total		22
Phenol		4.7
Total copper*		

Parameter	Daily Maximum (mg/l)	Average Monthly (mg/l)
Merck		0.95
Hatfield		0.20
Lehigh Valley		0.19
Clemens Food Group		0.19
Accupac		0.24
Ammonia	65	54

* Loadings associated with the overall limits for copper and zinc are mass allocated as interim limits for individual significant industrial users.

**TDS limit is mass-based, with limits for both TDS quality (concentration), and TDS quantity (mass).

§ 127-60. Additional pretreatment measures.

- A. Whenever deemed necessary, the Authority may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Part 2.
- B. The Authority may require any person discharging into the POTW to install and maintain, on his or her property and at his or her expense, a suitable storage and flow control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Authority and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the user at its expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter at the user's expense.

ARTICLE XI
Fees

§ 127-61. Purpose.

It is the purpose of this article to provide for the recovery of costs from users of the POTW for the implementation of the program established herein. The applicable charges or fees shall be established by resolution and set forth in the Township's or Authority's Schedule of Charges and Fees.¹⁰

§ 127-62. Charges and fees.

- A. The charges and fees established by the Township or Authority may include the following:
- (1) Fees for reimbursement of costs of setting up and operating the required pretreatment program, including, but not limited to, legal, engineering, and administrative costs.
 - (2) Fees for monitoring, inspections and surveillance procedures;
 - (3) Fees for reviewing accidental discharge procedures and construction;
 - (4) Fees for permit applications;
 - (5) Fees for filing appeals;
 - (6) Fees for consistent removal by the POTW of pollutants otherwise subject to federal pretreatment standards;
 - (7) Other fees as the Township or Authority may deem necessary to carry out the requirements contained herein.
- B. These fees relate solely to the matters covered by this Part 2 and are separate from all other fees chargeable by the Township and/or the Authority.

§ 127-63. Strength surcharge.

- A. The strength of the total wastes used for establishing surcharges shall be determined on at least one monthly twenty-four-hour composite sample collected by the Authority or its designated representative. Additional samples may be required if repeated violations of the local limits occur.
- B. Any nonresidential user discharging waste to the Authority's POTW with a monthly average BOD concentration greater than 200 milligrams per liter (mg/l) or COD concentration greater than 400 mg/l and/or ammonia nitrogen concentration greater than 18.0 mg/l and/or total phosphorus concentration greater than 5.0 mg/l and/or total suspended solids concentration greater than 150 mg/l, in each case measured at the source, will pay a strength surcharge in addition to the applicable volume charge. Such strength surcharge shall be in addition to and not in substitution for any actions, remedies, or penalties described in Articles XIII and XIV hereof.
- C. The strength surcharge shall be based on the operating costs for the Authority's POTW during the previous calendar year. A cost per pound of pollutant shall be determined by dividing the total annual operating costs, (including general and office, treatment plant and operating reserve costs) by the total pounds of pollutants [BOD or COD, ammonia nitrogen, phosphorus, total suspended solids, copper (total) and zinc (total)] treated during the same period. The resultant cost per pound of pollutant is then utilized to determine the surcharge amount. Strength surcharges are calculated according to the following general equation:

10. Editor's Note: Fees are on file in the Township offices. See also Ch. 76, Fees.
127:37

$$\text{Surcharge} = [(\text{Pollutant concentration} - \text{Surcharge limit}) \\ \times (\text{Total Billing Period Flow, mg}) \times 8.34 \times (\text{Cost per lb.})]$$

Strength surcharges calculated for the parameters with mass-based concentration local limits in this Part 2 [i.e., copper (total), and zinc (total)] shall be determined as 1.4 times the surcharge. **[Amended 3-24-2021 by Ord. No. 21-05]**

- D. In accordance with § 127-54, unless approved by the Authority in a compliance schedule contained in the permit conditions as described under § 127-66D, no industrial user shall, at any time, discharge a wastewater containing pollutants in excess of the daily maximum limits established in § 127-54. If a compliance schedule is required, the industrial user shall develop a schedule and submit this schedule to the Authority for approval within 30 days of notification by the Authority. If the industrial user fails to submit a compliance schedule within this thirty-day period, the Authority shall develop a schedule at the user's expense. If the user is in violation of or is not making satisfactory progress in completing the requirements of the compliance schedule contained in the permit, the Authority shall impose civil penalties as directed in § 127-76.7.
- E. The strength of the total wastes used for establishing surcharges shall be determined by qualified industrial user discharge monitoring data and/or on at least one monthly twenty-four-hour composite sample collected by the Authority or its designated representative. Additional samples may be required if repeated violations of the local limits occur.

§ 127-64. Flow surcharge.

- A. The permitted flow is the purchased capacity of the collection system and the wastewater treatment facility operated by the Authority. Wastewater discharged in excess of this permitted flow by the permittee will be cause for a flow surcharge. The basis for this surcharge is the following:
- (1) When the recorded volume or flow of the wastewater exceeds any of the following stated permit limitations:
 - (a) Daily maximum flow.
 - (b) Five-day average flow.
 - (c) Daily average flow per month.
 - (d) Six-month total flow.
 - (2) Each permittee has at least two of the above limitations.
 - (3) The calculation used for flow surcharges is:
$$\text{Flow Surcharge} = (\text{Recorded/reported flow in gallons} - \text{permitted flow in gallons}) \\ \times \text{cost per gallon as reflected in the Discharge Permit}$$
- B. Repeated flow surcharge conditions will require the permittee to purchase additional capacity for the collection system and wastewater treatment facility at the then-current prescribed rate. Failure to do so in a timely manner is cause for the permittee to be subject to all of the enforcement actions available to the Authority.

ARTICLE XII
Administration

§ 127-65. Nonresidential wastewater dischargers. [Amended 3-24-2021 by Ord. No. 21-05]

- A. It shall be unlawful to discharge without a permit to any natural outlet within Towamencin Township, or in any area under the jurisdiction of the Authority, and/or to the POTW any wastewater except as authorized by the Authority in accordance with the provisions of this Part 2.
- B. Industrial users shall employ qualified persons/operators to oversee and manage their pretreatment processes (e.g., PA licensed wastewater operator, etc.) where pretreatment facilities are necessary or required.

§ 127-66. Nonresidential wastewater discharge permits.

- A. General. All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a permit from the Authority before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall apply for a permit within 30 days after the effective date of this Part 2.
- B. Permit application.
 - (1) Users required to obtain a permit shall complete and file with the Authority an application in the form prescribed by the Authority and accompanied by a fee set by resolution. Existing users shall apply for a permit within 30 days after the effective date of this Part 2, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, information, including, but not limited to the following:
 - (a) Name, address, and location;
 - (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
 - (c) Wastewater constituents and characteristics including but not limited to those mentioned in Article X of this Part 2 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
 - (d) Time and duration of contribution;
 - (e) Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
 - (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
 - (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
 - (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Township, Authority, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
 - (i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the

shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

- [1] The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - [2] No increment referred to in Subsection on B(1)(i)[2] shall exceed nine months.
 - [3] Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Authority.
- (j) Each product produced by type, amount, process or processes and rate of production;
 - (k) Type and amount of raw materials processed (average and maximum per day);
 - (l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
 - (m) Any other information as may be deemed by the Authority to be necessary to evaluate the permit application;
 - (n) The permit application shall be signed by an authorized representative of the industrial user;
 - (o) A list of any environmental control permits held by the applicant for its facility. **[Added 8-13-2008 by Ord. No. 08-04]**
 - (p) Treatment/reduction/removal of TDS, to the extent necessary to fully comply with all permits and regulatory agency standards, shall occur at the source and is the responsibility of the generator/discharger to the TMA system. TMA has a finite capability to accept TDS, which is influenced by many factors and subject to change at any time. Users desiring to discharge wastewaters above the TDS limit to the Towamencin Township Sewer System and the Towamencin Municipal Authority (TMA) wastewater treatment facility may be permitted under certain instances. An industrial wastewater discharge permit application shall be made to TMA, for a specific permit for the TDS discharge. A TDS mass balance analysis/profile for each source of TDS being discharged shall be included with the application, for both current and future expected permitted flow conditions, for both TDS quantity (mass) and quality (concentration). Industrial wastewater discharge permits are "mass-based," with limits for both TDS quality (concentration), and TDS quantity (mass). In certain instances, as determined by Towamencin Township, a "service (a.k.a. 'use') agreement" may be required to be executed with Towamencin Township and the Towamencin Municipal Authority. **[Added 3-24-2021 by Ord. No. 21-05]**
 - (q) For TDS discharge levels greater than 1,000 mg/L, the discharger shall be considered an industrial user, and shall be required to submit an industrial wastewater discharge permit application to TMA for review, and appropriate classification of the discharge, and conditions for acceptance for the waste. **[Added 3-24-2021 by Ord. No. 21-05]**
- (2) The Authority will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the Authority may issue a permit

subject to terms and conditions provided herein.

- C. Permit modifications. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a permit as required by Subsection B, the user shall apply for a permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standards. In addition, the user with an existing wastewater contribution permit shall submit to the Authority Manager or his designee within 180 days after the promulgation of an applicable federal categorical pretreatment standard, the information required by Subsection B(1)(h) and (i).
- D. Permit conditions. Permits shall be expressly subject to all provisions of this Part 2 and all other applicable regulations, user charges and fees established by the Township or the Authority. Permits must contain the following:
- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
 - (2) Limits on the average and maximum wastewater constituents and characteristics;
 - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 - (4) Requirements for installation and maintenance of inspection and sampling facilities;
 - (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule. These requirements shall include an identification of pollutants (or best management practice) to be monitored based on federal, state and local laws;
 - (6) Compliance schedules for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the POTW;
 - (7) Requirements for submission of technical reports or discharge reports (See § 127-67.);
 - (8) Requirements for maintaining and retaining plant records relating to wastewater discharge for five years or longer as specified by the Authority, and affording Authority access thereto;
 - (9) Requirements for notification of the Township and/or the Authority of any new introduction wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
 - (10) Requirements to control slug discharges, if determined by the Authority to be necessary, in accordance with § 127-58;
 - (11) A statement that indicates the wastewater discharge permit issuance date, expiration date, and effective date;
 - (12) A statement that the wastewater discharge permit is nontransferable without prior notification to the Authority in accordance with § 127-76.1 of this Part 2 and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (13) Effluent limits, including best management practices, based on applicable pretreatment standards;
 - (14) A statement of applicable civil and criminal penalties for violation of the pretreatment standards and

requirements, and any applicable compliance schedule. Such compliance schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;

(15) Other conditions as deemed appropriate by the Township and/or the Authority to ensure compliance with this Part 2.

- E. Permit duration. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance not less than 180 days prior to the expiration of the user's existing permit or as specified on the permit. The terms and conditions of the permit may be subject to modification by the Authority during the term of the permit as limitations or requirements as identified in Article X are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as determined by the Authority.
- F. Permit transfer. Permits are issued to a specific user for a specific operation. A permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the Authority. Any succeeding owner or user shall comply with the terms and conditions of this Part 2.
- G. Permit modification. The Authority may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (4) Information indicating that the permitted discharge poses a threat to the Authority's POTW, Authority personnel, or the receiving waters;
 - (5) Violation of any terms and conditions of the individual wastewater discharge permit;
 - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
 - (8) To correct typographical or other errors in the individual wastewater discharge permit; or
 - (9) To reflect transfer of the facility ownership or operation to a new owner or operator where requested.
- H. Permit revocation.
- (1) The Authority may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - (a) Failure to notify the Authority of significant changes to the wastewater prior to the changed discharge;
 - (b) Failure to provide prior notification to the Authority of changed conditions pursuant to § 127-67F of this Part 2;
 - (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

- (d) Falsifying self-monitoring reports and certification statements;
 - (e) Tampering with monitoring equipment;
 - (f) Refusing to allow the Authority timely access to the facility premises and records;
 - (g) Failure to meet effluent limitations;
 - (h) Failure to pay fines;
 - (i) Failure to pay sewer charges;
 - (j) Failure to meet compliance schedules;
 - (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
 - (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
 - (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Part 2.
- (2) Individual wastewater discharge permits shall be voidable upon cessation or transfer of business ownership. All individual wastewater discharge permits issued to a user are void upon the issuance of a new individual wastewater discharge permit to the user.

§ 127-67. Reporting requirements for permittee.

A. Baseline monitoring reports.

- (1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the Authority a report which contains the information listed in Subsection A(2), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the Authority a report which contains the information listed in Subsection A(2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (2) Users described above shall submit the information set forth below:
- (a) All information required in § 127-66B of this Part 2. [See 40 CFR 403.12(b)(1) through (7).]
 - (b) Measurement of pollutants:
 - [1] The user shall provide the information in § 127-66B.
 - [2] The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this section.
 - [3] Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the control authority.

- [4] Sampling and analysis shall be performed in accordance with Subsection A.
 - [5] The Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - [6] The baseline report shall indicate time, date, and place of sampling and method of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- (c) Compliance certification shall include a statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional pretreatment is required to meet the pretreatment standards and requirements.
 - (d) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Subsection C of this section.
 - (e) All baseline monitoring reports must be certified in accordance with Subsection A(1) of this section and signed by an authorized representative as defined in § 127-50.
- B. Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by Subsection A(2)(d) of this section:
- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
 - (2) No increment referred to above shall exceed nine months;
 - (3) The user shall submit a progress report to the Authority no later than 14 days following each date in the schedule and the final compliance including, as a minimum, whether following each date in the schedule and the final compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
 - (4) In no event shall more than nine months elapse between such progress reports to the Authority.
- C. Compliance date report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Township and/or the Authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.
- D. Periodic compliance reports.

- (1) Any user subject to a pretreatment standard after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Authority during the months of June and December, unless required more frequently in the pretreatment standard or by the Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported pursuant to Subsection C of this section. If sampling by the user indicates a violation, the user shall notify the POTW within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation, except if the POTW performs sampling at least once per month at the user's facility or if the POTW performs sampling at the user's facility between the time when the user performs its initial sample and the time the user receives the results of this sampling. At the discretion of the Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Authority may agree to alter the months during which the above reports are to be submitted. This report shall be signed by an authorized representative of the industrial user. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be property operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Authority, the results of this monitoring shall be included in the report. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Authority or the pretreatment standard necessary to determine compliance.
- (2) The Authority may impose mass or production-based limitations. In such cases, the report required by Subsection D(1) 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, the flow of the discharge, the mass of the pollutants discharged which are subject to applicable pretreatment standards, and, where required by the Authority discharge permit, production data. The frequency of monitoring shall be prescribed in the applicable pretreatment standards. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, and amendments thereto, or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. (Comment: Where 40 CFR, Part 136, does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.)

E. Certification statements. All user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

F. Reports of changed conditions. Each user must notify the Authority of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

- (1) The Authority may require the user to submit such information as may be deemed necessary to evaluate the changed conditions, including the submission of a wastewater discharge permit application as required in this Part 2.
- (2) The Authority may issue an individual wastewater discharge permit or modify an existing permit in response to the changed conditions or anticipated changed conditions.

G. Reports of potential problems.

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone the Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (2) Within five days following such discharge, the user shall, unless waived by the Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Part 2.
- (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising the employees who to call in the event of a discharge described above. Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure.
- (4) Significant industrial users are required to notify the Authority immediately of any changes at its facility affecting the potential for a slug discharge.

H. Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Authority as the Authority may require.

I. Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the Authority within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within 30 days after becoming aware of the violation. Resampling by the industrial user is not required if the Authority performs sampling at the user's facility at least once a month, or if the Authority performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the Authority receives the results of this sampling, or if the Authority has performed the sampling and analysis in lieu of the industrial user.

J. Discharge of hazardous waste. The discharge of hazardous wastes, as described in 40 CFR, Part 261, is prohibited from being discharged into the POTW.

K. Recordkeeping. Users, subject to the reporting requirements of this Part 2, shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Part 2, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established herein. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the Authority or where the user has been specifically notified of a longer retention period by the Authority.

- L. Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Authority or other parties approved by EPA.
- M. Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

§ 127-68. Monitoring facilities.

- A. The Township and/or the Authority shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems.
- B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- C. The sampling and monitoring facilities shall be provided in accordance with the Authority's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Township and/or the Authority.

§ 127-69. Inspection and sampling.

- A. The Township or the Authority shall inspect the facilities of any user to ascertain whether the purpose of this Part 2 is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Township and/or the Authority or its representatives ready access at all times to all parts of the premises for the purpose of inspection, sampling, records examination, and copying, or in the performance of any of their duties. The Township, the Authority, the approval authority, and the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Township, the Authority, the approval authority, and the EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Unreasonable delays in allowing the Authority access to the user's premises shall be a violation of this Part 2.
- B. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report. Based on data that is representative of conditions occurring during the reporting period:
 - (1) Except as indicated in Subsection B(2) and (3) below, the user must collect wastewater samples using twenty-four-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Authority. Where time-proportional composite sampling or grab sampling is authorized by the Authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite

samples for other parameters unaffected by compositing procedures as documented in approved EPA methodologies may be authorized by the Authority, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

- (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
 - (3) For sampling required in support of baseline monitoring and ninety-day compliance reports required in this Part 2 and 40 CFR 403.12(b) and (d), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Authority may authorize a lower minimum. For the reports required by in § 127-67D [40 CFR 403.12(e) and 403.12(h)], the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by and with the applicable pretreatment standards and requirements.
- C. Any permittee with a control mechanism (i.e., industrial wastewater discharge permit) issued by the Authority shall be responsible for the full and proper collection of samples during three of the four quarters of each year, to be coordinated with the Authority. Authority personnel will collect the remaining one sample per year. The Authority will not be limited in the scope of analyses, in conformance with the provisions of this Industrial Pretreatment Ordinance and to ensure that no pass-through or interference occurs at the POTW. The permittee shall further be responsible for direct payment to the analytical laboratory of the costs associated with testing during each of the four quarterly sampling events each year. **[Added 3-24-2021 by Ord. No. 21-05]**

§ 127-70. Pretreatment.

- A. Users shall provide necessary wastewater treatment as required to comply with this Part 2 and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provisions of this Part 2. 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.
- B. The Authority shall annually publish in the local newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user during the same 12 months.
- C. All records relating to compliance with pretreatment standards shall be made available to officials of the Authority, EPA or the approval authority upon request.

§ 127-71. Confidential information.

- A. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Part 2, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system

permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data will not be recognized as confidential information.

- B. Information accepted by the Authority as confidential shall be transmitted to any governmental agency immediately when requested, but not to the general public by the Authority until and unless a ten-day notification is given to the user.

§ 127-72. Publication of list of users in significant noncompliance.

The Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall be applicable to all significant industrial users (or any other industrial user that violates Subsection C, D or H of this section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Article X;
- B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard and requirement including instantaneous limits, as defined by Article X multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment standard or requirement as defined by Article X (daily maximum, long-term average, instantaneous limit, or narrative standard) that the 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;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Authority's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with the categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of best management practices, which the Authority determines will adversely affect the operation or implementation of the local pretreatment program.

ARTICLE XIII
Administrative Enforcement Remedies

§ 127-73. Harmful contributions.

- A. The Authority may suspend the wastewater treatment service and/or a permit when such suspension is necessary, in the opinion of the Authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW, or may cause the POTW to violate any condition of its NPDES permit.
- B. Any person notified of a suspension of the wastewater treatment service and/or the permit shall immediately cease wastewater discharge to the POTW. In the event of a failure of the person to comply voluntarily with the suspension order, the Authority shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or possible endangerment to any individuals or the environment. The Authority may reinstate the permit and/or the wastewater treatment service upon proof, satisfactory to the Authority, of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measure taken to prevent any future occurrence shall be submitted to the Authority within 15 days of the date of occurrence.

§ 127-74. Notice of violation; plan for correction.

When the Authority finds that a user has violated, or continues to violate, any provision of this Part 2, an individual wastewater discharge permit, or order issued hereunder, or any pretreatment standard or requirement, the Authority may serve upon that user a written notice of violation. Within 15 days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Authority. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the powers of the Authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

§ 127-75. Search warrants.

If the Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Part 2, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Authority designed to verify compliance with this Part 2 or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Authority may seek issuance of a search warrant from the Court of Common Pleas in Norristown, Pennsylvania.

§ 127-76. Consent orders.

The Authority may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§ 127-76.2 and 127-76.3 of this Part 2 and shall be judicially enforceable.

§ 127-76.1. Show-cause hearing.

The Authority may order a user which has violated, or continues to violate, any provision of this Part 2, an individual wastewater discharge permit, or order issued hereunder, or any pretreatment standard or requirement, to appear before the Authority and show cause why the proposed enforcement action should not be taken. Notice

shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement should not be taken. The notice of the meeting shall be served personally or by registered or certified mail at least 15 days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in § 127-50 and required by § 127-67E. A show-cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

§ 127-76.2. Compliance orders.

When the Authority finds that a user has violated, or continues to violate, any provision of this Part 2, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Authority may issue an order to the user responsible for the discharge directing that the user come into compliance within a specific time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

§ 127-76.3. Cease and desist orders.

When the Authority finds that a user has violated, or continues to violate, any provision of this Part 2, an individual wastewater discharge permit, or order issued hereunder, or any pretreatment standard or requirement, or that the user's past violations are likely to recur, the Authority may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

§ 127-76.4. Termination of discharge.

- A. In addition to the provisions in § 127-66H of this Part 2, any user who violates the following conditions is subject to discharge termination:
 - (1) Violation of individual wastewater discharge permit conditions;
 - (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
 - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
 - (5) Violation of the pretreatment standards in Article X of this Part 2.
- B. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 127-76.1 of this Part 2 why the proposed action should not be taken. Exercise of this option by the Authority shall not be a bar to, or a prerequisite for, taking any other action against the user.

ARTICLE XIV
Remedies, Penalties and Costs

§ 127-76.5. Summary conviction.

Any user or other person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained by this Part 2 or permit conditions; or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part 2; or who shall violate any other provision of this Part 2; or who shall fail to comply with any of the requirements hereof, shall, upon conviction, be guilty of a summary offense and sentenced to pay a fine not to exceed \$10,000 and costs of prosecution for each and every violation, or in default of payment of such fine and costs, to undergo imprisonment for not more than 90 days for each violation. Each day a violation continues shall constitute a separate offense.

§ 127-76.6. Legal action.

- A. If any user or other person discharges sewage, industrial wastes or other wastes into the POTW contrary to the provisions of this Part 2, federal or state pretreatment requirements, or any order of the Township and/or the Authority, the Township or Authority Solicitor may commence an action for legal and/or equitable relief in a court of competent jurisdiction. In addition to the other penalties provided herein, the Township or Authority may recover reasonable attorney fees, court costs, court reporter fees, and other expenses of litigation.
- B. Any fines, costs, penalties or other expenses imposed upon or incurred by the Township or Authority as the result of any violation or violations by any user or other person of any provision of this Part 2 shall be assessed against and chargeable to the user or other person and may be collected as provided by law.
- C. None of the provisions of this article or Article XIII shall be deemed in any way to limit the enforcement powers of the Authority embodied in its enforcement response plan and civil penalty policy, as adopted by Authority Resolution No. 94-2, and as may be amended from time to time.

§ 127-76.7. Civil penalties.

Any user who is found to have failed to comply with any provision of this Part 2, and the orders, rules, regulations or permits issued hereunder, may be fined up to \$25,000 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Township and/or Authority may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Part 2 or the orders, rules, regulations, and permits issued hereunder.

§ 127-76.8. Falsifying information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part 2, or permit condition or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Part 2 shall, upon conviction, be guilty of a summary offense and sentenced to pay a fine not to exceed \$10,000 and costs of prosecution for each and every violation or, in default of payment of such fine and costs, to undergo imprisonment for not more than 90 days for each violation.

§ 127-76.9. Appeal procedures. [Added 8-13-2008 by Ord. No. 08-04]

- A. Any user that has been issued a notice of violation, compliance order, cease and desist order, emergency suspension notice, termination of discharge notice, refusal to issue permit notice, or severance of water service has the right to appeal either the amount of the penalty or the fact of the violation. Said appeal must

be filed within 30 days of receipt of the notice or violation. The appeal shall be filed pursuant to Pennsylvania Administrative Law and Procedure as set forth in 2 Pa.C.S.A. § 551 et seq.

- B. Failure of the user to appeal the penalty contesting either the fact of the violation or the amount of the penalty within the 30 days of receipt of the notice or order shall result in the waiver of the user's legal rights to contest the violation or the amount of the penalty.
- C. Challenges, answers, or appeals to actions taken pursuant to or under the authority of this section that are governed or subject to other statutes or procedures, including the Judicial Code, or Rules of Civil or Criminal Procedure, shall be subject to the time limitations and procedural requirements of those laws.

§ 127-77

§ 127-78

Part 3
On-Site Disposal Systems
[Adopted 8-28-1991 By Ord. No. 91-7¹¹, Amended In Its Entirety 7-27-2016 By Ord. No. 16-12]

ARTICLE XV
Regulation

§ 127-77. Title; introduction; purpose.

- A. This Part 3 shall be known and may be cited as the "On-Site Disposal System Program."
- B. As mandated by the Municipal Code, which shall include but not be limited to the Second Class Township Code,¹² the Clean Streams Law (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"), municipalities have the power and the duty to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Towamencin Township indicates 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 Part 3 is to provide for the inspection, maintenance, management, rehabilitation, repair, replacement and construction of on-lot sewage disposal systems; to further permit the municipality to intervene in situations which are public nuisances or hazards to the public health; to establish a procedure by which public sewers will be installed and to establish penalties and appeal procedures necessary for the proper administration of the On-Site Disposal System Program.

§ 127-78. Definitions.

- A. As used in this Part 3, the following terms shall have the meanings indicated:

ACT 537 — The Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.1 et seq., known as the "Pennsylvania Sewage Facilities Act."

ALTERNATE SEWAGE SYSTEM — A system employing the use of demonstrated technology as outlined in the most current alternate systems listings by the PADEP.

APPARENT MALFUNCTION — Wet, murky conditions (not resulting from surface water runoff or ponding) in areas designated as the adsorption area. These conditions are typically accompanied by high grass and increased growth and strong sewage odors and significant algae growth in the warmer months. In the winter, these areas do not freeze and the area is typically spongy and soft, nor does snow accumulate in these areas. Information from homeowners such as frequent septic tank pumping or inability to pump a septic tank due to backflow from the absorption area also indicates an apparent malfunction.

AUTHORITY — Towamencin Municipal Authority.

AUTHORIZED AGENT — A certified Sewage Enforcement Officer, Code Enforcement Officer, professional engineer, plumbing inspector, Township Manager or any other qualified or licensed person(s) who are delegated by the Township to function within specified limits as the agent(s) of the Township to carry out the provisions of this Part 3.

BOARD — The Board of Supervisors, Towamencin Township, Montgomery County, Pennsylvania.

CODE ENFORCEMENT OFFICER (CEO) — An individual employed by the Township to administer and enforce other ordinances in the Township.

COMMUNITY SEWAGE SYSTEM — Any system, whether publicly or privately owned, for the collection

11. Editor's Note: This Ordinance Repealed Former Part 3, Holding Tanks, Adopted 2-25-1987 By Ord. No. 87-1, As Amended.

12. Editor's Note: See 53 P.S. § 65101 et seq.

of sewage from two or more lots and the treatment and/or disposal of the sewage on one or more lots or at any other site.

DEPARTMENT — The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).

EQUIVALENT DWELLING UNIT (EDU) — In the case of a residential use in the amount of sewage deemed to be generated by one single-family dwelling unit and in the case of nonresidential uses, a flow of 200 gallons of sewage per day at the property's water meter.

GRAY WATER — Domestically generated liquid wastes, including kitchen and laundry wastes and water softener backwash.

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 shall be restricted to that type in which sewage is conveyed to it by a water-carrying system.

INDIVIDUAL SYSTEM — A system of piping, tanks or other facilities collecting and/or disposing of sewage in whole or in part into the soil or into any waters of this commonwealth.

MAINTENANCE — The pumping of a septic tank, cesspool or dry well; the cleaning, pumping and/or leveling of a distribution box; the removal of trees or growth affecting the operation of an on-site disposal system; the diversion of surface water away from an on-site disposal system; and the reduction of flow from the structure being served (i.e., the installation of water conservation devices).

MALFUNCTION — The 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 otherwise causes a nuisance, 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 of the conditions noted above occur for any length of time during any period of the year.

MCDH — Acronym for the Montgomery County Department of Health, the local agency in the County of Montgomery responsible for enforcing the rules and regulations of the PADEP regarding sewage facilities, Pennsylvania Code Title 25, Chapters 71, 72, and 73, promulgated thereunder.

NEW SYSTEM — The installation of an on-site disposal system on a property where a system has not previously existed, or the installation of a larger on-site system in conjunction with the expanded use of an existing structure. It does not include replacement systems installed on properties with existing on-lot systems where rehabilitation and repair efforts are required to correct an existing malfunction.

OFFICIAL SEWAGE FACILITIES ACT 537 PLAN — The comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Township and approved by the Pennsylvania Department of Environmental Protection on March 22, 1988, as amended.

ON-SITE SEWAGE DISPOSAL SYSTEM — Any system for disposal of sewage involving pretreatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal, including both individual sewage systems and community sewage systems.

PERSON — Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the commonwealth, political subdivision, municipality, district, authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term "person" shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

POSSIBLE MALFUNCTION — The property owner points to one area where the adsorption area is supposedly located, but problems are evident in other areas of the property; evidence of previous repair or extension of a system or piles of recently placed soil and/or dirt in the vicinity of where the adsorption area

is located; installation of a garden, shrubs or trees in the vicinity of where the absorption area is located; or inability to distinguish gray water discharge from the absorption area malfunction. A system subject to improperly routed runoff or drainage, which may be affecting performance, is also considered a possible malfunction.

REHABILITATION or REPAIR — Work done to modify, alter or repair an existing on-lot sewage disposal system or individual components thereof. Enlargement of the total absorption area, as long as flows from the structure being served are unchanged or reduced, are also included.

REPLACEMENT AREA — A portion of a lot or a developed property, sized to allow the installation of a subsurface sewage disposal area, which is reserved to allow that new installation in the event of the malfunction of the originally installed on-site sewage disposal system.

REPLACEMENT SYSTEM — An on-site sewage disposal system which replaces a previously installed on-site system which cannot be repaired or rehabilitated to a condition acceptable to the Township's SEO.

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, 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.¹³

SEWAGE ENFORCEMENT OFFICER (SEO) — The Montgomery County Department of Health official who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement Chapter 71 (Administration of Sewage Facilities Planning Program) and Chapter 73 (Standards for Sewage Disposal Facilities).¹⁴

SUBDIVISION — The division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

TOWNSHIP — Towamencin Township, Montgomery County, Pennsylvania.

WATERS OF THIS COMMONWEALTH — Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water or any of their parts, whether natural or artificial, within or on the boundaries of this commonwealth.

- B. All definitions included in Act 537 and the Clean Streams Law¹⁵ are hereby incorporated into this Part 3.

§ 127-79. Applicability.

From the effective date of this Part 3, its provisions shall apply to all existing on-site disposal systems, as well as all new systems proposed within the Township.

§ 127-80. Registration of systems.

- A. All properties which have existing on-site systems shall be registered with the Township.
- B. All new systems shall be required to file a registration form with the Township and pay the appropriate registration fee prior to the issuance of a use and occupancy permit for the use of the structure being served by the on-site system.

§ 127-81. Initial maintenance and inspection activities.

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

14. Editor's Note: See 25 Pa. Code Chapters 71 and 73, Standards for onlot Sewage Treatment Facilities.

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

- A. The Township's authorized agent shall have the right to enter upon all lands in the Township for the purpose of conducting the inspection activities outlined herein.
- B. The following procedure shall be utilized in pumping and inspecting an on-lot disposal system utilizing a septic tank as a primary unit. Aerobic systems may not need to be pumped but shall be inspected by a qualified person to determine that they are in good working order.
 - (1) Locate the septic tank and the absorption areas (tile field trenches, seepage pits, elevated sand mound, etc.).
 - (2) Locate the septic tank cleanout manhole and excavate around the cover to prevent soil from falling into the tank when the cover is removed. The owner shall be responsible to have the cleanout manhole excavated, whether by the sewage hauler or otherwise.
 - (3) Remove cleanout manhole cover. Break up scum in the tank and pump out a portion of the material in the tank. The inspection port over the baffle shall not be pumped out as this may damage the baffle and will not permit the tank contents to be thoroughly mixed for pumping.
 - (4) Reinject the pumped liquid back into the tank to further break up the scum and mix the sludge at the bottom of the tank with the liquid. Pump out the mixed material.
 - (5) Repeat Subsection B(4) until the tank is pumped out, i.e., sludge and scum removed.
 - (6) Inspect the empty tank for cracks, leaks, deterioration and missing baffles. The tank shall not be entered for the purpose of inspection. A mirror and light may be helpful to see inside the tank. Note any problems with the tank. Acid or chemical cleaner shall not be used in the tank.
 - (7) Replace the manhole cover carefully and securely.
 - (8) If the cleanout manhole is buried deeper than a foot, risers shall be installed over the cleanout manhole and inspection port to facilitate future cleaning and inspection. The riser cleanout manhole should be 24 inches in diameter.
 - (9) Backfill over the cover or around the riser.
 - (10) Make a visual inspection of the disposal area for seepage, breakouts, etc., and note any problems.
 - (11) Inform the property owner of any problems encountered with any of the components of the system and, if possible, suggest corrective measures.
 - (12) Clean up any spillage. Dispose of the septage at any PADEP-approved disposal site.
- C. The Township's designated agent shall, within 10 days after completing each inspection required by Subsection B, issue a written report to the Township and the owner of the property inspected. The report shall include the findings of the inspection and make recommendations for the maintenance and/or rehabilitation or repair of the on-site system. Such recommendations may include requiring the property owner to retain a private SEO or consultant to further evaluate the system and develop a program to correct the malfunction. The program to correct the malfunction may include a proposal to construct a replacement on-site system, provided that the proposed system meets the requirements as promulgated by the PADEP.
- D. All owners of on-site systems with gray water discharges to the ground surface shall correct such discharges and route the gray water into the treatment tank (i.e., septic tank or, if applicable, cesspool or dry well). The owner shall notify the MCDH SEO when the work is completed, and the SEO shall inspect the property and file a report with the Township no earlier than three months and no later than six months from the date of notification.
- E. Any on-lot sewage disposal system may be inspected by the Township's authorized agent at any reasonable

time as of the effective date of this Part 3. The inspection may include a physical tour of the property; the taking of samples from surface water, wells and other groundwater sources; the sampling of the contents of the sewage disposal system itself; and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure. A written report shall be furnished to the owner of each property inspected, and a copy of said report shall be maintained in the Township records. The written report shall be issued within 10 days following the inspection.

- F. All on-site systems in the Township shall be inspected at least once every four years.

§ 127-82. Operation and maintenance.

- A. No person shall operate and maintain an on-site sewage disposal system in such a manner that it malfunctions. All gray water shall be discharged to a treatment tank. No system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the commonwealth unless a permit to discharge has been obtained from the Department.
- B. Only sewage which does not contain the following shall be discharged into any on-lot sewage disposal system.
 - (1) Industrial waste.
 - (2) Automobile oil and other nondomestic oil.
 - (3) Toxic or hazardous substances or chemicals, including but not limited to pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
 - (4) Clean surfacewater or groundwater, including water from roof or cellar drains, springs, basement sump pumps and french drains.
- C. Any person owning a building served by an on-lot sewage disposal system that contains a septic tank, or a cesspool/dry well, shall have the septic tank or cesspool/dry well pumped by a pumper/hauler at a minimum of every four years. The septic tank pumping shall be done in the presence of the Township's SEO. Immediately following this pumping, the SEO shall inspect the baffles of the septic tank. The method of this inspection shall be determined by the SEO. This inspection may require that a portion of the septic tank be exposed. If excavation is necessary to accomplish the inspection, the excavation shall be done by the property owner prior to the inspection. If deemed necessary by the SEO, the distribution box, if one is present, shall be excavated and remain excavated until inspection has been completed by the SEO. Receipts from the pumper/hauler shall be submitted by the property owner or tenant to the Township within 30 days of the receipt of the invoice from the hauler.
- D. The required pumping frequency may be increased at the discretion of the authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown. In addition, the Township reserves the right to modify the pumping frequency on a case-by-case basis for those individuals and properties that see significantly lower-than-normal flows, where in which a longer pump-out schedule may be appropriate. Property owners who submit a written statement to the Township that no more than two people reside on the property may be switched to a five-year pump-out cycle at the Township's discretion.
- E. Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a written statement from the pumper/hauler or from any other qualified individual acceptable to the Township that the baffles in the septic tank have been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact the MCDH SEO for approval of the necessary repair.

- F. Any person owning a building served by an on-site sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to and remain on file with the Township and MCDH. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.
- G. Any person owning a building utilizing a cesspool or dry well which is the receiving unit for solids shall have that system pumped according to the schedule prescribed for septic tanks. As an alternative to this scheduled pumping of the cesspool or dry well, the owner may secure a sewage permit from the MCDH SEO for a septic tank to be installed preceding the cesspool or dry well. For a system consisting of a cesspool or dry well preceded by an approved septic tank, only the septic tank must be pumped at the prescribed interval.
- H. The Township may require additional maintenance activity as needed, including but not necessarily limited to cleaning and unclogging of piping; servicing and repair of mechanical equipment; leveling of distribution boxes, tanks and lines; removal of obstructing roots or trees; and the diversion of surface water away from the disposal area, etc.

§ 127-83. System rehabilitation, repair and replacement.

- A. Should the MCDH SEO, or the independent SEO/consultant retained by the property owner, with the approval of the MCDH, indicate that it is not possible to repair or modify the system to comply with the Department's standards for on-site sewage disposal systems, then the property owner shall be required to have a replacement on-site sewage disposal system designed for the property. Said design shall conform to current regulations as promulgated by the Pennsylvania Department of Environmental Protection. This design may include the typical on-site sewage disposal system for an approved alternate on-site sewage disposal system.
- B. The MCDH SEO shall have the authority to require the repair, rehabilitation or replacement of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system or other alternatives as appropriate for the specific site, including use of the reservation areas as required for new systems in § 127-86G of this Part 3.
- C. In lieu of or in combination with the remedies described in Subsection B, the MCDH SEO may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water-using devices and appliances in the structure may be required to be retrofitted with water-saving appurtenances, or they may be required to be replaced by water-conserving devices and appliances. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the structure served. The use of laundry facilities may be limited to one load per day or discontinued altogether.
- D. Should none of the repair, rehabilitation or replacement efforts described herein be totally effective in eliminating the malfunction of an existing on-site sewage disposal system, the property owner shall be required to install a sealed holding tank. This holding tank shall be sized by the MCDH SEO. The property owner shall have the holding tank pumped out as required under § 127-82G.
- E. Should none of the repair or rehabilitation efforts described herein be totally effective in eliminating the malfunction of an existing on-site sewage disposal system, a property owner whose property abuts or fronts an existing public sewer shall be required to connect to said public sewer at the property owner's sole expense.
- F. Should more than 50% of the property owners in a particular drainage area, as set forth in Exhibit A,¹⁶ petition the Board of Supervisors to install public sewers, then the Board may authorize the design of the public sewer

16. Editor's Note: Exhibit A, On-Lot Disposal System Drainage Area Map, is on file in the Township offices.

system which shall be dependent upon the location of the drainage area and its proximity to any existing public sanitary sewers.

§ 127-84. Holding tanks.

- A. No holding tank shall be installed or used for the disposal of sewage until a permit for such tank shall be obtained from the MCDH SEO. Property owners shall submit to the SEO for approval plans showing the size, shape, location and type of material used in the fabrication of the holding tank and the details of its construction prior to the issuance of the permit. At the time of application for such permit, the following shall be submitted:
- (1) A letter from the Authority or other disposal site agreeing to receive sewage from the applicant.
 - (2) A copy of the contract between the applicant and the sewage hauler providing for the pumping of such holding tank on a regular basis, with the contract being irrevocable for a period of not less than one year.
 - (3) A covenant, executed by the applicant, to be recorded running with the land binding the successors entitled to observe the duties required under this Part.
- B. No truck used in the removal of sewage for disposal shall exceed a capacity of 3,000 gallons, and no removal of sewage from a holding tank shall occur before the hour of 7:00 a.m. or after 7:00 p.m. prevailing time, except in the case of an emergency.
- C. The Authority and the Township are hereby empowered to adopt from time to time rules and regulations governing the disposal of sewage from holding tanks. Such rules and regulations are and shall be a part of this Part 3, and the violations of such rules and regulations shall be in violation of this Part 3.
- D. The owner of a property that utilizes a holding tank shall maintain the holding tank in conformance with the rules and regulations adopted by the Authority, the Township, MCDH, PADEP.
- E. The holding tank shall have as a minimum the following construction standards:
- (1) Tank capacity. The minimum capacity allowed shall be equal to either the daily flow times the longest interval, in days between collection plus one day of additional capacity, or three days' capacity, whichever is greater; provided, however, that the minimum tank capacity shall be at least 1,000 gallons for each equivalent dwelling unit (EDU).
 - (2) Level indicator. An indicator to show the sewage depth will be required. Also, a warning device using a light and sound device shall be installed within the proposed property to be activated when a tank is 75% full.
 - (3) Withdrawal facilities. The tank shall be designed so that it can be completely pumped out.
 - (4) Venting. The tank shall be designed with a vent to the atmosphere. If odor problems occur, it will be the property owner's responsibility to install the necessary filter system within 30 days after written notice from the Township.
 - (5) All holding tanks shall be located so that the sewage pump will have easy access to withdrawal facilities during all seasons of the year.

§ 127-85. Failure to complete required work; liens.

The Township, upon written notice from the MCDH SEO that an imminent health hazard exists due to failure of a property owner to maintain, repair, rehabilitate or replace any on-site systems as provided under the terms of this Part 3, shall have the authority to perform, or contract to have performed, the work established by the SEO. The property owner shall be charged for the work performed, and if necessary, a lien shall be entered therefor in

accordance with law.

§ 127-86. Permit required; prohibited acts.

- A. No person shall install, construct or request bid proposals for construction or alter an on-site system or construct or request bid proposals for construction or install or occupy any building or structure for which an on-site system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act, the standards adopted pursuant to the Act and this Part 3. Maintenance of an on-site system is specifically excluded from this requirement; rehabilitation, repair and/or replacement activities require a permit.
- B. No system or structure designed for on-site sewage disposal or for rehabilitation, repair or replacement to an existing on-site system shall be covered from view until approval to cover the same has been given by the MCDH SEO. If 72 hours have elapsed, except Sundays and holidays, since the SEO issuing the permit received notification of completion of the construction or the rehabilitation, repair or replacement, the applicant may cover said system or structure, unless permission has been specifically refused by the SEO.
- C. Applicants for on-site system permits shall notify the MCDH SEO of the schedule for construction or rehabilitation, repair or replacement so that inspection(s), in addition to the final inspection required by Act 537, may be scheduled and performed by the SEO.
- D. No building or occupancy permit shall be issued by the Township or its Code Enforcement Officer for a new building which will utilize an on-site system until a valid sewage permit has been obtained from the MCDH SEO.
- E. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure served by an on-site system, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until the Code Enforcement Officer and the structure's owner receive from the MCDH SEO either a permit for alteration or replacement of the existing on-site sewage disposal system or written notification that such a permit will not be required. The SEO shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.
- F. Sewage permits may be issued only by the MCDH SEO employed by the county for that express purpose.
- G. In addition to the Act 537 requirements and the standards adopted pursuant to that Act, the following additional requirements pertain to new systems in the Township:
 - (1) The permitting of a new system shall provide for the testing, identification and reservation of an area of each lot or developed property suitable for the installation of a replacement on-lot sewage disposal system. This requirement is in addition to the testing, identification and reservation of an area for the primary sewage disposal system. No permit shall be issued for any proposed new systems on any newly created or subdivision property in the Township unless and until a replacement area is satisfactorily tested, satisfactorily identified and reserved. No building permit will be issued for structures on a property until the replacement area has passed all tests required by the Township.
 - (2) All structures served by new systems shall be required to install water conservation devices and fixtures meeting the minimum criteria as set forth by the Delaware River Basin Commission.
 - (3) All new systems and replacements shall meet MCDH and PADEP criteria in addition to the Township's requirements.
- H. It shall be a requirement that all individuals selling property that are not making use of a public sewer (being served by an on-site facility) shall, through the owner and/or his agent, deliver a copy of this Part 3 to any purchaser. Any violation of this requirement shall be considered a violation of this Part 3 and subject to the penalties set forth hereinafter.

§ 127-87. Disposal of septage.

- A. All septage originating within the Township shall be disposed of at sites or facilities approved by the PADEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites and approved farmlands.
- B. Septage of pumper/haulers operating within the Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101 to 6018.1003, as amended).

§ 127-88. Administration and fees.

- A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Part 3.
- B. The Township shall employ qualified individuals to carry out the provisions of this Part 3. Those employees shall include a certified SEO, a Code Enforcement Officer, Township Engineer, Township Manager, Public Works Director or other persons or firms as necessary to carry out the provisions of this Part 3.
- C. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of on-site sewage disposal systems in the Township shall become the property of the Township. Existing and future records shall be available for public inspection during required business hours at the official municipal office. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the Township sewage management program shall be made available, upon request, for inspection by representatives of the PADEP.
- D. The Township Board shall establish a fee schedule, and subsequently collect fees, to cover the cost to the Township of administering this program. Such fees shall be established in the Township's annual fee schedule resolution.

§ 127-89. Appeals.

- A. Appeals from decisions of the Township or its authorized agents under this Part 3 shall be made to the Board of Supervisors, in writing, within 30 days from the date of the decision in question.
- B. The appellant shall be entitled to a hearing before the Board of Supervisors at its next regularly scheduled meeting, if the appeal is received at least 14 days prior to the meeting. If the appeal is received within 14 days of the next regularly scheduled meeting, the appeal shall be heard at the subsequent meeting. The Township shall thereafter affirm, modify or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing, provided that it is submitted with the written notice of appeal.
- C. A decision shall be rendered, in writing, within 30 days of the date of the hearing. If a decision is not rendered within 30 days, the release sought by the appellant shall be deemed granted.

§ 127-90. Violations and penalties.

Any person failing to comply with any provisions of this Part 3 shall be subject to a fine of not less than \$100 and costs, and not more than \$1,000 and costs, or in default thereof shall be confined in the county jail for a period of not more than 30 days. Each day of noncompliance shall constitute a separate offense.

§ 127-91

§ 127-93

Part 4
[Adopted 9-28-2005 By Ord. No. 05-04]
Sewage Grinder Pumps

ARTICLE XVI
Regulation of Pumps

§ 127-91. Purpose.

The purpose of this Part 4 is to establish procedures for the installation, use and maintenance of sewage grinder pumps and any associated force mains or low-pressure laterals. It is hereby declared that the enactment of this Part 4 is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality.

§ 127-92. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms in this Part 4 shall be as follows:

ACT PLAN 537 — Municipality's official plan as defined in the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535 (1965), No. 537, as amended, 35 P.S. §§ 750.1-750.20a (Sewage Facilities Act or Act 537).

AUTHORITY — An authority, as defined by the Municipality Authorities Act of 2001 (2001, June 19, P.L. 287, No. 22, and as amended thereafter, 53 Pa.C.S.A. § 5601 et seq.).

DEPARTMENT — The Pennsylvania Department of Environmental Protection.

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

IMPROVED PROPERTY — Any property within Towamencin upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

MUNICIPAL AUTHORITY — Board of Supervisors authorized by law to enact ordinances or adopt resolutions regarding sewage conveyance, treatment and disposal in Towamencin Township.

MUNICIPALITY — Board of Supervisors of Towamencin Township, Montgomery County, Pennsylvania.

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

PROPERTY OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any property located in Towamencin Township.

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

§ 127-93. Planning requirements.

The connection of existing properties or proposed new land development to an existing or proposed sewage system through the use of sewage grinder pumps, their associated force mains, or low-pressure laterals shall occur only after an official plan revision to the Municipality's Act 537 Plan, approved by both the municipality and

Department, designates that the proposed properties be served by such a connection.

§ 127-94. Powers of Township.

- A. Towamencin Township is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.
- B. Towamencin Township is hereby authorized and empowered to take such other actions as are necessary, including, but not limited to, entering into agreements with property owners that assure proper operation and maintenance of sewage facilities within the municipality's borders, including, but not limited to, sewage grinder pumps and any associated force mains or low-pressure laterals.

§ 127-95. Duties and responsibilities of Township.

- A. The Township shall exercise its powers and legal authority set forth herein, and under all applicable statutes, ordinances, and other laws to affect the purposes of this Part 4.
- B. The Township may enter into an agreement with each property owner proposing to install or who has installed a sewage grinder pump or low-pressure sewage system to assure the short- and long-term operation and maintenance, use, service, repair or replacement of such systems.
- C. All grinder pumps and low-pressure sewer systems (and the installation, use, operation, maintenance, service, repair and replacement thereof) shall comply with the rules and regulations of Towamencin Township, which are adopted by resolution from time to time.
- D. All grinder pumps and low-pressure sewer systems shall be connected to the sewage collection and conveyance system in full compliance with the rules and regulations of the Township, which are adopted by resolution from time to time.
- E. The Township shall maintain control over the type of grinder pumps used and assure that full service capability is available locally on short notice.
- F. Towamencin Township shall bear no responsibility for the purchase, installation, use, operation, maintenance, service, repair, or replacement of the grinder pump and/or its low-pressure force main or lateral, except as otherwise set forth herein.

§ 127-96. Duties and responsibilities of property owner.

- A. Each property owner served by a grinder pump shall bear full responsibility for providing, installing, using, operating, maintaining, servicing, repairing and replacing his/her grinder pump and/or its low-pressure force main or lateral, unless otherwise set forth herein.
- B. Each property owner served by a grinder pump shall have full responsibility for using the pump consistent with the manufacturer's instructions and shall avoid introducing into the sewerage system materials that may damage the impellers on the pump, including, but not limited to, items designated as biodegradable in septic tanks.
- C. Each property owner served by a grinder pump shall close the sewage system and cease operations during any period when the grinder pump and/or low-pressure system serving a property is inoperable.
- D. Where the low-pressure force main or lateral is shared between property owners, they shall submit to the Township a declaration of easements, covenants and restrictions in recordable form setting forth the agreement of each benefited property owner with respect to the installation, use, operation, maintenance, service, repair and replacement of the low-pressure sewer system, which agreement shall bind all future property owners. Following the approval of the low-pressure system by all applicable agencies, the Township will not issue a permit for its installation until evidence is presented that the agreement has been recorded in

the Office for the Recording of Deeds, Montgomery County, Pennsylvania.

§ 127-97. Abatement of nuisances.

In addition to any other remedies provided in this Part 4, any violation of §§ 127-95 and 127-96 above shall constitute a nuisance and shall be abated by Towamencin Township by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.