

Chapter 18

Sewers and Sewage Disposal

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Part 1**Sewer Connections and Uses****§18-101. Definitions.**

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

Authority—the Red Lion Municipal Authority, a Pennsylvania municipality authority.

Building sewer—the extension from the sewage drainage system of any structure to the lateral of a sewer.

Borough—the Borough of Red Lion, York County, Pennsylvania, a Pennsylvania municipal corporation, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

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

Industrial waste—any liquid, gaseous, or waterborne wastes from industrial or commercial establishments or wastes having those characteristics of unacceptable wastes enumerated in §18-404 of this Chapter that are discharged into the public sanitary sewage system through direct connection, as distinct from sanitary sewage. [Ord. 9711-6]

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

Owner—any person vested with ownership, legal or equitable, sole or partial, of any property located in this Borough.

Person—any individual, partnership, company, association, society, corporation, or other group or entity.

Sanitary sewage—wastewater originating from domestic users containing human and customary household wastes, or such wastes from commercial or industrial establishments, but excluding industrial wastes. [Ord. 9711-6]

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

Sewer system—all facilities, as of any particular time, for collecting, pumping, treating, and disposing of sanitary sewage and industrial wastes, situate in or adjacent to this Borough and owned by the Authority and leased to this Borough for operation and use.

Street—includes any street, road, lane, court, alley, or public square.

(Ord. 1115-1, 11/15/1961; as amended by Ord. 9711-6, 11/12/1997, §163-1)

§18-102. Connection Required; Time Limit.

The owner of any improved property abutting on or adjoining any street in which there is a sewer shall connect such improved property therewith, in such manner as this Borough may require, within 60 days after notice to such owner from this Borough to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough, from time to time.

(Ord. 1115-1, 11/15/1961)

§18-103. Waste to be Conducted into Sewer.

All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer as required under §18-102, shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein, as established under Part 4, "Industrial Discharges," or as otherwise shall be established by this Borough from time to time.

(Ord. 1115-1, 11/15/1961; as amended by Ord. 9711-6, 11/12/1997, §163-3)

§18-104. Disposal of Waste Upon Property or in Watercourses Restricted.

No person shall place or deposit or permit to be placed or deposited upon public or private property within this Borough any sanitary sewage or industrial wastes in violation of §18-102. No person shall discharge or permit to be discharged to any natural outlet within this Borough any sanitary sewage or industrial wastes in violation of §18-102, except where suitable treatment has been provided which is satisfactory to this Borough.

(Ord. 1115-1, 11/15/1961)

§18-105. Abandonment of Sewage Receptacles.

No privy vault, cesspool, sinkhole, septic tank, or similar receptacle shall be used and maintained at any time upon any improved property which has been connected to a sewer or which shall be required under §18-102 to be connected to a sewer. Every such privy vault, cesspool, sinkhole, septic tank, or similar receptacle in existence shall be abandoned and, at the discretion of this Borough, shall be cleansed and filled under the direction and supervision of this Borough; and any such privy vault, cesspool, sinkhole, septic tank, or similar receptacle not so abandoned and, if required by this Borough, cleansed and filled shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the owner of such improved property.

(Ord. 1115-1, 11/15/1961)

§18-106. Sewage Receptacles Prohibited.

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

(Ord. 1115-1, 11/15/1961)

§18-107. Notice to Connect.

The notice by this Borough to make a connection to a sewer, referred to in §18-102, shall consist of a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within 60 days from the date such notice is given. Such notice may be given at any time after a sewer is in place which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

(Ord. 1115-1, 11/15/1961)

§18-108. Permit Required; Fee.

No person shall uncover, connect with, make any opening into or use, alter, or disturb in any manner any sewer or the sewer system without first obtaining a permit, in writing, from this Borough. The fee for said permit shall be as set forth in Part 2, "Rents and Charges."

(Ord. 1115-1, 11/15/1961; as amended by Ord. 9711-6, 11/12/1997, §163-8)

§18-109. Application for Permit.

Application for a permit required under §18-108 shall be made by the owner of the improved property to be served.

(Ord. 1115-1, 11/15/1961)

§18-110. Prerequisites to Connection.

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

A. Such person shall have notified the Secretary of this Borough of the desire and intention to connect to a sewer.

B. Such person shall have applied for and obtained a permit as required by §18-108.

C. Such person shall have given the Secretary of this Borough at least 24 hours notice of the time when such connection will be made so that this Borough may supervise and inspect the work of connection and necessary testing.

D. Such person shall have furnished satisfactory evidence to the Secretary of this Borough that any tapping fee charged and imposed by the Authority against the owner of each improved property who connects such improved property to a sewer has been paid.

(Ord. 1115-1, 11/15/1961)

§18-111. Independent Connections Required; Exception.

Except as otherwise provided in this Section, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown and then only after special permission of this Borough, in writing, shall have been secured and subject to such rules, regulations, and conditions as may

be prescribed by this Borough.

(Ord. 1115-1, 11/15/1961)

§18-112. Cost Responsibility; Nonliability of Borough.

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

(Ord. 1115-1, 11/15/1961)

§18-113. Lateral Connections.

A building sewer shall be connected to a sewer at the place designated by the Borough and where the lateral is provided. The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made, and the connection of a building sewer to the lateral shall be made secure and watertight.

(Ord. 1115-1, 11/15/1961)

§18-114. Failure to Connect After Notice.

If the owner of any improved property abutting on or adjoining any street in which there is a sewer, after 60 days notice from this Borough in accordance with §18-102, shall fail to connect such improved property as required, this Borough may make such connection and may collect from such owner the costs and expenses thereof by a municipal claim, an action in assumpsit or such other legal proceeding as may be permitted by law.

(Ord. 1115-1, 11/15/1961)

§18-115. Existing House Sewer Used as Building Sewer.

Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line as a building sewer.

(Ord. 1115-1, 11/15/1961)

§18-116. Inspection and Approval of Installation.

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

(Ord. 1115-1, 11/15/1961)

§18-117. 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.

(*Ord. 1115-1, 11/15/1961*)

§18-118. Excavations; Restoration of Surfaces.

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 this Borough.

(*Ord. 1115-1, 11/15/1961*)

§18-119. Remedy of Unsatisfactory Conditions.

If any person shall fail or refuse, upon receipt of a notice of this Borough, in writing, to remedy any unsatisfactory condition with respect to a building sewer within 60 days of receipt of such notice, this Borough may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such satisfactory condition shall have been remedied to the satisfaction of this Borough.

(*Ord. 1115-1, 11/15/1961*)

§18-120. Additional Regulations Authorized.

This Borough reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part.

(*Ord. 1115-1, 11/15/1961*)

§18-121. Construction and Materials Specifications.

All building sewers and connections shall be constructed and installed in accordance with the Red Lion Borough Construction and Materials Specifications for Land Development currently in existence and as may be amended from time to time hereafter.

(*Ord. 1115-1, 11/15/1961; as amended by Ord. 857-7, 7/10/1985*)

§18-122. Stormwater Discharge, Spring Water and Surface Water Prohibited.

No user connected to the sanitary sewer system or any other person shall discharge or introduce into the sanitary sewer system any stormwater or stormwater runoff by roof drains, foundation drains or any other collection or conveyance system, nor shall any user or other person cause, allow or permit any spring water or surface water from any source to be discharged by any person into the sanitary sewer system.

(*Ord. 1115-1, 11/15/1961; as added by Ord. 2003-01-02, 1/13/2003*)

§18-123. Violations and Penalties.

Any person who shall violate any provision of this Part, upon conviction thereof,

shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 1115-1*, 11/15/1961; as amended by *Ord. 9711-6*, 11/12/1997, §163-22; and by *Ord. 2009-09-02*, 9/14/2009)

§18-124. Recovery of Fines and Costs

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

(*Ord. 1115-1*, 11/15/1961)

Part 2**Rents and Charges****§18-201. Definitions.**

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

Authority—Red Lion Municipal Authority, a Pennsylvania municipality authority.

Biochemical oxygen demand (BOD₅)—the quantity of dissolved oxygen consumed in the biochemical oxidation of the organic matter in sewage under standard laboratory procedures in 5 days at 20°C, expressed in milligrams per liter (mg/l). It shall be determined by an acceptable method described in 40 CFR, Part 136, and amendments hereto or any method approved by the EPA. [Ord. 9711-6]

Borough—the Borough of Red Lion, York County, Pennsylvania, a Pennsylvania municipal corporation, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

Chlorine demand—the quantity of chlorine absorbed in water, sewage, or other liquids, allowing a residual of 0.1 ppm after 15 minutes of contact.

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

Garbage—solid wastes resulting from preparation, cooking, and dispensing of food and from handling, storage, and sale of produce.

Improved property—any property within the Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

Industrial user—any contributor to the public sanitary sewage system that is engaged in any commercial or industrial use. [Ord. 9711-6]

Multiple dwelling—any improved property in which shall be located more than one dwelling unit.

Owner—any person vested with ownership, legal or equitable, sole or partial, of any property located in the Borough.

Person—any individual, partnership, company, association, society, corporation, or other group or entity.

pH—the measure of the intensity of the acidic or alkaline character of a material, liquid or solid. pH is represented on a scale of 0.0 to 14.0 with 7.0 representing a neutral state, 0.0 representing the most acidic and 14.0 the most alkaline. It shall be determined by one of the acceptable methods described in 40 CFR, Part 136, and amendments thereto, or by any method approved by EPA. [Ord. 9711-6]

PPM—parts per million, by weight.

Properly shredded garbage—garbage that has been shredded to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particle greater than ½ inch in any dimension.

Public sanitary sewer system (sometimes called the “sewer system”)—all sanitary or combined sewers, all pumping stations, all force mains, all sewage treatment works and all other sewage facilities owned or leased and operated by the Borough for the collection, transportation and treatment of sanitary sewage and industrial wastes, together with their appurtenances and any additions, extensions or improvements thereto. It shall also include sewers within the Borough’s service area which serve one or more persons and discharge into the public sanitary sewage system even though those sewers may not have been constructed by the Borough or are not located within the Borough boundaries or are not owned or maintained by the Borough. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the wastewater treatment facility. [Ord. 9711-6]

Sanitary sewage—normal water-carried household and toilet wastes from any improved property, including such groundwater, surface water or stormwater as may be present.

Sewage treatment plant—the plant and facilities operated for such purpose by the Borough, to which the sewer system is to be connected.

Sewer—a pipe or conduit for carrying sewage. [Ord. 9711-6]

Suspended solids—solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtration.

Toxic substance—any poisonous substance, including copper, cyanide, and chromium ions.

Water system—the facilities owned by the Authority and leased to the Borough for the supply of water to the public in the Borough.

(Ord. 1115-2, 11/15/1961; as amended by Ord. 9711-6, 11/12/1997, §163-24)

§18-202. Sewer Rentals or Charges.

Sewer rentals or charges are imposed upon and shall be collected from the owner of each improved property which shall be connected with the sewer system for use of the sewer system, whether such use shall be direct or indirect, which sewer rentals or charges shall commence and shall be effective as of the date of connection of each such improved property to the sewer system and shall be payable as provided herein.

(Ord. 1115-2, 11/15/1961)

§18-203. Computation of Sewer Rentals or Charges.

1. Metered Service.

A. Except upon special written permission granted by the Borough and upon good cause shown, each dwelling unit shall be required to have installed a water meter or water meters to measure the quantity of water consumed by such dwelling

unit for the purpose of computing sewer rentals or charges hereunder.

B. Except as otherwise provided in this Part, sewer rentals or charges for sanitary sewage and industrial wastes discharged into the sewer system from any improved property shall be based upon volume of water usage, adjusted, if appropriate, as provided in this Part, where the volume of water usage shall be metered, whether by the Borough in connection with the water system or otherwise.

C. Sewer rentals or charges for sanitary sewage and industrial wastes discharged into the sewer system from any improved property may be based upon actual metered volume of discharge, as permitted in this Part.

D. In either of the foregoing cases, such sewer rentals or charges shall be computed in accordance with the following metered rate schedule, as set from time to time by ordinance of the Borough Council, subject, however, to the minimum sewer rentals or charges provided in this Part. [*Ord. 9711-6*]

2. *Flat Rate.* Sewer rentals or charges for sanitary sewage and industrial wastes discharged into the sewer system from any improved property when the volume of water usage shall not be metered by the Borough in connection with the water system or otherwise and when the actual volume of discharge shall not be metered as permitted in this Part shall be as set forth from time to time by ordinance of the Borough Council, the same constituting the minimum sewer rental or charge. [*Ord. 9711-6*]

3. *Multiple Dwellings.*

A. Each dwelling unit located in a multiple dwelling shall be billed as a separate entity, and the above-metered rate schedule and minimum sewer rental or charge shall be used in computing the sewer rentals or charges applicable to each such dwelling unit.

B. In any case where the Borough grants written permission for more than one dwelling unit to be served through a common water meter for the purpose of computing sewer rentals or charges hereunder, a multiple rental or charge per quarter shall be imposed, which rental or charge shall be calculated in the following manner:

(1) The total consumption of water through such common meter shall be divided by the number of dwelling units served thereby.

(2) The metered rate schedule for computing sewer rentals or charges established under subsection .1 shall be applied to the resultant quotient.

(3) The resultant pro rata rental or charge for each dwelling unit shall be multiplied by the number of dwelling units receiving water service through such common water meter to arrive at the total bill for all dwelling units served through the common meter; provided, however, that there shall be charged minimum quarterly rental or charge for each such dwelling unit.

(*Ord. 1115-2, 11/15/1961; as amended by Ord. 171-1, 1/26/1971; by Ord. 767-10, 7/26/1976; by Ord. 851-1, 1/9/1985; by Ord. 8512-10, 12/30/1985; by Ord. 877-6, 7/8/1987; by Ord. 922-3, 2/27/1992; by Ord. 9312-13, 12/8/993; and by Ord. 9711-6, 11/12/1997, §163-26*)

§18-204. Time and Method of Payment.

1. *Billing Date.* Sewer rentals or charges imposed by this Part shall be payable quarterly.

A. In the case of an owner of improved property whose quarterly bill for sewer rentals or charges shall be computed in whole or in part upon the basis of water volume usage metered by the Borough in connection with the water system, the quarterly billing date shall be the same date and shall cover the same quarterly period as shall be applicable for billing by the Borough in connection with the water system.

B. In the case of an owner of improved property whose quarterly bill for sewer rentals or charges shall be computed on any basis completely independent of water volume usage metered by the Borough in connection with the water system, the quarterly billing dates shall be the first days of March, June, September, and December, respectively, in each year and shall cover a quarterly billing period consisting of the immediately preceding three complete calendar months.

2. *Method of Payment.*

A. Sewer rentals or charges shall be due and payable upon the applicable quarterly billing date set forth in subsection .1 of this Section and the appropriate amount computed in accordance with this Part shall constitute the net bill. If sewer rentals or charges are not paid within 20 calendar days after each quarterly billing date, an additional sum of 10 percent shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such 20-calendar-day period shall constitute payment within such period. If the end of such 20-calendar-day period shall fall on a legal holiday or a Sunday, payment made on or mailed and postmarked on the next succeeding weekday which is not a legal holiday shall constitute payment within such period.

B. Whenever service to any improved property shall begin after the first day or shall terminate before the last day of any quarterly billing period, sewer rentals, charges for such period shall be prorated equitably, if appropriate for that portion of the quarterly billing period during which such improved property was served by the sewer system.

(*Ord. 1115-2, 11/15/1961; as amended by Ord. 767-10, 7/26/1976*)

§18-205. Liens.

Sewer rentals or charges imposed by this Part shall be a lien on the improved property connected to and served by the sewer system; and any such sewer rentals or charges which are delinquent shall be filed as a lien against the improved property so connected to and served by the sewer system, which lien shall be filed in the office of the Prothonotary of York County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims.

(*Ord. 1115-2, 11/15/1961*)

§18-206. Measuring Volume of Sanitary Sewage and Industrial Wastes.

1. *Methods of Measuring Volume.*

A. Whenever the entire water supply of an improved property or, if

applicable, of a dwelling unit or dwelling units located therein, discharging sanitary sewage and/or industrial wastes into the sewer system, is supplied by the water system, the volume of water furnished, as determined from meter readings of the water system, shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges, subject to adjustment, if appropriate as provided in this Part.

B. Whenever an improved property or, if applicable, a dwelling unit or dwelling units located therein, discharging sanitary sewage and/or industrial wastes into the sewer system, shall have a source or sources of water supply in addition to or other than the water system, the owner of such improved property shall provide a meter or meters on such additional or other source or sources of water supply. The total volume of water consumed, as determined from the meter readings of the water system and the meter readings of the meter or meters on such additional or other source or sources of water supply, or the meter readings of the meter or meters on such other source or sources of water supply, as appropriate, shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing the sewer rentals or charges, subject to adjustment, if appropriate, as provided in this Part.

C. Whenever an improved property or, if applicable, a dwelling unit or dwelling units located thereon shall use water from the water system and/or water from a source or sources of supply in addition to or other than the water system for cooling or unpolluted commercial or industrial process purposes and all or part of the water so used shall not be discharged into the sewer system, the volume used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges may be adjusted by one of the following methods:

(1) By installing a meter or other measuring device on the connection to the sewer system. The reading from such meter or measuring device shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges.

(2) By installing a meter or other measuring device to measure the volume not being discharged into the sewer system. The readings from such meter or measuring device shall be deducted from the total water meter readings and the remainder shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges.

2. *Measuring Devices.* Meters or other measuring devices which shall not be owned by the Borough in connection with the water system but which shall be required or permitted under provisions of this Part shall be furnished and installed by the owner of the improved property at his expense, shall be under the control of the Borough and may be tested, inspected, or repaired by the Borough when necessary. The owner of the improved property upon which such meter or other measuring device shall be installed shall be responsible for its maintenance and safekeeping; and all repairs thereto shall be made at the expense of the owner, whether such repairs shall be made necessary by ordinary wear and tear or other causes. Bills for such repairs, if made by the Borough, shall be due and payable immediately upon completion of such repairs and shall be

collected in the same manner as quarterly bills for sewer rentals or charges.

3. *Meter Readings.* The Borough shall be responsible for the reading of all meters or other measuring devices, and the same shall be available to the Borough at all reasonable times.

(*Ord. 1115-2, 11/15/1961; as amended by Ord. 8412-6, 12/12/1984*)

§18-207. Right of Access.

The Borough 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 the purposes of inspection, measurement, sampling, and testing and for performance of other functions relating to service rendered by the Borough through the sewer system.

(*Ord. 1115-2, 11/15/1961*)

§18-208. Responsibility of Owners of Improved Properties.

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

(*Ord. 1115-2, 11/15/1961*)

§18-209. Additional Rules and Regulations.

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

(*Ord. 1115-2, 11/15/1961*)

§18-210. Violations and Penalties.

Any person who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 1115-2, 11/15/1961; as amended by Ord. 9711-6, 11/12/1997, §163-33; and by Ord. 2009-09-02, 9/14/2009*)

Part 3**Individual and Community Disposal Systems****§18-301. Permit to Install Required.**

No person shall install, construct, or request bid proposals for construction, or alter an individual sewage system or community sewage system, or construct or request bid proposals for construction, or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and plans and specifications of such system are in compliance with the provisions of Act No. 537, 35 P.S. §750.1 *et seq.*, as amended, and the standards adopted by the Department of Environmental Protection of the Commonwealth of Pennsylvania pursuant to said Acts.

(*Ord. 754-3, 4/23/1975; as amended by Ord. 9711-6, 11/12/1997, §163-34*)

§18-302. Administration and Enforcement.

The positions of Sewage Enforcement Officer and Assistant Sewage Enforcement Officer are hereby created to be filled by appointment by resolution of the Borough of Red Lion. No person shall be appointed as a Sewage Enforcement Officer or Assistant unless such person has been certified “qualified” by the Department of Environmental Protection. The duly appointed Sewage Enforcement Officer and/or the Assistant shall administer the provisions of Act No. 537, 35 P.S. §750.1 *et seq.*, as amended, insofar as said provisions are applicable to the Borough of Red Lion.

(*Ord. 754-3, 4/23/1975; as amended by Ord. 9711-6, 11/12/1997, §163-35*)

§18-303. Application for Permit.

Applications for permits shall be in writing to the Borough of Red Lion in accordance with the provisions of Act No. 537, 35 P.S. §750.1 *et seq.*, as amended, and shall be made in such form and shall include such data as the Department of Environmental Protection may prescribe.

(*Ord. 754-3, 4/23/1975; as amended by Ord. 9711-6, 11/12/1997, §163-36*)

§18-304. Application Fee; Deposits.

1. Application fees shall be the actual costs of administering and processing the application in accordance with the prevailing fee schedule as adopted from time to time by resolution of the Borough of Red Lion; provided, however, that a deposit shall be paid to the Borough of Red Lion when the application is first submitted, in accordance with the following schedule, as set from time to time by resolution of the Borough Council. [*Ord. 9711-6*]

2. Upon completion of the alteration or construction for which the permit has been issued, the Borough of Red Lion shall refund to the applicant the amount by which applicant’s deposit exceeds the actual costs or the applicant shall pay to the Borough of Red Lion the amount by which the actual costs exceed applicant’s deposit. Final approval of the permit may be withheld until any excess costs are paid by applicant.

(*Ord. 754-3, 4/23/1975; as amended by Ord. 9711-6, 11/12/1997, §163-37*)

§18-305. Incorporation of Statutory Provisions.

All provisions of Act No. 537, 35 P.S. §750.1 *et seq.*, as amended, as said provisions apply to the Borough of Red Lion, are incorporated herein by reference.

(*Ord. 754-3, 4/23/1975; as amended by Ord. 9711-6, 11/12/1997, §163-38*)

§18-306. Violations and Penalties.

Any person who shall violate any provision of Act No. 537, 35 P.S. §750.1 *et seq.*, as amended, or the rules, regulations, or standards promulgated thereunder, or who violates any provision of this Part, or who resists or interferes with any officer, agent, or employee of the Borough of Red Lion or the Department of Environmental Protection in the performance of his duties, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 754-3, 4/23/1975; as amended by Ord. 9711-6, 11/12/1997, §163-39; and by Ord. 2009-09-02, 9/14/2009*)

Part 4**Industrial Discharges****§18-401. Definitions and Word Usage.**

1. *Definitions.* Unless the context specifically indicates otherwise, the following words and terms used in this Part shall have the following meanings:

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

Baseline monitoring report—the report required in 40 CFR, Part 403.12, to be submitted by all industrial users and waste generators subject to categorical pretreatment standards.

Biochemical oxygen demand (BOD₅)—the quantity of dissolved oxygen consumed in the biochemical oxidation of the organic matter in sewage under standard laboratory procedures in 5 days at 20°C, expressed in milligrams per liter (mg/l). It shall be determined by an acceptable method described in 40 CFR, Part 136, and amendments hereto or any method approved by the EPA.

Borough—the Borough of Red Lion, York County, Pennsylvania.

Borough Council—the elected and appointed members of the Borough Council of the Borough of Red Lion as now or hereafter constituted, and its duly authorized agents or representatives.

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

Clean Water Act (CWA)—Public Law 92-500, October 18, 1972, 33 U.S.C. §1251 *et seq.*; as amended by P.L. 95-217, December 28, 1977; P.L. 97-117, December 29, 1981; P.L. 97-440, January 8, 1983; and P.L. 100-04, February 4, 1987.

Combined sewer—a sewer designed to receive both sewage and stormwater runoff which has been approved for such purpose.

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

Commercial use or commercial establishment—a property which is intended to be used for the purpose of carrying on a trade, business, or profession or for social, religious, educational, charitable, or public uses. [Ord. 9810-5]

Commercial user—any contributor discharging wastewater generated at a commercial establishment to the Springettsbury Township Wastewater Treatment Facility through a direct connection (as opposed to discharging to the wastewater treatment facility through a waste hauler). [Ord. 9810-5]

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

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

Department of Environmental Protection (DEP)—the Department of Environmental Protection of the Commonwealth of Pennsylvania, or any department or agency of the Commonwealth or Pennsylvania, or any department or agency of the Commonwealth succeeding to the existing jurisdiction or responsibility of the Department of Environmental Protection. [Ord. 9810-5]

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

Domestic user—any person discharging only sanitary sewage.

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

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

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

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

Holding tank—a watertight receptacle designed to receive and retain sewage and is constructed to facilitate the ultimate disposal of the sewage at another site. [Ord. 9810-5]

Industrial use or establishment—a property which is intended to be used in whole or in part for the manufacture, conversion, or assembly of any product, commodity or article.

Industrial user—any contributor to the public sanitary sewage system that is engaged in any commercial or industrial use.

Industrial user permit—the permit issued to a significant industrial user by the Borough pursuant to §18-403.3 of this Part.

Industrial waste—any liquid, gaseous or waterborne wastes from industrial or

commercial establishments, or wastes having those characteristics of unacceptable wastes enumerated in §18-403 of this Part, that are discharged into the public sanitary sewage system through direct connection, as distinct from sanitary sewage.

Interference—a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits, or disrupts the wastewater treatment facility, its treatment processes or operations or its sludge processes, end-use, or disposal and results in a violation of any requirement of the wastewater treatment facility's NPDES permit or prevents sludge use or disposal in compliance applicable Federal statutes, permits, or regulations or that results in a violation of any requirement of the Air Pollution Control Act, 35 P.S. §4001 *et seq.*

National Pollutant Discharge Elimination System Permit (NPDES permit)—a permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge of wastewaters to the navigable waters of the United States pursuant to §402 of the CWA, as amended.

New source—any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under §307(c) of the Clean Water Act, which shall be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that the building, structure, facility, or installation is constructed at a site at which no other source is located; the building structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or the production or wastewater generating processes of the building structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether there are substantially independent factors, such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered. Determination of new source status shall be consistent with the provisions of 40 CFR, Part 403.3(k)(1), (2), and (3).

Ninety-day compliance report—the report required by 40 CFR, Part 403.12(d) and which describes the user's compliance status with categorical pretreatment standards, to be submitted by all industrial users or waste generators subject to categorical pretreatment standards.

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

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

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

Person—includes an individual, a partnership, an association, a corporation, a

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

pH—the measure of the intensity of the acidic or alkaline character of a material, liquid, or solid. pH is represented on a scale of 0.0 to 14.0 with 7.0 representing a neutral state, 0.0 representing the most acidic and 14.0 the most alkaline. It shall be determined by one of the acceptable methods described in 40 CFR, Part 136, and amendments thereto, or by any method approved by the EPA.

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

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

POTW—publicly owned treatment works. [Ord. 9810-5]

Premises accessible to the public sanitary sewage system—any real estate abutting on or adjoining or having access to any street, alley or right-of-way in which a sewer is located which ultimately connects to the public sanitary sewage system and upon which the principal building is within 150 feet of such sewer and to which sewer there is gravity flow from the first-floor level of such building.

Pretreatment administrator—the person designated by the Borough to administer the monitoring and enforcement of industrial waste pretreatment for industrial and commercial contributors of the Borough to the wastewater treatment facility.

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

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

Pretreatment standard or standards—categorical pretreatment standards and unacceptable wastes and discharges enumerated in §18-403 of this Part. [Ord. 9810-5]

Process wastewater—any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw

material, intermediate product, finished product, by-product or waste product, excluding sanitary noncontact cooling water and boiler blowdown.

Properly shredded garbage—the wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce that have been shredded to such degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

Public sanitary sewer system (sometimes called the “sewer system”)—all sanitary or combined sewers, all pumping stations, all force mains, all sewage treatment works and all other sewage facilities owned or leased and operated by the Borough for the collection, transportation, and treatment of sanitary sewage and industrial wastes, together with their appurtenances, and any additions, extensions or improvements thereto. It shall also include sewers within the Borough’s service area which serve one or more persons and discharge into the public sanitary sewage system even though those sewers may not have been constructed by the Borough or are not located within the Borough boundaries or are not owned or maintained by the Borough. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the wastewater treatment facility.

Responsible individuals—

(1) The chief executive officer or the chief operating officer of the user facility if the industrial user is a corporation.

(2) A partner or the general manager of the user facility if the industrial user is a partnership.

(3) The owner or the general manager of the user facility if the industrial user is a proprietorship.

(4) The person duly designated as the responsible individual by a corporation, partnership, or proprietorship, provided that such person is actually responsible for overall operation of the user facilities.

Sanitary sewage—wastewater originating from domestic users containing human and customary household wastes or such wastes from commercial or industrial establishments, but excluding industrial wastes.

Sanitary sewer—a sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

Scheduled sampling—a daily composite or grab sample collected from a significant industrial user based on a schedule formulated in accordance with §18-406 of this Part.

Sewage—sanitary sewage and/or industrial wastes, carried either separately or in combination.

Sewer—a pipe or conduit for carrying sewage.

Significant industrial user—any industrial user that is subject to categorical pretreatment standards, or any industrial user of the township's wastewater treatment facility which has a discharge flow of 25,000 gallons or more of process wastewater per average workday or contributes a process waste stream which

makes up 5 percent or more of the average dry weather flow or organic (BOD₅) capacity of the wastewater treatment facility or is found by the Borough, the Township, the EPA, or DEP to have significant impact, either potential or realized, either singly or in combination with other wastes, on the sanitary sewer system and/or the wastewater treatment facility (either its operational efficiency, effluent quality or quality of the sludge produced by said facility).

Significant noncompliance (SNC)–

(1) Any violation of pretreatment requirements (limits, sampling, analysis, reporting, and meeting compliance schedules and regulatory deadlines) constituting an instance of noncompliance for which the industrial user is liable for enforcement, including penalties. The following is the criteria used to determine SNC:

(a) Violations of wastewater discharge limits.

1) Chronic violations: 66 percent or more of the measurements exceed the same daily maximum limit or the same average limit in a 6-month period (any magnitude of exceedance).

2) Technical review criteria (TRC) violations: 33 percent or more of the measurements exceed the same daily maximum limit or the same average by more than the TRC in a 6-month period.

3) Any other violation(s) of an effluent limit average or daily maximum that the control authority believes has caused, alone or combination with other discharges, interference or pass-through or endangers the health of Borough or Township personnel or the public.

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

(b) Violations of compliance schedule milestones for starting and completing construction and attaining final compliance by 90 days or more after the schedule date.

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

(d) Failure to accurately report noncompliance.

(e) Any other violation or group of violations that the Borough or Township considers to be significant.

(2) For an industrial user that is in SNC, the Borough must report the information to the approval authority as part of the pretreatment performance summary of industrial user noncompliance, list the industrial user in the largest daily newspaper as having significant violations and address SNC through appropriate enforcement action or document in a timely manner the reasons for withholding enforcement.

Slug load–any pollutant (including but not limited to BOD₅ total suspended solids, other conventional pollutants and toxics) released in a discharge at a flow rate or concentration which will cause interference or pass-through at the

wastewater treatment facility. [*Ord. 9810-5*]

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

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

Stormwater runoff—that portion of precipitation which reaches a channel, trench, sewer, or sink.

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

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

Township—the Township of Springettsbury, York County, Pennsylvania, operator of the wastewater treatment facility.

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

Unscheduled compliance sampling—a daily composite sample or grab sample collected from a significant industrial user based on the issuance of a notice of violation as referenced in §18-406 of this Part, in accordance with §18-406.5 of this Part.

User—any person who contributes, causes, or permits the contribution of sewage into the Borough's public sanitary sewage system.

Waste—to any sewage discharged to the Borough's public sanitary sewage system.

Wastewater treatment facility—the wastewater treatment plant, including all

machinery, equipment, land, buildings and appurtenant facilities operated by the Township's Department of Wastewater Treatment.

2. *Word Usage.* "Shall" is mandatory; "may" is permissive.

(*Ord. 8412-6*, 12/12/1984; as amended by *Ord. 931-1*, 2/10/1993; and by *Ord. 9810-5*, 10/12/1998)

§18-402. Admission of Waste to Public Sanitary Sewage System.

1. *General.* The economy and desirability of the combined treatment of industrial wastes and sanitary sewage is recognized. In general, any and all industrial wastes may be discharged to the public sanitary sewage system except those that are deemed harmful to the system or are specifically prohibited by this Part. However, it is recognized that the treatment of these wastes add to the cost of operating and maintaining the public sanitary sewage system. Such additional costs must, therefore, be borne by the person or persons receiving the benefit of such treatment.

2. *Harmful Wastes.* The Borough reserves the right to refuse connection to the public sanitary sewage system for the discharge of deleterious industrial wastes or to compel discontinuance of the use of the system for such wastes or to require pretreatment and/or equalization of flow thereof in order to prevent harmful or adverse effects upon the system. The design, construction, and operation of such pretreatment facilities and/or flow equalization facilities shall be made at the sole expense of the person discharging said wastes and shall be subject to the approval of the Borough Council or its designated representative.

3. *Harmful Characteristics.* In general, waste shall be considered harmful to the public sanitary sewage system if it may cause any of the following damaging effects:

A. Chemical reaction either directly or indirectly with the materials of construction of the public sanitary sewage system in such a manner as to impair the strength or durability of any sewer system structures.

B. Mechanical action that will destroy any sewer system structures.

C. Restriction of the hydraulic capacity of any sewer system structures.

D. Restriction of the normal inspection or maintenance of any sewer system structures.

E. Danger to public health and safety.

F. Obnoxious conditions inimical to the public interest.

(*Ord. 8412-6*, 12/12/1984; as amended by *Ord. 931-1*, 2/10/1993)

§18-403. Licenses and Permits.

1. *Industrial User Permits.*

A. All industrial users proposing to contribute to the public sanitary sewage system shall make application for an industrial user permit. All existing significant industrial users contributing to the public sanitary sewage system at the time of the adoption of this Part shall obtain an industrial user permit within 90 days after the effective date of this Part. Users required to apply for an industrial user permit shall complete and file with Springettsbury Township an industrial user permit application approved by Springettsbury Township, accompanied by a nonrefund-

able processing fee to be established by resolution of Springettsbury Township. Proposed new industrial users shall apply at least 90 days prior to connecting to or contributing to the public sanitary sewage system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information, including but not limited to:

- (1) Name, address, location, and phone number.
- (2) SIC number according to the *Standard Industrial Classification Manual*, Bureau of the Budget, 1987.
- (3) Name of responsible individual.
- (4) Wastewater constituents and characteristics, before and after pretreatment, as determined by a reliable analytical laboratory.
- (5) Time and duration of contributions.
- (6) Average daily wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (7) Site plans, plumbing plans and details to show all sewers, sewer connections and appurtenances by the site, location, and elevation.
- (8) Description of activities and plant processes on the premises, including all materials which are or could reasonably be discharged.
- (9) Where known, the nature and concentration of any pollutants in the discharge which are limited by Springettsbury Township, State or Federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
- (10) If additional pretreatment and/or O&M shall be required to meet the pretreatment standards, the shortest schedule by which the user shall provide such additional pretreatment must be implemented. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.
- (11) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- (12) Any other information as may be deemed by Springettsbury Township to be necessary to evaluate the permit application.

B. The completed application shall be signed by the user's responsible individual whose signature shall be acknowledged before a notary public. Springettsbury Township shall evaluate the data furnished by the industrial user for completeness and may require additional information. After evaluation and acceptance of the data furnished as a complete application, Springettsbury Township may for cause shown either refuse to issue or may issue a wastewater contribution permit, subject to terms and conditions provided herein, or may issue a commercial/industrial discharge permit in accordance with subsection .2 of this Part.

[Ord. 2002-11-13]

2. *Commercial / industrial Discharge Permits.* When required by Springettsbury

Township, industrial and commercial users shall obtain a commercial/industrial discharge permit. After reviewing the industrial user permit application form referenced in subsection .1, Springettsbury Township may issue a commercial/industrial discharge permit in accordance with guidelines determined by Springettsbury Township's representative. [Ord. 2002-11-13]

3. *Terms and Conditions of Industrial User Permits.*

A. Industrial user permits shall contain at least the following terms and conditions:

- (1) Maximum discharge flow rate.
- (2) Term of permit.
- (3) Statement of nontransferability.
- (4) Definitions.
- (5) General limitations.
- (6) Specific limitations.
- (7) Special conditions.
- (8) Self-monitoring and reporting requirements. (including sampling, reporting, notification and recordkeeping).
- (9) Notification requirements for slug discharges.
- (10) Statement of applicable civil and criminal penalties.
- (11) Reopener clause.
- (12) Compliance schedules (if required).

B. Industrial user permits shall be issued for a specified time period, not to exceed 5 years. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The application must be accompanied by a nonrefundable processing fee to established by a resolution of Springettsbury Township. The terms and conditions of the permit may be subject to modification by the Borough during the term of the permit to accommodate changing conditions and as local, State, and Federal laws, rules, and regulations are modified or amended or other just cause exists. The user shall be informed of any proposed changes in his permit at least 45 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, including a comment period which shall be the first 30 days of the 45-day period prior to the effective date of change. [Ord. 2002-11-13]

4. *Terms and Conditions of Commercial / industrial Discharge Permits.*

A. Commercial/industrial discharge permits shall contain at least the following terms and conditions:

- (1) Maximum discharge flow rate.
- (2) Term of permit.
- (3) Definitions.
- (4) General limitations.
- (5) Specific limitations.
- (6) Special conditions.

(7) Annual reporting requirements.

(8) Reopener clause.

B. Commercial/industrial discharge permits shall be issued for a specified time period, not to exceed 5 years. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The application must be accompanied by a nonrefundable processing fee to be set through a resolution by Springettsbury Township. The terms and conditions of the permit may be subject to modification by the Borough during the term of the permit to accommodate changing conditions and as local, State, and Federal laws, rules and regulations are modified or amended or other just cause exists. The user shall be informed of any proposed change in his permit at least 45 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, including a comment period which shall be the first 30 days of the 45-day period prior to the effective date of change. [Ord. 2002-11-13]

5. *Industrial Use Permit Not Assignable.* Industrial user permits are issued to a specific user for a specific operation. An industrial user permit shall not be assigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of Springettsbury Township. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit or license. [Ord. 2002-11-13]

6. *Permit and License Revocation.* Industrial user permits shall be subject to revocation according to the provisions outlined in §18-405 of this Part. Commercial/industrial discharge permits shall be subject to revocation according to the provisions outlined in §18-405 of this Part.

7. *Discharge Scheduling.* Whenever Springettsbury Township deems it advantageous to the Borough to have an industrial user discharge its industrial waste into the sanitary sewer system at a rate of flow and at a time of day which shall have a favorable effect upon the operation and maintenance of the sanitary sewer system and the industrial user shall agree to the same, Springettsbury Township is hereby authorized to enter into an agreement with such industrial user specifying the rate of flow and time of day for the same under such terms and conditions as the Borough shall establish. In consideration of such agreement, the industrial user shall be entitled to a discount not exceeding 10 percent of the treatment and/or transportation rate otherwise payable to the Borough. [Ord. 2002-11-13]

8. *Trade Secrets.* Upon written request by the industrial user furnishing a report, permit application or answering a questionnaire, those portions of any document which might disclose trade secrets or secret processes shall not be disclosed to any person other than to duly authorized representatives of the EPA or DEP. The physical/chemical characteristics of a discharger's wastewater shall not be recognized as confidential information or as a trade secret.

9. *New or Increased Contributions.* All industrial users shall promptly notify the Pretreatment Administrator prior to any changes in the volume or character of their wastewater discharge or in the operation of their pretreatment processes that may result in interference or pass-through at the wastewater treatment facility. Springettsbury Township reserves the right to deny the admission of or to require the

pretreatment of all discharges to the public sanitary sewer system. [Ord. 2002-11-13]

10. *Indemnification.* While performing the necessary work on private properties, the duly authorized representatives or employees of Springettsbury Township shall observe all safety rules applicable to the premises established by the use. The user shall be held harmless for injury or death to Springettsbury Township representative or employee and Springettsbury Township shall indemnify the user against loss or damage to its property by Springettsbury Township representatives or employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operations, such as may be by negligence or failure of the user to maintain safe conditions. [Ord. 2002-11-13]

(Ord. 8412-6, 12/12/1984; as amended by Ord. 931-1, 2/10/1993; and by Ord. 2002-11-13, 11/11/2002)

§18-404. Unacceptable Wastes and Discharges.

1. *Prohibited Discharge.* No waste from any significant industrial user other than that for which an industrial user permit has been issued shall be to the public sanitary sewage system.

2. *General Prohibitions.* No person shall discharge to public sanitary sewage system any of the following:

A. Any waste that could cause interference, alone or in conjunction with a waste or wastes from other sources.

B. Excessive amounts of unpolluted water or waste capable of being discharged or disposed of by any reasonable means other than discharge into the sanitary sewage system, including but not limited to noncontact cooling water and stormwater. The Borough reserves the right to define the amount it deems excessive in each particular instance.

C. Unpolluted stormwater in any amount.

D. The addition of cooling water or any other unpolluted water or waste or an increase in the use of process water for the purpose of reducing the concentration of substances that are prohibited or limited by this Part or as a partial or complete substitute for adequate pretreatment.

E. Garbage, unless the same is first properly shredded by a device or equipment designed for that purpose.

F. Any liquids, solids or gases which by reason of their nature or quality, either alone or by interaction with other substances, will or could cause fire or explosions or be in any other way injurious to persons, structures or the facilities of the public sanitary sewer system.

G. Wastes containing any noxious or malodorous gas or substance which either singly or by interaction with sewage or other wastes may create a public nuisance or hazard to health or life or prevent entry by persons to sewer system structures for maintenance repair or otherwise.

H. Wastes containing ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, hair, chemical or paint residues, greases, lime, slurry, or viscose materials of such character or such quantity that, considering the size of the receiving sewers, may cause an obstruction to the flow

or otherwise interfere with the proper and efficient operation of the public sanitary sewer system.

I. Wastes containing gases or vapors, either free or occluded, in concentrations toxic or hazardous to humans or animals.

J. Wastes containing toxic radioactive isotopes.

K. Any waste containing toxic substances in quantities sufficient to cause interference or pass-through at the wastewater treatment facility.

L. Any sewage with objectionable color not removed by the treatment process, such as but not limited to dye wastes and vegetable tanning solutions.

M. Any biological hazards including, but not limited to, unsterilized pathological material from hospitals or private laboratories.

N. Any harmful waste as described under §18-404 of this Part.

O. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts causing interference or pass-through at the wastewater treatment facility.

P. Pollutants which alone or in combination with other wastes may 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. [*Ord. 9810-5*]

3. *Specific Prohibitions.* No person shall discharge to the public sanitary sewer system any sanitary sewage or industrial wastes containing the following measured pollutants:

A. Wastes containing insoluble, non-flocculent substances having a specific gravity in excess of 2.65.

B. Wastes containing soluble substances in such concentrations as to cause the specific gravity of the waste to be greater than 1.1.

C. Wastes containing more than 100 mg/1 of oil and grease, if the oil and grease is of unknown or petroleum origin; wastes containing more than 200 mg/1 of oil and grease, if the oil and grease is determined to be of an animal or vegetable origin. The differentiation between oil and grease of animal/vegetable origin and those of petroleum origin shall be made by the Borough.

D. Wastes containing more than 10 mg/1 of free chlorine.

E. Any waste which shall cause the wastewater treatment facility influent to exceed 104°F (40°C) or will inhibit the biological activity of the treatment system.

F. Wastes, or wastes that shall react with water to form a solution, having a pH lower than 6.0 or higher than 10.5 or having any corrosive properties capable of causing damage or hazards to structures, equipment or personnel of the public sanitary sewage system.

G. Wastes that have a BOD₅ or total suspended solids or total phosphate as P or other pollutant concentration that constitutes a slug load.

H. Wastes having a closed cup flash point of less than 104°F as determined by a method listed under 40 CFR, Part 261.21, and amendments thereto; or wastes that cause the atmosphere above the wastewater discharge at the collection point referenced in subsection .5 of this Part to exceed 10 percent of the lower explosive limit (LEL) as determined by a catalytic, diffusion-type combustible gas meter that

measures combustible gases in a range of 0 percent to 99 percent LEL.

I. Any wastes which contain the following substances in solution or suspension in concentration exceeding those presented in the following table: [*Ord. 2003-03-05*]

Maximum Permissible Concentrations

Substance	Daily Composite (mg/l)	Grab Sample (mg/l)
Arsenic (As)	0.75	
Cadmium (Cd)	0.08	
Chromium	1.3	
Copper (Cu)	1.15	
Cyanide (total)	NA	0.32
Lead (Pb)	0.53	
Mercury (Hg)	0.001	
Molybdenum (Mo)	0.9	
Nickel (Ni)	1.64	
Selenium (Se)	1.2	
Silver (Ag)	0.31	
Zinc (Zn)	1.60	

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

5. *Sampling.* When required by the Pretreatment Administrator, any person discharging to the public sanitary sewage system any industrial wastes or combined industrial wastes and sanitary sewage shall install a suitable manhole or manholes, flow metering chambers, flow monitoring equipment, pH monitoring equipment and other appurtenances on his connecting-sewer or sewers to facilitate observation, sampling and measurement of the combined flow of wastes from his premises. Such manhole or manholes or metering chamber shall be accessible, safely located and secure and shall be constructed in accordance with plans approved by the Pretreatment Administrator.

A. The manhole or manholes or metering chamber shall be installed by such person at his expense and shall be maintained by him so as to be safe and accessible to the Pretreatment Administrator or his designated representatives at all times. The construction and maintenance of such manhole or metering chamber

shall be mandatory for significant industrial users, and if deemed necessary by the Pretreatment Administrator, flows from such manhole or metering chamber shall be continuously monitored, transmitted, and recorded by means of an approved receiving device.

B. The sampling procedure for the determination of unacceptable sanitary sewerage and industrial waste specified in this. Section shall be as follows: oil and grease, free chlorine, temperature, closed cup flash point and pH, 1,1,1 trichloroethane, chloroform, trichlorethylene, tetrachloroethylene, toluene, ethylbenzene, benzene, vinyl chloride, and carbon tetrachloride shall be by grab sample only. The remaining substances referenced in subsection .3, "Specific Prohibitions," shall be by a daily composite sample, except for those parameters listed under subsection .3 that may be determined on either a daily composite sample or on a grab sample (subject to the concentrations stated for each type of sample).

C. Monthly limitations shall be based on the arithmetic mean of at least two daily composite samples taken on separate days within 1 calendar month for those substances referenced in subsection .3.I of this Section that have daily composite limitations. Monthly limitations shall be based on the arithmetic mean of at least two grab samples taken on separate days within 1 calendar month for those substances referenced in subsection .3.I of this Section that do not have daily composite limitations.

D. Waste samples collected to determine compliance with the provisions of this subsection shall be taken at the manhole or metering chamber referred to in this subsection or, in the absence of such manhole or metering chamber, at such place and time as the Borough shall determine will provide a representative sample of the discharge, or at any other place mutually agreed upon by the Borough and the user.

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

(*Ord. 8412-6, 12/12/1984; as amended by Ord. 931-1, 2/10/1993; by Ord. 9810-5, 10/12/1998; by Ord. 2002-11-13, 11/11/2002; and by Ord. 2003-03-05, 3/10/2003*)

§18-405. Notice of Violation, Remedies, and Penalties.

1. *Enforcement Response.* Enforcement actions taken by Springettsbury Township shall be consistent with an enforcement response plan of Springettsbury Township maintained at the wastewater treatment facility. [*Ord. 2002-11-13*]

2. *Notice of Violation.*

A. Whenever the Pretreatment Administrator finds that any industrial user has violated any provisions of this Part or an industrial user permit, a commercial/industrial discharge permit, an order or a compliance schedule, the Pretreatment Administrator his duly authorized representative shall serve upon said industrial user a written notice of violation.

B. If required by Springettsbury Township, a written response to this notice, including an explanation of the cause of the violation and a plan for the correction and prevention thereof, must be submitted to the Pretreatment Administrator

within 10 working days of the receipt of the notice. Submission of this plan in no way relieves the industrial user of liability for any violations occurring before or after receipt of the notice of violation. [Ord. 2002-11-13]

3. *Compliance Schedule.* When required by the Pretreatment Administrator, compliance schedules must be developed by existing or new industrial users and approved by the Pretreatment Administrator. These schedules shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment equipment required to meet present or proposed applicable pretreatment standards. No increment of progress shall exceed 9 months. The Pretreatment Administrator shall have the right to deny or to require the modification of proposed compliance schedules. Industrial users under compliance schedules shall submit progress reports to the Pretreatment Administrator no later than 14 days following each milestone date in the schedule and 14 days following the final date of compliance. Failure to meet required milestone dates shall constitute a violation of this Part.

4. *Administrative Fine.*

A. Notwithstanding any other Section of this Part, any industrial user who is found to have violated any provision of this Part or industrial user permit or a commercial/industrial discharge permit or an order issued hereunder shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. All fine money shall be made payable to Springettsbury Township and shall be added to the user's next scheduled fee for service charge. Springettsbury Township shall have such other collection remedies as it has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual industrial user's property. [Ord. 2003-03-05]

B. Industrial users who desire to dispute such fines must file a request before Springettsbury Township to reconsider the fine within 10 working days of being notified of the fine. The Springettsbury Township treatment facility shall include as part of the notice of an administrative fine a description of the applicable appeals process to be followed, including the name, address, and telephone number of the person responsible for accepting such appeal. Where Springettsbury Township believes the request has merit, it shall convene a hearing on the matter within 15 working days of receiving the request from the user.

[Ord. 2002-11-13]

5. *Administrative Order (AO).* When Springettsbury Township finds that a user has violated or continues to violate any provisions of this Part, permit or order issued hereunder or any other pretreatment standard or requirement, Springettsbury Township may issue an order to the user responsible for the discharge directing that the user come into compliance within a time period set by Springettsbury Township. If the user does not come into compliance within the specified time periods, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Administrative orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. An administrative order may not extend the deadline for

compliance established for a Federal pretreatment standard or requirement, nor does an administrative order release the user of liability for any violation, including any continuing violation. Issuance of an administrative order shall not be a prerequisite to taking any other action against the user. [Ord. 2002-11-13]

6. *Injunctive Relief.* Whenever an industrial user has violated or continues to violate the provisions of this Part, an industrial user permit or a commercial/industrial discharge permit or an order issued hereunder, the Pretreatment Administrator, through counsel, may petition the court for the issuance of a preliminary or permanent injunction (or both, as may be appropriate) which restrains or compels the activities on the part of the industrial user. The Pretreatment Administrator shall have such remedies to collect all fees incurred by the Borough as a result of this petition as it has to collect other sewer service charges, including a prayer for payment of costs and attorney's fees as may be authorized by law.

7. *Industrial User Permit Commercial/Industrial Discharge Permit Revocation.*

A. Any industrial user who violates any of the following conditions of this Part, of their industrial user permit or of their commercial/industrial discharge permit or of any order may be subject to the revocation of its permit:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge.
- (2) Failure of user to report significant changes in wastewater constituents or characteristics.
- (3) Refusal of reasonable access to the user's premises for the purposes of inspection or monitoring.
- (4) Violation of the conditions of the permit.

B. Springettsbury Township shall not revoke an industrial user permit or commercial/industrial discharge permit without first allowing the noncompliant industrial user the opportunity to show cause why the proposed action should not be taken. Before any further discharge of industrial wastewater may be made by a user whose permit has been revoked, their user must apply for and be granted a reinstatement of the revoked permit or a new permit, as Springettsbury Township may require, and pay all delinquent fees, charges and costs occasioned by the violation, in accordance with all conditions set forth in this Part and the procedural guidelines recorded and available at the wastewater treatment facility. [Ord. 2002-11-13]

C. The Township will not renew an industrial user permit or commercial/industrial discharge permit until all delinquent fees, charges, and costs occasioned are paid in full or prior arrangements have been made with the Township, on a payment plan approved by the Township. [Ord. 2003-03-05]

8. *Show Cause Hearing.* The Pretreatment Administrator may order any industrial user which causes or contributes to a violation of this Part or industrial user permit or commercial/industrial discharge permit or order issued hereunder to show cause why a proposed enforcement action should not be taken. Notice shall be served on the industrial user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the

meeting shall be served personally or by registered or certified mail to any principal, executive, general partner, corporate officer, or owner of the industrial user at least 10 days prior to the hearing. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

9. *Emergency Response.*

A. The Pretreatment Administrator may suspend the wastewater treatment service and/or industrial user permit or commercial/industrial discharge permit whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the wastewater treatment facility or the environment. Any user notified of a suspension of the wastewater treatment service and/or industrial user permit or commercial/industrial discharge permit shall immediately stop or eliminate its contribution. In the event of an industrial user's failure to immediately comply voluntarily with the suspension order, the Pretreatment Administrator shall take such steps as deemed necessary, including the immediate severance of the sewer connection, to prevent or minimize damage to the wastewater treatment facility and its receiving stream or endangerment to any individuals. Pretreatment Administrator shall allow the industrial user to recommence its discharge when the endangerment has passed, unless the permit revocation proceedings set forth in this Part are initiated against the industrial user.

B. Any user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Pretreatment Administrator prior to the date of the show cause hearing described in this Part. [Ord. 9810-5]

10. *Criminal Penalties.* With or without notice, any person who shall violate the provisions of this Part, an industrial user permit, a commercial/industrial discharge permit or order, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. All fine money assessed through suit or summary proceedings before any magisterial district judge pursuant to this Section shall be transferred to the Springettsbury Township Sewer Fund. [Ord. 2009-09-02]

11. *Public Notification.* Springettsbury Township shall, at least annually, publish in the largest daily newspaper distributed in Springettsbury Township a list of industrial users which in the last 12 months were significantly violating applicable pretreatment standards or other pretreatment requirements or that were determined to be in significant noncompliance. Significant noncompliance shall be determined according to guidelines set in 40 CFR, Part 403.8(f)(2)(vii), or amendments thereto. [Ord. 2002-11-13]

12. *Civil Penalties and Costs.*

A. Any person who shall violate the provisions of this Part, any permit issued pursuant to this Part, or any regulation adopted under this Part may, after notice and hearing as hereinafter provided, be assessed a civil penalty for such violation

and, in addition to such penalty, be assessed the cost of any damages caused by the violation or the cost of correcting such violation.

B. Before assessing a civil penalty or costs, Springettsbury Township shall provide the violator with a written notice of proposed assessment citing the ordinance provision, permit or regulation violated with an offer to conduct an assessment hearing to evaluate the violation and the amount of the penalty or costs. Said notice shall contain an explanation of the right to a hearing and its right to appeal from the assessment made. [*Ord. 2002-11-13*]

C. Springettsbury Township shall assign a representative to hold the assessment hearing who will normally be Springettsbury Township's Director of Wastewater Treatment. In no event shall the Pretreatment Administrator act as the hearing officer. [*Ord. 2002-11-13*]

D. The assessment hearing shall be informal and shall not be governed by requirements for formal adjudicatory hearings. The hearing shall be held at the administrative offices of the wastewater treatment facility at the convenience of the parties; provided, however, that should the violator fail or refuse to agree as to a time for the hearing, the hearing officer shall fix a time and direct the violator's attendance. Should the violator fail or refuse to attend, the hearing officer may proceed with the hearing and, if appropriate, assess a civil penalty and/or costs.

E. A civil penalty may be assessed whether or not the violation was willful. The amount of the penalty shall not be less than \$300 and not more than \$2,500 for each violation; provided, however, that any industrial user who shall violate any pretreatment standard and/or the requirements of Springettsbury Township's approved pretreatment program may be assessed a penalty not to exceed \$25,000 per day as provided in the Springettsbury Township's Publicly-Owned Treatment Works Penalty Law. In determining the amount of the penalty, the hearing officer shall consider the following: [*Ord. 2002-11-13*]

- (1) The willfulness of the violation.
- (2) Damages to air, water, land, or other natural resources or their user.
- (3) Cost of restoration and abatement.
- (4) Savings resulting to the person in consequence of the violation.
- (5) Deterrence of future violations.
- (6) History of past violations.
- (7) Other relevant factors.

F. If a person against whom a civil penalty or costs has been assessed fails to pay the amount assessed in full or appeal the assessment de novo as provided in subsection .12.G hereof within 30 days following the date of assessment, such failure to pay or perfect an appeal shall constitute a separate violation for which an additional civil penalty may be assessed after notice and hearing. Additional violations shall be deemed to occur and additional civil penalties may be assessed each time a person fails to pay or perfect an appeal.

G. A person assessed with a civil penalty or costs pursuant to this Section shall have 30 days to pay the penalty and costs in full. If the person assessed wishes to contest the violation or the penalty or costs assessed, such person shall have the right to appeal de novo to the Springettsbury Township Board of

Supervisors for a hearing under the Local Agency Law, 2 Pa.C.S.A. §751 *et seq.* The notice of appeal and request for hearing shall be filed within 30 days of the date of receipt of notice of the action appealed. The notice of the appeal must be accompanied by the amount of the civil penalty and/or costs to be held in an escrow account by Springettsbury Township. In lieu of such payment, the appellant may post an irrevocable letter of credit for the required amount issued by a Federal or Commonwealth chartered lending institution or an appeal bond in such amount executed by a surety licensed to do business in this Commonwealth and in a form satisfactory to Springettsbury Township. If after the Local Agency Law review or final judicial review the civil penalty and/or costs are removed or reduced, the amount paid into escrow shall be adjusted accordingly and the balance remitted to the appellant within 30 days or, in the case of a letter of credit or surety bond having been posted, upon payment of the amount due, such letter of credit or bond shall be released. Failure to make the required deposit in escrow or submit an irrevocable letter of credit or a surety as provided in this subsection shall result in a waiver of all legal rights to appeal the violation or the amount of the penalty and/or costs assessed. [Ord. 992-3]

H. In any case where Springettsbury Township determines that the violation is of a continuing nature, Springettsbury Township may impose a weekly assessment of not more than \$2,500 per week for each week the violation continues unabated by the violator. Such weekly assessment shall accrue indefinitely after the date of notice of the assessment to the violator. [Ord. 992-3]

I. All civil penalties and costs assessed pursuant to this subsection shall be payable to the Springettsbury Township Sewer Fund and shall be collectible in any manner provided by law for the collection of debts. Unpaid civil penalties and/or costs, together with interest and any costs that may accrue, shall constitute a judgment in favor of Springettsbury Township and be a lien upon the real property of the violator from the date such amount has been entered and docketed on the record by the Prothonotary of York County. [Ord. 2002-11-13]

[Ord. 9810-5]

13. *Fines and Civil Penalties Collected.* All fines and civil penalties collected pursuant to subsection .10 or .11 of this Section shall be placed in a restricted account and shall be used only for the repair of damage or mitigation of threats to the public health, to pay any penalties imposed on Springettsbury Township or Red Lion Borough by the Federal or State governments for violation of pretreatment standards, for costs incurred to investigate and take enforcement actions and for the administration of this Part and the Sewage Facilities Act, 35 P.S. §750.1 *et seq.* [Ord. 9810-5]

(Ord. 8412-6, 12/12/1984; as amended by Ord. 931-1, 2/10/1993; by Ord. 9810-5, 10/12/1998; by Ord. 992-3, 2/8/1999; by Ord. 2002-11-13, 11/11/2002; by Ord. 2003-03-05, 3/10/2003; and by Ord. 2009-09-02, 9/14/2009)

§18-406. Reporting Requirements.

1. *Self-monitoring Report (SMR).* Springettsbury Township shall require all significant industrial users to submit to Springettsbury Township Pretreatment Administrator during the months of June and December, unless required more frequently by the Pretreatment Administrator, a report on a form supplied by

Springettsbury Township, indicating the concentration of pollutants in the effluent or generated waste which are of particular concern to Springettsbury Township and which are limited by this Part. In addition, this report shall include a record of all daily flows which occurred during the reporting period. At the discretion of the Pretreatment Administrator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Pretreatment Administrator may agree to alter the months during which the above report is to be submitted. [Ord. 2002-11-13]

2. *Baseline Monitoring Report.*

A. Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the POTW shall be required to submit to Springettsbury Township a report which contains the information listed under this Section.

B. At least 90 days prior to commencement of their discharge, new sources and sources that become industrial users subsequent to the promulgation of an applicable categorical pretreatment standard shall be required to submit to Springettsbury Township a report which contains the information listed under this Section. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged. The industrial user shall submit the information required by this Section, including the following:

(1) *Identifying Information.* The name and address of the facility including the name of the operator and owners.

(2) *Wastewater Discharge Permits.* A list of any environmental control wastewater discharge permits held by or for the facility.

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

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

(5) *Measurement of Pollutants.* Identify the categorical pretreatment standards applicable to each regulated process. Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required) by the standard or by Springettsbury Township of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in §18-404 of this Part.

(6) *Certification:* a statement reviewed by the industrial user's authorized responsible individual and certified by a qualified professional, indicating

whether pretreatment standards are being met on a constant basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) *Compliance Schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section shall meet the requirements set out in §18-405 of this Part.

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

[Ord. 2002-11-13]

3. *Compliance Schedule Progress Report.* The following conditions shall apply to the schedule required under this Section:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such as events including hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to in this Section shall exceed 9 months.

B. The industrial user shall submit a progress report to Springettsbury Township no later than 14 days following each date in the schedule and the final date of compliance, including, as a minimum, whether or not the user complied with the increment of progress, the reason for any delay (and, if appropriate) the steps being taken by the user to return to the established schedule. In no event shall more than 9 months elapse between such progress reports to Springettsbury Township. [Ord. 2002-11-13]

4. *Ninety-Day Compliance Report.* All industrial users subject to categorical pretreatment standards shall submit, within 90 days following the date of final compliance with applicable categorical pretreatment standards, a report containing the information listed in 40 CFR, Part 403.12(b)(4) to (6). Industrial users subject to equivalent mass or concentration limits established in accordance with 40 CFR, Part 403.6(c) must include in the report a reasonable measure of the user's long-term production rate.

5. *Signatory Requirements.* All reports submitted pursuant to requirements outlined in this Part, including but not limited to the baseline monitoring report, the self-monitoring report and the 90-day compliance report, shall be signed by the responsible individual.

6. *Certification Requirements.* All reports referenced in this Section of this Part, as well as industrial user permit applications, submitted pursuant to §18-403 of this Part shall include the following statement:

I certify, under penalty of law, that this document and all attachments

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

7. *Notification of Spills.* All industrial users shall notify Springettsbury Township immediately by phone or in person upon any planned or unplanned discharge of wastes of a strength or character unusual for the discharger or in violation of the discharger's industrial user permit or any other regulations set forth in this Part. This report is to be followed within 10 working days of the day of the occurrence by a detailed written statement sent to the Pretreatment Administrator describing the cause and characteristics of the discharge and measures that are being taken to prevent further similar discharges. Such notification shall not relieve the user from any liability which may be incurred as a result of the discharge. [Ord. 2002-11-13]

8. *Hazardous Waste Discharges.*

A. Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director and the State Hazardous Waste Authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR, 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the industrial user discharges more than 10 kilograms of such wastes per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the waste, an estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.

B. All notifications as required under this Section must take place no later than 180 days after the discharge commences. Any notification under this Section need be submitted only once for each hazardous waste discharged. However, notification of changed discharges must be submitted.

C. Dischargers are exempt from the hazardous waste notification requirements during a calendar month for which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR, 261.30(d) and 261.33(3). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR, 261.30(d) and 261.33(e), require a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous wastes do not require additional notification.

D. In the case of any new regulations under §3001 of RCRA identifying

additional characteristics of hazardous wastes or listing any additional substances as a hazardous waste, the industrial user shall notify the POTW, the EPA Regional Waste Management Waste Division Director and State Hazardous Waste Authorities of the discharge of such substance within 90 days of the effective date of such regulations.

E. In the case of any notification under this Section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

9. *Notice to Employees.* In order that employees of industrial users and significant waste generators be informed of the requirements of this Part, industrial users and significant waste generators shall make available to their employees copies of these regulations and any other wastewater information and notices which maybe furnished by Springettsbury Township directed toward effective water pollution control. A notice shall be furnished by the user and permanently posted in a prominent area on the user's bulletin board explaining proper procedures for spill prevention, containment or neutralization and advising employees who to call in case of an accidental discharge in violation of these regulations. [Ord. 2002-11-13]

10. *Right of Access.* The wastewater treatment facility operatives and other duly authorized employees of Springettsbury Township bearing proper credentials and identification shall be allowed to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Part. Springettsbury Township shall inspect all significant industrial users and all significant waste generators at least once per year. [Ord. 2002-11-13]

11. *Recordkeeping Requirements.* Any industrial user or waste generator subject to reporting requirements shall be required to retain for a minimum of 3 years any records of monitoring activities and results. Springettsbury Township shall retain all reports that it receives from industrial users and waste generators for a minimum of 3 years. Any records of monitoring activities and results shall be made available for inspection and copying by the Pretreatment Administrator or his duly authorized representatives. [Ord. 2002-11-13]

12. *Federal Requirements.* Upon the promulgation of any Federal standards or requirements (including but not limited to Federal categorical pretreatment standards for any particular industrial subcategory), the Federal standards or requirements shall immediately supersede the limitations imposed under this Part if the Federal standards are more stringent than the limitations imposed under this Part. Any industrial user or waste generator which is subject to Federal categorical standards is required to comply with all standards and requirements in accordance with §307 of the Clean Water Act.

13. *State Requirements.* Upon the promulgation of any Pennsylvania State standards or requirements, the State standards or requirements shall immediately supersede the limitations imposed under this Part if the State standards are more stringent than Federal limitations or requirements or the limitations and requirements imposed under this Part.

14. *General Pretreatment Facility Management Requirements.* All users shall install and operate at the user's expense any pretreatment facility that, in the opinion

of Springettsbury Township, is necessary for the proper handling of wastes. Such facilities shall be of a type and capacity approved by Springettsbury Township and shall be located as to be readily and easily accessible for maintenance by the user and for inspection by Springettsbury Township. All plumbing appurtenances and grease trap installations shall conform to the most recent BOCA Code requirements. [Ord. 2002-11-13]

15. *Pretreatment Facility Requirements.* Pretreatment facilities, including but not limited to grease traps, shall be provided by a user when, in the opinion of Springettsbury Township, they are necessary for the proper handling of wastes containing excessive amounts of pollutants. All pretreatment facilities shall be of type and capacity approved by Springettsbury Township and shall be located to be easily accessible for cleaning, inspection and maintenance. Where installed, all pretreatment facilities shall be maintained by the user, at the user's expense, and shall be kept in continuous and efficient operation at all times. [Ord. 2002-11-13]

16. *Repeat Sampling and Reporting.* All wastewater samples must be representative of the user's discharge. If sampling performed by a user indicates a violation, the user must notify the Pretreatment Administrator within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Pretreatment Department within 30 days after becoming aware of the violation. [Ord. 9810-5]

17. If the user is monitoring any pollutant more frequently than required by the Pretreatment Department, the results of this monitoring shall be included in the self-monitoring report (SMR). [Ord. 9810-5]

(Ord. 8412-6, 12/12/1984; as amended by Ord. 931-1, 2/10/1993; by Ord. 9810-5, 10/12/1998; and by Ord. 2002-11-13, 11/11/2002)

§18-407. Fees and Surcharges for Certain User and Industrial Wastes.

1. *Surcharges.* Although the sewage treatment works will be capable of treating certain industrial wastes, the actual treatment of such wastes may increase the cost of operating and maintaining the public sanitary sewage system. Therefore, there shall be imposed upon each person discharging such industrial waste into the public sanitary sewage system a surcharge or surcharges which are intended to cover such additional costs. Such surcharges shall be in addition to the regular sewage service charges set forth in §18-203 of this Chapter and shall be payable as herein provided.

2. *Determination of Surcharges.* The strength of any industrial waste, discharge of which is to be subject to surcharge as determined by this Section, shall be determined quarterly, or more frequently as Springettsbury Township shall determine, from samples taken either at the manhole or metering chamber referred to hereof or at any other sampling point mutually agreed upon by Springettsbury Township and the producer of such waste. The frequency and duration of the sampling period shall be such as, in the opinion of Springettsbury Township, shall permit a reasonably reliable determination of the average composition of such waste, exclusive of stormwater runoff. Samples shall be collected or their collection supervised by a representative of Springettsbury Township and shall be samples that reasonably reflect the characteristics of the waste over a 24-hour period. Except as hereinafter provided, the strength of the waste so found by analysis shall be used for establishing the surcharge or

surcharges. The costs of sample collection and analysis for the purpose of determining surcharge rates shall be established by a resolution of Springettsbury Township. However, Springettsbury Township may, if it so elects, accept the results of routine sampling and analyses by the producer of such wastes in lieu of making its own sampling and analyses. [Ord. 2002-11-13]

3. *Calculation of Surcharges.*

A. In the event that, after sampling and analysis, any industrial waste is found by the Borough to have pollutants or BOD concentration in excess of 300 mg/l and/or total suspended solids concentration in excess of 350 mg/l and/or total phosphate as P concentration in excess of 10 mg/l, the producer of said waste shall pay a strength of waste surcharge in addition to the flat rate of volume charge set forth in §18-203 of this Chapter, which surcharge shall be computed by using the following formula:

$$\text{Factor}(\%) = 60 + \frac{15(\text{BOD}_5 \text{ mg/l})}{300} + \frac{15(\text{TSS mg/l})}{350} + \frac{10(\text{P mg/l})}{10} - 100$$

B. Where the concentration of the waste is less than 300 mg/l for BOD₅ or 350 mg/l for total suspended solids or 10 mg/l for Phosphate as P, the values in parentheses for BOD₅ and/or total suspended solids and/or total phosphate as P shall be equal to 300, 350, and 10, respectively. The amount of the strength of waste surcharge shall be computed by multiplying the flat rate of volume charge, as set forth in §18-203 of this Chapter for collection, transportation and treatment, by the surcharge factor derived above.

4. The strength of waste surcharges provided for in this Section shall be added to the sewage service charge imposed by Springettsbury Township under §18-203 of this Chapter. [Ord. 2002-11-13]

5. *Sampling Fees and Schedules for Significant Industrial Users.* All significant industrial users requiring an industrial user permit shall be assessed a fee for service charge for each scheduled sampling and unscheduled compliance sampling, to be performed by Springettsbury Township. The charge to the significant industrial user for each scheduled sampling shall be such amount as shall be established from time to time by the Township. The charge to the significant industrial user for each unscheduled compliance sampling shall be 120 percent of the cost of each scheduled sampling. [Ord. 2002-11-13]

A. A sampling frequency table shall be on file at the wastewater treatment facility for each significant industrial user and commercial user and shall indicate the number of scheduled samplings that are to be routinely performed by the Township for a certain time period, not including unscheduled compliance samplings. The Township shall sample all significant industrial users and commercial users at least once per year. [Ord. 2003-03-05]

B. The scheduled sampling frequency shall be based on several criteria, including, but not limited to flow, SIC number and historical waste characteristics including past ordinance violations. Periodic reviews of data at least once per year but not more frequently than every 6 months may result in revisions of the table. An unscheduled compliance sample may be collected from any industrial user within 10 working days after Springettsbury Township identifies a violation of any

provision of §18-404.2 or .3 of this Part resulting from any scheduled or unscheduled sampling. [Ord. 2002-11-13]

C. *Sampling Fees and Schedules for Commercial Users.* All commercial users requiring an industrial user permit shall be assessed a fee for service charge for each scheduled sampling and unscheduled compliance sampling to be performed by the Township. The charge to the commercial users for each scheduled sampling shall be set through a resolution by the Springettsbury Township Board of Supervisors. The charge to the commercial user for each unscheduled compliance sampling shall be 120 percent of the cost of each scheduled sampling. [Ord. 2003-03-05]

6. *Other Sampling and Testing Fees.* Springettsbury Township may collect waste samples, make inspections and incur other expenses in order to determine user compliance with applicable rules and regulations and may assess users certain fees for those services in accordance with a schedule of fees established by the Township. [Ord. 2002-11-13]

(Ord. 8412-6, 12/12/1984; as amended by Ord. 931-1, 2/10/1993; by Ord. 2002-11-13, 11/11/2002; and by Ord. 2003-03-05, 3/10/2003)

§18-408. Billing and Collection.

Bills and notices relating to the sewage service charges, fee for service charges and strength of waste surcharges set forth in this division will be mailed or delivered to the property owner's last address or, when proper arrangements have been made with Springettsbury Township, to the user's last address, as shown on the billing books of Springettsbury Township. All such bills shall be due when rendered, and the owners and users shall be jointly and severally liable for the payment of such charges and the penalties prescribed in this division for delinquent payment thereof. The bills shall be payable at the place or places designated on the bills.

(Ord. 8412-6, 12/12/1984; as amended by Ord. 931-1, 2/10/1993; as amended by Ord. 2002-11-13, 11/11/2002)

§18-409. Designation of Compliance Personnel.

1. The Borough hereby names, appoints, and designates the duly named and appointed Pretreatment Administrator of the Township as the Pretreatment Administrator of the Borough.

2. The Borough hereby names, appoints, and designates the operating personnel of the Township wastewater treatment facility as the duly authorized representatives of the Borough to monitor and enforce the provisions of this Part. Such personnel are authorized to sample, collect, test, and analyze wastewater discharges as provided in this Part and to institute in the name of the Borough enforcement and compliance actions as provided for herein.

3. The Borough Council hereby delegates to the Township Pretreatment Administrator and to the township wastewater treatment facility operating personnel such power and authority as shall be necessary or required to do, perform, and carry out the provisions of this Part.

4. In the event that this designation and delegation of administration and enforcement authority to Springettsbury Township is found to be invalid for any reason

whatsoever, the Borough of Red Lion retains the right and authority to administer and enforce each and every provision of this Part and to compel compliance with the same. [Ord. 2002-11-13]

(Ord. 8412-6, 12/12/1984; as amended by Ord. 931-1, 2/10/1993; and by Ord. 2002-11-13, 11/11/2002)

§18-410. Remission of Fees, Fines, and Penalties.

All fees, charges, surcharges, fines, and penalties imposed upon any user in connection with the administration and enforcement of this Part shall upon receipt by the Borough be paid over to the Township; provided, however, that the Borough may deduct and retain therefrom any costs, fees, and administrative expenses whatsoever incurred by the Borough in connection with the administrative or enforcement action resulting in the payment. In order to facilitate the remission of fees, charges, surcharges, fines, and penalties to the Township, the Township shall notify the Borough of each activity involving a user which has or may result in a fee, charge, surcharge, fine, or penalty being paid by such user.

(Ord. 8412-6, 12/12/1984; as amended by Ord. 931-1, 2/10/1993)

Part 5**Holding Tanks****§18-501. Title.**

This Part shall be known and may be cited as the “Red Lion Borough Holding Tank Ordinance.”

(*Ord. 891-3, 1/11/1989*)

§18-502. Definitions.

For the purpose of this Part, the following words shall have the meanings ascribed to them in this Section:

Borough—the Borough of Red Lion, York County, Pennsylvania.

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

- (1) Chemical toilet, which is a toilet using chemicals that discharge to a holding tank.
- (2) Retention tank, which is a holding tank where sewage is conveyed to it by a water carrying system.
- (3) Vault pit privy, which is a holding tank designed to receive sewage where water under pressure is not available.

Holding tank waste—sanitary sewage that is certified by the generator and waste hauler licensed by Springettsbury Township, to originate from normal household functions, and that is stored in such a manner so as not to concentrate said waste to a level of nonfilterable residue exceeding 999 mg/l, the measurement of such total suspended solids being performed by Township staff, and shall include sanitary sewage removed from holding tanks such as, but not limited to chemical toilet wastes, retention tank wastes and vault privy wastes. [*Ord. 2003-03-05*]

Owner—any person vested with ownership, legal or equitable, sole or partial, of any real or personal property.

Person—any individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

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 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.

(*Ord. 891-3, 1/11/1989; as amended by Ord. 2003-03-05, 3/10/2003*)

§18-503. Purposes.

The purpose of this Part is to establish procedures for the use and maintenance of

all holding tanks in the Borough; and it is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety, and welfare of the inhabitants of the Borough.

(*Ord. 891-3, 1/11/1989*)

§18-504. Unpermitted Holding Tanks Prohibited.

No person shall install a holding tank in the Borough or allow a holding tank to be installed on real property owned by him in the Borough, unless a permit for the installation of such holding tank has been issued pursuant to this Part.

(*Ord. 891-3, 1/11/1989*)

§18-505. Application for Permit.

1. Every application for the issuance of a permit pursuant to this Part shall be made, in writing, to the Borough Sewage Enforcement Officer and shall contain such information as he deems necessary to determine whether the permit may be issued. Such information shall include, but not be limited to, the identity of the person who shall be responsible for removing the sewage from the holding tank and the location and owner of the ultimate disposal site for such sewage.

2. The Borough Sewage Enforcement Officer may issue a permit only if it is for:

A. The temporary installation of one or more holding tanks for use at one or more construction sites or places of public gathering or entertainment, and no such site or place will be served by any holding tank for more than nine months during any 12-month period.

B. The permanent installation of one holding tank for the use in connection with an existing dwelling or place of business that the Borough Sewage Enforcement Officer determines cannot be served by an on-site sewage disposal system that conforms with all State laws and rules and regulations issued pursuant thereto.

3. Application for the temporary installation of one or more holding tanks shall be made by the owner of such tank or tanks. Any permit issued as a result of such application shall be effective for 1 year from the date of its issuance. The applicant for such permit shall pay to the Borough at the time such application is made a fee as set from time to time by resolution of the Borough Council, which shall be nonrefundable. [*Ord. 9711-6*]

4. Application for the permanent installation of one holding tank shall be made by the owner of the real property upon which such holding tank is to be installed. At the time such application is made, the applicant shall pay to the Borough a fee as set from time to time by resolution of the Borough Council, which shall be nonrefundable. [*Ord. 9711-6*]

5. The Borough Sewage Enforcement Officer shall not approve any application for any permit if:

A. The person designated on the application as being responsible for the removal of the sewage from the holding tank is not approved by the Pennsylvania Department of Environmental Protection to perform that type of service.

B. The person designated on the application as being the owner of the

ultimate disposal site for the sewage from the holding tank is not approved by the Pennsylvania Department of Environmental Protection to dispose of such sewage at such site.

C. Issuance of the permit does not in all respects comply with all State laws and rules and regulations issued pursuant thereto.

(*Ord. 891-3, 1/11/1989; as amended by Ord. 9711-6, 11/12/1997, §163-54*)

§18-506. Duties of Permit Holder.

The holder of a permit issued pursuant to this Part shall:

A. Install only such holding tank or tanks as are approved by the Pennsylvania Department of Environmental Protection.

B. Maintain the holding tank in conformance with this Part and all State laws and rules and regulations issued pursuant thereto.

C. Notify the person designated in the permit application as the person responsible for the removal of sewage from the holding tank to remove such sewage as soon as the tank is filled to more than 75 percent of capacity.

D. Allow only the person designated in the permit application as the person responsible for the removal of sewage from the holding tank to remove sewage from the holding tank.

E. File with the Borough within 5 days of the date of pumping receipts or other documentary evidence of the pumping of the holding tank and the disposal of the sewage remove from the holding tank. [*Ord. 9210-8*]

F. Allow the Borough Sewage Enforcement Officer to inspect the holding tank from time to time to determine whether the holder of the permit has installed and is maintaining the holding tank in compliance with this Part and State laws and rules and regulations issued pursuant thereto.

G. Remove the holding tank from the real property on which it has been installed within 10 days after written notice of revocation of the permit for such tank had been posted on such real property.

(*Ord. 891-3, 1/11/1989; as amended by Ord. 9210-8, 10/14/1992*)

§18-507. Duties of Borough.

The Sewage Enforcement Officer of the Borough is charged with the following:

A. Receipt, review and retention of the pumping receipts or other evidence documenting the pumping of all permitted holding tanks.

B. Making not less than an annual inspection of all permitted holding tanks within the Borough and the completion and retention of a written report for each such inspection.

(*Ord. 891-3, 1/11/1989*)

§18-508. Revocation of Permit.

If the Borough Sewage Enforcement Officer determines that a person issued a permit pursuant to this Part has not installed or is not maintaining the holding tank for which such permit was issued in a manner that is in conformance with this Part and

all State laws and rules and regulations issued pursuant thereto, then the Borough Sewage Enforcement Officer shall cause the sewage from such holding tank to be properly disposed of, shall revoke the permit for such holding tank and shall post written notice of such permit revocation on the real property where such tank is located.

(*Ord. 891-3, 1/11/1989*)

§18-509. Abatement of Nuisance.

In addition to any other remedies provided in this Part, any violation of any kind of the provisions of this Part shall constitute a nuisance and may be abated by the Borough by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

(*Ord. 891-3, 1/11/1989*)

§18-510. Violations and Penalties.

Any person violating any of the provisions of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 891-3, 1/11/1989; as amended by Ord. 9711-6, 11/12/1997, §163-59; and by Ord. 2009-09-02, 9/14/2009*)

Part 6**Liquid Wastes****§18-601. Disposal Upon Street or Alley Prohibited.**

It shall be unlawful for any person, firm, or corporation to discharge or throw upon the streets and alleys of Red Lion Borough or any part thereof any wash water, dishwater, saltwater, or any liquid containing any objectionable substance. This Part is not to apply to rainwater from roofs or any part of the property owned by abutting property owners.

(*Ord. 6/5/1931*; as amended by *Ord. 868-6, 8/13/1986*)

§18-602. Violations and Penalties.

Any person violating any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 6/5/1931*; as amended by *Ord. 868-6, 8/13/1986*; by *Ord. 9711-6, 11/12/1997, §176-9*; and by *Ord. 2009-09-02, 9/14/2009*)

