

CHAPTER 18

SEWERS AND SEWER DISPOSAL

Part 1

Sewer Regulations

A. Purpose and Objectives.

- §101. Purpose
- §102. Objectives

B. Definitions.

- §111. Definitions

C. General Regulations of Discharges to the Sewer System.

- §121. Regulated Discharges

D. Sewer Rentals, Charges and Fees.

- §131. Purpose
- §132. Sewer Rentals
- §133. Sewage and Industrial Waste Surcharges
- §134. Privately Owned Flow Measuring Devices
- §135. Collection of Sewer Rentals and Charges
- §136. Tapping, Connection and Customer Facility Fees
- §137. Industrial Pretreatment Requirement Fees

E. Sanitary Sewer Service.

- §141. Requirements to Connect to Sewage Collection System
- §142. Application for Permit to Connect to Sewage Collection System
- §143. Construction of Building Sewer to Sewage Collection System
- §144. Additional Connection Regulations
- §145. Ownership, Maintenance and Repair of Connection Sewer

F. Specific Regulation of Industrial Waste Discharges to the Sewer System.

- §151. Discharge Permits
- §152. Compliance Schedule
- §153. Monitoring Facilities, Sampling and Analysis
- §154. Administrative Appeals
- §155. Inspections, Pretreatment Facilities, Changes
- §156. Reports
- §157. Confidential Information
- §158. Enforcement

G. Penalties and Costs.

- §161. Penalties and Costs

H. Additional Resolutions Authorized.

§171. Additional Resolution Authorized

I. Inspection.

§181. Inspection

Part 1

Sewer Regulations

A. Purpose and Objectives.

§101. Purpose. This Part sets forth the following uniform requirements for users of the sewer system and enables the Borough to regulate the use of the sewer system and to comply with the requirements of the Clean Water Act and other applicable State and National laws and regulations. (Ord. 427, 12/28/1993)

§102. Objectives. The objectives of this Part are:

A. To prevent the introduction of pollutants into the sewer system that will cause interference with the operation of the sewage collection system or the sewage treatment plant, or reduce the efficiency or effectiveness of the sewage collection system or sewage treatment plant;

B. To prevent pass through of pollutants, inadequately treated, to the environment.

C. To protect workers and the general public from exposure to toxic or other dangerous substances.

D. To protect the sewer system from damage.

E. To improve the opportunity to recycle or reclaim wastewater or sludge.

F. To provide for the equitable distribution of the cost of operating, maintaining, and administration of the sewer system.

G. To enable the Borough of New Holland to comply with all applicable State and National laws, rules and regulations, including NPDES permit conditions, sludge use and disposal requirements, air quality standards and water quality standards.

H. To comply with the requirements of the contract and lease of sewer system between the Borough and Authority dated February 1, 1987, and the guaranty agreement between the Borough and Authority dated February 1, 1987.

I. To comply with the requirements of an agreement between the Borough of New Holland and the Townships of Earl and East Earl in which the Townships covenant to adopt and enforce ordinances, resolutions, or rules and regulations equal to those established by the Borough of New Holland.

(Ord. 427, 12/28/1993)

B. Definitions.

§111. Definitions. The following words, terms and phrases will hereinafter have the meanings set forth in this Section, unless the context clearly requires a different meaning:

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

APPROVAL AUTHORITY - the Administrator or the Regional Administrator of Region III of the EPA.

AUTHORITY - the New Holland Borough Authority, Lancaster County, Pennsylvania, a municipal authority existing under the laws of the Commonwealth of Pennsylvania.

AUTHORIZED REPRESENTATIVE (OF INDUSTRIAL USER) - an authorized representative of an industrial user may be: (1) A principal executive officer of at least the level of vicepresident, if the industrial user is a corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) A principal executive officer or director having responsibility for the overall operation of the discharging facility if the industrial user is a governmental entity, charitable organization or other such unincorporated entity; (4) A duly authorized representative of the individual designated above in (1), (2) or (3) if such representative is responsible for the overall operation of the facilities from which the discharge originates. If an authorization under clause (4) of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of clause (4) of this subsection must be submitted to the Borough prior to or together with any reports to be signed by an authorized representative.

BIOCHEMICAL OXYGEN DEMAND (BOD) - the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20°) degrees centigrade (sixty-four (64) degrees Fahrenheit) expressed in terms of weight and concentration (milligrams per liter (mg/L)).

BOROUGH - the Borough of New Holland, Lancaster County, Pennsylvania, a municipal corporation existing under the laws of the Commonwealth of Pennsylvania, and the Mayor and Borough Council thereof, its agents and officials.

BOROUGH USERS - any person who contributes, causes or permits the discharge of wastewater from an improved property located in the Borough into the sewer system.

BUILDING SEWER - a sanitary sewer conveying wastewater to the sewage collection system and consisting of the connection sewer and the customer sewer.

BYPASS - the intentional diversion of wastewater from any portion of an industrial user's pretreatment facility.

CATEGORICAL INDUSTRIAL USER - an industrial user subject to categorical standards.

CATEGORICAL STANDARDS - National categorical pretreatment standards.

CERTIFIED PROFESSIONAL - a registered professional engineer under the laws of the State.

CHAIN OF CUSTODY - a record of sample collection indicating the place, date and time of collection and the person collecting the sample. It shall also include a record of each person involved in possession of the sample including the laboratory person who takes final possession of the sample for the purpose of analysis.

CLEAN STREAMS LAW - the Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §§691.1 to 691.702.

COLOR - color of light transmitted through a waste after removal of all suspended matter, including pseudo-colloidal particles, and measured in platinum-cobalt units.

COMBINED WASTE FORMULA - a procedure for calculating discharge concentrations of constituents of industrial waste, as defined in 40 CFR §403.6(e).

COMPLIANCE - adherence to conditions or requirements of this Part, including industrial pretreatment requirements, any written directions issued by the Borough, or any wastewater discharge permit or other permit issued under the provisions of this Part.

COMPLIANCE SCHEDULE - a schedule submitted by an industrial user and approved by the Borough setting forth the time within which an industrial user shall be in compliance with provisions of this Part.

COMPOSITE SAMPLE - a sample composed of individual subsamples taken at regular intervals over a specified period of time. Subsamples may be proportioned by time interval or size according to flow (Flow-proportioned composite sample), or be of equal size and taken at equal time intervals (equal-time composite sample). A composite grab sample is composed of individual grab samples collected and preserved individually and combined for analysis only at the time of analysis.

CONNECTION FEE - a fee as defined and designated as a connection fee as set forth in Act of December 19, 1990, P.L. 1227, No. 203,

Section 1 (53 P.S. §306(B)(t)(1)(i)), or any successor statute or amendment thereto.

CONNECTION SEWER - that part of a building sewer extending from the sewage collection system to the property line of an improved property.

COOLING WATER - the water from any use such as air conditioning, cooling or refrigeration, which does not come into contact with any product, byproduct or waste, and to which the only pollutant added is heat.

CUSTOMER FACILITIES FEE - a fee as defined and designated as a customer facilities fee as set forth in Act of December 19, 1990, P.L. 1227, No. 203, Section 1 (53 P.S. §306(B)(t)(1)(ii)), or any successor statute or amendment thereto.

CUSTOMER SEWER - that part of a building sewer extending from the property line of an improved property to the improved property.

DAILY MAXIMUM - the highest value obtained for samples collected in any calendar day. When used in a limit, the daily maximum is the highest value allowed in any composite sample, or the maximum value allowed as an average of one (1) or more grab samples taken during a calendar day. The daily maximum may also be expressed as the maximum mass allowed to be discharged during any one (1) calendar day.

DISCHARGE, DISCHARGES, or DISCHARGED - the conveyance of any water or wastewater into the sewer system.

DOMESTIC WASTES - normal household wastes from kitchens, water closets, lavatories and laundries, or any waste from a similar source and possessing the same characteristics.

DWELLING UNIT - any room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by persons living alone, excluding, however, college and institutional dormitories.

EPA - the U. S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

EXISTING SOURCE - any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical standards, which categorical standards will be applicable to such source if the categorical standard is thereafter promulgated in accordance with §307 of the Act.

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

GRAB SAMPLE - a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and within a period of fifteen (15) minutes or less.

GROUNDWATER - water which is contained in or passing through the ground.

HAULED WASTE - the liquid and/or solid material from a septic tank, cesspool or similar domestic waste treatment or containment system, or waste from holding tanks such as those found in vessels, chemical toilets, campers or house trailers.

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

INDUSTRIAL PRETREATMENT REQUIREMENTS - the sum of the provisions of this Part, amendments thereto, and any activities authorized by this Part as regards the regulation and control of industrial users.

INDUSTRIAL USER - the owner of any property which discharges industrial waste into the sewer system. [Ord. 453]

INDUSTRIAL WASTE - any solid, liquid or gaseous substance, or form of energy, which is produced as a result, whether directly or indirectly, of any industrial, manufacturing, trade or business process or activity, or in the course of developing, recovering or processing of natural resources and which is discharged into the sewer system; but not cooling water or sanitary sewage. Any wastewater which contains industrial waste and which is discharged from an industrial, manufacturing, trade or business premises is considered industrial waste for the purposes of this Part.

INFECTIOUS WASTE - any substance which is discharged, and which consists of or is contaminated by pathogens or other etiologic agents, and which has not been sterilized, neutralized or otherwise rendered harmless. Infectious waste includes, but is not limited to, contaminated blood, blood products or other bodily fluids (excepting excreta discharged by normal bodily functions); wastes, including excreta, from patient isolation areas; laboratory samples or test materials; animal wastes and bedding; body parts; pathology and autopsy wastes; and glassware, hypodermic needles, surgical instruments and other sharps.

INTERFERENCE - the condition in which a discharge, alone or in conjunction with discharges from other sources:

(1) Inhibits or disrupts the processes or operations of the sewage treatment plant or the sewage collection system, or the processing, use or disposal of sludge; or,

(2) Is a cause of a violation of any requirement of the Borough's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Article 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act, or which results in or increases the severity of a violation of other State or National environmental statutes, rules or regulations.

LOCAL LIMITS - numerical limitations on the concentration, mass or other characteristics of wastes or pollutants discharged, or likely to be discharged, by industrial users, and which are developed by the Borough.

MANHOLE - a structure allowing access from the surface of the ground to a sewer.

MG/L - milligrams per liter; a measure of concentration of water borne substances.

MONTHLY AVERAGE - the arithmetic mean of all daily determinations of concentration made during a calendar month.

NATIONAL CATEGORICAL PRETREATMENT STANDARD - any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §307(b) and (c) of the Act (33 U.S.C. §1317) which applies to a specific category of industrial users. National categorical pretreatment standards are enumerated in 40 CFR, Chapter I, Subchapter N, Parts 405 through 471.

NPDES PERMIT - a permit issued pursuant to §402 of the Act (33 U.S.C. §1342).

NEW SOURCE - any building, structure, facility or other source from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical standards under §307 (c) of the Act which will be applicable to such source if such categorical standards are thereafter promulgated in accordance with that Section. Determination of the applicability of new source standards shall be made as provided in the Act and 40 CFR, §403.3.

NONCOMPLIANCE - not in compliance.

NORMAL PRODUCTION DAY - for the purposes of sampling wastewater, a normal production day is that period of time during which wastewater

is discharged and production, clean-up and other activities that normally produce wastewater or industrial waste are occurring. If a sample is specified to be collected during a normal production day, it should not include aliquots taken during periods that are not representative of normal activities, or during times when wastewater is not being discharged.

OPERATOR - any person having charge, care, control or management of a pretreatment facility for industrial wastes or of a truck or trucks used in the removal, transport or disposal of wastewater or industrial wastes.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of an improved property.

PASS THROUGH - discharge of pollutants by the POTW to the waters of the State, so as to cause or contribute to pollution, either alone or in conjunction with other discharges, or cause or contribute to a violation of the Borough's NPDES permit or an increase in the magnitude or duration of any such violation; or the concentration of pollutants in the sludge so that the end use of the sludge causes or contributes to pollution, harm to the environment or a violation of any State or National sludge disposal regulation, guideline or standard.

PERSON - any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

PH - the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

POLLUTANT - any substance including, but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste, or having certain characteristics such as biochemical oxygen demand, color, pH or toxicity, which, when discharged into water, results in pollution or increases pollution.

POLLUTION - the contamination of any waters of the State such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life; or contamination of the air,

soil or of the environment so as to produce or is likely to produce similar deleterious effects.

POTW - a publicly owned treatment works as defined by §212 of the Act (33 U.S.C. §1292). The term includes the sewage collection system, and the sewage treatment plant.

PRETREATMENT - the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a sewer system. The reduction or alteration can be obtained by physical, chemical or biological process, or by means of other process changes except as prohibited by 40 CFR §403.6(d).

PRETREATMENT COORDINATOR - agent of the Borough designated to administer the industrial pretreatment requirements of this Part.

PRETREATMENT REQUIREMENTS - any substantive or procedural requirement, other than a categorical standard, imposed on an industrial user by §303(b) and (c) of the Act, the State or this Part.

PROHIBITED DISCHARGE - any discharge which is prohibited under §121(4) of this Part.

PROHIBITIVE DISCHARGE STANDARD - any regulation developed under §307(b) and (c) of the Act (33 USC §1317) and 40 CFR §403.5.

QUALIFIED ANALYST - any person who has demonstrated competency in the analysis of wastewater by submission of their generally recognized documentation of competency to the Borough or who is normally employed in the capacity of analyst by a professional analytical laboratory.

REFRIGERATION - maintenance of temperature for storage, preservation of food or as a process of manufacturing.

SANITARY SEWAGE - the normal water-carried domestic wastes from any improved property, but excluding effluent from septic tanks or cess-pools; rain, snow or stormwater; groundwater; or other collected water from roofs, drains or basements.

SANITARY SEWER - a sewer carrying only sanitary sewage or industrial wastes and to which storm, surface or ground waters are not intentionally admitted.

SEWAGE COLLECTION SYSTEM - all facilities owned by the Authority and operated by the Borough, as of any particular time, used or usable for collecting, transporting, pumping and disposing of wastewater, which facilities are connected to and served by the sewage treatment plant.

SEWAGE TREATMENT PLANT - that portion of the sewer system owned by the Authority and operated by the Borough, which is designed to provide

treatment of wastewater and discharge of treated effluent to the environment.

SEWER - a pipe or conduit for conveying wastewater or stormwater.

SEWER SYSTEM - the sewage collection system, sewage treatment plant and any sewers that convey wastewater to the sewage treatment plant. For the purposes of this Part, "sewer system" shall also include any sewers that convey wastewater to the sewage treatment plant from persons who are, by contract or agreement with the Authority and/or Borough, users of the sewer system.

SHALL is mandatory: MAY is permissive.

SIGNIFICANT INDUSTRIAL USER - an industrial user who (1) has a discharge flow of twenty-five thousand (25,000) gallons or more of industrial waste per average work day; (2) discharges an organic load, in pounds of BOD per average work day, of five (5) percent or more of the average daily organic loading of the sewage treatment plant; (3) is regulated by categorical standards; or (4) is determined by the Borough to have the potential of adversely affecting the operation of the POTW, causing interference or pass through, or of violating any pretreatment requirement.

SIGNIFICANT NONCOMPLIANCE - a noncompliance which meets or exceeds standards of significant noncompliance determined by the Borough and contained in this Part.

SIGNIFICANT VIOLATOR - any industrial user in significant noncompliance.

SLUG or SLUG LOAD - any prohibited discharge.

SPILL - any discharge of a nonroutine, episodic nature including, but not limited to, an accidental spill or a noncustomary batch discharge, or the control or cleanup activities associated with such an occurrence; an accidental spill may result from the spilling, overflowing, rupture or leakage of any storage, process or transfer container.

SPCC PLAN - a spill prevention, control and countermeasure plan prepared by an industrial user to minimize the likelihood and intensity of a slug load or spill and to expedite control and cleanup activities should a slug load or spill occur.

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

STANDARD METHODS - the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the Water Pollution

Control Federation (Water Environment Federation), the American Public Health Association and the American Waterworks Association.

STATE - Commonwealth of Pennsylvania.

STORMWATER - any flow of water occurring during or following any form of natural precipitation and resulting therefrom.

STORM SEWER - a sewer designed and constructed for the purpose of carrying stormwater, and to which sanitary sewage or industrial wastes are not intentionally admitted. Stormwater sewers are not part of the sewage collection system.

SUBDIVISION ORDINANCE - the Subdivision, Land Development and Public Improvements Ordinance, as adopted by the Borough on April 3, 1990 [Chapter 22], and as may be amended from time to time.

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

SUPERINTENDENT - the person designated by the Borough to supervise the operation of the sewage treatment plant and monitor flows in the sewage collection system, or his duly authorized representative.

TAPPING FEE - a fee as defined and designated as a tapping fee as set forth in Act of December 19, 1990, P.L. 1227, No. 203, §1 (53 P.S. §306(B)(t)(1)(iii)), or any successor statute or amendment thereto.

TOTAL SOLIDS - the sum of the dissolved and undissolved solid constituents of water or wastewater.

TOTAL TOXIC ORGANICS - the sum of all quantifiable values of various organic pollutants as determined by the Borough or, for certain categorical industrial users, as defined in the applicable categorical standard.

TOXIC ORGANIC MANAGEMENT PLAN - a plan submitted in lieu of testing for total toxic organics in which an industrial user specifies methods of control to assure that total toxic organics do not routinely enter the sewer system.

TOXIC POLLUTANTS - any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of §307(a) of the Act, or other acts, or is present in sufficient quantity, either singly or in combination with other wastewater, so as to present risk of causing interference or pass through, causing harm to humans, animals or plants, or creating a hazard to persons or property, either in the sewage collection system, the sewage treatment plant or the environment into which it is released.

UNAUTHORIZED DISCHARGE - discharge of an unauthorized waste, or a discharge which otherwise is not in compliance with the requirements of this Part.

UNAUTHORIZED WASTE - any substance which is discharged into the sewage collection system which is not in compliance with the provisions of this Part.

USER - any person who contributes, causes or permits the discharge of wastewater into the sewer system, including the owner of any property from which such discharges occurs. [ord. 453]

WASTEWATER - industrial wastes or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which enters the sewer system.

WATERS OF THE STATE - all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

WASTEWATER DISCHARGE PERMIT - as set forth in this Part.

(Ord. 427, 12/28/1993; as amended by Ord. 453, 4/7/1998, §§1,2)

C. General Regulation of Discharges to the Sewer System.

§121. Regulated Discharges.

1. Discharge of Stormwaters. No person shall discharge or cause or permit to be discharged any stormwater, surface water, groundwater, roofwater, subsurface drainage, building foundation drainage or water leaking or flowing into any basement or structure as a result of rain, snow melt or any other cause, by any means whatsoever, including the use of any sump pump, into any sanitary sewer, or any building sewer connected to the sewage collection system. The Borough shall have the right to require any sump pump connected to any building sewer to be disconnected, and shall have the right to inspect all improved property to determine the existence of any such prohibited connection or discharge. [Ord. 446]

2. Storm Sewers. No person shall, at any time, discharge any wastewater, sanitary sewage or industrial waste into any storm sewer of the Borough; nor shall any person construct or utilize existing private storm sewers for such purposes.

3. Discharge Limitations. No improved property nor industrial user shall discharge sewage and/or industrial waste, directly or indirectly, into the sewer system, subject to the provisions of this Part, which contains pollutants in excess of the limits as follows:

<u>Pollutant</u>	<u>Limit (mg/L)</u>
A. Biochemical Oxygen Demand (BOD)	240
B. Total Suspended Solids	260
C. Total Phosphorus, as P	10
D. Ammonia-Nitrogen, as N	25

[Ord. 434]

4. Prohibited Discharges. No user shall discharge or cause to be discharged, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the sewer system. These general prohibitions apply to all users whether or not the users are subject to categorical standards or any other pretreatment requirements. No user may discharge any of the following substances to the sewer system:

A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewer system or to the operation of the sewer system. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter. At no time shall the closed cup flashpoint of the wastewater be less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Centigrade). Prohibited materials include, but are not limited to, the following

substances in concentrations which cause exceedance of the above standard: gasoline, kerosene, naphtha, benzene, ethers, alcohols, peroxides, chlorates, perchlorates, bromates and carbides.

B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the sewer system, such as, but not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

C. Any wastewater having a pH less than six (6.0) or higher than nine (9.0), or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the sewer system.

D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other constituents of the wastewater, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the sewage treatment plant, or to exceed the limitation set forth in an applicable categorical standard.

E. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other substances normally present in the sewer system are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewer system for maintenance and repair.

F. Any substance which results in the formation or release of toxic gasses, vapors or fumes in a quantity that may cause acute worker health and safety problems.

G. Any petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through. [Ord. 434]

H. Fats, oils, greases or waxes of animal or vegetable origin in amounts which exceed one hundred (100) mg/L.

I. Any substance which may cause the sewage treatment plant's effluent or any other product of the sewage treatment plant such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the sewer system cause the sewage treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method being used.

J. Any substance which will cause the Borough to violate its NPDES and/or State Water Quality Management Permit or applicable receiving water quality standards.

K. Any wastewater with objectionable color which will pass through the sewage treatment plant, such as, but not limited to, dye wastes and vegetable tanning solutions.

L. Any wastewater having a temperature which will inhibit biological activity in the sewage treatment plant resulting in interference, but in no case wastewater with a temperature at the discharge into the sewer system which exceeds forty (40°)degrees C. (one hundred four (104°) degrees F).

M. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the sewage treatment plant or interfere with the operation of the sewer system.

N. Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the Borough or applicable State or National regulations.

O. Any trucked wastewater or pollutants or hauled waste except those discharged at points designated by the Borough.

P. Any wastewater which is incompatible with treatment processes in use at the sewage treatment plant so as to cause or contribute to interference or pass through.

Q. Any wastewater containing any compounds or salts of aldrin, dieldrin, endrin, lindane, methoxychlor, toxaphene, dichlorophenoxyacetic acid, trichloro-phenoxypropionic acid, or other persistent herbicides, pesticides or rodenticides.

R. Any infectious waste.

5. Unauthorized Discharges. Discharge of any prohibited substance listed under subsection (4) this Section shall be considered an unauthorized discharge and the Borough may take whatever steps are necessary to halt such a discharge, as set forth in this Part.

6. Categorical Standards. If the categorical standards for a particular industrial user are more stringent than local limits or other requirements imposed under this Part, then the categorical standards shall apply. The Borough shall notify in writing all affected industrial users of the applicable reporting requirements under 40 CFR §403.12. The National Categorical Pretreatment Standards are hereby incorporated into this Part as requirements for those industrial users subject to such categorical standards.

7. State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than

National requirements and limitations or those established under this Part.

8. Local Limits. The Borough may establish and review, from time to time, local limits regulating the discharge of specific pollutants by industrial users.

A. Local limits may be established for any substance which is discharged, or is likely to be discharged, to the sewer system.

B. Local limits may limit concentration, mass or a combination of the two (2).

C. The procedure for the calculation of local limits should be as recommended by the approval authority.

D. Local limits may be calculated to prevent interference; pass through; the discharge of toxic materials in toxic amounts; threats to worker health and safety; and physical, chemical or biological damage to the sewer system.

E. Local limits may be applied to all significant industrial users and may be included in all wastewater discharge permits. Local limits may be applied to other industrial users if deemed appropriate by the Borough.

F. Discharging any pollutant in excess of a local limit established for that pollutant shall constitute an unauthorized discharge. Such a discharge is subject to the actions and penalties set forth herein.

G. Discharge of any pollutants prior to the establishment of any local limits shall not give any industrial user any rights to continue such discharge in violation of the local limits.

9. Prohibition on Dilution. No industrial user shall, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in applicable categorical standards, or in any other pollutant-specific limitation, including local limits, developed by the Borough or State.

10. Slug Loads and Spills. Each industrial user shall provide protection from spills or accidental discharges that result in unauthorized discharges or slug load discharges. Facilities to prevent spills and slug loads shall be provided and maintained at the owner or industrial user's own cost and expense.

A. Notification. In the case of a spill or slug load or other unauthorized discharge, it is the responsibility of the industrial user to immediately telephone and notify the Borough of the incident. The notification shall include location of discharge, type of waste,

concentration and volume, corrective actions being taken or planned, and expected duration.

B. Notice to Employees. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a spill or other unauthorized discharge. Employers shall insure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

C. Written Notice. Within five (5) days following a spill, slug load, or other unauthorized discharge, the industrial user shall submit to the Borough a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the sewer system, fish kills or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties or other liability which may be imposed by this Part or applicable law.

D. SPCC Plans. The Borough reserves the right to require all industrial users to complete and obtain approval of a spill prevention control and countermeasure (SPCC) Plan, or provide acceptable evidence that such a plan is not necessary for their facility. Such plans shall, at a minimum, contain the elements specified in 40 CFR §403.8(f)(2)(v)(A)-(D). SPCC plans shall be submitted to the Borough for review, and shall be approved by the Borough before implementation of the plan or construction of any required facilities. Review and approval of such plans, facilities and operating procedures by the Borough shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of this Part.

11. Drainage of Water Filtration Systems. Discharge of filter backwash water to the sewer system shall be regulated as follows:

A. Granular media filter backwash water may be discharged to the sewer system, subject to all of the applicable provisions of this Part.

B. Diatomaceous earth filter backwash, if discharged to the sewer system, shall be connected to the sewer system through settling tanks with no less than three (3) months storage capacity of spent diatomaceous earth, which tanks shall be accessible for removing solid waste for disposal.

12. Trucked and Hauled Wastes. No discharge of trucked or hauled wastes to the Borough sewage collection system shall be allowed. No holding tank waste shall be discharged into the Borough sewage collection system. No wastewater may be discharged to the sewer system which has not been produced

or generated on the improved property connected to the sewer system, without the prior express written consent of Borough.

13. Grease and Sand Traps. Grease, oil and sand interceptors or traps shall be provided by a user when the Borough determines that such devices are necessary for the proper handling of wastewaters containing greases, oils or settleable solids. Interceptors and traps shall be installed, operated, maintained and cleaned properly, so that they will consistently remove the grease, oil or settleable solids. Interceptors and traps shall be properly designed to accommodate the maximum flow rate expected to occur, and shall be located as to be readily and easily accessible for cleaning and inspection.

14. Garbage Grinders. The use of mechanical garbage grinders producing a finely divided mass, properly flushed with an ample amount of water, shall be permitted in the kitchen of a dwelling unit. Such devices shall also be permitted in food preparation areas of commercial or industrial establishments upon the registration of each such device with the Borough. Each existing garbage grinder requiring registration shall be registered within thirty (30) days of receipt by the owner thereof from the Borough of the requirement of such registration as set forth herein.

15. Notification Requirements; Hazardous Wastes and Hazardous Substances.

A. All industrial users shall notify the Borough, the EPA Regional Waste Management Division Director, and the Pennsylvania Department of Environmental Resources, Bureau of Waste Management, 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 shall include the name of the hazardous waste, as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month, the notification shall also include the following information, to the extent that it is known and readily available to the industrial user:

(1) An identification of the hazardous constituents contained in the waste;

(2) An estimation of the mass and concentration in the wastewater of all such constituents discharged in the most recent month; and,

(3) An estimate of the mass and concentration of such constituents expected to be discharged during the following twelve (12) months.

B. Industrial users that commence discharge after the effective date of this Part shall submit the report within one hundred eighty (180) days of first discharge of the hazardous waste, except as provided in subsection (D) of this subsection.

C. The required report need be submitted only once for each hazardous waste discharged. Industrial users regulated under categorical standards which have already submitted such information in baseline monitoring reports or periodic compliance reports do not have to report this information again.

D. Industrial users that discharge less than fifteen (15) kilograms of hazardous wastes in a calendar month do not have to comply with these reporting requirements. This exemption does not apply to acute hazardous wastes as specified in 40 CFR §261.30(d) and 261.33(e).

E. An industrial user shall notify the Borough immediately of becoming aware of any discharges of reportable quantities of listed or unlisted hazardous substances, as defined at 40 CFR §302.4 (CERCLA Hazardous Substances). This notification shall include the time of release; the name of the substance; the identifying CAS number, if known; and the approximate quantity discharged. If the discharge constitutes a spill, change in wastewater constituents or slug load, other reporting requirements of this Part may also apply.

F. Each notification required by this Section shall include a statement certifying that the industrial user has a program in place to reduce the volume and/or toxicity of the discharged wastes to the extent that it is economically practical. This statement shall be signed by the authorized representative of the industrial user.

(Ord. 427, 12/28/1993; as amended by Ord. 434, 7/5/1995, §§1,2; and by Ord. 446, 4/1/1997, §1)

D. Sewer Rentals, Charges and Fees

§131. Purpose. The Borough of New Holland currently leases the New Holland sewer system from The New Holland Borough Authority. In accordance with provisions of the lease, the Borough operates the New Holland sewer system and is required to make lease rental payments, including Authority administrative expenses, to the Authority annually. In addition, the Borough is required to provide adequate funds for operation, maintenance and administration costs of the sewer system. In order to provide these necessary funds, the Borough has covenanted to fix, charge and collect sewer rentals, charges and other fees from users of the sewer system. (Ord. 427, 12/28/1993)

§132. Sewer Rentals. There are hereby imposed upon all Borough users of the sewer system the following sewer rentals:

A. Base Rental Charge. A base quarterly sewer rental charge is hereby imposed upon each improved property which discharges to the sewer system; said sewer rental charge consisting of a user charge in the amount of seven dollars and ninety-seven cents (\$7.97), and a nonuser charge in the amount of two dollars and three cents (\$2.03), for a total base quarterly sewer rental charge in the amount of ten dollars (\$10.00).

B. Metered Water Service. A quarterly sewer rental charge is hereby imposed upon each improved property that discharges water into the sewer system and whose water consumption is measured either by a water meter owned by the Borough or by a private water meter owned by the user, said sewer rental charge consisting of a user charge in the amount of five dollars and fifty cents (\$5.50) per one thousand (1,000) gallons of water consumed or used on the property. [Ord. 546]

C. Nonmetered Water Service; Industrial Waste. A quarterly sewer rental charge is hereby imposed upon each industrial user who discharges water into the sewer system and whose water consumption is not metered by the Borough, said sewer rental charge consisting of a user charge in the amount of five dollars and fifty cents (\$5.50) per one thousand (1,000) gallons of wastewater, as measured by a privately owned flow measuring device as described in Chapter 18 (Sewers and Sewage), Part 1D (Sewer Rentals, Charges and Fees), §134 (Privately Owned Flow Measuring Devices), of the New Holland Borough Code of Ordinances. [Ord. 546]

D. Nonmetered Water Service; Sanitary Sewage.

(1) A quarterly sewer rental charge is hereby imposed upon each improved property which receives nonmetered water service from the Borough or the improved property consumes nonmetered private water and discharges either or both into the sewer system; said sewer rental charge consisting of a user charge in the amount of six dollars and ninety-four cents (\$6.94) per employee per quarter, and a nonuser charge in the amount of one dollar and seventy-six cents (\$1.76) per employee per quarter for a total sewer rental charge of eight dollars and seventy cents (\$8.70) per employee per quarter. Calculation of the number of employees shall be based

upon the average number of persons employed per working day during the quarter when sanitary sewage is discharged to the sewer system.

(2) Any improved property, such as a dwelling unit, which does not have any employees, shall be required to purchase and install a private water meter, approved by the Borough, on its private water supply system. The quarterly sewer rental charge shall then be calculated in accordance with §132(2) of this Section.

(Ord. 427, 12/28/1993; as amended by Ord. 429, 11/1/1994, §2; by Ord. 443, 12/3/1996, §1; by Ord. 478, 1/2/2001, §1; by Ord. 530, 4/1/2008, §1; by Ord. 539, 3/2/2010, §1; by Ord. 546, 3/1/2011, §1)

§133. Sewage and Industrial Waste Surcharges. There is hereby imposed upon all owners of property in the Borough the following sewage and industrial waste surcharges: [Ord. 453]

A. Calculation of Surcharge Amount. Any improved property and/or industrial user which discharges sewage and/or industrial waste into the sewer system, which contains pollutants in excess of the limits set forth in §131(3) of subpart (C) of this Part shall pay a strength of waste surcharge, in addition to the applicable sewer rental charge, equal to the sum of one tenth (1/10) of one (1) percent for each milligram per liter (mg/L) by which the said limits for biochemical oxygen demand, total suspended solids, total phosphorus, ammonia-nitrogen and zinc are exceeded. The surcharge shall be applicable to billings for sewer service in accordance with the provisions of §132(2).

B. Determination. In establishing sewage and industrial waste strength for surcharge purposes, an analysis shall be made with procedures outlined in the latest edition of Standard Methods. The strength of sewage and industrial waste to be used for calculating the amount of the surcharge shall be determined at least once annually either:

(1) By suitable sampling and analysis of the sewage or industrial waste for a twenty-four (24) hour period, during which time the strength of the sewage or industrial waste discharged to the sewer system is at a maximum;

(2) From relationship of products produced to strength of industrial waste from those industrial users where such relationships have been established; or

(3) From estimates.

(Ord. 427, 12/28/1993; as amended by Ord. 453, 4/7/1998, §3)

§134. Privately Owned Flow Measuring Devices.

1. Nonmetered Water Service; Industrial Waste. A flow meter or other measuring device shall be installed for the purpose of measuring industrial waste discharged to the sewer system from any improved property receiving nonmetered water service from the Borough.

2. Optional Wastewater Flow Meter. Any owner of an improved property which discharges wastewater to the Borough sewer system may notify the Borough, in writing, of his, her or its desire to have a wastewater flow meter or other measuring device installed and to have the sewer rental charge and surcharges, if applicable, calculated as set forth in subpart D of this Part based upon the flow passing through such wastewater flow meter, or other measuring device rather than the water consumed upon the improved property. The Borough shall have the right to reject any request or application by any owner for use of a wastewater flow meter, if the Borough determines that the wastewater from the improved property is either insufficient for accurate measurements by a wastewater flow meter or of a type inappropriate for measurement by a wastewater flow meter. If at any time after installation, the Borough determines that a wastewater flow meter cannot accurately measure the wastewater discharge, the Borough shall have the right to require removal of such wastewater flow meter.

3. Required Private Water Meter. If the Borough rejects any request or application by any owner for use of a wastewater flow meter as outlined in subsection (2) above, the owner of the improved property shall be required to furnish and install a private water meter, which shall be the property of the owner. If the owner of an improved property fails to install a private water meter, the Borough shall have the right to enter upon the premises of the improved property and install a water meter, the cost of said water meter and installation thereof being paid for by the owner of the improved property.

4. Installation and Maintenance. Prior to the installation of any private water meter, wastewater flow meter or other measuring device described in subsection (1), (2) or (3) above, the owner of said improved property shall submit complete plans, drawings and specifications for each proposed meter or other measuring device to the Borough for its review and approval. Any costs associated with the preparation of the plans, drawings and specifications and the installation of said meter or other measuring devices shall be paid for by the owner of the improved property. All meters or other measuring devices shall be maintained, repaired or replaced at the sole cost of the owner. Upon receipt of a written request from the Borough, but not less than twice a year, the owner of said meter or other measuring devices shall have it inspected, tested and repaired as required, and the results of said inspection, testing and repair submitted to the Borough in writing. The cost of such inspection, testing, and repair should be paid by the owner of the meter. The Borough shall also have the right to observe and record information from said meter or other measuring devices at all reasonable times. Should the owner of an improved property not maintain, repair, replace or test said meter or other measuring device, the Borough may undertake same and bill the owner accordingly.

(Ord. 427, 12/28/1993)

§135. Collection of Sewer Rentals and Charges.

1. Due Date. All sewer rentals and other sewer charges shall be due as of the billing date, as may be established by the Borough.

2. Responsibility for Payment. The owner of a property provided with sewer service shall be liable to the Borough for any sewer rental, rate, charge or surcharge for the sewer service provided to the property of the owner. All contracts for the providing of sewer service to any property shall be with the owner of the property only, and shall not be with any tenant or other occupant thereof. Unless otherwise requested by the owner and approved by the Borough, all bills for sewer service shall be forwarded to the owner of the property served. In the event of any default in payment of any outstanding rental, rate, charge or surcharge for sewer service, the Borough shall have the right to proceed against the owner of the property serviced. Each owner shall provide the Borough with, and continuously shall keep the Borough advised of, his or her correct service and mailing address. The Borough may consider, at its sole discretion, sending the bill for each service to a tenant, upon request from the owner and the tenant. In the event billing to a tenant is approved, the owner shall nevertheless remain ultimately responsible for payment of the entire bill for sewer service provided to the property of the owner, regardless of whether or not the owner received any billings for such service. [Ord. 453]

3. Penalty for Late Payment. In the event of any default in payment of any sewer rental, rate, charge or surcharge within thirty (30) days after the due date of such bill, a penalty of ten (10) percent of the total of such outstanding sewer rental, rate, charge or surcharge will be added to all such amounts due. Every thirty (30) days thereafter an additional penalty in the amount of three (3) percent of the outstanding sewer rental, rate, charge or surcharge are billed, excluding any prior penalties, shall be added to all such amounts due.

4. Liens for Sewer Rentals and Charges. Sewer rentals or charges imposed by this Part shall be a lien on the improved property connected to and served by the sewer system; and any such sewer rentals or charges which are not paid within thirty (30) days after each due date applicable to the particular improved property may 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 Lancaster County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims.

5. Payment of Sewer Rentals and Charges on Vacant or Unoccupied Improved Property. Sewer rental and charges shall accrue and be payable for all periods during which an improved property has its building sewer connected to the Borough sewer system, irrespective of occupancy. Provided, however, that after the improved property has remained vacant and unoccupied for one (1) full quarterly billing period, the Borough may relieve the owner of the improved property from further sewer rental and charges during continuance of vacancy or nonuse, if all water connections and sources from which water is used on the improved property shall be shut off and sealed or

otherwise secured against use during such period to the satisfaction of the Superintendent.

6. Failure to Pay Sewer Rentals and Charges. Upon the failure of any person to pay in full any sewer rental, rate, charge or surcharge within ninety (90) days after the due date for such bill, the Borough shall have the right to terminate water and/or sewer service to the improved property. After payment of all delinquent bills against such improved property, service may be restored upon payment of all expenses which have been incurred by the Borough in terminating and restoring such service.

(Ord. 427, 12/28/1993; as amended by Ord. 453, 4/7/1998, §4)

§136. Tapping, Connection and Customer Facility Fees. The following tapping, connection and customer facility fees are hereby imposed upon all Borough users of the sewer system for each new building sewer connected to the sewage collection system. No person shall connect any dwelling unit and/or improved property to any part of the Borough sewer system without first making application for and securing a permit, in writing, from the Borough, as provided for by the Subdivision Ordinance of the Borough [Chapter 22].

A. Tapping Fee.

(1) Borough shall have the power to establish by resolution adopted by Borough Council a tapping fee upon the owner of each dwelling unit and/or improved property (other than such owner who is subject to contractual or special agreements providing for the payment of certain sums in lieu of a tapping fee) whose building sewer is connected to the sewage collection system, regardless of whether such connection is direct or indirect, including changing the type of use of the improved property previously connected or connecting one (1) or more new uses of the type hereinafter referred to through an existing connection, and regardless of whether such improved property is connected through one (1) or more building sewers or that the building sewer is owned by the Borough or by any owner other than the Borough. The amount of gallons upon which the tapping fee is calculated shall be obtained from §132 of this Part.

(2) Each dwelling unit shall be charged separately, even though two (2) or more dwelling units are or will be connected through one (1) building sewer to the sewage collection system of the Borough. The tapping fee for a dwelling unit shall be based upon the average discharge per dwelling unit per calendar quarter as determined from records of the Borough.

(3) Every other improved property shall be charged a tapping fee based upon the actual or estimated sewage and/or industrial waste flows as determined under §132 of this Part. Whenever actual sewage or wastewater flows exceed estimates, an additional tapping fee shall be charged.

(4) Where any dwelling unit and/or improved property connected to the sewage collection system of the Borough shall be converted, enlarged or remodeled, or additional buildings shall be constructed on the improved property and connected directly or indirectly to the sewage collection system of the Borough, so as to create or establish additional uses as classified in subsection (1) hereof, an additional tapping fee determined in accordance with subsections (2) and (3) hereof for each such additional use shall be payable to the Borough by the owner of said dwelling unit and/or improved property.

B. Connection Fee and Customer Facility Fee. In addition to the tapping fee, the Borough shall have the power, by resolution adopted by Borough Council, to establish and charge a connection fee and/or a customer facility fee. The connection fee shall relate to any costs to the Borough relative to the connection sewer, while the customer facility fee shall relate to any costs to the Borough relative to the customer sewer.

C. Due Date for Tapping, Connection and Customer Facility Fees.

(1) Any tapping fee, connection fee and/or customer facility fee shall be due and payable at the time application is made to the Borough for a permit to connect to the sewage collection system of the Borough, or upon the date any other permit application is made to the Borough to convert, enlarge or remodel any dwelling unit or improved property or for any additional buildings to be constructed on an improved property.

(2) Should any dwelling unit and/or improved property not connect to the sewage collection system of the Borough as required by the Subdivision Ordinance [Chapter 22], then the tapping fee, connection fee and/or customer facility fee is due and payable when said connection is made by the Borough. Any other fees and charges as a result of the Borough making this connection are also due and payable at this time.

(3) Payment of tapping fees, connection fees and/or the customer facility fees charged by the Borough pursuant to this Part shall be enforced by the Borough in any manner appropriate under law at the time in effect.

(4) The Borough reserves the right from time-to-time to adopt modifications of or changes to its tapping fees, connection fees and customer facility fees.

(Ord. 427, 12/28/1993)

§137. Industrial Pretreatment Requirement Fees. In addition to the sewer rental charges, and the tapping, connection, and customer facility fees, the Borough reserves the right to provide for the recovery of costs from industrial users for the implementation of the industrial pretreatment requirements established by this Part. The Borough may by resolution adopt charges and fees to include the following:

A. Industrial Pretreatment Requirement Items. The Borough may adopt charges and fees to include the following:

(1) Fees for reimbursement of costs of setting up and operating the industrial pretreatment requirements.

(2) Fees for monitoring, inspections and surveillance procedures.

(3) Fees for reviewing accidental discharge procedures (SPCC plans and construction.

(4) Fees for wastewater discharge permit applications.

(5) Fees for filing appeals.

(6) Fees for consistent removal (by the sewage treatment plant) of pollutants otherwise subject to categorical standards.

(7) Other fees as the Borough may deem necessary to carry out the requirements contained herein.

(Ord. 427, 12/28/1993)

E. Sanitary Sewer Service.§141. Requirements to Connect to Sewage Collection System.

1. Connection to Existing Sewage Collection System. All owners of improved property in the Borough abutting on, adjoining or possessing an easement or right-of-way for access from such improved property to any street, alley, lane or other public highway in which a sanitary sewer of the sewage collection system now owned by the Authority and leased by it to the Borough has been constructed, shall be required to connect said improved property to the sewage collection system within three (3) months of receiving written notice from the Borough to make such connection.

2. Connection to New or Extension to Sewage Collection System. All owners of improved property in the Borough abutting on, adjoining or possessing an easement or right-of-way for access from such improved property to any street, alley, lane, or other public highway in which a new sanitary sewer and/or an extension to the sewage collection system is constructed shall be required to connect said improved property to the sewage collection system within three (3) months of receiving written notice from the Borough to make such connection.

3. Failure of Improved Property to Connect to Sewage Collection System. If, after the expiration of three (3) months from the date of such written notice to connect, any owner of an improved property abutting on, adjoining or possessing an easement or right-of-way for access from such improved property to any street, alley, lane or other public highway in which there is a sanitary sewer of the sewage collection system, shall have failed to connect therewith as required by subsections (1) or (2) above, the Borough may give such owner forty-five (45) days written notice to make such connection, from the date of receipt of such written notice, and upon failure of such owner to make such connection within said forty-five (45) day period, the Borough may make such connection and collect the cost thereof from such owner by a municipal claim or in an action in assumpsit. The written notice shall be made by either personal service or by certified mail sent to the last known address of said owner.

4. Prohibited Connections.

A. No privy, vault, cesspool, sinkhole, septic tank or similar receptacle shall be maintained at any time upon any improved property which had been connected to the sewage collection system or which shall be required under subsections (1) or (2) above to be connected to the sewage collection system.

B. Upon connection to the sewage collection system, any existing privy, vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Borough, shall be cleansed and filled at the expense of the owner of such improved property and under the direction and supervision of this Borough; and any such privy, vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Borough, cleansed and filled, shall constitute a nuisance and such nuisance may

be abated as provided by law, at the expense of the owner of such improved property.

C. No privy, vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected to the sewage collection system.

D. In the event of the failure by any owner of an improved property to clean and fill any privy, vault, cess pool, sink hole, septic tank or similar receptacle, the Borough may perform such work and collect the costs thereof from such owner by a municipal claim or in an action in assumpsit.

5. Connection of a Double Dwelling Unit. An improved property which is a double dwelling unit shall be connected to the sewage collection system as provided by the Subdivision Ordinance [Chapter 22].

(Ord. 427, 12/28/1993)

§142. Application for Permit to Connect to Sewage Collection System.

1. Application from Improved Property.

A. All owners of improved property in the Borough who receive a written notice to connect to the sewage collection system under §141(1) or (2), shall be required to make an application, on a form furnished by the Borough, for the construction of a building sewer to serve the improved property. Such application shall require, as a minimum, the owner of the improved property to indicate: (a) whether sanitary sewage and/or industrial waste will be discharged through the building sewer; (b) that the owner agrees to pay all lawful charges for sewage and/or industrial waste discharged; (c) that the owner will notify the Borough in writing upon change of owner; (d) and that the building sewer will be in continuous use for at least one (1) year.

B. Owners of improved property who desire to discharge industrial waste through the building sewer into the sewage collection system may also be required to furnish additional information as required by §151(3).

C. The application must also contain any other information as may be required by the Subdivision Ordinance [Chapter 22].

D. The application must be signed by the owner of the improved property, his duly authorized representative and all other persons having interest of record in the improved property.

2. Issuance of Permit. If the information contained on the application described in subsection (1), above, is complete and satisfactory to the Borough, and the appropriate fees as required by §136 of this Part have been paid, the Borough will issue a permit for the connection of the improved property to the sewage collection system.

(Ord. 427, 12/28/1993)

§143. Construction of Building Sewer to Sewage Collection System.

1. Construction Requirements. All building sewers, which consists of a connection sewer part and a customer sewer part, shall be constructed in accordance with the requirements of the Subdivision Ordinance [Chapter 22] and this Part.

2. Connection Sewer Available. If the connection sewer is in place and available for use, the owner of the improved property shall construct or have constructed the customer sewer and connect it to the connection sewer. The Borough shall be notified prior to such connection to provide for inspection of the customer sewer and the connection. All cost associated with the construction of the customer sewer and the connection are the responsibility of the owner of the improved property. Said owner is also responsible for all other fees of the Borough relative to this Part.

3. Connection Sewer Not Available. If the connection sewer is not in place, the Borough shall construct the connection sewer or have the owner of the improved property construct the connection sewer along with the customer sewer. If the Borough constructs the connection sewer, said owner will be responsible for all fees provided for said connection sewer in addition to all fees for said customer sewer as provided by this Part. The provisions for notification and inspection and the payment of all cost and fees associated with the construction undertaken by said owner shall be as set forth in subsection (2) above.

4. Connection of Multiple Dwelling Unit. An existing multiple dwelling unit now having a single building sewer may continue to be connected to the Borough sewage collection system through this single building sewer. Upon construction or reconstruction of the plumbing system within a dwelling unit, the Borough may require each dwelling unit to be connected to the sewage collection system by its own building sewer. A new multiple dwelling unit shall make an application for a permit to connect to the sewage collection system as provided in §142 of this Part. The permit issued by the Borough for connection to the sewage collection system shall indicate the number and size of the building sewers required for the new multiple dwelling unit. The provisions for notification and inspection and the payment of all cost and fees associated with the construction undertaken by the owner shall be as set forth in subsections (2) or (3) above.

(Ord. 427, 12/28/1993)

§144. Additional Connection Regulations.

1. Unlawful Conditions. If any owner or tenant of an improved property should make any connection to the building sewer or the sewage collection system without a permit from the Borough, or allow any pollutant to be discharged into a building sewer or the sewage collection system except as provided by this Part or violate any of the provisions with respect to this Part or the Subdivision Ordinance [Chapter 22], and shall after ten (10) days of receipt of written notice from the Borough fail or neglect to abate such condition, the Borough may, at its option, enter upon the improved

property and abate the condition, charging the cost thereof to the owner of the improved property; or the Borough may by appropriate legal action proceed to compel said owner of said improved property to abate such condition. In addition to any other remedies available, the Borough, upon failure or neglect of said owner to comply with any provisions of this Part, may enter the improved property and at the owner's cost, disconnect the said improved property from the sewage collection system and may require the payment of a fee for reconnection and all cost and expenses as a condition for reconnection. The Borough may file a municipal lien against the improved property for any and all costs incurred by the Borough in abating such condition, together with such additional charges as may be permitted by applicable law.

2. Penalty for Violation. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 427, 12/28/1993)

§145. Ownership, Maintenance and Repair of Connection Sewer.

The building sewer, consisting of both the customer sewer and the connection sewer, shall be the responsibility of the owner of the improved property being served thereby. Inspection, maintenance, repair and replacement of the building sewer shall be the sole responsibility of the owner of the improved property, and the owner shall maintain the same in good order and operating condition. In the event of any failure by the owner to so maintain the connection sewer portion of the building sewer, the Borough of New Holland shall have the right, but not the obligation, to perform such work as may be necessary to maintain, repair or replace the same. Any and all costs so incurred by the Borough of New Holland shall be payable by the owner, and in default thereof the Borough of New Holland shall have the right to file a municipal lien against the improved property served by the building sewer.

(Ord. 427, 12/28/1993; as added by Ord. 481, 9/4/2001, §1)

F. Specific Regulation of Industrial Waste Discharges to the Sewer System.

§151. Discharge Permits.

1. Significant Industrial Users. All significant industrial users proposing to connect to or discharge to the sewer system shall obtain a wastewater discharge permit at least ninety (90) days before connecting to or discharging to the sewer system. All existing significant industrial users connected to or discharging to the sewer system shall apply for a wastewater discharge permit within forty-five (45) days after notification from the Borough. Following its review of the information provided, including any additional information which may be requested by the Borough, the Borough will issue or deny the issuance of a wastewater discharge permit to the significant industrial user.

2. Other Industrial Users. Industrial users which are not significant industrial users do not require a wastewater discharge permit, but are required to comply with all other provisions of this Part. If an industrial user makes changes to processes, flow, wastewater concentration, wastewater characteristics or other changes which result in the industrial user meeting the definition of significant industrial user, the industrial user shall immediately upon becoming aware that such a change has occurred, or ninety (90) days prior to such a change if it is planned, notify the Borough and apply for a wastewater discharge permit.

3. Permit Applications. Significant industrial users required to obtain a wastewater discharge permit shall complete and file with the Borough an application in the form prescribed by the Borough, and accompanied by the fee prescribed in the Borough's schedule of fees, at least ninety (90) days prior to connecting to or discharging to the sewer system for any new user, or within forty-five (45) days after notification from the Borough to an existing significant industrial user. In support of the application, the industrial user may be required to submit any or all of, in units and terms appropriate for evaluation, the following information:

- A. Name, address, and location, (if different from the address).
- B. SIC number or numbers according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- C. Wastewater constituents and characteristics as required by the Borough, as determined by a qualified analyst.

(1) Sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.

(2) Sample results shall be accompanied by a signed statement of the authorized representative that the samples analyses are representative of normal discharge during the routine operation of the discharging facility.

D. Each product by type, amount, process or processes and rate of production.

E. Type and amount of raw materials processed (average and maximum per day).

F. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

G. Time and duration of wastewater of industrial waste contribution.

H. Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variation, if any.

I. Site plans, floor plans, mechanical and plumbing plans and details to show all building sewers, sewer connections and appurtenances by the size, location and elevation.

J. Description of activities, facilities and plant processes on the premises including all material which are or could be discharged.

K. The nature and concentration of any pollutants in the discharge which are limited by any Borough, State or National pretreatment requirements (including local limits), or categorical standards, and a statement regarding whether or not the categorical standard or pretreatment requirements are being met on a consistent basis, and if not, how the industrial user proposes to meet the pretreatment standards and requirements, including whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the applicable standard. If the applicant is a categorical industrial user, this statement shall be signed by a certified professional.

L. If additional pretreatment and/or O&M will be required to meet categorical standards or other pretreatment requirements (including local limits), a compliance schedule by which the industrial user will provide such additional pretreatment shall be developed and submitted.

M. Any other information as may be deemed by the Borough to be necessary to evaluate the application.

N. The application shall be signed and attested to by an authorized representative of the industrial user.

The Borough will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the Borough may issue a wastewater discharge permit subject to terms and conditions provided herein.

4. Confidentiality of Applications.

A. All information required by the Borough in the permit application shall be provided by the industrial user to the best of its ability.

B. If information regarding raw materials, processes, production rate or other manufacturing information is regarded as confidential by the industrial user, such information shall be marked "confidential" on the application form.

C. Confidentiality shall not apply to information regarding the flow of or the constituents in the industrial wastewater discharge.

D. Information accepted by the Borough as confidential shall be handled as detailed in §157 of this Part.

5. Permit Modifications. The wastewater discharge permit of a significant industrial user may be revised by the Borough when:

A. Necessitated to protect public health, welfare and safety.

B. In response to a change in process or discharge by the significant industrial user.

C. In response to a change in Borough, County, State or Federal regulations.

D. In response to a change in Borough's NPDES permit, or any other permit, or a change in County, State or Federal regulations governing sludge disposal, air quality or water quality.

6. Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of any Borough Ordinance and all other applicable regulations, charges and fees established by the Borough. Permits may contain the following:

A. Limitations on the average and maximum wastewater constituents and characteristics including, but not limited to, flow, pollutant concentrations and mass limits.

B. Limitations on average and maximum rate and time of discharge or requirements for flow regulation and equalization.

C. Requirements for installation and maintenance of inspection, sampling and monitoring facilities.

D. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.

E. Compliance schedule and reporting requirements.

F. Requirements for submission of technical reports or discharge reports.

G. Requirements for maintaining and retaining records relating to wastewater discharge as specified by the Borough, and affording the Borough access thereto.

H. Requirements for notification of the Borough of any new discharge of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being discharged to the sewer system.

I. Requirements for notification of slug loads and accidental discharges.

J. Other conditions as deemed appropriate by the Borough to insure compliance with any Borough Ordinance, or State and Federal regulations.

7. Permit Duration. Permits shall be issued for such time period as the Borough deems appropriate and in the best interest of the Borough, but not to exceed five (5) years. Any permit shall expire on a specific date as established by the Borough. The significant industrial user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the significant industrial user existing permit. The terms and conditions of the permit may be subject to modification by the Borough during the term of the permit as described in subsection (5) above. The significant industrial user shall be informed of any proposed change in its wastewater discharge permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the wastewater discharge permit shall include a reasonable time schedule for compliance.

8. Permit Transfer. Wastewater discharge permits are issued to a specific significant industrial user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Borough.

9. Right of Permit Appeal.

A. An industrial user may appeal the issuance of a wastewater discharge permit, or any conditions as set forth in any such permit, a notice of denial of a wastewater discharge permit, or any modification of a wastewater discharge permit. An appeal is subject to the following requirements:

(1) The appeal must be made in writing to the Borough.

(2) The appeal must be made within thirty (30) calendar days from the date of receipt of the wastewater discharge permit, written directions, or notice of denial, suspension, modification or revocation of a wastewater discharge permit being appealed by the industrial user.

(3) The appeal must state the specific provision(s) of a wastewater discharge permit or the specific directions or actions of the Borough which are being contested.

(4) The appeal must state the reasons for the appeal of each provision.

(5) The appeal may suggest alternate or revised provisions to replace those appealed.

B. Provisions mandated by Federal or State regulations (e.g., compliance with categorical standards) shall not be appealed.

C. An appeal shall be made to the Borough, and shall be reviewed by the Superintendent.

D. Within thirty (30) days of receipt of the appeal, the Superintendent shall file a written report with the Borough Council, setting forth the results of the review by the Superintendent. The report shall contain, at a minimum:

(1) A summary of each item appealed, the appellant's reasons for appeal, and the appellant's proposed remedies, if any.

(2) The finding of merit for each point, and the reason(s) for the finding.

(3) For each point found to be with merit, a proposed remedy, and a finding that the remedy is allowable under this Part, and all applicable Federal, State and local rules, regulations and laws.

E. The Borough shall review the report and, at one (1) or more regular or special public meetings, take any additional testimony offered by the appellant, reviewer, pretreatment coordinator or other interested party. The Borough shall, within forty-five (45) days of the conclusion of testimony, decide to:

(1) Grant the appeal or portions of the appeal, applying such remedies as it deems proper; or,

(2) Deny the appeal.

The decision by the Borough constitutes final administrative action.

F. If the Borough or any hearing board appointed by the Borough shall have as a member any person who has a financial, legal or other proprietary interest in the industrial user bringing the appeal, such person shall excuse himself from any vote which shall determine the decision of the body in regard to the appeal.

(Ord. 427, 12/28/1993)

§152. Compliance Schedule.

1. Compliance Schedule. If a compliance schedule is required to be contained or included with the application for a wastewater discharge permit, or if under any other circumstances a compliance schedule is required to be submitted to the Borough, the following criteria shall govern the preparation of the compliance schedule.

A. The compliance schedule shall clearly show by line items, or clearly describe by numbered categories, all the major phases or steps which the applicant reasonably believes will be involved in order, within the shortest possible period of time, (1) to place a new pretreatment facility or process into operation and to achieve compliance on a consistent basis, (2) to bring an existing facility or process into compliance on a consistent basis, or (3) to achieve compliance in some other respect or under some other circumstance.

Example. The line item phases or steps which could be involved might include: a phase for the selection and retention of a consulting engineer; a phase for the preparation of preliminary design plans; a phase for the review and evaluation by the Borough of the preliminary design plans; a phase for the preparation of final design plans; a phase for the preparation of technical specifications, project manuals and bid documents; a phase for the invitation and receipt of bids; a phase for the acceptance of bids and the award and execution of contracts; a phase for construction or installation; and a phase for testing the facility or process.

B. A commencement date and a completion date shall be assigned to each line item phase or step, or to each numbered category phase or step, referred to in subsection (A). The period from commencement to completion of a particular phase or step shall be the shortest possible period of time. In no event, however, shall any phase or step exceed nine (9) months in duration from commencement to completion. There shall be no hiatus or interval between one (1) phase or step and the next.

C. The compliance schedule shall show a final date by which compliance will be achieved on a consistent basis. Under no circumstances, however, shall this final date be later than any mandatory compliance date fixed by the United States Environmental Protection Agency for compliance with a National Categorical Pretreatment Standard; any mandatory compliance date fixed by the Borough for compliance with a prohibition, control, limit, flow equalization standard, pretreatment standard or regulation issued or prescribed by the Borough; or any mandatory compliance date fixed by a governmental agency of the State for compliance with a prohibition, control, limit, standard or regulation issued or prescribed by the agency.

2. Compliance Schedule Reports. If a compliance schedule is approved by the Borough, the industrial user shall submit to the Borough periodic compliance schedule reports. The content and frequency of these reports shall be prescribed by the Borough.

(Ord. 427, 12/28/1993)

§153. Monitoring Facilities, Sampling and Analysis.

1. Monitoring Facilities Location. The Borough may require a significant industrial user to provide and operate at the significant industrial user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the discharge from the significant industrial user. The monitoring facility should normally be situated on the significant industrial user's premises, but the Borough may, when such a location would be impractical or cause undue hardship on the significant industrial user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

2. Monitoring Facilities Construction and Maintenance. Whether constructed on public or private property, the monitoring facilities shall be provided in accordance with the Borough's requirements and all applicable local construction standards and specifications. There shall be ample room in or near the monitoring facility to allow accurate sampling and preparation of samples for transport. Construction shall be completed within ninety (90) days after construction plans have been approved by the Borough, in accordance with this Part. The Borough may grant an extension to the time limit as set forth herein upon showing by the significant industrial user that acquisition of necessary equipment, and installation and construction as may be required for such facility cannot be completed within ninety (90) days. The monitoring facility shall be maintained at all times in a safe and proper operating condition at the expense of the significant industrial user.

3. Detailed Plans. Detailed plans showing the intended facilities shall be submitted to the Borough for review within the time period approved by the Borough, and shall be acceptable to the Borough before construction of the facility. The Borough shall notify the significant industrial user, in writing, when the detailed plans are acceptable for construction.

4. Sampling and Analysis. All sampling and analysis performed in compliance with wastewater discharge permit conditions or to prepare the reports required by this Part shall be accomplished using techniques specified in 40 CFR Part 136, or alternative procedures approved by the Administrator, or using procedures described in Standard Methods if no EPA-approved procedure exists. Unless otherwise required, all sampling should be performed during a normal production day and should reflect the usual and typical wastewater discharge of the user.

5. Reporting and Resampling of Discharge Limit Violations.

A. If, upon receipt of valid sampling and testing results, a significant industrial user becomes aware that a violation of discharge limits has occurred, the significant industrial user shall, within twenty-four (24) hours of becoming aware of the violation, notify the Borough of this fact. Within thirty (30) days of becoming aware of this violation, the significant industrial user shall also sample and analyze

its discharge(s) for each parameter found to be in violation and report the results of the resampling and analysis to the Borough.

B. Each significant industrial user shall have a duty, on receipt of validly obtained sampling and analysis results, of inspecting the results and determining if any wastewater discharge permit condition has been violated. Failure to examine and compare testing results with wastewater discharge permit conditions shall not be a valid defense for failure to comply with these reporting conditions.

(Ord. 427, 12/28/1993)

§154. Administrative Appeals.

1. Appeal of Wastewater Discharge Permit. Any person, including the significant industrial user, may petition the Borough to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance. Such an appeal shall be directed to the Sewer Committee of the Borough Council for its review. Upon consideration of the petition, the Sewer Committee shall make its recommendations to the Borough Council, whose decision regarding the appeal will be final.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

D. If the Borough fails to act within sixty (60) days following presentation of the petition to the Sewer Committee, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit or not to modify a wastewater discharge permit shall be considered final administrative action for purposes of judicial review.

E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the court of competent jurisdiction.

2. Continuation of Permit During Appeal. During the process of appeal, the wastewater discharge permit shall remain in effect and shall be enforced with the exception of those conditions specified in writing in the appeal. Conditions imposed by Federal or State regulations (e.g., categorical standards) shall not be waived. Conditions which, in the opinion of the Borough, would constitute a hazard or pose a potential threat of pollution if waived shall not be waived during an appeal.

(Ord. 427, 12/28/1993)

§155. Inspections, Pretreatment Facilities, Changes.

1. Inspections. The Borough may inspect the facilities of any user to ascertain whether the purpose of this Part is being met and that the user is in compliance with all requirements. Persons or occupants of premises where wastewater is created or discharge shall allow the Borough or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of its duties. The Borough and its agents shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto their premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the Borough will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

2. Pretreatment Facilities. Industrial users shall provide necessary wastewater pretreatment as required to comply with this Part and shall achieve compliance with all applicable categorical standards within the time limitations as specified by the applicable categorical standards. Any facilities required for pretreatment shall be provided, operated and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Borough for review, and shall be subject to approval by the Borough, before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce a discharge which complies with the provisions of this Part. Any subsequent changes in the pretreatment facilities or method of operation shall be reported and be acceptable to the Borough prior to the industrial user's initiation of the changes. The review and acceptance of plans and procedures by the Borough shall not be considered as an approval regarding their efficacy, safety or reliability; such considerations are solely the responsibility of the industrial user.

3. Change in Operations.

A. Any industrial user contemplating or planning a change in the manufacturing process, raw materials, auxiliary processes, pretreatment processes or other changes which may result in changes to wastewater character, composition, volume or rate of flow shall notify the Borough in writing at least thirty (30) days prior to making such a change, or, if the change is not planned, immediately upon the decision to make such a change. If a change in wastewater characteristics occurs without the knowledge of the industrial user, the industrial user shall report the change immediately upon becoming aware of it. The report shall include all necessary information to determine the effect on the change on the wastewater.

B. The Borough may, on receipt of such a report:

(1) Continue an existing wastewater discharge permit in effect.

(2) Require application for a new wastewater discharge permit.

(3) Modify an existing wastewater discharge permit to reflect the changed nature of the waste.

(4) Rescind and re-issue an existing wastewater discharge permit in order to make substantial changes in wastewater discharge permit conditions.

(5) Revoke an existing wastewater discharge permit or require the industrial user to cease or prevent the discharge.

(6) Take such other action as it deems appropriate.

(Ord. 427, 12/28/1993)

§156. Reports.

1. Baseline Monitoring Reports.

A. As soon as possible following the promulgation of a categorical standard, the industrial user subject to such standards shall comply with such categorical standard within the time frame prescribed by the categorical standard.

B. Where an industrial user, subject to a newly promulgated categorical standard, has not previously submitted an application for a wastewater discharge permit as required by §151 of this Part, the industrial user shall, within one hundred (180) days after the promulgation of the applicable categorical standard:

(1) Apply for a wastewater discharge permit; and

(2) Provide the baseline monitoring information required by 40 CFR §403.12(b). This information may be incorporated into the application for a wastewater discharge permit.

C. An industrial user with an existing wastewater discharge permit shall submit to the Borough within one hundred eighty (180) days after the promulgation of an applicable categorical standard the information required by 40 CFR §403.12(b).

D. A new source or an industrial user that becomes a categorical industrial user through a change in facilities or processes shall submit a report containing the information required by 40 CFR §403.12(b)

at least ninety (90) days prior to commencement of discharge from the regulated process or facility.

2. Categorical Compliance Report. Within ninety (90) days following the date for final compliance with applicable categorical standards, or in the case of a new source, following commencement of the discharge of industrial waste from processes regulated by categorical standards into the sewer system, any industrial user subject to categorical standards shall submit to the Borough a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by categorical standards and the average and maximum daily flow for those process units in the industrial user's facility which are limited by such categorical standards. The report shall certify that the information contained therein concerning wastewater constituents and flows is representative of discharges during normal work cycles. The report shall also state whether the applicable categorical standards are being met on a consistent basis and, if not, what additional operation and management practices and/or pretreatment is necessary to bring the industrial user into compliance with the applicable categorical standards, and including a schedule for completion of the required actions in the form described in this Part. Such a schedule shall not have a compliance date later than that established for the applicable categorical standard. This statement shall be signed by an authorized representative of the industrial user, and certified to by a certified professional.

3. Periodic Compliance Report.

A. All significant industrial users shall report to the Borough at least twice a year, the date of the report to be as determined by the Borough and contained in the wastewater discharge permit. Reports may be required more frequently, if deemed necessary by the Borough.

B. The reports required under this Section shall contain, at a minimum, the measured concentration of all pollutants regulated by the wastewater discharge permit, a record of all measured daily flows which exceeded the average daily flow value reported and a statement of accuracy and completeness signed and certified by the authorized representative of the significant industrial user.

C. For significant industrial users subject to categorical standards, if discharge limits are based on mass units per production unit, then production information regarding the regulated processes during the reporting period shall be included in the report, along with flow and concentration values, so that a determination of compliance or noncompliance with categorical standards can be made.

D. For significant industrial users subject to categorical standards, the certification of compliance with those standards, signed by a certified professional.

(Ord. 427, 12/28/1993)

§157. Confidential Information.

1. Availability of Information. Information and data on an industrial user obtained from reports, questionnaires, wastewater discharge, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the Borough that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user. When requested by the person furnishing a report, and supported by evidence acceptable to the Borough as to need for protection of confidential material, the portion of the report that might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall nevertheless be made available upon written request to governmental agencies for uses related to all Borough Ordinances, the NPDES permit, any State disposal system permit and/or the programs under applicable categorical standards or for use by the Borough, any State, the United States, or any State of Federal agency in judicial review or enforcement proceedings involving the industrial user or the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

2. Industrial User Notification. Before information accepted by the Borough as confidential is transmitted to any governmental agency by the Borough, a notification to the industrial user shall be provided listing the confidential information to be transmitted and the governmental entity requesting such information.

3. Storage of Records. The Borough shall maintain a secure place to store records containing confidential information and shall insure that all records marked as confidential are kept secure from casual or public scrutiny.

A. The Borough shall keep and maintain all records relating to the administration and enforcement of the industrial pretreatment requirements including, but not limited to, wastewater discharge permit applications, investigations and calculations, wastewater discharge permits, inspection reports, industrial users reports, sampling results and enforcement activities, for a minimum of three (3) years. In cases of on-going litigation, records shall be maintained as long as they may be required.

B. All industrial users shall keep and maintain records of monitoring activities and results, wastewater discharge permits and reports to the Borough for a minimum of three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this Part, or where the industrial users has been notified of a longer retention period by the Borough.

(Ord. 427, 12/28/1993)

§158. Enforcement.

1. Right to Refuse. The Borough reserves the right to refuse to accept wastewater, or combinations of wastewater, which are discharged in violation of the terms or conditions of this Part, or any written directions issued by the Borough pursuant to the conditions of this Part. The Borough may take such steps as it deems necessary, as outlined in this Part, to compel discontinuance of use of the sewer system or pretreatment of industrial wastes in order to comply with the provisions of the industrial pretreatment requirements.

2. Revocation of Permit.

A. Any industrial user who violates the following conditions of this Part, or applicable State and Federal regulations, is subject to having its wastewater discharge permit revoked.

(1) Failure of an industrial user to factually report the wastewater constituents and characteristics of its discharge in any application for wastewater discharge permit, or in any reports required by this Part.

(2) Failure of the industrial user to report significant changes in operations, or wastewater constituents and characteristics as required by this Part.

(3) Refusal of reasonable access to the industrial user's premises for the purpose of inspection or monitoring.

(4) Violation of conditions of the wastewater discharge permit.

B. Discharge of any industrial waste to the sewer system by a significant industrial user without a wastewater discharge permit is an unauthorized discharge, as provided by this Part, and is subject to the penalties provided herein.

C. Any industrial user notified of a revocation of its wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the industrial user to comply voluntarily with the notice of revocation, the discharge shall be considered an unauthorized discharge and the Borough shall take such steps as deemed necessary, which may include immediate severance of the connection between the building sewer and the sewage collection system, or discontinuance of water service, to prevent or minimize damage to the sewer system or endangerment to the environment or any improved property or person.

3. Suspension of Permit.

A. The Borough may suspend the wastewater discharge permit when such suspension is necessary, in the opinion of the Borough, in order

to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference or pass through, or causes the Borough to violate any condition of its NPDES permit or any other National or State law, rule, regulation or permit condition.

B. Any industrial user notified of a suspension of its wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the industrial user to comply voluntarily with the notice of suspension, the discharge shall be considered an unauthorized discharge and the Borough shall take such steps as deemed necessary, including immediate severance of the connection between the building sewer and the sewage collection system, or discontinuance of water service to prevent or minimize damage to the sewer system or endangerment to the environment or any improved property or person.

C. If a wastewater discharge permit has been suspended as a result of an unauthorized discharge, which discharge resulted in or contributed to damages to the sewer system or to any person or improved property, the wastewater discharge permit shall not be reinstated until such time as all such damages have been satisfied.

D. The Borough shall reinstate the wastewater discharge permit upon submission of proof by the industrial user of the elimination of the unauthorized discharge. A detailed written statement submitted by the industrial user describing the causes of the unauthorized discharge and the measures taken to prevent any future occurrence shall be submitted to the Borough within fifteen (15) days of the date of occurrence.

4. Notice of Violation. Whenever the Borough finds that any industrial user has violated or is violating this Part, its wastewater discharge permit or any prohibition, limitation or requirement contained herein, the Borough may serve upon such industrial user a written notice stating the nature of the violation and requiring a response within a specified time. Responses required of industrial users may include, but are not restricted to, actions, plans, compliance schedules or written explanations.

5. Show Cause Hearing.

A. The Borough may direct any industrial user who causes or allows an unauthorized discharge to enter the sewer system, or who violates any condition or requirement of this Part or its wastewater discharge permit to show cause before the Borough why the proposed enforcement action should not be taken. A written notice shall be served on the industrial user specifying the time and place of a hearing to be held by the Borough regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the industrial user to show cause before the Borough why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any

agent or officer of a corporation if the industrial user is a corporation.

B. The Borough may itself conduct the hearing and take the evidence, or may designate any of its members or any representative to:

(1) Issue in the name of the Borough notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

(2) Take the evidence.

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Borough for action thereon.

C. At any hearing held pursuant to this Part, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

D. After the Borough has received the evidence, it may, in writing, direct the industrial user to take certain actions to correct the unauthorized discharge or to achieve compliance. The actions which may be directed include, but are not limited to:

(1) Installation of pretreatment facilities or equipment.

(2) Modification or additions to existing pretreatment facilities or equipment.

(3) Initiation of management practices which are required to alter the nature of the industrial waste being discharged.

(4) Development or implementation of SPCC plans or other measures.

(5) Other measures found to be necessary to correct the unauthorized discharge or other noncompliance.

(6) The direct may be in the form of a schedule for compliance, setting dates by which certain actions shall be taken.

E. Failure of an industrial user to comply with written directions issued pursuant to a hearing constitutes a violation of this Part.

6. Administrative Orders. The Borough may issue written directions as described in subsection (5)(D) of this Section without a show cause hearing if the Borough determines that such directions are necessary to correct conditions or remedy continuing violations of this Part or any wastewater

discharge permit or other industrial pretreatment requirements, the Borough or Federal or State regulations.

7. Right of Appeal of Enforcement Actions.

A. An industrial user may appeal the enforcement actions enumerated in §158(2) and (3) of this Section. All appeals are subject to the following requirements:

(1) The appeal must be made in writing to the Borough.

(2) The appeal must be made within thirty (30) days from the date of receipt by the industrial user of the notice of suspension or revocation of a wastewater discharge permit.

(3) The appeal must either admit or deny the violations of this Part, or provisions mandated by Federal or State regulations, cited by the Borough in the suspension or revocation of a wastewater discharge permit. In the event the industrial user lacks sufficient information to either admit or deny the alleged violation, the industrial user shall so state the lack of such knowledge.

(4) The appeal must state the reasons for the appeal, and the reasons why the suspension or revocation is improper.

B. Provisions mandated by Federal or State regulations (e.g., compliance with categorical standards) shall not be appealed, except for an appeal alleging that such provisions have not been violated.

C. The Borough shall have the right to establish a fee for the filing of any such appeal as shall be established by resolution adopted by the Borough. Such fee shall be for the purposes of paying costs incurred by the Borough in the conducting of a hearing on such appeal.

D. Borough may require the posting of a bond by the industrial user in the amount of thirty thousand dollars (\$30,000.00), being the maximum fine for violation of this Part, multiplied by thirty (30) days, being the minimum number of days in which such alleged violation would continue during proceedings in this appeal. In the event the appeal is denied, such bond shall be utilized for the purpose of payment of any fine imposed by any court of competent jurisdiction pursuant to §159(1) of this Part.

E. Within thirty (30) days of the receipt of the appeal, the Borough Council shall conduct a public hearing. At such hearing, Borough Council shall take testimony and examine evidence regarding the alleged violation as set forth in the notice of suspension or revocation. Parties shall have the right to representation by an attorney. Witnesses shall be subject to cross examination. Formal rules of evidence shall not apply. The industrial user shall have the right to present witnesses and evidence, and offer testimony regarding such

alleged violation. All witnesses shall be sworn or affirmed. A stenographic record of the proceedings shall be made. Such hearing shall be otherwise conducted in accordance with the provisions of the Pennsylvania Public Agency Law.

F. Within fifteen (15) days of closing of testimony, the Borough Council shall issue a written decision either granting the appeal, or portions of the appeal, applying such remedies as Borough Council deems proper or shall denying the appeal. The decision of Borough Council in such appeal shall constitute final administrative action.

G. If the Borough or any person or any member of Borough Council shall have as a member any person who has a financial, legal or other proprietary interest in the industrial user bringing the appeal, such person shall disclose any such interest, and shall recuse himself from any participation in the hearing, and from any vote which shall determine the decision of the body in regard to the appeal.

8. Civil Actions. If any person violates the provisions of this Part, including local National or State pretreatment requirements, categorical standards, or any wastewater discharge permit or written directions issued by the Borough, the Borough may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Lancaster County, or any other appropriate forum.

9. Injunctive Relief. If any person causes or permits an unauthorized discharge to occur, or otherwise violates the conditions imposed by this Part or any wastewater discharge permit or written directions issued by the Borough, or any National or State pretreatment requirement, the Borough may commence an action in the Court of Common Pleas of Lancaster County, or any other appropriate forum, for injunctive relief to stop the unauthorized discharge or other violation, or to require compliance with the applicable condition.

(Ord. 427, 12/28/1993)

G. Penalties and Costs.

§161. Penalties and Costs.

1. Civil Penalties. Any user who is found to have failed to comply with any provision of this Chapter 18 may be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each offense. Each day during which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Borough may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the user who is found to have violated this Chapter. In the event any such penalties or costs are not paid within thirty (30) days of assessment thereof, the Borough shall have the right to file a municipal lien against the premises of the user for the total of such penalties, together with reasonable attorney's fees, court costs, filing fees and other costs.

2. Termination of Sewage Service. in the event of any violation of the provisions of this Chapter, the Borough shall have the right to refuse to accept wastewater from any property violating the provisions of this Chapter 18, and in the even the property is also served by the public water supply system for the Borough of New Holland, the Borough, in addition to all other remedies as provided in this Chapter, or as provided by law, shall have the right to terminate water service to the property in the same manner as set forth in Chapter 26, Part 8, §801 et seq., of the New Holland Borough Code of Ordinances, as though the user had violated the provisions of said Chapter 26. Prior to termination of either sewer or water service, the Borough shall first provide the owner of the property, and the user if not the owner, with not less than thirty (30) days prior written notice of the nature of the violation, the steps needed to comply with the provisions of this Chapter, and that failure to comply within such thirty (30) days period will result in termination of such sewer or water service. Such notice shall be sent to the property owner, and the user, by both regular mail and certified mail, and in addition thereto such notice shall be prominently posted on the premises. Such notice shall be deemed received on the date the notice is deposited with the United States Postal Service, regardless of whether or not such notice is actually received by either the owner or user.

3. Falsifying Information. Any person who knowingly makes any false statements or representation to any representative or agent of the Borough, any false statement, representation or certification in any application, record, report, plan or other document produced, filed or required to be maintained pursuant to this Chapter, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a fine of not more than one thousand (\$1,000.00) dollars or by imprisonment for not more than six (6) months, or both. Such conduct as prohibited by this Section shall also constitute grounds for termination of service pursuant to §161(2) of this Part.

(Ord. 427, 12/28/1993; as amended by Ord. 446, 4/1/1997, §3)

H. Additional Resolutions Authorized.

§171. Additional Resolution Authorized. The Borough shall, from time to time by resolution, adopt further rules and regulations with respect the discharge of sewage and/or industrial waste to the sewer system, and the construction, connection, operation, maintenance, repair, alteration and inspection of building sewers, sanitary sewers and other fixtures and appurtenances in the Borough, and the determination, fixing and collection of rentals, charges and fees from users of the sewer system.

(Ord. 427, 12/28/1993; as amended by Ord. 446, 4/1/1997, §4)

I. Inspection.

§181. Inspection. Any duly authorized agent for the Borough of New Holland, upon presentation of identification, shall have the right to enter upon any improved property, or enter into any structure with the Borough of New Holland, for the purpose of inspection of such premises for compliance with all provisions of this Chapter. In the event access is denied by any user or owner of the improved property, the Borough Manager is hereby authorized to obtain a search warrant permitting entry upon such improved property, or into any structure on any improved property, for the purpose of conducting any desired inspection. (Ord. 427, 12/28/1993; as added by Ord. 446, 4/1/1997, §5)

