

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

Part 1

General Provisions

- §101. Purpose and Policy
- §102. Definitions
- §103. Abbreviations

Part 2

Regulations

- §201. General Regulations
- §202. Building Sanitary Drainage Systems and Connections
- §203. Federal Categorical Pretreatment Standard
- §204. Modification of Federal Categorical Pretreatment Standards
- §205. Specific Pollutant Limitations
- §206. State Requirements
- §207. Borough's Right of Revision
- §208. Excessive Discharge
- §209. Accidental Discharge
- §210. Written Report
- §211. Notice to Employees
- §212. Borough's Right of Entry

Part 3

Fees and Rates

- §301. Establishment of Fees
- §302. Sanitary Sewer Rates
- §303. Additional Rent for Industrial Wastes
- §304. Penalty for Late Payment

Part 4

Administration

- §401. Wastewater Dischargers
- §402. User Permit

SEWERS AND SEWAGE DISPOSAL

- §403. Industrial Users
- §404. Pretreatment
- §405. Confidential Information
- §406. Trucked and Hauled Wastewater

Part 5

Enforcement

A. Industrial Users.

- §501. Harmful Contributions
- §502. Revocation of Permit
- §503. Notification of Violation
- §504. Administrative Order
- §505. Show Cause Hearing
- §506. Legal Action

B. Nonindustrial Users.

- §511. Actions Against Nonindustrial Users

C. Enforcement.

- §521. Authorized Personnel

Part 6

Holding Tanks

- §601. Specifications for Holding Tanks
- §602. Duties of Building Owners
- §603. Time and Frequency of Pumping
- §604. Holding Tanks Sealed
- §605. Contaminants/Debris
- §606. Abatement of Nuisances
- §607. Collection of Holding Tank Wastewater
- §608. Permits
- §609. Rates and Charges

Part 7

Penalty Costs

A. Industrial Users.

- §701. Civil Penalty Assessment/Injunctive Relief Policy**
- §702. Falsifying Information**
- §703. Penalty Calculations**

B. Nonindustrial Users.

- §711. Civil Penalty Assessment**
Table 1, Civil Penalty Assessment Schedule

Part 8

Fog Program

- §801. Purpose and Policy**
- §802. Definitions**
- §803. General Regulations**
- §804. Fees and Rates**
- §805. Enforcement**
- §806. Penalty Costs**
- §807. Rules and Regulations**
- §808. Appeals Procedure**

Table 1, Civil Penalty Assessment Schedule

Part 1

General Provisions

§101. Purpose and Policy.

1. This Chapter sets forth uniform requirements for direct and indirect contributions into the publicly owned treatment works (PTOW) for the Borough of Pottstown (Borough), and enables the Borough to comply with all applicable State and Federal laws, including the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR, Part 403). The objectives of this chapter are:
 - A. To prevent the introduction of pollutants into the Borough POTW which will interfere, through inhibition and/or enhancement, with the operation of the POTW or contaminate the resulting sludge.
 - B. To prevent the introduction of pollutants into the Borough POTW which will pass through or cause to pass through, the POTW inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the POTW.
 - C. To improve the opportunity to recycle and reclaim wastewater and sludges from the Borough POTW.
 - D. To provide for equitable distribution of the cost of the Borough POTW.
 - E. To protect the environment, the general public and Borough personnel against the hazards associated with discharges of toxic or otherwise incompatible pollutants into the Borough POTW.
 - F. To help assure Borough compliance with its National Pollutants Discharge Elimination System (NPDES) permit, biosolids use and disposal requirements and regulations, the Clean Water Act, the general pretreatment regulations and any other State or Federal laws with which the Borough must comply.
 - G. To prevent or reduce stormwater, groundwater, roof run-off, subsurface drainage or cooling water from entering into the Borough POTW.
 - H. To allow the Borough to operate and maintain its POTW in a safe and effective manner.
2. This Chapter provides for the regulation of direct and indirect contributors to the POTW through the issuance of permits to certain industrial users, and through enforcement of specific requirements for the other uses; authorizes monitoring and enforcement activities; requires user reporting; assumes that existing cus-

SEWERS AND SEWAGE DISPOSAL

tomer's capacity will not be preempted and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

3. This Chapter shall apply to the Borough and to persons outside the Borough who are users or industrial users of the Borough POTW. Except as otherwise provided herein, the Borough shall administer, implement and enforce the provisions of this Part.
4. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the Borough and any industrial users within or out of the Borough, whereby a waste of unusual strength or character may be accepted by the Borough by special arrangements in writing, executed prior to such acceptance, containing safeguards, limitations and conditions acceptable to the Borough, which shall comply with all applicable State and Federal laws, including the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

(Ord. 1840, 12/9/1996, §101)

§102. Definitions.

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

ACT or THE ACT – the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC §1251 et seq.

APPROVAL AUTHORITY – the Regional Administrator of EPA.

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 vice president, 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 duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

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 Celsius, expressed in terms of weight and concentration (milligrams per liter [mg/l]).

BOROUGH – the Burgess and Town Council of the Borough of Pottstown, Montgomery County, Pennsylvania, and/or its duly authorized representatives.

BOROUGH AUTHORITY – the Pottstown Borough Authority.

BOROUGH COUNCIL – the Borough Council of Pottstown.

BOROUGH MANAGER – the person designated by Borough Council to manage the daily operations of the Borough.

BOROUGH SANITARY SEWER MAIN – a pipe or conduit owned by the Borough Authority which carries wastewater and/or authorized industrial wastes, and to which storm surface and ground waters are not intentionally admitted. The Borough sanitary sewer main does not include lateral connection points from public or private premises.

BOROUGH STANDARD CONSTRUCTION SPECIFICATIONS – the standard technical specifications and requirements for the construction of water mains and appurtenances and sanitary sewers and appurtenances, as developed and approved by the Pottstown Borough Authority.

BUILDING – any structure having a roof or other covering and designed, used or intended for supporting or sheltering any use or occupancy. For purposes of this chapter, each portion of a building which is completely separated for occupancy purposes from other portions by fire walls, dividing walls or any other type of wall or separation structure shall be considered as a separate building.

BUILDING AND PLUMBING CODES – the applicable BOCA National Building and Plumbing Codes.

BUILDING SANITARY DRAINAGE SYSTEM – all facilities owned, operated and/or constructed by the building owner which are used to convey wastewater and/or authorized industrial waste from the building to the Borough's sanitary sewer main. The building sanitary drainage system includes all piping, laterals and lateral connection points to the Borough sanitary sewer main from public or private premises, and shall exclude storm surface and ground water.

BUILDING TRAP – a premanufactured, single component device (not an assembly of fittings) installed as part of the building sanitary drainage system to prevent circulation of air between the wastewater piping within a building and the building lateral.

BULK WASTEWATER DISCHARGES – a large volume of waste originating from holding tanks which has not had its characteristics altered through treatment.

CATEGORICAL PRETREATMENT STANDARDS or CATEGORICAL STANDARDS – any regulation containing pollutant discharge limits promulgated by EPA in accordance with §307 (b) and (c) of the Act which apply to a specific cate-

SEWERS AND SEWAGE DISPOSAL

gory of users and which appear in 40 CFR, Chapter 1, Subchapter N, Parts 405-471.

CLASS 1 USER – any user of the Borough's POTW who:

- (1) Has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day.
- (2) Has a flow greater than five (5) percent of the flow in the Borough's WWTP.
- (3) Is subject to Federal categorical standards.
- (4) Is found by the Borough, Pennsylvania Department of Environmental Protection or the U.S. Department of Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries on the POTW, the quality of sludge, the system's effluent quality or air emissions generated by the system.

CLASS 2 USER – any user of the Borough's POTW that discharges nondomestic pollutants in amounts that, on a routine basis, have an insignificant impact on the treatment system or collection system or have the potential to violate the prohibited discharge limitations in this chapter. This Class also includes any industry which presents the potential to cause sanitary sewer obstruction, slug loads or chemical spills.

CLASS 3 USER – any user of the Borough's POTW that discharges only sanitary wastewater, have dry processes or are considered to have an insignificant impact on the POTW.

CONSENT AGREEMENT – an agreement entered into by the Borough for assurance of voluntary compliance, or other similar document establishing an agreement with any user responsible for noncompliance. Such document will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such document shall have the same force and effect as an administrative order and shall be judicially enforceable.

CONTROL AUTHORITY – the Borough, as defined in this chapter.

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

DIRECT DISCHARGE – the discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.

DIRECTOR OF PUBLIC WORKS – the person designated by Borough Council to manage the streets, wastewater collection and water distribution departments of the Borough.

EDU – equivalent domestic unit (EDU) which shall be determined as follows:

Single Family Dwelling – 1 EDU.

Each multi-family dwelling unit or apartment unit – 1 EDU.

Commercial establishment containing, attached to, or appended to a residential unit – 1 EDU for each commercial and/or residential unit.

Commercial, industrial, public – to be determined by meter service size as follows:

Meter/Service Size (In Inches)	Equivalent Dwelling Unit (EDU)
5/8	1
3/4	2
1	3
1.5	6
2	11
3	23
4	41
6	64
8	92

ENVIRONMENTAL PROTECTION AGENCY (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.

GRAB SAMPLE – a sample which is taken from a waste stream over a period of time not to exceed fifteen (15) minutes with no regard to the flow in the waste stream.

GROUNDWATER – the part of precipitation that infiltrates the ground and creates the zone of saturation.

HARM – any process change to the POTW, damage to the POTW, pass through or any applicable damage that directly correlates to an industrial discharge.

HOLDING TANK – a watertight receptacle which receives and retains wastewater and is designed and constructed to facilitate ultimate disposal of the wastewater at another site. Holding tanks include, but are not limited to, the following:

RETENTION TANK – a holding tank where wastewater is conveyed to it by a water-carrying system.

SEWERS AND SEWAGE DISPOSAL

VAULT PIT PRIVY – a holding tank designed to receive wastewater where water under pressure is not available.

HOLDING TANK WASTE – any waste from holding tanks, such as vessels, campers, trailers and vacuum pump tank trucks, which has not had its characteristics degraded through treatment.

INDIRECT DISCHARGE – the discharge or the introduction of pollutants into the POTW, including holding tank waste discharged into the POTW and any source regulated under §307(b), (c) or (d) of the Act.

INDUSTRIAL USER PERMIT – as set forth in Part 4 of this chapter.

INDUSTRIAL WASTES – a component of wastewater generated by industrial users which cannot be classified as sanitary wastewater, as defined in this chapter.

INHIBITORY SUBSTANCES – material and/or chemicals that kill or restrict the ability of organisms to treat wastes.

INTERFERENCE – the inhibition, enhancement or disruption of the POTW treatment processes or operations or its sludge processes, use or disposal, which alone or in conjunction with a discharge or discharges from other sources, causes or violation of any requirements of the Borough's NPDES permit (including an increase in the magnitude or duration of a violation). The term includes prevention of sewage sludge use or disposal by the POTW in accordance with §405 of the Act, 33 USC §1345, or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance Control Act, the Marine Protection Research and Sanctuaries Act or more stringent State criteria, including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA, applicable to the method of disposal or use employed by the POTW.

LATERAL – a part of the building sanitary drainage system owned, operated and/or constructed by the building owner used to convey wastewater from the building to the Borough's sanitary sewer main. The lateral includes all piping, vents, traps, cleanouts and connection points to the Borough sanitary sewer main from public or private premises and shall exclude storm, surface and ground water. For defining repair, the lateral shall mean the exterior portion of the building sanitary drainage system from the building wall to the Borough sanitary sewer main, excluding vent and cleanout risers.

MASS EMISSION RATE – the rate of discharge of a pollutant expressed as a weight per unit of time, usually as pounds or kilograms per day.

MIPP – the Borough's Environmental Protection Agency approved municipal industrial pretreatment program.

MIPP ADMINISTRATOR – the person designated by Borough Council to implement the Borough's Environmental Protection Agency approved municipal industrial pretreatment program and assist with supervision of the operation of the Borough's WWTP.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or NPDES PERMIT – a permit issued pursuant to §402 of the Act (33 USC §1342).

NEW SOURCE – any building, structure, facility or installation or any other qualifier found in 40 CFR §403.3(k) from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under §307(c) of the Act.

NONINDUSTRIAL USER – a user which discharges wastewater from a residential dwelling or commercial establishment to the POTW.

OWNER – any person vested with ownership, legal or equitable, sole or partial of any property and/or building located in the Borough.

PASS THROUGH – a discharge, alone or in conjunction with a discharge or discharges from other sources, which exits the POTW into waters of the Commonwealth in quantities which may serve to cause a violation of the POTW's NPDES permit or cause an increase in magnitude or duration of a violation of the POTW's NPDES permit.

PERSON – any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity and any other legal entity of 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 standard units of solution.

POLLUTANT – any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal and agricultural waste and certain wastewater containing pollutants such as pH, temperature, BOD and so forth discharged into water.

POLLUTION – the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

PROCESS WATER – any water that has become wastewater due to the chemical or physical nature of the water, water used to manufacture or produce any product.

SEWERS AND SEWAGE DISPOSAL

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

PRETREATMENT REQUIREMENTS – any substantive or procedural requirements related to pretreatment other than a National pretreatment standard imposed on an industrial user.

PROHIBITED DISCHARGE STANDARDS – absolute prohibitions against the discharge of certain substances.

PUBLICLY OWNED TREATMENT WORKS (POTW) – a treatment works as defined by §212 of the Act (33 USC §1292), which includes the sanitary sewer mains, conduits, pipelines, force mains, metering stations, interceptor sewers, pumping stations, lift stations, wastewater treatment facilities, disposal systems and all other plants, structures, equipment, vessels, conveyances and works owned by the Authority. This definition does not include sanitary sewers or other conveyances which are not connected to the Borough's POTW or building sanitary drainage systems. For the purpose of this chapter, POTW shall also include sanitary sewers or other conveyances owned by others and located outside the corporate limits of the Borough which are by contact or agreement with the Borough users of the Borough's POTW.

REMEDIATION WASTEWATER – groundwater or surface water that has become polluted and must be treated to standards as set forth by the Clean Water Act, Act 403 and the MIPP.

SANITARY WASTEWATER – the wastewater discharge from a residential dwelling or commercial establishment consisting primarily of effluent from water closets, bathing facilities, sinks, clothes washers and dishwashers.

SEPTAGE – the material collected from an onsite sanitary wastewater treatment system.

SANITARY SEWER – a pipe or conduit which carries wastewater and/or authorized industrial wastes and to which storm, surface and ground waters are not intentionally admitted.

SHALL – is mandatory; may is permissive.

SIGNIFICANT INDUSTRIAL USER -

A. A user subject to categorical pretreatment standards.

- B. A use that:
- (1) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown).
 - (2) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant.
 - (3) Is designated as such by the Borough on the basis that it has a reasonable potential for adversely affecting the POTW's operation or by violating any pretreatment standard or requirement.
- C. Upon a finding that a use meeting the criteria in subsection (B) has no reasonable potential for adversely affecting the POTW's operation or for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Borough may, at any time, on its own initiative or in response to a petition received from a user and in accordance with procedures in 40 CFR §403.8(f) (6), determine that such user should not be considered a significant industrial user.

SIGNIFICANT NONCOMPLIANCE – an industrial user is in significant non-compliance if its volume meets one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken during a six (6) month period exceed (by any magnitude) the same daily maximum limit or the average limit for the same pollutant parameter.
- B. Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi) (B) of 40 CFR Part §403.8 to halt or prevent such a discharge.

SEWERS AND SEWAGE DISPOSAL

- E. Failure to meet, within ninety (90) days after the scheduled date a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.
- F. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.
- H. Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment authority.

SLUG LOAD or SLUG – any discharge or a nonroutine episodic nature or at a flow rate or concentration which could cause a violation of the prohibited discharge standards in §201 of this chapter.

STATE – Commonwealth of Pennsylvania.

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.

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

SUPERINTENDENT OF UTILITIES – the person designated by Borough Council to manage the Water and Wastewater Departments of the Borough.

SURFACE WATER – precipitation that does not enter the ground through infiltration nor is returned to the atmosphere by evaporation; flows over the ground surface, includes manmade supplies of water.

SYNERGISTIC REACTION – an interaction between two (2) or more individual compounds which produce an injurious effect upon the body (or an organism) which is greater than either of the substances alone would have produced; compound may be characterized as temperature.

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

TOXIC POLLUTANT – any pollutant or combination of pollutants, listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of CWA §307(a) or other acts.

USER – any person who contributes, causes or permits the contribution of wastewater into the POTW.

WASTEWATER – the liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WASTEWATER COLLECTION SUPERVISOR – the person designated by Borough Council to oversee and supervise activities associated with the Borough's wastewater collection system.

WASTEWATER TREATMENT PLAN (WWTP) – that portion of the Borough's POTW designed to provide treatment to wastewater.

WWTP CHIEF OPERATOR – the person designated by Borough Council to supervise the operation of the WWTP.

WATERS OF THE STATE – all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation system, 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.

(Ord. 1840, 12/9/1996, §102; as amended by Ord. 1853, 7/14/1997, §§1, 2; and by Ord. 1902, 3/13/2000)

§103. Abbreviations.

The following abbreviations shall have the designated meanings.

- A. BOD – Biochemical oxygen demand.
- B. CFR – Code of Federal Regulations.
- C. COD – Chemical oxygen demand.
- D. EPA – Environmental Protection Agency.
- E. l – Liter.
- F. mg – Milligrams.
- G. mg/l – Milligrams per liter.
- H. NPDES – National Pollutant Discharge Elimination System.

SEWERS AND SEWAGE DISPOSAL

- I. POTW – Publicly owned treatment works.
- J. SIC – Standard Industrial Classification.
- K. SWDA – Solid Waste Disposal Act, 42 USC §6901 et seq.
- L. USC – United States Code.
- M. TSS – Total suspended solids.
- N. TKN – Total Kjeldahl Nitrogen.

(Ord. 1840, 12/9/1996, §103)

Part 2
Regulations

§201. General Regulations.

1. No user or industrial user shall contribute or cause to be contributed, directly or indirectly, stormwater, groundwater, roof runoff, subsurface drainage or cooling water to the POTW or any pollutant or wastewater which will interfere with the operation or performance of the POTW. This shall be deemed to include any interference or pass through as above defined in §102 of this chapter. These general prohibitions apply to all such users of the POTW, whether the user is subject to National Categorical Pretreatment Standards or any other National, State or local pretreatment standards or requirements. A user or industrial user may not contribute the following substances into the POTW:
 - 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 way to the POTW or to the operation of the POTW. 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 effluent wastewater have a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit. Such pollutants include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, hydrides, sulfides and any other substances which is a fire, explosive or a health hazard to the system.
 - B. Solid or viscous substances which may cause obstruction to the flow in a sanitary sewer or other interference with the operation of the wastewater treatment facilities, 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, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes.
 - C. Any wastewater having a pH less than six (6) or greater than nine (9) or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.
 - D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure, to interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters or the POTW or to exceed

SEWERS AND SEWAGE DISPOSAL

the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not limited to, any pollutant identified pursuant to §307(a) of the Act.

- E. Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sanitary sewers for maintenance and repair.
- F. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under §405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, 40 CFR, Part 503, regulations, or State criteria applicable to the sludge management method being used.
- G. Any substances which will cause the pass through or interference of the POTW, such as, but not limited to, oils and greases as specified in §205 of this Part, and pollutants which result in the presence of toxic gases, vapors or fumes, within the POTW in a quantity that may cause acute worker health and safety problems.
- H. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- I. Any wastewater having a temperature which will inhibit biological activity in the WWTP resulting in interference, but, in no case, wastewater with a temperature at the introduction into the POTW which exceeds forty (40) degrees Celsius (104 degrees Fahrenheit).
- J. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed, for any time period longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration, quantities of flow during normal operation.
- K. Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Borough in compliance with applicable State or Federal regulations.
- L. Any wastewater which causes a hazard to human life or creates a public nuisance.

- M. Stormwater, groundwater (except groundwater resulting from Pennsylvania Department of Environmental Protection or Environmental Protection Agency directed remediation that is determined not to be harmful to the WWTP), roof runoff, subsurface drainage or cooling water.
 - N. Inhibitory substances, as defined in this Part.
2. Local limits apply at the point of discharge and violation of the local limits will be considered a violation of this Part.
 3. A user or industrial user or other waste source may discharge ground or surface waters from an approved remediation site to the publicly owned treatment works on a short term basis after making application to and receiving approval from the Borough. The approved discharger will be issued a MIPP wastewater contribution permit and will be required to meet all regulations. At no time shall accumulative total of remediation discharge wastewater (including leachate from landfills) exceed two hundred fifty thousand (250,000) gallons per day or two and five tenths (2.5) percent of the wastewater plant's average daily flow, whichever is lesser.
 4. Grease, oil and sand interceptors or traps shall be provided at a new or existing facility where, in the opinion of the Borough, they are necessary to prevent obstructions of flow in Borough sanitary sewer mains, interference with operation of the wastewater treatment facilities or for the proper handling of liquid wastes containing grease in excessive amounts, flammable wastes or any other harmful ingredients. All interceptors or traps shall be of the type and capacity acceptable to the Borough, shall be so located as to be readily and easily accessible for cleaning and inspection and shall be cleaned as needed to maintain operating efficiency.

(Ord. 1840, 12/9/1996, §201)

§202. Building Sanitary Drainage Systems and Connections.

1. Every owner of property situated within the Borough abutting on or adjoining any street or alley in which there is a Borough sanitary sewer main shall connect the buildings erected upon such property to the said Borough sanitary sewer main at the proper cost, expense and liability of the owner within a reasonable amount of time as specified by the Borough after notice so to do and, upon failure to make such connection, the Borough may make the same and collect the cost thereof from the owner by a municipal claim or in an action of assumpsit as provided by law.
2. No unauthorized persons shall uncover, make any connections with or opening into, use, alter or disturb any Borough sanitary sewer main or appurtenance thereof without first obtaining a written permit from the Borough.
3. There shall be two (2) classes of building sanitary drainage system permits:

SEWERS AND SEWAGE DISPOSAL

- A. For residential and commercial service.
- B. For service to establishments producing significant waste contributions.

In either case, the owner or his agent, shall make application on a special form furnished by the Borough. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Borough. A permit and inspection fee for a residential or commercial building sanitary drainage system permit and for an industrial building sanitary drainage system permit shall be paid to the Borough at the time the application is filed. All building sanitary drainage system permit applications under subsection (B), above, shall be reviewed and approved in writing by the Borough prior to permit issuance. Permit and inspection fees for permits shall be in such amounts as may be established from time to time by the Borough. All permits shall be subject to the right of the Borough to require the installation and maintenance of inspection and sampling facilities.

- 4. It shall be the owner's responsibility to maintain, repair and/or replace building sanitary drainage systems if the Borough determines that they do not meet the requirements of this chapter. All costs and expenses incidental to the maintenance, repair, replacement, installation and connection of the building sanitary drainage systems to the Borough sanitary sewer main shall be borne by the owner. In the case where damages to the Borough sanitary sewer main occur due to a building sanitary drainage system, it shall be the responsibility of the building sanitary drainage system owner to replace or repair (as directed by the Borough) the length of pipe to which the building sanitary drainage system is connected. All such work must be inspected by the Borough. The owner shall indemnify the Borough and/or the Borough Authority from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sanitary drainage system.
- 5. A separate and independent building sanitary drainage system shall be provided for every building.
- 6. Where existing building sanitary drainage systems connected to the Borough sanitary sewer main are to be abandoned by reason of demolition of buildings and structures or for any other reason, they shall be disconnected and permanently sealed at the Borough sanitary sewer main. All costs and expenses incidental to this work shall be borne by the owner. Existing building sanitary drainage systems may be used in connection with new buildings only when they are found, after examination and testing as directed by the Borough, to meet all requirements of this chapter.
- 7. The size, slope, alignment, materials or construction of a building sanitary drainage system, and the methods to be used in excavating, placing of the pipe, joint testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes, the Borough's standard construction specifications

and other applicable rules and regulations of the Borough. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

8. Whenever the building sanitary drainage system is above the basement floor, such that complete gravity flow in the building sanitary drainage system to the Borough's sanitary sewer main is not possible, sanitary wastewater shall be lifted and discharged to the Borough sanitary sewer main by a means approved by the Borough in accordance with the requirements of the Building and Plumbing Codes, with all costs being borne by the owner. In the event of a failure in the method utilized to lift and discharge the sanitary wastewater to the Borough's sanitary sewer main, the Borough may, after forty-eight (48) hours written notice to the property owner, terminate all water service to the building served by the sanitary wastewater system. Water service to the property shall not be restored until the method used to discharge the sanitary wastewater has been repaired to the satisfaction of the Borough, and all costs incurred by the Borough with respect to the water termination and reactivation have been paid in full. Floor drains in any new building which are located below finished grade shall not be connected to the building sanitary drainage system. In the instance where either an existing building sanitary drainage system is repaired (when twenty-five (25%) percent or more of the original lateral is repaired or replaced, or the existing trap is replaced) or building experience a maximum of two (2) reported sewage backups through existing floor drains within a two (2) year period, floor drains connected to building sanitary drainage systems shall be disconnected or plugged. Plugged floor drains shall conform with the requirements of the Borough's standard construction specifications. All costs and expenses incidental to this work shall be borne by the owner.
9. No person shall make connection of sump pumps, roof down spouts, foundation drains, areaway drains, floor drains or other sources of surface run-off or groundwater to a building sanitary drainage system or building drain which in turn is connected, directly or indirectly, to a Borough sanitary sewer main, unless such connection is approved in writing by the Borough for purposes of disposal of polluted surface drainage or for the prevention of potentially hazardous conditions.
10. The connection of the building sanitary drainage system into the Borough sanitary sewer main shall conform to the requirements of the Borough's standard construction specifications, other applicable rules and regulations of the Borough and appropriate specifications of the ASTM and WPCF Manual or Practice No. 9. All such connections shall be made gas tight, water tight and must be inspected by the Borough. Hydrostatic pressure testing of all new or repaired (when twenty-five (25) percent or more of the original lateral is repaired or replaced, or the existing trap is replaced) building sanitary drainage systems must conform to the requirements of the Borough's Building and Plumbing Codes and the Borough's standard construction specifications. Any deviation from the prescribed procedures and material must be approved by the Borough before installation. Upon a determination by the Borough that a new or existing building sanitary drainage

SEWERS AND SEWAGE DISPOSAL

system connection is not properly discharging wastewater flow into the Borough sanitary sewer main, the owner shall be required to repair or replace the existing sanitary sewer connection system. In the instance where the owner is not connected directly and separately to the Borough sanitary sewer main, it shall be required, upon determination of improper discharge, that the owner connect separately to the Borough sanitary sewer main. All costs and expenses incidental to this work shall be borne by the owner.

11. The applicant for the building sanitary drainage system permit shall notify the Borough when the building sanitary drainage system is ready for inspection and connection to the Borough sanitary sewer main. The connection to the Borough sanitary sewer main and testing shall be made under the supervision of the Borough, or its representative.
12. All excavations for building sanitary drainage system installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Borough.
13. No excavation shall be commenced to open any portion of a street until the owner, its agents and/or independent contractor shall have first obtained a permit from the Borough Secretary as required by law.
14. No excavation, construction or connection work shall be commenced within the Borough or Authority right-of-way until the owner, its agents and/or independent contractor, shall have first filed either a bond or certified check in double the amount of the cost of the work to be performed as determined by the Borough or Authority, agreeing to indemnify and save harmless the Borough and Authority against any and all loss, damages, costs and expenses which the Borough or Authority may thereafter suffer, incur, be put to or pay by reason of the failure to complete properly any of the aforesaid excavation, construction or connection work. The term "owner," as used herein, shall be deemed to include the owner or owners, in a fee simple, lessees of the premises, occupiers of the premises and all other parties having a beneficial use of interest in the premises and occupying the same with the consent and permission of the owner of the fee title.
15. The Borough shall have power to close streets to traffic for the purpose of making connections, with due regard to the convenience of the public. The Borough shall also have the power to specify the time when work in any block or district shall begin and when the same shall be suspended. Contractors and owners having begun the work of making connections will be required to complete the same expeditiously. All excess material shall be cared for by the owner or contractor.
16. From and after the effective date of this chapter, all sanitary sewers of every kind, nature and description proposed to be constructed in building developments within the Borough shall be completed constructed, built and installed at the sole cost, expense and liability of the person or persons, firm, association or corporation promoting, sponsoring, managing, constructing, developing or erecting such

building development and/or the owners of property abutting on and benefited by the line as installed; provided, that the actual work of construction and installation may, at the option and discretion of the Borough, be done either by the owners and developers under proper agreement and supervision or by the Borough at the entire cost of the owner.

17. Any and all sanitary sewers or sections thereof hereafter constructed and installed in such building developments within the Borough, shall not be accepted, connected with or emptied into the Borough POTW, nor become part of the Borough POTW until they shall have been completed, inspected, televised and approved and found to be in accordance with the provisions of this Part and with all regulations and requirements of the Borough and shall have been so certified by the Borough.
18. The same formalities shall be required in cases of repairs, alterations and additions, as are required in making original connections. In the instance where an existing building sanitary drainage system is repaired (when twenty-five (25) percent or more of the original lateral is repaired or replaced, or the existing trap is replaced), it shall be modified to conform with the requirements of the current Building and Plumbing Codes, the Borough's standard construction specifications and other applicable rules and regulations of the Borough.
19. Vent systems associated with new building sanitary drainage systems shall conform to the requirements of the building and plumbing codes.
20. Building traps shall not be permitted on construction of new building sanitary drainage systems. Building traps on existing building sanitary drainage systems shall conform with the requirements of the current Building and Plumbing Codes, the Borough's standard construction specifications and other applicable rules and regulations of the Borough, and shall be located within four feet zero inches (4'-0") of the building wall. Should the property owner of an existing building sanitary drainage system choose not to install a building trap, the building sanitary drainage system shall conform to the requirements for a new building sanitary drainage system, in accordance with the requirements of the Borough's standard construction specifications and other applicable rules and regulations of the Borough.
21. Existing building sanitary drainage systems with curb vents shall have these vents either permanently sealed as approved by the Borough or raised at least six (6) inches above finished grade and capped with an approved cap, or capped flush with finished grade to conform with the requirements of the Borough's standard construction specifications. If it is determined that the vent stack is damaged (leaking, offset, cracked, etc.), it shall be replaced to the extent required to correct the damage.
22. Cleanouts on the building sanitary drainage system will be installed to conform to the requirements of the current Building and Plumbing Codes, the Borough's standard construction specifications and other applicable rules and regulations of the Borough. If a cleanout is placed on the exterior of the building, it shall be lo-

SEWERS AND SEWAGE DISPOSAL

cated within four feet zero inches (4' – 0") of the building wall. Should a second cleanout be required, it shall be located seventy-five (75) feet from the first cleanout or at a change in direction (forty-five (45) degrees or greater) of the lateral.

(Ord. 1840, 12/9/1996, §202; as amended by Ord. 1853, 7/14/1997, §§3-8; and by Ord. 1954, 12/9/2002, §1)

§203. Federal Categorical Pretreatment Standards.

Upon the promulgation of the Federal Categorical Pretreatment Standards (40 CFR §§405-471) for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Part for sources in that subcategory, shall control. Each user or industrial user shall be responsible to notify the Borough of changes to their status under the Federal, State or local regulations.

(Ord. 1840, 12/9/1996, §203)

§204. Modification of Federal Categorical Pretreatment Standards.

Where the Borough's WWPT achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Borough may apply to the approval authority for modification of specific limits in the Federal Pretreatment Standards. Consistent removal shall mean the reduction in the amount of a pollutant or alteration of the nature of the pollutant by the WWTP to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five (95) percent of the samples taken when measured according to the procedures set forth in §403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the Act. The Borough may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, §403.7, are fulfilled and prior approval from the approval authority is obtained.

(Ord. 1840, 12/9/1996, §204)

§205. Specific Pollutant Limitations.

No user of the Borough POTW shall contribute or cause to be contributed, directly or indirectly, wastewater containing pollutant levels in excess of the following maximum discharge limitations:

Pollutant	Maximum Daily Limit (mg/l)
Total Arsenic	0.12
Total Cadmium	0.11

Pollutant	Maximum Daily Limit (mg/l)
Total Chromium	2.00
Total Copper	(1)
Total Lead	(1)
Total Mercury	0.001
Total Nickel	0.76
Total Silver	(1)
Total Zinc	(1)
Total Toxic Organics	2.13

Pollutants	Instantaneous Maximum (mg/l)
Free Cyanide	0.56
Total Phenols	1.00

Pollutants	Maximum Daily Limit (mg/l)
Biochemical Oxygen Demand (BOD5)	250
Total Suspended Solids	250
Ammonia as N	25
Oil and Grease, Total Recoverable	100

The Borough may impose alternate mass and/or concentration limits upon industrial users for all specified parameters within this section as long as the total loading remains within the approved, as specified by the United States Environmental Protection Agency. For these pollutants, each industry that is subjected to the requirements of the municipal/industrial pretreatment program is allocated a specific mass limit and/or a specific concentration limit.

(Ord. 1840, 12/9/1996, §205)

§206. State Requirements.

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

(Ord. 1840, 12/9/1996, §206)

§207. Borough's Right of Revision.

The Borough reserves the right to establish, by ordinance, more stringent limitations or requirements on discharges to the POTW, if deemed necessary, to comply with the objectives presented in Part 1 of this chapter.

(Ord. 1840, 12/9/1996, §207)

§208. Excessive Discharge.

No user or industrial user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment, to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or with any other pollutant specific limitations developed by the Borough or State.

(Ord. 1840, 12/9/1996, §208)

§209. Accidental Discharge.

Each user or industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Part into the POTW. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's or industrial user's cost and expense. The Borough shall evaluate, at least once every two (2) years, if the user requires spill prevention and sludge discharge measures to be implemented. If the Borough deems it necessary, a slug discharge control plan may be required. The plan must contain certain minimal elements, such as a description of the user's chemical storage and discharge practices, procedures of notifying the Borough of slug loading, measures of preventing and containing spills, and emergency response and follow-up procedures as required by §403 of this chapter. No user or industrial user who commences contribution to the POTW after the effective date of this Part shall be permitted to introduce pollutants into the system until the accidental discharge procedures have been approved by the Borough. Review and approval of such plans and operating procedures shall not relieve the user or industrial user from the responsibility to modify its facility, as necessary, to meet the requirements of this Part. In the case of an accidental discharge, it is the responsibility of the user or industrial user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(Ord. 1840, 12/9/1996, §209)

§210. Written Report.

Within five (5) days following an accidental discharge, the user or industrial user shall submit to the Borough a detailed written report describing the cause of the discharge and the measures to be taken to mitigate any expenses, loss, damage or other liability which may be incurred as a result of damage to the POTW or aquatic life or any other damage to person or property. Such report shall not relieve the user or industrial user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.

(Ord. 1840, 12/9/1996, §210)

§211. Notice to Employees.

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

(Ord. 1840, 12/9/1996, §211)

§212. Borough's Right of Entry.

The owner of any building with its sanitary drainage system connected to the POTW shall, after disclosure of proper credentials and identification, allow the Borough to:

- A. Enter all properties and facilities for the purpose of inspection, observation, measurement, sampling and testing to determine compliance with the provisions of these regulations and for the performance of other functions relating to service rendered by the Borough in regard to the POTW.
- B. Examine and copy any and all records required to be maintained by the owner for the purpose of determining compliance with the provisions of these regulations and any and all State or Federal pretreatment standards and regulations.

(Ord. 1840, 12/9/1996, §212)

Part 3

Fees and Rates

§301. Establishment of Fees.

1. There is hereby imposed upon each property located within the Borough limits served by the POTW and having the use thereof a quarterly sanitary sewer rent, payable as hereinafter provided for the use, whether direct or indirect, of the POTW, based on such rates and in accordance with such classification as hereinafter, from time to time, established by resolution and/or ordinance of the Borough Council.
2. All sanitary sewer rentals and charges shall be rendered quarterly of each year for the prior three months. Bills remaining unpaid after the due date of the statement will be charged additional interest and penalty as set forth in §304, Penalty for Late Payment (below). Payments received on or prior to the last date of the specified period will be deemed to be payment of the bill within the particular period. All bills will be the responsibility of the owner. The consumer or occupant of a single metered property may be billed as a matter of convenience, but the owner is responsible for payment for all charges.
3. No sanitary wastewater or industrial waste shall be received into the POTW from sources outside the Borough limits except upon payment therefor as may be satisfactory to Council.
4. It is the purpose of this section to provide for the recovery of costs from users and industrial users of the Borough's POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Borough's schedule of charges and fees. The Borough may adopt charges and fees which may include:
 - A. Fees for reimbursement of costs of establishing and operating the Borough's pretreatment program.
 - B. Fees for monitoring, inspections and surveillance procedures including, but not limited to, any and all engineering, legal, administrative, insurance and testing costs and expenses.
 - C. Fees for reviewing accidental discharge procedures and construction.
 - D. Fees for permit applications.
 - E. Fees for filing appeals.
 - F. Fees for consistent removal by the Borough of pollutants otherwise subject to Federal pretreatment standards.

SEWERS AND SEWAGE DISPOSAL

- G. Other fees the Borough may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees.

(Ord. 1840, 12/9/1996, §301; as amended by Ord. 1844, 1/13/1997, §1; and by Ord. 1846, 2/10/1997, §1)

§302. Sanitary Sewer Rates.

- 1. All sanitary sewer rates and fees associated with the operation of the wastewater treatment plant shall be as follows and shall be modified by a schedule of fees enacted by a resolution and/or ordinance adopted by the Borough Council:

- A. Metered domestic, commercial and public customers inside the Borough shall be billed a service charge of \$66.25 per quarter for each EDU (equivalent dwelling unit) and a consumption charge of \$2.23 per 100 cubic feet of water used. The basis for EDU's shall be as follows:

Table with 2 columns: Customer Type, EDU/unit. Rows: Residential customers (1 EDU/unit), Mixed-use customers (residential/commercial) (1 EDU/unit).

Commercial/Industrial/Public Customer Meter

Table with 2 columns: Meter Size, EDU's. Rows: 5/8" (1), 3/4" (2), 1" (3), 1 1/2" (6), 2" (11), 3" (23), 4" (41), 6" (64), 8" (94).

- B. Unmetered domestic customers inside the Borough using wastewater treatment facilities only shall be billed a service charge of \$112.63 per quarter for each EDU (equivalent dwelling unit); unmetered commercial and public customers inside the Borough shall be billed a service charge of \$157.67 for each EDU (equivalent dwelling unit).

- C. Industrial establishments (manufacturing plants, laundries, dairies, bakeries, factories, newspaper plants, landfills, etc.) shall be billed a service charge of \$66.25 per quarter for each EDU (equivalent dwelling unit) and a consumption charge of \$2.23 per 100 cubic feet of water used.
- D. MIPP Recovery. All Class I and Class II industrial customers shall be billed a municipal industrial pretreatment charge of \$0.08 per 100 cubic feet of water used with a maximum annual charge of \$2,000.
- E. [Reserved]
- F. Process Usage Credits. The following water uses shall be eligible for sewer process credits:
 - (1) Residential, Commercial and Industrial Users.
 - (a) Process Water. Water that is consumed as part of a manufacturing process or is evaporated during such process and is not returned to the sanitary sewer system.
 - (b) Irrigation. Water used for landscaping, fountains, etc., that will not be returned to the sanitary sewer system.
 - (c) Wells. Except for wells that are totally dedicated to process water that is not discharged into the sanitary sewer system, to qualify for a process usage credit, separate water meters must be installed to record domestic and process usage.
 - (d) Swimming Pools. No process usage credits will be permitted for swimming pools since Pennsylvania Department of Environmental Protection requires that they be drained into the sanitary sewer system.
 - (2) To establish a process credit account, the following is required:
 - (a) All parcels shall have a meter pit in the legal right-of-way. Only one process meter will be permitted per parcel.
 - (b) All properties may have the following service meters:
 - 1) One domestic service meter.
 - 2) One fire line and meter (if required).
 - 3) One process line and meter (if eligible).
 - (c) All required service lines and meters shall have backflow preventers installed.

SEWERS AND SEWAGE DISPOSAL

- (d) As a condition of receiving process credits, all meters shall be tested for accuracy as per the following schedule:
 - 1) Five-eighths-inch and three-quarters-inch meters to be tested every three years.
 - 2) One-inch to six-inch meters to be tested every year.
 - (e) All meters shall be tested by the Authority's contractor, with the costs being paid by the property owner. Costs shall include staff time and cost of contractor.
- (3) The amount of water calculated as a process usage credit through metering shall be deducted from the total water consumed in order to determine the bill for sewage service under the prevailing rates.
2. Trucked and Hauled Wastewater.
- A. Bulk Wastewater Discharge. The Borough will apply a per-gallon rate in accordance with the Borough bulk wastewater/septage fee schedule (schedule provided in Subsection 2E of this section) for bulk wastewater discharge volume received within a calendar month. Applied per gallon rates may be adjusted (increased/decreased) using the compatible surcharge factor formula in §303 of this Part. For bulk wastewater discharges, the compatible surcharge factor formula will utilize actual values for BOD, TSS and NH₃ -N and will not substitute 250 mg/l in BOD or 250 mg/l in TSS or 25 mg/l in NH₃ -N for calculation purposes when these figures are less than 250 mg/l in BOD or 250 mg/l in TSS or 25 mg/l in NH₃ -N.
 - B. Septage Discharge. The Borough will apply a per-gallon rate in accordance with the Borough bulk wastewater/septage fee schedule (schedule provided in Subsection 2E of this section) for septage discharge volume received within a calendar month.
 - C. Sampling and Analysis. The Borough shall not charge a fee for sampling and/or analysis performed by plant personnel for the reasons of bulk wastewater discharge approval, bulk wastewater/septage discharge monitoring or bulk wastewater discharge sampling and analysis for billing purposes. The Borough reserves the right to request reimbursement or payment for any sampling and/or analytical services performed by outside laboratories that are deemed necessary for the above reasons or if requested by generator or hauler of wastes.
 - D. Permitting. The Borough shall charge a one-time permit recording fee in accordance with the Borough bulk wastewater/septage fee schedule for any bulk wastewater discharge or septage discharge generator or hauler applying for discharge privileges. Permits are susceptible to changes, revisions,

additions and deletions without a repermitting fee. A permit reapplication due to discharge privilege expiration or suspension will be charged a repermitting fee in accordance with the Borough bulk wastewater/septage fee schedule.

E. Bulk Wastewater/Septage Fee Schedule.

Type	Fee
Septage discharge fee	\$0.0206 per gallon
Holding tank wastewater discharge fee	\$0.0103 per gallon
Other wastewater sources	To be determined by the Superintendent of Wastewater based on the characteristics of the waste stream, i.e., loadings; minimum charge shall be the holding tank price of \$0.0103 per gallon
Sludge discharge fees	
0.00% to 3.00% total solids	\$0.0309 per gallon
3.01% to 4.00% total solids	\$0.0412 per gallon
4.01% to 5.00% total solids	\$0.0515 per gallon
5.01% to 6.00% total solids	\$0.0618 per gallon
6.01% to 7.00% total solids	\$0.0721 per gallon
7.01% to 8.00% total solids	\$0.0824 per gallon
8.01% to 9.00% total solids	\$0.0927 per gallon
9.01% to 10.00% total solids	\$0.1030 per gallon
For every percent higher than 10% total solids	Add \$0.01 plus 3%
Permit fee to discharge for up to 5 years	
Septage permit	\$100
Holding tank wastewater permit	\$100
Sludge permit	\$125
Laboratory analysis fees	
CBOD	\$22 per analysis
TSS	\$10 per analysis
NH3-N	\$15 per analysis
TS	\$10 per analysis

SEWERS AND SEWAGE DISPOSAL

Type	Fee
NO2	\$15 per analysis
NO3	\$15 per analysis
Fecal	\$15 per analysis
Coliform	\$30 per analysis

3. Transporting Charges. When the Borough, Lower Pottsgrove Township, Upper Pottsgrove Township, West Pottsgrove Township or any other municipal entity uses the other POTW to transport wastewater to the WWTP which is not reflected in the above rate differentials, then the municipality using the other municipality's system shall pay the municipality \$5.67 annually per customer.

(Ord. 1840, 12/9/1996, §302; as amended by Ord. 1844, 1/13/1997, §2; by Ord. 1877, 12/30/1998, §1; by Ord. 1892, 8/9/1999, §1; by Ord. 1910, 12/19/2000; by Ord. 1957, 12/17/2002, §1; by Res. 2002-41, 11/13/2002; by Ord. 1959, 4/14/2003, §1; by Ord. 1973, 12/29/2003, §1; by Ord. 1987, 12/29/2004, §1; and by Ord. 2049, 12/26/2007)

§303. Additional Rent for Industrial Wastes.

1. The rental and charges for collection and treatment of industrial wastes discharged into the POTW shall be made in accordance with this chapter. In addition thereto, further changes shall be made for all wastewater discharged into the POTW having total suspended solids, biochemical oxygen demand and ammonia, in excess of the following concentrations:

A. Total suspended solids (TSS)	250 mg/l
B. Biochemical oxygen demand (BOD)	250 mg/l
C. Ammonia	25 mg/l

2. The additional charge for wastewater having concentration in excess of the foregoing shall be based upon the compatible surcharge factor determined according to the following formula:

$$.17 + (\text{BOD}/250) \times .29 + (\text{TSS}/250) \times .39 + (\text{NH}_3\text{-N}/25) \times .15$$

3. The compatible surcharge factor determined by the above formula shall be multiplied by the sanitary sewer rental determined under this chapter to determine the total charge for industrial waste.

(Ord. 1840, 12/9/1996, §303; as amended by Ord. 2026, 7/10/2006)

§304. Penalty for Late Payments.

If any quarterly installment of sewer rent is not paid within 30 days after the date of a bill, a penalty of 10% shall be added thereto; if the installment, plus penalty, is not paid within 60 days after the date of the bill, the aggregate amount thereof shall bear interest from the penalty date at a rate of nine percent per annum, or the maximum rate permitted by law. Any unpaid sewer rent, together with penalties and interest thereon, to the extent permitted by law, and all delinquent costs, shall be a lien on the property served, which may be collected by an action in assumpsit, by distress and/or by lien filed in the nature of a municipal claim and/or by termination of the services and as to the extent permitted by law. In addition, any costs and/or reasonable attorney's fees incurred by the Borough shall be added to the unpaid sewer rent, along with penalties and interest as set forth above, and the aggregate of same shall be entered as a lien on the property served and collected in the manner provided by the Municipal Claims Act, 53 P.S. §7101 et. seq. The Borough hereby adopts the following fee schedule to be paid to legal counsel for representation in proceedings to recover any delinquent municipal claim. The Borough approves these fees and finds them fair and reasonable for the services to be rendered and shall impose them upon the property owner in proceedings to recover delinquent municipal claims, together with an additional out-of-pocket costs for necessary expenses:

- A. **Administrative Charge.** Any administrative fee incurred for mailing the notice of delinquency, not to exceed \$50, being a cost of collection under the Municipal Claims and Tax Liens Act, shall be assessed.
- B. **Interest.** Interest will be assessed upon all delinquent municipal claims and taxes at a rate of 10% per annum.
- C. **Legal Services.**

Legal Services	Fee For Services
Initial review and sending first demand letter	\$160.00
File lien and mail second demand letter	\$175.00
Prepare Writ of Scire Facias	\$175.00
Obtain re-issued writ	\$30.00
Prepare and mail letter under PA. R.C.P. §237.1	\$30.00
Prepare motion for alternate service	\$175.00
Prepare default judgment	\$175.00
Prepare Writ of Execution	\$800.00
Attendance at sale; review schedule of distribution and resolve distribution issues	\$400.00
Continue sheriff sale	\$50.00

SEWERS AND SEWAGE DISPOSAL

Legal Services	Fee For Services
Petition to assess damages	\$50.00
Petition for free and clear sale	\$400.00
Prepare bankruptcy proof of claim	\$100.00
Handling fee for returned check	\$30.00
Handling fee to issue refund check	\$20.00
Bookkeeping fee for payment plan of more than three payments	\$50.00
Services not covered above	At an hourly rate between \$60 -\$225 per hour

- D. The amount of fees determined as set forth above are fair and reasonable for the services to be provided and shall be added to the Borough of Pottstown's claim in each account.
- E. There shall be added to the above amounts the reasonable out-of-pocket charges, costs, expenses, commissions and fees, such as but not limited to postage, title searches, prothonotary fees and sheriff fees.
- F. The amount of charges, expenses, commissions and fees determined as set forth above shall be added to the Borough of Pottstown's claim in each account.

(Ord. 1840, 12/9/1996, §304; as amended by Ord. 1846, 2/10/1997, §2; by Ord. 1891, 7/2/1999, §1; and by Ord. 1995, 3/14/2005, §1)

Part 4

Administration

§401. Wastewater Dischargers.

It shall be unlawful to discharge or connect into any sanitary sewer within the Borough without a Borough permit or in any area under the jurisdiction of said Borough or to the POTW any wastewater except as authorized in writing by the Borough in accordance with the provisions of this chapter.

(Ord. 1840, 12/9/1996, §401)

§402. User Permit.

1. All significant industrial users shall obtain a user permit before connecting to or contributing to the POTW. Other users may be subjected to an issuance of a user permit based on the definition of Class 2 user.
2. The Borough and/or the Borough shall require a user of sanitary sewer services to provide information needed to determine compliance with this chapter or other applicable local, State or Federal laws, rules or regulations. These requirements may include:
 - A. Wastewater discharge peak rate and volume records over a specified time period.
 - B. Information on raw materials, processes and products affecting wastewater volume and quality.
 - C. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sanitary sewer use control.
 - D. A plot plan of sanitary sewers on the user's property showing sanitary sewer facility locations and all proposed sanitary sewer connections to these facilities.
 - E. Details of systems to prevent and control stormwater from entering the Borough's POTW.
 - F. All costs incurred for the information described in this chapter shall be paid by the user of the sanitary sewer services in addition to other charges and sanitary sewer rentals.
3. All measurements tests and analyses of the characteristics of waters and wastewaters to which reference is made in this Part shall be determined in accordance

SEWERS AND SEWAGE DISPOSAL

with the Federal Regulations Test Procedures as found in 40 CFR, Part 136. If 40 CFR, Part 136, does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis must be performed in accordance with procedures approved by EPA. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis, subject to approval by the Borough. All sampling and analysis conducted must be based on data that is representative of conditions occurring during the reporting period.

4. The user shall be responsible for submitting all applicable county, regional, State or Federal permits or planning documents required for approval of sanitary sewer connection.

(Ord. 1840, 12/9/1996, §402)

§403. Industrial Users.

1. Permit Application. An industrial user which is required to obtain an industrial user permit shall complete an application, which shall be submitted to the Borough. The fee for the permit application is established by the Pottstown Borough fee resolution. The application form shall include the following information:
 - A. Name, address and location (if different from the address) of applicant and the name of the operator and owner of the plant.
 - B. SIC number, according to the Standard Industrial Classification Manual, Bureau of the Budget 1972, as amended.
 - C. Wastewater constituents and characteristics including, but not limited to, those mentioned in Part 2 of this chapter, as determined by a reliable analytical laboratory, sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to §304(G) of the Act and contained in 40 CFR, Part 136, as amended. Both daily maximum and average concentration (or mass, where required) shall be reported.
 - D. Time and duration of contribution.
 - E. Average daily and three (3) minute peak wastewater flow rates, including daily, monthly and seasonal variation, if any.
 - F. Site plans, floor plans, mechanical and plumbing plans and details to show all sanitary sewers, sanitary sewer connections and appurtenances by the size, location and elevation.
 - G. Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.

- H. The nature and concentration of any pollutants in the discharge which are limited by any Borough, State or Federal pretreatment standards and a statement regarding whether there is compliance with pretreatment standards on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet applicable pretreatment standards. Pretreatment standards applicable to each regulated process shall be identified. A statement shall be included reviewed by an authorized representative of the industrial user certified by a qualified professional indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet the pretreatment standards and requirements.

- I. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
 - (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the use to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)
 - (2) No increment referred to in subsection (A) shall exceed nine (9) months.
 - (3) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Borough, including, as a minimum, whether it complies with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress; the reason for delay, and the steps being taken by the industrial user to return the construction to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Borough.

- J. Each product produced by type, amount, process or processes and rate of production.

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

SEWERS AND SEWAGE DISPOSAL

- L. Number and type of employees and hours of operation of plant, and proposed or actual hours of operation of pretreatment system.
- M. A list of any environmental control permits held by or for the facility.
- N. Any other information as may be deemed by the Borough to be necessary to evaluate the permit application.

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 an industrial user permit subject to terms and conditions provided herein.

- 2. Permit.
 - A. All Class 1 and Class 2 industrial users and such other users as the Borough determines, shall obtain an industrial user permit before connection to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall apply for an industrial user permit within thirty (30) days after the effective date of this chapter.
 - B. Where a user becomes subject to a new National Categorical Pretreatment Standard, but has not previously submitted an application for an industrial user permit as required by subsection (2), the user shall apply for an industrial user permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard.
- 3. Permit Modifications. Upon the promulgation of a National Categorical Pretreatment Standard, the industrial user permit of industrial users, subject to such standards, shall be revised to require compliance with such standard within the time frame prescribed by such standard.
- 4. Permit Condition. Industrial user permits shall be expressly subject to all provisions of this permit and all other applicable regulations, user charges and fees established by the Borough by way of a separate ordinance. The permit may contain the following:
 - A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sanitary sewer.
 - B. Limits on the average and maximum wastewater constituents and characteristics.
 - C. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
 - D. Requirements for installation and maintenance of inspection and sampling facilities.

- E. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
 - F. Compliance schedule.
 - G. Requirements for submission of technical reports or discharge reports (see subsection (4)).
 - H. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Borough and affording the Borough access thereto.
 - I. Requirements for notification of the Borough of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
 - J. Requirements for notification of slug discharges as per §403(7)(C) of this Part.
 - K. Other conditions as deemed necessary by the Borough to ensure compliance with this chapter. The Borough may include conditions regarding duration, nontransferability and applicable civil and criminal penalties as provided in 40 CFR §403.8 (F)(1)(iii) (A, B and E).
5. **Permits Duration.** Permits shall be issued for a specific time period, not to exceed five (5) years. A permit may be issued for a period less than one (1) year, or may be stated to expire on a specific date. The industrial user shall apply for permit re-issuance a minimum of one hundred eighty (180) days prior to the expiration of the industrial user's existing permit. The terms and conditions of the permit may be subject to modification by the Borough during the term of the permit, as limitations or requirements as identified in Part 2 are modified, or other just cause exists. The industrial user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
6. **Permit Transfer.** Industrial user permits are issued to a specific industrial user for a specific operation. An industrial user permit shall not be reassigned or transferred or sold to a new owner, new industrial users, different premises or a new or changed operation without the written approval of the Borough. Any succeeding owner shall also comply with the terms and conditions of the existing permit.
7. **Reporting Requirements in Permits.**
- A. **Compliance Date Report.** Within ninety (90) days following the date for final compliance with applicable pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the

SEWERS AND SEWAGE DISPOSAL

POTW, any industrial user, subject to pretreatment standards and requirements, 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 pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis, and, if not, what additional O&M and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements and conditions set forth in §403(1)(I) of this Part. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified professional.

B. Periodic Compliance Report.

- (1) Any industrial user, whether categorical or noncategorical, subject to a pretreatment standard after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge to the POTW, shall submit to the Borough, during the months of June and December, unless required more frequently in the pretreatment standards or by the Borough, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flow which, during this reporting period, exceeded the average daily flow allowed in the permit. This report shall be signed by an authorized representative of the industrial user and certified by a qualified professional. At the discretion of the Borough and in consideration of such factors as local high or low flow rates, holiday, budget cycles, etc., the Borough may agree to alter the months during which the above reports are to be submitted.
- (2) The Borough may impose mass limitations on industrial users, whether categorical or noncategorical, which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by this Part, shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration of production and mass where requested by the Borough, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to §304(g) of the Act, and contained in 40 CFR, Part 136, and amendments thereto, or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. The reports required

by this subsection shall be signed by an authorized representative of the industrial user and certified by a qualified professional.

- C. Notice of Potential Problems, Notice of Violation, Resampling Requirement, Notification of Discharge of Hazardous Wastes, Submission of All Monitoring Data.
- (1) Notice of Potential Problems, Including Slug Loading. All categorical and noncategorical industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by §102 of this chapter, by the industrial user.
 - (2) Monitoring and Analysis to Demonstrate Compliance. If sampling performed by an industrial user indicates a violation, the user shall notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation, except the industrial user is not required to resample if: (i) the Control Authority performs sampling at the industrial user at a frequency of at least once per month, or (ii) the Control Authority performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling. If an industrial user subject to the reporting requirements in 40 CFR §403.12(E) monitors any pollutant more frequently than required by the Control Authority, using the procedures prescribed in 40 CFR §403.12(G)(4), the results of this monitoring shall be included in the report.
 - (3) Notification of Discharge of Hazardous Waste and Submission of All Monitoring Data.
 - (a) The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be hazardous waste under 40 CFR, Part 261. Such notification must 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 to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user. An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and

SEWERS AND SEWAGE DISPOSAL

an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place within one hundred eighty (180) days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notification of changed discharges must be submitted under 40 CFR §403.12(j). The notification requirement in this section does not apply to pollutants already reported under self-monitoring requirements of 40 CFR §403.12(b), (d) and (e).

- (b) Dischargers are exempt from the requirements of the preceding subsection during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §261.30(d) and §261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month or of any quantity of accrue hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and §261.33(e), requires a one time notification.
- (c) Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.
- (d) In the case of any new regulations under §3001 of RCRA, identifying additional characteristics of hazardous wastes or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director; and site hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (e) In the case of any notification made under this chapter, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

D. Record-Keeping Requirements.

- (1) Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include all samples:

- (a) The date exact place, method and time of sampling and the names of the person or persons taking the samples.
 - (b) The dates analyses were performed.
 - (c) Who performed the analyses.
 - (d) The analytical techniques/methods used.
 - (e) The results of such analyses.
- (2) Any industrial user subject to the reporting requirements established in this section shall be required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Director and the Regional Administrator (and POTW in the case of an industrial user). This period of retention shall be extended during the course of any resolved litigation regarding the industrial user or POTW or when requested by the Director or the Regional Administrator.
8. Certification Statement. The reports required by subsection (7) of this §403 shall be accompanied by a specific certification statement as established by 40 CFR §403.6(a)(2)(ii).
9. Monitoring Facilities. Persons or occupants of premises where wastewater is created or discharged shall allow the Borough, or their representative, ready access at any time to all parts of the premises for the purpose of inspection, sampling, records examination, copying of records or in the performance of any of their duties.
10. Right to Require Installation of Monitoring Equipment and Right to Implement Monitoring Procedures. The Borough POTW has the right to require installation of monitoring equipment and has the right to carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the Borough POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under 40 CFR §403.12(M) to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under §308 of the Act.

(Ord. 1840, 12/9/1996, §403)

SEWERS AND SEWAGE DISPOSAL

§404. Pretreatment.

1. Users and industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the Borough shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Borough for review and shall be acceptable to the Borough before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Borough under the provisions of this chapter. Any new or increased pollutants, subsequent changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the Borough prior to the user's or industrial user's initiation of the changes.
2. The Borough shall publish, in the largest local newspaper, any industrial user which is in significant noncompliance and/or has continually exceeded discharge limits during the past three (3) months. The publication shall also summarize any enforcement action taken against the industrial user during the same three (3) months. Reference: 40 CFR §403.8(f)(2)(VII).
3. Users and industrial users subject to the record keeping requirements of this section shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring or reporting requirements required in this chapter, including any monitoring activities undertaken by the user or industrial user independent of these requirements. Records shall include the exact date and time of sampling, the date and time of analysis, the name of the person(s) collecting and analyzing all samples, the methodology used in analyzing the samples and the results of these analyses. These records should be made available for a minimum of three (3) years. In the matters of litigation between the industrial user and the Borough or where specifically requested by the EPA, the retention period shall be extended. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA, the Borough or approval authority upon request.

(Ord. 1840, 12/9/1996, §404)

§405. Confidential Information.

1. Information and data on a user or industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and free inspections shall be available to the public or other governmental agency without restriction unless the user or industrial user specifically requests and is able to demonstrate, to the satisfaction of the Borough, that the release of such informa-

tion would divulge information, processes or methods of production entitled to protection as trade secrets of the user or industrial user.

2. When requested by the person furnishing a report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, State disposal permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
3. Except for information the Borough is required to release to EPA, information accepted by the Borough as confidential shall not be transmitted to any governmental agency or to the general public by the Borough until and unless a ten (10) day notification is given to the user or industrial user.

(Ord. 1840, 12/9/1996, §405)

§406. Trucked and Hauled Wastewater.

1. Bulk Wastewater Discharge. The Borough will accept trucked and hauled wastewater exclusively from holding tanks upon prior permitting, analytical and volume approval. The decision for approval will be at the sole discretion of the Borough and shall be based on, but not limited to, the concentration of biochemical oxygen demand, total suspended solids and ammonia as nitrogen in connection with the volume of wastewater to be discharged. In no instance shall a wastewater be discharged to the POTW without prior approval by the Borough. All bulk wastewater discharges shall be regulated through the Borough bulk wastewater discharge program and, when applicable, the Borough MIPP.
2. Septage Discharge. The Borough will accept trucked and hauled septage whose source originates from residential, commercial or industrial septic tanks/cesspools, which contain domestic wastes only, upon prior permitting, characteristic and volume approval by the Borough. The decision for approval will be at the sole discretion of the Borough and shall be based on, but not limited to, the characteristics of the septage in conjunction with the volume of septage to be discharged. In no instance shall a septage wastewater be discharged to the POTW without prior approval. All septage discharges shall be regulated through the Borough septage discharge program and, when applicable, the Borough MIPP.
3. Discharge Points. The Borough shall designate, in writing, to all bulk wastewater discharge haulers and septage discharge haulers, the authorized discharge point(s) for trucked and hauled wastewater. All such discharges, unless otherwise noted, must be made at the designated point(s).

SEWERS AND SEWAGE DISPOSAL

4. Sampling and Analysis. The Borough may authorize sampling and analysis by a certified contract laboratory for the purpose of waste source approval if and when the WWTP laboratory is unable to analyze or analysis is outside of its capabilities. The Borough will, unless otherwise notified, perform all sampling and analysis for billing and monitoring purposes.
5. Permits for Discharge. The Borough will require permitting of all bulk wastewater/septage generators and/or haulers. Permittees will adhere to and obey all conditions stated in their individual permit. Permits may include specific expiration dates. Any permittee not adhering to the conditions stated in their permit shall have their permit revoked, discharge privileges terminated or suspended and be responsible for reimbursement to the Borough any fines and/or legal fees that shall be levied against the Borough as a result of the bulk wastewater discharge and/or septage discharge permit condition violation(s).

(Ord. 1840, 12/9/1996, §406)

Part 5

Enforcement

A. Industrial Users.

§501. Harmful Contributions.

1. The Borough may suspend an industrial user 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 to the POTW or causes the Borough to violate any condition of its NPDES permit.
2. Any person notified of a suspension of a permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the Borough shall take steps as deemed necessary, including immediate severance of the sanitary sewer connection to prevent or minimize damage to the POTW system or endangerment to any individuals. The Borough may reinstate the permit upon proof of the elimination of the noncomplying discharge by the user or industrial user, payment of any damages, fines, penalties or costs associated with the discharge and the submission of a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

(Ord. 1840, 12/9/1996, §501)

§502. Revocation of Permit.

Any industrial user who violates the following conditions of this chapter, or applicable State and Federal regulations, is subject to having his permit suspended in accordance with the procedures of this chapter:

- A. Failure of an industrial user to report factually the wastewater constituents and characteristics of his discharge.
- B. Failure to report significant changes in operations or wastewater constituents and characteristics.
- C. Refusal of reasonable access to the premises for the purpose of inspection and monitoring.
- D. Violation of the conditions of the permit.

(Ord. 1840, 12/9/1996, §502)

§503. Notification of Violation.

Whenever an industrial user has violated, or is violating, this chapter, the permit or industrial user permit or any prohibition, limitation or requirements contained herein, the Borough may serve upon such person a notice of violation specifically citing the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Borough by the industrial user.

(Ord. 1840, 12/9/1996, §503)

§504. Administrative Order.

Whenever the Borough finds that an industrial user has violated the terms and conditions of its permit or this chapter, the Borough may subject the industrial user to an order to correct the violation within a time frame as deemed appropriate and timely by the Borough.

(Ord. 1840, 12/9/1996, §504)

§505. Show Cause Hearing.

1. The Borough may order anyone who causes or allows an unauthorized discharge to enter the POTW to show cause before the Borough Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Borough Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Borough Council 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.
2. The Borough Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Borough to:
 - A. Issue in the name of the Borough Council notices to hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 - B. Take the evidence.
 - C. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Borough Council for action thereon.

3. At any hearing held pursuant to this chapter, 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.
4. After the Borough Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sanitary sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives, as are necessary and appropriate, may be issued. Borough Council may require payment of a fee of one hundred dollars (\$100.00) plus costs including, but not limited to, cost of stenographic recording of evidence, against anyone who causes or allows an unauthorized discharge to enter the POTW.

(Ord. 1840, 12/9/1996, §505)

§506. Legal Action.

If any person discharges wastewater, industrial wastes, stormwater or other wastes into the Borough's POTW contrary to the provisions of this chapter, Federal or State pre-treatment requirements or any order of the Borough or is in violation of any other pre-treatment standards and requirements of this chapter, the Borough Solicitor may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Montgomery County.

(Ord. 1840, 12/9/1996, §506)

B. Nonindustrial Users.

§511. Actions Against Nonindustrial Users.

1. The owner of a building, classified as a nonindustrial user, will be mailed a written notice of the actions required at their building to meet the conditions of this chapter. The owner will have reasonable amount of time specified by the Borough to complete the actions required.
2. Where such actions are neglected by the owner, the Borough may then, ten (10) days after mailing a second written notice to the owner, suspend potable water service until the actions required are completed.
3. The Borough may perform inspections to assure that all work is completed in a manner which is satisfactory to the Borough.

SEWERS AND SEWAGE DISPOSAL

4. If the owner further refuses to complete the required actions, the Borough may cause to be made such maintenance or repairs as may be necessary to meet the requirements of this chapter and charge the owner for the cost thereof.
5. If the owner does not meet the payment terms and conditions for such charges, a lien against the owners building will be sought for unpaid charges.
6. If any person discharges wastewater, industrial wastes, stormwater or other wastes into the Borough's POTW contrary to the provisions of this chapter, Federal or State pretreatment requirements or any order of the Borough, or is in violation of any other pretreatment standards and requirements of this chapter, the Borough Solicitor may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Montgomery County.

(Ord. 1840, 12/9/1996, §507)

C. Enforcement.

§521. Authorized Personnel.

The following Borough personnel shall be empowered to enforce the user requirements of this chapter:

- A. Director of Public Works.
- B. Superintendent of Utilities.
- C. WWTP Chief Operator.
- D. MIPP Administrator.
- E. Wastewater Collection Supervisor.
- F. Code Enforcement staff.

(Ord. 1840, 12/9/1996, §508)

Part 6

Holding Tanks

§601. Specifications for Holding Tanks.

All holding tanks shall be constructed in accordance with the specifications of the engineer designated by the Borough.

(Ord. 1840, 12/9/1996, §601)

§602. Duties of Building Owners.

The owner of a building that utilizes a holding tank shall:

- A. Maintain a holding tank in conformance with the requirements of this chapter or any ordinance of this Borough and any administrative agency of the State.
- B. Assume responsibility for the collection, transportation and disposition of the contents therein, subject to the express written consent and approval of the Borough or anyone acting under the direction of the Borough prior to the aforesaid collection, transportation and disposition.

(Ord. 1840, 12/9/1996, §602)

§603. Time and Frequency of Plumbing.

All holding tanks shall be pumped at times and frequencies as set and established by the Borough.

(Ord. 1840, 12/9/1996, §603)

§604. Holding Tanks Sealed.

All holding tanks shall be sealed or otherwise treated so that no odor may escape therefrom.

(Ord. 1840, 12/9/1996, §604)

SEWERS AND SEWAGE DISPOSAL

§605. Contaminants/Debris.

All holding tanks and the areas around same shall be kept free of all contaminants and debris and particularly free of all wastewater.

(Ord. 1840, 12/9/1996, §605)

§606. Abatement of Nuisances.

In addition to any other remedies provided in this chapter, improper operation and maintenance of holding tanks shall constitute a nuisance and may be abated by the Borough by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

(Ord. 1840, 12/9/1996, §606)

§607. Collection of Holding Tank Wastewater.

The collection and transportation of all wastewater from any building utilizing a holding tank shall be done solely by or under the direction and control of the Borough in accordance with applicable parts of §406 of this chapter and the disposal thereof shall be made only at such site or sites as may be approved by the Pennsylvania Department of Environmental Protection.

(Ord. 1840, 12/9/1996, §607)

§608. Permits.

The person or entity who or which collects (pumps) wastewater from any holding tank shall be:

- A. Permitted to do so by the Pennsylvania Department of Environmental Protection.
- B. Insured as required by the Borough.
- C. Keep and provide the Borough with records and receipts of the lawful and proper disposal of all wastewater collected.

(Ord. 1840, 12/9/1996, §608)

§609. Rates and Charges.

The Borough shall have the right and power to fix, alter, charge and collect rates, assessments and other charges in the area served by its facilities at reasonable and uniform rates in accordance with applicable parts of §311 of this chapter and/or as authorized by applicable law.

(Ord. 1840, 12/9/1996, §609)

Part 7

Penalty Costs

A. Industrial Users.

§701. Civil Penalty Assessment/Injunctive Relief Policy.

1. Civil Penalty Assessment. In addition to proceeding under any other remedy available at law or equity for violation of pretreatment standards and/or requirements, the Borough may assess a civil penalty upon the user for the violation pursuant to the Publicly Owned Treatment Works Penalty Law, Act No. 1992-9. The civil penalty shall not exceed twenty-five thousand dollars (\$25,000) per day for each violation, regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct offense under this chapter.
 - A. The notice of any such civil penalties as described above shall include a description of the applicable appeals process to be followed which shall include the name, address and telephone number of the person responsible for accepting such appeal.
 - B. In civil penalty assessment, the Borough will consider all of the following factors:
 - (1) The damage to air, water, land or other natural resources of the Borough and the surrounding municipalities.
 - (2) Cost of restoration and abatement.
 - (3) Cost savings, if any, by the industrial user as a result of the violation.
 - (4) Past violations, compliance history.
 - (5) Industrial user's willingness to work with the WWTP.
 - (6) Harm to the WWTP, POTW and its personnel.
 - (7) Whether the violation resulted or could have resulted in an NPDES Permit PA0025786 violation.
 - (8) Whether the violation resulted or could have resulted in a violation or restriction of the Borough WWTP's sludge disposal practices.
 - (9) Magnitude of the violation.
 - (10) Good faith effort by the industrial user, did the industrial user respond to the notice of violation or the violation in a timely manner; did

SEWERS AND SEWAGE DISPOSAL

the industrial user notify the Borough and did the industrial user take the initiative in a quick and effective corrective action to eliminate the noncompliance.

- C. The general civil assessment policy of the Borough is given in the Borough's enforcement response plan that is approved by the United States Environmental Protection Agency. Each industrial discharger participating in the pretreatment program should be given a copy of the policy. The fines assessed shall be maximum penalties, which the Borough has the right to reduce or waive in certain circumstances.
 - D. An industrial user charged with penalties shall have thirty (30) days to pay the proposed penalty in full or if the industrial user wishes to contest the amount of the penalty or the fact of the violation, the individual user must file an appeal pursuant to §7 of the Publicly Owned Treatment Works Penalty Law, Act No. 1992-9.
 - E. Unpaid charges, fines and penalties shall, after thirty (30) calendar days, (in the absence of appeal) be assessed an additional penalty of ten (10) percent of the unpaid balance and interest shall accrue thereafter at a rate of five-tenths (0.5) percent per month. A lien against the user's property will be sought for unpaid charges, fines and penalties.
 - F. All civil penalties collected pursuant to the Borough's civil penalty assessment policy will be placed in a restricted account and shall only be used by the Borough for the repair of the damage and any additional maintenance or other costs resulting from the violation(s) on which the penalty was imposed, to pay an penalties imposed on the Borough by a State or Federal agency as a result of violating any pretreatment standards for the costs incurred by the Borough to investigate and initiate enforcement actions against noncomplying discharge (including legal and engineering fees), for additional monitoring costs associated with the noncomplying industrial user and for capital improvements to the POTW required by the pretreatment program. Any remaining funds may be used for capital improvements to the POTW not required by the pretreatment program.
 - G. Issuance of an administrative penalty shall not be a bar against or a prerequisite for taking any other action against the user.
2. Injunctive Relief.
- A. Where necessary, the Borough shall also have the power to obtain injunctive relief against any industrial user in violation of a pretreatment standard. Injunctive relief will be granted pursuant to Pennsylvania law, if any of the following conditions can be determined to be true:
 - (1) A discharge from an industrial user presents an imminent or substantial danger to the environment.

- (2) A discharge from an industrial user causes the Borough to violate any condition of its NPDES permit, sludge application standards or other State or Federal requirement.
 - (3) A discharge from an industrial user presents an imminent or substantial danger to the Borough's POTW, Borough personnel or the general public.
 - (4) The industrial user has shown a lack of ability or intention to comply with a pretreatment standard.
 - B. Injunctive relief may also be issued against a noncomplying industrial user if the Court determines that other enforcement actions available to the Borough would not be adequate to affect prompt correction of the condition of violation. In addition to injunctive relief, the Borough may also be granted civil penalties as hereinbefore described above.
 - C. The Borough's power to seek injunctive relief against noncomplying industrial users shall apply to all industrial users regardless of political boundary. The injunctive relief may be sought in the court of common pleas where the POTW is located, where the activity took place, where the condition exists or the public was affected and, to that end, jurisdiction is hereby conferred in law and equity upon such courts.
3. Right to Appeal. The industrial user charged with any penalty previously described shall have thirty (30) days to pay the proposed penalty, in full, or, if the industrial user wishes to contest either the amount of the penalty or the fact of the violation, the industrial user must file an appeal of the action pursuant to Pa.C.S.A., Title 2. The industrial user must formally write to the Borough Manager requesting an appeal hearing, within Council Chambers. If an appeal has been submitted to the Borough Manager, the Borough Manager shall initiate an appeal hearing. The Borough Manager shall be considered the "judge" presiding over the appeal hearing. The Borough Manager shall provide to the Borough Council a recommendation on the appeal hearing. Borough Council shall vote on the recommendation on the appeal hearing. Borough Council shall vote on the recommendation by the Borough Manager or make their own recommendation from the corresponding facts that were brought out during the appeal hearing. Once a decision has been reached by the Borough Council, the industrial user that appealed the initial enforcement action must then abide by the decision that Borough Council has made, unless the industrial user files and appeal as allowed by law. If the industrial user fails to appeal within thirty (30) days, the industrial user has waived all rights to contest the violation or the penalty.

(Ord. 1840, 12/9/1996, §701)

SEWERS AND SEWAGE DISPOSAL

§702. Falsifying Information.

Any person who knowingly makes and false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or wastewater contribution permit, 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 dollars (\$1,000.00) and, in default of payment of said fine and costs, to a term of imprisonment for not more than thirty (30) days.

(Ord. 1840, 12/9/1996, §702)

§703. Penalty Calculations.

The calculation of the civil penalty shall conform to this section:

- A. The violations of the pretreatment requirements are contained in the civil penalty assessment schedule. Once a specific type of violation has been identified, the Borough shall use the civil penalty assessment schedule for fines to be issued to the specific industrial user in violation. If the civil penalty assessment schedule does not contain a specific violation that may be prudent to a penalty, the Borough may determine a specific penalty and the Borough may request the United States Environmental Protection Agency's approval.
- B. Within the civil penalty assessment schedule, the following are definitions in regards to the headings:
 - (1) The Satisfactory Level 1 shall be defined as, the industrial user properly notified the Borough of the violation, demonstrated sufficient evidence for the reason of the violation and made a major effort to eliminate the violation.
 - (2) The Satisfactory Level 2 shall be defined as, the industrial user did not properly notify the Borough of the violation, demonstrated sufficient evidence for the reason of the violation and made a major effort to eliminate the violation.
 - (3) The Unsatisfactory Level 3 shall be defined as, the industrial user did not notify the Borough and demonstrated no evidence for the reason of the violation and the industrial user did not make any efforts to correct the noncompliance.
 - (4) The Unsatisfactory Level 4 shall be defined as, the industrial user did not notify the Borough, demonstrated no evidence for the reason of the violation and the industrial user did not make any efforts to correct the noncompliance.

- C. In any instance, the civil penalty assess shall exceed the economic benefit of noncompliance gained by the industrial user as a result of not complying with the pretreatment requirements. The economic benefit of the noncompliance is that amount of both capital and operating cost saved by the industrial user.
- D. In any instance, the civil penalty assessed shall, at a minimum, be set so that it fully compensates the Borough for any harm associated with the industrial user violation.
- E. Civil penalty assessment schedule. Refer to the table at the end of this chapter.

(Ord. 1840, 12/9/1996, §703)

B. Nonindustrial Users.

§711. Civil Penalty Assessment.

Any nonindustrial user who violates the provisions of this chapter shall be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) and costs and, in default of payment of said fine and costs, to undergo imprisonment not to exceed thirty (30) days. Each day during which any violation occurs or continues to occur shall be a separate offense.

(Ord. 1840, 12/9/1996, §704)

Part 8

Fog Program

§801. Purpose and Policy.

The purpose of this Program is to reduce the amount of fats, oils and grease ("FOG") entering the Borough of Pottstown ("Borough") wastewater collection system in order to comply with the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR Part 403). This Program provides for the regulation of FOG contributors to the publicly owned treatment works ("POTW") through the issuance of permits, inspections, sampling and enforcement. The requirements within this Program shall be applied to, but not limited to, all food-producing facilities within and out of the Borough that discharge effluent to be treated by the Pottstown POTW.

(Ord. 1975, 2/9/2004)

§802. Definitions.

The following terms and phrases shall have the designated meanings in the context of this Program. All other terms shall be as defined in §102 of this Chapter 18.

CLASS 1 PRODUCER - any producer who:

- (1) Has an oil and grease interceptor on the sewer line.
- (2) Has a grease trap on the discharge line from the sink.

CLASS 2 PRODUCER - any producer who collects fats, oils and grease and disposes of it into a grease barrel.

CLASS 3 PRODUCER - any producer who produces little fats, oil and grease and/or has a seasonal operation.

FOG - fats, oils and grease created as a byproduct of cooking.

FOG ADMINISTRATOR - Pottstown POTW Superintendent and/or duly authorized agent.

FOG SPILL REPORT - a report supplied to FOG Administrator by the food-producing facility within five days of a FOG spill, explaining the cause of the spill, steps taken to contain and clean up the spill, and measures taken to prevent the spill from occurring again.

FOOD-PRODUCING FACILITY (FPF) - any establishment that contributes, directly or indirectly, wastewater containing fats, oil or grease. This includes but is

SEWERS AND SEWAGE DISPOSAL

not limited to restaurants, schools, private clubs, delis, churches and day-care centers.

OIL AND GREASE INTERCEPTOR - an apparatus that collects and contains the fats, oils and grease and allows the water to be discharged.

POTW - publicly owned treatment works.

(Ord. 1975, 2/9/2004)

§803. General Regulations.

The following regulations apply to all food-producing facilities contributing to the Borough of Pottstown POTW:

- A. All food-producing facilities must have a FOG permit in order to discharge to the POTW. The FOG Administrator shall receive all FOG permit applications and issue appropriate permits on an annual basis.
- B. No food-producing facility shall contribute, or cause to contribute, any fats, oils and grease to the POTW. An oil and grease limitation of 100 mg/l shall apply to the discharge from the food-producing facility. At the discretion of the FOG Administrator, sampling by the Borough of the discharge shall occur when the food producer is not complying with the requirements of the Program. The food-producing facility shall be responsible for providing an adequate sampling port on the grease trap.
- C. The food-producing facility is responsible for cleaning and/or having the oil and grease interceptor cleaned on a regular basis so as not to contribute fats, oils and grease to the POTW. The frequency of cleaning shall be in accordance with the "25% Rule," as determined by the FOG Administrator and directed in the FOG permit. The "25% Rule" requires that the depth of oil and grease (floating and settled) in a trap shall not be equal to or greater than 25% of the total operating depth of the trap. The operating depth of a trap is determined by measuring the internal depth from the outlet water elevation to the bottom of the trap. In application of this Rule, the depth of floating oil and grease shall not be greater than 20% of the total operating depth of a trap since five percent of the oil and grease is generally settled at the bottom of the trap. The cleaning frequency shall also be determined by the size of the interceptor and inspection of the sewer lines.
- D. Existing food-producing facilities which currently have an internal grease trap shall be required to clean and maintain that trap in an efficient manner. The following is prohibited to be discharged to an internal grease trap:
 - (1) Wastewater with a temperature greater than 140° F.

- (2) Wastewater from a food grinder/garbage disposal.
- (3) Acid or caustic trap cleaners. This may include enzymes and/or degreasers which liquefy the fats, oils and grease and allow it to pass from the grease interceptor and deposit in the POTW lines. Therefore, all enzymes and degreasers must be approved by the FOG Administrator or duly authorized representative.

E. Newly built food-producing facilities or renovated existing ones shall install a properly sized oil and grease interceptor on the sewer line from the facility that is approved by the FOG Administrator. The sewer line oil and grease interceptor shall have the following design features (as a minimum): a tee inlet in which one tee branch extends a minimum of one foot below the liquid level, an outlet tee with a minimum submergence of two-thirds of the liquid depth, a baffle to separate the trap into two compartments, and two manhole accessways for inspection of inlet and outlet tees. The interceptor shall have cleanouts and be located for easy access for pumpout and inspection. The following formula shall be used to determine the applicable size for the oil and grease interceptor:

Number Meals Per Peak Hour*Waste Flow Rate*RT*Storage Factor = Interceptor Size

Where: * Means Multiply

Waste Flow Rate

With Dishwashing Machine	6 Gallon Flow
Without Dishwashing Machine	5 Gallon Flow
Single Service Kitchen	2 Gallon Flow
Food Waste Disposer	1 Gallon Flow

RT - Retention Times

Commercial Dishwasher	2.5 Hours
Single Service Kitchen	1.5 Hours

Storage Factor

Fully Equipped Commercial Kitchen	
Open 8 Hours	1
Open 16 Hours	2
Open 24 Hours	3
Single Service Kitchen	1.5

Existing facility's FOG prevention shall be evaluated, and each shall be sized for a grease interceptor. If a food-producing facility is found to need a grease interceptor, it shall have a maximum of six months to install a properly sized grease interceptor by a qualified installation company.

SEWERS AND SEWAGE DISPOSAL

- F. All food-producing facilities shall be inspected by the FOG Administrator in the following way:
- (1) CLASS 1 PRODUCER is defined as any producer who has an oil and grease interceptor on the sewer line and/or a grease trap on the sink discharge. The inspection frequency shall be quarterly.
 - (2) CLASS 2 PRODUCER is defined as any producer who collects fats, oils and grease and disposes of it into a grease barrel. The inspection frequency shall be semiannually.
 - (3) CLASS 3 PRODUCER is defined as any producer who creates minimal fats, oil and grease and/or has a seasonal operation. The inspection frequency shall be yearly.
 - (4) Food-producing facilities violating any of the previous requirements are subject to more-frequent inspections, monetary penalties, as well as sampling of the discharge and administrative orders.
 - (5) Surrounding Townships contributing to the Borough of Pottstown POTW shall have the option of performing the inspections of the food-producing facilities in their Townships themselves or allowing the Borough of Pottstown FOG inspectors to complete the inspections. In either case, the Townships shall be responsible for enforcing noncompliance issues and relating all the pertinent information to the Borough FOG inspectors.
- G. Overflowing an oil and grease interceptor on the sewer line or on the sink discharge line is strictly prohibited. In such case, the food-producing facility shall be responsible for the subsequent containment, cleanup and disposal of the overflow material. It is the responsibility of the food-producing facility to immediately telephone the POTW of the incident. The notification shall include the location of the overflow, the type of material, the volume and corrective actions. Within five days of the overflow, the food producer shall submit to the Borough a detailed written report describing the cause of the overflow, steps taken to contain the overflow, steps taken to prevent it from happening again and the cleanup of the overflow.
- H. The food-producing facility must keep on site a current grease interceptor cleaning log as provided by the Borough. Included on the cleaning log shall be the following information: date, time, who did the cleaning, volume of waste disposed of, location of disposal and manifest, if done by an outside hauler.

(Ord. 1975, 2/9/2004)

§804. Fees and Rates.

1. All FOG fees shall be payable quarterly for the previous three months. All bills are the responsibility of food-producing facility and must be paid within 30 days. Bills remaining unpaid after the due date will be charged additional interest at the rate of six percent per annum.
2. The following fees shall apply to all food-producing facilities contributing to the POTW:
 - A. Permit: \$30.
 - B. Permit renewal: \$25.
 - C. Inspection/sampling: \$10 per inspector per visit.
3. Any change in the rate and/or fees charged shall be made by a resolution adopted by Pottstown Borough Council. Should the FOG inspectors need to sample any producer, the producer shall be responsible for the costs required for the analytical laboratory to perform the analysis of the sample.

(Ord. 1975, 2/9/2004)

§805. Enforcement.

The Borough shall suspend any FOG permit in which the producer does not adhere to the requirements of the Program. Once the permit is suspended, the producer shall not discharge to the POTW until the permit is reinstated. The permit shall remain suspended until the producer shows proof that the noncomplying requirement was eliminated. The following shall be the methods of enforcement:

- A. NOV (Notice of Violation). Necessary when the producer has violated any part of the FOG permit, the Borough may serve the producer with a notice of violation specifically citing the nature of the violation.
- B. Monetary Penalty. Necessary when the producer has failed to adhere to the requirements of the permit on numerous occasions. Penalties shall range from a specific fee to correct an action to costs involved to have a grease trap cleaned.
- C. Administrative Order. Necessary when a violation occurs, the Borough may subject the producer to an Order to correct the violation within a specific time frame.

(Ord. 1975, 2/9/2004)

SEWERS AND SEWAGE DISPOSAL

§806. Penalty Costs.

In addition to all other remedies available to it, the Borough shall have the right to issue a Notice of Violation ("NOV") and/or impose a penalty, as hereinafter set forth, for a violation of any requirements of the Program. To assess a penalty, the following factors shall be considered:

- A. Damage to the air, water and land of the Borough and surrounding Townships.
- B. Damage and/or harm to the WWTP, POTW and its personnel.
- C. Past violations, compliance history.
- D. Producer's willingness and efficiency to comply; response to the NOV in a timely manner, notification to the Borough and quick, effective corrective action to eliminate the noncompliance.
- E. Magnitude of the violation. The producer charged with any penalty shall have 30 days to pay the proposed penalty in full or shall have the right to appeal the penalty and/or the cause of the violation. The following is a schedule of violations and maximum penalties to be assessed:
 - (1) Failure to clean trap (1st offense): NOV.
 - (2) Failure to clean trap (2nd offense) according to schedule: NOV plus a penalty of \$50 and disposal and cleaning costs.
 - (3) Failure to clean trap (3rd offense) according to schedule: AO plus a penalty of \$50 for every day the cleaning is not completed.
 - (4) Failure to clean trap four or more times within a twelve-month time period shall result in the revocation of the food-producing facility's permit.
 - (5) Failure to keep and maintain a cleaning log with necessary hauling manifests (1st offense): NOV plus a penalty of \$50.
 - (6) Failure to keep and maintain cleaning log with necessary hauling manifests (2nd offense): NOV plus a penalty of \$100.
 - (7) Failure to keep and maintain cleaning log with necessary hauling manifests (3rd offense): NOV plus a penalty of \$150.
 - (8) Failure to keep and maintain cleaning log with necessary hauling manifests four or more times within a twelve-month time period shall result in the revocation of the food-producing facility's permit.

- (9) Overflow of grease trap: NOV, penalty to be assessed by above factors and cleanup of site.
- (10) Failure to notify FOG Administrator of grease spill immediately by phone: NOV plus a penalty of \$50.
- (11) Failure to submit FOG spill report within five days to FOG Administrator: NOV plus a penalty of \$50.
- (12) Deliberately pouring FOG into the sewer system, including pouring anything that will wash out the grease trap: NOV plus a penalty of \$100.
- (13) Discharging more than 100 mg/l of oil and grease NOV plus a penalty of \$50.

(Ord. 1975, 2/9/2004)

§807. Rules and Regulations.

The FOG Administrator shall have the power to establish appropriate Rules and Regulations for the administration and enforcement of the provisions of the FOG Program.

(Ord. 1975, 2/9/2004)

§808. Appeals Procedure.

Any appeal under this Part, including monetary penalty or other action by the Borough, shall be governed by the procedure described in §701, Subsection 3, Right to Appeal, of Part 7, Penalty Costs, of this chapter.

(Ord. 2016, 3/13/2006)