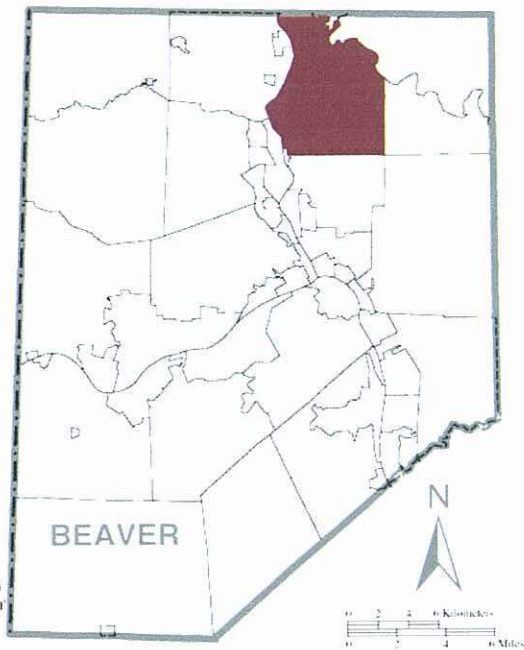


North Sewickley Township Beaver County, PA

Chapter 18 Sewers and Sewage Disposal



CODIFICATION
OF
ORDINANCES

Chapter 18

SEWERS AND SEWAGE DISPOSAL

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CHAPTER 18

SEWERS AND SEWAGE DIPOSAL

History: Ordinance No. 24A, November 19, 1978, as amended by Ordinance No. 59, September 14, 1982; Ordinance No. 44, June 13, 1978, as amended by Ordinance No. 74, December 10, 1991; Ordinance No. 82, September 9, 1993, as amended by Ordinance No. 90, June 8, 1995, as further amended by Ordinance No. 97 and further amended by Ordinance No. 116, August 26, 2005; Ordinance No. 104, December 12, 2000; Ordinance No. 106, April 10, 2001

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PART 1

Sanitary Sewage Disposal Systems

§18-101 TITLE AND PURPOSE

- A. For the purpose of this Chapter, the following words shall be cited as the North Sewickley Township Sanitary Sewage Disposal System Chapter.

- B. Purpose: This Chapter is adopted for the purpose of promoting and protecting the health, safety, comfort and general welfare of the citizens and residents of the Township of North Sewickley.

§18-102 DEFINITIONS

For the purpose of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Chapter.

- A. HEALTH OFFICER: The legally designated Health Officer of the Township of North Sewickley or any duly authorized representative of the Board of Supervisors of North Sewickley Township.
- B. MUNICIPAL SEWER SYSTEM NOT AVAILABLE: All areas of the Township which are not subject to the requirements or regulations of those areas that are considered available under Section 18-102 E of this Chapter.
- C. MUNICIPAL SEWER SYSTEM SERVICE AVAILABLE: Those areas of North Sewickley Township which the Township has constructed and maintains a system of sanitary sewers located in streets, alleys, or rights-of-way, in which said sanitary sewers are located abuts upon or is adjacent to property of said applicant, shall be considered available and shall be connected to the municipal system. When the first floor elevation of all proposed or existing dwellings or structures can be sewerred by gravity to the municipal sewer, they shall be considered available and shall be connected to the municipal system. All sanitary sewage systems in proposed subdivisions shall be subject to the rules and regulations, relating to the subdivision and development of land and the construction, opening and dedication of streets, alleys, sewer drainage, and other facilities in connection therewith in the Township of North Sewickley.
- D. PERMIT: A written permit issued by the Township permitting the construction and/or alteration of a sewage disposal system under this Chapter.
- E. PERSON: Any property owner, person, association of persons, institution, firm, public or private corporation, individual, partnership, contractor, general agent, lessee, tenant, or any representative of any of the aforementioned.
- F. SEWAGE DISPOSAL SYSTEM: A sewage disposal system (other than the municipalities sewerage system) which receives either human-excreta, liquid waste, laundry waste or waste drainage from one or more premises or structures.

§18-103 MUNICIPAL SEWER SYSTEM SERVICE AVAILABLE

In all areas of North Sewickley Township where Municipal Sewer System facilities are available, every improvement and structure even though such structure is fabricated or manufactured elsewhere, whether mobile or immobile that is erected and/or placed upon a plot of land in the Township and intended to be used and occupied either permanently or temporarily for either dwelling, commercial or industrial purposes shall be required to be connected to, discharge and dispose of all sewage and liquid wastes into the Township's sanitary sewer system.

§18-104 MUNICIPAL SEWER SYSTEM SERVICE NOT AVAILABLE

In all areas of North Sewickley Township where Municipal Sewer System facilities are not available there shall be required to be provided inside plumbing facilities and a sanitary sewage disposal system for every improvement and structure even though such structure is fabricated or manufactured elsewhere, whether mobile or immobile, that is erected and/or placed upon a plot of land in the Township and intended to be used and occupied either permanently or temporarily for either dwelling, commercial or industrial purposes.

§18-105 SEWAGE DISPOSAL SYSTEM DESIGN REQUIREMENTS

- A. The design of individual sewage disposal systems shall take into consideration the systems location with respect to water wells, cisterns, springs or other sources of water supply, water table, soil characteristics, topography, area available for absorption field, maximum occupancy of buildings or structures, with each unit of the sewage disposal system to be designed to adequately treat the estimate maximum volume of sewage and waste material to be discharged from the premises to be served by said disposal system.
- B. The sanitary sewage disposal system shall be constructed to include a tank, a distribution box and a tile disposal field area, absorption bed or seepage pit, with the size, capacity, method and materials of construction, and the location of the different units of the system to be in compliance with design, standards, specifications and regulations as shall be adopted by the Board of Supervisors of North Sewickley Township and as may be amended by resolution of said Board of Supervisors.
- C. Illustrations and design standards regulating the location and installation of sewage disposal system, septic tanks, distribution boxes, tile disposal fields, absorption beds, seepage pits, etc., shall be set forth in and adopted by resolution of the Board of Supervisors of North Sewickley Township contemporaneously with the adoption of this Chapter, or as said resolution may be hereafter amended.

§18-106 FORBIDDEN CONTRIVANCES, DEVICES OR PRACTICES

It shall be unlawful and a violation of this Chapter for any person, corporation or contractor when installing and constructing a sewage disposal system to use as a part of said system any drilled wells, dug wells, abandoned wells, nor drilled holes as a part of said system into any wells or drilled holes as hereinbefore mentioned.

§18-107 NECESSITY OF PERMIT

- A. From and after the effective date of this Chapter, it shall be unlawful and a violation of this Chapter for any person to construct, reconstruct, enlarge, alter, or extend a sanitary sewage disposal system within the Township of North Sewickley, unless and until he holds a valid permit issued by the legally designated authority of the Board of Supervisors of North Sewickley Township granting permission to proceed with the specific construction, installation or alterations as specified in the permit.
- B. No person shall commence construction, erection or placement of a building or structure or mobile unit of any type, any of which are intended to be used and occupied for either dwelling, commercial, or industrial purposes upon a plot of land in North Sewickley Township, unless and until a valid permit has been obtained from the legally designated authority of the Board of Township Supervisors.
- C. No person shall occupy and use for either dwelling, commercial or industrial purposes any dwelling, building structure or mobile unit of any type unless and until the sanitary sewage disposal system for said premises has been fully constructed and completed in compliance with the permit issued for it, and in accordance with all of the provisions of this Chapter, and said disposal system officially approved by the legally designated authority of the Board of Township Supervisors.
- D. All sanitary sewage disposal systems which drain or overflow sanitary waste effluent on to the surface of the ground, thereby creating a nuisance or health hazard shall be corrected according to specifications of this Chapter when notified in writing by the Township to correct such violation. It shall be the duty of the Township Secretary or other fully authorized representatives of the Board of Supervisors of North Sewickley Township to give written notice to the offending person responsible for creating such health hazard to correct and make the necessary changes in the sewage disposal system to conform to the requirements, specifications and provisions of this Chapter, said work and compliance with the Chapter to be performed within a period of thirty (30) days from the date of the receipt of said notification

from the Township representative. A permit must be obtained from the Township's duly authorized representative before the commencement of any work of renewal, alteration and corrective construction. Upon failure to comply with the requirements of this notice and the provisions of this Chapter within the time specified in the thirty (30) day notice, such person shall be deemed to be in violation of this Chapter.

§18-108 PROCEDURE AND DATA REQUIRE FOR PERMIT

- A. All applications for permits shall be made upon forms provided by the Township and shall be submitted to the Board of Township Supervisors or their duly authorized representative and shall show and include the following information:
- (1) Name and address of the applicant;
 - (2) Name and address of the owner of the property;
 - (3) Name and address of the contractor or person proposing to do the construction work;
 - (4) Location of property upon which the construction is to be performed; and
 - (5) A plan showing the following information:
 - (a) Boundaries and description of the plot of land involved in the construction;
 - (b) Location, outline and dimensions of existing structures or structures to be built or placed;
 - (c) Location of any easements, driveways, embankments, large trees, well, spring, cistern and any existing sanitary sewage disposal systems on the property;
 - (d) Location of proposed sanitary sewage disposal system, alteration or extensions, with distances being given to any existing or proposed structures, and to any property lines;
 - (e) Topography of the area occupied or to be occupied by buildings and the sewage disposal system, indicating by contour lines or elevations showing the general direction of natural surface drainage and the general slope of the existing plot of land;
 - (f) Location and distance to any existing water wells, cistern or springs on adjacent properties less than one hundred feet (100') from the sewage disposal system proposed to be constructed;
 - (g) Purpose for which building, structure, mobile or immobile unit is to be used that is to be served by the disposal system;
 - (h) Size of structure or unit, number of bedrooms, number of bathrooms, number of commodes, size of septic tanks, length of tile field, size of absorption bed, size of seepage pits showing its component parts, percolation reports when required by the Township; and
 - (i) Commercial and industrial establishments that require sanitary disposal systems and that are subject to the rules and regulations of the Pennsylvania Department of Health shall submit all plans, specifications, data and approvals required by the Pennsylvania Department of Health to the Board of Township Supervisors for that Board's approval. The Board of Supervisors may require such alterations in the plans and specifications as the Board of Supervisors may deem advisable and necessary, before a permit shall be issued to the applicant by the Board of Supervisors or their duly authorized representative for the construction of said disposal system.

§18-109 FEE

The applicant shall submit with his application for a permit, a fee payable to the Township of North Sewickley, in accordance with the fee schedule to be adopted by the Board of Supervisors of North Sewickley Township to defray, or help to defray the costs and expense of issuing said permit and performing the necessary inspection service.

§18-110 PERMITS

- A. No permit shall be issued until the authorized representative of the Board of Supervisors has examined the application and if he deems it advisable, has viewed the site of the proposed construction and is satisfied that the construction, as proposed in the application, will comply with all the provisions of this Chapter.
- (1) No permit for the construction of a sewage disposal system shall be issued unless the lot for which said permit is requested shall have an area of not less than forty thousand (40,000) square feet. No permit shall be issued for more than one (1) sewage disposal system on any lot of land unless said lot shall have an area equal to a minimum of forty thousand (40,000) square feet for each septic system to be located thereon.¹
- (2) The minimum 40,000 square foot lot size for sewage disposal system permits shall not apply to lots laid out or in existence prior to January 1, 1973, provided said lot shall be used for a single family dwelling.²
- B. It shall be the duty of the Board of Supervisors or their duly authorized representative in writing to either approve or reject the application within a period of ten (10) days from the date of the receipt of said application. In the event of rejection, said Township representative shall state in writing to the applicant the reason for such rejection.
- C. Any person whose application for a permit has been denied may request and shall be granted a hearing on the matter before the Board of Township Supervisors within twenty (20) days after the receipt of the request for such hearing.
- D. No work of construction, installation, alteration or extension of any sanitary sewage disposal system or any part thereof shall be commenced by any person unless and until a permit has been obtained from the Township permitting such work.
- E. Any variation, change or revision in the size, design, location specifications and construction of the sewage disposal system from that which the permit was issued for, unless such variation was approved in writing by the Township's representative, may be rejected on final inspection and the disposal system considered to be in violation of the provisions of this Ordinance.
- F. All permits issued in accordance with the provisions of this Chapter shall be null and void unless the construction and installation for which said permit is issued shall be completed within two (2) years from the date of the issuance of such permit.

¹ Ordinance No. 59, September 14, 1982.

² Ordinance No. 68, July 6, 1990.

PART 2

Use and Maintenance of Holding Tanks

§18-201 PURPOSE

The purpose of this Chapter is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage whether from residential or commercial uses, and it is hereby 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 Township.

§18-202 DEFINITIONS

- A. **HOLDING TANK:** A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include, but are not limited to the following:
 - (1) **Chemical Toilet:** A toilet using chemicals that discharge to a holding tank.
 - (2) **Retention Tank:** A holding tank where sewage is conveyed to it by a water carrying system.
 - (3) **Vault Pit Privy:** A holding tank designed to receive sewage where water under pressure is not available.
- B. **IMPROVED PROPERTY:** Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.
- C. **OWNER:** Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
- D. **PERSON:** Any individual, partnership, company, association, corporation or other group or entity.
- E. **SEWAGE:** Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation.
- F. **SUPERVISORS:** The North Sewickley Township Board of Supervisors.
- G. **TOWNSHIP:** North Sewickley Township, Beaver County, Pennsylvania.

§18-203 RIGHTS AND PRIVILEGES GRANTED

The Supervisors are hereby authorized and empowered to undertake within the Township the control and methods of holding tank sewage disposal and the collection and transportation there.

§18-204 RULES AND REGULATIONS

The Supervisors are hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purpose herein.

§18-205 RULES AND REGULATIONS TO BE IN CONFORMITY WITH APPLICABLE LAW

All such rules and regulations adopted by the Supervisors shall be in conformity with the provisions herein, all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

§18-206 RATES AND CHARGES

The Supervisors shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

§18-207 EXCLUSIVENESS OF RIGHTS AND PRIVILEGES³

- A. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Township, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- B. The Township will receive, review and retain pumping receipts from permitted holding tanks.
- C. The Township will complete and retain annual inspection reports for each permitted tank.

§18-208 DUTIES OF IMPROVED PROPERTY OWNER

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this or any Chapter of this Township, the provisions of any applicable law, and the rules and regulations of the Supervisors and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Supervisors or anyone having a permit from the Supervisors to collect, transport, and dispose of the contents herein.

§18-209 VIOLATIONS

Any person violating any provision of this Chapter shall, upon summary conviction, be subject to a fine not to exceed three hundred dollars (\$300.00) and upon default of payment to imprisonment not to exceed thirty (30) days.

§18-210 ABATEMENT OF NUISANCES

In addition to any other remedies provided in this Chapter, any violation of Section 18-208 above shall constitute a nuisance and may be abated by the Township or the Supervisors by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

³ Ordinance No. 74, December 10, 1991.

PART 3

Connection to Public Sanitary System

§18-301 REQUIRED CONNECTION

Every owner of property in the Township of North Sewickley whose property abuts upon any public sanitary sewer and the principal building thereon is within one hundred and fifty feet (150') of the sewer system presently in existence or to be constructed in the future by North Sewickley Township Sewer Authority⁴ shall connect, at its own cost, the house, building or other structures located on said property with the aforementioned public sanitary sewers for the purpose of disposing of all acceptable sanitary sewage emanating from said property.

§18-302

It shall be unlawful for any owner, lessee or occupier of any such property in the Township abutting upon any aforementioned public sanitary sewer to employ any means, either by septic tank, cesspool, privy vault, mine hold or otherwise, for the disposal of acceptable sanitary sewage other than into and through said public sanitary sewers.

§18-303

Where any such house, building or structure in the Township abutting upon any aforementioned public sanitary sewer is now or hereafter using any method for the disposal of acceptable sanitary sewage other than through said public sanitary sewers, it shall be the duty of the Township Secretary or the authorized representative of the North Sewickley Township Sewer Authority (hereinafter called the Authority) to notify the owner, lessee or occupier of said structure in writing, by personal service or certified mail to disconnect the same and make proper connection for the discharge and disposal of all acceptable sanitary sewage through the said public sanitary sewers as hereinafter provided within ninety (90) days after receipt of said notice. Notice shall be deemed to have been received within three (3) business days after the mailing of said notice. In the event that any owner, lessee or occupier of a structure cannot comply with the provisions of this Part as to connection within ninety (90) days of said notice due to the unavailability of a contractor to make the necessary connection, said owner, lessee or occupier shall make application upon a form to be furnished by the Authority which shall provide proof satisfactory to the Authority that reasonable efforts have been made to obtain the services of a contractor to connect and the contractor was unavailable. Said application shall also include a voluntary agreement under which the applicant agrees to commence paying the regular monthly sewer rates immediately even though actual connection may not be accomplished until some later date. Said extension shall be for a period of no more than forty-five (45) days.⁵

§18-304

No privy vault, cesspool, septic tank, mine hole or similar receptacle for human excrement shall at the present time or at any time hereafter be connected with the aforesaid public sanitary sewers.

§18-305

It shall be unlawful for any person, firm or corporation connected to any aforementioned public sanitary sewers to connect any roof drain thereto or permit any roof drain to remain connected thereto, or to permit, allow or cause to enter into said public sanitary sewers any stormwater, foundation, drain water, spring water, surface water, or any sewage or industrial waste from any property other than that for which a permit is issued.

⁴ Established 1993.

⁵ Ordinance No. 90, June 8, 1995, as amended by Ordinance No. 97, October 10, 1996.

§18-306

No person, firm, or corporation shall make or cause to be made any connection with any of the aforementioned public sanitary sewers until he has fulfilled all of the following conditions:

- A. He shall make application to the Authority, as the Township's agent, upon a permit form to be formulated and supplied by the Authority for permission to connect to the aforementioned public sanitary sewers. Among other things, the applicant must state the character and use of each structure located upon his property.
- B. He shall pay to the Authority the required tap connection fee established by said Authority for each equivalent dwelling unit on each property connected to aforementioned public sanitary sewers at the time of making application for permission to make such connection or connections.
- C. No work shall commence before the payment of the aforesaid tap connection fee and issuance of the aforementioned connection permit.
- D. He shall give the designated inspector of the Authority at least twenty-four (24) hours notice of the time when such connection shall be made in order that said inspector can be present to inspect and approve the work of connection. The inspector shall signify his approval of the connection by endorsing his name and the date of approval on the aforementioned connection permit in the possession of the permittees.
- E. At the time of inspection of the connection, the owner or owners of properties shall permit the inspector full and complete access to all sanitary and drainage arrangements and facilities in each building and in and about all parts of the property. No building sewer line shall be covered over, or in any manner concealed, until after it is inspected and approved by the inspector.

§18-307

The construction and number and size of all building sewer lines or house service sewers shall be done in accordance with the specifications, plans and procedures established by the Authority in the Sewer System Rules and Regulations, as the same may be from time to time published and amended, copies of which, upon adoption, shall be maintained on file with the Township Secretary and the Authority.

§18-308

If the owner or owners of any occupied houses, buildings or structures in the Township shall neglect or refuse to comply with the provisions of this Chapter or the written notice as prescribed in Section 18-303 hereof, the Township or the Authority may perform or cause to be performed such work and labor and furnish or cause to be furnished such materials as may be necessary to comply with the provisions of this Chapter at the cost and expense of such owner or owners, together with ten percent (10%) additional thereof, and all charges and expenses incidental thereof, which sum shall be collected from said owner or owners for the use of the Township or the Authority as debts are by law collectible, or the Township or the Authority, as its agents, may, by its proper officer, file a municipal claim or lien therefore against said premises as provided by law.

§18-309

Unacceptable sanitary sewage and other terms used herein for purposes of this Chapter shall have the same definitions as those which are set forth in the Sewer System Rules and Regulations, said Rules and Regulations to be applicable to all users of the aforementioned public sanitary sewers.

§18-310 ENFORCEMENT⁶

In accordance with Section 66601 of the Second Class Township Code, any person, firm, association, partnership, corporation or other entity which fails to make a proper connection of sewage within the time specified after receipt of proper notice as provided in Section 18-303 shall be subject to the civil enforcement proceedings and upon being found liable for said Chapter violation, shall pay a civil fine as set forth in this Chapter plus all costs and attorney fees.

- A. Where the defendant in a civil enforcement proceeding fails to pay the fine or chooses to defend the civil action after a complaint is filed by an agent of the Township or the Township Sewer Authority for said violation, upon being found liable for the violation, the defendant may also be liable for reasonable attorney fees in bringing the civil action in addition to being liable for the fine and court costs. The attorney fees shall be charged at seventy dollars (\$70.00) per hour for time spent in the office on said enforcement proceeding and ninety-five dollars (\$95.00) per hour for any in court proceedings. All penalties and judgments for fines, costs and fees shall be paid to the North Sewickley Township Sewer Authority.
- B. Judgment for the Amount of the Fine, Costs and Fees: Upon determination by the District Justice that the defendant has violated the Township Chapter after a complaint being filed by the North Sewickley Township Sewer Authority, a District Justice shall enter judgment in favor of the North Sewickley Township Sewer Authority and against the defendant in the amount of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each day of the violation with each day being a separate offense.
- C. Enforcement and Collection of Judgment: Where the defendant neither timely appeals nor pays a final judgment, the Authority shall enforce the judgment pursuant to the applicable Pennsylvania Rules of Civil Procedure for the enforcement of money judgments or the execution of judgments for the payment of money rendered by District Justices.
- D. Installment Payment of Penalties: The North Sewickley Township Sewer Authority Board of Directors may permit a defendant who pleads liable to pay the fine in installments for a period not to exceed six (6) months. When installment payments are permitted, at least twenty-five percent (25%) of the fine must be paid at the time the plea is entered. Installment payments may be made only after the Township Authority finds that the defendant truly lacks the ability to pay the full amount of the penalty in one lump sum.
- E. Enforcement: This Chapter shall be enforced by the North Sewickley Township Sewer Authority Manager or another individual authorized by the North Sewickley Township Sewer Authority to enforce said Chapter. This civil action shall be brought and prosecuted in the name of the North Sewickley Township Sewer Authority against any person, firm, association, partnership, corporation or other entity who is alleged to have violated the laws of the Township of North Sewickley.

§18-311 MEANS OF ENFORCEMENT⁷

- A. A civil enforcement action for a violation of this Chapter shall be commenced by filing a civil complaint with the District Justice in accordance with the Rules of Civil Procedure for District Justices except that the defendant may not file any claim against the Authority as a counterclaim pursuant to Rule 315.
- B. The form of the complaint, the trial and all other procedural matters thereafter shall be determined under the Rules of Civil Procedure governing actions and proceedings before District Justices.

⁶ Ordinance No. 90, June 8, 1995, as amended by Ordinance No. 97, October 10, 1996.

⁷ Ordinance No. 90, June 8, 1995, as amended by Ordinance No. 97, October 10, 1996.

PART 4

Requirements for Users and Dischargers into the Township's Publicly Owned Sewage Supplier

§18-401 GENERAL PROVISIONS

A. Purpose and Policy: This Chapter sets forth uniform requirements for users of the Publicly Owned Sewage System for the Township of North Sewickley and enables the Township to comply with all applicable Commonwealth and Federal laws, regulations, and permits, including without limitation, the Federal Clean Water Act (33 USC §1251 et seq.), the USEPA General Pretreatment Regulations (40 Code of Federal Regulations Part 403), the Pennsylvania Clean Streams Law (35 P.S. §691.1 et seq.) the Pennsylvania Department of Environmental Protection Standards for Dischargers of Industrial Wastes to Publicly Owned Treatment Works (POTWs) (25 PA Code §97.91 et seq.), and the Borough of Ellwood City's Permit No. PA 0026832. The objectives of this Chapter are:

- (1) To prevent the introduction of pollutants into the Publicly Owned Sewer System;
- (2) To prevent the introduction of pollutants into the Publicly Owned Sewer System that will pass through the System, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (3) To protect Sewer System personnel and Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- (5) To provide for charges and fees for the implementation of the pretreatment program; and
- (6) To enable the Township and the Borough to comply with its National Pollutant Discharge Elimination System permit (NPDES Permit No. PA0026832) conditions, sludge use and disposal requirements, and any other Federal or Commonwealth laws and/or regulations to which the Publicly Owned Treatment Works is subject.

This Chapter shall apply to all commercial and industrial users of the Industrial Sewer System. This Chapter authorizes the issuance of wastewater discharge permits, provides for monitoring, compliance, and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of charges and fees for the equitable distribution of costs relating to the implementation of the pretreatment program established herein.

- B. Administration: Except as otherwise provided herein by agreement between the Borough of Ellwood City and the Township of North Sewickley, the Borough of Ellwood City shall administer, implement, and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Borough may be delegated by the Borough to Borough personnel
- C. Abbreviations: The following abbreviations, when used in this Chapter, shall have the designated meanings:
- (1) BOD: Biochemical Oxygen Demand (5-day).
 - (2) BOROUGH: The Borough of Ellwood City, Lawrence County, Pennsylvania.
 - (3) CFR: Code of Federal Regulations.
 - (4) COD: Chemical Oxygen Demand.
 - (5) DEP or PADEP: The Pennsylvania Department of Environmental Protection.

- (6) EPA or USEPA: The United States Environmental Protection Agency.
 - (7) gpd: Gallons per day.
 - (8) mg/l: Milligrams per liter.
 - (9) NAICS: North American Industrial Classification System.⁸
 - (10) NPDES: National Pollutant Discharge Elimination System.
 - (11) POTW: Publicly Owned Treatment Works.
 - (12) RCRA: Resource Conservation and Recovery Act.
 - (13) TOWNSHIP: The Township of North Sewickley, Beaver County, Pennsylvania.
 - (14) TSS: Total Suspended Solids.
 - (15) USC: United States Code.
- D. Definitions: Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Chapter shall have the meanings hereinafter designated:
- (1) ACT (or "the Act"): The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC §1251 et seq.
 - (2) APPROVAL AUTHORITY: The Regional Administrator of EPQ Region III.
 - (3) AUTHORIZED REPRESENTATIVE OF THE USER:
 - (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 operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) in second-quarter 1980 dollars, if 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, Commonwealth, or local governmental facility, as a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (d) The individuals described in Subsection (a) through (c) above may designate another authorized representative 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.
 - (4) BIOCHEMICAL OXYGEN DEMAND OR BOD: 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).
 - (5) BOROUGH: The Borough of Ellwood City, Lawrence and Beaver County, Pennsylvania.

⁸ SIC (Standard Industrial Codes has been replaced by NAICS (North American Industrial Classification System).

- (6) **BYPASS:** The intentional diversion of wastestreams from any portion of a user's treatment facility.
- (7) **CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD:** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act (33 USC § 1317) which apply to a specific category of users and which appear in 40 CFR, Chapter I, Subchapter N.
- (8) **COORDINATOR OR PRETREATMENT COORDINATOR:** The person designated by the Borough to supervise the pretreatment program for the POTW, and who is charged with certain duties and responsibility by the Borough, or a duly authorized representative.
- (9) **DEPARTMENT OF ENVIRONMENTAL PROTECTION or DEP or PADEP:** The Pennsylvania Department of Environmental Protection or, where appropriate, the Regional Water Quality Program Manager, or other duly authorized official of such department.
- (10) **ENVIRONMENTAL PROTECTION AGENCY or EPQ or USEPA:** The United States Environmental Protection Agency, or where appropriate, the Regional Water Protection Division Director, or other duly authorized official of such agency.
- (11) **EXISTING SOURCE:** Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (12) **GRAB SAMPLE:** A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes or as reasonably determined by the Coordinator.
- (13) **INDIRECT DISCHARGE OR DISCHARGE:** The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307 (b), (c), or (d) of the Act.
- (14) **INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT:** The maximum concentration or mass loading limit 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.
- (15) **INTERFERENCE:** A discharge, which along or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, and therefore, is a cause of a violation of the Borough's NPDES permit, of the Federal Clean Water Act, the Federal Clean Air Act, the Pennsylvania Clean streams Law, the Pennsylvania Air Pollution Control Act, or the regulations applicable to any of the foregoing, or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued regulations issued regulations Section 405 of the Act, the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA), any Commonwealth regulations contained in any Commonwealth sludge 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.
- (16) **MASS LOADING LIMIT:** The pounds per day (or other specified interval) of a particular pollutant allowed to be discharged to the POTW at any time.
- (17) **MEDICAL WASTE:** 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.