

**EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION No. 01 of 2005

A RESOLUTION FOR HOPEWELL, GUTHRIESVILLE, KEATS GLEN AND DELAWARE COUNTY COMMUNITY COLLEGE SEWER SYSTEMS PERTAINING TO THE REGULATION OF WASTEWATER DISCHARGES TO THE GUTHRIESVILLE/HOPEWELL SERVICE AREA AND THE KEATS GLEN/DELAWARE COUNTY COMMUNITY COLLEGE SERVICE AREA SEWERAGE SYSTEMS, AS FOLLOWS: PROVIDING DEFINITIONS; IMPOSING SEWER RENTAL FEES, RATES AND CHARGES AND PROVIDING PENALTIES AND LIENS FOR NONPAYMENT THEREOF; IMPOSING PROHIBITIONS AND RESTRICTIONS ON ALL USERS; IMPOSING PROHIBITION AND RESTRICTIONS ON INDUSTRIAL USERS; REQUIRING INDUSTRIAL WASTE DISCHARGE PERMITS FOR THE DISCHARGE OF INDUSTRIAL WASTES; REGULATING THE ISSUANCE AND TERMS OF SUCH PERMITS; IMPOSING REPORTING, MONITORING, AND PRETREATMENT REQUIREMENTS FOR INDUSTRIAL WASTE DISCHARGERS; PROVIDING ENFORCEMENT REMEDIES FOR VIOLATIONS; PROVIDING FINES AND PENALTIES FOR VIOLATIONS AND LIABILITY FOR DAMAGE TO THE SEWERAGE SYSTEM; AND PROVIDING AN EFFECTIVE DATE OF FIVE (5) DAYS FROM THE DATE OF ENACTMENT.

BE IT RESOLVED by the East Brandywine Township Municipal Authority, Chester County, Pennsylvania, that it is hereby enacted and ordained by the authority of said Municipal Authority as follows:

PART 1 TITLE

- 101** **Title** This Resolution shall be known as and may be cited as the Guthriesville/Hopewell Service Area and the Keats Glen/Delaware County Community College Service Area Sewer Use Resolution of 2005.

PART 2 DEFINITIONS

201 Definitions Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Resolution, shall have the meanings hereinafter designated. Words in the present tense include the future. The singular number includes the plural number. The plural number includes the singular number. The word “shall” is mandatory, while the word “may” is permissive.

Act: The Federal Water Pollution Control Act, as amended, also known as the Clean Water Act.

Authority: East Brandywine Township Municipal Authority.

Authorized Representative of Users: An authorized representative of a User is: (1) a principal executive officer of at least the level of vice president, if the User is a corporation; (2) a general partner or proprietor if the User is a partnership or proprietorship, respectively; (3) a principal executive officer or a person having responsibility for the overall operation of the User’s facility if the User is a governmental agency, unincorporated organization, or other similar entity; or (4) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility with respect to which action hereunder is required.

Average Daily Flows: The wastewater discharge volume from the most recent calendar quarter divided by the number of days in the quarter.

BOD₅ (Biochemical Oxygen Demand): The quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade. The standard laboratory procedure shall be found in the latest edition of “Standard Methods for the Examination of Water and Wastewater” published by the American Public Health Association.

Categorical Industry: Any industry subject to the United States Environmental Protection Agency’s (EPA) Pretreatment Standards as specified in 40 CFR, Chapter I, Subchapter N, establishing quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced to a treatment plant by existing or new Industrial Facilities in specific industrial subcategories.

Categorical Standards: National Categorical Pretreatment Standards.

COD (Chemical Oxygen Demand): The quantity of oxygen, expressed in mg/l, required to chemically oxidize the organic and inorganic matter in a water or wastewater sample under the standard laboratory procedure. The standard laboratory procedure shall be that in the latest edition of “Standard Methods for the Examination of Water and Wastewater” published by the American Public Health Association.

Commercial Facility: Any structure intended to be used wholly or in part for the purpose of carrying on a trade, business, or profession or for social, amusement, religious, educational, charitable, or public uses.

Compatible Pollutant: Shall mean BOD₅, total suspended solids, total Kjeldahl nitrogen, total phosphorus, and fecal coliform bacteria.

EPA: The United States Environmental Protection Agency, including, where appropriate, the Administrator or other duly authorized official of said agency.

Garbage: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.

Grab Sample: An individual sample collected over a period of time not exceeding fifteen (15) minutes.

Industrial Facility: Any structure intended to be used wholly or in part for the manufacturing, fabricating, storing or warehousing, processing, cleaning, laundering or assembling of any product, commodity or article.

Industrial Wastewater: Any water which, during a manufacturing or processing operation, including those regulated under Sections 307(b), (c), or (d) of the Act, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product, or any other water contaminated by an industrial process and distinct from Sanitary Sewage, or any other waste or wastewater that does not meet the definition of Sanitary Sewage or sewage, as defined in this Resolution.

Industrial Waste Discharge Permit: A permit authorizing a person to deposit or discharge Industrial Wastewater into the Sewerage System.

Interference: The inhibition or disruption of the Treatment Plant processes or operations, which contributes to a violation of any requirement of the Authority's NPDES Permit or a decrease in treatment efficiency. The term includes inhibition or disruption of sewage sludge use or disposal from the Treatment Plant in accordance with Section 405 of the Act (33 U.S.C. 1317) 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 sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the Treatment Plant.

Local Discharge Limits: Numerical limitations on the concentration, mass or other characteristics of wastes or pollutants discharged to the Sewerage System by Industrial Facilities, and which are developed by the Authority.

Milligrams per liter (mg/l): The ratio of weight to volume expressing the concentration of a specified component in wastewater. Also known as parts per million (PPM).

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

Owner: Any person vested with ownership, legal or equitable, sole or partial, of any property, or his agent.

Pass Through: Discharge through the Treatment Plant which exists in quantities or concentrations, alone or with discharges from other sources, which causes a violation of any condition of the Authority's NPDES Permit.

Pennsylvania Department of Environmental Protection (DEP): The Department of Environmental Protection of the Commonwealth of Pennsylvania, or any department or agency of the Commonwealth succeeding to the existing jurisdiction or responsibility of the Department of Environmental Protection.

Person: Any individual, firm, company, partnership, corporation, association, group or society, including the State and agencies, districts, commissions and political subdivisions created by or pursuant to State Law and Federal Agencies, departments or instrumentalities thereof.

pH: The logarithm of the reciprocal of the hydrogen ion concentration expressed as moles per liter.

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

Pretreatment: The reduction of the amount of pollutants, the elimination 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 Sewerage System. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d).

Pretreatment Standard: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307 (b) and (c) of the Act, which applies to Industrial Facilities. This term includes National Categorical Pretreatment Standards, prohibited discharge limits, and local discharge limits.

Qualified Professional: A Commonwealth of Pennsylvania registered professional engineer skilled in the field of wastewater treatment.

Sanitary Sewage or Sewage: The normal water borne waste from a household, and toilet wastes from residences, business buildings, institutions, Commercial and Industrial Facilities.

Sewerage System: The Treatment Plant and any pipe, conduit or other equipment, which carries wastewater to the Treatment Plant.

Slug Load: Any discharge of wastewater having a concentration of pollutants or flow greater than five (5) times that of the average twenty-four hour discharge from a user, over the immediately preceding calendar quarter, which is discharged continuously for a period longer than five (5) minutes.

Standard Methods: The latest edition of "Standard Methods for the Examination of Water and Wastewater", a manual published by the American Public Health Association specifying analytical procedures for testing and analysis of wastewater.

State: Commonwealth of Pennsylvania

Total Kjeldahl Nitrogen (TKN): The sum of the organic nitrogen and ammonia nitrogen present in wastewater, as measured by standard laboratory procedure as described in Standard Methods.

Total Suspended Solids (TSS): The total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater and is removable by laboratory filtration as prescribed in Standard Methods.

Township: East Brandywine Township, acting directly or through any agent, officer or employee duly authorized to act for the said party in the execution of any work.

Treatment Plant: Refers to the Little Washington Wastewater Treatment Plant or the Delaware County Community College Wastewater Treatment Plant, as applicable.

Twenty-Four Hour Composite Sample: A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples collected at regular intervals not exceeding one (1) hour, during a twenty-four hour time span. The sample may be composited either as a time composite sample (composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of discharge flow) or as a flow proportional composite sample (collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between aliquots).

Users: Any person who contributes wastewater into the Sewerage System.

Wastewater: The combined flow of Sanitary Sewage and Industrial Wastewater, together with such quantities of infiltration and inflow as may be present.

Water Company: The private water company or the public agency or municipal authority that provides water service to customers connected to the Sewerage System.

PART 3 SEWER RENTAL FEES

- 301 **Imposition of Sewer Rent or Charge – Hopewell/Guthriesville Service Area** There is hereby imposed upon each property located within the Hopewell/Guthriesville Service Area of the Township, served by the Sewerage System and having the use thereof, sewer rents or charges payable as hereinafter provided, for the use, whether direct or indirect, of the Sewerage System, based on the schedules of classifications and rates hereinafter set forth in Appendix A, as adopted by the Municipal Authority. The Municipal Authority shall establish the sewer rental rates and charges and shall make periodic adjustments as necessary.
- 302 **Imposition of Sewer Rent or Charge – Keats Glen/Delaware County Community College** There is hereby imposed upon each property located within the Keats Glen/Delaware County Community College Service Area of the Township, served by the Sewerage System and having the use thereof, sewer rents or charges payable as hereinafter provided, for the use, whether direct or indirect, of the Sewerage System, based on the schedules of classifications and rates hereinafter set forth in Appendix B, as adopted by the Municipal Authority. The Municipal Authority shall establish the sewer rental rates and charges and shall make periodic adjustments as necessary.
- 303 **Multiple Use** In each case of a combination of one or more Commercial, Industrial or institutional Facilities in one property, all having the use of the Sewerage System through one sewer connection, then each such facility shall be charged the minimum rates set forth in the rate schedules as though each were separately connected to the Sewerage System, and if there is only one water meter for any such combination, the Authority may estimate the amount of water used by each individual facility if necessary.

304 **Measuring Volume for the Purpose of Sections 301 and 302**

(a) Methods of Measuring Volume.

- (1) Whenever a person purchasing all water used from the water company discharges Sanitary Sewage and/or Industrial Wastewater into the Sewerage System, the volume of water used, as determined from meter readings of the water company shall be used in computing the sewer rentals.
- (2) In cases where a person has a source of water supply in addition to or other than from the water company and discharges Sanitary Sewage and/or Industrial Wastewater into the Sewerage System, such Person shall permit the Township to install a meter on such additional or other source of supply. The total amount of water consumed shown by these meter readings will be used in computing the sewer rentals.
- (3) In cases where a Person uses water from the water company and/or from an independent supply such that all or any part of the water so used is not discharged into the Sewerage System, the quantity of water used to determine the sewer rentals shall be computed by one of the following methods as determined by the Authority.
 - (i) By placing a meter or measuring device on the sewer connection. The readings from this meter or measuring device shall be used in computing the sewer rentals.
 - (ii) By placing a meter or measuring device on the effluent not discharging into the Sewerage System. The reading from this meter or measuring device will then be deducted from the total water meter reading and the remainder will be used in computing the sewer rentals.
 - (iii) When it is not practical to install measuring devices to determine continuously the quantity of water not discharged into the Sewerage System, the Authority will determine in such manner and by such method as it may prescribe, the percentage of metered water discharged into the Sewerage System and the quantity of water used to compute the sewer rental shall be the percentage so determined of the quantity measured by the water meter or meters. Any dispute as to the estimated amount shall be submitted to the Authority, after notice of the estimate, whose decision on the matter shall be final.

- (b) Measuring Devices. All meters or measuring devices required to be used under the provisions of this Resolution (except those provided by the water company or those provided by the Authority under Section 304(a)(2) above) shall be furnished and installed by the Authority at the expense of the property owner. All such meters or measuring devices (except those provided by the water company) shall be under the control of the Authority, and may be tested, inspected or repaired by Authority employees whenever the Authority shall deem necessary. The owner of the property upon which such measuring device is installed shall be responsible for its maintenance and safekeeping, and all repairs thereto shall be made by the Authority at the property owner's expense, whether such repairs are made necessary by ordinary wear and tear or other causes. Bills for such installation and repairs shall be due and payable at the same time and collected in the same manner as are the

bills for sewer services; such bills from and after their due date shall constitute a lien upon the property upon which such measuring device is installed.

- (c) Meter Readings. The Authority shall be responsible for the reading of all meters or measuring devices (except to the extent the water company's readings are used), and they shall be made available to Authority employees for meter reading at any reasonable time.

305 Changes in Classification, Additional Classifications and Modifications If use or classification of any property should change within any quarterly period, the difference in the sewer rental, pro-rated on a monthly basis to the nearest calendar month, will be charged or credited, as the case may be, on the bill for the succeeding quarterly period. Additional classifications and additional sewer rentals may be established by the Authority from time to time.

306 Time and Methods of Payments Sewer rentals or charges shall be paid quarterly, and billings for sewer rentals shall be made by bills dated, and on, the first days of January, April, July and October of each year, for the three-month period following the date of the bill. Bills based on meter rates shall be issued on the same dates, but shall be for the three-month period preceding the date of the bill. The bills for sewer rentals under Sections 302 and 303 for the quarterly period during which a property is first connected to the Sewerage System will be pro-rated on the basis of the applicable rate. All bills shall be due and payable on their respective dates.

307 Penalties for Delinquent Sewer Rentals and Liens

- (a) All fees and charges imposed by this Authority are payable by the payment due date shown on the bill.
- (b) Quarterly user charges for sewer service shall be subject to an initial ten percent (10%) penalty if not paid within thirty (30) days from the date of the invoice. If the user charge plus the initial penalty is not paid within sixty (60) days from the date of the invoice, an additional penalty of 15% of the charge will be added to the bill. The bill plus the penalty shall bear interest from the due date at the rate of one half percent (1/2 %) per month or fraction thereof. These penalties and any interest shall be concurrent with all other remedies, legal and equitable, available to the Authority for collection of said fees including, but not limited to, municipal lien and assumpsit remedies.
- (c) All persons connected to the Sewerage System shall give the Authority their correct address. Failure to receive bills will not be considered an excuse for non-payment nor permit an extension of the period during which bills are payable at face.
- (d) All sewer rentals, together with penalties and interest thereon, not paid on or before 90 days from the date of the invoice shall be deemed to be delinquent, and a municipal claim will be filed in the office of the Prothonotary of Chester County for the amount of the fee or charge and all penalties, interest, attorney fees and costs, and shall be collected in the manner provided by law for the filing and collection of such liens. The notice required by Section 5 herein below will be given by the Authority.

(e) The Municipal Authority will initiate steps to collect the full amount of any municipal claim which remains unpaid for six (6) months from the date of filing of the claim. The collection process will result in the addition of very substantial court costs to the amount of the claim and will culminate in a Sheriff's sale of the property if the municipal claim and all additional costs remain unpaid.

PART 4 SCHEDULE OF FEES

401 **Attorney fees** This Authority hereby approves the following schedule of attorney fees for services in connection with the collection of delinquent accounts, which fees are hereby determined to be fair and reasonable compensation for the services described:

<u>Legal Services</u>	<u>Fee for Services</u>
Preparation, filing and service of Municipal Claim	\$125.00
Preparation and filing of Writ of Scire Facias	\$150.00
Reissuance of Writ	\$50.00
Preparation of Notice of Intention to Take Default Judgment	\$50.00
Preparation and filing of Default Judgment	\$125.00
Preparation and filing of Writ of Execution	\$600.00
Listing for Sheriff's sale	\$400.00
Arranging for title search	\$ 35.00
Other services not specifically covered above	Hourly amount equal to Solicitor's current regular charges to the Authority

402 **Out of Pocket Legal Expenses** There shall be added to the above amounts the reasonable out-of-pocket expenses of the attorney in connection with the legal services, as itemized in the applicable attorney bills, which shall be deemed to be part of the fees.

403 **Delinquent Claim** The amount of fees determined pursuant to the above schedule, together with any other costs incurred by the Authority in connection with the delinquent account, shall be added to the Authority's claim in each delinquent account.

PART 5 COLLECTION PROCEDURES

501 **Notice of Delinquent Account** At least 30 days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, the Authority shall, by United States certified mail, return receipt requested, postage prepaid, mail to the owner of the property the notice required by this section.

502 **Unclaimed or Refused Notice** If within 30 days of mailing the notice in accordance with section 401, the certified mail is refused or unclaimed or the return receipt is not received, then at least ten days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, the Authority shall, by United States first class mail, mail to the owner the notice required by this section.

503 **Address** The notice required by this section shall be mailed to the owner's last known post office address by virtue of the knowledge and information possessed by the Authority and by the county office responsible for assessments and revisions of taxes.

- 504 **Contents of Notice** Each notice to the owner shall include the following:
- (a) A description of the delinquent fee or charge and the amount owed, including penalties and interest;
 - (b) A statement of the Authority's intent to impose or assess attorney fees 30 days after mailing the notice pursuant to Section 401 or ten days after the mailing of the notice pursuant to Section 402;
 - (c) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the delinquent account; and
 - (d) The place of payment for the delinquent account and the name and telephone number of the Authority representative designated as responsible for collection matters.

PART 6 USE OF PUBLIC SEWERS REQUIRED

- 601 **Connection Required** The Owner of any improved property whose principal building is within one hundred and fifty (150) feet of the Sewerage System and is accessible to the Sewerage System, shall connect such improved property to the Sewerage System within sixty (60) days after notice to such Owner from the Authority to make such connection, for the purpose of discharging Sanitary Sewage and/or Industrial Wastewater from such improved property, subject to such limitations, restrictions or exceptions as shall be established by the Authority.
- 602 **Exemptions to Connection Requirements** The Kristen Circle development and those connections along Hopewell Road between Dilworth Road and Horseshoe Pike (Route 322) may be exempt from mandatory connection to the public Sewerage System if the property owner can show evidence, acceptable to the Authority, that the on-lot disposal system has been extensively repaired or replaced within the past five (5) years, and is functioning properly. Evidence shall consist of submission to the Authority of a replacement or repair permit issued by the Chester County Health Department. Regardless of whether connection to the public Sewerage System is made upon completion of the project, owners of improved properties shall pay the required tapping fee upon notice from the Authority to do so.
- 603 **Notice to Connect** The notice to make connection to the Guthriesville/Hopewell service area Sewerage System shall consist of a written or printed document, issued by the Authority, requiring such connection in accordance with the provisions of this Resolution and specifying that such connection shall be made within sixty (60) days from the date notice is given. Such notice may be given at any time after the Sewerage System, or relevant portions thereof, is in place to receive and convey Sanitary Sewage and/or Industrial Wastewater for treatment and disposal from the particular improved property. Such notice shall be served by mail or by such other method as at the time may be provided by law.

604 **Failure to Connect** If the Owner of any improved property within the Guthriesville/Hopewell service area, whose principal building is within one hundred and fifty (150) feet of the Sewerage System and such property is not otherwise exempt from making connection, fails to connect such improved property to the Sewerage System within sixty (60) days, after notice by the Authority, the Owner shall be deemed to be in violation of this Resolution.

The Authority, in its sole discretion, may make such connection and may collect from such Owner the cost and expenses thereof. In such case, the Authority shall, upon completion of the work, send an itemized invoice of the cost of the construction of such connection to the Owner of the improved property to which connection has been made. Upon refusal or failure of the Owner of such improved property to pay such invoice, the Authority shall file a municipal lien. Said lien shall be filed within six (6) months of the date of the completion of the construction of said connection. The lien shall be subject in all respects to the general law provided for the filing and recovery of municipal liens.

605 **Cesspools, Privy Vaults and Septic Tanks** No privy vault, cesspool, sinkhole, septic tank or similar sewage disposal receptacle shall be used and maintained at any time upon any improved property which has been connected to the Sewerage System. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and shall be cleaned and filled. Proof of cleaning shall be submitted to the Authority. The top slab or structure of each septic tank shall be broken into pieces prior to such filling. Any such cesspool, sinkhole, septic tank or similar receptacle not so abandoned, cleaned and filled shall constitute a violation of this Resolution. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall at any time be connected to the Sewerage System.

The filling of septic tanks shall be accomplished by completely filling the cleaned tank with sand or 2RC fill to the top of the tank. Clean fill may be used to complete the excavation backfilling from the top of the tank to the finished grade. Privy vaults and septic tanks shall be filled in a similar manner. Filling shall be completed before the contractor leaves the work site.

PART 7 CONNECTIONS TO THE SEWERAGE SYSTEM

701 **Construction of Laterals** The construction of all laterals and the making of all connections to the Sewerage System shall be performed in accordance with the provisions of this Resolution, the provisions of the East Brandywine Township Building and Plumbing Code, the Authority's Specifications for Making Connections with the East Brandywine Township Municipal Authority Wastewater Collection System (attached hereto as Appendix C), or any other applicable rules and regulations of the Township or the Authority which may be adopted from time to time.

702 **Absence of Service Connection** Where a property is to be served by an existing sanitary sewer and a service connection has not been provided from the sewer main to the edge of the property, the property owner shall, at his expense, construct (or cause to be constructed) any and all laterals from the building or buildings to be served to the main sewer.

- 703 **Separate Laterals** A separate and independent lateral and connection shall be provided for every building, except for buildings owned by the same Owner on one lot as hereinafter provided. Notwithstanding the above, it is the intention of this Resolution to require a separate and distinct lateral and connection for each individual building or housing unit, whether constructed as a single detached unit or as one of a series of row houses or as one of a group of town houses or buildings, provided, however, a single connection may be permitted to serve a school, a factory, an apartment house, or other permanent multiple unit structure where the entire building is served through a single building drain and could not, under prevailing circumstances, be split into two or more separate and sole ownerships, or where the Authority determines it to be impractical to provide separate connections.
- 704 **Exclusion of Surface and Ground Water** No person shall connect any roof downspouts, foundation drains, areaway drains, French drains, sump pumps, sump pits, or any other sources of surface water or any runoff or groundwater to the Sewerage System, either directly or indirectly.
- 705 **Inspection of Laterals** All laterals are subject to inspection and verification of testing by the Township or the Authority. At least 72-hours prior to the initiation of construction of the lateral, the Owner of a property that is to be connected to the Sewerage System shall notify the Authority of the date when lateral installation is to commence. Construction of any lateral is subject to inspection by the Authority or their representatives. No lateral piping may be covered until it has been inspected by the Authority.
- 706 **Protection of Excavations** All excavations for lateral installations shall be adequately guarded and protected in accordance with applicable regulations and guidelines, including those of the Occupational Safety and Health Administration (OSHA), so as to protect workers and the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township and, for work in state highways, in a manner satisfactory to the Pennsylvania Department of Transportation, as well.
- 707 **Maintenance and Repair of Laterals** The Owner of any property served by the Sewerage System shall be responsible for the operation, maintenance, and repair, all at his expense, of each lateral serving his property or properties from the building to the sewer main connection point. The property Owner shall notify the Authority in advance of any and all repairs, modifications or replacements of any lateral.

PART 8 PROHIBITIONS AND RESTRICTIONS ON ALL USERS

- 801 **General Discharge Restrictions** Except as otherwise provided in this Resolution, no User shall discharge or cause to be discharged to the Sewerage System any Sewage, Industrial Wastewater, or other matter or substance:
- (a) Having a temperature which will inhibit biological activity at the Treatment Plant resulting in interference, but in no case with a temperature at the introduction into in such quantities that the temperature of the influent to the Treatment Plant exceeds 104°F.

- (b) Containing more than 100 mg/l of fat, oil, wax, or grease, or more than 25 mg/l of petroleum oils, non-biodegradable cutting oils, or other products of mineral origin containing substances which will solidify or become viscous at atmospheric pressure at temperatures between thirty-two (32) and one hundred (100) degrees Fahrenheit.
- (c) Containing any liquids, solids, or gases at concentrations which 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 sewerage system or to the operation of the Treatment Plant. Prohibited materials include, but are not limited to, gasoline, fuel oil, kerosene, naphtha, paint products, sulfides, and any substance having a closed cup flashpoint of less than one hundred and forty (140) degrees Fahrenheit using the test methods specified in 40 CFR 261.21.
- (d) Containing solid or viscous substances at concentrations which will cause obstruction to the flow in a sewer or other interference such as, but not limited to: ashes, cinders, spent lime, stone dust, sand, mud, straw, shavings, metals, glass, rags, grass clippings, feathers, tar, plastics, wood, whole blood, paunch manure, bentonite, lye, building materials, rubber, asphalt residues, hairs, bones, leather, porcelain, china, ceramic wastes, polishing wastes, or glass grindings or other solid or viscous substances capable of causing obstruction to the flow or other interference with the proper operation of the Sewerage System or the Treatment Plant.
- (e) Having a pH, stabilized, lower than 6.0 or higher than 9.0 or having any other corrosive or scale forming property capable of causing damage or hazard to structures, equipment, bacterial action or personnel of the Sewerage System.
- (f) Containing pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or cause interferences, cause pass through, constitute a hazard to humans, animals or plants, create a toxic effect in the receiving waters of the Treatment Plant, or to exceed the limitation set forth in a National Categorical Pretreatment Standard.
- (g) Containing any noxious or malodorous liquids, gases, or solids which, either singly or by interaction with other wastes are sufficient to create a public nuisance or result in toxic gases, vapors, or fumes in the Sewerage System in a quantity that will cause worker health and safety problems.
- (h) Containing highly colored wastewaters or objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (i) Containing radioactive substances of such half-life or concentration as may exceed limits which are prohibited by applicable State or Federal regulations.
- (j) Prohibited by any permit, statute, rule, regulation, and Resolution issued or promulgated by any public agency, including the State and the EPA.
- (k) Containing any substance which will cause the Treatment Plant to violate its NPDES Permit or the receiving water quality standards.

- (l) Containing any substance which shall cause the Treatment Plant to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or be in noncompliance with any criteria, guidelines, or regulations affecting sludge use or disposal promulgated pursuant to the Solid Waste Control Act, or State Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- (m) Containing non-biodegradable complex carbon compounds.
- (n) Constituting a slug load.
- (o) Containing storm water, surface water, groundwater, roof runoff, foundation drainwater, or drainage from the fields.
- (p) Containing any garbage which has not been properly shredded or having particles greater than one-half (1/2) inch in size.
- (q) Containing pesticides, unless upon written request, special permission is obtained from the Authority.
- (r) Waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with the wastewater treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the Treatment Plant.
- (s) Waters or wastes containing total solids of such character and quantity that unusual attention or expense is required to handle such materials at the Treatment Plant, except as may be approved by the Owners of the Sewerage System and the Treatment Plant.

802 Trucked or Hauled Wastewater

- (a) Tank truck or hauled waste discharges to the Sewerage System are prohibited.

PART 9 PROHIBITIONS AND RESTRICTIONS ON INDUSTRIAL WASTEWATERS

901 General No Industrial Wastewater shall be discharged into the Sewerage System in violation of Part 7 hereof and unless the person discharging the same shall have obtained an Industrial Waste Discharge Permit, except as authorized by the Authority in accordance with the provisions of this Resolution.

902 Permit Required In order to control the admission of Industrial Wastewater for discharge into the Sewerage System, the written approval of the Authority must be obtained prior to the discharge of such waste, and as evidenced in writing by an Industrial Waste Discharge Permit. Also, the consent of the owner of the receiving Treatment Plant, or its designated representative, must be obtained prior to the discharge of such waste to the Sewerage System.

903 **Permit Application** The application for an Industrial Waste Discharge Permit shall include, at a minimum, the following information:

- (a) Name and address of the Industrial Facility;
- (b) Name and title of responsible official and name and title of person preparing the application;
- (c) Location of facility;
- (d) The type of industry and nature of the business conducted in such facility;
- (e) Description of process or processes which produce the Industrial Wastewater;
- (f) Description of types and characteristics of the Industrial Wastewater, volume and rates of flow and methods of measuring the same, frequency and duration of discharge;
- (g) The volume of Industrial Wastewater and Sewage discharged by each facility:
 - i. to Sanitary Sewers;
 - ii. to Storm Sewers.
- (h) For existing discharges of Industrial Wastewater, a chemical analysis of the waste, including parameters for all constituents that may be present in the discharge;
- (i) The average daily number of employees employed or to be employed in each facility by shifts;
- (j) The source of water supply of each Industrial Facility and the volume of water used by each Industrial Facility daily, specified separately as to each source,
- (k) Description of proposed or existing Pretreatment facilities and a schematic diagram of such facilities;
- (l) An indication as to whether or not the proposed discharge will comply with this Resolution;
- (m) Such additional information as is deemed applicable to ascertain the volume, nature and composition of the waste so discharged or as may be required by the Authority, or the Authority Engineer.

904 **Change in Operations** Any person, firm, or corporation that plans to change operations so as to materially alter the characteristics and volumes of Industrial Wastewater discharged to the Sewerage System, either directly or indirectly, shall file an application for an Industrial Waste Discharge Permit.

905 **Pretreatment**

- (a) As not all waste can be satisfactorily treated at the Treatment Plant, Pretreatment may be required before acceptance into the Sewerage System. Any waste containing substances which are not compatible to treatment or reduction by the treatment processes employed, or are amenable only to such a degree that the Treatment Plant effluent cannot meet the degree of treatment required by Regulatory Agencies having jurisdiction over the discharge to the stream, such waste will require Pretreatment to the degree as required by the terms of the Industrial Waste Discharge Permit.

- (b) Where Pretreatment facilities are provided for any waters or wastes, they shall be constructed and be maintained continuously in satisfactory and effective operation by the Discharger at his expense. No Pretreatment facilities shall be constructed until they have been approved in writing by the Authority and by the owner of the receiving Treatment Plant.

906 Permit Cancellation The Authority reserves the right to cancel any Industrial Waste Discharge Permit issued by the Authority upon the discharger's violation of the conditions of this Resolution or the Industrial Waste Discharge Permit. The Authority has the right to amend the permit when required by the owner of the receiving Treatment Plant, by appropriate Regulatory Agencies, or by technical revelations. The Industrial Waste Discharge Permits will be written for a one (1) year period. If the Authority elects not to cancel the permit on or before its anniversary, the permit will automatically renew itself for another period of one (1) year.

907 Sampling manhole

- (a) Adequate means shall be provided in each Lateral carrying Industrial Wastewater to the Sewerage System for periodic sampling. A suitable manhole shall be installed in the Lateral discharging the waste into the Sewerage System, to facilitate observation, sampling and measuring of the waste being discharged. The Authority may also require sampling, metering, and/or measuring devices.
- (b) Such manhole shall be constructed in accordance with plans and specifications approved by the Authority. The manhole shall be installed and maintained in a safe condition, at the expense of the discharger, and be so located as to be accessible at all times to authorized representatives of the Authority or of the owner of the receiving Treatment Plant, without consent of the discharger. Samples for the determination of all physical and chemical characteristics and concentrations of the waste shall be collected in such a manner as to be representative of the waste, using the current edition of "Standard Methods for the Examination of Water and Wastewater" as a basis.

908 Additional Requirements

- (a) Any authorized representative of the Authority or of the receiving Treatment Plant, bearing proper credentials and identification, shall be permitted to enter upon any private property discharging Industrial Wastewater into the Sewerage System at any time, for the purpose of observation, measuring, or sampling.
- (b) The discharger is liable for any cost, damage, injury, and/or fines on or to the Authority or to the owner of the receiving Treatment Plant as a result of his Industrial Wastewater discharge.
- (c) Every person discharging any Industrial Wastewater mixture into the Sewerage System shall keep and maintain Records of the data required to be furnished in the application for an Industrial Waste Discharge Permit as defined above and such Records shall be available for inspection during regular business hours by authorized representatives or employees of the Authority or the owner of the receiving Treatment Plant upon presenting written credentials of their authority and such representatives or employees shall be permitted to make and retain copies of such Records.

- (d) The Industrial Wastewater discharged into the Sewerage System shall be sampled and analyzed by and at the expenses of the discharger and results of laboratory analyses shall be submitted to the Authority within fifteen (15) days. Analytical parameters shall be determined by the Authority and the owner of the receiving Treatment Plant. Frequency of sampling and analysis shall be quarter annually, as a minimum. Discharges having a significant contribution to the system, or which are variable in composition, will require more frequent monitoring, possibly monthly, weekly, or daily.

The laboratory analyses shall be made on a representative 24-hour composite wastewater sample. The choice of analytical laboratory shall be subject to approval by the Authority and the Owner of the receiving Treatment Plant.

PART 10 ENFORCEMENT

- 1001 **Immediate Suspension by Authority of Discharge Presenting Imminent Danger by Any User.** The Authority may order the suspension of discharge of Wastewater by any User when such suspension is necessary, in the opinion of the Authority, in order to stop an actual or threatened discharge which presents an imminent danger or harm to people or to the environment or of interference with the Wastewater treatment process (“Dangerous Discharge”). Any User notified of an order to suspend shall comply therewith immediately. In the event of a failure of the User to comply voluntarily with the suspension order, the Authority may take such steps as it deems necessary, including immediate severance of the sewer connection, to affect the suspension of discharge of the User’s Wastewater into the Sewerage System. The Authority may permit reinstatement of the discharge upon proof satisfactory to itself of the elimination of the imminent and substantial danger referred to above. The User shall submit a detailed written statement to the Authority describing the causes of the actual or threatened discharge and the measures taken to prevent any future occurrence within 15 days of the date of the first such discharge or threat of discharge. Nothing herein shall be construed to prohibit the Authority from seeking injunctive relief hereunder or at common law or taking other enforcement action in connection with a Dangerous Discharge.
- 1002 **Termination of Service of Any User.** Any user who violates any provision of this Resolution, applicable State and Federal regulations, or an Industrial Waste Discharge Permit if applicable, is subject, in addition to any civil or criminal penalties which may be imposed, to having his service terminated and/or his Industrial Waste Discharge Permit revoked.
- 1003 **Notification of Violation by Any User.** Whenever the Authority finds that the User has violated or is violating this Resolution, an Industrial Waste Discharge Permit, or any prohibition, limitation or requirement contained herein, the Authority may serve upon such person a written notice stating the nature of the violation. The notice may require a response in the form of a plan, explanation, compliance schedule, or other appropriate response within a specified time period. Compliance with any such requirement is mandatory.

- 1004 **Legal Action by the Authority.** If any person violates the provisions of the Resolution, Federal or State pretreatment requirements, or any order related to sewer service, the Authority may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of this County. In any such proceeding, the Authority may seek to collect any delinquent sewer rentals and all penalties thereon, together with any costs and/or attorneys fees due and payable under Section 308 hereof, and unpaid, any damages and costs incurred pursuant to Section 903 hereof, and unpaid, and any fines imposed under Section 901 hereof, and unpaid.

PART 11 PENALTIES

- 1101 **Fines to be Established by Authority for Violation by Any User.** In addition to any other remedy available under this Resolution, any person who shall violate any provision of this Resolution shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00 for each offense together with the cost of prosecution and shall be imprisoned to the extent allowed by law for the punishment of summary offenses. Enforcement of this penalty shall be by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Municipal Authority Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pennsylvania Rule of Criminal Procedure Number 83(c) (relating to trial in summary cases). Every day that a violation of this Resolution continues shall constitute a separate offense. All fines and penalties collected for the violation of this Resolution shall be paid over to the Authority treasury.
- 1102 **Action to Enforce Authority's Resolutions Applicable to any User.** The Authority shall take any action permitted by law to enforce any provision of this Resolution against any User.
- 1103 **Liability for Damage to Sewerage System.** In the event that any Person discharges its Wastewater into the Sewerage System which causes or threatens to cause damage to the Authority, the Authority Sewerage System and/or the Treatment Plant or to any employee thereof, or discharges any substance that damages or threatens to damage the Treatment Plant, the Treatment Plant processes or operations, or the quality or composition of the Treatment Plant sludge, that person shall be liable for the damage thereof; said liability shall include all costs incurred by the Authority including, but not limited to, costs of restoration or replacement, disposal, remediation, fines, legal and engineering fees, and natural resources damages. The limit of the damage shall be determined by the Authority and the person shall be billed therefor. Legal action may be taken to enforce collection and/or the Authority may terminate the Person's connection to the Sewerage System.

PART 12 MISCELLANEOUS PROVISIONS

- 1201 **Effective Date.** This Resolution shall become effective five (5) days from the date of enactment.
- 1202 **Validity.** The provisions of this Resolution are severable and if any provision or part thereof shall be held illegal, invalid or unconstitutional, it shall not affect or impair any remaining provisions or parts of this Resolution. This Resolution would have been adopted if such invalid or unconstitutional provisions had not been included therein.
- 1203 **Repeal of Inconsistent Resolutions.** All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent of the inconsistency.

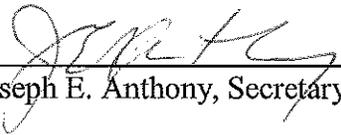
RESOLVED this 12th day of January, 2005.

East Brandywine Township Municipal Authority



Michael H. Corbin, Chairman

ATTEST



Joseph E. Anthony, Secretary