

Chapter 164

SEWERS AND WATER

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[HISTORY: Adopted by the Board of Supervisors of the Township of North Middleton 8-7-2008 by Ord. No. 2007-2. Amendments noted where applicable.]

GENERAL REFERENCES

Municipal authorities — See Ch. 7.
Building construction — See Ch. 80.
Uniform construction codes — See Ch. 95.

Floodplain management — See Ch. 112.
Subdivision and land development — See Ch. 180.
Zoning — See Ch. 204.

ARTICLE I
Public Sewer Connections

§ 164-1. Definitions and interpretations.

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

AUTHORITY — The North Middleton Authority, a Pennsylvania municipality authority.

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

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

INDUSTRIAL ESTABLISHMENT — Any improved property located in this Township used wholly or in part for the manufacturing, processing, cleaning, laundering or assembly of any product, commodity or article, or any other improved property located in this Township from which wastes, in addition to or other than sanitary sewage, are discharged.

INDUSTRIAL WASTES — Any and all wastes discharged from an industrial establishment, other than sanitary sewage.

LATERAL — That part of the sewer system extending from a sewer to the curblineline or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a sewer which is provided for connection of any building sewer, and to be maintained by the property owner there served.

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

PERSON — Any individual, partnership, company, association, society, corporation or other group or entity.

SANITARY SEWAGE — Normal water-carried household and toilet wastes from any improved property.

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

SEWER SYSTEM — All facilities, as of any particular time, for collecting, pumping, treating or disposing of sanitary sewage and/or industrial wastes, to be owned by the Authority and to be leased to this Township, for operation and use.

TOWNSHIP — The Township of North Middleton, Cumberland County, Pennsylvania, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

WORKING HOURS — Monday through Friday, 7:00 a.m. to 3:30 p.m., except Authority holidays or as determined by Authority Board.

§ 164-2. Use of public sewers required.

- A. Responsibility for connection; time limit. The owner of any improved property accessible to and whose principal building is within 150 feet of the sewer system and whose boundary line abuts the sewer system shall connect such improved property therewith, in such manner as this Township may require, within 90 days after notice to such owner from this Township to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established herein otherwise by this Township, from time to time.
- B. Connection to sewer. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under § 164-2A, shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or otherwise by this Township, from time to time.
- C. Prohibited means of disposal and discharge of sewage.
 - (1) No person shall place or deposit or permit to be placed or deposited upon public or private property within this Township any sanitary sewage or industrial wastes in violation of § 164-2A.
 - (2) No person shall discharge or permit to be discharged to any natural outlet within this Township any sanitary sewage or industrial wastes in violation of § 164-2, except where suitable treatment has been provided which is satisfactory to this Township.
- D. Prohibited connections; abandonment of sewage receptacles.
 - (1) No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any improved property which has been connected to a sewer or which shall be required under § 164-2A to be connected to a sewer.
 - (2) Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Township, shall be cleansed and filled under the direction and supervision of this Township; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Township, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the owner of such improved property.
- E. Connection of sewage receptacles to sewer prohibited. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.

- F. Notification of connection and service. The notice by this Township to make a connection to a sewer, referred to in § 164-2A, shall consist of a written or printed document requiring such connection in accordance with the provisions of § 164-2A. Such notice may be given at any time after a sewer is in place which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

§ 164-3. Building sewers and connections.

- A. Permit required to connect. No person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner, any sewer or the sewer system without first making application for and securing a permit, in writing, from this Township.
- B. Application for permit. Application for a permit required under § 164-3A shall be made by the owner of the improved property to be served or his duly authorized agent.
- C. Prerequisites to connections. No person shall make or cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:
- (1) Such person shall have notified the Township/Authority of the desire and intention to connect such improved property to a sewer.
 - (2) Such person shall have applied for and obtained a permit as required by § 164-3A.
 - (3) Such person shall have given the Township/Authority at least 24 hours' notice of the time when such connection will be made; so that this Township may supervise and inspect the work of connection and necessary testing. Both notice and connection shall occur during working hours.
 - (4) Such person shall have furnished satisfactory evidence to the Township/Authority that any tapping fee charged and imposed by the Authority against the owner of such improved property who connects such improved property to a sewer has been paid.
- D. One property per connection; exception. Except as otherwise provided in this section, each improved property shall be connected separately with a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of this Township, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by this Township.
- E. Cost responsibility. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.

- F. Connection point; invert.
- (1) A building sewer shall be connected to a sewer at the place designated by this Township or the Authority and where the lateral is provided.
 - (2) The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.
- G. Township may make connection. If the owner of any improved property is within 150 feet of the sewer system and whose boundary line abuts the sewer system, after 90 days' notice from this Township, in accordance with § 164-2A, shall fail to connect such improved property, as required, this Township may make such connection and may collect from such owner the costs and expenses thereof. In such case, this Township shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the improved property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such improved property to pay said bill, this Township shall file a municipal lien for said construction within six months of the date of the completion of the construction of said connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

§ 164-4. Rules and regulations governing building sewers and connections to sewers.

- A. House sewer attachment to sewer. Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be removed and replaced on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line as a building sewer.
- B. Inspection. No building sewer shall be covered until it has been inspected and approved by this Township. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.
- C. Maintenance. Every building sewer and lateral of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
- D. Excavations. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Township.
- E. Unsatisfactory conditions; notice to remedy. If the owner of any improved property located in the Township shall fall or refuse, upon receipt of a notice of this Township, in writing, to remedy any unsatisfactory condition with respect to a building sewer and

lateral, within 30 days of receipt of such notice, this Township, in addition to other remedies set forth in this section, may refuse to permit such person to discharge sanitary sewage and industrial waste into the sewer system until such unsatisfactory conditions shall have been remedied to the satisfaction of this Township. In situations where the owner of an improved property has failed to remedy an unsatisfactory condition after receiving 30 days' notice as provided herein, the Township or its agents may enter upon such property and modify the building sewer and lateral in order to remedy the unsatisfactory condition. In such cases, the Township shall forthwith, upon completion of the work, send an itemized bill of the costs of the work performed on such modification to the owner of the improved property to which repair to the building sewer and lateral has been made, which bill shall be payable forthwith. In case of neglect or refusal of the owner of such improved property to pay said bill, this Township shall file a municipal lien for said construction within six months of the date of completion of the construction of said modification, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens. Furthermore, in such cases where the owner of the improved property has failed to remedy the unsatisfactory condition within said 30 days' notice, such failure shall be deemed to be a violation of this article and subject the owner of the improved property to the enforcement provisions set forth below.

- F. Additional rules and regulations. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be construed pursuant to § 164-4A.
- G. Objectives of connections:
- (1) Maintenance of an efficient sewer system by ensuring proper connection to and use of the sewer system to eliminate or reduce discharge of surface water or of any substance other than sanitary sewage and industrial wastes as authorized in § 164-2C and E.
 - (2) Prevention of conditions in sewer system which are hazardous to the public health, welfare and safety.
 - (3) Conduct of routine periodic inspections of buildings and premises connected to sewer system to ensure compliance with ordinances, resolutions and regulations, which inspections are deemed essential to accomplish objectives set forth herein.
- H. Inspections. Periodic inspections at least once per year are deemed reasonable for the accomplishment of the above objectives. More frequent inspections may be held when conditions exist which are a reasonable indication that violations of the sewer ordinances, resolutions and regulations exist.
- I. Authority of inspectors. Authorized officials, agents and employees of the Township, including members, agents and employees of the North Middleton Authority under operating agreement with the Township, shall have authority to conduct inspections, including routine periodic inspections, of premises by consent of owners, or in the absence thereof, by obtaining a search warrant; and said officials, agents and employees, upon information of conditions within sewer system from which an inference can be

drawn that violations of sewer ordinances, resolutions and regulations have been committed or can reasonably be construed to have been committed, shall have the authority to inspect premises by consent of owners or, in the absence thereof, by obtaining a search warrant.

§ 164-5. Obstructions of easements and rights-of-way prohibited.

A. Water lines/sewer lines and storm sewer lines.

- (1) The erection, construction, placement, locating or planting of any improvement, fixture, fence, landscaping, vegetation, trees, shrubbery, or other object, whether permanent or temporary, along any public water or sewer easement, or North Middleton Township or North Middleton Authority right-of-way shall be prohibited.
- (2) Any violation of this section shall entitle the Township, at its discretion, to remove such improvement, fixture, fence, landscaping, vegetation, trees, shrubbery, or other object at the property owner's expense. The Township or the Authority shall not be responsible for replacement thereof.

§ 164-6. Violations and penalties.

- A. Any violation of this article shall entitle the Township, at its discretion, to remove such improvement, fixture, fence, landscaping, vegetation, trees, shrubbery, or other object at the property owner's expense. The Township or the Authority shall not be responsible for replacement thereof.
- B. Any person who shall violate this article shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not more than \$1,000, together with cost of prosecution in each case, and, in default of payment, up to 90 days' imprisonment. Each day a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.¹
- C. Recovery of fines and costs. Fines and costs imposed under this Article I, Public Sewer Connections, shall be enforceable and recoverable in the manner at the time provided by applicable law.

ARTICLE II

Public Sewer System Rates and Usage

§ 164-7. Definitions.

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

AUTHORITY — The North Middleton Authority, a Pennsylvania municipality authority.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

BOD (BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen expressed in parts per million (ppm), utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five days at 20° C. The standard laboratory procedure shall be that found in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association.

DWELLING UNIT — Any room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by persons living alone.

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

INDUSTRIAL WASTES — Any solid, liquid or gaseous substance or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of one development, recovery or processing of natural resources, as distinct from sanitary sewage.

NONRESIDENTIAL UNIT — Any structure connected to the sewer system not covered by the definition of "dwelling unit" above.

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

PERSON — Any individual, partnership, company, association, society, corporation or other group or entity.

pH — The logarithm of the reciprocal of the concentration of hydrogen ions, expressed in grams or per liter of solution, indicating the degree of acidity or alkalinity of a substance.

PPM — Parts per million by weight.

SANITARY SEWAGE — Normal water-carried household and toilet wastes from any improved property.

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

SEWER SYSTEM — All facilities, as of any particular time, for collecting, pumping, treating and disposing of sanitary sewage and/or industrial wastes, situate in or adjacent to this Township to be acquired and owned by the Authority and to be leased to this Township for maintenance and operations under a proposed agreement of lease, to be dated as of July 1, 1980, by and between the Authority and this Township and any supplements and amendments thereto; and further including all other facilities for collecting, pumping, treating and disposing of sanitary sewage and/or industrial wastes situate within or adjacent to this Township.

SUSPENDED SOLIDS — Suspended solids as determined pursuant to the procedure set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association.

TOWNSHIP — The Township of North Middleton, Cumberland County, Pennsylvania, acting by and through its Supervisors or, in appropriate cases, acting by and through its authorized representatives.

§ 164-8. Sewer rentals and charges.

Sewer rentals or charges are imposed upon and shall be collected from the owner of each improved property which shall be connected to the sewer system, for use of the sewer system, whether such use shall be direct or indirect, which sewer rentals or charges shall commence and shall be effective as of the date of connection of such improved property to the sewer system and shall be payable as provided herein, in accordance with the applicable fee schedule as adopted from time to time by resolution of the North Middleton Township Board of Supervisors.

- A. If a classification or fee is not shown on the current applicable fee schedule, the Board of Supervisors shall have the ability to create a new classification and set the fee therefor by subsequent resolution.
- B. Nothing herein contained shall be deemed to prohibit this Township from entering into separate agreements with owners (including any school) with respect to sewer rentals or charges to be imposed in those cases where, due to seasonal fluctuations or other unusual circumstances, the sewer rentals or charges set forth herein shall be deemed by this Township to be unfair or inequitable.

§ 164-9. Time and method of payment.

- A. All bills for sewer rentals or charges shall be rendered on a bimonthly billing cycle, on the first days of January, March, May, July, September and November, respectfully, in each year or on such other dates as this Township by resolution shall specify and shall cover a bimonthly billing period consisting of the immediate past two calendar months.
- B. Owners of improved properties connected to the sewer system during any bimonthly billing cycle shall pay a prorated sewer rental or charge for service for portion of the bimonthly billing cycle the improved property was connected.
- C. Sewer rentals or charges shall be payable upon the applicable billing dates as provided for in Subsection A of this § 164-9 in the appropriate amount computed in accordance with this article, and said charges shall constitute the net bill. If sewer rentals or charges are not paid within 30 days after each billing date, an additional sum of 5% shall be added as a penalty. Payments received after 60 days of the billing date shall be subject to an additional penalty of 5% and shall bear interest at the rate of 1/2% per month or fraction thereof until paid. Sewer bills shall be considered due as of the date of mailing to the customer. Payment received in the office of North Middleton Authority on or before the last day of such thirty-day calendar period shall constitute payment within such period. If the 30th calendar day shall fall on an Authority holiday or Saturday or Sunday, payment received on the next succeeding workday which is not an Authority holiday shall constitute payment within such period. Any bill not paid within said thirty-day calendar period shall be deemed delinquent.

- D. Every owner of an improved property which is connected to the sewer system shall initially provide the Authority with and shall thereafter keep the Authority advised of the property owner's correct address. Failure of any person to receive bills for sewer rentals shall not be an excuse for nonpayment nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

§ 164-10. Liens for sewer rentals; filling and collection of liens.

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

§ 164-11. Prohibited wastes.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, spring water, groundwater, roof runoff, subsurface drainage, building foundation drainage, cellar drainage, drainage from roof leader connections and overflow or drainage from cesspools into any sewer.
- B. This Township reserves the right to refuse permission to connect to the sewer system, to compel discontinuance of use of the sewer system or to compel pretreatment of any wastes in order to prevent discharges deemed harmful or to have a deleterious effect upon any sewer or the sewer system.
- C. No sanitary sewage or industrial wastes shall be discharged to the sewer system:
- (1) Being harmful or deleterious to the sewer system.
 - (2) Being inhibitory to the treatment process at the sewage treatment plant constituting part of the sewer system.
 - (3) Containing any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases.
 - (4) Carrying fats, oils or greases in excess of 288.5 ppm by weight.
 - (5) Being discharged into the sewer system at temperatures in excess of 180° F.
 - (6) Being discharged into the sewer system in batches of such volume as to tax the capacity of the sewage collection system constituting part of the sewer system or adversely affecting the treatment process.
 - (7) Being of such color or other characteristic as to require special treatment to render the resulting effluent of the sewage treatment plant constituting part of the sewer system acceptable for discharge to the receiving stream.

- (8) Being food wastes, garbage (unless treated in an approved manner), vegetable or fruit rinds or paunch manure, feathers, bones, rags or any other solid, fibrous or viscous inorganic or organic substance which the sewer system is not intended to receive.
 - (9) Being of such character, concentration, volume or combination as to tax the capacity of the sewage treatment plant constituting part of the sewer system.
 - (10) Including synthetic organic detergents or similar compounds in such volume as to interfere with the treatment process or the satisfactory operation of the sewage treatment plant constituting part of the sewer system.
 - (11) Including any liquids having a pH exceeding a minimum value of 6.0 or a maximum value of 9.0 or found to be excessively corrosive.
 - (12) Including any waters or wastes with a BOD in excess of 500 ppm by weight.
 - (13) Including any waters or wastes with a suspended solids content in excess of 500 ppm by weight or containing suspended solids of such character and/or quantity that unusual attention or expense is required to handle and/or treat such materials.
 - (14) Including any waters or wastes containing any toxic, poisonous or any other material in sufficient quantity to cause a hazard in the operation of the sewer system or which may result in an effluent discharge from the treatment plant unacceptable to any governmental body having jurisdiction.
- D. Pretreatment facilities.
- (1) Where necessary, all owners shall install suitable pretreatment facilities in order to comply with § 164-11B and C.
 - (2) Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of wastes shall be submitted for approval of this Township, and no construction of any such facility shall be commenced until approval thereof first shall have been obtained, in writing, from this Township and until approval thereof first shall have been obtained from any governmental body having jurisdiction.
 - (3) Whenever facilities for preliminary treatment and handling of wastes shall have been provided by any owner, such facilities continuously shall be maintained, at the expense of such owner, in satisfactory operating condition, and this Township shall have access to such facilities at reasonable times for purposes of inspection and testing.
- E. Nothing contained in this section shall be construed as prohibiting any special agreement or arrangement between this Township and any person whereby industrial wastes of unusual strength or character may be admitted into the sewer system by this Township, either before or after preliminary treatment.

§ 164-12. Access.

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

§ 164-13. Adoption of additional rules and regulations.

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

§ 164-14. Violations and penalties. ²

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

ARTICLE III**Public Wastewater Pretreatment****§ 164-15. Enactment of program.**

The North Middleton Township Pretreatment Program, attached hereto and included as Appendix A at the end of this chapter (hereinafter called "Pretreatment Program") is hereby enacted and adopted as the law of this Township with regard to all matters contained therein, said document containing the Pretreatment Program being incorporated herein by reference thereto as though fully set forth in the body of this article.

§ 164-16. Regulations governing admission of industrial wastes into the sewer system.

- A. No person shall discharge or cause to be discharged into the sewer system any industrial wastes except upon application to this Township and upon receipt of a written permit therefor from this Township.
- B. Required survey data. Any person desiring to make or use a connection to the sewer system through which industrial wastes shall be discharged into the sewer system shall file with this Township an industrial wastes questionnaire, to be furnished by this

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Township, which shall supply to this Township pertinent data, including estimated quantity of flow, characteristics and constituents, with respect to industrial wastes proposed to be discharged into the sewer system. The Township shall, based upon this data, issue an industrial waste discharge permit, which shall set forth conditions for such discharge.

C. Control manholes.

- (1) Any person who shall discharge industrial wastes into the sewer system, when required by this Township, shall construct and thereafter properly shall maintain, at his own expense, a suitable control manhole and other devices as may be approved by this Township to facilitate observation, measurement and sampling by this Township of industrial wastes discharged to the sewer system.
- (2) Any such control manhole, when required by this Township, shall be constructed at an accessible, safe, suitable and satisfactory location in accordance with plans approved by this Township prior to commencement of construction.

D. Changes in type of wastes. Any improved property discharging industrial wastes into the sewer system and contemplating a change in the method of operation which will alter the characteristics and/or volumes of wastes at the time being discharged into the sewer system shall notify this Township, in writing, at least 10 days prior to consummation of such change.

E. The Authority and/or this Township reserve the right to require improved properties having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the sewer system.

F. This Township reserves the right to impose surcharges in connection with any industrial wastes discharged into the sewer system either by agreement with the owner of the improved property or by application of an industrial waste surcharge, which shall form a part of industrial waste discharge permit, per Subsection B above.

§ 164-17. Violations and penalties.

In addition to all other civil penalties, liabilities and other enforcement remedies as set forth in said Pretreatment Program, any person (as defined in the Pretreatment Program) who shall violate any provision of the Pretreatment Program, and not excluding requirements and conditions of permits issued thereunder, shall for each and every such violation be guilty of a summary offense and be sentenced to pay a fine of not more than \$1,000, restitution and costs of prosecution and, in default of payment thereof, to undergo imprisonment for not more than 30 days. Each day's continuance of a violation of any such provision shall constitute a separate violation.

§ 164-18. Authority of Director and Borough of Carlisle.

A. The Director, as defined in the Pretreatment Program, is hereby authorized and directed to exercise and perform all actions, functions and responsibilities, including but not limited to commencing and prosecuting any legal actions, civil or criminal and of

whatever nature, deemed by said Director to be necessary to the proper operation and enforcement of said Pretreatment Program, in the name of the Township of North Middleton.

- B. Carlisle, as defined in the Pretreatment Program, is hereby authorized to exercise and perform all actions, functions and responsibilities, including but not limited to commencing and prosecuting any legal actions, civil or criminal and of whatever nature, deemed by Carlisle to be necessary for the proper operation and enforcement of said Pretreatment Program, in the name of the Township of North Middleton, only in those circumstances where such action pertained to users, as defined in the Pretreatment Program, directly connected to and discharging wastewater through the sewer system owned solely by Carlisle. This section shall not apply where a user is connected to a wastewater system of the Authority and Township as defined in the Pretreatment Program.

ARTICLE IV

Public Water Connections

§ 164-19. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this article shall be as follows:

AUTHORITY — The North Middleton Authority, a Pennsylvania municipality authority.

BUILDING MAIN — The extension from the water system of any structure to the lateral of a main.

COMMONWEALTH — The Commonwealth of Pennsylvania.

IMPROVED PROPERTY — Any property within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals.

INDUSTRIAL ESTABLISHMENT — Any improved property located within this Township and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article.

LATERAL — That part of the water system extending from a main to the curblin or, if there shall be no curblin, to the property line or, if no such lateral shall be provided, then "lateral" shall mean that portion of or place in a main which is provided for connection of a any building main.

MAIN — Any pipe or conduit constituting a part of the water system used or usable for water distribution purposes.

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

PERSON — Any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity.

TOWNSHIP — The Township of North Middleton, Cumberland County, Pennsylvania, a municipal subdivision of the commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

WATER SYSTEM — All facilities, as of any particular time, for production, transmission, storage and distribution of water in this Township and owned by the authority and to be leased to this Township for maintenance, operation and use.

WORKING HOURS — Monday through Friday, 7:00 a.m. to 3:30 p.m., except for Authority holidays or as determined by Authority Board.

§ 164-20. Use of public water system required.

- A. The owner of any improved property abutting upon the water system, except any improved property which shall constitute an industrial establishment or a farm which has its own supply of water for uses other than human consumption, shall connect such improved property with and shall use such water system, in such manner as this Township may require, within 90 days after notice to such owner from this Township to make such connection; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.
- B. The notice by this Township to make a connection to a main, referred to in Subsection A, shall consist of a copy of this article, including any amendments and/or supplements at the time in effect or a summary of each section hereof and a written or printed document requiring the connection in accordance with the provisions of this article and specifying that such connection shall be made within 90 days after the date such notice is given or served. Such notice may be given or served at any time after a main is in place which can deliver water to the particular improved property. Such notice shall be given or served upon the owner in accordance with law.

§ 164-21. Building mains and connections.

- A. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any main or any part of the water system without first obtaining a permit, in writing, from this Township.
- B. Application for a permit required under Subsection A shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.
- C. No person shall make or shall cause to be made a connection of any improved property with a main until such person shall have fulfilled each of the following conditions:
 - (1) Such person shall have notified the Township/Authority of the desire and intention to connect such improved property to a main;
 - (2) Such person shall have applied for and shall have obtained a permit as required by Subsection A;

- (3) Such person shall have given the Township/Authority at least 24 hours' notice of the time when such connection will be made so that this Township may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing. Both notice and connection shall occur during working hours.
 - (4) If applicable, such person shall have furnished satisfactory evidence to the Township/Authority that any tapping (or connection) fee which may be charged and imposed by the Authority against the owner of each improved property who connects such improved property to a main has been paid.
- D. Except as otherwise provided in this Subsection D, each improved property shall be connected separately and independently with a main through a building main. Grouping of more than one improved property on one building main shall not be permitted, except under special circumstances and for good cause shown, but then only after special permission of this Township, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by this Township.
- E. All costs and expenses of construction of a building main and all costs and expenses of connection of a building main to a main shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and shall hold harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building main or of connection of a building main to a main.
- F. A building main shall be connected to a main at the place designated by this Township or by the Authority and where, if applicable, the lateral is provided. A smooth, neat joint shall be made and the connection of a building main to the lateral shall be made secure and watertight.
- G. If the owner of any improved property located within this Township and abutting upon the water system, subject, however, to the exception provided for in § 164-20A, after 90 days' notice from this Township, in accordance with § 164-20A, shall fail to connect such improved property, as required, this Township may enter upon such improved property and may construct such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

§ 164-22. Rules and regulations governing building mains and connections to mains.

- A. No building main shall be covered until it has been inspected and approved by this Township. If any part of a building main is covered before so being inspected and approved, it shall be uncovered for inspection, at the cost and expense of the owner of the improved property to be connected to a main.
- B. Every building main of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
- C. Every excavation for a building main shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk or other public

property disturbed in the case of installation of a building main shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Township.

- D. If any person shall fail or shall refuse, upon receipt of a notice of this Township or the Authority, in writing, to remedy any unsatisfactory condition with respect to a building main, within 60 days of receipt of such notice, this Township or the Authority may refuse to permit such person to be served by the water system until such unsatisfactory condition shall have been remedied to the satisfaction of this Township and of the Authority. In cases involving an emergency or water leak or leakage the unsatisfactory condition shall be remedied within five calendar days. The Township/Authority reserves the right to enter upon such property and modify the building main to remedy the unsatisfactory condition. In such cases, the Township/Authority shall forthwith, upon completion of the work, send an itemized bill of the cost of work performed to the owner of the improved property which bill shall be payable forthwith. All bills for emergency work done to remedy the unsatisfactory condition which remain unpaid for a period in excess of forth 45 days from receipt shall constitute a lien on the subject property which may be recorded and indexed against the property by the Township or Authority.
- E. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a main and with the water system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this article.

§ 164-23. Violations and penalties.

- A. Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.³
- B. Fines and costs imposed under the provisions of this article shall be enforceable and recoverable in the manner and at the time provided by applicable law. Upon judgment upon any person by summary conviction or by proceedings by summons on default of the payment of the fine and penalty imposed and the costs, such person may be sentenced and committed to the jail of Cumberland County for the period not exceeding 30 days.

§ 164-24. Appeals; hardship.

In the event any person shall deem the requirement to connect as provided in this article a hardship, such person may appeal to the Board of Supervisors for relief from such connection

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

requirement which appeal shall be heard in accordance with provisions of the Pennsylvania Local Agency Law.⁴

§ 164-25. Declaration of purpose.

It is declared that enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

ARTICLE V

Public Water Rates and Charges

§ 164-26. Definitions.

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

AUTHORITY — North Middleton Authority, a Pennsylvania municipality authority.

DWELLING UNIT — Any room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by persons living alone.

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

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

PERSON — Any individual, partnership, company, association, society, corporation or other group or entity.

TOWNSHIP — The Township of North Middleton, Cumberland County, Pennsylvania, a Pennsylvania municipal corporation, acting by and through its Board of Supervisors or, in appropriate cases, its authorized representatives.

WATER SYSTEM — All facilities, as of any particular time, for supply and distribution of water and owned by the Authority and leased to the Township under the lease.

§ 164-27. Payment procedure.

The time and method of payment of water rates, rents and charges shall be as follows:

- A. All bills for water rentals and charges shall be rendered on a bimonthly basis on the first days of January, March, May, July, September and November, respectfully, in each year or on such other dates as this Township by resolution shall specify and shall cover a bimonthly billing period consisting of the immediate past two calendar months.

4. Editor's Note: See 2 Pa.C.S.A. §§ 551 et seq. and 751 et seq.

- B. Owners of improved properties connected to the water system during any bimonthly billing cycle shall pay a prorated water rental or charge for service for portion of the bimonthly billing cycle that the property was connected.
- C. Water rentals and charges shall be payable upon the applicable billing dates as provided for in Subsection A of this § 164-27 in the appropriate amount computed in accordance with this article, and said charges shall constitute the net bill. If water rentals or charges are not paid within 30 days after each billing date, an additional sum of 5% shall be added as a penalty. Payments received after 60 days of the billing date shall be subject to an additional penalty of 5% and shall bear interest at the rate of 1/2% per month or fraction thereof until paid. Water bills shall be considered due as of the date of mailing to the customer. Payment received in the office of North Middleton Authority on or before the last day of such thirty-day calendar period shall constitute payment within such period. If the 30th day shall fall on an Authority holiday or Saturday or Sunday, payment received on the next succeeding workday which is not an Authority holiday shall constitute payment within such period. Any bill not paid within said thirty-day period shall be deemed delinquent.
- D. Every owner of an improved property which is connected to the water system shall initially provide the Authority with and thereafter shall keep the Authority advised of the property owner's correct address. Failure of any person to receive bills for water charges shall not be an excuse for nonpayment nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

§ 164-28. Meter installation required.

Beginning on April 1, 1988, each improved property which is connected to the water system is required to have a water meter installed for the purpose of the measurement of water usage on the improved property.

§ 164-29. Water rates, rent and charges.

- A. Water rates, rent and charges are imposed upon and shall be collected from all water customers of each improved property, whether such use or benefit resulting therefrom or such connection shall be direct or indirect. Such rates, rents and charges shall be at a rate based upon a gallon of water per bimonthly billing cycle measured through the meter in accordance with the applicable fee schedule as adopted from time to time by resolution of the North Middleton Township Board of Supervisors.
- B. If a classification or fee is not shown on the current applicable fee schedule, the Board of Supervisors shall have the ability to create a new classification and set the fee therefor by subsequent resolution.

§ 164-30. Additional rules and regulations; violations and penalties.

- A. Nothing herein contained shall be deemed to prohibit this Township from entering into separate agreements with owners with respect to water rates, rents and charges and sewer rentals and charges to be imposed in those cases where, due to seasonal fluctuations or

other unusual circumstances, said rates, rentals and charges set forth herein shall be deemed by this Township to be unfair or inequitable.

- B. Discontinuation of service. At the discretion of the Township, the water supply to any customer may be cut off for nonpayment of sewer rentals, as provided in 53 P.S. § 3102.502; provided, however, that the sewer bill must be in arrears in excess of 30 days and the customer must have received notice, in writing, from the Township of the intent to shut off the water supply at least 10 days before the action is taken, pursuant to said Act.⁵
- C. Additional rules and regulations. This Township reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem proper for operation of the water and sewer systems which shall be construed as part of this article.
- D. Penalties. Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.⁶

ARTICLE VI

Water Meter Regulations

§ 164-31. Definitions.

The following definitions apply to terms in this article:

AGREEMENT — Management agreement executed by Township and Authority dated June 1, 2006, providing for operation and management of the system by Authority.

AUTHORITY — North Middleton Authority, a Pennsylvania municipal authority.

BOARD — Governing body of the Authority.

CONSULTING ENGINEER — Person appointed by the Authority to pass upon engineering questions, being a person who is a professional engineer duly registered under the laws of the commonwealth.

IMPROVED PROPERTY — Any property located within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals.

INDUSTRIAL ESTABLISHMENT — Any improved property located in the Township used wholly or in part for manufacturing, processing, cleaning, laundering or assembly of any

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

product, commodity or article or any other improved property located in the Township obtaining or requiring water service from the Authority.

LEASE — Agreement of lease executed by the Authority and the Township, dated October 1, 1967, providing for lease of sewer and water system to the Township.

METER — Water meter and remote reading device of type and specifications determined by Authority.

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

SUPERVISORS — Board of the Township.

SYSTEM — Water system providing water to the service area, as set forth in agreement of lease and trust indenture, dated October 1, 1967, generally consisting of Schlusser Village-Basin Hill Heights and areas to the north.

TOWNSHIP — The Township of North Middleton, Cumberland County, Pennsylvania, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

WORKING HOURS — Monday through Friday, 7:00 a.m. to 3:30 p.m., except for Authority holidays or as determined by Authority Board.

§ 164-32. Installation of meters and backflow preventors required.

- A. Every improved property obtaining water service from the system shall have installed a meter to record water usage and a remote reading device to enable usage to be determined without entry into improved property, together with a back flow preventor in order to prevent contamination of the public water supply.
- B. Installation of meters with remote reading devices and back flow preventor in all improved property presently connected to the system or required to be connected or voluntarily connected to the system is hereby authorized, directed and required.
- C. Each and every connection made to the system shall include a meter remote reading device and back flow preventor furnished by the Authority and paid for and installed by owner of improved property at owner's expense in accordance with the article and regulation promulgated pursuant hereto by the Township and the Authority, in accordance with the agreement and lease.

§ 164-33. Location of meter.

- A. The owner is required to permit installation of meter, remote readout and back flow preventor on improved property at a location within or about the improved property, to be determined by the Authority, which location provides for unobstructed access and protects the meter and other equipment from freezing or other harm. Property owners are responsible to keep the meter from freezing or any other harm.

- B. In cases where it is not practical to place the meter within a building, the Authority may require the owner to construct adequate enclosure inside the property line for the meter at a location to be determined by the Authority in accordance with this article and regulation promulgated pursuant hereto by the Township and the Authority, in accordance with the agreement and lease.

§ 164-34. Access to meter.

- A. The owner shall permit access to the meter to the Township and to the Authority or persons operating under written authorization on reasonable days and at reasonable times upon request. The owner shall not permit any obstruction of the meter or of convenient access thereto by person or animals or man-made or natural obstacles or devices. The owner is responsible for security and safety of the meter, remote readout and backflow preventor on the owner's premises.
- B. The failure to permit installation or, after installation, to permit reasonable access to the meter, remote reading device or backflow preventor after 30 days' written notice from the Township/Authority to the property owner shall be sufficient cause for discontinuance of service. Should customer fail to make and maintain reasonable and unobstructed access to meter, remote reading device or backflow preventor during normal working hours within said thirty-day period, water service will be discontinued until reasonable access can be provided and maintained on a continuing basis.⁷

§ 164-35. Seals.

No seal placed by the Authority for the protection of any meter, valve, fitting or other water connection shall be tampered with or defaced. It shall not be broken except upon authorization from the Authority or in the presence of an Authority representative. Where the seal is broken, the Township reserves the right to remove the meter for test at the expense of the customer, even though said meter registers accurately, in addition to other fines and penalties imposed herewith.

§ 164-36. Reading and registration of meters.

Reading of meters shall be taken monthly, bimonthly or quarterly at the opinion of the Authority, and the quantity recorded by the meter shall be taken to be the amount of water passing through the meter.

§ 164-37. Minimum charge.

Every meter is installed subject to a fixed minimum monthly, bimonthly or quarterly charge in accordance with the rates thereof, for which certain quantities of water will be allowed without additional charge; and where more than one premises is furnished service through one meter, the same fixed minimum monthly or quarterly charges shall apply for each and every

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

premises. Such minimum shall be nonabatable for a nonuser of water and noncumulative against subsequent consumption. In the case of fractional bills covering less than a month of a quarter, monthly or minimum charges and allowances shall be prorated.

§ 164-38. Size of meter.

The Authority shall have the right in all cases to stipulate the size and type of the meter to be installed on each service line.

§ 164-39. Violations and penalties. ⁸

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

§ 164-40. Additional rules and regulations authorized.

The Authority shall have the power and authority to promulgate rules and regulations pursuant to this article, which shall be binding and effective upon owners pursuant to lease and agreement. The purchase and installation of meters is hereby authorized, ratified and confirmed.

ARTICLE VII
On-Lot Sewage System Permits

§ 164-41. Definitions.

The following words and terms shall have the following meanings unless the Act, regulations or the context indicate otherwise:

ACT — The Sewage Facilities Act, Act of January 24, 1966, P.L. 1535 (No. 537), as amended, 35 P.S. § 750.1 et seq.

BOARD — The Board of Supervisors.

COMMUNITY SEWAGE SYSTEM — Any system publicly or privately owned for the collection of sewage or industrial wastes of a liquid nature from two or more lots and the treatment and/or disposal of sewage or industrial waste on one or more of the lots or at any other site.

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

DEPARTMENT — The Department of Environmental Protection.

HEARING — Hearing held by Board for a determination under this Article VII, upon at least 15 days' written notice of charge or violation and right to appear, in accordance with Local Agency Law, 2 Pa.C.S.A. §§ 551 et seq. and 751 et seq.⁹

INDIVIDUAL SEWAGE SYSTEM — A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this commonwealth or by means of conveyance to another site for final disposal.

INSTALLATION — Any act of placing a system, including repair, replacement or enlargement of any system, including system preexisting the effective date of this Article VII.

OWNER — Person owning property on which system is to be installed or containing building to be served by system; or person having written authority to act for owner.

REGULATIONS — Regulations as promulgated by the Department.

SECRETARY — The Secretary of Township.

SEO — The Sewage Enforcement Officer.

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

SYSTEM — Individual and/or community sewage system.

TEST — Soil suitability test and/or soil seepage test.

TOWNSHIP — The Township of North Middleton.

WORKING HOURS — Monday through Friday, 8:30 a.m. to 4:30 p.m.; and during regular meetings of the Board; or as determined by motion of Board.

§ 164-42. Title.

This Article VII shall be known as "Sewage Facilities Ordinance."

§ 164-43. Legal authority for regulations.

This Article VII is adopted in accordance with the Act; the Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. § 691.1 et seq.; and regulations of the Department; and applies to all persons installing systems.

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 164-44. Installation of system requires permit.

The installation of any treatment tank, subsurface absorption area or any holding tank constitutes the installation of a system and requires a permit prior to beginning installation or occupancy of any building for which system will be installed. A permit is required for a rural residence regardless of lot size.

§ 164-45. Compliance with regulations and laws.

No person shall install a system or construct any building in or for which a system is to be installed without first obtaining a permit and a determination that site, plans and specifications are in compliance with this Article VII, the Act and regulations.

§ 164-46. System must comply with official plan.

No permit shall be issued for systems unless consistent with the official plan of the Township in accordance with the Act.

§ 164-47. Issuance of permit.

Permit shall be issued after application and determination that the proposed system meets requirements herein.

§ 164-48. Permits filed with Department.

In the event a system other than defined herein is required, application for permit shall be filed with the Department.

§ 164-49. Sewage Enforcement Officer.

The SEO shall:

- A. Be responsible for administration of this Article VII.
- B. Not install any system in any area under his jurisdiction.
- C. Not accept any fee for services or work performed other than compensation set by Township resolution.
- D. Not conduct a test or issue any permit for system for any lot in which there is a financial interest of SEO or of any person related by blood or marriage to SEO or of any employer or partner unless approved by the Township.
- E. Observe, conduct personally or confirm all tests in a manner approved by the Department.
- F. Submit required forms to the Department.

- G. Maintain records of administration of this Article VII and make reports as required by the Board by motion.
- H. Be available for performance of duties during working hours or as required by the Board.

§ 164-50. Administration.

The Township shall employ a SEO certified in accordance with state law to administer this Article VII. The Township shall submit annually, by January 31, to the Department the name and address of its SEO and within 30 days shall submit any change in the name or address.

§ 164-51. Application for permit.

Application for permit for installation of systems shall be obtained from and made to the Secretary at the Township Building during working hours.

§ 164-52. Application form.

Application shall be on form provided by the Township and accompanied by fees.

§ 164-53. Filing of application.

Applicant shall file with the Secretary application with Part 1 completed, at which time the Secretary shall date the application as "date received." If the application is incomplete or the Secretary is unable to verify information, the applicant shall be notified by the Secretary, in writing, within seven days, with deadline for acting by the Township extended 15 days beyond date of receipt of adequate supplementary or amendatory data.

§ 164-54. Processing of application.

The SEO shall obtain the application from the Secretary and shall process the application within 15 days, weather conditions and equipment availability permitting. The SEO shall conduct soil tests and analysis and percolation tests and analysis.

§ 164-55. Independent tests.

In the event the applicant has independent engineering determination of soil tests and percolation tests, the SEO shall process results received from the applicant within 10 days.

§ 164-56. Judgment of application.

Upon completion of Part II, the SEO shall approve or disapprove within seven days.

§ 164-57. Expiration of permit.

If construction or installation of system or building has not commenced within three years after issuance, permit shall expire.

§ 164-58. Authorized test procedures.

Three alternate procedures for conduct of soil and percolation tests and analysis are authorized:

- A. Testing and analysis by the Township.
- B. Soil test and percolation test by applicant through approved soil scientist or engineer and analysis by the Township.
- C. Site preparation for soil test and percolation tests by applicant and testing and analysis by the Township.

§ 164-59. Notification of completion.

The applicant shall notify the SEO, in writing (which may be entered on the top portion of application form at the Township Building), of completion of installation.

§ 164-60. Inspection.

The SEO shall inspect site within 72 hours of receipt of written notice of completion, excepting Sundays and holidays from said calculation.

§ 164-61. Alternate system.

In the event soil analysis indicates limiting zone(s), the limiting zone(s) must be confirmed by a soil scientist. If confirmed, the type of alternate system shall be determined by the SEO upon consultation with soil scientist.

§ 164-62. Board to cause inspections.

The Board shall have the power to make or cause to be made through its SEO, such inspections and tests as may be necessary to carry out the provisions of this Article VII, with the right to enter upon lands for said purposes.

§ 164-63. Covering of work only after inspection.

No part of any installation shall be covered until it is inspected within 72 hours of written notice of completion (excepting Sundays and holidays) and given full approval by the SEO. The applicant may cover installation if not inspected within 72 hours. If improperly covered, the Board, through the SEO, may require applicant to uncover for inspection.

§ 164-64. Fees.

Fees shall be set in accordance with the applicable fee schedule as adopted from time to time by resolution of the North Middleton Township Board of Supervisors.

§ 164-65. Revocation.

- A. The Board shall revoke permit where:
- (1) Information material to issuance of permit is false.
 - (2) Tests were not properly conducted.
 - (3) Any change occurs in physical conditions of land which materially affect operation of system.
 - (4) Applicant violates any provisions of this Article VII, Act or regulations.
 - (5) Issuance of permit falls to conform to Act or regulations.
- B. Revocation shall occur only after written notice and an opportunity within 10 days to request a hearing. If no hearing is requested, revocation shall be effective. Hearing shall be held, upon request, with notice to the Department.

§ 164-66. Other remedies.

In addition, the Board may take appropriate action at law or equity to enforce provisions of this Article VII, the Act and regulations.

§ 164-67. Violations and penalties.¹⁰

Notwithstanding any action taken by the Board under § 164-65 and § 164-66 above, any person who shall violate any of the provisions of this Article VII, Act or regulations, or who resists or interferes with any officer, agent or employee of the municipality in the performance of his duties shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE VIII
On-Lot Small Flow Sewage Treatment Facilities

§ 164-68. Title.

This article shall be known as the "North Middleton Township Small Flow Sewage Treatment Facility Ordinance."

§ 164-69. Purposes and background.

- A. North Middleton Township is in a state of transition from a rural-suburban community to a community of varying uses and functions, thereby increasing municipal governmental concerns and responsibilities.
- B. As an indication of such change, is the creation of a public water distribution system and a public sewage collection and disposal system, both of which systems are designed to enhance the quality of life and to protect health and safety; however, it is fiscally and practically impossible to provide such services to all areas of the Township.
- C. It is further recognized that stringent rules have been enacted by the Commonwealth of Pennsylvania to control on-site sewage disposal facilities in the interest of protecting the waters of this commonwealth and the health of citizens, which rules sometimes virtually prohibit the continued use of traditional sewage disposal facilities, thereby depreciating values of property.
- D. The Commonwealth of Pennsylvania permits, but does not require, the use of small flow sewage treatment facilities under certain circumstances, but places certain responsibility for oversight of such treatment facilities on the local municipality. Accordingly, the Board of Supervisors of North Middleton Township has traditionally refused to allow the use of small flow sewage treatment facilities.

§ 164-70. Definitions.

The following words and phrases shall have the meanings set forth herein unless the context of the use thereof shall dictate another interpretation:

AGREEMENT — A written agreement between the Township and owner as authorized by this article.

BOARD — The Board of Supervisors of North Middleton Township.

DEP — The Pennsylvania Department of Environmental Protection.

MANUAL — The Commonwealth of Pennsylvania Small Flow Treatment Facilities Manual, current edition as of the date of application, together with any recommendation or guideline manuals referenced therein or which are a part thereof.

OWNER — The person, persons or entity owning the residential premises. Said term excludes the lessee, tenant or other nonowning occupant of a residential unit.

RESIDENTIAL DWELLING UNIT — A portion of a residential premises occupied by a single family or persons living as a family.

RESIDENTIAL PREMISES — A parcel of real estate improved with a building used for human housing. Said term excludes any commercial or industrial use or any other nonresidential use of real estate, including a combination of residential and nonresidential uses.

SEO — The Sewage Enforcement Officer appointed by the Board.

SEWAGE — Domestic wastewater originating from a residential use and does not include industrial waste, hazardous or toxic materials or any other substance not generated from normal residential use.

SMALL FLOW SEWAGE TREATMENT FACILITY — An individual sewerage system designed to adequately treat domestic sewage flows not greater than 600 gallons per day (maximum five-bedroom dwelling) for final disposal using a stream discharge, discharge to the surface of the ground or discharge to a constructed wetland as further defined in § 164-73 of this article.

TOWNSHIP — North Middleton Township, Cumberland County, Pennsylvania.

TOWNSHIP ENGINEER — A professional engineer appointed by the Board to review applications and plans for small flow sewage treatment facilities.

§ 164-71. Small flow sewage treatment facilities permitted.

A small flow sewage treatment facility may be installed, constructed and used only to serve a residential dwelling unit on a residential premises where a traditional on-site sewage disposal system cannot be installed or maintained as evidenced by the denial of the SEO of an on-lot sewage system permit under applicable regulations of DEP and the Township and where no municipal sewerage system is readily available to serve the premises, whether by direct connection or reasonable extension. Small flow sewage treatment facilities are not permitted for any commercial, industrial or other nonresidential premises or use. Small flow sewage treatment facilities may only be installed, constructed or used in accordance with all the provisions of this article. All costs and expenses of designing, constructing, installing, repairing and maintaining the small flow sewage treatment facility shall be borne by and paid for by the owner.

§ 164-72. Supervision of installation and construction.

All small flow sewage treatment facilities shall be installed and constructed under the supervision of the professional engineer responsible for the design of the system. The engineer will provide the Township with a letter certifying to the same at the completion of the project. This will be provided to the Township prior to the occupancy of the building and the use of the system, except in repair situations.

§ 164-73. Small flow sewage treatment facility defined and limited.

- A. Definition. "Small flow sewage treatment facility" (hereinafter referred to as "facility" in this section) is an on-site sewage treatment facility as permitted by DEP under guidelines and regulations promulgated by DEP from time to time, but as limited or restricted by this article, in the event of conflict between the provision of this article and DEP regulations, it is the Board's intention to require the more restrictive provisions.
- B. Minimum land area. The minimum lot size for any new system installed on a lot created after April 1, 2008, shall be three acres. Smaller lot sizes for nonconforming lots created prior to April 1, 2008, or existing systems and repair situations, shall be considered, provided the SEO has determined that there is no area on the existing lot suitable for installation of an on-lot disposal system and it can be demonstrated that all other requirements of the article can be met. This minimum land area requirement shall be imposed by the owner as an express restriction or condition of the residential premises as a covenant running with the land by instrument recorded in the office of the Cumberland County Recorder of Deeds, to be enforceable by the Township, said recording being an express condition precedent to the construction of such facility. Such restriction or condition shall be subject to the prior approval and review by the Township's Solicitor.
- C. Isolation distances. All requirements for isolation distance shall be as required by the Manual.
- D. Specific limitations on discharge.
- (1) Wastewater to be treated shall be domestic sewage emanating from a residential premises.
 - (2) Wastewater sewage flows shall not be greater than 600 gallons per day as estimated by the DEP. See 25 Pa. Code § 73.17, as amended.
 - (3) No facility shall be designed for a commercial, industrial or community wastewater sewage flow even if same flow is estimated to be less than or equal to 600 gallons per day. The Board of Supervisors may consider a request for the use of a SFSTF in a repair situation if the SEO has determined there is no area on the existing suitable for the installation of an on-lot sewage disposal system. This would be if there is no feasible way to connect to public sewer and in lieu of the use of a holding tank to abandon the discharge of untreated wastewater to the surface of the ground.
- E. Design requirements. Each facility shall be designed, installed and operated in accordance with the terms, provisions and requirements of the Manual. The applicant is required to obtain sewage planning approval from North Middleton Township and the DEP and to obtain the necessary permits from DEP, as applicable, to comply with the Clean Stream Law, and the Sewage Facilities Act.
- F. Easements shall be determined per the Manual.

§ 164-74. Maintenance.

The owner shall be responsible to the Township for the maintenance of each small flow sewage treatment facility in accordance with the Manual.

§ 164-75. Indemnification by owner.

Each owner of a residential premises containing a small flow sewage treatment facility installed, constructed or used pursuant to this article shall, by reason of such installation, construction or use, be deemed to have agreed to indemnify the Township and hold it harmless of and from any and all liability, damages, costs, expenses, attorneys' fees and any other obligation imposed upon it by reason of such owner's failure to perform the obligations imposed hereunder or by otherwise violating this article, and further, shall be deemed to agree to reimburse the Township for all costs, expenses and expenditures which it incurs by reason of such owner's failure to perform the obligations imposed hereunder or in enforcing the provisions of this article against said owner.

§ 164-76. Maintenance security deposit.

- A. As a condition of permitting the installation, construction and/or use of a small flow sewage treatment facility, the owner shall deposit with the Township the amount as may be set from time to time by resolution of the Board of Supervisors, for each residential unit served by a small flow sewage treatment facility. Set amount shall serve as partial security for the Township for reimbursement for any costs or expenses incurred in enforcing the provision of this article against said owner. Said deposit shall be retained by the Township in an account to be known as "Small Flow Sewage Treatment Facility Maintenance Security Account," which shall be interest-bearing, which interest shall be retained by the Township and may be disbursed annually for general Township purposes, including the sum per year per small flow sewage treatment facility for Township's administrative cost in maintaining said account, said amount that may be set from time to time by resolution of the Board of Supervisors.¹¹
- B. The Township shall have the right to use and consume said deposit to reimburse its costs and expenses in the enforcement of this article to include, but not necessarily be limited to, the following: removing and disposing of sewage from the small flow sewage treatment facility; repairing the said facility; inspecting the facility; testing sewage; attorneys' fees, court costs and witness fees in any litigation required to enforce this article.
- C. At any time such deposit falls below the original amount thereof, the owner shall promptly deposit such additional funds to restore the full amount. Such further deposit shall be made within 10 calendar days after the date notice requiring such further deposit is mailed to owner.
- D. All deposits made hereunder shall be deemed to be in rem and appurtenant to the residential premises containing such small flow sewage treatment facility. As such, the

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

deposit shall be deemed to relate to the owner of said residential premises at the time any question arises thereto. Said deposit shall be deemed to be transferred from owner to owner at each time the ownership of the residential premises is transferred.

- E. Township shall return and refund to the then-current owner of the maintenance security deposit (or the remaining balance thereof), without interest, upon the occurrence of any of the following events:
- (1) The residential unit is connected to a municipal sewage system; or
 - (2) The residential unit is discontinued as a dwelling place and the small flow sewage treatment facility is discontinued and removed.

§ 164-77. Violations constitute a nuisance.

The owner's failure to comply with the maintenance provisions of this article (§§ 164-74 through 164-76) shall be deemed to be a public nuisance because of the threat to public health and damage to the waters of this commonwealth and may be abated by injunctive action. By installing, constructing or using a small flow sewage treatment facility pursuant to this article, the owner shall be deemed to agree with the foregoing sentence and further acknowledges that the Court of Common Pleas of Cumberland County, Pennsylvania, sitting in equity shall be jurisdiction of the residential premises and each owner and that no adequate remedy at law exists.

§ 164-78. Abuse and revocation of privilege.

- A. Township's permission for the installation, construction and/or use of a small flow sewage treatment facility is hereby declared to be a privilege (as distinguished from a right) of the owner of residential premises. Therefore, the owner's abuse of said privilege by failure to comply with the provisions of this article may be cause for the privilege to be revoked, in which event, the residential unit served by any such small flow sewage treatment facility shall be vacated and no further sewage shall be generated on or discharged from said residential unit, without liability to the Township.¹²
- B. Township may revoke such privilege upon not less than five days' written notice mailed to the owner of the residential premises and posted conspicuously on each residential unit.

§ 164-79. Access to residential premises.

Each owner constructing, installing or using a small flow sewage treatment facility shall be deemed to have authorized duly authorized officials of the Township to enter upon the residential premises to inspect the facilities authorized by this article, to enforce the provision of this article, abate any nuisances arising from delinquent maintenance of such facilities and enforce the revocation of the privilege of continued use of such facilities. Any such entry shall not constitute a trespass.

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 164-80. Application and permit required.

After the property owner has obtained sewage planning approval and the necessary permits from DEP for the small flow sewage treatment facility, they will apply for a small flow treatment facility permit from North Middleton Township. This permit will be obtained prior to issuance of a building/zoning permit for the construction of a new dwelling. This would be required for a system whether it is for a new construction or in a repair situation.

A. Application.

- (1) An owner of a residential premises seeking to use a small flow sewage treatment facility shall submit an application therefor on a form to be provided by the Township, which shall include the following information:
 - (a) Name(s) and address(es) of each owner.
 - (b) Identification of residential premises to include the Cumberland County Real Estate Tax Assessor's parcel number; street address; copy of current deed or other document whereby the owner(s) claim(s) title to said premises.
 - (c) A true copy of the denial by the SEO of the owner's application for a traditional on-lot system permit for the same residential premises.
 - (d) Description of the residential unit to include floor plan, room dimensions and nature of each room.
 - (e) A plot or map to scale of the residential premises accurately showing the location and description of all improvements, significant differences in surface grade or level and the location of the proposed small flow sewage treatment facility.
 - (f) A detailed drawing and narrative specifications of the proposed small flow sewage treatment facility and sufficient for adequate review by DEP.
 - (g) True, complete and correct copies of all submissions to and communications from DEP concerning owner's application to DEP for said small flow sewage treatment facility, said obligation to supply materials shall be continuous until the permit required herein expires or is revoked.
- (2) The application shall be accompanied by:
 - (a) A filing and processing fee as may be set from time to time by resolution of the Board of Supervisors.¹³
 - (b) The maintenance security deposit required under § 164-76 hereof.
 - (c) An acknowledgment/agreement signed by each owner in the following form:

ACKNOWLEDGMENT AND AGREEMENT BY OWNER(S)

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

The undersigned, being all the owners of the following residential premises:

In North Middleton Township, Cumberland County, Pennsylvania, and in consideration of being granted permission by North Middleton Township to install, construct, and the privilege to use a small flow sewage treatment facility to serve the residential unit on said premises known as:

do hereby acknowledge receipt of a copy of North Middleton Township Small Flow Sewage Treatment Ordinance ("Ordinance") and, intending to be legally bound hereby, agree to comply with each and all provisions of said Ordinance and Manual and to otherwise be legally bound thereby. We further acknowledge, understand and agree that said Ordinance, Manual and this acknowledgment/agreement shall be binding upon all successive and future owners of said residential premises.

We further understand that when public sewer is constructed we will be required to abandon the system, pay tapping fees and connect to the public sewer system.

IN WITNESS WHEREOF, I/we, jointly and severally, have hereunto set my/our hand(s) and seal(s) this ____ day of _____, 20__.

_____(SEAL)
Owner (individual)

_____(SEAL)
Owner (individual)

_____(SEAL)
Owner (individual)

Or if by a corporation:

Name of Corporate Owner

ATTEST

By _____
President of Corporation

Corporate Secretary
(Corporate Seal)

Or if by a Partnership:

Name of Partnership Owner

By _____
Partner

By _____
Partner

- (d) This acknowledgement shall be recorded and indexed against the subject property at the time of approval in the office of the Recorder of Deeds for the County of Cumberland, the cost of which shall be paid by applicant and proof of which shall be provided to the Township.

- (e) In addition, the owner, if required by the Township, shall enter into further agreements and forms of security, including but not necessarily being limited to judgment notes, all as approved by the Township Solicitor.

B. Permit.

- (1) It shall be unlawful for any owner, person, corporation or other entity to construct, install or maintain a small flow sewage treatment facility on any land in this Township without first obtaining a permit under this article.
- (2) A permit shall be issued by the Township's Secretary upon the applicant's fulfillment of the following matters in the order indicated:
 - (a) Submission of a properly completed application, acknowledgment and agreement and the payment and/or deposit of all sums required under Subsection A of this § 164-80.
 - (b) Receipt of true, complete and correct copies of all DEP required and duly issued permits, licenses or other evidence of permission to construct a small flow sewage treatment facility on the residential premises under DEP regulations.
 - (c) Receipt of a certificate from the SEO indicating that all preconstruction/preinstallation requirements of this article have been fulfilled.
- (3) Such permit shall be issued within 10 business days after receipt of the SEO certificate.

§ 164-81. Civil enforcement and inspection.

- A. The SEO, with the consent of the Board and the Township Solicitor, is hereby authorized to take all appropriate action of law or in equity to abate any violation of this article where the continued violation is believed to be a threat to the health of the inhabitants of this Township or deleterious to the quality of the waters of this commonwealth.
- B. All small flow sewage treatment facility system inspections shall be conducted as required, and/or recommended by the Manual, but in any case, shall be not less than once per year with a certified copy of the results provided to the Township.

§ 164-82. Violations and penalties.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by North Middleton Township, pay a fine of not more than \$1,000, plus all court costs, including the reasonable attorneys' fees incurred by North Middleton Township as a result thereof.
- B. Each day's violation of this article shall constitute a separate offense.

ARTICLE IX
On-Lot Retaining Tanks

§ 164-83. Title.

This article shall be known and may be cited as the "North Middleton Township Retaining Tank Ordinance."

§ 164-84. Definitions.

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates or requires a different or contrary meaning:

BOARD — The Board of Supervisors of North Middleton Township.

COLLECTOR — A person or entity engaged in the removal, transportation and disposal of sewage from retaining tanks.

DEP — The Department of Environmental Protection.

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

OWNER — The person, persons or entity owning a residential or commercial property. Said term excludes the lessee, tenant or other nonowning occupant of a residential or commercial property.

RETAINING TANK — A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate the ultimate disposal of sewage at another site. Said term shall be synonymous with the term "holding tank."

SEO — The Sewage Enforcement Officer appointed by the Board.

SEWAGE — Domestic wastewater originating from a residential or commercial use and does not include industrial waste, hazardous or toxic materials or any other substance not generated from normal residential or commercial use.

TOWNSHIP — North Middleton Township, Cumberland County, Pennsylvania.

§ 164-85. Retaining tanks permitted.

Retaining tanks may be installed, constructed and used only to serve a residential or commercial premises where an existing on-site sewage disposal facility has failed and cannot be repaired, rehabilitated or replaced by any other means approved under the regulations of DEP and where no municipal sewerage system is readily available to serve the premises, whether by direct connection or reasonable extension. Retaining tanks are not permitted for any new residential premises, but may be permitted for an institution, recreational vehicle dump station or commercial premises with a sewage flow of less than 800 gpd (gallons per day). Retaining tanks may only be installed, constructed or used in accordance with all the

provisions of this article. All costs and expenses of designing, constructing, installing, repairing and maintaining a retaining tank shall be borne by and paid for by the owner.

§ 164-86. Supervision of installation, construction and maintenance.

All retaining tanks shall be installed and constructed under the supervision of the SEO. The SEO is hereby authorized and empowered to administer and enforce the provisions of this article. In addition, the SEO shall receive, review and retain pumping receipts from permitted retaining tanks and shall conduct an annual inspection thereof with the completion and retention of written inspection reports.

§ 164-87. Specifications of retaining tanks.

- A. Except where greater requirements are imposed by this article, all retaining tanks must comply with all applicable standards and requirements of DEP as now existing or hereafter enacted or amended.
- B. The minimum capacity of a retaining tank shall be 1,200 gallons for each residential or commercial property or a volume equal to the quantity of sewage generated in three days, whichever is greater, said determination to be made by the SEO.
- C. A retaining tank shall be equipped with a warning device to indicate when the tank is filled to within 75% of its capacity. Such device shall consist of two alarms; an audible or visual signal located inside the improved property; and a visual signal located on the improved property so as to be seen from the nearest public road. The owner shall be responsible for the continuous operation of such device.
- D. The specific design of a retaining tank shall be submitted in detail, in writing, to the SEO for review and approval prior to installation or construction.

§ 164-88. Maintenance.

The owner shall be responsible to the Township for the maintenance of each retaining tank. Maintenance shall include, but not be limited to, the removal of sewage from the retaining tank, repair of said tank, assurance of continuous operation of the warning device required under § 164-87 hereof and all other actions required to assure containment of sewage and to prevent leakage or spillage of sewage outside said tank.

§ 164-89. Indemnification by owner.

Each owner of an improved property containing a retaining tank installed, constructed or used pursuant to this article shall, by reason of such installation, construction or use, be deemed to have agreed to indemnify the Township and hold it harmless of and from any and all liability, damages, costs, expenses, attorneys' fees and any other obligation imposed upon it by reason of such owner's failure to perform the obligations imposed hereunder or by otherwise violating this article and, further, shall be deemed to agree to reimburse the Township for all costs, expenses and expenditures which it incurs by reason of such owner's failure to perform

the obligations imposed hereunder or in enforcing the provisions of this article against said owner.

§ 164-90. Maintenance security deposit.

- A. As a condition of permitting the installation, construction and/or use of a retaining tank, the owner shall deposit with the Township a sum as set from time to time by resolution of the Board of Supervisors or an amount recommended by the SEO, whichever amount is greater, in cash, for the improved property served by a retaining tank as partial security for the Township for reimbursement for any costs or expenses incurred in enforcing the provisions of this article against said owner. Said deposit shall be retained by the Township in an account to be known as "Retaining Tank Maintenance Security Account," which shall be interest-bearing, which interest shall be retained by the Township and may be disbursed annually for general Township purposes, including the application of a sum, as set from time to time by resolution of the Board of Supervisors, per year per retaining tank for the Township's administrative cost in maintaining said account.
- B. The Township shall have the right to use and consume said deposit to reimburse its costs and expenses in the enforcement of this article to include but not necessarily be limited to the following: removing and disposing of sewage from the retaining tank; repairing the retaining tank and/or warning device; inspecting the retaining tank; testing sewage; attorneys' fees, court costs and witness fees in any litigation required to enforce this article.
- C. At any time such deposit falls below the original amount thereof, the owner shall promptly deposit such additional funds to restore the full amount. Such further deposit shall be made within 30 calendar days after the date notice requiring such further deposit is mailed to owner.
- D. All deposits made hereunder shall be deemed to be in rem and appurtenant to the improved property containing such retaining tank. As such, the deposit shall be deemed to relate to the owner of said improved property at the time any question arises thereto.
- E. The Township shall return and refund to the then-current owner the maintenance security deposit (or the remaining balance thereof), without interest, upon the occurrence of any of the following events; the improved property is connected to a municipal sewage system; a DEP approved on-site sewage disposal system is installed to serve the improved property; the improved property is no longer occupied and the retaining tank is discontinued and filled with solid, dry material as approved by the SEO.

§ 164-91. Violations constitute nuisance.

The owner's failure to comply with the maintenance provisions of this article shall be deemed to be a public nuisance because of the threat to public health and damage to the waters of the Commonwealth of Pennsylvania and may be abated by injunctive action. By installing, constructing or using a retaining tank pursuant to this article, the owner shall be deemed to agree with the foregoing sentence and, further, acknowledges that the Court of Common Pleas

of Cumberland County, Pennsylvania, sitting in equity, shall have jurisdiction of the improved property and each owner and that no adequate remedy at law exists.

§ 164-92. Owner responsible for collector.

The Township shall not provide sewage removal, transportation or disposal services and does not intend to license, regulate or otherwise control collectors. The owner of the improved property requiring the services of a collector shall be entirely responsible for collector's services and shall indemnify Township and hold it harmless of and from any and all liability (without limitation or exception) imposed or sought to be imposed against the Township by reason of the collector's activities, including but not limited to the Township's costs of defending against any such claim, including the Township's attorneys' fees.

§ 164-93. Abuse and revocation of privilege

- A. The Township's permission for the installation, construction and/or use of a retaining tank is hereby declared to be a privilege, as distinguished from a right, of the owner of an improved property. Therefore, the owner's abuse of said privilege by failure to comply with the terms and provisions of this article may be cause for the privilege to be revoked, in which event the improved property served by any such retaining tank shall be vacated and no further sewage shall be generated on or discharged from said improved property without liability to the Township.¹⁴
- B. The Township may revoke such privilege upon not less than five days' written notice mailed to the owner of the improved property and posted conspicuously on each improved property.

§ 164-94. Access to residential premises.

Each owner constructing, installing or using a retaining tank shall be deemed to have authorized the SEO and/or any duly authorized officials of the Township to enter upon the improved property to inspect the facilities authorized by this article, to enforce the provisions of this article, abate any nuisances arising from delinquent maintenance of such facilities, enforce the revocation of the privilege of continued use of such facilities. Any such entry shall not constitute a trespass.

§ 164-95. Application and permit required.

- A. An owner of an improved property seeking to use a retaining tank shall submit an application therefor on a form to be provided by the Township, which shall include the following information:

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) Name(s) and addresses of each owner.
 - (2) Identification of the improved property, to include the Cumberland County Real Estate Tax Assessor's parcel number; street address; copy of current deed or other document whereby the owner(s) claim(s) title to said improved property.
 - (3) Description of each improved residential unit or commercial unit on each property to include floor plan, room dimensions and nature of each room.
 - (4) A plot or map to scale of the improved property accurately showing the location and description of all improvements, significant differences in surface grade or level and the location of the proposed retaining tank and exterior warning device.
 - (5) A detailed drawing and narrative specifications of the proposed retaining tank and warning devices sufficient for adequate review by the SEO.
- B. A permit issued pursuant to this article shall not be transferred except as hereinafter provided. A transfer or attempted transfer of any permit or any interest therein, except in conformity with this article, shall constitute a default under the maintenance security agreement and a violation subject to penalties as set forth herein.
- C. An owner of an improved property seeking to transfer or acquire an existing retaining tank permit or authority to use a retaining tank for which a permit has been granted to another owner shall submit a written application as required by this article. In addition, the new owner of improved property (the transferee) shall submit a maintenance security agreement either assuming, without exception or reservation, the obligations of the existing landowner (the transferor) or a substitute agreement whereby the transferee undertakes all legal obligations of a permit holder under this article. The Township shall have the right to refuse the transfer if the proposed transferee is unable to comply with the provisions of this article. In addition, the Township shall have the right to impose such other conditions and safeguards upon the transferee as are deemed reasonable and necessary to protect the public interest and to prevent a nuisance or health hazard.
- D. The application shall be accompanied by:
- (1) A filing and processing fee as set from time to time by resolution of the Board of Supervisors.
 - (2) The maintenance security deposit required under § 164-90 hereof.
 - (3) An acknowledgment/agreement signed by each owner in the following form:

ACKNOWLEDGMENT AND AGREEMENT BY OWNER(S)

The undersigned being all the owners of the following improved residential or commercial property _____
 _____ in

North Middleton Township, Cumberland County, Pennsylvania, and in consideration of being granted permission by the Township of North Middleton to install, construct and the privilege to use a retaining tank to serve the property known as:

do hereby acknowledge receipt of a copy of the North Middleton Township Retaining Tank Ordinance and, intending to be legally bound hereby, agree to comply with each and all revisions of said Ordinance and to otherwise be legally bound thereby. We further acknowledge, understand and agree that said Ordinance and this acknowledgment/agreement shall be binding upon all successive and future owners of the improved residential or commercial property.

IN WITNESS WHEREOF, I/we, jointly and severally, have hereunto set my/our hand(s) and seal(s) this ____ day of _____, 20 ____.

Owner (individual) (SEAL)

Owner (individual) (SEAL)

Owner (individual) (SEAL)

Name of Corporate Owner

By _____
President of Corporation

ATTEST:

Corporate Secretary
(Corporate Seal)

Name of Partner

By _____
Partner

By _____
Partner

By _____
Partner

§ 164-96. Enforcement.

The SEO, with the consent of the Board, is hereby authorized to take all appropriate actions at law or in equity to abate any violation of this article where the continued violation is believed to be a threat to the health of the inhabitants of this Township or deleterious to the quality of the waters of the Commonwealth of Pennsylvania.

§ 164-97. Violations and penalties.

Any person who shall violate any provision of this article shall, upon conviction thereof by a summary proceeding action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than \$1,000, plus all court costs and imprisonment, all pursuant to the purpose and mandate of Act No. 172 of 1996.¹⁵ Each day's violation of any provision of this article shall constitute a separate offense.

ARTICLE X
On-Lot Sewage Disposal Systems

§ 164-98. Title.

This article shall be known and may be cited as the "North Middleton Township Sewage Facilities Management Ordinance."

§ 164-99. Statutory authority; findings.

As authorized by the Clean Streams Law (35 P.S. § 691.1 et seq.), the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. § 750.1 et seq.), and the municipal codes, North Middleton Township has an obligation to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The North Middleton Township Act 537 Official Sewage Facilities Plan has evaluated the need to provide adequate sewage facilities and has found that the formation of an on-lot management program to be an effective method of preventing and abating water pollution and hazards to the public health.

§ 164-100. Intent.

- A. The Board of Supervisors recognizes that on-lot sewage disposal systems constitute a valid and approved manner of preserving the quality of the water and other natural resources of the Township through the proper treatment of wastes generated by development within the Township. The use of on-lot sewage systems will be regulated in accordance with the provisions of this article until such time as the Board of Supervisors has obtained approval of a revision of its Act 537 Plan and has adopted an ordinance amending or repealing this article. In addition, the Township has determined that should an on-lot system fail, the water quality and other natural resources of the Township may be polluted.
- B. All landowners of lots hereafter created should provide and set aside areas for the installation of replacement on-lot sewage disposal systems. As further implementation of this policy for lots on which on-lot disposal systems are not feasible, the Township desires to establish procedures for the use and maintenance of privately owned and operated sewage treatment facilities.

15. Editor's Note: See 53 P.S. § 66601.

§ 164-101. Word usage.

In the interpretation of this article, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 164-102. Definitions.

For the purposes of this article, the terms used shall be construed to have the following meanings:

ACT 537 — The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. § 750.1 et seq., as amended.

ALTERNATE SYSTEM — A method of demonstrated on-lot sewage treatment and disposal not described in Title 25 Pa. Code Chapter 73, as amended.

AUTHORIZED AGENT — A licensed sewage enforcement officer, qualified registered professional engineer, the Township Engineer, qualified registered professional geologist, qualified soils scientist, codes enforcement officer, plumbing inspector, municipal manager or any other qualified person who is authorized by the Board to administer or enforce the provisions of this article.

BOARD — The Board of Supervisors of North Middleton Township.

CODES ENFORCEMENT OFFICER (CEO) — An authorized agent of the Township to administer and enforce ordinances and regulations in the Township.

DEPARTMENT — The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

DEVELOPER — Any person who constructs, or contracts to construct, any building or other structure which is serviced, or intended to be serviced, by sewage facilities, or which is required to be connected to sewage facilities.

EQUIVALENT DWELLING UNIT (EDU) — For the purpose of determining the number of lots in a subdivision or land development only as it relates to the determination of planning exemptions and fees for planning module reviews under Title 25, Pennsylvania Code, Rules and Regulations, Department of Environmental Protection, that part of a multiple-family dwelling or commercial or industrial establishment with flows equal to 400 gallons per day. These flow figures are not intended to be used for the calculation of flows for the design of community sewage systems or for the allocation of flows related to community sewage systems. Community sewage system flows for design and permitting purposes shall be calculated using the procedures established in the Department's Domestic Wastewater Facilities Manual.

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

LAND DEVELOPMENT — A land development as defined in Chapter 180, Subdivision and Land Development, as the same is amended from time to time.

LOT — A parcel of land held in single and separate ownership.

MALFUNCTION — The condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into surface waters of this commonwealth, backs up into the building connected to the system or otherwise causes a nuisance hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Any septic or holding tank observed to be leaking is considered a malfunctioning tank. Systems shall be considered to be malfunctioning if any of the conditions noted above occur for any length of time during any period of the year.

MUNICIPALITY — North Middleton Township, Cumberland County, Pennsylvania.

OFFICIAL PLAN — A Comprehensive Plan for the provision of adequate sewage disposal systems adopted by the Township and approved by the Department in accordance with the Act and with applicable Department regulations regarding Act 537.

OWNER — Any person having a vested legal or equitable interest in land within the Township.

PERSON — Includes an individual; association; public or private corporation for-profit or not-for-profit; partnership; firm; trust; estate; department; board; bureau or agency of the United States or the commonwealth; political subdivision; municipality; district; authority; or other legal entity which is recognized by law as the subject of rights and duties. The term includes the members of an association, partnership or firm and the officers of a local agency or municipal, public or private corporation for-profit or not-for-profit.

PLANNING MODULE FOR LAND DEVELOPMENT — A revision to, or exception to the revision of, the Township Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with Department regulations.

REPLACEMENT LOCATION — A location designated as the future location of an on-lot sewage system that shall be installed should the initial on-lot system installed or to be installed fail or otherwise become inoperable and which shall be in accordance with all applicable Township ordinances for an on-lot system, and shall be protected from encroachment by a note on the final plan recorded in the Office of the Cumberland County Recorder of Deeds.

SEWAGE — A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals; a substance harmful to the public health, to animal or aquatic life or to the use of water for domestic water supply or for recreation; or a substance which constitutes pollution under the Clean Streams Law.

SEWAGE ENFORCEMENT OFFICER — An official of the local agency who reviews permit applications and sewage facilities planning modules, issues permits as authorized by the Act and conducts the investigations and inspections that are necessary to implement the Act and regulations thereunder.

SEWAGE FACILITIES — A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other

waste into waters of this commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. The term includes:

- A. **INDIVIDUAL SEWAGE SYSTEM** — A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this commonwealth or by means of conveyance to another site for final disposal.
- (1) **INDIVIDUAL ON-LOT SEWAGE SYSTEM** — An individual sewage system that uses a system of piping, tanks or other facilities for collecting, treating or disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.
 - (2) **INDIVIDUAL SEWAGE SYSTEM** — All individual sewage systems which use a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.
- B. **COMMUNITY SEWAGE SYSTEM** — A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.
- (1) **COMMUNITY ON-LOT SEWAGE SYSTEM** — A community sewage system that uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a soil absorption area or retaining tank.
 - (2) **COMMUNITY SEWAGE SYSTEM** — A publicly or privately owned community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than retaining tank.

SINGLE AND SEPARATE OWNERSHIP — The ownership of a lot by one or more persons, which such ownership is separate and distinct from that of any abutting or adjoining a lot.

STRUCTURE — Any man-made object having an ascertainable location on or in land or water, whether or not affixed to the land.

SUBDIVISION — A subdivision as defined in Chapter 180, Subdivision and Land Development, as amended from time to time.

TOWNSHIP — The Township of North Middleton, Cumberland County, Pennsylvania.

§ 164-103. Additional definitions.

All other definitions of words and terms used in this article shall have the same meanings as set forth in Chapter 73, Standards for On-Lot Sewage Treatment Facilities, of Title 25, Rules and Regulations, Department of Environmental Protection.

§ 164-104. Applicability; permit required.

- A. General. The owner of any land, building or structure within the Township served or to be serviced by a sewage facility shall be subject to all of the provisions of this article except as specifically exempted herein.
- B. Permits required. A permit shall be obtained from the authorized agent of the Township in accordance with the applicable provisions of Act 537, the regulations of the Department of Environmental Protection, this article, and any other applicable authority prior to the installation or repair of any sewage facility.

§ 164-105. Testing requirements.

- A. General. After the effective date of this article, no requests for approval of planning modules for land development and no revision, exceptions to revision, or supplements to the official plan shall be granted by the Board unless the applicant presents evidence satisfactory to the Board that each lot to be created contains a suitable location for the installation of an sewage facility and replacement location.
- B. Exception. Land which is to be served by a community sewage system is exempt, providing that the owner and the Department have executed a capacity agreement for such system. Any division or development of land that does not constitute a subdivision or land development, as defined by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as reenacted December 21, 1988, P.L. 1329, No. 170 (53 P.S. § 10101 et seq.), as amended, or Chapter 180, Subdivision and Land Development, and, further, does not increase the EDU demand on an existing sewage facility, shall be exempt from requirements of this § 164-105; provided, however, that the provisions of Act 537, and the regulations of the Department of Environmental Protection so provide.
- C. Procedure. The Sewage Enforcement Officer (SEO) shall perform or observe all tests required by this article for the location of a sewage system, and confirm the suitability of the location. The applicant shall provide a plot plan, which identifies the location of the deep probe, the percolation holes, and the type of, and area for, the wastewater disposal system approved by the SEO.

§ 164-106. Replacement location required.

- A. General. After the effective date of this article, a replacement location for an on-lot sewage system shall be required for all newly created lots which are not serviced or to be serviced by a community sewage system. Lots existing on or prior to the date of this article shall be exempt from the requirements of this section. Suitability testing is required and shall comply with all applicable regulations.
- B. Identification. The location of the initial on-lot sewage system and the replacement location shall be identified on the final plan.
- C. Notation required. A note shall be added to the final plan stating that no improvements shall be constructed upon the replacement location.

- D. Waiver. Upon application, and upon a showing that none of the conditions exists which replacement locations are required under then current regulations of the Department, the Board may waive the requirements of this section.

§ 164-107. Private sewage treatment facilities and alternative systems.

- A. Applicability. When it is impossible for an owner to provide a sewage facility, the Township will consider a request for the installation of an alternate private sewage facility. No such facility shall be approved unless it complies with all applicable federal and state statutes, Township ordinances, all and any regulations promulgated by any governmental agency having jurisdiction.
- B. Procedure. In the event any alternate private sewage facility is proposed to serve more than one owner, the applicant for such facility shall provide an agreement and financial security for the governance and maintenance of such facility. The agreement and financial security shall be subject to the approval of the Township Solicitor, and the Township Engineer shall determine the amount of the financial security. The applicant shall further comply with all applicable regulations set forth in Title 25 of the Pennsylvania Code.

§ 164-108. Operation, maintenance, inspection, repair and replacement.

- A. General. Commencing on the effective date of this article, all sewage facilities and alternate systems shall be accessible at reasonable times for complete inspection by the Township or its authorized agent. Every owner of an individual sewage system shall have seepage or other solids removed from the treatment tank at least once every four years unless an inspection program reveals that the treatment tank is filled, in a longer time interval, with solids in excess of 1/3 of the liquid depth of the tank or with scum in excess of 1/3 of the liquid depth of the tank. In either of the latter events, the longer time interval shall control. At the time of required pumping, periodic inspection shall be performed to determine whether or not any system is operating properly. Inspections shall include the inspection of the septic tank, aerobic tanks, disposal field, distribution box and any other components of the system.
- B. Frequency. The Township may increase the frequency of inspection:
- (1) If the system is presently malfunctioning;
 - (2) If a regular inspection reveals a malfunctioning system;
 - (3) If the system has malfunctioned in the past;
 - (4) If frequent tank pump out is required;
 - (5) If the nature of use will significantly increase the load on the system periodically;
 - (6) If the number of people using the system increases; or
 - (7) For any other reason deemed necessary by the Township.

- C. Malfunction defined. The sewage facilities or alternative system is malfunctioning when it causes pollution to the groundwater or surface water, contamination of private or public drinking water supplies, nuisance problems, or a hazard to public health. Indications of malfunctioning systems are evident when, but are not limited to, foul odors, lush grass growing over the system, backup of wastewater in the attached buildings, soggy ground over the system, surfacing sewage effluent flowing over the ground and occurring at any time of the year.
- D. Maintenance. The Board, or its designated agent, may require any owner to provide other periodic maintenance which may include, but is not limited to, surface contouring to divert stormwater and specific maintenance of system components inclusive of electrical, mechanical, plumbing, chemical system features, collection and conveyance piping, pressure lines and manholes, alarm and flow recorder devices, pumps, disinfection equipment and related safety items. Every owner shall protect the absorption area from physical damage. Holding tanks shall be maintained in accordance with all applicable regulations of the Department.
- E. Compliance. If the owner fails to promptly comply with the order of the Township, or its authorized agent, and should such failure result in a public nuisance, the Board shall have the right to abate such nuisance under the authority of the Second Class Township Code and to assess the cost of abatement as a lien against the property.

§ 164-109. Proof of compliance.

- A. General. Proof of pumping and/or inspection shall be provided by the owner of the individual system within 30 days of the date of service. The inspection may be performed by the Board's designated agent, who may be a licensed seepage pumper/hauler approved by the Board. In either event, a signed receipt containing the following information shall be provided to the owner and the Township:
 - (1) Date of pumping;
 - (2) Name and address of system owner;
 - (3) Address of tank location if different than owners;
 - (4) Description and diagram of location of tank, including location of any markers, risers, and access hatches;
 - (5) Size of tank;
 - (6) Age of the system (where applicable);
 - (7) Last date of pump out;
 - (8) List of any maintenance performed;
 - (9) Any indication of system malfunctioning observed;
 - (10) Amount of sewage or other solid or semisolid material removed; and

- (11) Waste hauler's state license number permitting him to collect and haul sewage in the Commonwealth of Pennsylvania.
- B. Submittal to the Township. The owner shall sign the receipt to affirm that, to the best of his or her knowledge, the sewage contains none of the prohibited substances specified in § 164-110C of this article. The original counterpart of the receipt shall be filed with the Township within 30 days of the date of pumping, and a copy of it shall be provided to the owner.

§ 164-110. Availability of regulations; water conservation; discharges.

- A. General. The Township shall make available to all existing and new residents a copy of an abstract of the pertinent information and regulations as outlined by this article. Appropriate literature and publications discussing the care and maintenance of septic tanks, waterless toilets and other subsurface waste disposal systems shall be made available to those residents who utilize such systems to the knowledge of the Township.
- B. Residents shall be encouraged to minimize water use and to install water-saving devices in order to increase the efficiency and promote the long life of on-lot disposal system; water conservation measures shall be implemented as directed by the Township, its agents or Sewage Enforcement Officer. The following criteria shall be considered as the maximum allowable water usage limits where a home is to be considered as utilizing water conservation practices:
- (1) Flow-control faucet aerators (two gallons per minute).
 - (2) Low-flush toilets (1.5 gallons per flush).
 - (3) Flow-limiting shower heads (2.5 gallons per minute).
 - (4) Use of other water saving appliances.
- C. Permitted and prohibited discharges. No owner shall permit a flow in excess of the designed capacity to discharge into a sewage facility. No owner shall permit hazardous substances or chemicals, including, but not limited to pesticides, disinfectants, acids, paint, paint thinner, herbicides, solvents, or petroleum-derived products to be discharged into any system.

§ 164-111. Right of entry.

- A. General. Except as provided in Subsection B herein, upon presentation of proper identification, Township employees, agents or officials shall be admitted to any property for the purpose of inspection, observation, sampling, maintenance or rehabilitation of sewage facilities, and alternative systems; provided, however, that 72 hours' prior written notice by certified mail shall have been given to the owner.
- B. Emergency procedures. When, in the opinion of an authorized Township employer's agent or official, there is imminent danger of a threat to the public health, such person is authorized to order the owner not to permit further discharge into a sewage facility until

the threat has been removed. In the event of such emergency, no prior written notice shall be required.

- C. Dental of entry. If entry is refused or not obtained, the authorized agent of the Township is authorized to pursue recourse as provided by law.
- D. Remedial measures. The Township may require the correction or alteration of the system in the event that the inspection reveals a malfunction or inadequacy. The SEO shall provide a written notification requiring specific remedial action to be completed within a reasonable period of time as is deemed necessary according to the severity of the malfunction or inadequacy.

§ 164-112. Enforcement; administration fees.

- A. General. The Board shall appoint, by resolution, such persons, as it deems necessary to administer and enforce the provisions of this article. Such persons, as appointed, shall be deemed to be the authorized agents of the Township as that term is defined in this article. The procedure for initial and continuing implementation of this article shall be adopted by resolutions of the Board from time to time.
- B. Fees. The Township may establish a fee schedule, and subsequently collect fees, to cover the cost of administering the on-lot maintenance program. The Township can set fees from time to time by a properly enacted resolution or ordinance.

§ 164-113. Disposal of seepage by pumbers/haulers. ¹⁶

Every seepage pumper/hauler shall be licensed by the Department and shall, at all times, comply with the requirements of the Solid Waste Management Act, 35 P.S. § 6018.101 et seq. No seepage pumper/hauler shall disperse any liquid or solid seepage or sewage into or upon the air, land or waters of the Township without first having provided written notice of such intention to the Township at least 14 days prior to the proposed dispersal, which notice shall include copies of written approvals from the Department and all other governing authorities for such activity and the terms and conditions imposed by the Department and other governing authorities.

§ 164-114. Violations.

It shall be unlawful for any person to violate or fail to comply with any provision of this article, including but not necessarily being limited to the construction, maintenance, repair, alteration, or failure to maintain, extend or use any sewage facility or any alternate sewage facility, or to fail to obey a lawful order of the Township or its authorized agent.

16. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 164-115. Violations and penalties.

- A. Any person who shall violate or fail to comply with any provision of this article shall, upon conviction thereof by a summary proceeding action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not more than \$1,000, plus all court costs, reasonable attorneys' fees, and imprisonment, all pursuant to the purpose and mandate of Act No. 172 of 1996.¹⁷ Each day's continuance of a violation of this article shall constitute a separate offense and shall be punishable as such.¹⁸
- B. The discharge by the Township of its obligations as set forth in this article shall create no liability upon the Township, its officials, employees or agents.
- C. All reports, inspections, appraisals, certifications or records required or produced by the Township, its officials, employees or agents, as required by this article, shall be for the use and benefit of the Township only and shall not be accepted, utilized or relied upon by any other person or party by way of certification or otherwise.

§ 164-116. Remedies.

In case of any unlawful acts, the Township's authorized agent shall institute an appropriate action or proceeding at law to exact the penalty provided in § 164-115A. In addition, the authorized agent, at the direction of the Board, shall ask the Township Solicitor to proceed at law or in equity against the person or persons responsible for the violation for the purpose of ordering that person:

- A. To restrain, correct or remove the violation or refrain from any further use of the sewage facility;
- B. To restrain or correct the construction, installation, maintenance, repair or alteration of a sewage facility or alternate sewage facility;
- C. To require the removal of work in violation;
- D. To prevent the occupancy or use of any structure that is serviced by a sewage facility which is not in compliance with the provisions of this article; or
- E. To institute proceedings to abate a public nuisance under any lawful authority providing for the abatement of such nuisances and to assess the cost and related expenses of such abatement as a lien against the premises.

§ 164-117. Effect on other regulations.

The provisions of this article, so far as they are the same as those of ordinances in force immediately prior to the enactment of this article, are intended as a continuation of such

17. Editor's Note: See 53 P.S. § 66601.

18. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ordinances and not as new enactments. Provisions of this article shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this article.

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164 Attachment 1

Township of North Middleton

Appendix A Pretreatment Program

1. PROGRAM INTRODUCTION

1.1 Purpose of Pretreatment Program

The Township of North Middleton ("Township"), through the North Middleton Authority, provides a municipal sanitary sewage collection system within said Township through which it transports wastewater to its own wastewater treatment plant and to the Carlisle Regional Wastewater Treatment Plant. Township is also a party to an intermunicipal agreement with the Borough of Carlisle ("Carlisle") (and others) whereby it is a contributing municipality for the treatment of wastewater generated in said Township. Carlisle is required to assure the federal Environmental Protection Agency ("EPA") and Pennsylvania Department of Environmental Protection ("DEP") that its contributing municipalities have developed and enforce sewage pretreatment requirements for certain industrial users. This Pretreatment Program is enacted in order to provide uniform regulations which will meet EPA and DER requirements as well as to regulate wastewater discharged into the Sewer System, whether such wastewater is ultimately disposed of through North Middleton or the Carlisle treatment plants.

1.2 Discussion of Pretreatment Requirements

Any municipal wastewater treatment facility should be used in the common interest of the public. This principle demands that the facility be used in a manner consistent with the purpose and capacities for which it was designed. No use should be allowed that could result in physical damage, interference with proper operation, unreasonable maintenance, attention or expense, or pollution as defined by the Clean Streams Law.

Municipal treatment plants are normally designed to receive a relatively dilute influent containing solids and other constituents primarily from domestic sources. Domestic wastewater has certain settling and biodegradation rates that involve predictable responses when the wastewater is subjected to conventional treatment methods. Industrial wastewaters can be much more concentrated or toxic, and the constituents may adversely affect the conventional treatment processes usually associated with sewage disposal.

The pollutants in industrial wastewater can cause a variety of problems at municipal plants such as structural damage, inhibition of bacterial action in the biological treatment processes, plant upsets, and the pass-through of toxic pollutants to the stream resulting in damage to aquatic life or NPDES permit violations. In addition, industrial wastes in municipal treatment plants can cause accumulation of pollutants in sludge that may preclude or limit disposal practices involving incineration, landfilling or land application, or expose workers to chemical hazards from poisonous gases or volatile materials. Many of

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these potential problems can result in increased costs for operation of the municipal facility. The nature of industrial wastewaters may make pretreatment necessary before they can be discharged to a municipal system. Pretreatment can generally be defined as any operation used to remove pollutants or change the quality of wastewater to make it acceptable for discharge into a conventional treatment system.

Federal regulations require that any municipal plant with a design flow greater than five million gallons per day develop a local program. In addition, plants with design flows less than five million gallons per day may also be required to develop a local program if industrial waste contributors cause problems at the facility such as upsets, permit violations, or sludge contamination.

Protecting the significant investment of public funds made by federal, state, and local government in the construction and operation of municipal wastewater treatment facilities from damage caused by industrial discharges, and providing for the control of the discharge of hazardous and toxic pollutants from indirect sources that could pass through municipal systems and cause pollution or contamination of municipal sludges eventually disposed on the land, will eventually lead to full implementation of the pretreatment program which will benefit all the citizens of the Commonwealth by abating and preventing pollution and by providing a clean and safe supply of water critical for healthy economic development.

It is the purpose of this document to establish and set forth the local pretreatment program to regulate the wastewaters into all wastewater treatment facilities receiving sewage generated in North Middleton Township.

2. DEFINITIONS

Unless the context specifically and clearly indicates otherwise, the terms defined in this Section 2, wherever used or referred to in the Pretreatment Program, shall have the following respective meanings unless the context specifically and clearly indicates otherwise:

Authority shall mean the North Middleton Authority, a municipality authority incorporated, organized, and existing under the Municipality Authorities Act of 1945, P.L. 382, 53 P.S. § 301 et seq., as amended.¹

Average Daily Flow shall be calculated by dividing total Sewage Wastes flow under consideration for the 60 days immediately preceding the date of calculation by the number 60.

Best Management Practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent violation of the prohibitions listed in Section 8.4 of the Program. BMP's include treatment requirements, operating procedures, and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMP's also include

¹ Editor's Note: See now 53 Pa.C.S.A. § 5601 et seq.

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alternative means (i.e. management plans) of complying with or in place of certain established categorical pretreatment standards and effluent limits. [Added 10-2-2008 by Ord. No. 2008-07]

Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen, expressed in mg/l utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five consecutive days at 20 degrees Centigrade. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.

Board shall mean the Board of Township Supervisors acting as the governing body of Township.

Carlisle shall mean the Borough of Carlisle or the Carlisle Borough Sewer System Authority.

Control Authority. For situations where waste water flows into treatment facilities owned by the Borough of Carlisle, the Control Authority shall be the Borough of Carlisle. As relating to wastewater that flows into treatment facilities owned by North Middleton Authority, the Control Authority shall be North Middleton Authority and/or North Middleton Township. [Added 10-2-2008 by Ord. No. 2008-07]

Director shall mean the Person employed and designated by the Authority to administer and supervise the Pretreatment Program and who is charged with certain duties and responsibilities by the Pretreatment Program, or his duly authorized representative. He or she shall be qualified by experience, training, and knowledge of applicable regulations of the duties set forth hereunder.

Domestic Wastes shall mean normal household wastes from kitchens, water closets, lavatories and laundries.

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

Holding Tank Waste shall mean any waste from holding tanks, including but not limited to vessels, chemical toilets, campers, trailers, septic tanks, and vacuum tank trucks.

Improved Property shall mean any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall or may be discharged.

Indirect Discharge or Discharge shall mean the discharge or the introduction of non-domestic Pollutants from any source, including Holding Tank Waste, regulated under 307 (b) or (c) or (d) of the Act (33 U.S.C. § 1317) into the Sewer System.

Industrial User shall mean a source of Indirect Discharge.

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Industrial Wastes shall mean any solid, liquid or gaseous substance or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery, or processing of natural resources, as distinct from Sanitary Sewage.

Interference shall mean a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the Treatment Works, its treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirement of the Treatment Works NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Act (33 U.S.C. § 1345); the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the "Resource Conservation and Recovery Act (RCRA)"; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

mg/l shall mean milligrams per liter.

National or Federal Categorical Treatment (Pretreatment) Standard shall mean any National Pretreatment Standard established pursuant to 40 CFR 403.6 and established as separate regulations under 40 CFR Chapter I, Subchapter N, Parts 405-471, which applies to a specific category of Industrial Users.

National Pretreatment Standard or Pretreatment Standard shall mean any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which applied to Industrial Users.

New Source shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards, if such standards are applicable upon promulgation.

Owner shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

pH (Hydrogen Ion Content) shall mean the logarithm of the reciprocal of the weight of hydrogen ions, expressed in grams per liter of solution, and indicates the degree of acidity or alkalinity of a substance.

ppm shall mean parts per million.

Pass-through shall mean a Discharge which exits the Treatment Works into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Treatment Works NPDES Permit (including an increase in the magnitude or duration of a violation).

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Person shall mean any individual, partnership, firm, company, corporation, association, society, estate, trust, any Federal, State or local governmental entity, or any other group or entity, or any legal representative, agent, successor or assign thereof.

Pollutant shall mean any Wastewaters containing any substance or material which is an Interference, constitutes a hazard to humans or to the receiving stream or creates a public nuisance, violates National Categorical Pretreatment Standards or Pretreatment Standards or causes any Treatment Works to violate receiving water standards.

Pretreatment or Treatment shall mean the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutants properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into any Treatment Works. Such reduction, elimination or alteration may be obtained by physical, chemical or biological processes, process changes or other means except as prohibited by 40 CFR 403.6(d).

Pretreatment Program or Program shall mean this Program entitled "North Middleton Township Pretreatment Program," dated December 1990, and any future amendments or supplements thereto.

Pretreatment Requirements shall mean any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

Sanitary Sewage shall mean all water-carried Domestic Wastes discharged into the Sewer System from any Improved Property.

Sewage Wastes shall mean Sanitary Sewage or Industrial Wastes or any combination of either thereof, but only to the extent that Industrial Wastes have been pretreated and otherwise meet the requirements of the Pretreatment Program.

Sewer shall mean any pipe, main, or conduit constituting a part of the Sewer System used or usable for collection of Sanitary Sewage and/or Industrial Waste.

Sewer System shall mean all facilities as of any particular time for collecting, transporting, pumping, treating and disposing of Sanitary Sewage and Industrial Wastes owned by the Authority.

Significant Industrial User (SIU) shall mean any user proposing to contribute or contributing wastewater to the POTW who meets any of the following criteria: (1) any Industrial User (IU) subject to categorical standards; (2) any non-categorical Industrial User that discharges 25,000 gallons per day or more of process wastewater to the POTW or any IU that contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or (3) any IU designated as significant by the Control Authority on the basis that the IU has a reasonable potential for adversely affecting the POTW's operation for violating any pretreatment standard or requirement.

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Slug Discharge shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge.

Standard Industrial Classification (SIC) shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and any future amendments or supplements thereto.

Suspended Solids shall mean solids that either float on the surface of or are in suspension or dissolved in water, sewage, or other liquids and which shall be determined by laboratory analysis.

Township shall be the Township of North Middleton, a township of the second class situated in Cumberland County, Pennsylvania.

Toxic Pollutant shall be any Pollutant or combination of Pollutants listed as toxic in regulations promulgated by the EPA under the provisions of 307(a) of the Act (33 U.S.C. § 1317) or other acts.

Toxic Substance shall mean any poisonous substance, including but not limited to wastes containing cyanide, lead, copper, and/or chromium ions.

Treatment Works shall mean any system to which Wastewater generated in North Middleton Township is transported and disposed.

User shall mean any Person who contributes, causes or permits the contribution of Wastewater into the Sewer System and shall include any Owner of Improved Property contributing Wastewater to the Sewer System.

Wastewater shall mean Industrial Wastes, Sanitary Sewage and Sewage Wastes which are contributed into or permitted to enter the Sewer System.

Wastewater Discharge Permit (Permit) shall mean the Permit issued pursuant to the Pretreatment Program.

3. PRETREATMENT PROGRAM REGULATIONS

3.1 General Discharge Prohibitions

No user shall contribute or cause to be contributed, directly or indirectly, into the Sewer System any Pollutant or Wastewater which causes Pass-through or Interference. These general prohibitions apply to all Users of the Sewer System whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State or local Pretreatment Standards or Requirements. A User shall not contribute any infiltration or prohibited discharges described in the Technical Requirements section of this Pretreatment Program.

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3.2 Federal Categorical Pretreatment Standards

The National Categorical Pretreatment Standards, located in 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated herein.

3.3 Specific Pollutant Limitations

No User shall discharge any Pollutant or Wastewater containing concentrations in excess of the "Pollutant Discharge Limitations" contained in the technical portion of this Pretreatment Program.

3.4 State Requirements

State requirements and limitations on discharge shall apply in any case where they are more stringent than Federal requirements and limitations or those imposed under this Program.

3.5 Township's Right of Revision

Township reserves the right to adopt and promulgate and, from time to time, may adopt and promulgate, as it shall deem necessary, limitations or requirements on discharges to any Treatment Plant in order to ensure compliance with the requirements of EPA, DER or any other governmental body having jurisdiction.

3.6 Excessive Discharge

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate Treatment to achieve compliance with the limitations contained in this Pretreatment Program.

3.7 Accidental Discharges

Each User shall provide protection from accidental discharge of prohibited substances or materials regulated by this Program. Facilities to prevent accidental discharge of prohibited substances or materials shall be provided and maintained at the Owner's or User's own cost and expense and shall be modified as necessary to meet the requirements of this Program. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the Director of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. Within five days following an accidental discharge, the User shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage to

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any Treatment Works or any other damage to Person or Property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed under this Program or other applicable law, rule, or regulation. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Users shall ensure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

4. CHARGES AND FEES

It is the goal of the Pretreatment Program that the cost of implementing this Program shall be recovered from Users of the Sewer System regulated by the Program. The subjects of permissible charges and fees shall be those listed below and such subjects of charges and fees may be amended from time to time as deemed necessary to meet the cost recovery goal.

- A. Fees for reimbursement of costs of setting up the Pretreatment Program.
- B. Charges and fees for operating the Pretreatment Program.
- C. Application fees for Permits.
- D. Fees for monitoring, inspections and surveillance procedures.
- E. Fees for reviewing accidental discharges and corrective actions.
- F. Fees for filing appeals.
- G. Charges and fees for consistent removal by the Township of Pollutants otherwise subject to Federal Pretreatment Standards.
- H. Other charges and fees as may be deemed necessary to carry out the requirements contained in the Program.

5. ADMINISTRATION

5.1 Wastewater Discharges

- (1) It shall be unlawful for any User to discharge any Wastewater into the Sewer System except in accordance with the provisions of this Program.
- (2) It shall be unlawful for any Significant Industrial User (SIU) to discharge any Wastewater into the Sewer System unless such SIU has first obtained a Permit issued or approved by the Director in accordance with the procedures contained herein.
- (3) Slug Discharge Control. The POTW or Director shall evaluate whether each SIU needs a slug control plan or other action to control slug discharges. For SIUs

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identified prior to November 14, 2005, the evaluation must have been conducted at least once by October 14, 2006. Additional SIUs must be evaluated within one year of being designated a Significant Industrial User (SIU). The director may require any SIU to develop, submit for approval, and implement such a plan, or take other action that may be necessary to control slug discharges. Additionally, the Director may develop such a plan for any SIU. **[Amended 10-2-2008 by Ord. No. 2008-07]**

5.2 Reporting Requirements for Users

- (1) Within 30 days following a request from the Director a User shall respond to and answer a preliminary "Industrial Waste Questionnaire," the sample form for which is contained in the technical portion of this Pretreatment Program, and shall submit the same to the Director.
- (2) Within 30 days following a request from the Director, a User shall respond to and answer a "Wastewater Survey for Nonresidential Establishments," the sample form for which is contained in the technical portion of this Pretreatment Program, and shall submit the same to the Director.
- (3) Following a request from the Director and within the time limitations as the Director shall specify, a User shall submit such other reports and information as may be required in order to comply with all applicable national, state or local laws, rules, and regulations to the Director.
- (4) A User shall report in writing to the Director and to the municipality in which such User is located when the constituents, characteristics or volume of Wastewater will be changed from that previously discharged by such User into the Sewer System. The User shall submit such report at least 90 days prior to the contemplated change to allow sampling of the User's Wastewater.
- (5) SIUs are required to notify the Control Authority and the POTW immediately of any changes at its facility affecting potential for a slug discharge or changes affecting wastewater discharge characteristics. **[Amended 10-2-2008 by Ord. No. 2008-07]**
- (6) Signatory/Certification Requirements for Industrial User Permit Applications and Reports. Submissions of all applications for a Permit, as well as all compliance schedules and reports required by this Program, shall be dated and signed by one of the following:
 - (a) By a responsible corporate officer which includes a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function.
 - (b) By a general partner of proprietor, if a partnership or sole proprietorship exists.
 - (c) By a duly authorized representative if the authorization is made in writing by an individual described in (a) or (b). The authorization shall specify either an

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individual or a position having overall responsibility for environmental matters for the facility.

- (d) In addition, all such applications, schedules and reports shall comply with all signatory and certification requirements as provided in 40 CFR 403.12(b)(6) and 403.12(1).

(7) Hazardous Waste Notification

- (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 a 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 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 an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months. Industrial Users who commence discharging shall provide notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12. The notification requirement in this section does not apply to pollutants already reported under self-monitoring requirements.

- (b) Dischargers are exempt from the requirements of this subsection during a calendar month in which they discharge no more than fifteen 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 kilograms of nonacute hazardous wastes in a calendar month, or of any quality of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

- (c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste 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 State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

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- (d) In the case of any notification made under paragraph (a) of this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

5.3 Wastewater Discharge Permits

- (1) General. All Significant Industrial Users (SIUs) proposing to connect to or to contribute to the Sewer System shall obtain a Permit before connecting to or contributing to the Sewer System. All existing SIUs connected to or contributing to the Sewer System shall obtain a Permit within 180 days of the effective date of this program.
- (2) Permit Application. Not less than 90 days prior to connecting to or contributing to the POTW, except as otherwise provided in Section 5.3(1), all SIUs shall complete and submit to the Director an application for a Permit, accompanied by the applicable fee(s), the form for which application shall be prescribed by the Director and shall contain or include not less than the following information:
 - (a) The name, address and location (if different from address) of the applicant.
 - (b) The name, title and telephone number of the applicant's local manager, local superintendent, or the like; and the name, title and telephone number of the applicant's employee responsible for the activity or process generating the Wastewater for which the Permit is applied.
 - (c) The name, address, location (if different from address) and telephone number of the applicant's consulting engineer, if any.
 - (d) The address and location (if different from address) of the activity or process generating such Wastewater.
 - (e) The SIC classification of the activity or process generating such Wastewater.
 - (f) A general description of the activity or process generating such Wastewater, and a general description of the facilities and equipment utilized in such activity or process.

The information submitted pursuant to the following subparagraphs (g) to (q), inclusive, shall include an explanation of any daily, weekly, monthly and seasonal fluctuations or variations:

- (g) The days of the week and the hours during such days when such activity or process will be in operation, the peak days of such operation, and the peak hours of such operation during such day.

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- (h) The average number of employees and the maximum number of employees who will be employed directly in such activity or process during the peak hours of such operation on the peak days of such operation.
- (i) The types of raw materials utilized in such activity or process, and the average quantity or volume and the maximum quantity or volume of such raw materials utilized per day on the peak days of such operation.
- (j) The types of finished products produced by such activity or process, and the average quantity or volume and the maximum quantity or volume of such finished products produced per day on the peak days of such operation.
- (k) The average volume and the maximum volume of water utilized per day for such activity or process on the peak days of such operation, and the source of such water.
- (l) An analytical description of the type, constituents and characteristics of Wastewater generated by such activity or process, including a written report of such analysis made by an analytical laboratory acceptable to the Director. The methods and procedures for sampling such Wastewater and for performing such analysis shall be in accordance with the methods and procedures prescribed in 40 CFR Part 136 which are hereby incorporated herein.
- (m) A description of the nature and concentration of any material, matter, mixture and substance, toxic or otherwise, which is a constituent of such Wastewater.
- (n) A description of the nature and concentration of any Pollutant which is a constituent of such Wastewater.
- (o) The average daily volume and the maximum daily volume of such Wastewater which will be discharged into the Sewer System from such activity or process on the peak days of such operation.
- (p) The hours during each day when such Wastewater will be discharged into the Sewer System; the hours during each day when maximum volumes will be discharged into the Sewer System; the volume of each discharge and the duration of each such discharge; the hours during each day when peak instantaneous volumes will be discharged into the Sewer System; and the volume of each such peak instantaneous discharge and the duration of each such discharge.
- (q) A description of the location, type, characteristics, and operation of each flow equalization facility, flow equalization process, Pretreatment facility and Pretreatment process which will be utilized; an explanation of the days and hours during such days when each such facility or process will be in operation; and an identification of the National, State and local Pretreatment Standard and Requirements with which each such facility or process will achieve compliance.

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- (r) A disclosure of whether each such facility or process will achieve compliance with all National, State and local Pretreatment Standards and Requirements; and if so, whether such compliance will be achieved on a consistent basis.
- (s) If compliance with any national, state or local pretreatment standard or requirement will not be achieved on a consistent basis, such Industrial User shall include with such application a progress compliance schedule provided for below.
- (t) A description of any monitoring facilities which will be utilized.
- (u) Schematic drawings or plans showing by location, size and elevation: the site of such activity or process; all existing and proposed flow plans or designs; all existing and proposed water sources; all existing and proposed domestic waste and industrial waste pipes, building drains, outlets, manholes, sewers and points of connection to the Sewer System; all existing and proposed flow equalization processes, Pretreatment facilities, and Pretreatment processes; and all existing and proposed monitoring facilities.
- (v) A description of all existing and proposed facilities and operating procedures intended to prevent accidental discharges into the Sewer System which are prohibited by any national, state or local pretreatment standard or requirement.

When submitted as herein provided, the application for a Permit shall comply with all signatory/certification requirements contained in Section 5.2(6) of this Program. The signing of the application shall constitute a representation that the individual signing the same is duly authorized to submit the application on behalf of such Industrial User to the Director and to the municipality in which such Industrial User is located.

- (3) Change in Activity, Process or Wastewater. All SIUs connected to or contributing to the Sewer System shall complete and submit to the Director and to the municipality in which such Industrial users are located an application for a Permit, accompanied by the applicable fees and including a progress compliance schedule, when required, when a new activity or process generating the Wastewater for which the Permit is applied will be utilized from that previously utilized by such SIU, or when the constituents, characteristics or volume of Wastewater will be changed from that previously discharged by such SIU into the Sewer System.
- (4) Progress Compliance Schedule. When a progress compliance schedule is required to be included with an application for a Permit or following a request from the Director and within the time limitations as the Director shall specify, a SIU shall submit such a schedule setting forth the dates completion of the construction, installation and operation of additional Pretreatment facilities or processes necessary to achieve compliance with the applicable national, state or local pretreatment standard or requirement. Within 14 days following each such date contained in such schedule, such Industrial User shall submit a progress report to the Director, which report shall state whether such SIU has completed such construction, installation or operation by

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such date; and if not, the date when such construction, installation, or operation will be completed, and the reasons for failing to complete and the measures to be taken to restore such construction, installation or operation to such schedule.

- (5) Issuance of Permit. When a SIU has submitted an application for a Permit as herein provided, the Director and the municipality in which such SIU is located shall require all other reports and information prescribed in 40 CFR 403.12(b) which are hereby incorporated herein and may require such other reports and information as may be required in order to properly evaluate such application. After evaluation of such application and such other reports and information required to be submitted, the Director may issue a Permit subject to the terms and conditions contained in this Program.
- (6) Permit Conditions. Permits shall be issued expressly subject to all of the provisions of this Program and to all other applicable regulations, User charges, and other charges and fees as may be adopted and promulgated from time to time and made a part thereof. Permits shall contain the following conditions, unless waived by the Director:
 - (a) The unit charge or schedule of User charges and fees for the Wastewater to be discharged to the Sewer System.
 - (b) Limits on the average and maximum constituents and characteristics of such Wastewater, including Best Management Practice requirements based on applicable pretreatment standards. [**Amended 10-2-2008 by Ord. No. 2008-07**]
 - (c) Limits on the average and maximum rates and time of discharge into the Sewer System, or requirements for regulation and equalization of flow;
 - (d) Requirements for the installation and maintenance of monitoring facilities;
 - (e) Specifications for monitoring programs including sampling locations, frequency of samplings, the number, types and standards for tests, schedules and reports;
 - (f) Progress compliance schedules and reports;
 - (g) Requirements for submission of technical reports or discharge reports;
 - (h) Requirements for maintaining and retaining an Industrial User's records relating to the discharge of such Wastewater for a minimum of ten years or for such longer period as may be specified by the Director and affording the Township access to such records;
 - (i) Requirements for notification to the Director of any new activity or process generating Wastewater or of any change in the constituents, characteristics or volume of Wastewater which will be discharged into the Sewer System;

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- (j) Requirement for notification to the Director and the municipality in which such Industrial User is located of all discharges which are in violation of this Program.
 - (k) Requirements for notification to the Director of discharges taking on the proportions of a Slug; and
 - (l) Requirements to control slug discharge(s), if determined by the Director to be necessary. **[Amended 10-2-2008 by Ord. No. 2008-07]**
- (7) Permit Duration. The Director shall specify the period of time during which all Permits shall be valid and effective. In no event and under no circumstances shall the duration of any Permit exceed five years. The terms and conditions of any Permit shall be subject to modification at any time by the director as National, State or local Pretreatment Standards or Requirements are modified in order to ensure compliance with the provisions of this Program.
- (8) Permit Transfer. All Permits are issued to a specific SIU for a specified activity or process at a specific location. No permit shall be assigned, reassigned, transferred, or sold to another Person, another Owner, another SIU, another location or another activity or process without the prior written approval of the Director, and then only upon such terms and conditions as the Director shall specify. When any Permit has been transferred to a SIU as herein provided, such SIU shall complete and submit to the Director an application for a new Permit, accompanied by the application fees in accordance with the procedures contained in this Program.
- (9) Reporting Requirements.
- (a) Compliance Data Reports: Within 90 days following the date established for final compliance with the national, state or local pretreatment standard or requirement, or in the case of a change in activity, process or Wastewater following the date when such Wastewater is first discharged into the Sewer System, all SIUs affected thereby shall submit to the Director a report describing the nature and concentration of all Pollutants which are constituents of such Wastewater and which are limited by such Standard or Requirement and the average and maximum daily flows of such Pollutants. Such report shall state whether compliance with such Standard or Requirement is being achieved on a consistent basis; and if not, what additional measures are necessary to achieve compliance with such Standard or Requirement.
 - (b) Periodic Compliance Reports. All SIUs subject to any National, State, or local Pretreatment Standard or Requirement, after the date established for compliance with such Standard or Requirement, or in the case of a change in activity, process, or Wastewater after first discharging such Wastewater into the POTW, shall submit to the Director and to the municipality in which such SIUs are located, during the months of June and December unless required more frequently by such Standard or Requirement or by the Director, a report

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describing the nature and concentration of all Pollutants in the effluent of such Wastewater which are limited by such Standard or Requirement. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the SIU shall submit documentation and maintain records as required by the Director of the Pretreatment Standard necessary to determine the compliance status of the SIU. Such report shall contain a record of all daily flows which during the period of time covered by such report exceeded the Average Daily Flow of such SRI's Permit. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which such report shall be submitted. The Director may impose mass limitations on any SIU when such SIU is utilizing dilution to achieve compliance with the applicable National, State, or local Pretreatment Standard or Requirement, or in such other cases when the Director shall determine that the imposition of mass limitations is appropriate. In such cases, such report shall disclose the mass of Pollutants in the effluent of such Wastewater which are limited by such Standard or Requirement, and shall contain the results of sampling and analysis of such Wastewater, including the flow and the nature and concentration, or the production and mass when requested by the director, of such Pollutants, the frequency of which sampling and analysis shall be as prescribed in such Standard or Requirement or by the Director. **[Amended 10-2-2008 by Ord. No. 2008-07]**

- (c) For sampling in support of baseline monitoring and ninety-day compliance reports, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for which historical sampling data does not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. **[Amended 10-2-2008 by Ord. No. 2008-07]**
 - (d) SW's may submit pretreatment reports electronically to meet the requirements of this section provided the requirements set forth by the Director are met. **[Added 10-2-2008 by Ord. No. 2008-07]**
- (10) Revocation of Permit. Any SIU who violates any of the conditions contained in Section 6.2, Suspension of Wastewater Treatment Service, of this Program is subject to having such SIU's Permit revoked in accordance with the procedures contained in Section 6 of this Program.
- (11) Reissuance of Modification of Permit, or Reinstatement of Revoked Permit. Not less than 90 days prior to the expiration date of any Permit, the SIU to whom such Permit is issued shall complete and submit to the Director an application for the reissuance of such Permit. When any Permit has been modified as herein provided, the SIU to whom such Permit is issued shall complete and submit to the Director an application for a modification of such Permit. When any Permit has been revoked as herein provided, the SIU to whom such Permit is issued shall complete and submit to the Director an application for the reinstatement of such Permit. All such applications

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shall be completed and submitted in accordance with the procedures contained in this Section 5 of this Program, accompanied by the applicable fees.

5.4 Monitoring Facilities

When required by the Director, a User shall construct and install a suitable control manhole in the sewer service line to allow observation, sampling and measurement of the User's Wastewater. Such manhole, when required, shall be accessible and shall be so located and constructed in accordance with plans approved by the Director. The manhole shall be installed by the User, at his expense, and shall be maintained by the User so as to be safe and accessible at all times. Construction of such manhole shall be completed within 90 days following written notification by the Director or from any local Director of a NPDES-permitted Treatment Works.

5.5 Inspection and Sampling [Amended 10-2-2008 by Ord. No. 2008-07]

The director may inspect the facilities of any User to ascertain whether the purpose of this Program is being met and all requirements are being complied with. Persons or occupants of any premises where Wastewater is created or discharged shall allow the Director ready access at all reasonable times to all parts of the premises for the purpose of inspection, observation, measurement, sampling, records examination and copying or the performance of any of their duties. All wastewater samples must be representative of the SRI's discharge. The Control Authority, DEP, and EPA shall have the right to install on any User's premises such devices as are necessary to conduct inspection, sampling, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into such User's premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Control Authority, DEP, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

5.6 Pretreatment

Each User shall provide all necessary Wastewater treatment as may be required in order to comply with this Program 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 in order to ensure compliance with this Program shall be provided, operated and maintained at the User's expense. Detailed plans showing the Pretreatment facility and operating procedures shall be submitted to the Director for review and approval. Any subsequent changes in the Pretreatment facilities or methods of operation shall be reported to and be reviewed and approved by the Director prior to the User's initiation of such changes.

5.7 Availability of and Confidential Information

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- (1) All records relating to compliance with Pretreatment Standards and Requirements and any records, reports or information obtained under Section 5 of this Program shall be made available to EPA upon request and without restriction.
- (2) All such records, reports and information shall be available to the public and any State and local governmental agency without restriction unless a User or any other Person shall request and shall be able to demonstrate in accordance with Section 308(b) of the Act (33 U.S.C. § 1318) that such records, reports, or information, or particular portions thereof, if made public would divulge methods or processes entitled to protection as trade secrets of such User or Person. Wastewater constituents and characteristics and other "effluent data" as defined in 40 CFR 2.302(a)(2)(i) shall not be recognized as confidential information and shall be available to the public without restriction.

5.8 Emergency Measures of Director

Under exigent circumstances the Director may take any reasonable action as is necessary to ensure compliance with the requirements of EPA, DER or any other governmental body having jurisdiction.

5.9 Forms and Procedures

The Director shall promulgate and amend, from time to time such procedural rules, administrative procedures and forms as are convenient or necessary to the effective administration and operation of the Pretreatment Program.

6. ENFORCEMENT

6.1 Harmful Discharges

Wastewater treatment service may be suspended immediately to any User (after informal notice to such User) when such suspension is necessary, in the opinion of the Director, to effectively prevent an actual or threatened discharge which represents or may present an imminent or substantial endangerment to the public health, safety or welfare, to the environment, causes or threatens to cause Interference to any Treatment Works, or causes or threatens to cause the Treatment Works to violate any condition of its NPDES Permit.

Any User notified of a suspension of the Wastewater treatment service shall immediately cease or eliminate the harmful discharge. In the event such User fails to comply voluntarily with such suspension order, the Director shall take such action as may be deemed necessary, including but not limited to the immediate severance of the User's sewer connection to prevent or minimize damage to the Sewer System, any Treatment Works or endangerment to the public. The Director shall reinstate the Wastewater treatment service upon satisfactory proof of the elimination of the harmful discharge. Within 15 days

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following the harmful discharge, such User shall submit a detailed written report to the Director describing the causes of the harmful discharge and the measures taken by the User to prevent any similar future occurrence.

6.2 Suspension of Wastewater Treatment Service

Any User who violates the following conditions of this Program, or applicable Federal and State regulations or Requirements, is subject to having such User's Wastewater treatment service suspended in accordance with the procedures contained in this Section 6 of this Program:

- (1) Failure of a User to factually report the Wastewater constituents, characteristics or volume of such User's discharge;
- (2) Failure of a User to report changes in Pretreatment facilities, methods of operation, or Wastewater constituents, characteristics or volume;
- (3) Refusal of reasonable access to a User's premises for the purpose of inspection, observation, measurement, sampling, records examination and copying or the performance of any duties authorized by this Program; or
- (4) Violation of any condition or provision of this Program under which a User is authorized to discharge any Wastewater into the Sewer System.

6.3 Notification of Violation [Amended 10-2-2008 by Ord. No. 2008-07]

Whenever the Director determines that any User has violated or is violating this Program or any prohibition, limitation, or requirement contained or referred to herein, the Director shall notice in writing such User indicating the nature of the violation. Within 30 days of the date of such notice, such User shall submit a detailed written plan to the Director and to the municipality in which such User is located describing the measures to be taken by the User to satisfactorily correct the violation. If the Control Authority has performed the sampling and analysis in lieu of the SIU, the Control Authority must perform the repeat sampling and analysis within 30 days unless it notifies the SIU of the violation and requires the SIU to perform the repeat analysis.

6.4 Legal Action

If any User discharges any Wastewater into the Sewer System contrary to the provisions of this Program, Federal or State Pretreatment Requirements or any other limitation or requirement referred to herein, the Director may commence appropriate action for legal and/or equitable relief in the Court of Common Pleas of Cumberland County, Pennsylvania, or in any other court or before any governmental body having jurisdiction thereof.

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6.5 Damages Recoverable by Township from Users for Pretreatment Program Violations

It is recognized that in the case of significant violations as herein defined by Users, substantial damages of a value not easily ascertainable will be suffered by the Township in excess of penalties which may be imposed by governmental agencies upon the Township. Therefore, in addition to the requirement that any User reimburse the Township for any penalty imposed upon the Township as the result of any violations of the Pretreatment Program by such User, it shall be the obligation of any User committing a significant violation to pay to the Township as liquidated damages the further sum of \$1,000.00 per day for each day in which such significant violation continues. The liability of any User for such reimbursement for penalties and such payment of liquidated damages is an express condition upon which the Township predicates any User's performance hereunder, and shall be in addition to liability for any penalties and charges, civil or criminal, Federal, State or local to which any User may also be subjected, and to any equitable relief in the nature of an injunction or similar decree which may be appropriate.

7. ENFORCEMENT GUIDELINES

7.1 Overview

This enforcement guide has been prepared to assist Pretreatment Program administrative personnel in identifying any noncompliances with this Program and in responding with the appropriate enforcement measures. While the Enforcement Guide is directed towards the objective of assuring industrial user compliance with applicable pretreatment requirements, the process of meeting these objectives are to be flexible and dynamic. This Guide establishes a system for identifying priorities and directing the flow of enforcement actions based on these priorities and available resources. In Sections 7.2 and 7.3, procedures for compliance screening are reviewed, and the various categories of noncompliance are defined. Enforcement options available to the Township are described in Section 7.4, and guidelines for applying appropriate enforcement action to the various categories of noncompliance are provided in Section 7.5.

This Guide has been developed for the internal use of the Township and is not intended to create legal rights or obligations, or to limit the enforcement discretion of the Township.

7.2 Compliance Screening

Information received will be reviewed to identify noncompliance with the requirements of the Pretreatment Program. The compliance status of an industrial user will generally be assessed semiannually. Compliance may, at the Township's discretion, be assessed more frequently at the time that periodic reports on compliance are required or at such other time as deemed appropriate by the Township.

For compliance schedule progress and self-monitoring reports, the initial review may determine that the reports have been submitted on schedule, cover the appropriate time

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period, contain the required information, and are properly signed. The review may entail comparison of the parameters reported, the number of measurements recorded for each parameter, the method of analysis employed, the sampling procedures used, the discharge concentrations and mass loadings reported, and any other information supplied by any User, with the monitoring and reporting requirements contained in the User's Permit. Any discrepancy is a violation that may be identified for enforcement action.

Similarly, information obtained as a result of scheduled or unscheduled monitoring activities will be reviewed for User noncompliances. User facility inspections may, depending upon the situation, confirm that no unreported or unapproved changes in process or character of waste discharged have occurred, that sampling monitoring facilities are operating and in good condition, that Pretreatment facilities are being properly operated and maintained, that discharge monitoring records for at least the past three years are on file, and that the User is aware of the applicable regulations and requirements for handling and storing hazardous materials. Analytical results obtained from the compliance monitoring activities must be reviewed for violations in discharge limits.

7.3 Categories of Noncompliance

The nature and frequency of noncompliance often determines the appropriate enforcement response to be taken. Therefore, to enable Program administrative personnel to respond in a consistent manner, the following categories of noncompliance are defined:

- (1) Noncompliance. Any noncompliance with a User's Permit requirements or Pretreatment Program criteria which occur as an infrequent or isolated event, and does not meet any of the criteria for significant noncompliance.
- (2) Significant Noncompliance (SNC). A user is in significant noncompliance if one or more of the following criteria are satisfied:
 - a. Chronic violations. Sixty-six percent or more of all measurements taken for the same pollutant parameter taken during a six month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits; **[Amended 10-2-2008 by Ord. No. 2008-07]**
 - b. Technical Review Criteria (TRC) Violation. Thirty-three percent or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits; **[Amended 10-2-2008 by Ord. No. 2008-07]**
 - c. Any other violation of pretreatment standards or requirements (daily maximum, long term average, instantaneous limit, or narrative) the Director or the POTW 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; **[Amended 10-2-2008 by Ord. No. 2008-07]**

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- d. Any discharge of a Pollutant that has caused imminent endangerment to human health/welfare or to the environment has required the POTW's exercise of its emergency authority consistent with 40 CFR Section 403.8 (f)(1)(vi)(B) to halt or prevent such a discharge;
 - 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 obtaining final compliance;
 - f. Failure to provide, within thirty (30) days after the due date, required reports such as base line monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - g. Failure to accurately report noncompliance; or
 - h. Any other violation or series or series of violations including a violation of Best Management Practices that the Director or the POTW determines will adversely affect the operation or implementation of the local pretreatment program. **[Amended 10-2-2008 by Ord. No. 2008-07]**
- (3) Significant Violation. A significant violation is one which remains uncorrected 45 days after notification of significant noncompliance; which is part of a pattern of significant noncompliance over a twelve-month period; which involved a failure to accurately report significant noncompliance; or which resulted in the POTW exercising its emergency authority under 40 CFR 403.8(f)(1)(vi)[B].

* SNC status will be evaluated on a six-month rolling average basis, beginning with the first month of each quarter.

7.4 Enforcement Criteria

This Enforcement Guide provides a process for reviewing and screening industrial user violations to assure that enforcement resources are concentrated on the most serious violations. This Guide places priority on response to instances of industrial user SNC, especially by significant industrial users ("SIUs"). As resources allow, non-SIU discharges of concern and other instances of noncompliance are subject to enforcement responses. Notwithstanding the priority placed on a SIU's SNC, it is recognized that it may be appropriate to exercise enforcement discretion even if a SIU meets the SNC criteria (e.g., SNC criteria is triggered due to the result of one sample).

This Guide is intended to provide the Township as much flexibility as allowed by applicable federal and state requirements in responding to industrial user violations. As such, deviations from this Guide may occur, depending upon the facts of a specific case.

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Furthermore, this Guide hereby incorporates the conditions and other requirements set forth in intermunicipal pretreatment agreements between the Township and Carlisle. Such agreements, as approved by EPA, are a condition of this Enforcement Guide, and any enforcement actions taken by Carlisle will be undertaken in accordance with the conditions set forth in the agreements.

7.5 Enforcement Response Guidelines

- (1) Levels of Response. There are three possible levels of response to all violations available to the Director. They include:
 - (a) No response action;
 - (b) An informal response; and
 - (c) A formal response.

The Director will evaluate industrial user noncompliance. Factors to consider may include, but are not limited to, severity, potential effects to the POTW, receiving stream and public health/welfare, frequency of occurrence, and such other factors as are deemed appropriate.

For some violations, the response may be no action necessary at this time ("NA"). A decision by Township not to initiate an enforcement response for industrial user violation(s) does not absolve the industrial user from any liability or damages should Township, EPA, Pennsylvania, or any other person, as appropriate, seek to initiate an enforcement response for such, or any other, violations by the industrial user.

If an enforcement response is deemed appropriate, enforcement options include informal and formal responses. These enforcement responses may include, but are not limited to:

- (i) Phone Call ("PC")
- (ii) Meeting ("MTG")
- (iii) Increased Monitoring ("IM")
- (iv) Notice of Violation ("NOV")
- (v) Modification of Industrial Users Permit to Include Additional Monitoring, Reporting, Effluent Limitations, or to Provide for Permit of Short Duration ("MOD")
- (vi) Administrative Order, which may contain a Compliance Schedule ("AO")
- (vii) Public Notice of Noncompliers beyond significant noncompliance ("PUB")
- (viii) Show Cause Order ("SCO")

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- (ix) Consent Order, which may contain Fines ("CO")
- (x) Industrial User's Permit Revocation ("PR")
- (xi) Termination of Sewer Service ("TSS")
- (xii) Termination of Water Service ("TWS")
- (xiii) Civil Suit for Injunctive Relief and/or Civil Penalties ("CIV")
- (xiv) Collection of Damages ("DAM")
- (xv) Criminal Investigation and/or Action ("CRIM")
- (xvi) Performance Bonds/Liability Insurance ("PB/LI")
- (xvii) Referral to EPA and/or DER for federal and/or state enforcement action ("REF")

The enforcement response will depend upon the specifics of each case. Moreover, the identified enforcement responses are not mutually exclusive; Township may combine any enforcement responses provided for by law as it deems appropriate.

- (2) Monetary Penalties. This Enforcement Guide recognizes that the penalty amounts available to Township (as well as to other authorities) under state law may not be sufficient to recover the economic benefit of noncompliance by industrial users. In its discretion Township may refer any industrial user's noncompliance to DER and/or EPA so as to subject the noncomplying industrial user to the higher penalties available to such agencies under applicable law. Township may join in any such proceeding or otherwise assist DER and/or EPA (e.g., provide testimony).
- (3) Appropriate Response Ranges. A summary of enforcement responses for various levels of noncompliance is included as Table 7.1, when Township deems an enforcement response to be appropriate. This Table compares the noncompliance with the circumstances surrounding the violation and suggests the appropriate response or range of responses available to the Director.

As stated above, for some violations an enforcement response may not be required. For example, equitable considerations may justify Township exercise of its enforcement discretion.

- (4) Time Frames For Responses. Generally, the time frame for responses will be based upon the nature of the violation and competing pretreatment priorities. Violations which threaten human health, the POTW or the environment will be given priority, as will SNC violations by SIUs.

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Except as otherwise provided, an enforcement response will usually be initiated within ninety (90) days of Township undertaking a review of an industrial user file and determining that an enforcement response is appropriate. This, however, does not preclude Township from responding to a violation in a shorter period of time as it deems appropriate. It is also recognized that initiation of some of these enforcement options may be time consuming and result in the initiation of an enforcement action beyond a time period otherwise anticipated.

**TABLE 7.1
ENFORCEMENT RESPONSE GUIDE**

UNAUTHORIZED DISCHARGES		
Noncompliance	Nature of the Violation	Enforcement Responses
1. Unpermitted discharge (no permit)	IU unaware of requirements; no harm to POTW/environment	PC, MTG, NOV with application form.
	IU unaware of requirements; harm	PC, MTG, NOV with application form.
	POTW/environment	SCO, TSS, TWS, CIV, DAM, PB/LI
2. Failure to timely renew Permit	IU has not submitted application within 30 days of due date	NA, PC, MTG, NOV, AO
DISCHARGE LIMIT VIOLATION		
1. Exceedance of local or Federal Standard	Isolated, non-routine or infrequent basis; no harm to POTW/environment.	NA, PC, MTG, IM, NOV, MOD, AO
	Isolated, non-routine or infrequent basis; no harm to POTW/environment	NA, PC, MTG, IM, NOV, MOD, AO, CO, TSS, TWS, CIV, CRIM, DAM, REF, PB/LI

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Noncompliance	Nature of the Violation	Enforcement Responses
	Routine or frequent basis; no harm to POTW/environment	MTG, IM, NOV, MOD, AO, SCO, CO, TSS, TWS, CIV, CRIM, REF
	Routine or frequent basis; and harm to POTW/environment	IM, NOV, MOD, AO, PUB, SCO, CO, TSS, TWS, CIV, CRIM, DAM, REF, PB/LI

MONITORING AND REPORTING VIOLATION

1. Reporting Violation	Report is improperly signed or certified	NA, PC, MTG, NOV, MOD
	Failure to properly sign or certify report after notice by POTW	MTG, NOV, MOD, AO, SCO
	Isolated, non-routine, infrequent or minor reporting deficiency (e.g., typo, computation error or omission.)	NA, PC, MTG, NOV
	Gross reporting discrepancies or report 30 days late.	MTG, NOV, MOD, AO, SCO, CO, CIV, REF
	Failure to report slug load or significantly changed discharge (no harm to POTW/environment.)	PC, MTG, NOV, MOD, AO
	Failure to report slug load or significantly changed discharge (results in harm to POTW/environment.	MTG, NOV, MOD, AO, PUB, SCO, CO, PR, TSS, TWS, CIV, DAM, CRIM, REF
	Routine or frequent failure to report slug loads	NOV, MOD, AO, PUB, SCO, CO, PR, TSS, TWS, CIV, DAM, CRIM, REF

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Noncompliance	Nature of the Violation	Enforcement Responses
	Intentional falsification	SCO, CO, PR, TSS, TWS, CIV, DAM, CRIM, DEF
2. Failure to monitor correctly.	Failure to monitor all pollutants as required by permit	PC, MTG, NOV, MOD, AO
	Routine or frequent failure to monitor all pollutants by permit	MTG, NOV, MOD, AO, PUB, SCO, CO, PR, TSS, TWS, CIV, REF
3. Improper sampling	Evidence of intent	SCO, CO, TSS, TWS, CIV, CRIM, REF
4. Failure to install monitoring equipment	Delay of less than 30 days Delay of 30 days or more	NA, PC, MTG, NOV, MOD, AO, SCO, CO, PR, TSS, TWS, CIV, CRIM, REF, PB/LI
5. Compliance Schedules (in permit)	Missed milestone by less than 90 days, or will not affect final milestone	NA, PC, MTG, NOV, AO, SCO, CO, CIV
	Missed milestone by more than 90 days, or will affect final milestone (good cause exists for delay)	NA, PC, and/or MTG (to require documentation or other indicia of good cause), NOV, MOD, AO, SCO CO, PB/LI
	Missed milestone by more than 90 days, or will affect final milestone (no good cause exists for delay)	NOV, AO, PUB, SCO, CO, PR, TSS, TWS, CIV, REF, PB/LI
	Routine or frequent violation or violations of schedule in CO by more than 180 days (no good cause exists for delay)	SCO, PR, TSS, TWS, CIV, CRIM, REF, PB/LI

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OTHER PERMIT VIOLATIONS

Noncompliance	Nature of the Violation	Enforcement Responses
1. Wastewater discharges are inappropriately diluted in lieu of treatment	Isolated, non-routine or infrequent violation	NA, PC, MTG, IM, NOV, MOD, AO, SCO, CO, CIV
	Routine or frequent basis despite reasonable time to comply after notice by POTW.	MTG, IM, NOV, MOD, AO, PUB. SCO CO, TSS, TWS, CIV

VIOLATIONS DETECTED DURING SITE VISITS

1. Entry Denial	Entry denied or consent withdrawn. Copies of records denied	MTG, NOV, AO, SCO, CO, CIV, CRIM, Including obtaining warrant and return to IU.
2. Inadequate record keeping in violation of applicable requirements	Inspector finds files incomplete to missing (no evidence of intent)	PC, MTG, NOV, MOD
	Routine or frequent basis	MTG, NOV, MOD, AO, SCO, CIV
3. Failure to report required monitoring data	Inspection finds additional files	NA, PC, MTG, NOV, MOD, SCO, CIV
	Routine or frequent basis	MTG, NOV, IM, MOD, AO, PUB, SCO, CO, CIV

NOTE: Township personnel Initiating Enforcement Responses:
 Inspector, Pretreatment Coordinator, and/or Laboratory,
 Supervisor: PC, MTG, IM, NOV, MOD, AO, PUB.
 Director: SCO, CO, PR, TSS, TWS, CIV, DAM, CRIM, PB/LI, REF.

These activities can be delegated as appropriate.

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8. TECHNICAL REQUIREMENTS
[Amended 12-19-2000 by Ord. No. 2000-8]

8.1 Introduction [Amended 4-1-2010 by Ord. No. 2010-02]

The following sections present the technical requirements for the North Middleton Township Pretreatment Program.

8.2 Wastewater Discharge Limitations for Borough of Carlisle Treatment Facility
[Amended 4-1-2010 by Ord. No. 2010-02]

Exhibit A

Parameter	Local Limit Monthly Average Mass (pounds per day)
Arsenic	0.70
Cadmium	0.37
Chromium	5.49
Copper	2.72
Lead	3.42
Mercury	0.086
Molybdenum	1.68
Nickel	7.31
Selenium	1.41
Silver	7.98
Zinc	2.30
Cyanide	3.44
BOD-5	4,289
Total suspended solids	6,328
Phosphorus as P	107
Ammonia -- nitrogen	741
Fats, oils and grease	300 milligrams per liter
Temperature	60° Celsius
pH	6.0 -- 9.5 standard units
Total toxic organics	Federal categorical limits may apply
Flow	Shall be regulated

- A. The wastewater discharge limits listed above reflect the total mass of each pollutant, which cannot be exceeded in the total industrial contribution to the treatment plant influent. These limits are necessary to adequately protect the treatment process, water quality and biosolids quality. In addition, these limits will also protect worker health and safety and the collection system.
- B. Individual significant industrial user permit limits will be developed in conjunction with flow limits for each significant industrial user. This will ensure that the

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allowable mass discharge for each user when combined with the other users' pollutant contributions will not exceed the local limits detailed above. Industrial discharge permit limits will be expressed as concentrations in specific SIU wastewater discharge permits to simplify compliance monitoring.

8.2 Wastewater Discharge Limitations for the North Middleton Township's Treatment Facility [Amended 4-1-2010 by Ord. No. 2010-02]

Exhibit B

Parameter	Local Limit Daily Maximum Concentration (milligrams per liter)
Arsenic	0.096
Cadmium	0.024
Chromium	1.97
Copper	0.41
Iron	120
Lead	0.60
Manganese	0.24
Magnesium	18
Mercury	0.042
Molybdenum	0.33
Nickel	0.61
Selenium	0.43
Silver	0.13
Sulfate	600
Sulfide	60
Zinc	0.37
Cyanide	1.67
BOD-5	500
Total suspended solids	500
Phosphorus as P	4.86
Ammonia -- nitrogen	25
Fats, oils and grease	286 milligrams per liter
Temperature	60° Celsius
pH	6.0 -- 9.5 standard units
Total toxic organics	Federal categorical limits may apply
Flow	Shall be regulated

- A. The wastewater discharge limits listed above are necessary to adequately protect the treatment process, water quality and biosolids quality. In addition, these limits will also protect worker health and safety in the collection system.

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- B. Individual significant industrial user permit limits will be developed in conjunction with flow limits for each significant industrial user.

8.3 Infiltration Prohibition

All waters or wastes discharged into the Sewer System by any User shall not contain any stormwater, surface water, groundwater, roof runoff, subsurface drainage or any discharges other than Sewage Wastes or Wastewater as herein defined. The sources of excessive infiltration shall be located and corrected by the Director with respect to the Sewer System in order that any Treatment Works capacity shall not be needlessly overtaxed.

8.4 Prohibited Discharges

No Person shall discharge or cause to be discharged into any sewer or the Sewer System, with or without Pretreatment, any Industrial Wastes, chemicals, or other discharges having any one of the following characteristics:

- (1) Any liquid or vapor having a temperature higher than 59 degrees Centigrade, but in no case shall any discharge, alone or in conjunction with other discharges, cause the Wastewater entering the Treatment Works to exceed 104 degrees Fahrenheit or 40 degrees Centigrade.
- (2) Any waters or wastes containing more than 285.60 ppm by weight of fats, oils or grease.
- (3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (4) Any unground garbage, scraps or vegetables.
- (5) Any ashes, cinders, sand, mud, straw, wood or metal shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, butcher's offal, or any other solid or viscous substance capable of causing obstruction to the flow into any Treatment Works or capable of causing injury to any Treatment Works or capable of causing a nuisance or other interference with the proper operation of any Treatment Works.
- (6) Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to the Treatment Works or to personnel engaged in the operation and maintenance thereof.
- (7) Any waters or wastes containing any Toxic Substance in quantity sufficient to constitute a hazard to humans or animals or to injure or interfere with any sewage treatment process or to create any hazard in the receiving waters of any Treatment Works.

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- (8) Any waters or wastes having an average five-day BOD greater than 500 ppm, a Suspended Solids content greater than 500 ppm or of such character and quantity that unusual attention or expense shall be required to handle such waters or wastes at the treatment plant, a total phosphorus as PO content greater than 50 ppm or an ammonia nitrogen content greater than 25 ppm, except as may be approved by Director and in accordance with rules and regulations, including charges and fees, adopted or to be adopted by the Township.
- (9) Any noxious or malodorous gas or substance capable of creating a public nuisance or hazard to life or of preventing entry into any sewer or any Treatment Works for maintenance and repair.
- (10) No rates of flow taking on the proportions of a Slug. This subsection applies, likewise, to Sanitary Sewage.
- (11) Any toxic radioactive isotopes or materials.
- (12) Any drainage from building construction; and any stormwater, surface water, groundwater, roof runoff, subsurface drainage, or any discharges other than Sewage Wastes or Wastewater.
- (13) Any pollutant which creates a fire or explosion hazard in the POTW, including, but not limited to, waste stream with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
- (14) No discharge to the POTW shall result in toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (15) Any discharge of petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through.
- (16) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

Nothing contained herein shall be construed as permitting any special arrangement between Carlisle and the Township whereby Industrial Wastes of unusual strength or character may be accepted for treatment as long as such Industrial Wastes do not violate any Pretreatment Standard or Requirement; provided, however, that the costs incident to accepting and treating such Industrial Wastes shall be borne by the industrial establishment so discharging such Wastes, and further provided, however, that no special arrangement or agreement shall become effective until approved by Carlisle and the Township or their respective municipal authorities, whichever shall operate their respective Sewage Collection Systems.

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9. ADMINISTRATIVE PROCEDURES AND FORMS

9.1 Introduction

This section incorporates all standard operating procedures and forms designed to implement this program.

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INDUSTRIAL PRETREATMENT PROGRAM

Standard Operating Procedures

Introduction: Pretreatment Program documentation is now part of the Authority standard operating procedures. This Directive will serve for meeting documentation requirements of the Borough of Carlisle Industrial Pretreatment Program.

Purpose: The documentation outlined below is critical and must be maintained at all times. It is important that the data management aspect of the pretreatment program be well organized, legible, and detailed to produce documentation/evidence (chain of custody forms and inspection reports, etc.) that would be admissible in the event of court actions.

A. Master Log

The Master Log serves as a record of all meetings, all correspondence sent and received, all inspections performed, all monitoring dates, and any other information or data pertinent to the pretreatment program, including violations and noncompliance notifications and enforcement actions. Entries in the Master Log shall be the responsibility of all persons engaged in the administration of the program. The Operations Manager shall have a day-to-day responsibility to ensure that the Master Log is being used.

B. Chain of Custody Forms

These forms provide tracking of samples from the point of sampling to the testing laboratory and shall always be used whenever outside sampling is undertaken. (A sample form is attached). The Operations Manager shall ensure that the forms are being used.

C. Telephone Log

All pretreatment program telephone activity is logged, in the official "Industrial Pretreatment Telephone Log". The log includes data, time, person talked to, company, call taken by, a brief description of the conversation, and any message(s). (A sample form is attached). The Operations Manager shall ensure that these forms are being used.

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D. Inspection Forms

Any person assigned to conduct an Annual Pretreatment Inspection visit as required under pretreatment regulations shall complete, date and sign the forms. A sample form entitled "Annual Inspection Report for Nonresidential Establishments" is attached.

E. Industrial User Analysis Results Forms

This form is used to correlate analysis results for each sample taken from industrial/commercial establishments. It lists the user name, sample ID number, sample date, and the analysis results which include 27 parameters. (See the attached example of the "Industrial User Analysis Results" forms). These forms will be completed either by the contracted laboratory or the Operations Manager upon receiving results from the contracted laboratory.

F. Laboratory Sample Log

The "Laboratory Sample Log" contains information on the date of sample collection, time received at the laboratory, sample ID number, the facility name and address the sample was collected from, and the specific location of the sample. This log will be completed by the contracted laboratory or the Operations Manager upon delivering the sample to the contracted laboratory.

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164 Attachment 2

Township of North Middleton

Industrial Waste Questionnaire

Note: If you feel that any information requested on this form is confidential, such information shall be submitted on a separate sheet of paper.

A. GENERAL INFORMATION

- 1. Company Name
2. Mailing Address
3. Address of Plant
4. Name and Title of Signing Official
5. Contact Official (a) Name (b) Title (c) Address (d) Phone

Brief description of your manufacturing or service activity:

Blank lines for describing manufacturing or service activity.

Raw materials used:

Blank lines for listing raw materials used.

Principal product or service:

Blank lines for describing principal product or service.

B. COMPONENTS OF WASTEWATER

- 1. Is your discharge into the sewer system in a continual flow or a short duration concentrated flow?
2. Shifts normally worked each day (Please Check)

Table with 8 columns (Sunday-Saturday) and 3 rows (1st, 2nd, 3rd shifts).

- 4. Is any form of electroplating used in your operation? Yes No

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If Yes, briefly explain:

5. Are you considered a Hazardous Waste Producer by either the PA DEP or EPA?
____ Yes ____ No ____ Don't Know

If Yes, please give your Identification No. _____

6. Do you pretreat any of your wastewater ____ Yes ____ No
Please explain process:

7. Please list or describe plant sewer outlets (general location, size, etc. if known:

8. Have you ever had your waste water analyzed? ____ Yes ____ No
If Yes, would you attach a copy of the most recent analytical data.

9. Is this plant subject to any existing Federal Pretreatment Standards?
____ Yes ____ No

If Yes, are Pretreatment Standards being met on a consistent basis?
____ Yes ____ No

10. Do you use any of the following in any of your processes?

Copper _____
Nickel _____
Zinc _____
Lead _____
Chromium _____
Cadmium _____

The information contained in this questionnaire is familiar to me and to the best of my Knowledge and belief, it true, complete and accurate.

Signature of Official

Date

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164 Attachment 3

Township of North Middleton

Wastewater Survey for Nonresidential Establishments

SECTION A. GENERAL INFORMATION

1. Company name, mailing address, and telephone number.

Zip Code _____ Telephone No. () _____

2. Address of production or manufacturing facility.

(If same as above, check _____)

Zip Code _____ Telephone No. () _____

3. Name, title, and telephone number of person authorized to represent this firm in official dealings with the Sewer Authority and/or City.

4. Alternate person to contact concerning information provided herein.

Name _____ Title _____

Telephone No. () _____

5. Identify the type of business conducted

Note to Signing Official: In accordance with Title 40 of the Code of Federal regulations, Part 403, Section 403.14, information and data provided in this questionnaire which identifies the nature and frequency of discharge shall be available to the public without restriction. Requests for confidential treatment of other information shall be governed by procedures specified in 40 CFR, Part 2. Should a discharge permit be required for your facility, the information in this questionnaire will be used to issue the permit.

This is to be signed by an Authorized Official of your firm after adequate completion of this form and review of the information by the signing official.

I have personally examined and am familiar with the information submitted in this document and attachments. Based upon my inquiry of those individuals immediately responsible for obtaining the information reported herein, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment.

_____ Date

_____ Signature of Official

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6. Provide a brief narrative description of the manufacturing, production, or service activities your firm conducts:

7. Standard Industrial Classification Number(s) (SIC Code) for your facilities. (If unknown, Authority will complete) _____

8. This facility generates the following types of wastes. (Check all that apply):

	Average Gallons Per Day	
1. <input type="checkbox"/> Domestic wastes (restrooms employees showers, etc.)	_____ () Estimated	() Measured
2. <input type="checkbox"/> Cooling water, non-contact	_____ () Estimated	() Measured
3. <input type="checkbox"/> Boiler/tower blowdown	_____ () Estimated	() Measured
4. <input type="checkbox"/> Cooling water, contact	_____ () Estimated	() Measured
5. <input type="checkbox"/> Process	_____ () Estimated	() Measured
6. <input type="checkbox"/> Equipment, facility washdown	_____ () Estimated	() Measured
7. <input type="checkbox"/> Air pollution control unit	_____ () Estimated	() Measured
8. <input type="checkbox"/> Storm water runoff to sewer	_____ () Estimated	() Measured
9. <input type="checkbox"/> Other (describe)	_____ () Estimated	() Measured

_____ Total _____

9. Wastes are discharged to (Check all that apply):

	Average Gallons Per Day	
1. <input type="checkbox"/> Sanitary sewer	_____ () Estimated	() Measured
2. <input type="checkbox"/> Storm sewer	_____ () Estimated	() Measured
3. <input type="checkbox"/> Surface water	_____ () Estimated	() Measured
4. <input type="checkbox"/> Ground water	_____ () Estimated	() Measured
5. <input type="checkbox"/> Waste haulers	_____ () Estimated	() Measured
6. <input type="checkbox"/> Evaporation	_____ () Estimated	() Measured
7. <input type="checkbox"/> Other (describe)	_____ () Estimated	() Measured

Provide name and address of waste hauler(s), if used.

10. Is there a Spill Prevention Control and Countermeasure Plan prepared for this facility?

Yes No

NOTE: If your facility did not check one or more of the items listed in Section A.8.4 through A.8.9 above, then you do not need to complete any other sections in this survey/application. If any items A.8.4 through A.8.9 have been checked, complete the remainder of this survey/application.

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SECTION B. FACILITY OPERATION CHARACTERISTICS

1. Number of employee shifts worked per 24-hour day is _____.
2. Average number of employees per shift is _____.
3. Starting times of each shift:
1st _____ a.m./p.m. 2nd _____ a.m./p.m. 3rd _____ a.m./p.m.

NOTE: The following information in this section must be completed for each product line.

4. Principal product produced _____

5. Raw materials and process additives used: _____

6. Production process is:
 Concentrated batch
 Continuous
 Both
 % batch _____
 % continuous _____
7. Hours of Operation:
_____ a.m. to _____ p.m. Continuous
8. Is production subject to seasonal variation? Yes No
If Yes; briefly describe seasonal production cycle _____

9. Are any process changes or expansions planned during the next three years?
 Yes No
If Yes, attach a separate sheet to this form describing the nature of planned changes or expansions.

NORTH MIDDLETON CODE

SECTION C. WASTEWATER INFORMATION

1. If your facility employs processes in any of the 34 industrial categories or business activities listed below and any of these processes generate wastewater or waste sludge, place a check beside the category or business activity (check all that apply).

1. Adhesives
2. Aluminum forming
3. Auto and other laundries
4. Battery manufacturing
5. Coal mining
6. Coil coating
7. Copper forming
8. Electric and electronic components
9. Electroplating
10. Explosives manufacturing
11. Foundries
12. Gum and wood chemicals
13. Inorganic chemicals
14. Iron and steel
15. Leather tanning and finishing
16. Mechanical products
17. Nonferrous metals
18. Ore mining
19. Organic chemicals
20. Paint and ink
21. Pesticides
22. Petroleum refining
23. Pharmaceuticals
24. Photographic supplies
25. Plastic and synthetic materials
26. Plastic processing
27. Porcelain enamel
28. Printing and publishing
29. Pump and paper
30. Rubber
31. Soaps and detergents
32. Steam electric
33. Textile mills
34. Timber
35. Other List: _____

Other Business Activity

- Dairy products
- Slaughter/meat packing/rendering
- Food/edible products processor
- Beverage bottler

SEWERS AND WATER

2. Pretreatment devices or processes used for treating wastewater or sludge.

(Check as many as appropriate.)

- Air flotation
- Centrifuge
- Chemical precipitation
- Chlorination
- Cyclone
- Filtration
- Flow equalization
- Grease or oil separation, type _____
- Grease trap
- Grit removal
- Ion exchange
- Neutralization, pH correction
- Ozonation
- Reverse osmosis
- Screen
- Sedimentation
- Septic tank
- Solvent separation
- Spill protection
- Sump
- Biological treatment, type _____
- Rainwater diversion or storage _____
- Other chemical treatment type _____
- Other physical treatment, type _____
- Other, type _____
- No pretreatment provided

3. If any wastewater analyses have been performed on the wastewater discharge from your facilities, attach a copy of the most recent data to this questionnaire. Be sure to include the date of the analysis, name of laboratory performing the analysis, and location(s) from which sample(s) were taken (attach sketches, plans, etc., as necessary).

NORTH MIDDLETON CODE

SECTION D. OTHER WASTES

1. Are any liquid wastes or sludges from this firm disposed of by means other than discharge to the sewer system? () Yes () No

If "No", skip remainder of Section D. If "Yes", complete items 2 and 3.

2. These wastes may best be described as:

Type	Estimate Gallons in Pound/Year
() Acids and alkalies	_____
() Heavy metal	_____
() Inks/dyes	_____
() Oil and/or grease	_____
() Organic compounds	_____
() Paints	_____
() Pesticides	_____
() Plating wastes	_____
() Pretreatment sludges	_____
() Solvents/thinners	_____
() Other hazardous water (specify)	_____

() Other wastes (specify)	_____

3. For the above checked wastes, does your company practice:

- () On-site storage
() Off-site storage
() On-site disposal
() Off-site disposal

Briefly describe the method(s) of storage or disposal checked above.

SEWERS AND WATER

164 Attachment 4

Township of North Middleton

**Permit Application
for Wastewater Discharge to the North Middleton Authority**

A. GENERAL INFORMATION

1. COMPANY NAME _____

2. DIVISION NAME (if applicable) _____

3. MAILING ADDRESS _____

Street or P.O. Box

City, State and Zip Code

4. FACILITY ADDRESS (Site being permitted)

Street Address

City, State and Zip Code

B. RESPONSIBLE PARTIES

1. NAME, TITLE, TELEPHONE OF APPLICANT'S LOCAL MANAGER/SUPERINTENDENT

Name

Title

Telephone

2. NAME, TITLE, TELEPHONE NUMBER OF THE APPLICANT'S EMPLOYEE
RESPONSIBLE FOR THE ACTIVITY OR PROCESS GENERATING THE WASTEWATER
FOR WHICH THE PERMIT IS APPLIED.

Name

Title

Telephone

NORTH MIDDLETON CODE

3. NAME, ADDRESS, TELEPHONE NUMBER OF APPLICANT'S CONSULTING ENGINEER

Name of Consulting Firm

Address

Telephone

Name of Representative

C. PROCESS INFORMATION

1. S.I.C. Classification of the activity or process generating wastewater.

2. Describe in general both the activity or process generating the wastewater being permitted. Give a general description of the facilities and equipment utilized in such activity or process.

3. The information submitted pursuant to the following questions a to e inclusive, shall include an explanation of any daily, weekly, monthly and seasonal fluctuations or variations.

- a. The days of the week and the hours during such days when such activity or process will be in operation; and the peak day(s) of such operation, and the peak hours of such operation during such days.

SEWERS AND WATER

DAY OF WEEK	HRS. OF OPERATION	PEAK DAYS	PEAK HOURS
SUN	_____	_____	_____
MON	_____	_____	_____
TUES	_____	_____	_____
WED	_____	_____	_____
THURS	_____	_____	_____
FRI	_____	_____	_____
SAT	_____	_____	_____

b. Average number of employee _____

Maximum number of employees _____

Maximum employed during peak hour _____

c. Describe briefly the types of raw materials and/or chemicals utilized in your activity or process, the average quantity or volume and the maximum quantity or volume of such raw materials and/or chemicals utilized per day on the peak days of operation.

d. Describe briefly the types of finished products produced by your activity or process, the average quantity or volume, and the maximum quantity or volume of such finished products produced per day on the peak day of such operation.

e. Average volume of water utilized per day _____ gallons

Maximum volume of water utilized per day _____ gallons

Source of water: _____

NORTH MIDDLETON CODE

D. WASTEWATER CHARACTERICS

1. Please enclose an analytical description of the type, constituents, and characteristics of the wastewater generated by your activity or process, including a written report of such analysis made by an EPA or PA DEP approved analytical laboratory.

Note: The procedures for sampling such wastewater and for performing such analysis shall be in accordance with the procedures prescribed by the most current regulations promulgated by EPA or PA DEP.

2. Please describe the nature and concentration of any material, matter, mixture and substance, toxic, hazardous, or otherwise, which is a constituent of such wastewater.

3. Please describe the concentration and nature of any pollutant which is a constituent of such wastewater.

4. What is the average daily volume of your wastewater which is discharged into the Collection System. _____ gallons

Maximum daily volume of wastewater: _____ gallons

5. Describe the hours during each day when such wastewater will be discharged into the Collection System, the hours during each day when maximum volumes will be discharged and the duration of each discharge; the hours during each day when peak instantaneous volumes will be discharged into the Collection System; and the volume of each such peak instantaneous discharge and the duration of each such discharge.

SEWERS AND WATER

E. PRETREATMENT FACILITIES

1. Do you have flow equalization facilities? ____ Yes ____ No
If yes, please answer the following:

a. Describe the location, type, characteristics, and operation of each flow equalization facility, flow equalization process, pretreatment facility and pretreatment process which will be utilized.

b. Please define the days and hours during such days when each facility or process will be in operation.

c. Please identify the National, State, or local pretreatment standards or requirements with which each such facility or process will achieve compliance.

d. If compliance with any National, State or local pretreatment standards or requirements will not be achieved on a consistent basis, please include with this application a progress compliance schedule.

NORTH MIDDLETON CODE

- e. Please submit schematic drawings or plans showing by location, size, and elevation:
- Site of wastewater generating activity or process
 - All existing and proposed floor plans or designs
 - All existing or proposed water sources
 - All existing and proposed domestic waste and industrial waste pipes
 - Building drains
 - Manholes
 - Sampling manholes
 - Sewers and points of connection to the Collection System
 - All existing and proposed flow equalization facilities
 - Flow equalization processes
 - Pretreatment facilities and processes
 - Existing and proposed monitoring facilities
- f. Please describe all existing and proposed facilities and operating procedures intended to prevent accidental discharge into the Collection System of any materials which are prohibited by any National, State or local pretreatment standards or requirements.

The undersigned applicant for a permit acknowledges that he/she it has reviewed the Pretreatment Program and the adopting municipal ordinance, and accepts the liabilities, requirements, and responsibilities imposed herein upon users.

This permit application is being submitted on behalf of the following company:

Name of Company

Name of Facility

Authorized Representative of Company

SEWERS AND WATER

164 Attachment 5

Township of North Middleton

Sampling Record

1. PERSON(S) SAMPLING: _____
2. DATE: _____ 3: TIME: _____
4. FACILITY SAMPLED: _____
5. SAMPLING LOCATION: _____

6. SAMPLE TYPE: GRAB () COMPOSITE ()
SCHEDULED () UNSCHEDULED () DEMAND ()
7. SAMPLE ID NUMBER: _____
8. SAMPLE SPLIT WITH FACILITY YES () NO ()
9. NAME OF FACILITY REPRESENTATIVE: _____
10. TITLE OF FACILITY REPRESENTATIVE: _____
11. SAMPLE pH: INITIAL _____ FINAL _____
SAMPLE TEMP (DEG. C): INITIAL _____ FINAL _____
TIME/DATE FOR pH/TEMP: _____ / _____ / _____
12. ANALYSIS REQUIRED:
- 1. NUTRIENTS () 2. BOD-5 () 3. METALS ()
 - 4. MERCURY () 5. CYANIDE () 6. ARSENIC ()
 - 7. TSS () 8. TTO () 9. F/O/G ()
13. PRESERVATION METHODS: _____

TIME/DATE	SAMPLE RECEIVED BY	SIGNATURE	TITLE	COMMENTS

SEWERS AND WATER

164 Attachment 6

Township of North Middleton

Industrial User Analysis Results

INDUSTRIAL USER NAME: _____

SAMPLE ID NUMBER: _____

SAMPLE DATE: _____

SAMPLE LOCATION: _____

ANALYSIS RESULTS

PARAMETER	SAMPLE TYPE GRAB (G) COMP (C)	VALUE	DAILY LOCAL LIMIT	VIOLATIONS	
				YES	NO
Ammonia- nitrogen			25.00 mg/l		
Bod-5			500.00 mg/l		
Total phosphorus			4.86 mg/l as P		
pH – initial			6.0 to 9.5 SU		
pH – final			6.0 to 9.5 SU		
Temp – initial			60 DEG. C		
Temp – final			60 DEG. C		
Sulfate			600.00 mg/l		
Sulfide			60.00 mg/l		
Suspended solids			500.00 mg/l		
Arsenic – total			0.096 mg/l		
Cynaide – total			1.67 mg/l		
Cadmium			0.024 mg/l		
Chromium – total			1.97 mg/l		
Iron			120.00 mg/l		
Lead			0.60 mg/l		
Manganese			0.24 mg/l		
Magnesium			18.00 mg/l		
Mercury			0.042 mg/l		
Nickel			0.61 mg/l		
Silver			0.13 mg/l		
Zinc			0.037 mg/l		
Oils and grease			285.60 mg/l		

SEWERS AND WATER

164 Attachment 7

Township of North Middleton

Annual Inspection Report for Nonresidential Establishments

SECTION A. GENERAL INFORMATION

1. Company name, mailing address, and telephone number.

Zip Code _____ Telephone No. () _____

2. Address of production or manufacturing facility.
(If same as above, check _____)

Zip Code _____ Telephone No. () _____

3. Name, title, and telephone number of person authorized to represent this firm in official dealings with the Sewer Authority and/or City.

4. Alternate person to contact concerning information provided herein.

Name _____ Title _____
Telephone No. () _____

5. Identify the type of business conducted

Note to Signing Official: In accordance with Title 40 of the Code of Federal regulations, Part 403, Section 403.14, information and data provided in this questionnaire which identifies the nature and frequency of discharge shall be available to the public without restriction. Requests for confidential treatment of other information shall be governed by procedures specified in 40 CFR, Part 2. Should a discharge permit be required for your facility, the information in this questionnaire will be used to issue the permit.

This is to be signed by an Authorized Official of your firm after adequate completion of this form and review of the information by the signing official.

I have personally examined and am familiar with the information submitted in this document and attachments. Based upon my inquiry of those individuals immediately responsible for obtaining the information reported herein, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment.

Date _____

Signature of Official _____

NORTH MIDDLETON CODE

6. Provide a brief narrative description of the manufacturing, production, or service activities your firm conducts:

7. Standard Industrial Classification Number(s) (SIC Code) for your facilities. (If unknown, Authority will complete)

8. This facility generates the following types of wastes. (Check all that apply):

	Average Gallons Per Day		
1. <input type="checkbox"/> Domestic wastes (restrooms employees showers, etc.)	_____	<input type="checkbox"/> Estimated	<input type="checkbox"/> Measured
2. <input type="checkbox"/> Cooling water, non-contact	_____	<input type="checkbox"/> Estimated	<input type="checkbox"/> Measured
3. <input type="checkbox"/> Boiler/tower blowdown	_____	<input type="checkbox"/> Estimated	<input type="checkbox"/> Measured
4. <input type="checkbox"/> Cooling water, contact	_____	<input type="checkbox"/> Estimated	<input type="checkbox"/> Measured
5. <input type="checkbox"/> Process	_____	<input type="checkbox"/> Estimated	<input type="checkbox"/> Measured
6. <input type="checkbox"/> Equipment, facility washdown	_____	<input type="checkbox"/> Estimated	<input type="checkbox"/> Measured
7. <input type="checkbox"/> Air pollution control unit	_____	<input type="checkbox"/> Estimated	<input type="checkbox"/> Measured
8. <input type="checkbox"/> Storm water runoff to sewer	_____	<input type="checkbox"/> Estimated	<input type="checkbox"/> Measured
9. <input type="checkbox"/> Other (describe)	_____	<input type="checkbox"/> Estimated	<input type="checkbox"/> Measured

_____ Total _____

9. Wastes are discharged to (Check all that apply):

	Average Gallons Per Day		
1. <input type="checkbox"/> Sanitary sewer	_____	<input type="checkbox"/> Estimated	<input type="checkbox"/> Measured
2. <input type="checkbox"/> Storm sewer	_____	<input type="checkbox"/> Estimated	<input type="checkbox"/> Measured
3. <input type="checkbox"/> Surface water	_____	<input type="checkbox"/> Estimated	<input type="checkbox"/> Measured
4. <input type="checkbox"/> Ground water	_____	<input type="checkbox"/> Estimated	<input type="checkbox"/> Measured
5. <input type="checkbox"/> Waste haulers	_____	<input type="checkbox"/> Estimated	<input type="checkbox"/> Measured
6. <input type="checkbox"/> Evaporation	_____	<input type="checkbox"/> Estimated	<input type="checkbox"/> Measured
7. <input type="checkbox"/> Other (describe)	_____	<input type="checkbox"/> Estimated	<input type="checkbox"/> Measured

Provide name and address of waste hauler(s), if used.

10. Is there a Spill Prevention Control and Countermeasure Plan prepared for this facility?

Yes No

NOTE: If your facility did not check one or more of the items listed in Section A.8.4 through A.8.9 above, then you do not need to complete any other sections in this survey/application. If any items A.8.4 through A.8.9 were checked, complete the remainder of this survey/application.

SEWERS AND WATER

SECTION B. FACILITY OPERATION CHARACTERISTICS

1. Number of employee shifts worked per 24-hour day is _____.
2. Average number of employees per shift is _____.
3. Starting times of each shift:
1st _____ a.m./p.m. 2nd _____ a.m./p.m. 3rd _____ a.m./p.m.

NOTE: The following information in this section must be completed for each product line.

4. Principal product produced _____

5. Raw materials and process additives used: _____

6. Production process is:
 Concentrated batch
 Continuous
 Both
 % batch _____
 % continuous _____

7. Hours of Operation:
_____ a.m. to _____ p.m. Continuous

8. Is production subject to seasonal variation? Yes No

If Yes; briefly describe seasonal production cycle _____

9. Are any process changes or expansions planned during the next three years?
 Yes No

If Yes, attach a separate sheet to this form describing the nature of planned changes or expansions.

NORTH MIDDLETON CODE

SECTION C. WASTEWATER INFORMATION

1. If your facility employs processes in any of the 34 industrial categories or business activities listed below and any of these processes generate wastewater or waste sludge, place a check beside the category or business activity (check all that apply).

1. Adhesives
2. Aluminum forming
3. Auto and other laundries
4. Battery manufacturing
5. Coal mining
6. Coil coating
7. Copper forming
8. Electric and electronic components
9. Electroplating
10. Explosives manufacturing
11. Foundries
12. Gum and wood chemicals
13. Inorganic chemicals
14. Iron and steel
15. Leather tanning and finishing
16. Mechanical products
17. Nonferrous metals
18. Ore mining
19. Organic chemicals
20. Paint and ink
21. Pesticides
22. Petroleum refining
23. Pharmaceuticals
24. Photographic supplies
25. Plastic and synthetic materials
26. Plastic processing
27. Porcelain enamel
28. Printing and publishing
29. Pump and paper
30. Rubber
31. Soaps and detergents
32. Steam electric
33. Textile mills
34. Timber
35. Other List: _____

Other Business Activity

- Dairy products
- Slaughter/meat packing/rendering
- Food/edible products processor
- Beverage bottler

SEWERS AND WATER

2. Pretreatment devices or processes used for treating wastewater or sludge.
(Check as many as appropriate.)
- Air flotation
 - Centrifuge
 - Chemical precipitation
 - Chlorination
 - Cyclone
 - Filtration
 - Flow equalization
 - Grease or oil separation, type _____
 - Grease trap
 - Grit removal
 - Ion exchange
 - Neutralization, pH correction
 - Ozonation
 - Reverse osmosis
 - Screen
 - Sedimentation
 - Septic tank
 - Solvent separation
 - Spill protection
 - Sump
 - Biological treatment, type _____
 - Rainwater diversion or storage _____
 - Other chemical treatment type _____
 - Other physical treatment, type _____
 - Other, type _____
 - No pretreatment provided
3. If any wastewater analyses have been performed on the wastewater discharge from your facilities, attach a copy of the most recent data to this questionnaire. Be sure to include the date of the analysis, name of laboratory performing the analysis, and location(s) from which sample(s) were taken (attach sketches, plans, etc., as necessary).

NORTH MIDDLETON CODE

SECTION D. OTHER WASTES

1. Are any liquid wastes or sludges from this firm disposed of by means other than discharge to the sewer system? () Yes () No

If "No", skip remainder of Section D. If "Yes", complete items 2 and 3.

2. These wastes may best be described as:

Type	Estimate Gallons in Pound/Year
() Acids and alkalis	_____
() Heavy metal	_____
() Inks/dyes	_____
() Oil and/or grease	_____
() Organic compounds	_____
() Paints	_____
() Pesticides	_____
() Plating wastes	_____
() Pretreatment sludges	_____
() Solvents/thinners	_____
() Other hazardous water (specify)	_____

() Other wastes (specify)	_____

3. For the above checked wastes, does your company practice:
- () On-site storage
 - () Off-site storage
 - () On-site disposal
 - () Off-site disposal

Briefly describe the method(s) of storage or disposal checked above.

