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## Chapter 65 — Sanitary Sewer

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**Article I — Title and Purpose**

**§ 65-101 Short Title.**

This Chapter shall be known, and may be cited, as the “Alburtis Sanitary Sewer System Ordinance”.

### § 65-102 Purpose.

It is declared that the enactment of this Chapter is necessary for the protection, benefit, and preservation of the health, safety and welfare of the inhabitants of this Borough. This Chapter is also enacted to comply with agreements entered into by the Borough with, *inter alia.*, the City of Allentown, which require the Borough to conform to uniform requirements for Users of the Publicly Owned Treatment Works for the City of Allentown. Such requirements enable the City and the Borough to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. § 1251 *et seq.*) and the General Pretreatment Regulations (40 C.F.R. Part 403). The objectives of those requirements are:

(a) To prevent the introduction of Pollutants into the City's Publicly Owned Treatment Works that will interfere with its operation;

(b) To prevent the introduction of Pollutants into the City's Publicly Owned Treatment Works that will pass through the City's Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

(c) To protect both Publicly Owned Treatment Works personnel who may be affected by Wastewater and biosolids in the course of their employment and the general public;

(d) To promote reuse and recycling of industrial Wastewater and biosolids from the City's Publicly Owned Treatment Works;

(e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the City's Publicly Owned Treatment Works; and

(f) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, biosolids use and disposal requirements, and any other federal or state laws to which the City's Publicly Owned Treatment Works is subject.

## Article II — Definitions

### § 65-201 In General.

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Chapter shall be as provided in this Article II, whether with or without initial capital letters.

### § 65-202 Allentown Agreements.

The term "Allentown Agreements" means the Agreement, dated December 22, 1969, between the City, as party of the first part, and the County Authority, as party of the second part, including any amendments and/or supplements at any time constituting a part of said agreement.

**§ 65-203 Allentown Authority.**

The term “Allentown Authority” means Allentown Authority, a Pennsylvania municipality authority.

**§ 65-204 Approval Authority.**

The term “Approval Authority” means the Regional Administrator of EPA, Region III.

**§ 65-205 Authority.**

The term “Authority” means Borough of Alburdis Sewer Authority, a Pennsylvania municipality authority, acting by and through its Board or, in appropriate cases, acting by and through its authorized representatives.

**§ 65-206 Authorized Representative of the User.**

The term “Authorized Representative of the User” means—

(a) If the User is a corporation:

(1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other Person who performs similar policy or decision-making functions for the corporation; or

(2) The manager of one or more manufacturing, production, or operating facilities, *provided* the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Wastewater Discharge Permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the User is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

(d) The individuals described in subsections (a) through (c) above may designate another Authorized Representative of the User if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from

which the Discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Borough and the City.

(e) If the designation of an Authorized Representative of the User is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or the overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Borough and the City prior to or together with any reports or certifications required to be signed by an Authorized Representative of the User.

### **§ 65-206.1 Best Management Practices or BMPs.**

The term “Best Management Practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions in § 65-601(b) and (c) (40 CFR 403.5(a)(1) and (b)). BMPs include treatment requirements, operating procedures, management plans, and practices to control the discharge of Pollutants.

### **§ 65-207 Billing Unit.**

The term “Billing Unit” means and includes, as applicable, each of the following: a Commercial Establishment, a Dwelling Unit, an Industrial Establishment, and an Institutional Establishment.

### **§ 65-208 Biochemical Oxygen Demand or BOD.**

The term “Biochemical Oxygen Demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees Centigrade (20° C.), usually expressed as a concentration (*e.g.*, mg/L).

### **§ 65-209 Borough.**

The term “Borough” means the Borough of Alburdis, Lehigh County, Pennsylvania, a municipality of the Commonwealth of Pennsylvania, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

### **§ 65-210 Building Sewer.**

The term “Building Sewer” means the extension from the sewage drainage system of any structure to the Lateral of a Sewer.

**§ 65-210.1 Categorical Industrial User.**

The term “Categorical Industrial User” means an Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

**§ 65-211 Categorical Pretreatment Standard or Categorical Standard.**

The term “Categorical Pretreatment Standard” or “Categorical Standard” means any regulation containing Pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Clean Water Act (33 U.S.C. § 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

**§ 65-212 CFR.**

The term “CFR” means Code of Federal Regulations.

**§ 65-212.1 Chemical Oxygen Demand or COD.**

The term “Chemical Oxygen Demand” or “COD” means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

**§ 65-213 City.**

The term “City” means the City of Allentown, Lehigh County, Pennsylvania, or the City Council of Allentown.

**§ 65-213.1 City Director of Public Works.**

The term “City Director of Public Works” means the person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by the City’s Sewage and Industrial Wastes Ordinance, City Ordinances Article 941. The term also includes a duly authorized representative of the City Director of Public Works. Except as specifically provided in this Chapter or in the City’s Sewage and Industrial Wastes Ordinance, any powers granted to or duties imposed upon the City Director of Public Works shall be delegated by the City Director of Public Works to the County Authority as concessionaire under the Allentown Water and Sewer Utility System Concession and Lease Agreement between the City and the County Authority signed August 7, 2013.

**§ 65-214 Clean Water Act.**

The term “Clean Water Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*

**§ 65-215 [RESERVED]****§ 65-216 Commercial Establishment.**

The term “Commercial Establishment” means any room, group of rooms, building or enclosure used or intended for use in the operation of one (1) business enterprise for the sale and distribution of any product, commodity, article, or service, or used or intended for use for any social, amusement, religious, educational, charitable, or public purpose, and containing plumbing facilities for kitchen, toilet, or washing facilities.

**§ 65-217 County.**

The term “County” means the County of Lehigh, Pennsylvania.

**§ 65-218 County Authority.**

The term “County Authority” means Lehigh County Authority, a Pennsylvania municipality authority.

**§ 65-218.1 Daily Maximum.**

The term “Daily Maximum” means the arithmetic average of all effluent samples for a Pollutant collected during a calendar day.

**§ 65-218.2 Daily Maximum Limit.**

The term “Daily Maximum Limit” means the maximum allowable Discharge limit of a Pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that day.

**§ 65-219 Dwelling Unit.**

The term “Dwelling Unit” means any room, group of rooms, building, or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of Persons living together or by a Person living alone.

**§ 65-220 Environmental Protection Agency or EPA.**

The term “Environmental Protection Agency” or “EPA” means the U.S. Environmental Protection Agency, or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

**§ 65-221 Existing Source.**

The term “Existing Source” means any source of Discharge that is not a New Source.

**§ 65-222 Garbage.**

The term “Garbage” means solid wastes resulting from preparation, cooking, and dispensing of food and from handling, storage, and sale of produce.

**§ 65-223 gpd.**

The term “gpd” means gallons per day.

**§ 65-224 Grab Sample.**

The term “Grab Sample” means a sample which is taken from a waste stream without regard to flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

**§ 65-225 Improved Property.**

The term “Improved Property” means any property located within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.



**§ 65-226 Indirect Discharge or Discharge.**

The term “Indirect Discharge” or “Discharge” means the introduction of Pollutants into the POTW from any nondomestic source.

**§ 65-227 Industrial Establishment.**

The term “Industrial Establishment” means any room, group of rooms, building, or other enclosure used or intended for use, in whole or in part, in the operation of one business enterprise for the manufacturing, fabricating, processing, cleaning, laundering, or assembling of any product, commodity, or article or from which any process waste, as distinct from Sanitary Sewage, shall be discharged.

**§ 65-227.1 Industrial User.**

*See § 65-269.*

**§ 65-227.2 Industrial Waste Manager.**

The term “Industrial Waste Manager” means the City Director of Public Works or a person designated by the City Director of Public Works who is charged with certain duties and responsibilities under the City’s Sewage and Industrial Wastes Ordinance, City Ordinances Article 941

**§ 65-228 Industrial Wastes.**

The term “Industrial Wastes” means any solid, liquid, or gaseous substance or waterborne wastes 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.

**§ 65-229 Instantaneous Limit.**

The term “Instantaneous Limit” means the maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**§ 65-230 Institutional Establishment.**

The term “Institutional Establishment” means any room, group of rooms, building, or other enclosure which does not constitute a Commercial Establishment, a Dwelling Unit, or an Industrial Establishment.

**§ 65-231 Interceptor System.**

The term “Interceptor System” means a system of interceptor sewers acquired and constructed by the County Authority and leased to the County for use and operation, to which interceptor system the Sewer System is connected for the purpose of receiving Sewage and wastes collected in the Sewer System and transporting the same to the Sewer System owned by the Allentown Authority and leased to the City for the purpose of further transportation, treatment, and disposal pursuant to the Allentown Agreements.

**§ 65-232 Interference.**

The term “Interference” means a Discharge, which alone or in conjunction with a Discharge or Discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its biosolids processes, use, or disposal, and therefore is a cause of a violation of the City’s NPDES permit or of the prevention of Sewage biosolids use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Clean Water Act; the Solid Waste Disposal Act, including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state biosolids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

**§ 65-233 Lateral.**

The term “Lateral” means that part of the Sewer System extending from a Sewer to the curb line or, if there shall be no curblines, to the property line, or if no such Lateral shall be provided, then “Lateral” shall mean that portion of or place in a Sewer which is provided for connection of any Building Sewer.

**§ 65-234 Local Limit.**

The term “Local Limit” means specific discharge limits developed and enforced by the City or the Borough upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

**§ 65-235 Medical Waste.**

The term “Medical Waste” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

**§ 65-236 mg/L.**

The term “mg/L” means milligrams per liter.

**§ 65-236.1 Monthly Average.**

The term “Monthly Average” means the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

**§ 65-236.2 Monthly Average Limit.**

The term “Monthly Average Limit” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

**§ 65-237 Multiple Unit.**

The term “Multiple Unit” means any Improved Property in which shall be located more than one Billing Unit.

**§ 65-238 New Source.**

The term “New Source” means—

(a) Any building, structure, facility, or installation from which there is (or may be) a Discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, *provided* that:

(1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of Pollutants at an Existing Source; or

(3) The production or Wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or

installation meeting the criteria of subsection (a)(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a New Source as defined under this Section has commenced if the owner or operator has:

(1) Begun, or caused to begin, as part of a continuous on-site construction program—

(A) any placement, assembly, or installation of facilities or equipment; or

(B) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph (2).

### **§ 65-239 NPDES.**

The term “NPDES” means National Pollutant Discharge Elimination System.

### **§ 65-240 Noncontact Cooling Water.**

The term “Noncontact Cooling Water” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

### **§ 65-240.1 Non-Significant Categorical Industrial User or NSCIU.**

The term “Non-Significant Categorical Industrial User” or “NSCIU” means an Industrial User which is not considered a Significant Industrial User under § 65-260.

### **§ 65-240.2 North American Industry Classification System or NAICS.**

The term “North American Industrial Classification System” or “NAICS” means a classification pursuant to the *North American Industry Classification System Manual* issued by the United States Office of Management and Budget.

**§ 65-241 Owner.**

The term “Owner” means any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

**§ 65-242 Pass Through.**

The term “Pass Through” means a Discharge which exits the POTW into waters of the United States in quantities or concentration which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of any requirement of the City’s NPDES permit, including an increase in the magnitude or duration of a violation.

**§ 65-243 Person.**

The term “Person” means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, society, trust, estate, governmental entity, or other group or legal entity, or their legal representatives, agents, or assigns, including all federal, state, and local governmental entities.

**§ 65-244 pH.**

The term “pH” means a measure of the acidity or alkalinity of a solution, expressed in standard units.

**§ 65-245 Pollutant.**

The term “Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, Sewage, garbage, sewage biosolids, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of Wastewater (including but not limited to pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

**§ 65-246 ppm.**

The term “ppm” means parts per million, by weight.

**§ 65-247 Pretreatment.**

The term “Pretreatment” means the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to, or in lieu of, introducing such Pollutants into the POTW. This reduction or alteration can be obtained

by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the Pollutants unless allowed by an applicable Pretreatment Standard.

#### **§ 65-248 Pretreatment Requirements.**

The term “Pretreatment Requirements” means any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

#### **§ 65-249 Pretreatment Standards or Standards.**

The term “Pretreatment Standards” or “Standards” means Prohibited Discharge Standards, Categorical Pretreatment Standards, and Local Limits.

#### **§ 65-250 Prohibited Discharge Standards or Prohibited Discharges.**

The term “Prohibited Discharge Standards” or “Prohibited Discharges” means absolute prohibitions against the discharge of certain substances. These prohibitions appear in § 65-601.

#### **§ 65-251 Properly Chopped Garbage.**

The term “Properly Chopped Garbage” means Garbage that has been chopped to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particle greater than one-half (1/2) inch in any dimension.

#### **§ 65-252 Publicly Owned Treatment Works or POTW.**

The term “Publicly Owned Treatment Works” or “POTW” means a “treatment works” as defined in Section 212 of the Clean Water Act (33 U.S.C. § 1292) which is owned by the City or any municipality which contributes Wastewater to the City’s system. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of Sewage or Industrial Wastes of a liquid nature and any conveyances which convey Wastewater to a Treatment Plant. “POTW” includes, without limitation, the Sewer System, the Interceptor System, and the Wastewater Treatment Plant.

#### **§ 65-253 RCRA.**

The term “RCRA” means the Resource Conservation and Recovery Act.

**§ 65-254 Sanitary Sewage.**

The term “Sanitary Sewage” means the normal water-carried household and toilet wastes from any Improved Property.

**§ 65-255 Septic Tank Waste.**

The term “Septic Tank Waste” means any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

**§ 65-256 Sewage.**

The term “Sewage” means human excrement and gray water (household showers, dishwashing operations, etc.).

**§ 65-257 Sewage Treatment Plant.**

The term “Sewage Treatment Plant” means the plant and facilities owned by Allentown Authority and leased to the City for operation and use for the purpose, *inter alia*, of treatment and disposition of Sanitary Sewage and certain Industrial Wastes which may be collected in the Sewer System and ultimately delivered to said plant and facilities, including all additions thereto.

**§ 65-258 Sewer.**

The term “Sewer” means any pipe, main, or conduit constituting a part of the Sewer System and used or usable for collection and transportation of Sanitary Sewage and Industrial Wastes.

**§ 65-259 Sewer System.**

The term “Sewer System” means all facilities, as of any particular time, for collecting, transporting, pumping, treating, or disposing of Sanitary Sewage and Industrial Wastes, situate in or adjacent to this Borough, owned by the Authority and leased to this Borough for operation and use.

**§ 65-260 Significant Industrial User.**

(a) Except as provided in subsections (b) and (c), the term “Significant Industrial User” means—

(1) An Industrial User subject to Categorical Pretreatment Standards; or

(2) An Industrial User that:

(A) Discharges an average of twenty-five thousand (25,000) gpd or more of process Wastewater to the POTW (excluding sanitary, Noncontact Cooling Water, and boiler blowdown Wastewater);

(B) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or

(C) Is designated as such by the City or the Borough on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement.

(b) The Borough and the City may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day of total categorical Wastewater (excluding sanitary, Noncontact Cooling Water, and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) *and* the following conditions are satisfied:

(1) The Industrial User, prior to the finding of the Borough and the City, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;

(2) The Industrial User annually submits the certification statement required under § 65-1007(b) (*see* 40 CFR 403.12(q)), together with any additional information necessary to support the certification statement; and

(3) The Industrial User never discharges any untreated concentrated Wastewater.

(c) Upon a finding that a User meeting the criteria in subsection (a)(2) has no reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement, the Borough and the City may at any time, on their own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

**§ 65-261 Slug Load or Slug Discharge.**

The term “Slug Load” or “Slug Discharge” means any Discharge at a flow rate or concentration which could cause a violation of the Prohibited Discharge Standards in § 65-601. A “Slug Discharge” is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW’s regulations, Local Limits, or Permit conditions.



**§ 65-262 [RESERVED]****§ 65-263 Storm Water.**

The term “Storm Water” means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

**§ 65-264 Suspended Solids, Total Suspended Solids, or TSS.**

The term “Suspended Solids,” “Total Suspended Solids,” or “TSS,” means the total suspended matter that floats on the surface of, or is suspended in, water, Wastewater, or other liquids, and which is removable by laboratory filtering.

**§ 65-265 Total Kjeldahl Nitrogen or TKN.**

The term “Total Kjeldahl Nitrogen” or “TKN” means the sum of free ammonia and of organic nitrogen compounds which are converted to an ammonium sulfate  $(\text{NH}_4)_2\text{SO}_4$  under conditions specified by *Standard Methods 20<sup>th</sup> Edition*, Method 4500, or EPA Method 351.

**§ 65-266 Toxic Substance.**

The term “Toxic Substance” means any poisonous substance, including copper, cyanide, chromium, beryllium, cadmium, lead, nickel, tin and zinc ions, and any phenolic bodies or radioactive isotopes.

**§ 65-267 [RESERVED]****§ 65-268 U.S.C.**

The term “U.S.C.” means United States Code.

**§ 65-269 User or Industrial User.**

The term “User” or “Industrial User” means a source of Indirect Discharge.

**§ 65-270 Wastewater.**

The term “Wastewater” means liquid and water-carried Industrial Wastes and Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

**§ 65-271 Wastewater Treatment Plant or Treatment Plant.**

The term “Wastewater Treatment Plant” or “Treatment Plant” means that portion of the POTW which is designed to provide treatment of municipal Sewage and Industrial Waste.

**§ 65-272 Water System.**

The term “Water System” means the facilities owned by any Person and used for the supply of water to the public in the Borough.

## **Article III — Required Connection to and Use of Borough System**

**§ 65-301 Connection of Improved Properties to System.**

**(a) Connection to Available Sewers Required.** The Owner of any Improved Property benefited, improved or accommodated by a Sewer shall connect such Improved Property with such Sewer, in such manner as this Borough may require, within forty-five (45) days after notice to such Owner from this Borough to make such connection, for the purpose of discharge of all Sanitary Sewage and Industrial Wastes from such Improved Property, subject to such limitations and restrictions as shall be established in this Chapter or as otherwise shall be established by this Borough from time to time.

**(b) Notice to Connect.** The notice by this Borough to make a connection to a sewer, referred to in subsection (a), shall consist of a copy of this Chapter, including any amendments and/or supplements at the time in effect, or a summary of each section of this Chapter, and a written or printed document requiring the connection in accordance with the provisions of this Chapter and specifying that such connection shall be made within forty-five (45) days from the date such notice is given. Such notice may be given at any time after a Sewer is in place which can receive and convey Sanitary Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such notice shall be served upon the Owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

(c) **Connection by Borough.** If the Owner of any Improved Property benefited, improved or accommodated by a Sewer, after forty-five (45) days' notice from this Borough requiring the connection of such Improved Property with a Sewer, in accordance with this Section, shall fail to connect such Improved Property as required, this Borough may make such connection and may collect from such Owner the costs and expenses thereof by a municipal claim, an action in assumpsit or such other legal proceeding as may be permitted by law.

### **§ 65-302 Required Use of System for All Sanitary Sewage and Industrial Wastes.**

(a) **Wastes Must Be Conducted 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 § 65-301, shall be conducted into a Sewer, subject to such limitations and restrictions as shall be established in this Chapter or as otherwise shall be established by this Borough from time to time.

(b) **Wastes May Not Be Deposited On Property.** No Person shall place or deposit or permit to be placed or deposited upon public or private property within this Borough any Sanitary Sewage or Industrial Wastes in violation of § 65-301.

(c) **Wastes May Not Be Discharged to Natural Outlets.** No Person shall discharge or permit to be discharged to any natural outlet within this Borough any Sanitary Sewage or Industrial Wastes in violation of § 65-301, except where suitable treatment has been provided which is satisfactory to this Borough.

### **§ 65-303 Privy Vaults, Cesspools, Septic Tanks, etc.**

(a) **Use Prohibited.** No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or maintained at any time upon any Improved Property which has been connected to a Sewer or which shall be required under § 65-301 to be connected to a Sewer.

(b) **Abandonment; Cleansing.** Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Borough, shall be cleansed and filled at the expense of the Owner of such Improved Property and under the direction and supervision of this Borough; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Borough, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the Owner of such Improved Property.

(c) **Connection to Sewer Prohibited.** No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a Sewer.

### § 65-304 Permit and Notice Required For Connection.

(a) **Permit Required.** No Person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any Sewer or any part of the Sewer System without first obtaining a permit in writing from this Borough.

(b) **Application by Owner.** Application for a permit requested with respect to the connection of an Improved Property to a Sewer shall be made by the Owner of the Improved Property.

(c) **Tapping Fees.** No permit shall be issued under this Section unless the applicant shall have furnished satisfactory evidence to the Borough Manager of this Borough that all connection, customer facilities, and tapping fees imposed by the Borough and/or the Authority against the Owner with respect to the connection of the Owner's Improved Property to the Sewer System has been paid.

(d) **Notice of Connection.** No Person may act under any permit issued under this Section unless such Person shall have given the Borough Manager of this Borough at least twenty-four (24) hours' notice of the time when such actions will be taken, so that this Borough may supervise and inspect the work of connection and necessary testing.

### § 65-305 Building Sewers.

(a) **Separate Connection for Each Property.** Except as otherwise provided in this subsection, each Improved Property shall be connected separately and independently with a Sewer through a Building Sewer. Grouping of more than one (1) Improved Property on one Building Sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown and then only after special permission of this Borough, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by this Borough.

(b) **Point of Connection.** A Building Sewer shall be connected to a Sewer at the place designated by this Borough and where the Lateral is provided. The invert of a Building Sewer at the point of connection shall be at the same or a higher elevation than the invert of the Sewer. A smooth, neat joint shall be made and the connection of a Building Sewer to the Lateral shall be made secure and watertight.

(c) **Pre-Existing House Sewer Lines.** Where an Improved Property, at the time connection to a Sewer is required, shall be served by its own Sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such Sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line as a Building Sewer.

(d) **Inspections.** No Building Sewer shall be covered until it has been inspected and approved by this Borough. If any part of a Building Sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner of the Improved Property to be connected to a Sewer.

(e) **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 all other public property disturbed in the course of installation of a Building Sewer shall be restored, at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to this Borough.

(f) **Costs of Construction and Connection.** All costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to a Sewer, including testing, shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and save harmless this Borough from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a Building Sewer or of connection of a Building Sewer to a Sewer.

(g) **Maintenance.** Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

(h) **Unsatisfactory Conditions.** If any Person shall fail or refuse, upon receipt of a notice from this Borough, in writing, to remedy any unsatisfactory conditions with respect to a Building Sewer within forty-five (45) days of receipt of such notice, this Borough may refuse to permit such Person to discharge Sanitary Sewage and Industrial Wastes into the Sewer System until such unsatisfactory condition shall have been remedied to the satisfaction of this Borough.

### **§ 65-306 Responsibility of Owner for Tenants and Others.**

The Owner of each Improved Property connected to the Sewer System shall be responsible for all acts of tenants or other occupants of such Improved Property insofar as such acts shall be governed by provisions of this Chapter.

### **§ 65-307 Additional Rules and Regulations.**

This Borough reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a Sewer and the Sewer System and/or to the use and operation of the Sewer System, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as a part of this Chapter.

### **§ 65-308 Inspection Required Upon Transfer of Improved Property.**

(a) **Inspection.** Prior to any sale or transfer of any Improved Property connected to the Sewer System, the selling or transferring Owner of the Improved Property shall retain the services of a licensed master plumber acceptable to the Borough's Plumbing Inspector for the purposes of conducting an inspection of the Improved Property, the sewage drainage system of any structure on the Improved Property, the Building Sewer, and the Lateral, to insure compliance with the requirements of § 65-601(a) (relating to Prohibited Discharge Standards—Stormwater, etc.). The inspection of the Building Sewer and the Lateral shall include a video inspection at an appropriate time to determine whether such pipes or their connections admit stormwater, groundwater, or other drainage prohibited by § 65-601(a).

**(b) Report.** If the retained master plumber shall identify any deficiencies or violations as a result of his/her inspection, he shall immediately notify the selling or transferring Owner, the prospective purchaser or transferee, and the Borough (through the office of the Borough Manager) of all such deficiencies/violations and the actions needed to correct the deficiencies/violations. Although retained and paid for by the selling or transferring Owner, the master plumber is acting as the agent of the prospective purchaser or transferee and the Borough in conducting the inspection and has a professional obligation to them.

**(c) Correction of Deficiencies/Violations.** All deficiencies and violations identified by the master plumber's inspection shall be corrected prior to the settlement on the sale or transfer of the Improved Property. If the Building Sewer, the Lateral, or their various connections shall be found defective so as to admit any stormwater, etc. prohibited by § 65-601(a), the connections shall be repaired, and/or the pipe shall be replaced, relined, or, in limited situations where appropriate, spot repaired, as approved by the Borough Plumbing Inspector, by a certified plumber in accordance with the applicable Code requirements of the Borough

**(d) Certification.** If the retained master plumber shall not identify any deficiencies or violations as a result of his/her inspection, or if all identified deficiencies and violations shall have been corrected, the master plumber shall prepare and certify a report to the selling or transferring Owner, the prospective purchaser or transferee, and the Borough (through the office of the Borough Manager), that the Improved Property is in compliance with § 65-601(a). The Improved Property may not be sold or transferred prior to the issuance of this certification.

**(e) Transfer Without Certification.** In the event that a sale or transfer of any Improved Property occurs prior to or without a certified report of compliance with § 65-601(a) as required under this Section, the purchaser or transferee of the Improved Property shall be responsible for obtaining an inspection, correcting deficiencies and violations, and providing a certification to the Borough under this Section to the same extent as the seller or transferor.

**(f) Exception.** This Section shall not apply to the initial transfer of an Improved Property from the developer/contractor who constructed new improvements on the property and first connected the property to the Sewer System, to the first occupant of the improvements on the property.

## Article IV — Capital Construction Fees

### § 65-401 Tapping Fee.

The fee for a permit to tap into a sewer main shall be Three Hundred Dollars (\$300.00) to the Borough, plus the then-current tapping fee imposed by the County Authority for connections to the Sewer System which flow into the Interceptor System (whether imposed by the County Authority directly against the Person tapping into the sewer main, or indirectly against the Borough and passed through by the Borough to the Person tapping into the sewer main).

## Article V — Sewer Rental & System Usage Fees

### § 65-501 Imposition of Rents or Charges.

Sewer rentals or charges are imposed upon and shall be collected from the Owner of each Improved Property which shall be connected with the Sewer System, for use of the Sewer System, whether such use shall be direct or indirect, which sewer rentals or charges shall commence and shall be effective as of the date of connection of each Improved Property to the Sewer System and shall be payable as provided in this Article.

### § 65-502 Charges for Dwelling Units, Commercial Establishments, and Institutional Establishments.

(a) **Flat Rates.** Sewer rentals or charges for Sanitary Sewage discharged into the Sewer System from any Improved Property constituting a Dwelling Unit, a Commercial Establishment, or an Institutional Establishment shall be on a flat rate basis for the following classifications at the following rates per quarter annum:

(1) **Dwelling Units.** One Hundred Twenty Dollars (\$120.00) per Dwelling Unit (\$480.00/year).

(2) **Commercial Establishments.** One Hundred Thirty-four Dollars and fifty cents (\$134.50) per Commercial Establishment or combination Dwelling Unit and Commercial Establishment (\$538.00/year).

(3) **Institutional Establishments.**

(A) **Schools.** The charge for each public or private school is Eighty-five Dollars (\$85.00) plus—

(I) One Dollar and seventy-five cents (\$1.75) for each full-time pupil, full-time teacher, or full-time employee, based on the daily average number of full-time pupils, teachers, and employees enrolled or employed on days when the school was in session during the immediately preceding full school year; plus

(II) Ninety cents (\$0.90) for each part-time pupil, part-time teacher, or part-time employee, based on the daily average number of part-time pupils, teachers, and employees enrolled or employed on days when the school was in session during the immediately preceding full school year.

(b) **Alteration of Flat Rate Classifications.** This Borough reserves the right, from time to time, to establish additional flat rate classifications and to establish quarter annum rates therefor; and this Borough further reserves the right, from time to time, to alter, modify, revise and/or amend flat rate classifications and the quarter annum rates applicable thereto.

(c) **Restaurants and Hotel Rooms.** Notwithstanding subsection (a), the sewer rentals or charges for Sanitary Sewage discharged into the Sewer System from any Commercial Establishment which includes a restaurant and/or one or more hotel rooms shall be determined in accordance with § 65-503 (relating to Charges for Industrial Establishments) as if that



Commercial Establishment were an Industrial Establishment. The Borough reserves the right to require any of the other Units or Establishments described in subsection (a) to pay sewer rentals or charges in accordance with § 65-503 as if they were Industrial Establishments, rather than pay a flat rate under subsection (a).

**(d) Exceptional Strength Charges.** The sewer rentals or charges for Sanitary Sewage and Industrial Wastes discharged from any Improved Property constituting a Commercial Establishment or Institutional Establishment shall be increased above the base charges set forth in the preceding subsections of this Section by an exceptional strength charge if the wastes discharged have BOD greater than 210 mg/L, TSS greater than 230 mg/L, or TKN greater than 40 mg/L. The exceptional strength charges shall be equal to the amount of exceptional strength charges required to be imposed by the Borough on the Improved Property under agreements relating to the Interceptor System and/or the Treatment Plant to which the Borough is bound (or, if greater, the additional charges to the Borough by the County Authority and/or the City for exceptional strength discharges from the Improved Property), plus any additional costs for accelerated deterioration of the Borough Sewer System as may be established by resolution of Borough Council or in an agreement or arrangement with the Owner of the Improved Property.

### **§ 65-503 Charges for Industrial Establishments.**

**(a) In General.** Sewer rentals or charges for Sanitary Sewage and Industrial Wastes discharged from any Improved Property constituting an Industrial Establishment shall be based on—

(1) the actual metered volume of discharge, as permitted in this Article, where discharge is metered;

(2) the volume of water usage, measured and adjusted, if appropriate, as provided in § 65-508, where the actual volume of Sewage discharge is not metered but the volume of water usage is metered in connection with the Water System or otherwise; or

(3) an estimate by this Borough of the water consumption of the Improved Property, when the actual volume of Sewage discharge is not metered as permitted in this Article, and the volume of water usage is not metered in connection with the Water System or otherwise.

**(b) Volume Rates.** Base sewer rentals or charges for Sanitary Sewage and Industrial Wastes discharged from any Improved Property constituting an Industrial Establishment shall be equal to the greatest of the amounts determined under paragraphs (1), (2), (3), and (4):



**(1) Volume Rate Schedule.** The amount computed in accordance with the following schedule based on the number of gallons discharged (determined under the method set forth in subsection (a)):

<u>Gallons Discharged</u>	<u>Base Amount</u>	<u>plus</u>	<u>Marginal Rate</u>	<u>For volume over</u>
0 – 15,000	\$114.25	+	0	0 gallons
15,001 – 30,000	\$114.25	+	\$1.59 / 1000 gal	15,000 gallons
30,001 – 100,000	\$138.10	+	\$1.34 / 1000 gal	30,000 gallons
100,001 – 200,000	\$231.90	+	\$0.87 / 1000 gal	100,000 gallons
200,001 – 1,000,000	\$318.90	+	\$0.70 / 1000 gal	200,000 gallons
1,000,001 – 3,000,000	\$878.90	+	\$0.59 / 1000 gal	1,000,000 gallons
3,000,001 – 9,000,000	\$2,058.90	+	\$0.42 / 1000 gal	3,000,000 gallons
over 9,000,000	\$4,578.90	+	\$0.39 / 1000 gal	9,000,000 gallons

**(2) Minimum Flat Charge.** A minimum quarterly charge of One Hundred Fourteen Dollars and twenty-five cents (\$114.25); or

**(3) Minimum Employee Charge.** A minimum quarterly charge of Eighty-five Dollars and ten cents (\$85.10) plus an additional Two Dollars and thirty-three cents (\$2.33) per employee, based upon the daily number of employees for the quarter-annum immediately preceding the quarter-annum for which the bill is rendered.

**(4) Historical Minimum Charge.** A minimum quarterly charge of seventy-five percent (75%) of the average sewer rental or charge paid by the Industrial Establishment during the same quarter annum period of the two (2) preceding calendar years or, if said Industrial Establishment did not pay rentals or charges during such two (2) previous years, then seventy-five percent (75%) of the sewer rental or charges paid by said Industrial Establishment during the same quarter annum of the previous year.

**(c) Exceptional Strength Charges.** The sewer rentals or charges for Sanitary Sewage and Industrial Wastes discharged from any Improved Property constituting an Industrial Establishment shall be increased above the base charges set forth in subsection (b) by an exceptional strength charge if the wastes discharged have BOD greater than 210 mg/L, TSS greater than 230 mg/L, or TKN greater than 40 mg/L. The exceptional strength charges shall be equal to the amount of exceptional strength charges required to be imposed by the Borough on the Improved Property under agreements relating to the Interceptor System and/or the Treatment Plant to which the Borough is bound (or, if greater, the additional charges to the Borough by the County Authority and/or the City for exceptional strength discharges from the Improved Property), plus any additional costs for accelerated deterioration of the Borough Sewer System as may be established by resolution of Borough Council or in an agreement or arrangement with the Owner of the Improved Property.

### § 65-504 Multiple Units.

Each Billing Unit located in a Multiple Unit shall be billed as a separate entity and the foregoing sewer rentals or charges, as appropriate, shall be used in computing the sewer rentals or charges applicable to each such Billing Unit as though such Billing Unit was in a separate structure and had a direct and separate connection to the Sewer System, *provided*, however, that this Section shall not be applicable to a combination Dwelling Unit and Commercial Establishment as specified in § 65-502(a)(2).

### § 65-505 Changes in Billing Status During a Billing Period.

(a) **Change in Use or Classification of Property.** If the use or classification of any Improved Property shall change during any quarter annum period, the sewer rental or charge shall be adjusted by this Borough by proration on a monthly basis to the nearest calendar month, with a credit or charge, as shall be appropriate under the circumstances, being made on the statement for the next succeeding quarter annum period.

(b) **Commencement or Termination of Use.** Whenever service to any Improved Property shall begin after the first day or shall terminate before the last day of any quarterly billing period, sewer rentals or charges for such period shall be prorated equitably, if appropriate, for that portion of the quarterly billing period during which such Improved Property was served by the Sewer System.

### § 65-506 Time and Method of Payment.

(a) **Rendering of Bills.** All bills for the sewer rentals, charges, and surcharges imposed under this Article with respect to any given property shall be rendered at least twenty-five (25) calendar days before the due date, and are payable to the Borough at the Borough Hall. Bills shall be mailed to the address appearing on the tax records of the Borough or to the property itself, unless the owner of the property designates a different address from time to time. Each owner shall provide the Borough with, and thereafter keep the Borough advised of, the owner's current and correct address. The failure of any person to receive a bill shall not be considered 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.

(b) **Due Date.** Bills shall be due each January 31, April 30, July 31, and October 31 for services rendered during the most recently ended calendar quarter, and shall also include the outstanding balance of unpaid amounts from previous bills and unpaid late payment penalties. Payments are credited on the date they are received at the Borough Hall.

(c) **Late Payment Penalties.** A late payment penalty shall be imposed if there remains an outstanding balance on any bill rendered under subsection (a) as of 12:00 noon on the sixth (6<sup>th</sup>) calendar day after the due date of that bill. The amount of the late payment penalty is fifteen percent (15%) of the outstanding balance on the bill (including amounts originally billed for previous quarters that remain unpaid, and unpaid late payment penalties) as of the time the penalty is imposed.

(d) **Collection and Lien.** If there is an unpaid balance on any bill sixty (60) days after the due date of the bill, the Borough Manager may file a civil action before the local District Justice to collect the unpaid balance, or may refer the account to the Borough Solicitor to proceed with a civil action or utilize the procedures for the perfection of a municipal lien and collection of a municipal claim. The Borough Manager may also utilize the procedures set forth in § 64-701 *et seq.* to terminate water service to a property with overdue sewer rentals or charges.

### § 65-507 Liens for Sewer Rentals.

Sewer rentals or charges imposed under this Article shall be a lien on the Improved Property connected to and served by the Sewer System; and any such sewer rentals or charges which are not paid within sixty (60) days after the due date for any quarterly bill applicable to the particular Improved Property, at the discretion of the Borough, shall be filed as a lien against the Improved Property so connected to and served by the Sewer System, which lien shall be filed and collected in the manner provided by law for the filing and collecting of municipal claims.

### § 65-508 Measuring Volumes Based on Water Usage.

#### (a) Measurement of Total Volume Discharged.

(1) **All Water Supplied By Water System.** Whenever the entire water supply of an Improved Property or, if applicable, a Billing Unit or Billing Units located therein, constituting an Industrial Establishment, which shall be discharging Sanitary Sewage and/or Industrial Wastes into the Sewer System, is supplied by the Water System, the volume of water furnished, as determined from meter readings of the Water System, shall be used as the measure of discharge of Sanitary Sewage and/or Industrial Wastes in computing sewer rentals or charges, subject to adjustment, if appropriate, as provided in paragraph (3).

(2) **All Water Not Supplied By Water System.** Whenever an Improved Property or, if applicable, a Billing Unit or Billing Units located therein, constituting an Industrial Establishment, which shall be discharging Sanitary Sewage and/or Industrial Wastes into the Sewer System, shall have a source or sources of water supply in addition to or other than the Water System, the Owner of such Improved Property shall provide a meter or meters on such additional or other source or sources of water supply. The total volume of water consumed, as determined from the meter readings of the Water System and the meter readings of the meter or meters on such additional or other source or sources of water supply, or the meter readings of the meter or meters on such other source or sources of water supply, as appropriate, shall be used as the measure of discharge of Sanitary Sewage and/or Industrial Wastes in computing the sewer rentals or charges, subject to adjustment, if appropriate, as provided in paragraph (3).

#### (3) Adjustment When All Water Used Is Not Discharged to Sewer System.

Whenever an Improved Property or, if applicable, a Billing Unit or Billing Units located therein, constituting an Industrial Establishment, shall use water from the Water System and/or water from a source or sources of supply in addition to or other than the Water System for cooling or unpolluted commercial or industrial process purposes, and all or part of the water so used shall *not* be discharged into the Sewer System, the volume used as the measure of discharge of

Sanitary Sewage and/or Industrial Wastes in computing sewer rentals or charges may be adjusted by one of the following methods:

(A) **Sewer Meter.** By installing a meter or other measuring device on the connection to the Sewer System. The readings from such meter or measuring device shall be used as the measure of discharge of Sanitary Sewage and/or Industrial Wastes in computing sewer rentals or charges.

(B) **Meter of Water Not Discharged to Sewer System.** By installing a meter or other measuring device to measure the volume not being discharged into the Sewer System. The readings from such meter or measuring device shall be deducted from the total water meter readings and the remainder shall be used as the measure of discharge of Sanitary Sewage and/or Industrial Wastes in computing sewer rentals or charges.

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

**(b) Measurement of Industrial Wastes Discharged.**

(1) **All Discharge Is Industrial Wastes.** Whenever an Industrial Establishment shall discharge only Industrial Wastes into the Sewer System, the volume of water used, measured as provided in this Section, shall be used as a measure of the quantity of Industrial Wastes so discharged.

(2) **Discharge Includes Both Sanitary Sewage and Industrial Wastes.** Whenever an Industrial Establishment shall discharge combined Sanitary Sewage and Industrial Wastes into the Sewer System, the volume of water used, measured as provided in this Section, chargeable as Industrial Wastes shall be the total volume of water used, less the volume of water determined to be Sanitary Sewage. The volume of water determined to be Sanitary Sewage shall be determined, at the option of the Borough, in either of the following ways:

(A) Actual measured flow; or

(B) By multiplying the average number of employees in the Industrial Establishment during the calendar quarter annum immediately preceding the billing date by nine hundred (900) gallons.

(c) **Measuring Devices.** Meters or other measuring devices which shall not be available in connection with the Water System, but which shall be required or permitted under provisions of this Section shall be furnished and installed in accordance with specifications of this Borough by the Owner of the Improved Property at his expense, shall be under the control of this Borough and may be tested, inspected or repaired by this Borough whenever necessary. The Owner of the Improved Property upon which such meter or other measuring device shall be installed shall be responsible for its maintenance and safekeeping; and all repairs thereto shall be made at the expense of the Owner, whether such repairs shall be made necessary by ordinary wear and tear

or other causes. Bills for such repairs, if made by this Borough, shall be due and payable immediately upon completion of such repairs and shall be collected in the same manner as quarterly bills for sewer rentals or charges.

(d) **Meter Readings.** This Borough, except to the extent that meter readings are made by any other Person in connection with the Water System and are made available to this Borough for purposes of this Article, shall be responsible for the reading of all meters or other measuring devices and the same shall be available to this Borough at all reasonable times.

### § 65-509 Temporary Surcharges.

In addition to all other sewer rental fees and charges set forth in this Article, temporary surcharges are imposed upon the Owners of Improved Properties which shall be connected with the Sewer System, for the direct or indirect use of the Sewer System, as follows:

(a) **1990.** Forty-five Dollars (\$45.00) for each Dwelling Unit for fiscal year 1990.

(b) **1991.** Forty-five Dollars (\$45.00) for each Dwelling Unit for fiscal year 1991.

(c) **1992.** Fifty-five Dollars (\$55.00) for each Dwelling Unit for fiscal year 1992.

(d) **1993.** Fifty-five Dollars (\$55.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1993, to be added as Borough Council deems necessary.

(e) **1994.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1994, to be added as Borough Council deems necessary.

(f) **1995.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(g) **1996.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(h) **1997.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(i) **1998.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(j) **1999.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(k) **2000.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(l) **2001.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(m) **2002.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(n) **2003.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(o) **2004.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 2004, to be added as Borough Council deems necessary.

(p) **2005.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 2005, to be added as Borough Council deems necessary.

(q) **2006.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 2006, to be added as Borough Council deems necessary.

(r) **2007.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 2007, to be added as Borough Council deems necessary.

(s) **2008.** One Hundred Twenty-eight Dollars (\$128.00) for each Dwelling Unit and each commercial/business unit for fiscal year 2008, to be added in the amount of Thirty-two Dollars (\$32.00) each calendar quarter, unless Borough Council determines for any given quarter that the surcharge is not necessary.

(t) **2009.** One Hundred Sixty-eight Dollars (\$168.00) for each Dwelling Unit and each commercial/business unit for fiscal year 2009, to be added in the amount of Forty-two Dollars (\$42.00) each calendar quarter, unless Borough Council determines for any given quarter that the surcharge is not necessary.

(u) **2010.** One Hundred Sixty-eight Dollars (\$168.00) for each Dwelling Unit and each commercial/business unit for fiscal year 2010, to be added in the amount of Forty-two Dollars (\$42.00) each calendar quarter, unless Borough Council determines for any given quarter that the surcharge is not necessary.

(u) **2011.** One Hundred Sixty-eight Dollars (\$168.00) for each Dwelling Unit and each commercial/business unit for fiscal year 2011, to be added in the amount of Forty-two Dollars (\$42.00) each calendar quarter, unless Borough Council determines for any given quarter that the surcharge is not necessary.

## **§ 65-510 Administrative Charges and Fees.**

(a) **Authorization.** The Borough may adopt, by Resolution, reasonable fees for reimbursement of costs of setting up and operating the Borough's industrial Wastewater discharge program, which may include—

(1) Fees for Wastewater Discharge Permit applications, including the cost of processing such applications;

(2) Fees for monitoring, inspection, and surveillance procedures, including the cost of collecting and analyzing a User's discharge, and reviewing monitoring reports and certifications submitted by Users;

(3) Fees for reviewing and responding to accidental discharge procedures and construction;



(4) Fees for filing appeals;

(5) Reimbursement of costs imposed on the Borough by the City or the County Authority in setting up and operating their industrial Wastewater discharge programs; and

(6) Fees to recover administrative and legal costs associated with the enforcement activity taken by the Borough and/or the City to address User noncompliance with the requirements of this Chapter;

(7) Other fees as the Borough may deem necessary to carry out the requirements of this Chapter. These fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines, and penalties chargeable by the Borough.

Until such a Resolution is adopted, and thereafter to the extent not covered by such a Resolution, the Borough hereby establishes fees and costs for the items set forth in paragraphs (1), (2), (3), (5), and (6) above at a rate equal to the costs reasonably incurred by the Borough for such items from its outside contractors and consultants and/or the County Authority or the City, plus the time incurred by Borough employees for such items at the hourly cost to the Borough for such employees (including but not limited to compensation, benefits, and taxes). A tentative fee for a Wastewater Discharge Permit application shall be paid at the time the application is filed, based on the Borough's reasonable estimate of the ultimate charge; any additional amount due shall be payable within fifteen (15) days of any monthly billing by the Borough and before issuance of the Permit, and any excess amount shall be refunded promptly after withdrawal of the application or issuance of the Permit.

**(b) Reimbursement of Borough Costs By Violators.** In the event a Person shall violate any of the requirements of Article VI (relating to General Sewer Use Requirements), as determined by a test performed by the Borough, the City, or the County Authority, the Person shall reimburse the Borough for all costs and penalties assessed against the Borough by the City or the County Authority with respect to the violation.

## **Article VI — General Sewer Use Requirements**

### **§ 65-601 Prohibited Discharge Standards.**

**(a) Stormwater, etc.** No Person shall discharge or cause to be discharged any stormwater, surface water, springwater, 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) General Prohibitions.** No User or other Person shall introduce or cause to be introduced into the POTW any Pollutant or Wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or Requirements.

(c) **Specific Prohibitions.** No User or other Person shall introduce or cause to be introduced into the POTW the following Pollutants, substances, or Wastewater:

(1) Waste having BOD greater than two hundred ten (210) mg/L, TSS greater than two hundred thirty (230) mg/L, or TKN greater than forty (40) mg/L, unless specifically authorized by the Borough in writing;

(2) Waste having BOD greater than three hundred (300) mg/L, TSS greater than three hundred sixty (360) mg/L, or TKN greater than eighty-five (85) mg/L, whenever the City Director of Public Works shall deem it necessary for the protection and safe, economical, and efficient management of the POTW that the User or other Person provide at its own expense such facilities for preliminary treatment and processing of Sewage and/or Industrial Wastes as may be necessary to satisfy this requirement;

(3) [RESERVED]

(4) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21 or Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the lower explosive limit of the meter;

(5) Wastewater having a pH less than 5.0 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment. Wastewater having a pH less than 6.0 or more than 9.0 or otherwise causing corrosive structural damage to the Sewer System shall not be introduced into the Sewer System without the express written approval of the Borough;

(6) Solid or viscous substances in amounts which, alone or in combination with other substances, will cause obstruction of the flow in the POTW resulting in Interference;

(7) Any unground garbage;

(8) Pollutants, including oxygen-demanding Pollutants (BOD, etc.), released in a discharge at a flow rate and/or Pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference with the POTW;

(9) Wastewater having a temperature that will inhibit biological activity in the Treatment Plant resulting in Interference, but in no case Wastewater which causes the temperature at the introduction into the Treatment Plant to exceed 104° F (40° C). Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (150° F.) shall not be introduced into the Sewer System without the express written approval of the Borough;

(10) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

(11) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(12) Trucked or hauled Pollutants;



(13) Noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(14) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the Treatment Plant's effluent;

(15) Wastewater containing any radioactive wastes or isotopes, except in compliance with applicable federal or state regulations;

(16) Artesian well water, significant quantities of condensate, deionized water, Noncontact Cooling Water, or unpolluted water, unless specifically authorized by the City Director of Public Works and the Borough;

(17) Biosolids, sludges, screenings, or other residues from the pretreatment of Industrial Wastes;

(18) Medical wastes, except as specifically authorized in a Wastewater Discharge Permit, and by the Borough and the City Director of Public Works in writing;

(19) Wastewater causing, alone or in conjunction with other sources, the Treatment Plant's effluent to fail a toxicity test;

(20) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW or its discharge;

(21) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 200 mg/L;

(22) Any substance which is a hazardous waste under 40 CFR Part 261; and

(23) Pollutants, substances, or Wastewater prohibited in the POTW by any federal or state permit.

(d) **Storage and Processing of Wastes.** Pollutants, substances, or Wastewater prohibited by this Section shall not be processed or stored in such a manner than they could be discharged to the POTW or the Sewer System.

## § 65-602 National Categorical Pretreatment Standards.

(a) **In General.** Users must comply with the Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, which are hereby incorporated into this Section.

(b) **Standard Expressed in Mass per Unit of Production—Conversion to Equivalent Mass per Day or Concentration.**

(1) **In General.** When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the City Director of Public Works may convert the limits to equivalent limitations expressed either as mass of Pollutant discharged per day or effluent concentrations for purposes of calculating effluent limitations applicable to individual Users.

**(2) Calculation of Equivalent Mass per Day.** When calculating equivalent mass-per-day limitations under this subsection (b), the City Director of Public Works shall calculate the limitations by multiplying the limits in the Standard by the User's average rate of production. This average rate of production shall be based not upon the designed production capacity but rather upon a reasonable measure of the User's actual long-term daily production, such as the average daily production during a representative year. For New Sources, actual production shall be estimated using projected production.

**(3) Calculation of Equivalent Concentrations.** When calculating equivalent concentration limits under this subsection (b), the City Director of Public Works shall calculate such limitations by dividing the mass limitations derived under paragraph (2) of this subsection by the average daily flow rate of the User's regulated process Wastewater. This average daily flow rate shall be based upon a reasonable measure of the User's actual long-term average flow rate, such as the average daily flow rate during the representative year.

**(c) Standard Expressed in Concentrations Only—Conversion to Equivalent Mass Limits.**

**(1) In General.** When a Categorical Pretreatment Standard is expressed only in terms of Pollutant concentrations, an Eligible User may request the City Director of Public Works to convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits for an Eligible User is within the discretion of the City Director of Public Works.

**(2) Eligible User.** For purposes of this subsection (c), an "Eligible User" is a User which—

**(A)** employs, or demonstrates that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its Wastewater Discharge Permit;

**(B)** currently uses control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and has not used dilution as a substitute for treatment;

**(C)** provides sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

**(D)** does not have daily flow rates, production levels, or Pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

**(E)** has consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the User's request for equivalent mass limits.

**(3) Calculation of Equivalent Mass Limits.**

**(A)** The City Director of Public Works must calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor.

(B) Upon notification of a revised production rate, the City Director of Public Works must reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility.

(C) The City Director of Public Works may retain the same equivalent mass limit in subsequent Wastewater Discharge Permit terms if the User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to § 65-605. The User must also be in compliance with § 65-1403 (relating to the prohibition of Bypass).

**(4) Requirements for Users Subject to Equivalent Mass Limits.** A User subject to equivalent mass units under this subsection (c) must—

(A) maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(B) continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(C) continue to record the facility's production rates and notify the City Director of Public Works whenever production rates are expected to vary by more than twenty percent (20%) from its baseline production rates determined under paragraph (2)(C) of this subsection (c). Upon notification of a revised production rate, the City Director of Public Works must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility (*see* paragraph (3)(B)); and

(D) continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph (2)(A) of this subsection (c) so long as it discharges under an equivalent mass limit.

**(d) Standard Expressed in Mass Only—Conversion to Equivalent Concentration Limits.**

(1) **In General.** The City Director of Public Works may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Users. The conversion is at the discretion of the City Director of Public Works.

(2) **Calculation of Equivalent Concentration Limits.** When converting mass limits to concentration limits under this subsection (d), the City Director of Public Works must use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455, and document that dilution is not being substituted for treatment as prohibited by § 65-605 (*see* 40 CFR 403.6(d)).

**(e) Consistent Calculation of Multiple Equivalent Limits for a Given Standard.**

Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitations under subsections (b), (c), and (d). (*See* 40 CFR 403.6(c)(8)).

**(f) Documentation of Equivalent Limits.** The City Director of Public Works must document how the equivalent limits under subsections (b), (c), and (d) were derived and make this information publicly available. (*See* 40 CFR 403.6(c)(7)).

**(g) Effect of Equivalent Limits.** Equivalent limits calculated in accordance with subsections (b), (c), and (d) are deemed Pretreatment Standards for purposes of this Chapter. Once incorporated into its Wastewater Discharge Permit, the User must comply with the equivalent limitations in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived. (*See* 40 CFR 403.6(c)(7)).

**(h) Notification of Change in User's Production Level.** Any User operating under a Wastewater Discharge Permit incorporating equivalent mass or concentration limits calculated from a production based Standard shall notify the City Director of Public Works within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the City Director of Public Works of such anticipated change will be required to meet the mass or concentration limits in its Wastewater Discharge Permit that were based on the original estimate of the long term average production rate. (*See* 40 CFR 403.6(c)(9)).

**(i) Combined Wastestreams.** When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same Standard, the City Director of Public Works shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

**(j) Variances.** A User, the City Director of Public Works, the EPA, or other interested person may request the EPA to grant a variance from the limits specified in a Categorical Pretreatment Standard as it applies to a particular User, pursuant to the procedural and substantive provisions of 40 CFR 403.13, if data specific to the User indicates that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard, and that the existence of those factors justifies a different discharge limit than specified in the applicable Categorical Pretreatment Standard.

**(k) Net/Gross Adjustments.** A User may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR 403.15.

### § 65-603 State Pretreatment Standards.

[RESERVED]

### § 65-604 Local Limits.

**(a) In General.** The City Director of Public Works is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

**(b) City Limits.** Limits for discharging Pollutants which are of concern to the POTW will be made by the City using headworks loading analyses which have been reviewed and approved by the Approval Authority. Allocations for discharging such Pollutants will be made

to each Significant Industrial User. Limits may be in the form of monthly average concentration, daily maximum concentration, or instantaneous maximum concentration. Limits will be contained in the Wastewater Discharge Permits issued under § 65-902 *et seq.*, and will be applied at the point where the Wastewater is discharged to the POTW unless otherwise specified in the Permit issued. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The City Director of Public Works may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

(c) **BMPs.** The City Director of Public Works may develop Best Management Practices to implement § 65-601 and Local Limits, which shall be considered Local Limits and Pretreatment Standards for the purposes of this Chapter.

(d) **Revisions.** The City retains the right to establish, by ordinance, inter-municipal agreement, or in Wastewater Discharge Permits, more stringent standards or requirements on discharges to the POTW.

### **§ 65-605 Dilution.**

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 a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The City Director of Public Works may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

### **§ 65-606 Rights Reserved by Borough to Prevent Harmful Discharges.**

This Borough 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 Industrial Wastes by an Industrial Establishment in order to prevent Discharges deemed harmful or to have a deleterious effect upon any Sewer or the Sewer System or the Sewage Treatment Plant and to comply with provisions of the Allentown Agreements.

## **Article VII — Admission of Industrial Wastes— In General**

### **§ 65-701 Required Survey Data.**

Any Person desiring to make a connection to the Sewer System through which Industrial Wastes shall be discharged into the Sewer System shall file with this Borough an Industrial Wastes report, which shall supply pertinent data, including estimated quantity of flow and

chemical and bacteriological analyses, to this Borough with respect to Industrial Wastes proposed to be discharged into the Sewer System.

### **§ 65-702 Screening.**

Industrial Establishments shall install fine screens to remove husks, hulls, vegetable skins, peelings, threads, lint, grease and other such nonsettleable and floating solids or other organic or inorganic substances determined by this Borough to overload, impair the efficiency of or cause difficulties in operation of the Sewage Treatment Plant used to treat and dispose of the wastes or in maintaining required quality of the Sewage Treatment Plant effluent.

### **§ 65-703 Flow Equalization.**

(a) **General Requirements.** Any Improved Property discharging three thousand (3,000) cubic feet or more of Sanitary Sewage and/or Industrial Wastes per day into the Sewer System and having large variations in the rate of discharge of such within a twenty-four-hour period shall install suitable storage and flow facilities for equalizing the rate of discharge uniformly over the entire twenty-four-hour period. The average rate of discharge during any twenty-four-hour period shall not be exceeded by more than fifty percent (50%) at any time during such twenty-four-hour period.

(b) **Additional Requirements.** The Borough or the City Director of Public Works may require any Person discharging into the POTW to install and maintain, on his property and at his expense, a suitable storage and flow control facility to ensure equalization of flow, even if such facility would not be required under subsection (a). A Wastewater Discharge Permit may be issued solely for flow equalization.

### **§ 65-704 Control Manholes.**

(a) **In General.** Any Person who shall discharge Industrial Wastes into the Sewer System, when required by this Borough, shall construct and thereafter properly shall maintain, at his own expense, a suitable control manhole to facilitate observation, measurement and sampling by this Borough.

(b) **Location.** Any such control manhole, when required by this Borough, shall be constructed at an accessible, safe, suitable and satisfactory location in accordance with plans approved by this Borough prior to commencement of construction.

### **§ 65-705 Sewage Sampling.**

Industrial Wastes being discharged into the Sewer System shall be subject to periodic sampling, inspection and determination of character and concentration. Such sampling, inspection and determination shall be made by this Borough as frequently as may be deemed necessary. Representative samples for a full working day shall be obtained by taking hourly

samples and compositing them in accordance with the flow at the time of sampling. Sewage sampling facilities shall be accessible to this Borough at all times. Due care shall be exercised in the collection and preservation of all samples to ensure preservation thereof in as nearly the natural state as possible, including refrigeration of all samples which are intended for analysis by biochemical methods.

### § 65-706 Analysis.

(a) **Analysis by Borough.** This Borough shall be responsible for analysis of samples of Industrial Wastes at such intervals as this Borough shall determine or at the request and expense of the Industrial Establishment.

(b) **Methods.** Laboratory methods used in the analysis of samples of Industrial Wastes shall be those set forth in the latest edition of *Standard Methods for the Examination of Water and Wastewater* as published by the American Public Health Association; *provided*, however, that alternate methods for the analysis of Industrial Wastes may be used, subject to mutual agreement between this Borough and the Person discharging such Industrial Wastes into the Sewer System.

### § 65-707 Changes in Type of Wastes.

Any Owner of an Improved Property who is discharging or permitting to be discharged Industrial Wastes into the Sewer System and who contemplates a change in the method of operation which will alter the type of Industrial Wastes at the time being discharged into the Sewer System shall notify this Borough, in writing, at least ten (10) days prior to consummation of such change.

## Article VIII — Pretreatment of Wastewater

### § 65-801 Pretreatment Facilities.

(a) **Required Facilities.** Users shall provide Wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, Borough limits, and the prohibitions set forth in § 65-601 within the time limitations specified by EPA, the Commonwealth of Pennsylvania, the City Director of Public Works, or the Borough, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense.

(b) **Plans, Specifications, etc.** Detailed plans describing a User's proposed Wastewater pretreatment facilities and operating procedures shall be submitted to the City Director of Public Works and the Borough for review, and shall be acceptable to the City Director of Public Works



and the Borough before such facilities are constructed. Review and acceptance of plans are not an endorsement of the effectiveness of any facilities set forth therein and neither the City nor the Borough shall be held liable or responsible in any way for the performance of said facilities. The review of such plans and operating procedures shall in no way relieve the User from the responsibility for modifying such facilities and procedures as necessary to produce a Discharge acceptable to the Borough under the provisions of this Chapter and to the City under corresponding City ordinances.

**(c) Maintenance and Inspection of Facilities.** Whenever facilities for preliminary treatment and handling of Industrial Wastes shall have been provided by the Owner of such Improved Property or otherwise provided to the satisfaction of this Borough, such facilities shall be maintained continuously in satisfactory operating condition at no expense to this Borough; and this Borough shall have access to such facilities at reasonable times for purposes of inspection and testing.

**(d) Reduction, Loss, or Failure of Treatment Facility.** Users shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of a User's treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

## § 65-802 Additional Pretreatment Measures.

**(a) In General.** Whenever deemed necessary, the Borough or the City Director of Public Works may require Users to restrict their discharge during peak flow periods, designate that certain Wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate Sewage wastestreams from Industrial Wastestreams, and such other conditions as may be necessary to protect the Sewer System and the POTW and determine the User's compliance with the requirements of this Chapter.

**(b) Grease, Oil, and Sand Interception.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Borough or the City Director of Public Works, they are necessary for the proper handling of Wastewater containing excessive amounts of grease and oil, or sand, *except* that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Borough and the City Director of Public Works, and shall be so located as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at the User's expense.

**(c) Combustible Gas Detection Meters.** Users with the potential to discharge flammable substances may be required by the Borough or the City Director of Public Works to install and maintain an approved combustible gas detection meter.



### § 65-803 Accidental Discharge/Slug Control Plans.

(a) **Requirement of Plan.** The City Director of Public Works and/or the Borough shall evaluate whether each Significant Industrial User needs an accidental discharge/Slug control plan or other action to control Slug discharge. The Borough or the City Director of Public Works may require any User to develop, submit for approval to both the Borough and the City Director of Public Works, and implement such a plan, or take such other action that may be necessary to control Slug discharges. Alternatively, the City Director of Public Works (or the Borough, with the approval of the City Director of Public Works) may develop such a plan for any User, which shall be implemented by the User.

(b) **Content of Plan.** An accidental discharge/Slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the City Director of Public Works and the Borough of any accidental or Slug discharge, as required by § 65-1006; and
- (4) Procedures to prevent adverse impact from any accidental or Slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants, including solvents, and/or measures and equipment for emergency response.

### § 65-804 Hauled Wastewater.

(a) **Tank Trucks and Equipment.** Any tank truck or any equipment used or intended to be used for the removal, transportation, and disposal of Sewage and Industrial Wastes shall conform to the following requirements:

- (1) The container shall be watertight;
- (2) Tanks, containers, or other equipment shall be so constructed that every portion of the interior and exterior can be easily cleaned and shall be kept in a clean and sanitary condition;
- (3) Piping, valves, and permanent or flexible connections shall be accessible and easily disconnected for cleaning purposes;
- (4) The inlet opening, or opening to every container, shall be so constructed that the material will not spill outside during filling, transfer, or transport.
- (5) The outlet connections shall be so constructed that no material will leak out or run out to other than the point of discharge, and shall be of a design and type suitable for the material handled and capable of controlling the flow of discharge without spillage, undue spray, or flooding immediate surroundings while in use.

(6) No connection shall be made at any time between a tap or outlet furnishing potable water on any premises and any container or equipment holding material by any means other than an open connection.

(b) **Discharge to Sewer System.** No hauler, operator, or other Person cleaning cesspools, septic tanks, privies, or other equipment for on-lot management and storage of Sewage shall discharge or otherwise dispose of any Wastewater into the Borough's Sewer System, whether generated within or without the Borough.

## Article IX — Wastewater Discharge Permits

### § 65-901 Wastewater Analysis.

When requested by the Borough or the City Director of Public Works, a User must submit information on the nature and characteristics of its Wastewater within ninety (90) days of the request. The Borough Engineer and the City Director of Public Works are authorized to prepare a form for this purpose and may periodically require Users to update this information.

### § 65-902 Wastewater Discharge Permit Requirement.

#### (a) Users Required to Obtain Permit.

(1) **Significant Industrial Users.** No Significant Industrial User shall discharge Wastewater into the Sewer System or the POTW without first obtaining a Wastewater Discharge Permit from the Borough and the City Director of Public Works, *except* that a Significant Industrial User that has filed a timely application pursuant to subsection (b)(1) may continue to discharge for the time period specified therein.

(2) **Other Users.** The Borough or the City Director of Public Works may require other Users to obtain Wastewater Discharge Permits as necessary to carry out the purposes of this Chapter.

#### (b) Time by Which Permit Is Required.

(1) **Existing Connections.** Any User required to obtain a Wastewater Discharge Permit who was discharging Wastewater into the Sewer System and the POTW prior to the effective date of this Section and who wishes to continue such discharges in the future shall, within ninety (90) days after said date, apply to the Borough and the City Director of Public Works for a Wastewater Discharge Permit in accordance with § 65-903, and shall not cause or allow discharges to the Sewer System or the POTW to continue after one hundred eighty (180) days following the effective date of this Section except in accordance with a Wastewater Discharge Permit issued by the Borough and the City Director of Public Works.

(2) **New Connections.** Any User required to obtain a Wastewater Discharge Permit who proposes to begin or recommence discharging into the Sewer System or the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this Wastewater Discharge Permit, in accordance with § 65-903, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

(c) **Violations of Permits.** Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of this Chapter and subjects the Wastewater Discharge Permittee to the sanctions set out in Articles XII and XIII.

(d) **Other Legal Obligations.** Obtaining a Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all federal and state Pretreatment Standards or Requirements or with any other requirement of federal, state, or local law.

### § 65-903 Wastewater Discharge Permit Application.

(a) **Contents of Application.** All Users required to obtain a Wastewater Discharge Permit must submit a permit application. The Borough and the City Director of Public Works may require all Users to submit as part of an application the following information:

(1) **Identifying Information.**

(A) The name and address of the facility, including the name of the operator and owner.

(B) Contact information, description of activities, facilities, and plant production processes on the premises.

(2) **Environmental Permits.** A list of any environmental control permits held by or for the facility.

(3) **Description of Operations.**

(A) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and NAICS classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

(B) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.

(C) Number and type of employees and proposed or actual hours of operation.

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

(E) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

(4) **Time and Duration.** Time and duration of discharges.

(5) **Monitoring Location.** The location for monitoring all wastes covered by the permit.

(6) **Flow Measurement.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from the regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in § 65-602(i) (*see* 40 CFR 403.6(e)).

(7) **Measurement of Pollutants.**

(A) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

(B) The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the Standard or by the City Director of Public Works, of regulated Pollutants in the Discharge from each regulated process.

(C) Instantaneous, Daily Maximum, and long-term average concentrations (or mass, where required) shall be reported.

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 65-1010. Where the Standard requires compliance with a BMP or Pollution prevention alternative, the User shall submit documentation as required by the City Director of Public Works or the applicable Standards to determine compliance with the Standard.

(E) Sampling must be performed in accordance with procedures set out in § 65-1011.

(8) **Other Information.** Any other information as may be deemed necessary by the Borough or the City Director of Public Works to evaluate the Wastewater Discharge Permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

(b) **Signatures and Certification.** All Wastewater Discharge Permit applications and User reports and certifications must be signed by an Authorized Representative of the User and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I make this certification subject to the penalties of 18 PA. CONS. STAT. § 4904 (relating to unsworn falsification to authorities.”

## § 65-904 Determination on Permit Application; Reconsideration; Appeals.

(a) **Decisions on Permit Applications.** The Borough and the City Director of Public Works will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete Wastewater Discharge Permit application, the Borough and the City Director of Public Works will determine whether or not to issue a Wastewater Discharge Permit. The Borough and the City Director of Public Works may deny any application for a Wastewater Discharge Permit. The Borough or the City Director of Public Works shall provide public notice of the issuance of a Wastewater Discharge Permit.

(b) **Petition for Reconsideration.** Any Person, including the User, may petition the Borough and the City Director of Public Works to reconsider the terms of a Wastewater Discharge Permit, within thirty (30) days after notice of its issuance. Failure to submit a timely petition for reconsideration shall be deemed to be a waiver of the administrative appeal. In its petition, the appealing party must indicate the Wastewater Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Wastewater Discharge Permit. If the Borough and the City Director of Public Works fail to act within thirty (30) days after the filing of a petition for reconsideration, the request for reconsideration shall be deemed to be denied.

(c) **No Stay Pending Reconsideration.** The effectiveness of a Wastewater Discharge Permit shall not be stayed pending a decision on a request for reconsideration.

(d) **Final Administrative Decisions.** Decisions not to reconsider a Wastewater Discharge Permit, not to issue a Wastewater Discharge Permit, or not to modify a Wastewater Discharge Permit shall be considered final administrative decisions. Aggrieved parties seeking review of administrative decisions may do so in accordance with §§ 65-1501, 65-1502, and applicable City ordinances and state law.

## § 65-905 Duration of Permits.

(a) **In General.** A Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A Wastewater Discharge Permit may be issued for a period less than five (5) years, at the discretion of the Borough and the City Director of Public Works. Each Wastewater Discharge Permit will indicate a specific date upon which it will expire.

(b) **Cessation of Operations or Transfer of Ownership.** Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership.

(c) **Replacement.** All Wastewater Discharge Permits issued to a particular User are void upon the issuance of a new Wastewater Discharge Permit to that User.

## § 65-906 Content of Permits.

(a) **In General.** A Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the Borough and the City Director of Public Works to prevent Pass Through or Interference, protect the quality of the water body receiving the Treatment

Plant's effluent, protect worker health and safety, facilitate biosolids management and disposal, and protect against damage to the POTW.

**(b) Required Provisions.** Wastewater Discharge Permits must contain:

(1) A statement that indicates Wastewater Discharge Permit issuance date, expiration date, and effective date;

(2) A statement that the Wastewater Discharge Permit is nontransferable without prior notification to the Borough and the City in accordance with § 65-908, and provisions for furnishing the new owner or operator with a copy of the existing wastewater Discharge Permit;

(3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of Pollutants and/or Best Management Practices to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law; and

(6) Requirements to control Slug discharge, if determined by the Borough or the City Director of Public Works to be necessary.

**(c) Optional Provisions.** Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the POTW;

(5) The unit charge or schedule of user charges and fees for the management of the Wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal, state, and local

Pretreatment Standards, including those which become effective during the term of the Wastewater Discharge Permit; and

(8) Other conditions as deemed appropriate by the Borough or the City Director of Public Works to ensure compliance with this Chapter and federal, state, and local laws, rules, and regulations.

### **§ 65-907 Modification of Permits.**

The Borough and the City Director of Public Works may modify a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, state, or local Pretreatment Standards or Requirements;

(b) To address significant alterations or additions to the User's operation, process, or Wastewater volume or character since the time of Wastewater Discharge Permit issuance;

(c) To address a change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) To respond to information indicating that the permitted discharge poses a threat to the POTW, personnel, biosolids, or the receiving waters;

(e) Due to a violation of any terms or conditions of the Wastewater Discharge Permit;

(f) Due to misrepresentations or the failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting;

(g) Due to a revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;

(h) To correct typographical or other errors in the Wastewater Discharge Permit; or

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator, *provided* that the permit is transferable under § 65-908.

### **§ 65-908 Transfer of Permits.**

Wastewater Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Borough and the City Director of Public Works, and the Borough and the City Director of Public Works approves the Wastewater Discharge Permit transfer. Failure to provide advance notice of a transfer renders the Wastewater Discharge Permit void as of the date of the facility transfer. The notice must include a written certification by the new owner or operator which:

(a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(b) Identifies the specific date on which the transfer is to occur; and



(c) Acknowledges full responsibility for complying with the existing Wastewater Discharge Permit.

### **§ 65-909 Revocation of Permits.**

The Borough or the City Director of Public Works may revoke a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

(a) Failure to notify the Borough and the City Director of Public Works of significant changes to the Wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the Borough and the City Director of Public Works of changed conditions pursuant to § 65-1005;

(c) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;

(d) Falsifying self-monitoring reports and certification statements;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the Borough or the City Director of Public Works timely access to the facility premises and records;

(g) Failure to meet effluent limitations;

(h) Failure to pay fines;

(i) Failure to pay sewer charges;

(j) Failure to meet compliance schedules;

(k) Failure to complete a Wastewater survey or the Wastewater Discharge Permit application;

(l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(m) Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or this Chapter.

### **§ 65-910 Reissuance of Permits.**

A User with an expiring Wastewater Discharge Permit shall apply for Wastewater Discharge Permit reissuance by submitting a complete permit application, in accordance with § 65-903, a minimum of one hundred eighty (180) days prior to the expiration of the User's existing Wastewater Discharge Permit.



## Article X — Reporting Requirements

### § 65-1001 Baseline Monitoring Reports.

(a) **Existing Users.** Within one hundred eighty (180) days after either the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Borough and the City Director of Public Works a report which contains the information listed in subsection (c).

(b) **New Sources and New Categorical Users.** At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become categorical Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Borough and the City Director of Public Works a report which contains the information listed in subsection (c). A New Source shall report the method of pretreatment it intends to use to meet applicable Categorical Standards, and give estimates of its anticipated flow and the quantity of Pollutants to be discharged.

(c) **Required Information.** Users described in subsections (a) and (b) shall submit the following information:

- (1) **Identifying Information.** All information required in § 65-903(a)(1)(A).
- (2) **Environmental Permits.** All information required in § 65-903(a)(2).
- (3) **Description of Operations.** All information required in § 65-903(a)(3)(A).
- (4) **Flow Measurement.** All information required in § 65-903(a)(6).
- (5) **Measurement of Pollutants.**

(A) The User shall provide the information required in subparagraphs (A) through (D) of § 65-903(a)(7).

(B) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph (5).

(C) Samples should be taken immediately downstream from pretreatment facilities if such exist, or immediately downstream from the regulated process if no pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to pretreatment, the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) (*see* § 65-602(i)) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Borough and the City.

(D) Sampling and analysis shall be performed in accordance with § 65-1011.

(E) The Borough and the City Director of Public Works may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(F) The baseline report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the POTW.

**(6) Compliance Certification.** A statement, reviewed by an Authorized Representative of the User and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

**(7) Compliance Schedule.** If additional pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or operation and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards. No increment shall exceed nine (9) months. Major events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operations.

**(8) Signature and Certification.** All baseline monitoring reports must be signed and certified in accordance with § 65-903(b).

### **§ 65-1002 Compliance Schedule Progress Reports.**

Every User who submits a compliance schedule under § 65-1001(c)(7) shall submit a progress report to the Borough and the City Director of Public Works no later than fourteen (14) days following each date in the schedule and the final date of compliance. The progress report shall include, at a minimum, whether or not the User has complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule. In no event shall more than nine (9) months elapse between progress reports. All such progress reports must be signed and certified in accordance with § 65-903(b).

### **§ 65-1003 Reports on Compliance with Categorical Pretreatment Standard Deadline.**

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of Wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Borough and the City Director of Public Works a report containing the information described in §§ 65-903(a)(6) (relating to flow measurement), 65-903(a)(7) (relating to measurement of pollutants), and 65-1001(b)(5) (relating to measurement of pollutants). For Users subject to equivalent mass or concentration limits established in accordance with the procedures in § 65-602, this report shall contain a reasonable measure of the

User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All sampling will be done in conformance with § 65-1011. All compliance reports must be signed and certified in accordance with § 65-903(b).

#### **§ 65-1004 Periodic Compliance Reports.**

(a) **In General.** All Significant Industrial Users shall, at a frequency determined by the Borough and the City Director of Public Works but in no case less than twice per year (in June and December), or on dates specified, submit a report indicating the nature and concentration of Pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or Pollution prevention alternative, the User must submit documentation required by the City Director of Public Works or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with § 65-903(b).

(b) **Representative Samples.** All Wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(c) **Reporting of Additional Voluntary Monitoring.** If a User subject to the reporting requirement in this Section monitors any Pollutant at the appropriate sampling location more frequently than required by the Borough and the City Director of Public Works, using the procedures prescribed in §§ 65-1010 and 65-1011, the results of this monitoring shall be included in the report.

#### **§ 65-1005 Reports of Changed Conditions.**

(a) **Notification.** Each User must notify the Borough and the City Director of Public Works of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its Wastewater at least ninety (90) days before the change.

(b) **Submission of Information.** The Borough or the City Director of Public Works may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application under § 65-903.

(c) **New or Modified Permits.** The Borough and the City Director of Public Works may issue a Wastewater Discharge Permit under § 65-910 or modify an existing Wastewater Discharge Permit under § 65-907 in response to changed conditions or anticipated changed conditions.

(d) **“Significant” Changes.** For purposes of this Section, “significant” changes include, but are not limited to, flow increases of twenty percent (20%) or greater, loading increases of twenty percent (20%) or greater, and the discharge of any previously unreported Pollutants.

### **§ 65-1006 Reports of Potential Problems.**

(a) **Initial Notification.** In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a Slug Load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Borough and the City Director of Public Works of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

(b) **Written Report.** Within five (5) days following such discharge, the User shall, unless waived by the Borough and the City Director of Public Works, submit a detailed written report describing the cause(s) 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 the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.

(c) **Notice to Employees.** 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 a discharge described in subsection (a). Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(d) **Potential Slug Discharge.** Each Significant Industrial User is required to notify the Borough and the City Director of Public Works immediately of any changes at its facility affecting the potential for a Slug Discharge.

### **§ 65-1007 Reports and Certifications from Users Not Required to Obtain a Permit.**

(a) **Reports.** All Users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports to the Borough and the City Director of Public Works as the Borough or the City Director of Public Works may require from time to time. All such reports must be accompanied by a certification statement in accordance with subsection (c), signed by an Authorized Representative of the User.

(b) **Annual Certification.** A facility determined to be a Non-Significant Categorical Industrial User by the Borough and the City Director of Public Works pursuant to § 65-260(b) must annually submit the certification statement set forth in subsection (c), signed by an Authorized Representative of the User. Such a signed certification statement must also accompany an alternative report required by the Borough or the City Director of Public Works.

(c) **Form of Certification Statement.** The certification statements required by this Section shall be in the following form:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR \_\_\_\_, I certify, to the best of my knowledge and belief, that during the period from \_\_\_\_\_ to \_\_\_\_\_ {months, days, year}:

(a) The facility described as \_\_\_\_\_ {facility name} met the definition of a Non-Significant Categorical Industrial User as described in Alburdis Codified Ordinances § 65-260(b);

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(c) The facility never discharged more than one hundred (100) gallons of total categorical Wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

\_\_\_\_\_.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I make this certification subject to the penalties of 18 PA. CONS. STAT. § 4904 (relating to unsworn falsification to authorities).

### **§ 65-1008 Notice of Violation/Repeat Sampling and Reporting.**

If sampling performed by a User indicates a violation, the User must notify the Borough and the City Director of Public Works within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Borough and the City Director of Public Works within thirty (30) days after becoming aware of the violation. The User is not required to resample if the Borough or the City performs sampling at the User's facility at least once a month, if the Borough or the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User, the Borough, or the City receives the results of this sampling, or if the Borough or the City has performed the sampling an analysis in lieu of the User.

### § 65-1009 Notification of the Discharge of Hazardous Waste.

Although discharges of hazardous wastes are specifically prohibited in § 65-601(c)(22), if any User accidentally discharges a hazardous waste, the User shall adhere to the reporting requirements set forth in 40 CFR 403.12(p)(1).

### § 65-1010 Analytical Requirements.

All Pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses must be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City Director of Public Works or other parties, approved by the EPA.

### § 65-1011 Sample Collection.

(a) **In General.** Samples collected to satisfy reporting requirements under this Chapter must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(b) **Flow Proportional Compositing.** Except as otherwise provided in this Section, the User must collect Wastewater samples using 24-hour flow proportional composite collection techniques.

(c) **Authorized Alternatives.** The Borough and the City Director of Public Works may authorize the use of time proportional sampling or grab sampling rather than flow proportional sampling, but the samples must be representative of the User's Discharge.

(d) **Compositing.** Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and fats, oils and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Borough and the City, as appropriate.

(e) **Instantaneous Limits.** Grab Samples may be required to show compliance with Instantaneous Limits.

**(f) Required Grab Samples.**

(1) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(2) For sampling required in support of baseline monitoring and 90-day compliance reports required in § 65-1001 and § 65-1003 (*see* 40 CFR 403.12(b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the Borough and the City Director of Public Works may authorize a lower minimum.

(3) For reports required by § 65-1004 (relating to periodic compliance reports; *see* 40 CFR 403.12(e) and 403.12(h)), the User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

**§ 65-1012 Timing.**

Written reports required under this Chapter will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

**§ 65-1013 Record Keeping.**

Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under § 65-604(c). Records shall include the date, exact place, method, and time of sampling; the name(s) of the person(s) taking the samples; the dates analyses were performed; the person(s) performing the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User, the City, or the Borough, or where the User has been specifically notified of a longer retention period by the Borough or the City Director of Public Works.



## Article XI — Monitoring & Confidentiality

### § 65-1101 Access to Improved Properties.

(a) **In General.** The Borough and the City Director of Public Works shall have the right to enter any part of any Improved Property connected to the POTW to determine whether a User or other Person owning, operating, or using the Improved Property is complying with all requirements of this Chapter and any Wastewater Discharge Permit or order issued under this Chapter. Users and other Persons shall allow the Borough and the City Director of Public Works ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(b) **Security Forces.** Where a User or other Person has security measures in force which require proper identification and clearance before entry into its premises, the User or other Person shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Borough's employees or agents or the City Director of Public Works will be permitted to enter without delay for the purposes of performing specific responsibilities.

(c) **Monitoring Equipment.** The Borough and the City Director of Public Works shall have the right to set up on the User's or other Person's property, or require the User or other Person to install, such monitoring equipment and other devices as are necessary to conduct sampling and/or metering of the User's or other Person's operations. The facility's sampling and monitoring equipment and other devices shall be maintained at all times in a safe and proper operating condition by the User or other Person at his own expense. All devices used to measure Wastewater flow and quality shall be calibrated at least annually to ensure their accuracy.

(d) **Obstructions to Access.** Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled under this Section shall be promptly removed by the User or other Person at the written or verbal request of the Borough or the City Director of Public Works and shall not be replaced. The costs of clearing such access shall be borne by the User or other Person.

(e) **Delays.** Unreasonable delays in allowing access required under this Section shall be a violation of this Chapter.

### § 65-1102 Search Warrants.

If the Borough or the City Director of Public Works has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Borough or the City designed to verify compliance with this Chapter or any permit or order issued under this Chapter, or to protect the overall public health, safety, and welfare of this community, then the Borough or the City Director of Public Works may seek issuance of a search warrant from the appropriate issuing authority.



### § 65-1103 Confidentiality.

Information and data on a User or other Person obtained from reports, surveys, Wastewater Discharge Permit applications, Wastewater Discharge Permits, and monitoring programs, and from inspection and sampling activities conducted under this Chapter, shall be available to the public *without restriction*, unless the User or other Person specifically requests confidentiality, *and* is able to demonstrate to the satisfaction of the Borough and the City Director of Public Works that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable law. Any such request must be asserted at the time the information or data is submitted. When requested and demonstrated by the User or other Person furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the Person furnishing the report. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

## Article XII — Administrative Enforcement Remedies

### § 65-1201 Notification of Violation.

(a) **Notice.** When the Borough’s enforcement official or the City Director of Public Works finds that a User or other Person has violated, or continues to violate, any provision of this Chapter, a Wastewater Discharge Permit or order issued under this Chapter, or any other Pretreatment Standard or Requirement, the official or the City Director of Public Works may serve upon that User or other Person a written Notice of Violation.

(b) **Response.** The User or other Person receiving a written Notice of Violation shall submit a response to the Notice, including an explanation of the alleged violation and a plan for the satisfactory correction and prevention of violations (including specific required actions), to the Borough and the City Director of Public Works within twenty (20) days after receipt of the Notice. Submission of this plan in no way relieves the User or other Person of liability for any violations occurring before or after receipt of the Notice of Violation.

(c) **Notice Not Required.** Nothing in this Section shall limit the authority of the Borough or the City Director of Public Works to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### **§ 65-1202 Publication of Users in Significant Noncompliance.**

The Borough or the City Director of Public Works shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, during the previous twelve (12) months, were in significant noncompliance with applicable Pretreatment Standards and Requirements. The term “significant noncompliance” shall be applicable to all Significant Industrial Users (or any other Industrial User that violates subsections (c), (d), or (h) of this Section), and shall mean:

(a) Chronic violations of Wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all the measurements taken for the same Pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits;

(b) Technical Review Criteria violations, defined as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each Pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement (including Instantaneous Limits) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other Pollutants except pH);

(c) Any other violation of a Pretreatment Standard or Requirement (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Borough or the City Director of Public Works determines has caused, alone or in conjunction with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of a Pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the exercise of emergency authority by the Borough or the City Director of Public Works to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of Best Management Practices, which the Borough or the City Director of Public Works determines will adversely affect the operation or implementation of the local pretreatment program.

### **§ 65-1203 Consent Orders.**

The Borough and/or the City Director of Public Works may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with

any User or other Person responsible for noncompliance. Such documents will include specific action to be taken by the User or other Person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to § 65-1205 and § 65-1206 and shall be judicially enforceable.

### § 65-1204 Show Cause Hearing.

(a) **In General.** The Borough's enforcement official or agent, or the City Director of Public Works, may order a User which has violated, or continues to violate, any provision of this Chapter, a Wastewater Discharge Permit or order issued under this Chapter, or any other Pretreatment Standard or Requirement, to appear before that person or entity and show cause which the proposed enforcement action should not be taken.

(b) **Notice.** Notice of a hearing under subsection (a) shall be served on the User specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice shall be served on any Authorized Representative of the User personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(c) **Hearing Not Required.** A hearing under this Section shall not be a bar against, or a prerequisite for, the Borough or the City taking any other action against the User.

### § 65-1205 Compliance Orders.

(a) **In General.** When the Borough's enforcement official or agent, or the City Director of Public Works, finds that a User has violated, or continues to violate, any provision of this Chapter, a Wastewater Discharge Permit or order issued under this Chapter, or any other Pretreatment Standard or Requirement, the Borough's enforcement official or agent, or the City Director of Public Works may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. Compliance orders also may contain other requirements to address the noncompliance, including additional self monitoring and management practices designed to minimize the amount of Pollutants discharged to the POTW.

(b) **Restrictions.** A Compliance Order under this Section may not extend the deadline for compliance established for a Pretreatment Standard or Requirement.

(c) **Effect.** A Compliance Order does not relieve a User of liability for any violation, including any continuing violation.

(d) **Order Not Required.** A Compliance Order under this Section shall not be a bar against, or a prerequisite for, the Borough or the City taking any other action against the User.

(e) **Failure to Comply.** If the User does not come into compliance with a Compliance Order within the time specified, the Borough may discontinue Sewer service to the User unless and until adequate treatment facilities, devices, and other related appurtenances are installed and properly operated

### § 65-1206 Cease & Desist Orders.

(a) **In General.** When the Borough's enforcement official or agent, or the City Director of Public Works, finds that a User has violated, or continues to violate, any provision of this Chapter, a Wastewater Discharge Permit or order issued under this Chapter, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Borough's enforcement official or agent, or the City Director of Public Works may issue an order to the User directing it to cease and desist all such violations and directing the User to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(b) **Order Not Required.** Issuance of a Cease and Desist Order under this Section shall not be a bar against, or a prerequisite for, the Borough or the City taking any other action against the User.

### § 65-1207 Performance Bonds.

The Borough or the City Director of Public Works may decline to issue or reissue a Wastewater Discharge Permit to any User who has failed to comply with any provision of this Chapter, a previous Wastewater Discharge Permit, or order issued under this Chapter, or any other Pretreatment Standard or Requirement, *unless* such User first files a satisfactory bond, payable to the Borough or its designee, in a sum not to exceed a value determined by the Borough or the City Director of Public Works to be necessary to achieve consistent compliance.

### § 65-1208 Liability Insurance.

The Borough or the City Director of Public Works may decline to issue or reissue a Wastewater Discharge Permit to any User who has failed to comply with any provision of this Chapter, a previous Wastewater Discharge Permit, or order issued under this Chapter, or any other Pretreatment Standard or Requirement, *unless* such User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

### § 65-1208.1 Water Supply Severance.

Whenever a User has violated or continues to violate any provision of this Chapter, a Wastewater Discharge Permit, or order issued under this Chapter, or any other Pretreatment Standard or Requirement, the Borough may sever water service to the User. Service will recommence, at the User's expense, only after the User has demonstrated satisfactorily its ability to comply.

**§ 65-1209 Contractor Listing.**

Users who have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the Borough.

**§ 65-1210 Administrative Civil Penalties.**

(a) **In General.** When the Borough’s enforcement official or agent finds that a User has violated, or continues to violate, any provision of this Chapter, a Wastewater Discharge Permit or order issued under this Chapter, or any Pretreatment Standard or Requirement, the enforcement official or agent may fine such User in an amount not to exceed \$25,000, regardless of jurisdictional boundaries. Such penalties shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. The penalties may be assessed whether or not the violation was willful or negligent.

(b) **Relationship to City Administrative Penalties.** The authority granted in subsection (a) is in addition to the separate authority of the City Director of Public Works or other City officials to impose administrative civil penalties under City ordinances. However, in no case shall the total of the penalties imposed under subsection (a) and the administrative civil penalties imposed by the City exceed \$25,000 per violation, per day.

(c) **Amount of Penalty.** The amount of the civil penalty shall be assessed in accordance with the following official Borough assessment policy, considering damage to air, water, land, or other natural resources, cost of restoration and abatement, savings resulting to the User for the violation, history of past violations, deterrence of future violations, and other relevant factors:

(1) **Damage to Environment.** The User shall be assessed between 1 and 5 points depending on the degree of damage to the environment, according the following table:

<u>Damage</u>	<u>Points</u>
Extreme .....	5
Severe .....	4
Moderate .....	3
Slight .....	2
None .....	1

(2) **Cost of Restoration/Abatement.** The User shall be assessed between 1 and 5 points depending on the cost of restoration or abatement due to the violation, according the following table:

<u>Cost</u>	<u>Points</u>
Over \$10,000 .....	5
\$7,000 to \$10,000 .....	4
\$5,000 to \$6,999 .....	3
\$2,500 to \$4,999 .....	2
\$0 to \$2,500 .....	1

(3) **Savings to Violator.** The User shall be assessed between 1 and 5 points depending on the amount of savings resulting to the User due to the violation, according the following table:

<u>Savings</u>	<u>Points</u>
Over \$10,000.....	5
\$7,000 to \$10,000 .....	4
\$5,000 to \$6,999 .....	3
\$2,500 to \$4,999 .....	2
\$0 to \$2,500 .....	1

(4) **Recent Past Violations.** The User shall be assessed between 1 and 5 points depending on the number of past violations in the 365 days before the violation in question, according the following table:

<u>Damage</u>	<u>Points</u>
5 or more.....	5
4.....	4
3.....	3
2.....	2
1.....	1

(5) **Other Factors.** The User shall be assessed between 1 and 5 additional points based on the severity of other factors, including, without limitation, damage to the POTW, willfulness, concealment of the violation, and endangerment to the public and/or POTW personnel.

(6) **Fractional Points.** The assessment of points may include numbers which are not whole, such as 1.5, to allow flexibility and discretion by the enforcement official or agent in arriving at a fair and appropriate penalty.

(7) **Computation of Penalty.** The amount of the civil penalty shall be equal to the total number of points assessed under this subsection (c) *multiplied by* \$1,000.

**(d) Notice of Assessment and Appeal Process.**

(1) **In General.** A notice of the assessment of a civil penalty under this Section shall be served personally on the violator or shall be sent by certified mail to the address of the permit holder as noted on the permit, and shall contain—

- (A) the date(s) of violation;
- (B) the permit requirement(s) that was/were violated;
- (C) the amount of the civil penalty assessed;
- (E) the time frame in which an appeal may be filed; and

(E) a description of the appeal process to be followed, including the name, address, and telephone number of the person responsible for accepting such appeal.

(2) **Address for Service.** Each permit holder shall keep the Borough apprised in writing of any change in mailing address. The address on the permit may be used to send correspondence and notices of civil penalty assessment to permit holders. The sending of a

notice of civil assessment to a permit holder's address as stated on the permit shall be conclusively presumed to be valid service. If the certified mail sent to such address is not accepted or picked up by the permit holder, the date of service shall be the date that the certified mail was rejected or returned unclaimed.

**(e) Appeal.**

**(1) In General.** Any Person seeking to appeal the assessment of a civil penalty under this Section shall do so by filing a Notice of Appeal with the Borough Manager (with a copy to the Borough's enforcement official or agent who assessed the civil penalty) within thirty (30) days after receipt or service of the notice under subsection (d).

**(2) Hearing.** Borough Council shall hear all appeals under this Section in accordance with the Local Agency Law, 2 PA. CONS. STAT. § 551 *et seq.* A transcript shall be made of the hearing at the sole expense of the appellant. Appellant shall pay an estimate of the stenographic costs at the time the appeal is filed, and shall pay any balance when billed. Failure to pay an estimate of the costs at the time the appeal is filed shall render the appeal void. Failure to pay any additional stenographic costs within ten (10) days after receipt of a bill for the same shall render the appeal null and void *ab initio*. Borough Council shall either affirm, reverse, or modify the penalty assessed by the Borough's enforcement official or agent based on the evidence received at the hearing and in accordance with the Borough's official civil penalty assessment policy under subsection (c).

**(3) Further Appeals.** Appeals from the decision of Borough Council shall be made in accordance with applicable law.

**(f) Use of Penalties.** All civil penalties collected under this Section shall be placed in a restricted account and shall only be used by the Borough (or any owner or operator of any portion of the POTW)—

**(1)** for the repair of damage and any additional maintenance needed or any additional costs incurred as a result of the violation for which the penalty was imposed;

**(2)** to pay any penalties imposed on the Borough (or any owner or operator of any portion of the POTW) by the federal or state government for violation of Pretreatment Standards;

**(3)** for the costs incurred by the Borough (or any owner or operator of any portion of the POTW) to investigate and take the enforcement action that resulted in a penalty being imposed;

**(4)** for monitoring of discharges in the pretreatment program; and

**(5)** for capital improvements to the POTW, including Sewage collection lines, which may be required by the pretreatment program.

**(g) Civil Penalty Procedure Not Required.** Assessment of Civil Penalties under this Section shall not be a bar against, or a prerequisite for, the Borough or the City taking any other action against the User.



### § 65-1211 Costs to Re-Establish POTW Operations.

The Borough and the City shall charge a User for all costs for re-establishing the operation of the POTW after the User has violated, or continues to violate, any provision of this Chapter, a Wastewater Discharge Permit, any order issued under this Chapter, or any other Pretreatment Standard or Requirement. These costs shall be paid by the User within ten (10) days after notice of assessment of the same. Notice and appeal rights shall be the same as in the case of the assessment of civil penalties. (See § 65-1210(e).) Any User not paying the assessment in a timely manner shall pay an additional penalty of five percent (5%) of the penalty per month or any part thereof.

### § 65-1212 Emergency Suspensions of Discharge.

(a) **In General.** The Borough or the City Director of Public Works may immediately suspend a User's Discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened Discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Borough or the City Director of Public Works may also immediately suspend a User's Discharge, after notice and an opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(b) **Immediate Response.** Any User notified of a suspension of its Discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to comply voluntarily and immediately with the suspension order, the Borough or the City Director of Public Works may take such steps as deemed necessary, including immediate severance of the connection to the Sewer System, to prevent or minimize damage to the POTW or its receiving stream, or endangerment to any individuals.

(c) **Recommencement.** The Borough and the City Director of Public Works may allow the User to recommence its Discharge when the User has demonstrated to the satisfaction of the Borough and the City Director of Public Works that the period of endangerment has passed, unless termination proceedings have been initiated against the User under § 65-1213.

(d) **Report.** A User that is responsible, in whole or in part, for any Discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Borough and the City Director of Public Works prior to the date of any show cause hearing under § 65-1204 or termination hearing under § 65-1213.

(e) **No Prior Hearing Required.** Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.



### § 65-1213 Termination of Discharge.

(a) **In General.** In addition to the provisions of § 65-909 (relating to Revocation of Wastewater Discharge Permit), a User is subject to termination of its Discharge to the Sewer System for any of the following reasons:

- (1) violation of Wastewater Discharge Permit conditions;
- (2) failure to accurately report the Wastewater constituents and characteristics of its Discharge;
- (3) failure to report significant changes in operations or Wastewater volume, constituents, and characteristics prior to Discharge;
- (4) refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- (5) violation of the Pretreatment Standards in Article VI of this Chapter.

(b) **Due Process.** A User will be notified of the proposed termination of its Discharge and be offered an opportunity to show cause under § 65-1204 why the proposed action should not be taken.

(c) **Termination Not Required.** Termination of Discharge to the Sewer System under this Section shall not be a bar to, or a prerequisite for, the Borough or the City taking any other action against the User.

## Article XIII — Judicial Enforcement Remedies

### § 65-1301 Injunctive Relief.

(a) **In General.** When the Borough's enforcement official or agent or the City Director of Public Works finds that a User has violated, or continues to violate, any provision of this Chapter, a Wastewater Discharge Permit or order issued under this Chapter, or any other Pretreatment Standard or Requirement, the enforcement official or agent, or the City Director of Public Works, may petition the Lehigh County Court of Common Pleas for the issuance of a restraining order, temporary or permanent injunction, as appropriate, which restrains the violation and/or compels the specific performance of the Wastewater Discharge Permit, order or other requirement imposed by this Chapter on the activities of the User. The petitioner may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation.

(b) **Solicitor.** Borough officers or employees shall utilize the Borough Solicitor in taking any action under subsection (a).

(c) **Injunctive Relief Not Required.** A Petition for injunctive relief under this Section shall not be a bar against, or a prerequisite for, the Borough or the City taking any other action against the User.

### § 65-1302 Civil Penalties and Remedies.

(a) **In General.** In addition to all other enforcement remedies provided in this Chapter, the Borough and/or the City may file an action in a court of competent jurisdiction against any Person for any and all costs, expenses, damages, and penalties for which the Person may be liable under this Chapter or applicable law, together with reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of actual damages incurred by the Borough or the City.

(b) **Court-Imposed Civil Penalty.** A User who has violated, or continues to violate, any provision of this Chapter, a Wastewater Discharge Permit, or order issued under this Chapter, or any other Pretreatment Standard or Requirement shall be liable to the Borough for a maximum civil penalty of \$25,000.00 per violation, per day. In the case of a monthly or other long-term average Discharge limit, penalties shall accrue for each day during the period of violation. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factors as justice requires.

(c) **Civil Action Not Required.** Filing a suit for civil penalties under this Section shall not be a bar against, or a prerequisite for, the Borough or the City taking any other action against a User.

### § 65-1303 Criminal Penalties.

(a) **Violations of Article III.** Any Person who shall violate any provision of Article III of this Chapter shall be subject to prosecution in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure and, upon conviction, shall be sentenced to pay a criminal fine of Three Hundred Dollars (\$300.00) for each such violation.

(b) **Industrial Violators.** A User who willfully or negligently violates any provision of this Chapter, a Wastewater Discharge Permit or order issued under this Chapter, or any other Pretreatment Standard or Requirement shall be subject to prosecution in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure and, upon conviction, shall be sentenced to pay a criminal fine of not more than One Thousand Dollars (\$1,000) per violation, or, in default thereof, by imprisonment for not more than thirty (30) days.

(c) **Introduction of Substances Which Cause Personal Injury or Property Damage.** A Person who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall be subject to prosecution in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure and, upon

conviction, shall be sentenced to pay a criminal fine of not more than One Thousand Dollars (\$1,000) per violation, or, in default thereof, by imprisonment for not more than thirty (30) days. This penalty shall be in addition to any other cause of action for personal injury or property damage available under applicable law.

**(d) Falsifications.** A Person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained pursuant to this Chapter, or a Wastewater Discharge Permit or order issued under this Chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall be subject to prosecution in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure and, upon conviction, shall be sentenced to pay a criminal fine of not more than One Thousand Dollars (\$1,000) per violation, or, in default thereof, by imprisonment for not more than thirty (30) days.

**(e) Costs and Attorney Fees.** In addition to the fines provided in subsections (a) through (d), any person found to have committed such a violation shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings.

**(f) Separate Offenses.** Each day during which any violation described in subsections (a) through (d) occurs or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Chapter, a Wastewater Discharge Permit, order issued under this Chapter, or a Pretreatment Standard or Requirement shall constitute a separate offense.

**(g) Court.** An enforcement action under this Section shall be brought before a magisterial district judge or, where applicable under Borough Code § 3321(b)(4), 8 PA. CONS. STAT. § 3321(b)(4), the Lehigh County Court of Common Pleas.

#### **§ 65-1304 Remedies Nonexclusive.**

The remedies provided for in this Chapter are not exclusive. The Borough, the Borough's enforcement official or agent, or the City Director of Public Works may take any, all, or any combination of these actions against a noncompliant Person.

## **Article XIV — Affirmative Defenses to Discharge Violations**

#### **§ 65-1401 Upset.**

**(a) Definition.** For purposes of this Section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment

Standards because of factors beyond the reasonable control of the User. An “upset” does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

**(b) Affirmative Defense.** An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the User shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that—

(1) An upset occurred and the User can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The User has submitted the following information to the Borough and the City Director of Public Works within twenty-four (24) hours of becoming aware of the Upset. If this information is provided orally, a written submission must be provided within five (5) calendar days:

(A) A description of the Indirect Discharge and cause of noncompliance;

(B) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(C) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

**(c) Burden of Proof.** In any enforcement action, the User seeking to establish the occurrence of an upset shall have the burden of proof.

**(d) Limitation.** Users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.

## § 65-1402 Prohibited Discharge Standards.

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 65-601(b) or the specific prohibitions in paragraph (6) or any of paragraphs (8) through (21) of § 65-601(c), if the User can prove that it did not know, or have reason to know, that its discharge, alone or in combination with discharges from other sources, would cause Pass Through or Interference, *and* that either—

(a) A Local Limit exists for each Pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

(b) No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User’s prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable biosolids use or disposal requirements.

## § 65-1403 Bypass.

(a) **Definitions.** For purposes of this Section—

(1) **Bypass.** The term “Bypass” means the intentional diversion of wastestreams from any portion of a User’s treatment facility; and

(2) **Severe Property Damage.** The term “Severe Property Damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe Property Damage does not mean economic loss caused by delays in production.

(b) **Bypass Permitted for Certain Maintenance.** A User may allow any Bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These Bypasses are *not* subject to the provisions of subsections (c) and (d).

(c) **Notice.**

(1) If a User knows in advance of the need for a Bypass, it shall submit prior notice to the Borough and the City Director of Public Works at least ten (10) days before the date of the Bypass, if possible.

(2) A User shall submit oral notice to the Borough and the City Director of Public Works of an unanticipated Bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours after the time the User becomes aware of the Bypass. A written submission shall also be provided within five (5) calendar days after the time the User becomes aware of the Bypass, unless the oral report was received within twenty-four (24) hours and the written report is waived by the Borough and the City Director of Public Works on a case-by-case basis.

(3) The written submission shall contain—

(A) a description of the Bypass and its cause;

(B) the duration of the Bypass, including exact dates and times, and if the Bypass has not been corrected, the anticipated time it is expected to continue; and

(C) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass.

(d) **Prohibition; Justification.**

(1) Bypass is prohibited, and the Borough or the City Director of Public Works may take enforcement action against a User for a Bypass, *unless*—

(A) Bypass was unavoidable to prevent loss of life, personal injury, or Severe Property Damage;

(B) There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(C) The User submitted notices as required under subsection (c).

(2) The Borough and the City Director of Public Works may approve an anticipated Bypass, after considering its adverse effects, if the Borough and the City Director of Public Works determines that it will meet the three conditions listed in paragraph (1).

## **Article XV — Administration of Pretreatment Program**

### **§ 65-1501 Delegation by Borough.**

(a) **In General.** Borough Council may, by agreement, resolution, motion, or policy, delegate some or all of the administrative and enforcement powers assigned to the Borough in the Industrial Waste Pretreatment Program described in Articles VI through XIV of this Chapter to one or more employees, officers, appointees, the County Authority, and/or the City.

#### **(b) Review by Council.**

(1) **Appeal.** Any Person aggrieved by a decision of any delegate under subsection (a) may appeal that decision to Borough Council by filing a Notice of Appeal with the Borough Manager (with a copy to the delegate) within ten (10) days after service of notice of the delegate's decision, *unless* the delegate has authority to render such decision independent of the grant from the Borough under this Section.

(2) **Hearing.** Borough Council shall hear all appeals under this Section in accordance with the Local Agency Law, 2 PA. CONS. STAT. § 551 *et seq.* A transcript shall be made of the hearing at the sole expense of the appellant. Appellant shall pay an estimate of the stenographic costs at the time the appeal is filed, and shall pay any balance when billed. Failure to pay an estimate of the costs at the time the appeal is filed shall render the appeal void. Borough Council shall either affirm, reverse, or modify the decision of the delegate.

(3) **Further Appeals.** Appeals from the decision of Borough Council shall be made in accordance with applicable law.

### **§ 65-1502 Powers, Rights, Privileges, and Obligations Relating to the City or the City Director of Public Works.**

(a) **Waiver or Delegation.** The City or the City Director of Public Works, as the case may be, may, by agreement, resolution, motion, or policy, waive or delegate to the Borough and/or the County Authority some or all of the administrative and enforcement powers, rights, privileges assigned to the City or the City Director of Public Works in the Borough's Industrial Waste Pretreatment Program as described in Articles VI through XIV of this Chapter.

**(b) Review by Borough Council.** Any Person aggrieved by a decision of the City or the City Director of Public Works under this Chapter may appeal that decision to Borough Council by filing a Notice of Appeal with the Borough Manager (with a copy to the City or the City Director of Public Works, as the case may be) within ten (10) days after service of notice of the decision of the City or the City Director of Public Works, *unless* the City or the City Director of Public Works has authority to render such decision independent of the grant of authority from the Borough under this Chapter, in which case appeals shall be in accordance with applicable City ordinances.

## Article XVI — Authorization of Agreements, Etc.

### § 65-1601 1970 Western Lehigh Interceptor System Agreement.

**(a) Approval of Agreement.** This Borough shall enter into an Agreement, originally intended to be dated December 15, 1969 and finally dated January 22, 1970, by and among Lehigh County Authority, County of Lehigh, the Boroughs of Alburtis and Macungie, the Township of Upper Macungie, and Lower Macungie Township Authority, whereby, *inter alia*, the parties have agreed to terms and conditions with respect to construction of certain sewage facilities to transport sewage and wastes from the proposed sewage collection systems to serve the Boroughs of Alburtis and Macungie and the Townships of Lower Macungie and Upper Macungie to the sewer system operated by the City of Allentown for treatment and disposition and the method of sharing the costs of acquisition and construction of said sewage facilities, the costs of operation and maintenance thereof, and the costs of treatment and disposition of such sewage and wastes by the City of Allentown, substantially in the form presented to Borough Council on December 1, 1969, which Agreement is approved.

**(b) Copy of Agreement On File.** A copy of the agreement, in the form so presented to Borough Council on December 1, 1969 and so approved, shall be filed with the Secretary of this Borough and shall be made available for inspection at reasonable times by interested persons requesting such inspection.

**(c) Execution of Agreement.** The President or Vice President of Council, Mayor, and Secretary or Assistant Secretary of this Borough, as applicable, are authorized and directed to execute and deliver the Agreement, in behalf of this Borough, in the form so approved.

**(d) Other Documents and Acts.** Proper officers of this Borough are authorized and directed to execute all documents and do all other acts as may be necessary and proper to carry out this Section and undertakings of this Borough in the Agreement.



### § 65-1602 1971 Lease of Borough Sewer System from Sewer Authority to the Borough.

(a) **Lease Authorized; Initial Term.** The Borough, as lessee, shall enter into an Agreement of Lease, dated as of June 15, 1971 (the “**Lease**”), with Borough of Alburdis Sewer Authority (the “**Authority**”), as lessor, substantially in the form referred to in subsection (b), with respect to the sewer system, as that term is defined in the lease, to be acquired, constructed and owned by the Authority, under terms of which lease said sewer system will be leased to this Borough for operation and use.

(b) **Initial Term.** The Lease shall be for an initial term of forty (40) years and shall set forth terms, conditions, provisions, covenants, and agreements to be observed by the Authority and the Borough with respect to said sewer system.

(c) **Form of Lease; Filing.** The Lease shall be substantially in the form presented to Borough Council on June 7, 1971, which form is approved; and a copy of the Lease, in the form so presented and so approved, shall be filed with the Secretary of this Borough and shall be made available for inspection at reasonable times by interested persons requesting such inspection.

(d) **Execution of Lease.** The Mayor, President or Vice President of Council, and Secretary or Assistant Secretary of this Borough, as applicable, are authorized and directed to execute and deliver the Lease, in behalf of this Borough, in the form approved in subsection (c).

(e) **Other Documents and Acts.** Proper officers of this Borough are authorized and directed to execute all documents and do all other acts as may be necessary and proper to carry out this Section and undertakings of this Borough under the Lease.

### § 65-1603 Rights Granted to Sewer Authority In Borough Streets and Properties.

(a) **Grant of Easements and Other Rights.** This Borough does grant to the Borough of Alburdis Sewer Authority (“**Authority**”), its successors and assigns, all easements, rights of way and other rights necessary and desirable in, along, over, and under streets, roads, lanes, courts, cul-de-sacs, alleys, public ways, public squares, and other properties of the Borough, together with free ingress, egress, and regress therein and thereto, along with other persons having interests or rights therein, for use in connection with constructing, replacing, repairing, altering, and maintaining the Sewer System to be acquired and constructed by the Authority, as the same shall exist, from time to time. The term “Sewer System” shall mean the complete sanitary sewage collection system, including all related and necessary facilities, for rendering sewage collection service in and for portions of this Borough.

(b) **Rules, Regulations, and Conditions.** The rights and privileges granted to the Authority under subsection (a) shall be exercised by the Authority under and subject to such reasonable rules, regulations, and conditions as shall be adopted and specified, from time to time, by resolution or ordinance of this Borough; and this Borough does reserve the right to adopt and specify, from time to time, such reasonable rules, regulations, and conditions in connection with the exercise by the Authority of such rights and privileges.

### **§ 65-1604 1994 Sewer Transmission Agreement with Lower Macungie Township.**

(a) **Execution Authorized.** The President of Borough Council and the Borough Secretary are authorized to execute on behalf of the Borough of Alburtis a Sewer Transmission Agreement among the Borough of Alburtis, Borough of Alburtis Sewer Authority, and the Township of Lower Macungie in the form attached to Ordinance 311 as **Exhibit A**, and incorporated herein by reference.

(b) **Terms of Agreement.** The conditions of the agreement, the duration of the term of the agreement, the purpose and objectives of the agreement (including the relative rights and duties of the parties), the manner and extent of financing the agreement, and the manner in which property shall be acquired, managed, licensed, or disposed of, are set forth in **Exhibit A** to Ordinance 311. No special organizational structure is necessary to implement the Agreement other than as set forth in **Exhibit A** to Ordinance 311, and no new entity is being created in connection with the agreement.

### **§ 65-1605 Addendum No. 5 to 1991 Amendment to 1983 Wastewater Treatment Capacity Allocation Agreement (6.15 MGD).**

The Borough of Alburtis shall enter into an Addendum No. 5 to the 17 April 1991 Amendment to the 1 April 1983 Wastewater Treatment Capacity Allocation Agreement (6.15 MGD) with Lehigh County Authority, County of Lehigh, Borough of Macungie, and the Townships of Lower Macungie, Lowhill, Upper Macungie, Upper Milford, and Weisenberg in the form attached to Ordinance 450 as **Exhibit A**, which is incorporated into this Article by reference, *provided that* the governing bodies of the other parties shall also approve the execution of the Agreement. The President (or Vice President) of Borough Council and the Executive Secretary are hereby authorized and directed to execute and attest the Agreement on behalf on the Borough upon the approval of the Agreement by all of the parties.

### **§ 65-1606 Amendment No. 4 to 1987 Wastewater Treatment Capacity Allocation Agreement (Post-1985 Allocation).**

The Borough of Alburtis shall enter into an Amendment No. 4 to the 4 August 1987 Wastewater Treatment Capacity Allocation Agreement (Post-1985 Allocation) with Lehigh County Authority, Borough of Macungie, and the Townships of Lower Macungie, Lowhill, Upper Macungie, Upper Milford, and Weisenberg in the form attached to Ordinance 450 as **Exhibit B**, which is incorporated into this Article by reference, *provided that* the governing bodies of the other parties shall also approve the execution of the Agreement. The President (or Vice President) of Borough Council and the Executive Secretary are hereby authorized and directed to execute and attest the Agreement on behalf on the Borough upon the approval of the Agreement by all of the parties.

**§ 65-1607 Sewer Capacity Assurance and Rehabilitation Program  
Memorandum of Understanding—Investigation and Evaluation  
Phase.**

The Borough of Alburytis hereby approves the Memorandum of Understanding—Investigation and Evaluation Phase for the Sewer Capacity Assurance and Rehabilitation Program in the form attached to Ordinance 489 as **Exhibit A**, which is incorporated into this Article by reference, and authorizes the President of Borough Council to sign the Memorandum of Understanding—Investigation and Evaluation Phase on behalf of the Borough, and the Executive Secretary of the Borough to attest such signature.

**§ 65-1608 Sewer Capacity Assurance and Rehabilitation Program  
Memorandum of Understanding—Allocation of Development  
Flow Credits for Conveyance.**

The Borough of Alburytis hereby approves the Memorandum of Understanding—Allocation of Development Flow Credits for Conveyance for the Sewer Capacity Assurance and Rehabilitation Program in the form attached to Ordinance 491 as **Exhibit A**, which is incorporated into this Article by reference, and authorizes the President of Borough Council to sign the Memorandum of Understanding—Allocation of Development Flow Credits on behalf of the Borough, and the Executive Secretary of the Borough to attest such signature.

**§ 65-1609 Agreement With Pennsylvania One Call System, Inc.**

The Borough of Alburytis shall enter into a Membership Agreement, an Indemnity Agreement, and a Fax Service Agreement with Pennsylvania One Call System, Inc. in the forms attached to Ordinance 520 as **Exhibit A**, which is incorporated into this Article by reference, and authorizes the President of Borough Council to sign each of these agreements on behalf of the Borough, and the Executive Secretary of the Borough to attest such signature.

## Appendix

### ¶ 65-A Disposition of Ordinance 150 to Appendix Chapter A143 of 1981 Code.

Ordinance 150 (adopted 6/1/1971), which was codified to Appendix Chapter A143, has been fulfilled and is of no current effect. This material is not included in the 2003 Codified Ordinances.

<u>Ordinance 150</u>	<u>1981 Code</u>
§ x	§ A143-x

### ¶ 65-B Disposition of Ordinance 151.

<u>Ordinance 151</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 1 (1 <sup>st</sup> paragraph)	§ A142-1(A)	§ 65-1602(a)
§ 1 (2 <sup>nd</sup> paragraph)	§ A142-1(B)	§ 65-1602(b)
§ 2	§ A142-2	§ 65-1602(c)
§ 3	§ A142-3	§ 65-1602(d)
§ 4	§ A142-4	§ 65-1602(e)
§ 5 (engineers)	§ A142-5	Deleted; not codified to 2003 Codified Ordinances.
§ 6 (accountants)	§ A142-6	“
§ 7 (effective date)	§ A142-7	“
§ 8 (severability)	§ A142-8	“
§ 9 (health, safety, welfare)	§ A142-9	“
§ 10 (repealer)	§ A142-10	“

### ¶ 65-C Disposition of Ordinance 152.

<u>Ordinance 152</u>	<u>1981 Code (prior to Ord. 316)</u>	<u>See ¶ 65-F for later disposition.</u>
§ 1.01 (intro)	§ 102-1 (intro)	
§ 1.01(A)	§ 102-1 (Authority)	
§ 1.01(B)	§ 102-1 (building sewer)	
§ 1.01(C)	§ 102-1 (Borough)	
§ 1.01(D)	§ 102-1 (improved property)	
§ 1.01(E)	§ 102-1 (industrial establ)	
§ 1.01(F)	§ 102-1 (industrial wastes)	
§ 1.01(G)	§ 102-1 (lateral)	
§ 1.01(H)	§ 102-1 (owner)	
§ 1.01(I)	§ 102-1 (person)	
§ 1.01(J)	§ 102-1 (sanitary sewage)	

<u>Ordinance 152</u>	<u>1981 Code (prior to Ord. 316)</u>	<u>See ¶ 65-F for later disposition.</u>
§ 1.01(K)	§ 102-1 (sewer)	
§ 1.01(L)	§ 102-1 (sewer system)	
§ 2.01	§ 102-2	
§ 2.02	§ 102-3	
§ 2.03	§ 102-4	
§ 2.04	§ 102-5	
§ 2.05	§ 102-6	
§ 2.06	§ 102-7	
§ 3.01	§ 102-8	
§ 3.02	§ 102-9	
§ 3.03(C)	§ 102-10(C)	
§ 3.03(D)	§ 102-10(D)	
§ 3.04	§ 102-11	
§ 3.05	§ 102-12	
§ 3.06	§ 102-13	
§ 3.07	§ 102-14	
§ 4.01	§ 102-15	
§ 4.02	§ 102-16	
§ 4.03	§ 102-17	
§ 4.04	§ 102-18	
§ 4.05	§ 102-19	
§ 4.06	§ 102-20	
§ 5.01	§ 102-21	
§ 5.02	§ 102-22	
§ 8.01	§ 102-23	

### ¶ 65-D Disposition of Ordinance 153.

<u>Ordinance 153</u>	<u>1981 Code (prior to Ord. 316)</u>	<u>See ¶ 65-F for later disposition.</u>
§ 1 (intro)	§ 102-24 (intro)	
§ 1(A)	§ 102-24 (Allentown agreements)	
§ 1(B)	§ 102-24 (Allentown Authority)	
§ 1(C)	§ 102-24 (Authority)	
§ 1(D)	§ 102-24 (billing unit)	
§ 1(E)	§ 102-24 (BOD)	
§ 1(F)	§ 102-24 (Borough)	
§ 1(G)	§ 102-24 (City)	
§ 1(H)	§ 102-24 (commercial establ)	
§ 1(I)	§ 102-24 (County)	
§ 1(J)	§ 102-24 (County Authority)	
§ 1(K)	§ 102-24 (dwelling unit)	
§ 1(L)	§ 102-24 (garbage)	
§ 1(M)	§ 102-24 (improved property)	
§ 1(N)	§ 102-24 (industrial establ)	
§ 1(O)	§ 102-24 (industrial wastes)	
§ 1(P)	§ 102-24 (institutional establ)	

<u>Ordinance 153</u>	<u>1981 Code (prior to Ord. 316)</u>	<u>See ¶ 65-F for later disposition.</u>
§ 1(Q)	§ 102-24 (interceptor system)	
§ 1(R)	§ 102-24 (multiple unit)	
§ 1(S)	§ 102-24 (owner)	
§ 1(T)	§ 102-24 (person)	
§ 1(U)	§ 102-24 (pH)	
§ 1(V)	§ 102-24 (ppm)	
§ 1(W)	§ 102-24 (properly chopped...)	
§ 1(X)	§ 102-24 (sanitary sewage)	
§ 1(Y)	§ 102-24 (sewage treatment pl)	
§ 1(Z)	§ 102-24 (sewer)	
§ 1(AA)	§ 102-24 (sewer system)	
§ 1(BB)	§ 102-24 (suspended solids)	
§ 1(CC)	§ 102-24 (total solids)	
§ 1(DD)	§ 102-24 (toxic substance)	
§ 1(EE)	§ 102-24 (water system)	
§ 2	§ 102-25	
§ 3	§ 102-26	
§ 4	§ 102-27	
§ 5	§ 102-28	
§ 6	§ 102-29	
§ 7	§ 102-30	
§ 8	§ 102-31	
§ 9	§ 102-32	
§ 10	§ 102-33	
§ 11	§ 102-34	
§ 12	§ 102-35	
§ 15	§ 102-36	

### **¶ 65-E Disposition of Ordinances Authorizing Certain Agreements, Etc.**

<u>Ordinance</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
141, § 1	Not codified to 1981 Code.	§ 65-1601(a)
141, § 2	“	§ 65-1601(b)
141, § 3	“	§ 65-1601(c)
141, § 4	“	§ 65-1601(d)
141, § 5 (severability)	“	Not codified to 2003 Codified Ordinances.
141, § 6 (health, safety, welfare)	“	“
141, § 7 (repealer)	“	“
141, § 8 (effective date)	“	“
154, § 1	“	§ 65-1603(a)
154, § 2	“	§ 65-1603(b)
154, § 3 (effective date)	“	Not codified to 2003 Codified Ordinances.
154, § 4 (severability)	“	“
154, § 5 (repealer)	“	“

<u>Ordinance</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
311, § 1	“	§ 65-1604(a)
311, § 2	“	§ 65-1604(b)

## ¶ 65-F Disposition of 1981 Code, Chapter 102 (prior to Ord. 316).

<u>1981 Code (prior to Ord. 316)</u>	<u>1981 Code (after Ord. 316)</u>	<u>2003 Codified Ordinances</u>
§ 102-1 (intro)	§ 102-3	§ 65-201
§ 102-1 (Authority)	§ 102-7	§ 65-205
§ 102-1 (Borough)	§ 102-11	§ 65-209
§ 102-1 (building sewer)	§ 102-12	§ 65-210
§ 102-1 (improved property)	§ 102-27	§ 65-225
§ 102-1 (industrial establ)	§ 102-29	§ 65-227
§ 102-1 (industrial wastes)	§ 102-30	§ 65-228
§ 102-1 (lateral)	§ 102-35	§ 65-233
§ 102-1 (owner)	§ 102-43	§ 65-241
§ 102-1 (person)	§ 102-45	§ 65-243
§ 102-1 (sanitary sewage)	§ 102-56	§ 65-254
§ 102-1 (sewer)	§ 102-60	§ 65-258
§ 102-1 (sewer system)	§ 102-61	§ 65-259
§ 102-2	§ 102-101(a)	§ 65-301(a)
§ 102-3	§ 102-102(a)	§ 65-302(a)
§ 102-4(A), (B)	§ 102-102(b), (c)	§ 65-302(b), (c)
§ 102-5	§ 102-103(a), (b)	§ 65-303(a), (b)
§ 102-6	§ 102-103(c)	§ 65-303(c)
§ 102-7	§ 102-101(b)	§ 65-301(b)
§ 102-8	§ 102-104(a)	§ 65-304(a)
§ 102-9	§ 102-104(b)	§ 65-304(b)
§ 102-10(C)	§ 102-104(d)	§ 65-304(d)
§ 102-10(D)	§ 102-104(c)	§ 65-304(c)
§ 102-11	§ 102-105(a)	§ 65-305(a)
§ 102-12	§ 102-105(f)	§ 65-305(f)
§ 102-13	§ 102-105(b)	§ 65-305(b)
§ 102-14	§ 102-101(c)	§ 65-301(c)
§ 102-15	§ 102-105(c)	§ 65-305(c)
§ 102-16	§ 102-105(d)	§ 65-305(d)
§ 102-17	§ 102-105(g)	§ 65-305(g)
§ 102-18	§ 101-105(e)	§ 65-305(e)
§ 102-19	§ 101-105(h)	§ 65-305(h)
§ 102-20	§ 102-107	§ 65-307
§ 102-21	§ 102-333(a)(1)	§ 65-1303(a)(1)
§ 102-22	§ 102-333(a)(2)	§ 65-1303(a)(2)
§ 102-23	§ 102-2 (1 <sup>st</sup> sentence)	§ 65-102 (1 <sup>st</sup> sentence)
§ 102-24 (intro)	§ 102-3	§ 65-201
§ 102-24 (Allentown agreements)	§ 102-4	§ 65-202
§ 102-24 (Allentown Authority)	§ 102-5	§ 65-203
§ 102-24 (Authority)	§ 102-7	§ 65-205



<u>1981 Code (prior to Ord. 316)</u>	<u>1981 Code (after Ord. 316)</u>	<u>2003 Codified Ordinances</u>
§ 102-24 (billing unit)	§ 102-9	§ 65-207
§ 102-24 (BOD)	§ 102-10	§ 65-208
§ 102-24 (Borough)	§ 102-11	§ 65-209
§ 102-24 (City)	§ 102-15	§ 65-213
§ 102-24 (commercial establ)	§ 102-18	§ 65-216
§ 102-24 (County)	§ 102-19	§ 65-217
§ 102-24 (County Authority)	§ 102-20	§ 65-218
§ 102-24 (dwelling unit)	§ 102-21	§ 65-219
§ 102-24 (garbage)	§ 102-24	§ 65-222
§ 102-24 (improved property)	§ 102-27	§ 65-225
§ 102-24 (industrial establ)	§ 102-29	§ 65-227
§ 102-24 (industrial wastes)	§ 102-30	§ 65-228
§ 102-24 (institutional establ)	§ 102-32	§ 65-230
§ 102-24 (interceptor system)	§ 102-33	§ 65-231
§ 102-24 (multiple unit)	§ 102-39	§ 65-237
§ 102-24 (owner)	§ 102-43	§ 65-241
§ 102-24 (person)	§ 102-45	§ 65-243
§ 102-24 (pH)	§ 102-46	§ 65-244
§ 102-24 (ppm)	§ 102-48	§ 65-246
§ 102-24 (properly chopped...)	§ 102-53	§ 65-251
§ 102-24 (sanitary sewage)	§ 102-56	§ 65-254
§ 102-24 (sewage treatment pl)	§ 102-59	§ 65-257
§ 102-24 (sewer)	§ 102-60	§ 65-258
§ 102-24 (sewer system)	§ 102-61	§ 65-259
§ 102-24 (suspended solids)	§ 102-66	§ 65-264
§ 102-24 (total solids)	§ 102-67	§ 65-265
§ 102-24 (toxic substance)	§ 102-68	§ 65-266
§ 102-24 (water system)	§ 102-74	§ 65-272
§ 102-25	§ 102-141	§ 65-501
§ 102-26(A)(1)	§ 102-142(a)	§ 65-502(a)
§ 102-26(A)(2)	§ 102-142(c)	§ 65-502(c)
§ 102-26(B)(1)	§ 102-143(a)	§ 65-503(a)
§ 102-26(B)	§ 102-143(b)	§ 65-503(b)
§ 102-26(C)	§ 102-143(a), (b)	§ 65-503(a), (b)
§ 102-26(D)	§ 102-144	§ 65-504
§ 102-26(E)	§ 102-143(b)	§ 65-503(b)
§ 102-26(F)	§ 102-145(a)	§ 65-505(a)
§ 102-26(G)	§ 102-142(b)	§ 65-502(b)
§ 102-26(H)	§ 102-143(d)	§ 65-503(d)
§ 102-27(C)(2)	§ 102-145(b)	§ 65-505(b)
§ 102-27 (except (C)(2))	§ 102-146	§ 65-506
§ 102-28	§ 102-147	§ 65-507
§ 102-29	§ 102-148	§ 65-508
§ 102-30(A)	deleted	deleted; see § 102-607
§ 102-30(B)	§ 102-241	§ 65-801
§ 102-31(A)	§ 102-201(a)	§ 65-601(a)
§ 102-31(B)	§ 102-206	§ 65-606
§ 102-31(C)	§ 102-201(c)	§ 65-601(c)
§ 102-31(D)	§ 102-201(b), (d)	§ 65-601(b), (d)

<u>1981 Code (prior to Ord. 316)</u>	<u>1981 Code (after Ord. 316)</u>	<u>2003 Codified Ordinances</u>
§ 102-31(E)	§ 102-207	§ 65-607
§ 102-32(A)	§ 102-221	§ 65-701
§ 102-32(B)(1)	§ 102-222	§ 65-702
§ 102-32(B)(2)	§ 102-223(a)	§ 65-703(a)
§ 102-32(C)	§ 102-224	§ 65-704
§ 102-32(D)	§ 102-225	§ 65-705
§ 102-32(E)	§ 102-226	§ 65-706
§ 102-32(F)	§ 102-227	§ 65-707
§ 102-33	§ 102-301	§ 65-1101
§ 102-34	§ 102-106	§ 65-306
§ 102-35	§ 102-107	§ 65-307
§ 102-36	§ 102-2 (1 <sup>st</sup> sentence)	§ 65-102 (1 <sup>st</sup> sentence)

### **¶ 65-G Disposition of 1981 Code, Chapter 102 (after Ord. 316).**

<u>1981 Code (after Ord. 316)</u>	<u>2003 Codified Ordinances</u>
§ 102-1	§ 65-101
§ 102-2	§ 65-102
§ 102-3	§ 65-201
§ 102-4	§ 65-202
§ 102-5	§ 65-203
§ 102-6	§ 65-204
§ 102-7	§ 65-205
§ 102-8	§ 65-206
§ 102-9	§ 65-207
§ 102-10	§ 65-208
§ 102-11	§ 65-209
§ 102-12	§ 65-210
§ 102-13	§ 65-211
§ 102-14	§ 65-212
§ 102-15	§ 65-213
§ 102-16	§ 65-214
§ 102-17	§ 65-215
§ 102-18	§ 65-216
§ 102-19	§ 65-217
§ 102-20	§ 65-218
§ 102-21	§ 65-219
§ 102-22	§ 65-220
§ 102-23	§ 65-221
§ 102-24	§ 65-222
§ 102-25	§ 65-223
§ 102-26	§ 65-224
§ 102-27	§ 65-225
§ 102-28	§ 65-226
§ 102-29	§ 65-227
§ 102-30	§ 65-228

<u>1981 Code (after Ord. 316)</u>	<u>2003 Codified Ordinances</u>
§ 102-31	§ 65-229
§ 102-32	§ 65-230
§ 102-33	§ 65-231
§ 102-34	§ 65-232
§ 102-35	§ 65-233
§ 102-36	§ 65-234
§ 102-37	§ 65-235
§ 102-38	§ 65-236
§ 102-39	§ 65-237
§ 102-40	§ 65-238
§ 102-41	§ 65-239
§ 102-42	§ 65-240
§ 102-43	§ 65-241
§ 102-44	§ 65-242
§ 102-45	§ 65-243
§ 102-46	§ 65-244
§ 102-47	§ 65-245
§ 102-48	§ 65-246
§ 102-49	§ 65-247
§ 102-50	§ 65-248
§ 102-51	§ 65-249
§ 102-52	§ 65-250
§ 102-53	§ 65-251
§ 102-54	§ 65-252
§ 102-55	§ 65-253
§ 102-56	§ 65-254
§ 102-57	§ 65-255
§ 102-58	§ 65-256
§ 102-59	§ 65-257
§ 102-60	§ 65-258
§ 102-61	§ 65-259
§ 102-62	§ 65-260
§ 102-63	§ 65-261
§ 102-64	§ 65-262
§ 102-65	§ 65-263
§ 102-66	§ 65-264
§ 102-67	§ 65-265
§ 102-68	§ 65-266
§ 102-69	§ 65-267
§ 102-70	§ 65-268
§ 102-71	§ 65-269
§ 102-72	§ 65-270
§ 102-73	§ 65-271
§ 102-74	§ 65-272
§ 102-101	§ 65-301
§ 102-102	§ 65-302
§ 102-103	§ 65-303
§ 102-104	§ 65-304
§ 102-105	§ 65-305

1981 Code (after Ord. 316)2003 Codified Ordinances

§ 102-106	§ 65-306
§ 102-107	§ 65-307
§ 102-121	§ 65-401
§ 102-122	§ 65-401
§ 102-123	§ 65-401
§ 102-141	§ 65-501
§ 102-142	§ 65-502
§ 102-143	§ 65-503
§ 102-144	§ 65-504
§ 102-145	§ 65-505
§ 102-146	§ 65-506
§ 102-147	§ 65-507
§ 102-148	§ 65-508
§ 102-149	§ 65-509
§ 102-150	§ 65-510
§ 102-201	§ 65-601
§ 102-202	§ 65-602
§ 102-203	§ 65-603
§ 102-204	§ 65-604
§ 102-205	§ 65-605
§ 102-206	§ 65-606
§ 102-207	§ 65-607
§ 102-221	§ 65-701
§ 102-222	§ 65-702
§ 102-223	§ 65-703
§ 102-224	§ 65-704
§ 102-225	§ 65-705
§ 102-226	§ 65-706
§ 102-227	§ 65-707
§ 102-241	§ 65-801
§ 102-242	§ 65-802
§ 102-243	§ 65-803
§ 102-244	§ 65-804
§ 102-251	§ 65-901
§ 102-252	§ 65-902
§ 102-253	§ 65-903
§ 102-254	§ 65-904
§ 102-255	§ 65-905
§ 102-256	§ 65-906
§ 102-257	§ 65-907
§ 102-258	§ 65-908
§ 102-259	§ 65-909
§ 102-260	§ 65-910
§ 102-271	§ 65-1001
§ 102-272	§ 65-1002
§ 102-273	§ 65-1003
§ 102-274	§ 65-1004
§ 102-275	§ 65-1005

<u>1981 Code (after Ord. 316)</u>	<u>2003 Codified Ordinances</u>
§ 102-276	§ 65-1006
§ 102-277	§ 65-1007
§ 102-278	§ 65-1008
§ 102-279	§ 65-1009
§ 102-280	§ 65-1010
§ 102-281	§ 65-1011
§ 102-282	§ 65-1012
§ 102-283	§ 65-1013
§ 102-301	§ 65-1101
§ 102-302	§ 65-1102
§ 102-303	§ 65-1103
§ 102-311	§ 65-1201
§ 102-312	§ 65-1202
§ 102-313	§ 65-1203
§ 102-314	§ 65-1204
§ 102-315	§ 65-1205
§ 102-316	§ 65-1206
§ 102-317	§ 65-1207
§ 102-318	§ 65-1208
§ 102-319	§ 65-1209
§ 102-320	§ 65-1210
§ 102-331	§ 65-1301
§ 102-332	§ 65-1302
§ 102-333	§ 65-1303
§ 102-334	§ 65-1304
§ 102-351	§ 65-1401
§ 102-352	§ 65-1402
§ 102-353	§ 65-1403
§ 102-371	§ 65-1501
§ 102-372	§ 65-1502

## ¶ 65-H Disposition of 1981 Code, Appendix Chapter A142.

<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ A142-1(A)	§ 65-1602(a)
§ A142-1(B)	§ 65-1602(b)
§ A142-2	§ 65-1602(c)
§ A142-3	§ 65-1602(d)
§ A142-4	§ 65-1602(e)
§ A142-5 (engineers)	Deleted; not codified to 2003 Codified Ordinances.
§ A142-6 (accountants)	“
§ A142-7 (effective date)	“
§ A142-8 (severability)	“
§ A142-9 (health, safety, welfare)	“
§ A142-10 (repealer)	“

**¶ 65-I Disposition of Ordinance 342, §§ 2 and 11.**

<u>Ordinance 342</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 2(b)	never codified to 1981 Code	§ 65-401
§ 11	“	Superseded by Ord. 413; <i>see</i> § 65-506(c)

**¶ 65-J Disposition of Annual Ordinance Confirming Sewer Rentals.**

<u>Ordinance</u>	<u>1981 Code (after Ord. 316)</u>	<u>2003 Codified Ordinances</u>
278, § 6	§§ 102-141, 102-142(a)	§§ 65-501, 65-502(a)
284, § 6	§§ 102-141, 102-142(a)	§§ 65-501, 65-502(a)
288, § 6	§§ 102-141, 102-142(a)	§§ 65-501, 65-502(a)
296, § 6	§§ 102-141, 102-142(a)	§§ 65-501, 65-502(a)
305, § 6	§§ 102-141, 102-142(a)	§§ 65-501, 65-502(a)
314, § 6	§§ 102-141, 102-142(a)	§§ 65-501, 65-502(a)
323, § 6	§ 102-141	§ 65-501
345, § 6	§ 102-141	§ 65-501
355, § 6	§ 102-141	§ 65-501
362, § 6	§ 102-141	§ 65-501
378, § 6	§ 102-141	§ 65-501
384, § 6	§ 102-141	§ 65-501
393, § 6	§ 102-141	§ 65-501
402, § 6	§ 102-141	§ 65-501
418, § 4	Not applicable.	Confirming Article V for 2004
431, § 6	“	Confirming Article V for 2005
442, § 4	“	Confirming Article V for 2006
452, § 4	“	Confirming Article V for 2007
475, § 4	“	Confirming Article V for 2009
508, § 4	“	Confirming Article V for 2013
514, § 4	“	Confirming Article V for 2014, except modify § 65-502(c)
523, § 4	“	Confirming Article V for 2015
532, § 4	“	Confirming Article V for 2016
542, § 4	“	Confirming Article V for 2018

**¶ 65-K Disposition of Annual Temporary Surcharge Ordinances.**

<u>Ordinance</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
278, § 6	§ 102-149(a)	§ 65-509(a)
284, § 6	§ 102-149(b)	§ 65-509(b)
288, § 6	§ 102-149(c)	§ 65-509(c)
296, § 6	§ 102-149(d)	§ 65-509(d)
305, § 6	§ 102-149(e)	§ 65-509(e)
314, § 6	§ 102-149(f)	§ 65-509(f)

<u>Ordinance</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
323, § 6	§ 102-149(g)	§ 65-509(g)
345, § 6	§ 102-149(h)	§ 65-509(h)
355, § 6	§ 102-149(i)	§ 65-509(i)
362, § 6	§ 102-149(j)	§ 65-509(j)
378, § 6	§ 102-149(k)	§ 65-509(k)
384, § 6	§ 102-149(l)	§ 65-509(l)
393, § 6	§ 102-149(m)	§ 65-509(m)
402, § 6	§ 102-149(n)	§ 65-509(n)
418, § 5	Not applicable.	§ 65-509(o)
431, § 7	“	§ 65-509(p)
442, § 5	“	§ 65-509(q)
468, § 7	“	§ 65-509(s)
475, § 5	“	§ 65-509(t)
486, § 7	“	§ 65-509(u)
492, § 7	“	§ 65-509(v)

### ¶ 65-L Source Ordinances.

Ordinance 141	12-01-1969
Ordinance 151	06-07-1971
Ordinance 152	06-07-1971
Ordinance 153	06-07-1971
Ordinance 154	06-07-1971
Ordinance 215	11-11-1981
Ordinance 278	12-27-1989
Ordinance 284	12-26-1990
Ordinance 288	12-30-1991
Ordinance 296	12-30-1992
Ordinance 305	12-29-1993
Ordinance 311	10-12-1994
Ordinance 314	12-28-1994
Ordinance 316	05-10-1995
Ordinance 323	12-27-1995
Ordinance 342	12-30-1996
Ordinance 345	12-30-1996



Ordinance 355	12-29-1997
Ordinance 362	12-30-1998
Ordinance 378	12-29-1999
Ordinance 384	12-27-2000
Ordinance 393	12-26-2001
Ordinance 402	12-23-2002
Ordinance 413	10-29-2003
Ordinance 415	10-29-2003
Ordinance 418	12-29-2003
Ordinance 431	12-29-2004
Ordinance 442	12-28-2005
Ordinance 450	12-27-2006
Ordinance 452	12-27-2006
Ordinance 468	12-26-2007
Ordinance 475	12-29-2008
Ordinance 485	08-26-2009
Ordinance 486	12-30-2009
Ordinance 489	04-28-2010
Ordinance 491	10-27-2010
Ordinance 492	12-29-2010
Ordinance 500	12-28-2011
Ordinance 507	07-25-2012
Ordinance 508	12-26-2012
Ordinance 514	12-23-2013
Ordinance 518	03-12-2014
Ordinance 520	04-09-2014
Ordinance 523	12-29-2014
Ordinance 526	01-28-2015

Ordinance 532	12-30-2015
Ordinance 535	12-28-2016
Ordinance 540	08-09-2017
Ordinance 542	12-27-2017

### **¶ 65-M Prior Ordinances Concerning Related Subject Matter.**

Ordinance 99	12-03-1962
Ordinance 150	06-01-1971

### **¶ 65-N Documents Relating to the Borough Sewer Collection System.**

Copies of the following documents are provided with the online and CD-ROM versions of the Codified Ordinances:

- (1) 1971 Alburtis System Lease Agreement and Assignment (*cf.*, § 65-1602).
- (2) 1971 Alburtis System Trust Indenture.
- (3) 1992 Resolution Adopting Official Sewage Facilities Plan.
- (4) 1994 Sewage Transmission Agreement with Lower Macungie Township (*cf.*, § 65-1604).

### **¶ 65-O Documents Relating to the Western Lehigh Interceptor System.**

Copies of the following documents are provided with the online and CD-ROM versions of the Codified Ordinances:

- (1) 1970 Interceptor System Agreement (*cf.*, § 65-1601).
- (2) 1970 Interceptor Service Agreement.
- (3) 1971 Interceptor Lease Agreement and Assignment.
- (4) 1971 Interceptor Trust Indenture.
- (5) 1972 Agreement Permitting Connection by Emmaus System.
- (6) 1972 Agreement re: Stewart Sandwiches Connection to the Emmaus System.
- (7) 1973 Addendum to 1970 Interceptor System Agreement.
- (8) 1978 Interceptor Management Agreement.

(9) 1990 Agreement Permitting Diversion of Sewage Emanating In a Portion of Lower Macungie Township From the Lehigh County Authority Interceptor System to the South Whitehall Township Interceptor System.

### **¶ 65-P Documents Relating to the Little Lehigh Relief Interceptor System.**

Copies of the following documents are provided with the online and CD-ROM versions of the Codified Ordinances:

- (1) 1981 Relief Interceptor Agreement.
- (2) 1981 Amendment to Relief Interceptor Agreement.
- (3) 1985 Amendment to Relief Interceptor Agreement—Phase II.
- (4) 1987 Addendum No. 2 to Relief Interceptor Agreement—Basin Street to Kline's Island.

### **¶ 65-Q Documents Relating to the Allentown Sewer System.**

Copies of the following documents are provided with the online and CD-ROM versions of the Codified Ordinances:

- (1) 1969 Allentown Sewer Service Agreement.
- (2) 1981 Allentown Sewer Service Agreement.
- (3) 1982 Amendment to 1981 Allentown Sewer Service Agreement.
- (4) 1985 Industrial Pretreatment Agreement.
- (5) 1986 Purchase of Additional Treatment Capacity.
- (6) 2000 Amendment to 1986 Treatment Capacity Purchase Agreement.

### **¶ 65-R Allocation Agreements.**

Copies of the following documents are provided with the online and CD-ROM versions of the Codified Ordinances:

- (1) 1974 Mack Trucks Agreement.
- (2) 1983 Wastewater Treatment Capacity Allocation Agreement.
- (3) 1985 Amendments to 1983 Wastewater Treatment Capacity Allocation Agreement (6.15 MGD).
- (4) 1985 Post-1985 Allocation Agreement.

- (5) 1986 Addendum to 1985 Post-1985 Allocation Agreement.
- (6) 1987 Amendment to 1983 Wastewater Treatment Capacity Allocation Agreement (6.15 MGD).
- (7) 1987 Wastewater Treatment Capacity Allocation Agreement (Post-1985 Allocation).
- (8) 1988 Amendment to Wastewater Treatment Capacity Allocation Agreement (Post-1985 Allocation).
- (9) 1991 Amendment to Wastewater Treatment Capacity Allocation Agreement (6.15 MGD) re: County Pretreatment Plant.
- (10) 1991 Amendment to Wastewater Treatment Capacity Allocation Agreement (Post-1985 Allocation) re: County Pretreatment Plant.
- (11) 1993 Amendment to Wastewater Treatment Capacity Allocation Agreement re: Post-Redemption of 1971 Bonds.
- (12) 1994 Addendum No. 1 to 1991 Amendment to 1983 Wastewater Treatment Capacity Allocation Agreement (6.15 MGD).
- (13) 1997 Addendum No. 2 to 1991 Amendment to 1983 Wastewater Treatment Capacity Allocation Agreement (6.15 MGD).
- (14) 2000 Amendment to 1987 Wastewater Treatment Capacity Allocation Agreement (Post-1985 Allocation).
- (15) 2000 Addendum No. 3 to 1991 Amendment to 1983 Wastewater Treatment Capacity Allocation Agreement (6.15 MGD).
- (16) 2003 Addendum No. 4 to 1991 Amendment to 1983 Wastewater Treatment Capacity Allocation Agreement (6.15 MGD).
- (17) 2006 Addendum No. 5 to 1991 Amendment to 1983 Wastewater Treatment Capacity Allocation Agreement (6.15 MGD) (*cf.*, § 65-1605).
- (18) 2007 Amendment No. 4 to 1987 Wastewater Treatment Capacity Allocation Agreement (Post-1985 Allocation) (*cf.*, § 65-1606).

## **¶ 65-S Documents Relating to the Sewer Subsidy Provided to the Borough by Lehigh County.**

Copies of the following documents are provided with the online and CD-ROM versions of the Codified Ordinances:

- (1) 1970 Subsidy Agreement.
- (2) 1987 Subsidy Settlement Stipulation and 1988 Order.

**¶ 65-T Documents Relating to the Sewer Capacity Assurance and Rehabilitation Program (SCARP).**

Copies of the following documents are provided with the online and CD-ROM versions of the Codified Ordinances:

- (1) 2010 Memorandum of Understanding—Investigation and Evaluation Phase (*cf.*, § 65-1607).
- (2) 2010 Memorandum of Understanding—Allocation of Development Flow Credits for Conveyance (*cf.*, § 65-1608).

**¶ 65-U Miscellaneous Sewer Documents.**

Copies of the following documents are provided with the online and CD-ROM versions of the Codified Ordinances:

- (1) 1969 Letter Agreement re: Brewery.
- (2) 1977 Amendment to 1969 Letter Agreement re: Brewery.
- (3) 1986 Agreement for the Protection of a Portion of the Western Lehigh Interceptor (re: Brewery).

**¶ 65-V Relationship to City of Allentown Ordinances Article 941 (Sewage and Industrial Wastes), as Restated by City Ordinance No. 15346.**

Paragraphs 2 and 4 of an Agreement dated November 27, 1985 (*see* ¶ 65-Q(4)) among the City of Allentown, the Coplay-Whitehall Sewer Authority, the Lehigh County Authority, the Township of Salisbury, the Township of South Whitehall, and the Borough of Alburdis, to which the Borough of Alburdis joined in, consented to, and agreed to be bound by through action of Borough Council on January 13, 1988, requires the Borough of Alburdis to amend its sewer ordinances relating to the administration and operation of the pretreatment program in accordance with 40 CFR 403 whenever the City of Allentown amends its ordinance. The City of Allentown amended and restated its sewage and industrial wastes ordinance (Article 941) on January 18, 2017 by City Ordinance No. 15346. The following provisions of this Chapter 65 are based on or derived from the following provisions of City Ordinances Article 941, as amended and restated by City Ordinance No. 15346:

<u>Alburdis Codified Ordinances</u>	<u>City of Allentown Ordinances</u>
§ 65-102	§ 941.1.1
§ 65-204	§ 941.1.4(B)
§ 65-206(a)-(d)	§ 941.1.4(C)
§ 65-206(e)	§ 941.4.6(B)
§ 65-206.1	§ 941.1.4(E), § 941.1.3
§ 65-208	§ 941.1.4(D), § 941.1.3

Alburtis Codified OrdinancesCity of Allentown Ordinances

§ 65-210.1	§ 941.1.4(G)
§ 65-211	§ 941.1.4(F)
§ 65-212	§ 941.1.3
§ 65-212.1	§ 941.1.4(I), § 941.1.3
§ 65-213	§ 941.1.4(H)
§ 65-213.1	§ 941.1.4(OO), § 941.1.3
§ 65-214	§ 941.1.4(A)
§ 65-218.1	§ 941.1.4(K)
§ 65-218.2	§ 941.1.4(L)
§ 65-220	§ 941.1.4(M), § 941.1.3
§ 65-221	§ 941.1.4(N), § 941.1.2
§ 65-223	§ 941.1.3
§ 65-224	§ 941.1.4(O)
§ 65-226	§ 941.1.4(Q)
§ 65-227.2	§ 941.1.4(P)
§ 65-229	§ 941.1.4(R)
§ 65-232	§ 941.1.4(S)
§ 65-234	§ 941.1.4(T)
§ 65-235	§ 941.1.4(U)
§ 65-236	§ 941.1.3
§ 65-236.1	§ 941.1.4(V)
§ 65-236.2	§ 941.1.4(W)
§ 65-238	§ 941.1.4(X)
§ 65-239	§ 941.1.3
§ 65-240	§ 941.1.4(Y)
§ 65-240.1	§ 941.1.3
§ 65-240.2	§ 941.1.4(NN)
§ 65-242	§ 941.1.4(Z)
§ 65-243	§ 941.1.4(AA)
§ 65-244	§ 941.1.4(BB)
§ 65-245	§ 941.1.4(CC)
§ 65-247	§ 941.1.4(DD)
§ 65-248	§ 941.1.4(EE)
§ 65-249	§ 941.1.4(FF)
§ 65-250	§ 941.1.4(GG)
§ 65-252	§ 941.1.4(HH), § 941.1.3
§ 65-253	§ 941.1.3
§ 65-255	§ 941.1.4(II)
§ 65-256	§ 941.1.4(JJ)
§ 65-260	§ 941.1.4(KK)
	§ 941.4.6(C)
§ 65-261	§ 941.1.4(LL)
§ 65-263	§ 941.1.4(MM)
§ 65-264	§ 941.1.4(PP), § 941.1.3
§ 65-265	§ 941.1.4(QQ)
§ 65-268	§ 941.1.3
§ 65-269	§ 941.1.4(RR)
§ 65-270	§ 941.1.4(SS)
§ 65-271	§ 941.1.4(TT)

Alburtis Codified OrdinancesCity of Allentown Ordinances

§ 65-502(d)

§ 941.16.1(A)

*See also* §§ 3(B) and 8 of Agreement of December 29, 1981 (*see* ¶ 65-Q(2)); Articles III and IV of the April 1, 1983 Agreement (*see* ¶ 65-R(2)), as amended by the August 1, 1987 amendment thereto (*see* ¶ 65-R(6)).

§ 65-503(c)

§ 941.16.1(A)

“

§ 65-510(a)

§ 941.15.1

§ 65-601(a)

§ 941.2.1(B)(12)

§ 65-601(b)

§ 941.2.1(A)

§ 65-601(c)(1)

*See* §§ 3(B) and 8 of Agreement of December 29, 1981 (*see* ¶ 65-Q(2)); Articles III and IV of the April 1, 1983 Agreement (*see* ¶ 65-R(2)), as amended by the August 1, 1987 amendment thereto (*see* ¶ 65-R(6)).

§ 66-601(c)(2)

§ 941.16.1(C)

§ 65-601(c)(4)-(23)

§ 941.2.1(B)

§ 65-601(d)

§ 941.2.1(C)

§ 65-602(a)

§ 941.2.2, introduction

§ 65-602(b)(1)

§ 941.2.2(B)

§ 65-602(b)(2)

40 CFR 403.6(c)(3)

§ 65-602(b)(3)

40 CFR 403.6(c)(4)

§ 65-602(c)

§ 941.2.2(D)

§ 65-602(d)

§ 941.2.2(E)

§ 65-602(e)

§ 941.2.2(G)

§ 65-602(f)

§ 941.2.2(E)

§ 65-602(g)

§ 941.2.2(E), (F)

§ 65-602(h)

§ 941.2.2(H)

§ 65-602(i)

§ 941.2.2(C)

§ 65-602(j)

40 CFR 403.13

§ 65-602(k)

40 CFR 503.15

§ 65-603

§ 941.2.3

§ 65-604(a), (b), (c)

§ 941.2.4

§ 65-604(d)

§ 941.2.5

§ 65-605

§ 941.2.6

§ 65-703(b)

§ 941.3.2(B)

§ 65-801(a)

§ 941.3.1, first 2 sentences

§ 65-801(b)

§ 941.3.1, last 3 sentences

§ 65-801(d)

§ 941.13.1(F)

§ 65-802(a)

§ 941.3.2(A)

§ 65-802(b)

§ 941.3.2(C)

§ 65-802(c)

§ 941.3.2(D)

§ 65-803

§ 941.3.3

§ 65-804(a)

§ 941.3.4(E)

§ 65-901

§ 941.4.1

§ 65-902(a)(1)

§ 941.4.2(A)



<u>Alburtis Codified Ordinances</u>	<u>City of Allentown Ordinances</u>
§ 65-902(a)(2)	§ 941.4.2(B)
§ 65-902(b)(1)	§ 941.4.3
§ 65-902(b)(2)	§ 941.4.4
§ 65-902(c)	§ 941.4.2(C), first sentence
§ 65-902(d)	§ 941.4.2(C), second sentence
§ 65-903(a)	§ 941.4.5
§ 65-903(b)	§ 941.4.6(A)
	§ 941.6.13(A)
§ 65-904(a)	§ 941.4.7
	§ 941.5.3(A), first sentence
§ 65-904(b)-(d)	§ 941.5.3(A), portions
§ 65-905(a)	§ 941.5.1
§ 65-905(b), (c)	§ 941.5.6, last paragraph
§ 65-906	§ 941.5.2
§ 65-907	§ 941.5.4
§ 65-908	§ 941.5.5
§ 65-909	§ 941.5.6
§ 65-910	§ 941.5.7
§ 65-1001	§ 941.6.1
	§ 941.6.2(A), (B)
§ 65-1002	§ 941.6.2(C), (D)
§ 65-1003	§ 941.6.3
§ 65-1004	§ 941.6.4
§ 65-1005	§ 941.6.5
§ 65-1006	§ 941.6.6
§ 65-1007	§ 941.6.7
	§ 941.6.13(B)
§ 65-1008	§ 941.6.8
§ 65-1009	§ 941.6.14
§ 65-1010	§ 941.6.9
§ 65-1011	§ 941.6.10
§ 65-1012	§ 941.6.11
§ 65-1013	§ 941.6.12
§ 65-1101	§ 941.7.1
§ 65-1102	§ 941.7.2
§ 65-1103	§ 941.8
§ 65-1201	§ 941.10.1
§ 65-1202	§ 941.9
§ 65-1203	§ 941.10.2
§ 65-1204	§ 941.10.3
§ 65-1205	§ 941.10.4
§ 65-1206	§ 941.10.5
§ 65-1207	§ 941.12.1
§ 65-1208	§ 941.12.2
§ 65-1208.1	§ 941.12.3
§ 65-1209	§ 941.12.4, first sentence
§ 65-1210 (except (b))	§ 941.10.6
§ 65-1211	§ 941.10.6, second last paragraph
§ 65-1212	§ 941.10.7

Alburtis Codified Ordinances

City of Allentown Ordinances

§ 65-1213

§ 941.10.8

§ 65-1301

§ 941.11.1

§ 65-1302

§ 941.11.2

§ 65-1303(b)

§ 941.11.3(A)

§ 65-1303(c)

§ 941.11.3(B)

§ 65-1303(d)

§ 941.11.3(C)

§ 65-1304

§ 941.11.4, first sentence

§ 65-1401

§ 941.13.1(A)-(E)

§ 65-1402

§ 941.13.2

§ 65-1403

§ 941.13.3

§ 1-110

§ 941.15.2