

CODE OF THE BOROUGH OF NORTHUMBERLAND

CHAPTER 45 – SEWER USE

[History: Adopted by the Council of the Borough of Northumberland: Article I, 4-16-74 as Ord. No. 281; Article II, 4-16-74 as Ord. No. 280; Article III, 6-7-26 as Ord. No. 61; Article IV, 5-5-53 as Ord. No. 156; Article V, 6-7-83 as Ord. No. 385, Sections 45-9, 45-10, 45-18, 45-21 and 45-25, amended 6-3-97 as Ord. No. 451.]

ARTICLE I – GENERAL PROVISIONS

45.1.01 Purpose and Policy

The objectives of this Sewer Use Ordinance are:

- A. To prevent the introduction of pollutants into the Northumberland Sewer Authority (Authority) wastewater collection and treatment system which will interfere with its operation, contaminate the biosolids generated at the wastewater treatment plant, or will otherwise be incompatible with the system;
- B. To prevent the introduction of pollutants into the Authority's wastewater collection and treatment system which will be inadequately treated and thus will pass-through the system into the receiving waters or the atmosphere;
- C. To protect the environment, the general public, as well as, Borough, and Authority personnel against the hazards associated with discharges of toxic or otherwise incompatible pollutants into the sewer system;
- D. To improve the opportunity to recycle and reclaim industrial wastewaters and biosolids from the wastewater treatment system;
- E. To provide for equitable distribution of the cost for the development and implementation of the Authority's Industrial Pretreatment Program, and other improvements to the wastewater collection and treatment system;
- F. To help assure Authority compliance with its National Pollutant Discharge Elimination System (NPDES) permit, biosolids use and disposal requirements, the Clean Water Act, the General Pretreatment Regulations, and any other state or federal laws with which the Authority must comply.

This Sewer Use Ordinance will be implemented by the Authority through issuance of permits to those Industrial/Commercial Users deemed a Significant Industrial User, through monitoring, reporting, and enforcement of the Ordinance with these Significant Industrial Users; and through enforcement of general requirements for all other Users. This Sewer Use Ordinance also assumes that the capacity of the sewer system allocated to existing customers will not be pre-empted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Sewer Use Ordinance shall apply to persons located both within and outside the Borough's political jurisdiction, who are Users or Significant Industrial Users of the collection system serviced by the Authority. Except as otherwise provided herein, the provisions of this Sewer Use Ordinance shall be administered, and enforced by the Authority.

Nothing contained in this Sewer Use Ordinance shall be construed as preventing any special agreement or arrangement between the Borough, the Authority, and any Significant Industrial Users within the Borough, allowing a waste of unusual strength or character to be accepted by the Authority through special agreements in writing, executed prior to such acceptance, containing safeguards, limitations, and conditions acceptable to the Authority. Any such agreement or arrangement shall not allow a discharge that exceeds Categorical Standards.

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45.1.02 Definitions

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

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

Approval Authority The United States Environmental Protection Agency (EPA).

Authority The Northumberland Sewer Authority which owns and operates the wastewater collection and treatment system for which this sewer use ordinance governs.

Authorized Representative of a Significant Industrial User

- A. If the User is a corporation a responsible corporate officer is: (i) a president, secretary, treasurer, or 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 (ii) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (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 local, state, or federal governmental agency: a director or highest appointed official designated to oversee the operation and performance activities of the facility, or their designee.
- D. A duly-authorized representative of the individual designated in (1) through (3) above if: (i) the authorization is made in writing by the individual described in (1) or (2); (ii) the authorization specifies either an individual or a position having overall responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and (iii) the written authorization is submitted to the Borough.

Biochemical Oxygen Demand (BOD) The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees Celsius, expressed in terms of weight and concentration, [milligrams per liter (mg/l)].

Building Sewer A sewer conveying wastewater from the premises of a User to the sewer system.

Borough The Borough of Northumberland.

Categorical Pretreatment Standard or Categorical Standards Any regulation containing pollutant discharge limitations promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act and which appear in 40 CFR Chapter I, Subchapter N, or 40 CFR Parts 401-471.

Compatible Pollutant A pollutant for which the Authority's Wastewater Treatment Plant was specifically designed to treat and remove such as Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), Ammonia Nitrogen (NH₃-N), Total Phosphorus (P), and to a lesser degree Oil and Grease.

Contributing Municipality A municipal body which owns and/or operates central collection sewers which discharge into the Authority's wastewater collection and treatment system.

Control Authority The term "Control Authority" shall refer to Wastewater Treatment Plant Superintendent, since the Authority has an approved pretreatment program under the provisions of 40 CFR 403.11.

Cooling Water The water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

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Direct Discharge The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.

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

Equivalent Dwelling Unit (EDU) Any source of wastewater into the Authority sewer system which has the following typical wastewater characteristics:

Flow	150 gpd
Ammonia - Nitrogen	25 mg/l as N
BOD	250 mg/l
Phosphate	10 mg/l as P
Suspended Solids	250 mg/l
TKN	40 mg/l as N

Existing Source Any User of the Authority's wastewater collection and treatment system which commenced operation prior to the publication by the EPA of proposed Categorical Pretreatment Standards, which will be applicable to that User after final EPA promulgation of such standards in accordance with Section 307 of the Act.

Grab Sample A sample which is taken from a wastestream on a one-time basis over a period of time not to exceed fifteen minutes, with no regard to the flow in the wastestream.

Holding Tank Waste Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect Discharge The discharge or the introduction of pollutants into the collection system, including holding tank waste discharged into the system as outlined in 40 CFR 403.31(g) and Sections 307(b), (c), and (d) of the Act.

Industrial User Any non-domestic source of indirect discharge to the Authority's sewer system.

Interference A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the wastewater collection and treatment system treatment processes, operations, or its biosolids processes, use or disposal; and therefore is a cause of a violation of any requirement of the Authority's treatment plant NPDES permit, including an increase or duration of the violation. The term includes prevention of biosolids use, biosolids processes, or disposal by the receiving treatment facility in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria, including those contained in any State biosolids management plan prepared pursuant to Title IV of SWDA applicable to the method of disposal or use employed by the receiving treatment facility.

National Categorical Pretreatment Standard Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347), and which applies to a specific category of Industrial Users.

National Pollution Discharge Elimination System or NPDES Permit A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

New Source

A. Any User of the Authority's wastewater collection and treatment system which commenced operation after the publication by the EPA of proposed Categorical Pretreatment Standards, which will be

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applicable to that User after final EPA promulgation of such standards in accordance with Section 307 of the Act, provided that:

1. The building, structure, facility, or installation from which the discharge originates 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.
- 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 this Section (a) 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. any placement, assembly, or installation of facilities or equipment; or
 2. 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
 3. 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 period of 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 section.

Pass-Through A discharge which exits the Authority's treatment plant into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Authority's NPDES permit (including an increase in the magnitude or duration of a violation).

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

pH A measure of the acidity or alkalinity of a solution expressed in standard units.

Pollutant Any dredged spoil, solid waste, incinerator residue, sewage, garbage, biosolids, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into the Authority's wastewater collection and treatment system. The reduction or alteration can be obtained by physical, chemical, or biological processes, or by process changes, or by other means, except as prohibited by 40 CFR Section 403.6(d).

Pretreatment Requirements Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on a User by the Authority.

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Pretreatment Standards Pretreatment standards shall mean any prohibited discharge standards, categorical pretreatment standards, or local limits.

Significant Industrial User Any Industrial/Commercial User of the Authority's wastewater collection system who:

- A. is subject to Categorical Pretreatment Standards;
- B. discharges an average of 25,000 gallons per day process wastewater to the Authority's collection and treatment system;
- C. contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the Authority treatment plant;
- D. is designated as such by the Authority on the basis that the User has a reasonable potential for adversely affecting the operation of the treatment plant, the quality of the biosolids generated at the Authority's WWTP, or for violating any pretreatment standard or requirement.

Significant Noncompliance An Industrial User is in significant noncompliance if his violations meet one or more of the following criteria:

Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

Technical Review Criteria (TRC) violations, defined as those violations in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Authority determines has caused, alone or in combination with other discharges, an interference, pass through, or upset at the treatment plant (including endangering the health of Borough personnel or the general public);

Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the Authority exercising its emergency authority under 40 CFR 403 paragraph (f)(1)(vi)(B) to halt or prevent such a discharge;

Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule date, or a compliance schedule milestone contained in a local control mechanism or enforcement action for starting construction, completing construction, or attaining final compliance;

Failure to accurately report incidents of noncompliance; or

Any other violation or group of violations that the Authority determines will adversely affect the overall implementation of its industrial pretreatment program.

Slug Discharge or Slug Load Any intentional or accidental discharge at a flow rate or concentration which could cause a violation of any Pretreatment Standard set forth in accordance with section 2.1 of this Sewer Use Ordinance, or in Section 403.5 of the General Pretreatment Regulations.

Slug Control Plan All Significant Industrial Users are required to submit to the Authority a Slug Control Plan which meets the criteria set forth in Section 2.7 of this Sewer Use Ordinance.

Standard Industrial Classification (SIC) A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget 1972.

State Commonwealth of Pennsylvania.

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Stormwater Any flow occurring during or following any form of natural precipitation and resulting exclusively therefrom.

Superintendent The person designated by the Authority to supervise the operation of the treatment system and who is charged with certain duties and responsibilities by this ordinance, or his duly authorized representative.

Total Suspended Solids or Suspended Solids The total suspended matter that floats on the surface or is suspended in water, wastewater, or other liquids, and which is removable by laboratory filtering.

Toxic Pollutant Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the Clean Water Act, or other acts promulgated by the federal or state governments.

User Any person who contributes, causes, or permits the contribution of wastewater into the Authority collection and treatment system, including those person(s) who distribute drinking water in the Borough's service area.

Wastewater The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated which is contributed into or permitted to enter the collection system.

Wastewater Contribution Permit A permit issued by the Authority to an industrial/commercial user in accordance with Section 4.4 of this Sewer Use Ordinance.

Waters of the State All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

45.1.03 Abbreviations

The following abbreviations shall have the designated meanings:

- BOD Biochemical Oxygen Demand
- CFR Code of Federal Regulations
- COD Chemical Oxygen Demand
- CWA Clean Water Act
- EPA U.S. Environmental Protection Agency
- mg/l Milligrams per liter
- O&M Operation & Maintenance
- NPDES National Pollutant Discharge Elimination System
- Borough Borough of Northumberland
- SIC Standard Industrial Classification
- SWDA Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
- USC United States Code
- TKN Total Kjeldahl Nitrogen
- TSS Total Suspended Solids

ARTICLE II – REGULATIONS

45.2.01 General

The User shall not contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater that will interfere with the operations or performance of the System and/or Facility. These general prohibitions apply to all Users whether or not the Users are subject to National Categorical Pretreatment Standards or Requirements. The following substances, among others, are prohibited and shall not be discharged into the System and/or Facility:

- A. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion, or be injurious in any other way to the System and/or Facility. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the System (or at any point in the System) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. In addition, waste streams with a closed-up flashpoint of less than 140 degrees Fahrenheit or 60 degree C are prohibited. Prohibited explosive/flammable materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, hydrides, sulfides.
- B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the System and/or Facility such as, but not limited to grease, garbage with particles greater than one-half-inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, petroleum oil, non-biodegradable cutting oil or mineral oil origin, mud, glass, grindings, or polishing wastes.
- C. Any wastewater having a pH less than 5.0, or greater than 10.0, or waste water having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the System and/or Facility.
- D. Any toxic pollutants, either singly or interaction with other pollutants, sufficient to injure or interfere with any wastewater treatment process or that constitute a hazard to humans or animals, or create a toxic effect in the receiving waters or the System and/or Facility, or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Clean Water Act.
- E. Any noxious or malodorous liquids, gases, or solids, either singly or in interaction with other wastes, are sufficient (a) to create a public nuisance or hazard to life or, (b) to prevent entry into the System and/or Facility for maintenance and repair.
- F. Any substance such as residues, sludges, or scums that may cause the Facility's effluent or any other product of the Facility; to be unsuitable for reclamation and reuse, or that interfere with the reclamation process. In no case shall a substance discharged to the System and/or Facility cause the Facility to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under or pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, Section 405 of the Clean Air Act; or any State Criteria applicable to the sludge management method being used.
- G. Any substance that alone, or in combination with discharges from to other sources, will cause a pass-through or interference at the Facility resulting in violation of the Authority's National Pollutant Discharge Elimination System permit or the receiving stream water quality standards.
- H. Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.

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- I. Any wastewater having a temperature in excess of 40 degrees C or 104 degrees F, and no wastewater of any temperature which will inhibit biological activity in the treatment facility causing interference.
- J. Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentrations which cause interference to the Facility. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than 15 minutes more than five (5) times the average 24-hour concentration, quantities, or flow during normal operation.
- K. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable State or Federal regulations.
- L. Any wastewater which causes a hazard to human life or creates a public nuisance.
- M. No connections shall be made which bring or allow stormwater, groundwater, roof runoff, subsurface drainage, cooling water or other similar water into the System.
- N. Pollutants which result in the presence of toxic gases, vapors, or fumes within the System and/or Facility is a quantity that may cause acute worker health and safety problems.
- O. Trucked or hauled wastes unless specifically permitted by the Authority.
- P. (Containing substances which may solidify or become viscous at temperatures between 32 degrees F and 14 degree F.)
- Q. (Containing fats, wax, grease or oils of petroleum origin whether emulsified or not in excess of 100mg/L.)

When the Authority determines that a User or Significant Industrial User is contributing to the wastewater collection and treatment system any of the above enumerated substances in such amounts as to interfere with the operation or cause pass-through of the system, the Authority shall advise the User of the impact of such contribution on the wastewater collection and treatment system, and develop effluent limitations for such User to correct the violation.

The Authority may also take enforcement action(s) against the non-complying User or Significant Industrial User, whether or not the User or Significant Industrial User was given prior notification of the violation by the Authority.

45.2.02 Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial sub-category, the Federal Standard, if more stringent than limitations imposed under this Sewer Use Ordinance for sources in that sub-category, shall immediately supersede the limitations imposed under this Sewer Use Ordinance. Each User or Significant Industrial User shall be responsible to notify the Authority of changes to his status under the Federal, State, or local regulations. The National Categorical Pretreatment Standards found in 40 CFR Part 405-471 are hereby incorporated into this Sewer Use Ordinance.

- A. Where a categorical pretreatment standard is expressed only in terms of the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR part 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined wastestream formula in 40 CFR Part 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR Part 403.13, that factors relating to its discharge are

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fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.

- D. A user may obtain a net gross adjustment to a categorical standard from the EPA in accordance with 40 CFR Part 403.15.

45.2.03 Modification of Federal Categorical Pretreatment Standards

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

45.2.04 Specific Pollutant Limitations

The User shall not contribute or cause to be contributed, directly or indirectly, wastewater containing pollutant levels in excess of the following maximum discharge limitations:

Parameter	Maximum Concentration (mg/l)
BOD	250
TSS	250
Phosphorus (Total as P)	10 *
Ammonia Nitrogen (NH3-N)	25 as N
Total Kjeldahl (TKN)	40 as N
Oil and Grease	100
pH (Standard Units)	5.0 - 10.0

*This limit has been waived at the present time, but may be imposed in the future.

Parameter	Maximum Concentration (mg/l)
Arsenic	0.01
Cadmium	0.01
Chromium (total)	2.00
Copper	0.5
Lead	0.05
Mercury	0.001
Molybdenum	0.01
Nickel	2.50
Silver	0.05
Zinc	3.00
Cyanide (total)	1.00

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45.2.05 Borough's Right of Revision

The Borough reserves the right to require any contributing municipalities to establish by Ordinance, limitations or requirements as least as stringent as the Borough's for Users whose wastewater is ultimately treated at the Authority's wastewater treatment plant, in order to comply with the objectives presented in Section 1.1 of this Sewer Use Ordinance.

45.2.06 Dilution

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

45.2.07 Accidental or Slug Discharge

Each Significant Industrial User shall provide protection from accidental or slug discharge of prohibited materials or other substances regulated by this Sewer Use Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the User's or Significant Industrial User's own cost and expense. In the case of an "accidental discharge", it is the responsibility of the User to immediately telephone and notify the Authority of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions taken to minimize and eliminate the violation.

In addition, the Authority will evaluate at least once every two years whether a Significant Industrial User needs to develop or update a Slug Control Plan. Detailed Slug Control Plans showing facilities and operating procedures to provide slug control protection shall be submitted to the Authority, as required, for review and approval prior to implementation. A Slug Control Plan shall contain, at a minimum, the following information:

- A. a description of discharge practices, including routine or non-routine batch discharges;
- B. a description of new and spent chemical storage procedures;
- C. procedures for immediately notifying the Wastewater Treatment Plant Superintendent of any accidental or slug discharge, including personnel responsible for such notifications;
- D. procedures to prevent adverse impact from an accidental or slug discharge. Such procedures shall include, but are not limited to, inspection and maintenance of chemical storage areas, handling and transferring of raw and finished products and chemicals, control of site runoff, worker training, building of containment structures, available containment equipment, and contacted environmental services which assist the User fulfill these plans.

A Significant Industrial User who commences contribution to the wastewater collection and treatment system after the effective date of this Sewer Use Ordinance shall not be permitted to introduce pollutants into the system until a Slug Control Plan, if required, has been approved by the Authority. Review and approval of such plans and operating procedures shall not relieve the Significant Industrial User from the responsibility to modify his facility, as necessary, to meet the requirements of this Sewer Use Ordinance.

45.2.08 Written Report

Within five (5) days following an accidental discharge, the Significant Industrial User shall submit to the Authority a detailed written report which shall contain the following information:

- A. the cause of the non-compliance;
- B. the anticipated time that this condition had occurred and which it has been corrected;
- C. the steps taken by the User to reduce an minimize the impact of the non-compliance;

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- D. the steps taken by the User to prevent a re-occurrence of the conditions which caused or led to the accidental or slug loading.

Such report shall not relieve the Significant Industrial User of any fines, civil penalties, or other liability which may be imposed as described in this article, the Borough's Enforcement Response Plan, or any other applicable law.

45.2.09 Notice To Employees

A notice shall be permanently posted on the Significant Industrial User's bulletin board or other prominent place advising employees whom to call in the event of an accidental or slug discharge. Employers shall ensure that all employees who may be involved with hazardous materials are aware of such emergency notification procedures.

ARTICLE III – FEES

45.3.01 Purpose

It is the purpose of this section to provide for the recovery of costs from Users and Significant Industrial Users of the Borough's treatment system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Authority's Schedule of Charges and Fees.

45.3.02 Charges and Fees

The Authority may adopt charges and fees (after a reasonable public notification period) which may include:

- A. fees for reimbursement of the costs of setting up and operating the Authority's Industrial Pretreatment Program;
- B. fees for monitoring, inspections, and sampling associated with the Industrial Pretreatment Program;
- C. fees for reviewing accidental discharge procedures and construction plans;
- D. fees for review of permit applications;
- E. fees associated with the review of permit appeals;
- F. fees for consistent removal by the Borough of pollutants otherwise subject to federal pretreatment standards;
- G. other fees the Authority may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Sewer Use Ordinance and are separate from all other fees chargeable by the Authority and the Borough.

ARTICLE IV – ADMINISTRATION

45.4.01 Wastewater Dischargers

It shall be unlawful to discharge any wastewater to any sanitary sewer in any area under the jurisdiction of, or within the service area of, the Borough of Northumberland, except as authorized in writing by the Authority in accordance with the provisions of this Sewer Use Ordinance. The Authority may require any unpermitted or permitted Users of the sewer system to provide any information needed to determine compliance with this Sewer Use Ordinance or other applicable local, state, or federal laws, rules, or regulations. These requirements include, but are not limited to:

- A. wastewater discharge peak rate and volume records over a specified time period;

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- B. information on raw materials, processes, and products affecting wastewater volume and quality;
- C. quantity and disposition of specific liquid, biosolids, oil, solvent, or other materials which may impact the operation of the Authority's sewer system;
- D. a plot plan of all sewer facilities on the User's property including the number and location of all sewer lateral connections to the Authority's sewer system;
- E. details of control measures taken by the User to prevent and control stormwater, drainage, roof runoff, from entering the Authority's sewer system;
- F. details of any significant changes to the nature or quantity of their discharge, including increased flows of 25 percent or more, or the promulgation of a categorical pretreatment standard which applies to their discharge.

All users must notify the Authority, EPA, and the PADER of discharges to the sewer system which, if disposed of in any other manner, would be considered a hazardous waste under Federal regulations 40 CFR Part 261.

Costs incurred for developing the information described above shall be paid by the User, and are in addition to all other sewer use, permit, and surcharge fees charged by the Authority.

The User shall be responsible for obtaining and submitting all applicable Authority, Borough, County, Regional, State, or Federal permits or planning documents required for approval of a sewer connection.

45.4.02 Wastewater Contribution Permits

All Users proposing to, or already connected into the Authority's sewer system, which are deemed a Significant Industrial User through Authority review of the waste questionnaire or permit application, must obtain a Wastewater Contribution Permit from the Authority prior to commencing discharge.

In addition, whenever an existing insignificant industrial User becomes subject to a new National Categorical Pretreatment Standard, the User must notify the Authority a within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.

45.4.02.1 Permit Application

Any User required to obtain a Significant Industrial User permit shall complete and file with the Authority, an application in the form prescribed by the Authority, accompanied by the required permit filing fee. In support of the application, the Significant Industrial User shall submit in units and terms appropriate for evaluation, the following information:

- A. name, address, and location of the facility (if it is different from the address);
- B. SIC number, according to the Standard Industrial Classification Manual, Bureau of the Budget 1972, as amended;
- C. wastewater constituents and characteristics, including but not limited to those parameters listed in Section 2.0 of this Ordinance, as determined by an approved analytical laboratory. This sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act, and contained in 40 CFR, Part 136, as amended;
- D. time and duration of wastewater contribution;
- E. average daily and 30-minute peak wastewater flow rates, including daily, monthly, and seasonal variation, if any;
- F. site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
- G. description of activities, facilities, and plant processes on the premises, including all materials which have a potential for entering the sewer system either accidentally or by purpose;

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- H. the nature and concentration of any pollutants in the discharge which are limited by any Authority, Borough, State, or Federal pretreatment standards; and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M), source reduction efforts and/or additional pretreatment required for the Significant Industrial User to meet applicable pretreatment standards.
- I. if additional pretreatment and/or O&M will be required to meet the pretreatment standards, the schedule by which the Significant Industrial User will provide such additional pretreatment. For Significant Industrial; Users subject to Federal Categorical Standards, the completion date in this schedule can be no later than the compliance date established by the EPA for the applicable pretreatment standard. The following shall also apply to this schedule:
 - 1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the Significant Industrial User to meet the applicable pretreatment standards. This may include dates for installing a sampling manhole, hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.;
 - 2. No increment referred to in paragraph (1) shall exceed nine (9) months;
 - 3. No later than 14 days following each date in the schedule and the final date for compliance, the Significant User shall submit a progress report to the Authority, including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress; the reason for delay, and the steps being taken by the Significant Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Authority;
 - 4. Each product produced by type, amount, process or processes, and rate of production;
 - 5. Type and amount of raw materials processed (average and maximum per day);
 - 6. Number and type of employees, the hours of plant operation, and the proposed or actual hours of pretreatment system operation.
 - 7. Any other information as may be deemed by the Authority necessary to in evaluating the permit application.
- J. a list of all other environmental control permits held by or for the facility;

The Authority will evaluate the data furnished by the Significant Industrial User, and will notify the User of any additional information necessary to complete the application review process. After evaluation and acceptance of the data supplied, the Authority may approve the issuance of a Significant Industrial User permit subject to terms and conditions provided herein.

45.4.02.2 Permit Conditions

Wastewater Contribution permits shall be expressly subject to all provisions of this Sewer Use Ordinance and all other applicable regulations, User charges, and fees established by the Authority by way of separate ordinances. The permit may contain, but is not limited to the following requirements:

- A. statement of duration;
- B. statement on non-transferability;
- C. all applicable pretreatment standards for their discharge;

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- D. limits on average and maximum flow rate and time of discharge, or requirements for flow regulations and equalization;
- E. requirements for installation and maintenance of inspection and sampling facilities;
- F. specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
- G. compliance schedules;
- H. requirements for submission of technical reports or discharge reports (see Section 4.2.3);
- I. requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Authority; and affording the Borough access thereto;
- J. requirements for prior notification of the Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater collection system;
- K. requirements for notification of slug discharges as per Section 2.7;
- L. specification of type and amount of raw materials processed (average and maximum per day);
- M. statement of all applicable civil or criminal penalties for non-compliance;
- N. other conditions as deemed necessary by the Authority to ensure compliance with this Sewer Use Ordinance.

45.4.02.3 Reporting Requirements in Permits

45.4.02.3.1 Compliance Data Report

Within 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 sewer system, any Significant Industrial User subject to federal Categorical Pretreatment Standards shall submit to the Authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis, and if not, what additional O&M and/or pretreatment is necessary to bring the Significant Industrial User into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the Significant Industrial User and certified by a qualified professional engineer. Based on the review of this data, the Authority may re-issue the Wastewater Contribution Permit for this Significant Industrial User as soon as possible after incorporating the applicable standards.

45.4.02.3.2 Periodic Compliance Reports

- A. Every Significant Industrial User shall have their wastewater sampled and analyzed at a frequency specified in the Wastewater Contribution Permit. The frequency and number of pollutants analyzed for, will be specific for each industry. The Authority may at any time require the Significant Industrial User to perform additional sampling if it believes the conditions of this Sewer Use Ordinance are not being met. The Significant Industrial User must submit to the Authority during the months of June and December, unless required more frequently by the Authority, an update report indicating any process, production or flow rate changes which occurred during the previous six month period. This report will also include a record of all daily flow which, during the reporting period, exceeded the average daily flow allowed in the contract. At the discretion of the Authority and in consideration of such factors as local high or low flow rates, holiday, budget cycles, etc., the Authority may agree to alter the months during which the above reports are to be submitted.

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In the event the results of the analysis exceed the pretreatment standards given in the Wastewater Contribution Permit, the Permittee shall provide immediate verbal notification to the Authority WWTP Superintendent. The Permittee shall also repeat sampling and analyses and submit the results of the analyses to the Authority WWTP Superintendent within thirty (30) days after becoming aware of the violation(s).

- B. The Authority may impose mass limitations on Significant Industrial Users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the Significant Industrial User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed by the Authority in the Wastewater Contribution Permit. All analyses shall be performed in accordance with procedures established pursuant to Section 304(g) of the Act, and contained in 40 CFR Part 136 and amendments thereto, or with any other EPA-approved test procedures. Sampling shall also be performed in accordance with approved techniques.

45.4.02.3 Spill Notification Reporting

Shall take place in accordance with Section 2.7 and 2.8

45.4.02.4 Permit Duration

Permits shall be issued by the Authority for a specified time period, not to exceed five years. All Significant Industrial Users shall apply for a re-issuance of their Wastewater Contribution Permit a minimum of 90 days prior to the expiration of their existing permit. The terms and conditions of the permit may be subject to modification by the Authority during the term of the permit, as limitations or requirements as identified in Section 2 are modified or other just cause exists. A Significant Industrial User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Where necessary, a schedule for complying with these changes or new conditions may also be issued by the authority.

45.4.02.5 Permit Modifications

Upon the promulgation of a National Categorical Pretreatment Standard, a Significant Industrial User subject to such standards shall have their Wastewater Contribution Permit revised to require compliance with such standards.

45.4.02.6 Permit Transfer

Wastewater Contribution Permits are issued to a specific Significant Industrial User for a specific operation. These Permits shall not be reassigned, transferred, or sold to a new owner, or Significant Industrial User, different premises, or used for a new or changed operation.

45.4.02.7 Signatory Requirement

All reports, applications, or other information required to be submitted under this Ordinance shall be signed by an authorized representative of the industrial user and shall contain the following certification:

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 ensure 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

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am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

45.4.03 Sampling Requirements

All measurements, tests, and analyses required for determining the characteristics of waters and wastewaters to which reference is made in this Sewer Use Ordinance shall be performed in accordance with 40 CFR Part 136. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis, and will be specified in the individual Wastewater Contribution Permits issued to the Significant Industrial Users. SIUs which sample more frequently than the requirements given in their Wastewater Contribution Permit, must submit copies of all such results to the Authority.

45.4.04 Monitoring Facilities

The Wastewater Treatment Plant Superintendent shall inspect the facilities of any Significant User to ascertain whether the purpose of this Sewer Use Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Authority's representative ready access during all working hours to all parts of the premises for the purposes of inspection, sampling, records examination and/or copying, or in the performance of any of his duties. The Authority has the right to set upon a Significant Industrial User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. Where a Significant Industrial User has security measures in force which require proper identification and clearance before entry into his premises, the Significant Industrial User shall make necessary arrangements with his security guards so that upon presentation of suitable identification, personnel from the Authority, PADER, or the EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

45.4.05 Pretreatment

Users and Significant Industrial Users shall provide necessary wastewater treatment as required to comply with this Sewer Use Ordinance and any applicable Federal Categorical Pretreatment Standards within the time limitations as specified by the Authority or in the Federal Pretreatment Regulations. Any equipment or facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained at the User's expense. The Authority may require that detailed plans showing the pretreatment facilities and operating procedures to be submitted to the Authority for review and shall be deemed acceptable to the Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve a User from the responsibility of modifying his facility as necessary to produce an effluent acceptable to the Authority under the provisions of this Sewer Use Ordinance. Any subsequent changes in the pretreatment facilities or method of operation, or any change which may result in a new or increased discharge of pollutants, shall be reported to and be accepted by the Authority prior to the User's or Significant Industrial User's initiation of the changes.

45.4.06 Recordkeeping Requirements

Users subject to the recordkeeping requirements of this section shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring or reporting requirements required in this Sewer Use Ordinance, including any monitoring activities undertaken by the User independent of these requirements. Records shall include the exact date and time of sampling, the date and time of analysis, the name of the person(s) collecting and analyzing all samples, the methodology used in analyzing the samples, and the results of these analyses. These records should be made available for a minimum of three years. In the matters of litigation between the User and the Authority, or where specifically requested by the EPA, the retention period is extended.

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All records relating to compliance with pretreatment standards shall be made available to the Authority, PADER, or EPA upon request.

45.4.07 Confidential Information

Information and data on a User or Significant Industrial User obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public or governmental agencies without restriction unless the User or Significant Industrial User specifically requests and is able to demonstrate to the satisfaction of the Authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User or Significant Industrial User.

When requested by the person furnishing a report, those 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, upon written request, to governmental agencies for uses related to this Sewer Use Ordinance, the NPDES Permit, biosolids disposal/re-use forms, and/or the General Pretreatment regulations. Any such portions of a report shall also be available for use by any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Authority as confidential shall not be transmitted to the general public by the Authority until after a 10-day notification is given to the User or Significant Industrial User.

45.4.08 Falsifying Information

Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Sewer Use Ordinance or User or Significant Industrial User permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Sewer Use Ordinance shall be punished as provided by law and shall be subject to the fines set forth in Article VI.

ARTICLE V – ENFORCEMENT

45.5.01 Notification of Violation

45.5.01.1 Emergencies

The Authority shall serve an Enforcement Order upon any User who has violated or is violating this Sewer Use Ordinance, the User's Wastewater contribution Permit, or the Pretreatment Regulations, when said violation results in conditions which could cause the Authority to violate its NPDES permit or the biosolids quality requirements, or results in a hazardous situation within the Authority's sewer system, or other such emergency situation.

45.5.01.2 Non-Emergencies

The Authority shall serve upon any User who has violated or is violating this Sewer Use Ordinance, the User's Wastewater Contribution Permit, or the General Pretreatment Regulations, a written Notice of Violation. Service by mail is complete upon mailing. Within 15 days after service of said Notice, the User shall submit to the Authority written response which contains the following information:

- A. cause of non-compliance;
- B. anticipated duration of the non con-compliance and the time by which the violation will be corrected;
- C. steps taken by the User to reduce and eliminate the non-complying discharge;

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- D. steps taken by the User to prevent re-occurrence of the condition(s) leading to the non-compliance;
- E. the signature of an authorized representative of the User that certifies to the validity of the report.

45.5.02 Show-Cause Meeting

When the Authority's Wastewater Treatment Plant Supervisor determines that a User's response given to a Notice of Violation is inadequate, the Authority shall serve upon the User a written notice directing the User to attend a Show-Cause Meeting. At the Show-Cause Meeting, an official meeting between the Authority and a User, the User shall show cause why the Authority should not take further action to resolve conditions of continued violations. The Meeting may result in the Authority revoking the permit.

ARTICLE VI – CIVIL PENALTY ASSESSMENT/INJUNCTIVE RELIEF POLICY

45.6.01 Civil Penalty Assessment

In addition to the other enforcement actions described herein, the Authority may also assess civil penalties and/or obtain injunctive relief against industrial/commercial users who fail to comply with the requirements of the Authority's Sewer Use Ordinance or their Wastewater Contribution Permit.

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of the Borough Code are determined by council resolution.]

In civil penalty assessment, the Authority will consider all of the following factors:

- A. Damage to the Authority's treatment plant or collection system, or collection system personnel, resulting from the violation;
- B. Damage to air, water, land or other natural resources of the Commonwealth and their uses;
- C. The cost of restoration and abatement;
- D. The industrial/commercial user's history of past violations;
- E. Deterrence of future violations;
- F. The level of cooperation obtained from the industrial/commercial user;
- G. The economic benefit gained by, or the savings resulting to, the industrial/commercial user as a result of the non-compliance;
- H. Other relevant factors.

All civil penalties shall be developed in accordance with the Publicly Owned Treatment Works Penalty Law, 35 P.S. 752.1 et seq., and will be assessed on a per day, per violation basis. The Authority reserves the right to reduce or waive civil penalties depending upon the circumstances in each case.

All civil penalties collected pursuant to the Borough's Civil Penalty Assessment Policy will be placed in a restricted account, and shall only be used by the Authority for the repair of damage and any additional maintenance or other costs resulting from the violation(s) on which the penalty was imposed, to pay any penalties imposed on the Authority by a state or federal agency as a result of violating any pretreatment standards, for the costs incurred by the Authority to investigate and initiate enforcement actions against the non-complying discharge (including legal and engineering fees), for additional monitoring costs associated with the non-complying industrial/commercial user, and for capital improvements to the treatment plant or collection system required by the Pretreatment Program. Any remaining funds may be used for capital improvements to the treatment plant or collections system not required by the Pretreatment Program.

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The Authority's ability to seek civil penalties against non-complying users shall apply to all industrial/commercial users of the Authority's wastewater collection and treatment system regardless of political boundary. The civil penalties may be sought in the Court of Common Pleas where the Authority's treatment plant is located, where the activity took place, where the condition exists or the public was affected, and to that end a jurisdiction is hereby conferred in law and equity upon such courts.

45.6.02 Injunctive Relief

Where necessary, the Authority shall also have the power to obtain injunctive relief against any industrial/commercial users who are in violation of a Pretreatment Standard or Requirement. Injunctive relief will be granted pursuant to Pennsylvania Law, if any of the following conditions can be determined to be true:

- A. A discharge from an industrial/commercial user presents an imminent or substantial danger to the environment;
- B. A discharge from an industrial/commercial user causes the Authority to violate any condition of its NPDES permit, biosolids application standards, or other state or federal requirement;
- C. A discharge from an industrial/commercial user presents an imminent or substantial danger to the Authority's treatment plant or collection system, Authority personnel, or the general public;
- D. The industrial/commercial user has shown a lack of ability or intention to comply with a Pretreatment Standard or Pretreatment Requirement.

Injunctive relief affecting an industrial operation not directly related to the condition or violation may also be issued against a non-complying industrial/commercial user if the court determines that other enforcement actions available to the Authority would not be adequate to affect prompt correction of the condition or violation. In addition to injunctive relief, the court may levy civil penalties in accordance with 35 P.S. 752.4.

The Authority's ability to seek injunctive relief against non-complying industrial/commercial user shall apply to all industrial/commercial users regardless of political boundary. The injunctive relief may be sought in the Court of Common Pleas where the Authority's treatment plant is located, where the activity took place, where the condition exists or the public was affected, and to that end a jurisdiction is hereby conferred in law and equity upon such courts.

45.6.03 Right To Appeal

The industrial/commercial user charged with any penalty previously described shall have 30 days to pay the proposed penalty in full, or, if the industrial/commercial user wishes to contest either the amount of the penalty or the fact of the violation, the industrial/commercial user must file an appeal of the action pursuant to the municipal law or home rule charter, or in the absence of these, within 30 days pursuant to 2 Pa. C.S.A.

Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

ARTICLE VII – SEVERABILITY

45.7.01 Severability

If any provision, paragraph, word, section, or article of this Sewer Use Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

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