

RED LION MUNICIPAL AUTHORITY

Center Square, P.O. Box 190, Red Lion, Pennsylvania 17356



SEWER SYSTEM RULES AND REGULATIONS



ADOPTED JULY 27, 2011

DISCLAIMER

The Sewer Rules and Regulations of the Red Lion Municipal Authority (the “Authority”) govern and control operation of the Authority’s sewer system and distribution and provision of sewer service to consumers serviced by the Authority. These Rules and Regulations are a part of the contract with each consumer, and every consumer, by taking sewer service agrees to be bound hereby and by the rates adopted from time to time by the Authority.

These Rules and Regulations are not intended to conflict with any local, state, or federal legislation, and are intended to be in compliance with the Pennsylvania Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, 53 P.S. § 301, as amended. If any provision contained herein is held to be invalid, illegal or unenforceable, all other provisions shall nevertheless continue in full force and effect.

All applications, permits or waivers referenced in or required by these Rules and Regulations or by applicable federal, state or local laws or regulations are the sole responsibility of the consumer. These Rules and Regulations are not meant to supersede or replace any existing federal or state laws or regulations regarding public health and safety and all such laws and regulations will remain in full force and effect.

All references to gender in these Rules and Regulations are intended to be gender neutral and whenever used include the corresponding masculine, feminine or neuter forms.

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Red Lion Municipal Authority

Sewer Rules & Regulations

ARTICLE I ADOPTION; EFFECTIVE DATE; DEFINITIONS

Section 1.1. Adoption.

This Authority hereby establishes and adopts the following rules and regulations which shall govern and control operation of the sewer system by the Authority and distribution and supply of sewer service to consumers serviced by the Authority.

Section 1.2. Availability; Acceptance.

A copy of the Sewer Rules and Regulations shall be made available for inspection by any interested parties at any time during regularly scheduled office hours. These rules and regulations are a part of the contract with each customer, and every consumer, by accepting sewer service, agrees to be bound hereby and by the rates adopted from time to time by the Authority.

Section 1.3. Definitions.

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

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 contains business or professional offices and one or more family dwelling units; or which contains business, professional or any other similar type of office or offices.

AUTHORITY - The Red Lion Municipal Authority, a Pennsylvania municipality authority incorporated by the Borough, acting by and through its Board or, in appropriate cases, acting by and through its authorized representatives.

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.

BEST MANAGEMENT PRACTICES or BMP's – Shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices not limited to but including management plans, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BIOCHEMICAL OXYGEN DEMAND (BOD) - The quantity of dissolved oxygen consumed in the biochemical oxidation of the organic matter in sewage under standard

laboratory procedures in five days at 20° C., expressed in milligrams per liter (mg/l). It shall be determined by an acceptable method described in 40 CFR Part 136 and amendments hereto or any method approved by the EPA.

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.

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

CATEGORICAL PRETREATMENT STANDARDS - Pollutant discharge limits promulgated by the EPA in accordance with Section 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).

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.

CLEAN WATER ACT (CWA) - Public Law 92-500, October 18, 1972, 33 *U.S.C.* Section 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; as further amended, from time to time.

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

COMMERCIAL/INDUSTRIAL 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.

COMMERCIAL/INDUSTRIAL DISCHARGE PERMIT - A permit issued to those industrial users that the Authority 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).

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 succeeding to the existing jurisdiction or responsibility of the Department of Environmental Protection.

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.

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.

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.

EQUIVALENT DWELLING UNIT (EDU) - A dwelling consisting of a room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as a separate living quarters by a family or persons living together or by persons living alone. The value of sewage generated by one EDU is, for purposes of this article, 250 gallons per day.

FOOD SERVICE FACILITY OR FACILITY - Shall mean any food service facility which prepared and/or packages food or beverages for sale or consumption, on or off site, with the exception of private residences. Food service facilities shall include, but are not limited to: food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, schools, snack bars, grills, catering services, butchers and all other food service facilities not listed above.

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

GRAB SAMPLE - A sample taken from a waste strewn 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.

GREASE INTERCEPTOR - Shall mean a device located inside or outside a food service facility designed to collect, contain or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity.

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.

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

INDIRECT DISCHARGE OR DISCHARGE - Shall refer to the introduction of pollutants into the Township Wastewater Treatment Facility from a non-domestic source.

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 sewer system that is engaged in any commercial or industrial use.

INDUSTRIAL USER PERMIT - The permit issued to a significant industrial user by the Authority pursuant to Section 5.2(A) of this article.

INDUSTRIAL WASTE - Any liquid, gaseous or waterborne wastes from industrial or commercial establishments or wastes having those characteristics of unacceptable wastes enumerated in this or other Authority resolution that are discharged into the sewer system through direct connection, as distinct from sanitary sewage.

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

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

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.

MULTIPLE DWELLING - Any improved property in which shall be located more than one dwelling unit.

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

NEW SOURCE - Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act, which shall be 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 served by the sewer system.

PASS-THROUGH - Shall mean a discharge, which exits the Wastewater Treatment Facility into the waters of the United States in quantities or concentrations, which, along or in conjunction with other discharges, is a violation of the Wastewater Treatment Facility's NPDES permit, including an increase in the magnitude or duration of a violation.

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.

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”.

PPM - Parts per million, by weight.

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 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 Authority to administer the monitoring and enforcement of industrial waste pretreatment for industrial and commercial contributors of the sewer system 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 REQUIREMENTS - Shall mean any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

PRETREATMENT STANDARD OR STANDARDS - Categorical pretreatment standards and unacceptable wastes and discharges enumerated in Section 5.3(C) of this resolution.

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

REFERENCE - 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.

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; and

(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 - Normal water-carried household and toilet wastes from any improved property, including such groundwater, surface water or stormwater as may be present, 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 Section 5.5 herein.

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

SEWAGE TREATMENT PLANT OR WASTEWATER TREATMENT PLANT - The plant and facilities operated for such purpose by the Township, to which the sewer system is connected.

SEWER - Any pipe or conduit constituting part of the sewer system used or usable for sewage collection purposes.

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 Authority for the collection, transportation and treatment of sanitary sewage and industrial wastes, together with their appurtenances and any additions, extensions or improvements thereto. 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.

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% or more of the average dry weather flow or organic (BOD₅) capacity of the wastewater treatment facility or is found by the Authority, 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) Shall mean any instance of noncompliance with pretreatment requirements (limits, sampling, analysis, reporting and meeting compliance schedules and regulatory deadlines) for which the Industrial User is liable for enforcement, including penalties. The following is the criteria used to determine SNC:

(a) Violations of wastewater discharge limits:

1) Chronic violations. Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit, average limit instantaneous limit in a 6 month period (any magnitude of exceedence) of a pretreatment standard or requirement.

2) Technical Review Criteria (TRC) violations. Thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit, average limit, or instantaneous limit by more than the TRC in a 6 month period (any magnitude of exceedence) of a pretreatment standard or requirement.

(i) The multiplier for BOD, TSS, fats, oils and grease is 1.4.

(ii) The multiplier for all other pollutants (except pH) is 1.2.

3) Any other violation(s) of an effluent limit average, daily maximum or instantaneous limit that the control Authority believes has caused, alone or in

combination with other discharges, Interference or Pass-through or endanger the health of Borough 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 45 days from the due date.

(d) Failure to accurately report noncompliance.

(e) Any other violation or group of violations that the Borough 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 compliance, list the industrial user in the largest daily newspaper as having significant violations and address SNC through appropriate enforcement action that may include administrative fines or document in a timely manner the reasons for withholding enforcement.

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.

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.

STREET - Includes any street, road, lane, court, alley or public square.

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.

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.

TOXIC SUBSTANCE - Any poisonous substance, including copper, cyanide and chromium ions.

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 Section 5.4 herein and in accordance with Section 5.5 herein.

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

WASTE - To any sewage discharged to the sewer system.

WASTEWATER TREATMENT FACILITY — The wastewater treatment plant, including all machinery, equipment, land, buildings and appurtenant facilities operated by or on behalf of the Township.

WATER SYSTEM - The facilities owned by the Authority for the supply of water to the public.

ARTICLE II CONNECTIONS

Section 2.1. Connection required; time limit.

(A) The owner of any improved property who may be required by law to connect such improved property with any part of the sewer system, in such manner as may required by appropriate ordinance of the Borough or other municipality, within 60 days after notice to such owner from the Authority, the Borough or such other municipality 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 the Authority, from time to time.

(B) All sewer lines shall be installed in accordance with the detailed construction and material specifications and standards of the Authority in effect at the time of installation. All such construction and material specifications and standards of the Authority are incorporated herein by reference and made a part of these rules and regulations.

Section 2.2. 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 Section 2.1, shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein, or as otherwise shall be established by the Authority from time to time.

Section 2.3. 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 served or required to be served by any portion of the sewer system, sanitary sewage or industrial wastes in violation of Section 2.2. No person shall discharge or permit to be discharged to any natural outlet any sanitary sewage or industrial wastes in violation of Section 2.2, except where suitable treatment has been provided which is satisfactory to the Authority.

Section 2.4. 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 Section 2.1 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 the Authority, shall be cleansed and filled under the direction and supervision of the Authority; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by the Authority, 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.

Section 2.5. Sewage receptacles prohibited.

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

Section 2.6. Notice to connect.

The notice by the Authority, the Borough or another municipality to make a connection to a sewer, referred to in Section 2.1, shall consist of a written or printed document requiring the connection in accordance with the provisions of this resolution 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.

Section 2.7. 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 the Authority. The fee for said permit shall be established by the Authority from time to time.

Section 2.8. Application for permit.

Application for a permit required under Section 2.7 shall be made by the owner of the improved property to be served.

Section 2.9. 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 designated representative of the Authority of the desire and intention to connect to a sewer.
- (B) Such person shall have applied for and obtained a permit as required by Section 2.7.
- (C) Such person shall have given the designated representative of the Authority at least 24 hours notice of the time when such connection will be made so that the Authority may supervise and inspect the work of connection and necessary testing.
- (D) Such person shall have paid in full any tapping fee charged and imposed by the Authority against the owner of each improved property who connects such improved property to a sewer.

Section 2.10. Independent connections required; exception.

Except as otherwise provided in this section, each improved property shall be connected separately and independently to the sewer system 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 written permission of the Authority has been secured and subject to such rules, regulations and conditions as may be prescribed by the Authority. No person owning any premises connected with the sewer system or tenant of such premises connected with the sewer system or tenant of such premises shall permit another person or persons to use or connect with the service line, except upon written permission from the Authority.

Section 2.11. Cost responsibility; Nonliability of Borough and Authority.

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 the Authority, the Borough or other host municipality 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.

Section 2.12. Lateral connections.

A building sewer shall be connected to a sewer at the place designated by the Authority 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. All laterals shall have a minimum cover of 36 inches.

Section 2.13. Failure to connect after notice.

If the owner of any improved property required to connect to the sewer system, after 60 days' notice in accordance with Section 2.1, shall fail to connect such improved property as required, the Authority, the Borough or other host municipality 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.

Section 2.14. 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.

Section 2.15. Inspection and approval of installation.

No building sewer shall be covered until it has been inspected and approved by the Authority. 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.

Section 2.16. 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.

Section 2.17. Common building sewer.

(A) Common building sewers are only allowed across lands under the same ownership.

(B) Common trenches are permitted, provided separate building sewer piping is installed. Building sewers shall have a minimum of 4 inches of horizontal separation. Building sewers shall be installed on lands of each respective property owner or within a recorded right-of-way or easement. Evidence of such a document shall be presented when making an application for permit.

(C) Property owners shall be required to advise the existence of common building sewer piping and/or common trenches to any new purchaser prior to sale, transfer or subdivision of a property. The Authority shall not be held responsible for disputes which may arise as a result of use of common building sewers and/or common trenches. Subdivision plans, deeds and/or sales agreements shall be utilized to adequately protect the interest of all property owners involved.

Section 2.18. Contractor Registration.

(A) Contractors performing work on the sewer system shall be subject to registration. Only those persons having the experience and equipment required for this work shall be eligible for registration.

(B) Persons desiring registration to perform work on the sewer system must apply to the Authority Offices, present their qualifications, past experience, record their place of business and any other required information. Upon acceptance, their names will be inscribed on a registry. No registration fee will be charged by the Authority nor will the Authority issue any licenses or certificates.

(C) Evidence of failure to comply with these rules and regulations, by any contractor or registrant, will bar such contractor from future registration or open such registrant to removal of his name from the registry list which will automatically exclude him from doing any future work on the sewer system.

Section 2.19. Excavations; restoration of surfaces.

The property owner shall be solely responsible for the means, methods, techniques, sequences, procedures for constructing the building sewer and for the safety and protection of the public thereof. 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, within 90 days after a plumbing permit is secured. Upon written request, time extensions or waivers will be reviewed and granted by the Authority on a case by case basis.

Section 2.20. Remedy of unsatisfactory conditions.

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

**ARTICLE III
Rents and Charges**

Section 3.1. Sewer rentals or charges.

(A) 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.

(B) When, in the opinion of the Authority, the rates, rules and regulations do not apply to a particular consumer, the Authority reserves the right to make a special contract, if it is in the best interest of the Authority.

Section 3.2. Computation of sewer rentals or charges.

(A) Metered service.

(1) Except upon special written permission granted by the Authority 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.

(2) Except as otherwise provided herein, 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 article, where the volume of water usage shall be metered, whether by the Authority in connection with the water system or otherwise.

(3) 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 herein.

(4) In either of the foregoing cases, such sewer rentals or charges shall be computed in accordance with a metered rate schedule, subject, however, to the minimum sewer rentals or charges provided herein, as established from time to time by resolution of the board of the Authority.

(B) 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 Authority in connection with the water system or otherwise and when the actual volume of discharge shall not be metered as permitted herein shall be as set forth from time to time by resolution of the Authority board, the same constituting the minimum sewer rental or charge.

(C) Multiple dwellings.

(1) 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.

(2) Where the Authority 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:

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

(b) The metered rate schedule for computing sewer rentals or charges established under Section 3.2 shall be applied to the resultant quotient; and

(c) 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.

Section 3.3. Time and method of payment.

(A) Billing date. Sewer rentals or charges imposed hereunder shall be payable monthly. Consumers with water and sewer service from the Authority will be invoiced for both services on the same bill. Billing and payment for sewer service will be governed by the same rules and regulations applicable to billing and payment for water service.

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

Section 3.4. Liens.

Sewer rentals or charges imposed herein 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.

Section 3.5. Measuring volume of sanitary sewage and industrial wastes.

(A) Methods of measuring volume.

(1) 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 article.

(2) 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 article.

(3) Whenever an institutional or industrial use or establishment 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:

(a) 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.

(b) 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.

(c) If it is not practical, in the opinion of the Authority, to install a meter or other measuring device to determine continuously the volume not discharged into the sewer system, the Authority shall determine, in such manner and by such method as it may prescribe, the percentage of metered water which is being discharged into the sewer system. The quantity of water used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges shall be the percentage so determined of the quantity measured by the water meter or meters. Any dispute as to such estimated percentage shall be submitted to the Authority after notice of such estimate. The decision of the Authority with respect to the matter shall be final for the then-current calendar year.

(B) Measuring devices. Meters or other measuring devices shall not be owned by the Authority in connection with the water system but shall be required or permitted under provisions of this article and shall be furnished and installed by the owner of the improved property at his expense, and shall be under the control of the Authority and may be tested, inspected or repaired by the Authority 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 Authority, 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.

(C) Meter readings. The Authority shall undertake the reading of all meters or other measuring devices and the same shall be available to the Authority at all reasonable times

Section 3.6. Right of access.

The Authority 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 Authority through the sewer system. The Authority may make reasonable charges for such inspections to users of the sewer system.

Section 3.7. 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 article.

Section 3.8. Termination of service.

Upon failure of any consumer or owner to comply with these rules and regulations or upon termination of sewer service for any reason, the Authority may discontinue sewer service by shutting off the supply of water at the curb stop or by removal of the meter and capping of the line at the expense of the owner. Turn-on rates for water service shall apply in such cases before service will be restored. In the case of the owner not being the ultimate consumer, disconnection of water service must be in accordance with the Utility Service Consumers & Tenants Act, 68 P.S. § 399.1, *et seq.* Termination of water service shall further be regulated by these rules and regulations as follows:

(A) A violation notice shall be mailed to the consumer and owner specifying the violation, notifying the consumer that the violation must be remedied within 10 days or, if the consumer fails to remedy the violation, water service will be terminated 5 days thereafter.

(B) Failure to make payment for a water and sewer service bill on the due date shall be deemed a notice of violation as of the due date and thereafter the Authority will follow the water termination procedures set forth in the rules and regulations for water service.

(C) If water service is terminated, it shall not be restored until all water and sewer bill delinquencies, interest, penalties and turn-on fees are paid in full, or until reasonable assurance is provided that the consumer will comply with the rules and regulations, as the violation may apply. Charges and fees for water service turn-on shall be the same as set forth in the rules and regulations for water service.

**ARTICLE IV
REGULATION OF SEWER SERVICE**

Section 4.1. Drains to be adequate.

It shall be the duty of every person owning or constructing any drain, soil pipe, passage or connection between a sewer, and any ground, building or establishment served thereby, as well as every person owning or in control or in possession of any such ground, building or establishment, to cause and require such drain, soil pipe, passage or connection to be adequate for its purpose and such that all material entering the same shall at all times pass freely through the same.

Section 4.2. Grease interceptors.

A grease interceptor shall be installed in the waste line leading from the sinks, drains or other fixtures in the following establishments, when in the judgment of the Authority, a hazard exists: restaurants, hotel kitchens, bars, factory, school, social or other cafeterias or restaurants, clubs or other establishments where grease can be introduced into the drainage system in quantities that can effect line stoppage or hinder sewage disposal.

Section 4.3. Public garages and service stations.

Every public garage, service station or other structure for the housing, sale, servicing or repair of motor vehicles shall be provided with a proper means for draining the floors or pits. They shall have a special connection discharging through an intercepting trap, located under the direction of the Authority. Such trap shall be so arranged as to intercept all oil, gasoline, or other flammable fluids, sand, silt and other solids for the purpose of excluding the same from the sewage system. Such trap shall be water tight, so located as to be easily accessible for cleaning and inspection, provided with a suitable manhole frame and cover, and of a design and capacity approved by the Authority, in advance of installation. Oil, gasoline, or other flammable fluids, sand, silt or other solids shall be regularly removed and promptly disposed of, and the trap shall be maintained to insure the exclusion of such substances from the sewage system.

Section 4.4. Garbage grinders.

Garbage grinders or disposal units may be installed in private residences only, and shall be subject to the approval of the Authority as to the ability of such grinder to properly grind food waste disposed of therein.

Section 4.5. Direct cross-connections prohibited.

No direct cross connections shall be made between the water supply and the plumbing connected to the sewer in such a manner as to permit back-siphonage of sewage in the water supply system.

Section 4.6. Sump pumps.

A sump pump may be connected to the sewer system only under the following conditions:

(i) Only domestic sewage waste originating within the household shall be discharged from the sump.

(ii) The sump shall be constructed with water-tight sides and bottom, and shall admit no ground or surface waters. No pipe shall discharge into the sump which serves to drain ground water under cellar floor slabs or from around foundations.

(iii) Where any sump pump is connected to the sewer it shall be so noted upon the plumbing permit and the Authority shall at all times have the right to inspect the sump, and in the event that waters other than domestic sewage waste are determined to be entering the sump, the Authority shall have the right to order the disconnection of said sump from the sewer and such order shall be immediately carried out.

Section 4.7. Backwater valves.

Where the lowest drain in the building is 6 feet or less from the top of the public sewer main, a backwater valve shall be installed on the down-stream side of all waste lines or drains which empty into the house drain. The exception to this rule will be where the backwater valve can be placed on a drain line which carries waste from all drains within the six foot height separately from drains on a higher level. Provisions shall be made to service the backwater valve in the future.

Section 4.8. Abandoned cess pools.

Abandoned cess pools must be left in a safe condition, preferably by filling with compacted material. Where service lines pass over cess pools, they shall be bridged with a full length of ductile iron pipe (not less than 16 feet). The ends of the pipe are to be firmly bedded on both sides of the cess pool to secure firm bearing in order to develop the full flexural strength of the pipe.

Section 4.9. Inspection.

Upon completion of each connection to the sewer system, the Authority office is to be notified and an appointment made for inspection. Inspections should be arranged for as soon as the work is completed, in order to minimize the chance of cave-ins. Where they do occur, all caved-in material must be removed and required repairs, if any, made to the pipe. All pipes and pipe joints must be visible and accessible to the Authority. If the work is satisfactory, the permit, which must be on hand at the time of the inspection, will be endorsed and returned to the owner.

Section 4.10. Laterals.

Following dedication and acceptance by the Authority, the Authority owns the lateral from the main sewer line to the curb line within the limits of the permanent sewer easement or public right-of-way. All maintenance and repairs of such portion of the lateral, from the time of acceptance on, shall be the responsibility of the Authority. The remaining portion of the lateral, from the curb line or limits of the permanent sewer easement or public right-of-way to the building, shall be owned by the property owner and all maintenance and repairs shall be the responsibility of the property owner. The lateral shall be laid and installed at the expense of the property owner, but shall be subject at all times to the inspection and approval of the Authority or its duly authorized representative who shall have supervision and control over the same.

Section 4.11. Damage to sewer system.

(A) The property owner shall be solely responsible for the means, methods, techniques, sequences, and procedures for constructing the building sewer and for the safety and protection fo the public thereof.

(B) It shall be unlawful for any person to uncover, tap, repair or interfere with any facilities of the sewer system without proper notification to, and authorization of, the Authority.

(C) Sewer lines, owned and maintained by the Authority or the municipality, shall not be tampered with or obstructed in any way which would interfere with proper use.

(D) During construction of any private dwelling, building, street or during any excavation work, if a pipe line owned by the Authority should be uncovered, the Authority shall be notified immediately; the person so acting shall be responsible for any damage resulting from such work, either physical damage, or damage due to freezing of the pipe line.

Section 4.12. Interference with easements.

(A) It shall be unlawful for any person to encroach, impair, obstruct or otherwise interfere with any easement of the Authority without proper notification to, and written authorization of, the Authority.

(B) It shall be unlawful for any person to construct any improvements or perform any excavation or other construction work in an easement of the Authority without first submitting a plan detailing the work to the Authority. The Authority will review the plan and issue a written determination whether the proposed work may proceed, along with any conditions deemed necessary by the Authority. Any person performing any work shall be responsible for any damage to any facilities of the sewer system resulting from such work.

(C) The Authority may take any actions permitted under these rules and regulations or at law to remedy a violation of this section, including, without limitation, entry upon the property to remove obstructions and the entry of a municipal lien on the property for the costs of such removal.

Section 4.13. Standard methods and procedures for sewer extensions.

(A) Plan Submission and Approval. Any person desiring to construct a sewer extension shall submit a signed Sewer Extension Agreement, along with an application fee, to the Authority. Forms for the Sewer Extension Agreement may be obtained from the Authority Office. All plans for sewer extensions must be approved by the Authority before any construction may begin. The Authority may from time to time adopt or amend by resolution policies and procedures for the review and approval of plans.

(B) Rights-of-Way. Sewer extensions may only be constructed across permanent sewer easements or rights-of-way conveyed to the Authority. All permanent sewer easements or rights-of-way necessary for construction of a sewer extension must be obtained before any construction may begin. Permanent sewer easements or rights-of-way will be of the nature and width prescribed by the Authority Engineer for the construction, maintenance, repair and placement of water lines and appurtenant facilities, including, but not limited to valves, valve boxes, manholes and service lines. Developer must also obtain any temporary easements necessary for the construction and installation of the sewer extension.

(C) Financial Security. The Authority may require the developer to post financial security in the amount and of the type provided for in the Municipality Authorities Act, 53 Pa.C.S. § 5607(d)(23) to insure the completion in accordance with the approved plan and with the rules and regulations of the authority of any water mains or sanitary sewer lines, or both, and related apparatus and facilities, required to be installed by the developer under the approved plan, provided, however, the developer agrees that the portion of the financial security posted for construction of the water main extension will not be reduced or released without prior inspection and approval of the Authority.

(D) Final Inspection and Dedication.

(1) After completion of construction, the developer will submit a signed Acceptance Agreement to the Authority. Upon approval of the Acceptance Agreement by the Authority, the sewer extension and all appurtenances shall become the property of the Authority.

(2) Within 45 days after acceptance of the sewer extension by the Authority, the developer must provide the Authority with an “AS BUILT” drawing of the project, signed and sealed by a registered professional engineer. The “AS BUILT” drawing will include electronic mapping data for the project in a GIS-compatible format approved by the Authority.

(3) Upon acceptance of the sewer extension and submission of an acceptable “AS BUILT” drawing, the Authority shall allow the new sewer extension to be placed into service.

(4) The Authority may, at its discretion, supply interim service through the sewer extension if requested, provided, however, that no sewer service provided through

a sewer extension constructed hereunder shall be deemed permanent service until acceptance of the sewer extension and submission of an “AS BUILT” drawing as required in this subsection (e).

(5) The Authority may, as a condition of acceptance of dedication, require posting of financial security to secure the structural integrity of the improvements as well as the functioning of the improvements in accordance with the design and specifications as depicted on the final plan and the Authority’s rules and regulations. The financial security shall be in an amount and duration as provided for in the Municipality Authorities Act, 53 Pa.C.S. § 5607(d)(23).

(E) Costs. All application, permit, recording, engineering, inspection, legal and other Authority expenses incurred for the project are the responsibility of the developer.

(F) Enforcement. A violation of any of the procedures in this Section 4.13 will result in cancellation of water service and subject the developer and any contractor to the enforcement and penalty provisions of these rules and regulations. In the case of a phased development, service may be canceled to all phases of the development, at the discretion of the Authority. A waiver by the Authority of any of the requirements of this Section 4.13 shall not be deemed a waiver of any other requirements described herein.

ARTICLE V COMMERCIAL AND INDUSTRIAL DISCHARGES

Section 5.1. Admission of Waste to Public Sanitary Sewage System.

(A) 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 article. 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.

(B) Harmful Wastes. The Authority 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 Authority board or its designated representative.

(C) 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:

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

(2) Mechanical action that will destroy any sewer system structures.

(3) Restriction of the hydraulic capacity of any sewer system structures.

(4) Restriction of the normal inspection or maintenance of any sewer system structures.

(5) Danger to public health and safety.

(6) Obnoxious conditions inimical to the public interest.

Section 5.2. Licenses and Permits.

(A) Industrial User Permits.

(1) All industrial users proposing to contribute to the public sanitary sewage system shall make application for an industrial user permit. All existing significant industrial users contributing to the public sanitary sewage system at the time of the adoption of this article shall obtain an industrial user permit within 90 days after the effective date of this article. The users required to apply for an industrial user permit shall complete and file with the Township an industrial user permit application form approved by the Township, accompanied by a nonrefundable processing fee to be set through a resolution of the Township. Proposed new industrial users shall apply at least 90 days prior to connecting to or contributing to the public sanitary sewage system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information including, but not limited to:

(a) Name, address, location and phone number.

(b) SIC number according to the *Standard Industrial Classification Manual*, Bureau of the Budget, 1987.

(c) Name of responsible individual.

(d) Wastewater constituents and characteristics, before and after pretreatment, as determined by a reliable analytical laboratory.

(e) Time and duration of contributions.

(f) Average daily wastewater flow rates, including daily, monthly and seasonal variations, if any.

(g) Site plans, plumbing plans and details to show all sewers, sewer connections and appurtenances by the site, location and elevation.

(h) Description of activities and plant processes on the premises, including all materials which are or could reasonably be discharged.

(i) Where known, the nature and concentration of any pollutants in the discharge which are limited by the Authority, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards.

(j) If additional pretreatment and/or O&M shall be required to meet the pretreatment standards, the shortest schedule by which the user shall provide such additional pretreatment must be implemented. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(k) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

(l) Any other information as may be deemed by the Authority to be necessary to evaluate the permit application.

(2) The completed application shall be signed by the user's responsible individual whose signature shall be acknowledged before a notary public. The 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, the 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 B of this article.

(B) Commercial/Industrial Discharge Permits. When required by the Township, industrial and commercial users shall obtain a commercial/industrial discharge permit. After reviewing the industrial user permit application form referenced in subsection A of this article, the Township may issue a commercial/industrial discharge permit in accordance with guidelines determined by the Township's representative.

(C) Terms and Conditions of Industrial User Permits.

(1) Industrial user permits shall contain at least the following terms and conditions:

(a) Maximum discharge flow rate.

- (b) Term of permit.
- (c) Statement of non-transferability.
- (d) Definitions.
- (e) Effluent limits, including Best Management Practices (if necessary), based on applicable Pretreatment Standards.
- (f) General limitations.
- (f) Specific limitations.
- (g) Special conditions.
- (h) Self-monitoring and reporting requirements (including sampling, reporting, notification and recordkeeping).
- (i) Notification requirements for slug discharges.
- (j) Statement of applicable civil and criminal penalties.
- (k) Reopener clause.
- (l) Compliance schedules (if required).

(2) Industrial user permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The application must be accompanied by a nonrefundable processing fee as established by a resolution of the Township. The terms and conditions of the permit may be subject to modification by the Authority during the term of the permit to accommodate changing conditions and as local, state and federal laws, rules and regulations are modified or amended or other just cause exists. The user shall be informed of any proposed changes in his permit at least 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.

(D) Terms and Conditions of Commercial/Industrial Discharge Permits.

(1) Commercial/Industrial discharge permits shall contain at least the following terms and conditions:

- (a) Maximum discharge flow rate.

- (b) Term of permit.
- (c) Definitions.
- (d) General limitations.
- (e) Specific limitations.
- (f) Special conditions.
- (g) Annual reporting requirements.
- (h) Reopener clause.

(2) Commercial/Industrial discharge permits shall be issued for a specified time period, not to exceed 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 of the Township. The terms and conditions of the permit may be subject to modification by the Authority during the term of the permit to accommodate changing conditions and as local, state and federal laws, rules and regulations are modified or amended or other just cause exists. The user shall be informed of any proposed 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.

(E) 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 the Township. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit or license.

(F) Permit and License Revocation. Industrial user permits shall be subject to revocation according to the provisions outlined in Section 5.4 of this article. Commercial/industrial discharge permits shall be subject to revocation according to the provisions outlined in Section 5.4 of this article.

(G) Discharge Scheduling. Whenever the Township deems it advantageous to the Authority to have an industrial user discharge its industrial waste into the sanitary sewer system at a rate of flow and at a time of day which shall have a favorable effect upon the operation and maintenance of the sanitary sewer system and the industrial user shall agree to the same, the 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 Authority 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 Authority.

(H) 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.

(I) 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. The Township reserves the right to deny the admission of or to require the pretreatment of all discharges to the public sanitary sewer system.

(J) Indemnification. While performing the necessary work on private properties, the duly authorized representatives or employees of the Township shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the Township representative or employee and the Township shall indemnify the user against loss or damage to its property by the 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.

Section 5.3. Unacceptable Wastes and Discharges.

(A) 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 sewer system.

(B) General Prohibitions. No person shall discharge to public sanitary sewage system any of the following:

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

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

(3) Unpolluted stormwater in any amount.

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

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

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

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

(8) Wastes containing ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, hair, chemical or paint residues, greases, lime, slurry or viscose materials of such character or such quantity that, considering the size of the receiving sewers, may cause an obstruction to the flow or otherwise interfere with the proper and efficient operation of the sewer system.

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

(10) Wastes containing toxic radioactive isotopes.

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

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

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

(14) Any harmful waste as determined from time to time by the Authority or the Township.

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

(16) Pollutants which alone or in combination with other wastes may result in the presence of toxic gasses, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(17) Trucked waste, except at points designated by the Borough.

(18) Any chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives.

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

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

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

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

(4) Wastes containing more than 10 mg/l of free chlorine.

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

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

(7) Wastes that have a BOD₅ or total suspended solids or total phosphate as P or other pollutant concentration that causes interference with the treatment processes.

(8) Wastes having a closed cup flash point of less than 140° F. as determined by a method listed under 40 CFR Part 261.21, and amendments thereto; or wastes that cause the atmosphere above the wastewater discharge at the collection point referenced in Section 5.3 of this article 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.

(9) Any wastes which contain the following substances in solution or suspension in concentration exceeding those presented in the following table:

Maximum Permissible Concentrations

Substance	Daily Composite (mg/l)	Grab Sample (mg/l)
Arsenic (As)	0.75	
Cadmium (Cd)	0.02	

Chromium (Cr)	0.8	
Copper (Cu)	1.4	
Cyanide (total)	N/A	0.70
Lead (Pb)	0.39	
Mercury (Hg)	0.001	
Nickel (Ni)	3.0	
Zinc (Zn)	2.6	
Silver (Ag)	0.31	
Selenium (Se)	1.2	

(D) Individual Control Limits. If the Authority determines that a waste from any significant industrial user poses a unique potential for pass-through or interference due to the quantity or quality of the discharge, the Authority shall place special requirements or limits, in excess of those contained in this article, 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.

(E) When required by the pretreatment administrator, any person discharging to the public sanitary sewage system any industrial wastes, combined industrial wastes, food service facility waste or sanitary sewage, shall install a suitable sampling manhole, a sanitary connection fitting into the service lateral for sampling, 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.

(1) The sampling manhole, sanitary connection fitting, 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 representative at all times. The construction and maintenance of such manholes 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 recording device.

(2) The samples for the determination of unacceptable sanitary sewerage and industrial waste specified in this section shall be as follows:

1. Oil and grease
2. Free chlorine
3. Temperature
4. Closed cup flashpoint
5. pH
6. Total cyanide
7. Phenols

8. 1,1,1, - Trichloroethane
9. Chloroform
10. Trichloroethylene
11. Tetrachloroethylene
12. Toluene
13. Ethylbenzene
14. Benzene
15. Vinyl chloride
16. Carbon tetrachloride shall be by grab sample only

The remaining substances referenced in Subsection C (Specific Prohibitions) shall be by a daily composite sample, except for those parameters listed under Subsection C that may be determined by either a daily composite sample or on a grab sample (subject to the concentrations stated for each type of sample).

(3) 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 C(9) of this section that have daily composite limitations. Monthly limitations shall be based on the arithmetic mean of at least two grab samples taken on separate days within one calendar month for those substances referenced in Subsection C(9) of this section that do not have daily composite limitations.

(4) Waste samples collected to determine compliance with the provisions of this Section 5.3 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 Authority shall determine will provide a representative sample of the discharge, or at any other place mutually agreed upon by the Authority and the user.

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

Section 5.4. Notice of violation, remedies and penalties under this article.

(A) Enforcement Response. Enforcement actions taken by the Township shall be consistent with an enforcement response plan of the Township maintained at the wastewater treatment facility.

(B) Notice of Violation.

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

(2) If required by the 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.

(C) 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 article.

(D) Administrative Fine. Notwithstanding any other section of this article, any user, or waste hauler or waste generator who is found to have violated any provision of this article or an industrial user permit, or a commercial/industrial discharge permit, or an order issued hereunder, or is found to be in significant noncompliance (SNC) may be fined in an amount no less than One Thousand Dollars (\$1,000.00) 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 Township Sewer Fund. The 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 user's property.

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

(2) Anyone assessed an administrative fine shall have 30 days to pay the proposed fine in full or, if the user wishes to contest either the amount of the fine or the fact of the violation, the user must file an appeal of the action. All appeals are to be made pursuant to the instructions included in the notice of administrative fine assessment. Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the fine.

(E) Administrative Order (AD). When the Township finds that a user has violated or continues to violate any provisions of this article, permit or order issued hereunder or any other pretreatment standard or requirement, the 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 the 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.

(F) Injunctive Relief. Whenever a user has violated or continues to violate the provisions of this article, an industrial user permit or a commercial/industrial discharge permit or an order issued hereunder, the pretreatment administrator, through counsel, 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 user. The pretreatment administrator shall have such remedies to collect all fees incurred by the Township as a result of this petition as it has to collect other sewer service charges, including a request for payment of costs and attorney fees as may be authorized by law.

(G) Industrial User Permit Commercial/Industrial Discharge Permit Revocation.

(1) Any industrial user who violates any of the following conditions of this article, 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:

(a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge.

(b) Failure of user to report significant changes in wastewater constituents or characteristics.

(c) Refusal of reasonable access to the user's premises for the purposes of inspection or monitoring.

(d) Violation of the conditions of the permit.

(2) The Township shall not revoke an industrial user permit or commercial/industrial discharge permit without first allowing the noncompliant 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 the Township may require, and pay all delinquent fees, charges and costs occasioned by the violation, in accordance with all conditions set forth in this article and the procedural guidelines recorded and available at the wastewater treatment facility.

(3) 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.

(H) Show Cause Hearing. The Pretreatment Administrator may order any industrial user which causes or contributes to a violation of this article or industrial user permit or commercial/industrial discharge permit or order issued hereunder to show cause why a proposed enforcement action should not be taken. Notice shall be served on the 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.

(I) Emergency Response.

(1) 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 article are initiated against the industrial user.

(2) 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 article.

(J) Criminal Penalties. With or without notice, any person who shall violate the provisions of this article, 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 article continues and is found to be a violation of this article 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 Township Sewer Fund.

(K) Public Notification. The Township shall, at least annually, publish in the largest daily newspaper distributed in the areas serviced by the Township wastewater treatment facility 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.

(L) Civil Penalties and Costs.

(1) Before assessing a civil penalty or costs, the Borough shall provide the violator with a written notice of proposed assessment citing the ordinance provision, permit or regulation violated with an offer to conduct an assessment hearing to evaluate the violation and the amount of the penalty or cost. Said notice shall contain an explanation of the right to a hearing and the right to appeal from the assessment made.

(2) The Township may assign a representative to hold the assessment hearing who will normally be the Township's Director of Wastewater Treatment. In no event shall the Pretreatment Administrator act as the hearing officer.

(3) 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, without good cause shown, fail or refuse to attend, the hearing officer may proceed with the hearing and, if appropriate, assess a civil penalty and/or costs.

(4) A civil penalty may be assessed whether or not the violation was willful. The amount of the penalty shall not be less than One Thousand Dollars (\$1,000.00) per day per violation; provided, however, that any industrial user who shall violate the Township's pretreatment standards and/or the requirements of the Township's approved pretreatment program may be assessed a penalty not to exceed Twenty-five Thousand Dollars (\$25,000.00) per day per violation as provided in the Publicly Owned Treatment Works Penalty Law. In determining the amount of the penalty, the hearing officer shall consider the following:

- (a) The willfulness of the violation.
- (b) Damages to air, water, land, or other natural resources of their user.
- (c) Cost of restoration and abatement.
- (d) Savings resulting to the person in consequence of the violation.
- (e) Deterrence of future violations.
- (f) History of past violations.

(g) Other relevant factors.

(5) 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 this article 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.

(6) A person assessed with a civil penalty or costs pursuant to this article 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. § 751 *et seq.* The notice of appeal and request for hearing shall be filed with the Township 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 the 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 the 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 article shall result in a waiver of all legal rights to appeal the violation or the amount of the penalty and/or costs assessed.

(7) In any case where the Township determines that the violation is of a continuing nature, the 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.

(8) All civil penalties and costs assessed pursuant to this article shall be payable to the 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 the Township and be a lien upon the real property of the violator from the date such amount has been entered and docketed on the judgment index by the Prothonotary of York County.

(M) Fines and Civil Penalties Collected. All fines and civil penalties collected pursuant to this article shall be placed in the Township Sewer Fund, 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 the Township, the Borough or the Authority by the Federal or State governments for violation of pretreatment standards, for costs incurred to investigate and take enforcement actions and for the administration of this article and the Sewer Facilities Act, 35 P.S. § 750.1 *et seq.*

Section 5.5. Reporting requirements.

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

(B) Baseline Monitoring Report.

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

(2) At least 90 days prior to commencement of their discharge, new sources and sources that become industrial users subsequent to the promulgation of an applicable categorical pretreatment standard shall be required to submit to the Authority 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:

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

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

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

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

(e) Measurement of Pollutants. Identify the categorical pretreatment standards applicable to each regulated process. Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required) by the standard or by the Authority 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 Section 5.3.

(f) Certification. A statement reviewed by the industrial user's authorized responsible individual and certified by a qualified professional, indicating whether pretreatment standards are being met on a constant basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(g) Compliance schedule. If additional pretreatment and/or 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 Section 5.4.

(h) All baseline monitoring reports must be signed and certified in accordance with this section of this article.

(C) Compliance Schedule Progress Report. The following conditions shall apply to the schedule required under this section:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such 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.

(2) The industrial user shall submit a progress report to the Authority 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 the Township.

(D) **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.

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

(F) **Certification Requirements.** All reports referenced in this section of this article, as well as industrial user permit applications, submitted pursuant to Section 5.2, shall include the following statement:

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

(G) **Notification of Spills and Sludge Loads.** All users shall notify the Authority immediately by phone or in person upon any planned or unplanned discharge of wastes of a strength or character unusual for the discharger or in violation of the discharger's industrial user permit or any other regulations set forth in this article. This report is to be followed within 10 working days of the day of the occurrence by a detailed written statement sent to the pretreatment administrator describing the cause and characteristics of the discharge and measures that are being taken to prevent further similar discharges. Such notification shall not relieve the user from any liability which may be incurred as a result of the discharge.

(H) **Hazardous Waste Discharges.**

(1) Any 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.

(2) 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.

(3) Dischargers are exempt from the hazardous waste notification requirements during a calendar month for which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(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.

(4) 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 user must notify the POTW, the EPA Regional Waste Management Division Director and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(5) 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.

(I) Notice to Employees. In order to inform employees of industrial users and significant waste generators of the requirements of this article, industrial users and significant waste generators shall make available to their employees copies of these regulations and any other wastewater information and notices which maybe furnished by the Township or Authority 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.

(J) Right of Access. The wastewater treatment facility operatives and other duly authorized employees of the Township or Authority 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 article. The Township shall inspect all significant industrial users and all significant waste generators at least once per year.

(K) Recordkeeping Requirements. Any industrial user or waste generator subject to reporting requirements shall be required to retain any records of monitoring activities, results and

documentation associated with Best Management Practices for a minimum of 3 years. The Authority shall retain all reports that it receives from industrial users and waste generators for a minimum of 3 years. Any record of monitoring activities and results shall be made available for inspection and copying by the pretreatment administrator or his duly authorized representatives.

(L) Federal Requirements. Upon the promulgation of any federal standards or requirements (including, but not limited to, Federal Categorical Pretreatment Standards for any particular industrial subcategory found at 40 CFR Chapter 1, Subchapter N, Parts 405-471), the Federal Standards or requirements shall immediately supersede the limitations imposed under this article if the federal standards are more stringent than the limitations imposed under this article. Any user or waste generator which is subject to federal categorical standards is required to comply with all standards and requirements in accordance with § 307 of the Clean Water Act.

(M) State Requirements. Upon the promulgation of any Pennsylvania state standards or requirements, the state standards or requirements shall immediately supersede the limitations imposed under this article if the state standards are more stringent than federal limitations or requirements or the limitations and requirements imposed under this article.

(N) General Pretreatment Facility Management Requirements. All users shall install and operate at the user's expense any pretreatment facility that, in the opinion of the Township, is necessary for the proper handling of wastes. Such facilities shall be of a type and capacity approved by the Township and shall be located as to be readily and easily accessible for maintenance by the user and for inspection by the Township. All plumbing appurtenances and grease trap installations shall conform to the most recent BOCA Code requirements.

(O) Pretreatment Facility Requirements. Pretreatment facilities, including but not limited to grease traps, shall be provided by a user when, in the opinion of the Township, they are necessary for the proper handling of wastes containing excessive amounts of pollutants. All pretreatment facilities shall be of type and capacity approved by the 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.

(P) 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.

(Q) 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.

(R) Notice of Changed Discharge Requirements. Each user shall notify the Pretreatment Administrator of any planned significant changes to the User's operations or systems which might alter the nature, quality, volume or constitute a slug load, as defined in

Section 1.3 herein, of its wastewater at least 45 days before the change.

Section 5.6. Fees and Surcharges for Certain User and Industrial Wastes.

(A) 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 by a resolution of the Township and shall be payable as herein provided.

(B) 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 the 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 the Township and the producer of such waste. The frequency and duration of the sampling period shall be such as, in the opinion of the 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 the Township or Authority 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 the Township. However, the Township may, if it so elects, accept the results of routine sampling and analyses by the producer of such wastes in lieu of making its own sampling and analyses.

(C) Calculation of Surcharges.

(1) In the event that, after sampling and analysis, any industrial waste is found by the Township 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 herein, which surcharge shall be computed by using the following formula:

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

(2) 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 herein for collection, transportation and treatment, by the surcharge factor derived above.

(D) The strength of waste surcharges provided for in this section shall be added to the sewage service charge imposed by the Township herein.

(E) Sampling Fees and Schedules for Significant Industrial Users. All significant industrial users requiring an industrial user permit shall be assessed a fee for service charge for each scheduled sampling and unscheduled compliance sampling to be performed by the 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.

(1) A sampling frequency table shall be on file at the Township wastewater treatment facility for each significant industrial 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 at least once per year.

(2) The scheduled sampling frequency shall be based on several criteria, including but not limited to flow, SIC number and historical waste characteristics including past ordinance violations. Periodic reviews of data at least once per year but not more frequently than every six months may result in revisions of the table. An unscheduled compliance sample may be collected from any industrial user within 10 working days after the Township identifies a violation of any provision of Section 5.3 of this article resulting from any scheduled or unscheduled sampling.

(3) Sampling Fees and Schedules for Commercial Users. All commercial users requiring an industrial user permit shall be assessed a fee for service charged 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 Township. The charge to the commercial user for each unscheduled compliance sampling shall be 120 percent of the cost of each scheduled sampling.

(F) Other Sampling and Testing Fees. The 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.

Section 5.7. 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 article will be mailed or delivered to the property owner's last address or, when proper arrangements have been made with the Township, to the user's last address, as shown on the billing books of the 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.

Section 5.8. Designation of Compliance Personnel.

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

(B) 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 article. Such personnel are authorized to sample, collect, test and analyze wastewater discharges as provided in this article and to institute in the name of the Borough enforcement and compliance actions as provided for herein.

(C) 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 article.

(D) In the event that this designation and delegation of administration and enforcement authority to the Township is found to be invalid for any reason whatsoever, the Borough retains the right and Authority to administer and enforce each and every provision of this article and to compel compliance with the same.

Section 5.9. Remission of Additional Fees, Fines and Penalties.

All fees, charges, surcharges, fines and penalties imposed upon any user in connection with the administration and enforcement of this article 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.

**ARTICLE VI
Miscellaneous**

Section 6.1. Effective date and applicability.

These rules and regulations shall become effective upon the adoption thereof by the Authority and shall be applicable to all consumers and owners serviced or to be serviced by the Authority.

Section 6.2. Rights reserved by the Authority.

The Authority reserves the right to repeal, amend or modify these rules and regulations, or any part hereof in such manner and at such times as, in the opinion of the Authority shall be necessary or desirable. The Authority may from time to time establish fees and charges not otherwise provided for in these rules and regulations.

Section 6.3. Additional regulations authorized.

The Authority 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 construed as part of these rules and regulations.

Section 6.4. Construction and materials specifications.

All sewer mains, laterals, building sewers and connections to the sewer system shall be constructed and installed in accordance with the Red Lion Municipal Authority rules and regulations and construction and materials specifications currently in existence and as may be amended from time to time hereafter.

Section 6.5. Violations and penalties.

Except as otherwise provided herein, any person who shall violate any provision of this article shall, upon conviction thereof before a Magisterial District Judge, be fined not more than \$1,000 plus attorney fees and costs of prosecution, and in default of payment of such fine and costs be imprisoned for not more than 90 days. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

Section 6.6. Recovery of fines and costs.

Fines and costs imposed under provisions of this resolution shall be enforceable and recoverable in the manner at the time provided by applicable law. All tapping fees, assessments, termination fees, and rates charged hereunder, including all penalties, interest, costs, fines, charges, expenses and fees, including reasonable attorney fees, shall be enforceable as a municipal lien against property in accordance with the "Municipal Claims and Tax Lien Act," 53 P.S. § 7101 et seq., in addition to all other remedies available under these rules and regulations.

Section 6.7. Construction and severability.

In the event any provision, section, sentence, clause or part hereof, shall be held to be invalid, such invalidity shall not effect or impair any remaining provision, section, sentence, clause or part thereof, it being the intention of the Authority that such remainder shall be and shall remain in full force and effect.