

Chapter 18

Sewers and Sewage Disposal

Part 1

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Part 1**Public Sanitary Sewers****A. General Provisions****§18-101. Purpose and Policy.**

1. This Part sets forth uniform requirements for direct and indirect contributors, (hereinafter called “user”), into the wastewater collection and treatment system of the Municipal Authority of the Borough of Dauphin.

2. The objectives of this Part are:

A. To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge or otherwise be incompatible to the system.

B. To prevent the introduction of pollutants into the wastewater system which will pass through the treatment system, inadequately treated, into receiving water or the atmosphere.

C. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

D. To provide for equitable distribution of the cost of the wastewater system operation and maintenance.

E. To require that every owner of property, which is accessible to the sewer system shall connect such property to the sewer system before generating sanitary sewage for the first time.

F. To prohibit the operation, maintenance or use of a privy cesspool, vault, septic tank, or similar receptacle for sanitary sewage upon any property, which is accessible to the sewer system.

3. This Part provides for the regulation of users of the wastewater system through the execution of agreements and the issuance of permits to certain non-domestic users and through enforcement of general requirements for domestic and other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers’ capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(*Ord. 91-4, 10/8/1991, §1.01*)

§18-102. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Part, 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.

Authority—the Municipal Authority of the Borough of Dauphin, Dauphin County, Pennsylvania, or its authorized representatives from which the Borough leases its waste water treatment facility.

BOD (biochemical oxygen demand)—the quantity of dissolved oxygen consumed in the biochemical oxidation of the organic matter in sanitary sewage or industrial waste under standard laboratory procedure in 5 days at 20 degrees Centigrade, expressed in milligrams per liter (mg/L). It shall be determined by one of the acceptable methods described in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published jointly by the American Public Health Associations, the American Water Works Association, and the Water Pollution Control Federation, or the latest edition of *Methods of Chemical Analysis of Water and Waste* published by the U.S. Environmental Protection Agency.

Borough—the Borough of Dauphin, Dauphin County, Pennsylvania or its authorized representatives.

Chlorine demand—the quantity of chlorine absorbed in water, sewage or other liquids, allowing a residual of 0.1 ppm, after 15 minutes of contact.

Color of an industrial waste—the color of the light transmitted by the waste solution after removing the suspended material, including the pseudocolloidal particles.

Cooling water—the water discharged from any system of condensation including, but not limited to, air conditioning, cooling, or refrigeration.

Commercial user—refers to a property which is intended to be used for the purpose of carrying on a trade, business or profession, or for social, religious, educational, charitable or public users.

Composite sample—a sample consisting of a combination of individual samples that are either time or flow proportioned or both, obtained at regular intervals over a period of time and shall reasonably reflect the actual wastewater discharge conditions for that period of time.

Connection fee—a fee based upon the actual cost of the connection of the property extending from the Borough's main to the property line or curb stop of the property so connected.

Customer facilities fee—a fee which shall not exceed an amount based upon the actual cost of facilities connecting the property line or curb stop to the building to be served.

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. [Ord. 2012-03]

Dissolved solids—that concentration of matter in the sewage consisting of colloidal particulate matter 1 micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

Domestic user—refers to a property which is intended to be used for continuous or periodic habitation by human beings.

Environmental Protection Agency (EPA)—the Environmental Protection Agency of the United States, or any agency or department of the United States succeeding to the existing jurisdiction or responsibility of the Environmental Protection Agency.

Floatable oil—oil, fat or grease in a physical state such that it will separate by

gravity from wastewater by treatment in a pretreatment facility approved by the Borough.

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—a sample taken from a waste stream on a one time basis with no regard to the flow in the waste stream and collected over a period of time not exceeding 15 minutes but shall reasonably reflect actual discharge conditions for that instant.

Ground garbage—garbage that has been shredded to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particle greater than ½ inch in any dimension.

Groundwater—water which is standing in or passing through the ground.

Holding tank waste—any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Industrial user—refers to any property discharging wastewater to the Borough's treatment plant, and which is intended to be used in whole or in part for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article; or business process or in the course of the development, recovery, or from which any process waste, as distinct from domestic waste, is discharged.

Industrial waste—any liquid or gaseous substance, whether or not solids are contained therein, discharged from any industrial establishment during the course of any industrial, manufacturing, trade, or in the course of the development, recovery, or processing of natural resources, as distinct from sanitary sewage.

Industrial waste permit—a permit to deposit or discharge liquid industrial wastes into any sanitary sewer discharging to the wastewater treatment plant leased by the Borough.

Infiltration—the groundwater unintentionally entering the public sewer system, including building foundation drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and it is distinguished from, inflow.

Infiltration / inflow—the total quantity of water from both infiltration and inflow without distinguishing the source.

Inflow—the water discharge into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to: roof leaders, cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas, manhole covers; cross connections from storm sewer and/or combined sewers; catch basins; storm waters; surface runoff; street wash waters; or drainage. Inflow does not include, and is distinguishable from, infiltration.

Interference—the inhabitation or disruption of the treatment plant processes or operations which contributes to a violation of any requirement of the Borough's NPDES permit. The term includes prevention of sewage sludge use or disposal by the treatment plant in accordance with §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 sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the treatment plant.

Manhole—a shaft or chamber leading from the surface of the ground to a sewer, large enough to enable a man to gain access to the latter.

MG/L—milligrams per liter and is equivalent to parts per million by weight.

National Categorical Pretreatment Standard or *pretreatment standard*—any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §307(b) and (c) of the Act, 33 U.S.C. §1347, which applies to a specific category of industrial users.

National Pollutant Discharge Elimination System permit—a permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge of wastewaters to the navigable waters of the United States pursuant to §402 of Public Law 92.500, as amended.

National prohibitive discharge standard or *prohibitive discharge standard*—any regulation developed under the authority of §307(b) of the Act and 40 CFR §403.5.

Nitrogen, total Kjeldahl (TKN)—the sum of the organic nitrogen and ammonia nitrogen, expressed in milligrams per liter.

Nonfilterable residue also known as *suspended solids*—solids that either float to the surface or are in suspension in water, sewage, industrial waste or other liquids, and which are removable by laboratory filtration. The quantity of non-filterable residue shall be determined by one of the acceptable methods described in the latest edition of *Standard Methods for the Examination of Water and Wastewater* or *Methods for Chemical Analysis of Water and Wastes*, cited above.

Normal domestic strength sewage—wastewater or sewage having an average daily suspended solids (SS) concentration of not more than 240 milligrams per liter and an average daily BOD of not more than 204 milligrams per liter and excluding toxic and/or flammable wastes.

Objectionable waste—any wastes that can in the Borough's judgment harm either the sewers or sewage treatment process or equipment; can have an adverse effect upon the receiving stream; can otherwise endanger life, health or property; or which constitutes a public nuisance.

pH—the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance. A "stabilized pH" will be considered as a "pH" which does not change beyond the specific limits when the waste is subject to aeration. It shall be determined by one of the accepted methods described in the latest edition of *Standard Methods for Examination of Water and Wastewater*, published by the American Public Health Association.

Person—includes an individual, a partnership, an association, a corporation, a joint stock company, a trust, an unincorporated association, a governmental body, a political subdivision, a municipal authority, or any other group or legally recognized entity. The masculine gender shall include the feminine, singular shall

include the plural where indicated by the context.

Phosphoreus (P)—the sum of orthophosphate, polyphosphate, and organic phosphate forms of phosphorus expressed in milligrams per liter.

Pollutants—any material that, when added to water, shall render that water (either because of the nature or quantity of the material) unacceptable for its original intended use; including, but not limited to, dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, sand, cellar dirt, and industrial, municipal, and agricultural wastes.

Pollution—the man-made or man-induced alteration of the chemical, physical, biological, and/or radiological integrity of water.

Pretreatment of treatment—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 public sanitary sewage system. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means.

Responsible individual—(1) the chief executive officer or the chief operating officer of the user facility if the industrial user is a corporation; (2) a partner or the general manager of the user facility if the industrial user is a partnership; (3) the owner or the general manager of the user facility if the industrial user is a proprietorship; or (4) the person duly designated as the responsible individual by a corporation, partnership or proprietorship, provided such person shall be actually responsible for overall operation of the user facilities.

Sanitary sewage (also referred to herein as “sewage”)—wastewater originating from residential users containing human and customary household wastes or such wastes from commercial or industrial establishments, but excluding industrial wastes.

Sanitary sewer—any pipe or conduit constituting a part of the sewer system, or usable for sewage collection purposes, which carries wastewater and to which storm, surface and groundwaters are not admitted and which discharges to the treatment works owned by the Municipal Authority of the Borough of Dauphin, or those owned by the Borough of Dauphin directly.

Sewer system—any part of the whole of the waste water collection and treatment system owned by the Municipal Authority and leased to the Borough, or those owned by the Borough of Dauphin directly.

Shall—is mandatory; *may* is permissive.

Significant industrial user—any industrial user of the Borough’s wastewater treatment facility who has a discharge flow of 10,000 gallons or more per average work day or is found by the Borough, EPA or DEP to have significant impact, either potential or realized, either singly or in combination with other contributing industries, on the sanitary sewer system and/or wastewater treatment facility (either its operational efficiency, effluent quality or quality of the sludge produced by said facility).

Slug—any given discharge of water or wastewater in concentration of any given

constituent or in any quantity of flow which exceeds for any period of duration longer than 15 minutes more than five times the allowable concentration of flows during a normal working day (i.e., one, two, or three shift operation) and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Standard industrial classification (SIC)—a classification pursuant to the latest *Standard Industrial Classification Manual* issued by the Executive Office of the President, Office of Management and Budget.

Standard methods—the laboratory procedures set forth in the following sources: *Standard Methods for the Examination of Water and Wastewater*, latest edition, as amended, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation; *Methods for Chemical Analysis for Water and Wastes*, prepared and published by the Analytical Quality Control Laboratory, U.S. Environmental Protection Agency; “Guidelines Establishing Test Procedures for the Analysis of Pollutants,” enumerated in 40 CFR §436.1 *et seq.*, as amended, and/or any other procedures recognized by the U.S. Environmental Protection Agency and the Commonwealth of Pennsylvania.

Stormwater—that portion of the precipitation which runs off over the surface during a storm and for a short period following a storm and enters the sewer system, and causes the flow at the sewage treatment plant to exceed the normal or ordinary flow.

Suspended solids (SS) or total suspended solids (TSS)—total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and is removable by laboratory filtration as prescribed in the “standard methods” enumerated in this Part.

Tapping fee—a fee based on some or all of the following components:

(1) *Capacity component*—a fee based on the cost of existing facilities such as treatment plants and future facilities that will provide service.

(2) *Distribution or collection component*—a fee based on the cost of existing and future facilities for distribution and collection such as sewer mains.

(3) *Special purpose component*—a fee based on the actual cost of facilities that are applicable only to a particular group of customers or facilities serving a specific area.

(4) *Reimbursement component*—a fee designed to recapture the allocable portion of facilities in order to reimburse the property owner at whose expense the facilities were constructed.

Total solids—the sum of suspended and dissolved solids.

Toxic pollutant—any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA §307(a) or other Acts.

Treatment plant—the structures, equipment and processes leased by the Borough and required to collect, transport and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids.

Unpolluted water or waste—water that has not had its pollutant level raised by

the user, or any water or waste containing none of the following: free or emulsified grease or oil; pH less than 6.0 or greater than 9.0; phenols or other substances imparting taste and odor to receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; obnoxious or odorous gases. It shall contain not more than 1,000 milligrams per liter by weight of dissolved solids, of which not more than 204 milligrams per liter shall be chloride and not more than 10 milligrams per liter shall be of non-filterable residue and BOD. The color shall not exceed 50 color units. Analysis of the above-mentioned substances shall be made in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater* or *Methods of Chemical Analysis of Water and Wastes*, cited above.

Utility—the Dauphin Consolidated Water Supply Company.

User—any person who contributes, causes or permits the contribution of wastewater into the authority's treatment plant.

User fee—a fee based on the cost of operation and maintenance of the facilities.

Wastewater—the liquid and water-carried industrial, commercial, or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions whether treated or untreated, which is contributed into or permitted to enter the treatment plant.

(*Ord. 91-4, 10/8/1991, §1.02; as amended by Ord. 2012-03, 12/4/2012*)

§18-103. Connection Requirements.

Every owner of property which is accessible to the sewer system after service is available and which property is for the first time improved, or on which property sanitary sewage is for the first time to be generated, shall connect such property to the sewer system in accordance with the sewer rules and regulations of the Borough, currently in effect. Such connection shall be made within 60 days after the Borough has given the owner written notice to connect and before any sanitary sewage is generated on the property.

(*Ord. 91-4, 10/8/1991, §1.03*)

§18-104. Accessible Property.

A property shall be considered "accessible" if it abuts on or adjoins any street, road, lane, alley or other public highway in which a collecting sewer of the sewer system is located, or which is otherwise accessible to such a sewer. The owner of said property shall connect to the sewer system in accordance with §18-103 of this Part.

(*Ord. 91-4, 10/8/1991, §1.04*)

§18-105. Connection by Borough.

If any owner required by this Part to connect his property with the sewer system has failed to do so within 60 days after written notice of this Part has been given by the Borough, the Borough may cause such connection to be made and collect the cost thereof by a connection fee from such owner by an action in assumpsit.

(*Ord. 91-4, 10/8/1991, §1.05*)

§18-106. On-Lot Systems.

It shall be unlawful, 60 days after written notice to connect under the provisions of this Part has been given by the Borough, for any person, firm or corporation (A) to maintain, operate or use within the Borough a privy, cesspool, vault, septic tank or similar receptacle for sanitary sewage upon any property now or hereafter improved which is accessible to the sewer system, (B) to connect any such privy, cesspool vault, septic tank or similar receptacle with the sewer system, or (C) to discharge sanitary sewage into any storm sewer or any other outlet other than the sewer system.

(Ord. 91-4, 10/8/1991, §1.06)

§18-107. Liability of Borough.

The Borough shall not be liable for any damage or expense resulting from leaks, stoppages, defective plumbing, or from any other cause occurring to any premises or within any house or structure when such damage or expense is found to have resulted from stoppages, damage or defects in any house connection. The Borough shall not be liable for a deficiency or failure of service when occasioned by an emergency, required repairs, or failure from any cause beyond its control. The Borough reserves the right to restrict the use of sewer service whenever the public welfare may require it.

(Ord. 91-4, 10/8/1991, §1.07)

§18-108. Changes in Ownership or Tenancy.

1. The permit applicant must give written notice to the Borough upon any change in ownership of any improved property. The applicant must give written notice also of any change in tenancy, and the applicant shall be liable for any sewage charges that may accrue prior to the notice of vacation of premises.

2. Any connection to the sewer collection system that is abandoned for any reason must be capped and closed according to the specifications of §03500 of Exhibit F.

(Ord. 91-4, 10/8/1991, §1.08)

§18-109. Service to Housing Developments or Isolated Buildings.

The Borough shall have no liability to furnish complete sewer service at Borough expense to any contemplated new housing development, or any isolated building or buildings within the Borough boundary.

(Ord. 91-4, 10/8/1991, §1.09)

§18-110. Construction by Builder, Developer, or Business.

In those cases where a building developer, or business desires sewer service to be furnished to his property, the property owner may elect to furnish such service at his own expense. Should the property owner elect to provide such complete service at his own expense, he may do so upon meeting all conditions as set forth in this Part. Plot plans for such proposed construction must be submitted to the Borough for approval prior to construction. Sewer plans conforming to all original specifications established by the Borough, as to type of pipe, location of mains, size of pipe, grades, methods of laying pipe and the type and construction of all necessary appurtenances will be prepared by a registered professional engineer and approval obtained from the

necessary State agencies. The engineering fees and charges for permits will be paid by the property owner. In no case will less standards than exist in the presently constructed sewer system and as outlined in this Part be permitted for any future extensions. Upon approval of such plans by the Borough, the extensions may be constructed by and at the expense of the property owner, but only under the inspection of an inspector designated by the Borough and/or its Engineer. The cost of such inspection, including salaries and expenses shall be borne by the property owner making the extensions.

(*Ord. 91-4, 10/8/1991, §1.10*)

§18-111. Exoneration from Sewer Rentals.

Any customer desiring exoneration from sewer rentals due to the vacancy of his premises shall make application therefor on forms provided by the Borough. Only premises which are both vacant and (A) have had the water supply shut off for 6 or more complete calendar months and (B) have had all water meters removed, are eligible for exoneration from sewer rentals. Said application shall be supported by an affidavit (confirming, among other things, that the water supply has been shut off for 6 or more complete months and that all water meters at the premises have been removed) which shall be attached to said application form. Application for exoneration must be made within 60 days after the billing in question was rendered. No property shall receive more than one exoneration in any given calendar year.

(*Ord. 91-4, 10/8/1991, §1.11; as amended by Ord. 93-1, 2/2/1993, §1; and by Ord. 97-1, 2/4/1996*)

§18-112. Special Conditions.

Any person or persons who desire an exception to be made, an interpretation to be given, or action to be permitted not specifically governed by this Part shall present their case in writing to the Borough. In such an event, the decision of the Borough must be considered final.

(*Ord. 91-4, 10/8/1991, §1.12*)

§18-113. Changing Rules and Variances.

The Borough reserves the right to change or amend, from time to time, this Part in accordance with law. No officer or employee of the Borough can vary this Part without action of Borough Council, and the Borough may not be bound by any agent or employee's act or representation excepting when authorization in writing has been given to do so by an executive officer of Borough Council.

(*Ord. 91-4, 10/8/1991, §1.13*)

B. Schedule of Fees, Rents, and Surcharges

§18-121. Permitted Fees.

1. The Borough may charge the following fees as authorized by Act 203:

A. *Tapping Fee.* Each owner of a single-family dwelling, commercial, industrial or institutional property required by this Part to connect to the sewer system shall pay to the Borough a tapping fee of \$4,000. This fee is based on the capacity, distribution/collection components and replacement costs defined in §18-102 of this Part. The Borough is also authorized under certain circumstances to include special purpose and reimbursement components in the tapping fee. These components are also described in §18-102 of this Part. Each owner of a residential, commercial, industrial or institutional building, required by this Part to connect to the sewer system, shall pay to the Borough a tapping fee of \$4,000 plus a monthly user fee which from time to time may be adjusted by the Borough to accommodate costs arising from the operation, maintenance and replacement of the collection and treatment system. The monthly user fee is based upon an equivalent dwelling unit (EDU). An equivalent dwelling unit has been determined to be 263 gallons per day. In lieu of payment of the tapping fee, the Borough may require the construction and dedication of capacity, distribution/collection, or special purpose facilities necessary to provide services. [*Ord. 05-03*]

2. *Connection Fee.* In the event that the Borough provides the connection facilities between the Borough's main and the property line or curb stop of the property that will use the service, the Borough may impose a connection fee as defined in §18-102 of this Part. In lieu of this fee, the Borough may require the property owner to construct and dedicate the connection facilities.

3. *Customer Facilities Fee.* In the event that the Borough provides the facilities connecting the property line or curb stop to the building to be served a fee may be charged as defined in §18-102 of this Part. In lieu of this fee the Borough may require the property owner to construct the facilities.

(*Ord. 91-4, 10/8/1991, §2.01; as amended by Ord. 05-03, 5/3/2005, §1¹*)

§18-122. Sewer Rentals (User Fees).

[Reserved.]²

¹Editor's Note: Section 2.0, "Exemption," provides:

"Section 2.0. Exemption. All owners of existing residential structures in the Hillside Heights and Lower Erie Street, also known as the Hillside Sewage Management Area, shall be exempt from the increased tap on fee. The Borough Council recognizes that owners of existing residential buildings within this designated area will be the subject of a public works project to deploy sanitary sewerage facilities to their homes. Further, that said project had been initiated in 1999 and therefore, exemption of the Hillside Sewage Management Area to the increased tap on fee would be appropriate. An increased tap on fee will be assessed to any owners of buildings that are constructed after the effective date herein."

²Editor's Note: *Ord. 07-04* provides, with regard to sewer rentals:

"*Repealing Ordinance No. 05-01.*

Sewer Rates: The Borough of Dauphin, having delegated rate setting authority to the Borough

(Ord. 91-4, 10/8/1991, §2.02; as amended by Ord. 92-2, 10/6/1992, §2; by Ord. 93-12, 12/7/1993, §1; by Ord. 96-1, -/1996; by Ord. 02-03, 1/7/2002, §1; by Ord. 05-01, 3/8/2005; by Ord. 07-02, 2/6/2007, §§1 and 2; and by Ord. 07-04, 6/5/2007)

§18-123. Surcharges for Certain Industrial/Commercial Wastes.

1. Although the sewage treatment works will be capable of treating certain industrial wastes, the actual treatment of such wastes may increase the cost of operating and maintaining the public sanitary sewage system. Therefore, there will be imposed upon each person discharging such industrial waste into public sanitary sewage system a surcharge, or surcharges which are intended to cover such additional costs. Such surcharges shall be in addition to regular sewage service surcharges and shall be payable as herein provided.

2. *Determination of Surcharges.* The strength of any industrial/commercial waste discharge which is to be subject to surcharge as determined by subsection .3 of this Section, shall be determined quarterly, or more frequently as the Borough shall determine, from samples taken either at the manhole or metering chamber referred to in this Part, or at any other sampling point mutually agreed upon by the Borough and the producer of such waste. The frequency and duration of the sampling period shall be such as, in the opinion of the Borough, will permit a reasonably reliable determination of the average composition of such waste, exclusive of stormwater runoff. Samples shall be collected by the Borough, or their collection supervised by the Borough and shall reasonably reflect the characteristics of the waste over a 24-hour period, exclusive of stormwater runoff. Except as hereinafter provided, the strength of the waste so found by analysis shall be used for establishing the surcharge or surcharges. However, the Borough may, if it so elects, accept the results of routine sampling and analyses by the producer of such wastes in lieu of making its own sampling and analyses.

3. *Calculation of Surcharges.* In the event that, after sampling and analysis as prescribed in subsection .2 hereof, any industrial waste is found by the Borough to have pollutants of BOD concentration in excess of 204 milligrams per liter and/or non-filterable residue concentration in excess of 240 milligrams per liter, the producer of said waste shall pay a strength of waste surcharge in addition to the regular sewage service charge, which surcharge shall be computed by using the following industrial waste surcharge formula:

$$SQ = 0.00834QI[(BODI - 204)TA + (SSI - 240)TB]$$

A. Where:

- (1) S_q is the quarterly surcharge to be added to the basic user charge.
- (2) 0.00834 is a constant to convert waste concentrations expressed in million gallons.
- (3) Q_t is the quarterly industrial/commercial waste flow expressed in million gallons.

Authority hereby repeals Ordinance 05-01 requiring and establishing Sewer Rates Regardless of Usage.”

(4) BOD_I and SS_I are the respective concentrations of BOD_5 and suspended solids of the industrial waste expressed in mg/l.

(5) 204 is a constant which expresses the waste load concentrations of BOD and suspended solids for normal domestic wastes in mg/l.

(6) T_A and T_B are actual treatment costs incurred by the Borough per 1,000 pounds of BOD and suspended solids, respectively. These costs are determined annually by the Borough based upon actual costs of operation and maintenance.

When a value of BOD and/or suspended solids is less than the maximum allowable concentration set forth in the industrial waste surcharge formula, then the maximum allowable concentration shall be used in the calculation of the industrial waste surcharge.

5. *Sampling Fees and Schedules.* All industrial users requiring an industrial/commercial waste discharge permit will be assessed a fee or service charge for each scheduled sampling to be performed by the Borough. The charge to the industrial/commercial user for each scheduled sampling will be set by the Borough. This fee will be in addition to the costs of analysis for which the industrial/commercial user will reimburse the Borough.

(Ord. 91-4, 10/8/1991, §2.03)

C. Enforcement of User Obligations

§18-131. Termination and Violations.

1. *Notice of Service Termination–Written.* Any user with an unpaid balance beyond 60 days of its due date will be notified pursuant to §§18-153 and 18-132 of this Part that his water service will be terminated within 10 days after said notice unless: [Ord. 07-07]

A. The ratepayer makes payment or settlement of the outstanding balance.

B. The user files a timely notice of dispute with the Borough asserting a good faith defense, or in the event that the defense is denied, filing a timely appeal with the Borough pursuant to the rules and regulations of this Part.

2. *Notice of Ordinance Violation–Written.* Any user who shall violate any Section of this Part will be notified pursuant to §18-153 of this Part that legal enforcement pursuant to §18-141 will commence 60 days after said notice unless:

A. The user commences action to correct or remove the violation within 10 business days of the date of the violation notification.

B. The user completely corrects or removes the violations within 60 days of the date of the violation notification.

C. A detailed, written statement by the user describing the causes of the violation and measures taken to prevent future occurrence shall be submitted to the Borough no later than 60 days after the date of the violation notification.

D. The user files a timely notice of dispute with the Borough asserting a good faith defense, or in the event that the defense is denied, filing a timely appeal with the Borough pursuant to the rules and regulations of this Part.

(Ord. 91-4, 10/8/1991, §3.01; as amended by Ord. 07-07, 9/4/2007, §§1, 2, and 3)

§18-132. Posting of Service Termination Notice.

If the outstanding balance remains unpaid 60 days after its due date, and no timely good faith notice of dispute, or notice of appeal of a dispute decision, has been filed, then the water utility, or its duly authorized designee, shall conspicuously post a notice of termination upon the affected premises stating that the water service will be disconnected 10 days after said notice. If the subject property shall be a multi-family dwelling, then said notice shall be placed conspicuously in the common areas. Notice for disconnection of water service shall state the date of termination, name and address of the disconnecting authority, and requirements for the user to reestablish service or settle the account, and the reason for termination of service.

(Ord. 91-4, 10/8/1991, §3.02)

§18-133. Notice of Termination;Telephone.

Three days prior to termination of service, the water utility, or its duly authorized designee, shall attempt to contact in person or by phone a responsible adult or other designated individual residing at the subject premises. Immediately prior to termination of water service, the water utility, or its duly authorized designee, shall attempt to contact in person or by phone the responsible adult or other designated individual to notify them that their water service is being terminated.

(*Ord. 91-4, 10/8/1991, §3.03*)

§18-134. Stay of Termination.

Water service shall not be terminated on any Friday, Saturday or Sunday; bank holiday or day preceding; Pennsylvania Public Utility Commission holiday or day preceding; or when any occupant therein is certified by a physician to be seriously ill or affected with a medical condition which will be aggravated by a cessation of service or failure to restore service.

(*Ord. 91-4, 10/8/1991, §3.04*)

§18-135. Temporary Service Interruption.

The water utility authority may temporarily interrupt service where necessary to effect repairs or maintenance; to eliminate an eminent threat to life, health, safety or substantial property damage; or for reasons of local, State or National emergency. Where water service must be interrupted due to unforeseen circumstances, notice of the cause and expected duration of the interruption shall be given as soon as possible to ratepayers and occupants who may be affected.

(*Ord. 91-4, 10/8/1991, §3.05*)

§18-136. Notice of Termination–Landlord/User.

The water service of a landlord/user shall be terminated according to the general procedures outlined in this Part except that: after the landlord/user receives notice that water service will be terminated pursuant to §18-131 of this Part, the landlord/user must either file a notice of dispute within 7 days of said notice, or provide the names and addresses of each tenant of the subject premises. Filing a notice of dispute or settling the account will stay any notice to the tenants. Anytime before or after service has been terminated, the affected tenants may apply to the Borough to have water service continued or resumed in their individual capacity.

(*Ord. 91-4, 10/8/1991, §3.06*)

§18-137. Tenant and Borough Payment Agreement and Notification.

1. The Borough shall not have terminated the water service or shall promptly resume service previously terminated if it receives from the tenants an amount equal to the bill of the landlord/user for the 30 days preceding the notice to the tenants. Thereafter, the tenants and the Borough shall make arrangements for payment of utility service.

2. All termination notices issued under this provision shall be individually mailed to each affected tenant by first-class mail or individually hand delivered to the address of each affected tenant by unit number if possible.

(*Ord. 91-4, 10/8/1991, §3.07*)

§18-138. Rules and Regulations Governing Service Termination.

1. In the event that a user disputes all or part of his bill, he shall file a written notice of such with the Borough within 10 days of the termination of service notice but no later than 24 hours before service is scheduled for termination. A user whose account

is delinquent may settle the account with the Borough before or after termination of service by payment to the Borough collection agent. The user must request settlement in person. If service is terminated, service may be restored pursuant to the general procedures of this Part; provided, however, that prior to the restoration of service, the user must pay all amounts then due and owing under this Part, including without limitation any amounts which are not yet delinquent. In addition, any user determined by Borough Council to be an habitual offender, as hereinafter defined, shall be required to deposit with the Borough, prior to the restoration of service, a sum (the "security deposit") equal to that amount of sewer rentals under this Part, plus that amount of refuse collection fees under the General Trash Collection Ordinance (*Ord. 74-2*, as amended) [Chapter 20, Part 1], which would, as reasonably determined by the Borough Treasurer, be payable by the user during a typical 6-month period. The security deposit may, at any time, be used by the Borough to pay any amounts due from the habitual offender under this Part, or under the General Trash Collection Ordinance [Chapter 20, Part 1], which remain unpaid 30 days beyond their due date(s). The Borough shall be under no obligation, however, to so apply the security deposit. Immediately upon any such application of the security deposit by the Borough, the habitual offender shall be required to restore the security deposit to the original required amount. If the habitual offender fails to restore the security deposit to the required level within 5 days of receipt of notice from the Borough, the Borough may institute service termination proceedings against the habitual offender. Except as set forth above, the security deposit shall be held by the Borough in an escrow account, and interest shall be paid thereon to the extent required by law. The Borough shall return the remaining balance of the security deposit, less any handling fee allowed by law, to the habitual offender at such time as the habitual offender no longer requires water service at the location for which the security deposit was required, or, if earlier, such time as Borough Council, in its sole discretion, determines that the retention of the security deposit is no longer required to ensure the timely payment by the habitual offender of sewer rentals and refuse collection fees. An "habitual offender" is any user who has been designated as such by Borough Council. Borough Council shall designate a user an habitual offender only after (A) the Borough Treasurer shall have notified Borough Council that a user has been delinquent in the payment of sewer rentals and/or refuse collection fees four times or more during a 2-year period, (B) the delinquent user has received at least 15 days written notice that Borough Council will consider, at its next regularly scheduled meeting, whether to designate the user an habitual offender, and (C) the Borough Council determines, at that next regularly scheduled meeting, that designation of the user as an habitual offender is appropriate under the circumstances. In determining whether designation as an habitual offender is appropriate, Borough Council may properly consider, among other things, the delinquent user's payment history, the amount of arrearages likely to accrue, and any explanation offered by the user. For the purposes of this Section, a user shall be deemed "delinquent" for any month in which a penalty is imposed pursuant to §18-122 of this Part or pursuant to §20-106 of the General Trash Collection Ordinance [Chapter 20, Part 1]. [*Ord. 2012-03*]

2. The water utility shall contact the Borough immediately prior to terminating a user's service to ensure that the outstanding bill remains unpaid, or was otherwise settled.

3. Where a user has notified the Borough that an occupant of a dwelling subject to service termination is seriously ill, certification as required by §18-134 of this Part

may be written or oral, subject to the right of the Borough to verify the certification by contacting the physician or require written confirmation within 7 days.

4. Users shall be responsible for all costs and charges imposed by the utility company upon the Borough, together with all other costs and charges (including legal) incurred from whatever source. [*Ord. 2012-03*]

(*Ord. 91-4, 10/8/1991, §3.08; as amended by Ord. 92-2, 10/6/1992, §§1 and 2; and by Ord. 2012-03, 12/4/2012*)

§18-139. Penalties for Late Payment of Sewer Bills.

1. The penalties provided herein shall be cumulative to any remedies provided to the Borough in any other Sections of this Part.

2. Payments of sewer rental fee (user fee) and trash collection fee (trash fee) are due upon the user's receipt of the statement. Receipt shall be presumed on the third day after the Borough's date of issuance.

3. In the event that payment is not received by the Borough prior to the end of the calendar month in which the statement is used, a penalty, as established from time to time by resolution of Borough Council shall be added to the user's account. This penalty shall be calculated as follows: [*Ord. 2012-03*]

A. The user's balance at month's end multiplied by .00833 equals the penalty. For example, \$30 (balance at the end of the first month) times .00833 equals \$0.2499. This amount is added to the \$30 for a new balance of \$30.25. The .00833 penalty is not subject to compounding. The new balance due will be carried over to the following month on the user's account and shall be due immediately.

4. The penalty will be assessed each month, as described above, on original amounts remaining unpaid (not including any penalty amounts) until the account is fully paid; provided, however, that the total accrued penalty hereunder, together with the total accrued penalty under the General Trash Collection Ordinance [Chapter 20, Part 1], shall not exceed (A) \$500 per dwelling unit with respect to residential accounts, and (B) \$3,000 per account with respect to commercial, industrial and school accounts.

(*Ord. 91-4, 10/8/1991, §3.09; as amended by Ord. 92-2, 10/6/1992, §2; by Ord. 07-02, 2/6/2007, §3; and by Ord. 2012-03, 12/4/2012*)

§18-140. Appeal Hearing.

Any person who shall as a result of a violation of this Part receive a written notice of ordinance violation pursuant to §18-131.2 shall be entitled to a hearing of appeal before the Sewer Authority Board upon submission of a formal written request addressed to and received by the Borough of Dauphin within 30 days of the date of the violation citation.

A. All hearings of appeal must be recorded by a stenographer. An individual filing an appeal may call witnesses on his or her own behalf. An individual filing an appeal may cross-examine any witnesses of the Borough of Dauphin. An individual filing an appeal may testify on his or her own behalf.

B. The Dauphin Borough Sewer Authority Board shall produce a written decision based upon the findings of the appeal hearing within 45 days of the hearing.

C. An individual has the right to appeal a decision of the Dauphin Borough Sewer Authority within 30 days of the receipt of a written decision of the hearing. (*Ord. 91-4*, 10/8/1991; as added by *Ord. 07-07*, 9/4/2007, §4)

§18-141. Enforcement.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 91-4*, 10/8/1991; as added by *Ord. 07-07*, 9/4/2007, §5; and as amended by *Ord. 2012-03*, 12/4/2012)

D. Miscellaneous Provisions**§18-151. Sewer Committee.**

There is hereby created a Sewer Committee of Borough Council, which shall consist of three members of Council, to be appointed by resolution of Council and to serve at the pleasure by Council until their successors shall be appointed. Appointments or reappointments to said committee shall hereafter be made at the first meeting of Council to be held after January first of each year. The sewer committee shall have general charge of the sewer operations of the Borough, including the enforcement of connections, compliance with the provisions of the lease of the sewer system from municipal authority of the Borough of Dauphin, Dauphin County, supervision of operation, maintenance and repair of the sewer system, and enforcement of sewer rules and regulations of the Borough. The sewer committee shall meet as frequently as its members deem advisable, but shall have no power to amend the sewer rules and regulations of the Borough, or the connection permit fees, sewer rentals, or penalties, adopted by Borough ordinance.

(*Ord. 91-4*, 10/8/1991, §4.01; as amended by *Ord. 92-2*, 10/6/1992, §2)

§18-152. Adoption of Rules and Regulations.

The Borough hereby adopts this General Sewer Ordinance, rates, rules and regulations, in the form prepared by its consulting engineers, which shall apply to all persons connected to or connecting to the sewer system as required by this Part and to all persons who shall voluntarily connect the sewer system although not required to do so. A copy of said sewer rules and regulations, authenticated by the Borough Secretary for inspection by any interested parties, and shall be made available by the Borough. The Borough reserves to right to ordain amendments to the sewer rules and regulations.

(*Ord. 91-4*, 10/8/1991, §4.02; as amended by *Ord. 92-2*, 10/6/1992, §2)

§18-153. Notices and Bills.

All notices required by this Part to be given by the Borough shall be delivered in person, via telephone, or mailed by certified mail to the last known address of the owner of the affected premises. Communications to the Borough regarding sewer matters should be mailed to the Sewer Committee of Borough Council. All sewer bills shall be payable to the Borough collection agent and at such place as Borough Council shall designate by resolution from time to time.

(*Ord. 91-4*, 10/8/1991, §4.03; as amended by *Ord. 92-2*, 10/6/1992, §2, and by *Ord. 2012-03*, 12/4/2012)

E. Rules and Regulations Governing Connection to the Sewer System and the Acceptance of Residential, Commercial and Industrial Waste

§18-161. Applicability and Administration.

1. This Part is a part of the contract with every customer (user) who utilizes the sewer system and every such user by utilizing the system, agrees to be bound thereby.

2. Only normal sanitary sewage may be discharged into the sewer system except as may be authorized by the Borough in accordance with the provisions of this Part.

(*Ord. 91-4*, 10/8/1991, §5.01; as amended by *Ord. 92-2*, 10/6/1992, §2)

§18-162. Application for Sewer Connection Permit.

A written application for a sewer connection permit shall be made to the Borough on official forms provided by the Borough to all property owners who are required by the Borough to connect with the sewer system, or who desire to connect their properties on to the sewer system. The application must be completely filled out and must describe the location of the desired sewer connection, and the size, location and usage of the structure for which the sewer connection is requested. Each application for connection shall be accompanied by the proper connection fee unless theretofore paid.

(*Ord. 91-4*, 10/8/1991, §5.02; as amended by *Ord. 92-2*, 10/6/1992, §2)

§18-163. Issuance of Connection Permit.

Upon the receipt of a properly prepared application for connection to the sewer system, together with the required connection fee, the Borough shall issue a sewer connection permit to the owner of the property, or to his authorized representative.

(*Ord. 91-4*, 10/8/1991, §5.03; as amended by *Ord. 92-2*, 10/6/1992, §2)

§18-164. Permit Limitations.

The sewer connection permit shall describe the property for which the permit is issued, and neither the owner nor any subsequent owner or tenant shall allow any other property to be attached to or connected with the sewer lines authorized under the original permit.

(*Ord. 91-4*, 10/8/1991, §5.04; as amended by *Ord. 92-2*, 10/6/1992, §2)

§18-165. House Connection.

The house connection shall be installed by, and at the expense of, the property owner. All house connections must be constructed of standard strength PVC or medium weight cast iron with an internal diameter of not less than 4 inches. Joints must be of an approved material and construction, and the pipe must be laid in the best possible alignment and at a minimum grade of 1 percent. Adequate cover to protect the pipe from crushing or frost action will be required. Each house connection exceeding 25 feet in length from the curb line or property line to the structure must be provided with 6-inch clean-out vent. The property owner will be responsible for the maintenance and repair of the house connection. A "house connection" is defined as the sewer service line extending from the curb line or property line to the outer wall of the structure to be served, excluding any grinder pump, grinder pump tank, sewer lateral extending from

the grinder pump tank to the low pressure sewer main, exterior grinder pump control panel, and related grinder pump facilities located along the sewer service line which were installed by or on behalf of the Borough pursuant to the RUS loan program (hereinafter collectively referred to as “grinder pump facilities”). The Borough retains ownership of, and responsibility for maintaining, repairing, and replacing all grinder pump facilities, except as provided for herein. In the event any grinder pump facilities must be repaired or replaced as a result of any neglect or misuse by the owner or persons occupying the premises served by said grinder pump facilities including, but not limited to, any damage resulting from the introduction of substances prohibited by §18-169 herein, then in such instance the property owner shall be solely responsible for the cost of repairing or replacing said grinder pump facilities. In the event grinder pump facilities must be repaired or replaced as a result of any neglect or misuse by the owner or persons occupying the premises served by said grinder pump facilities, the Borough shall cause said repairs to be made or have necessary components replaced, and the Borough shall invoice the property owner the full cost of any such work. The Borough reserves the right to pursue civil action against the property owner for payment of any such work, as well as the right to file a lien against the property in accordance with applicable law.

(*Ord. 91-4*, 10/8/1991, §5.05; as amended by *Ord. 92-2*, 10/6/1992, §2, and by *Ord. 2012-03*, 12/4/2012)

§18-166. Separate House Connection.

Any property not connected to any portion of the Borough’s sanitary sewer prior to the date of adoption of this Part shall be required to have a separate connection with the sewer system for each individual building or house, whether constructed as a detached unit or as one of a pair or row, but a single connection will be permitted to serve a school, factory, apartment house or other permanent multiple unit structures which are owned by a single entity.

(*Ord. 91-4*, 10/8/1991, §5.06; as amended by *Ord. 92-2*, 10/6/1992, §2)

§18-167. Inspections Rights.

Any duly authorized employee or agent of the Borough bearing credentials which so identify them shall be permitted at any reasonable time to enter upon all properties served by the treatment plant for the purpose of inspecting, observing, measuring, sampling and testing, as may be required in pursuance of the implementation and enforcement of the terms and provisions of this Part.

(*Ord. 91-4*, 10/8/1991, §5.07; as amended by *Ord. 92-2*, 10/6/1992, §2)

§18-168. Drainage into Sewer System.

The sewer system is intended to convey sanitary sewage and liquid wastes only, and roof drainage, surface water, and groundwater from whatever source is specifically prohibited from introduction into the collection system. The Borough shall have the right to close or disconnect any house connection carrying anything other than sanitary wastes.

(*Ord. 91-4*, 10/8/1991, §5.08; as amended by *Ord. 92-2*, 10/6/1992, §2)

§18-169. General Discharge Prohibitions.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the treatment plant. These general prohibitions apply to all such users of the treatment plant whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, or local pretreatment standards or requirements. The following limitations and prohibitions shall apply to all users of the treatment plant:

A. No person shall directly or indirectly discharge or cause to be discharged any stormwater, surface water, foundation drain water, groundwater, roof runoff, surface drainage, or unpolluted industrial cooling water to any sewer connection to the authority's wastewater treatment plant. All connections which would result in the discharge of infiltration or inflow are hereby specifically prohibited.

B. Except as otherwise provided, discharge of wastewaters into the sewer system containing any one of the following constituents is hereby prohibited:

(1) Containing more than 15 mg/l of petroleum oils, non-biodegradable cutting oils, or other products of mineral oils origin.

(2) Containing more than 100 mg/l of fats, oils or grease or other products of an animal or vegetable origin.

C. Except as otherwise provided, no person shall discharge or cause to be discharged any waste or other matter or substance:

(1) Having a temperature higher than 150 degrees Fahrenheit or less than 32 degrees Fahrenheit, or containing heat in amounts which will inhibit biological activity in the treatment plant resulting in interference; but, in no case heat in such quantities that the temperature of the in fluent to the treatment plant exceeds 104 degrees Fahrenheit.

(2) Containing any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or in interaction with other substances to cause fire or explosion or may be injurious in any other way to the treatment plant. 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 5 percent, nor any single reading over 10 percent, of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxide, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Authority, the Commonwealth of Pennsylvania or EPA has notified the user is a fire hazard or a hazard to the system.

(3) Containing any noxious or malodorous gas or substance, which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance or repair.

(4) Containing garbage that has not been ground to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the sanitary sewers, with no particles under any circumstance,

greater than ½ inch in any dimension.

(5) Containing any solid or viscous substances in quantities or of size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities. Such substances include, but are not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, rags, feathers, tar, plastic, wood, paunch manure, butchers offal, whole blood, bentonite, lye, building materials, rubber, hair, leather, porcelain, china, ceramic wastes, asphalt, paint and waxes.

(6) Having a pH, stabilized, lower than 6.0 or higher than 9.0 or having a corrosive or scale forming property capable of causing damage or hazards to structures, equipment, bacterial action, or health or safety hazards to operating personnel of the sewer system or the wastewater treatment plant.

(7) Containing a toxic or poisonous substance in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals or to create any hazard in the receiving stream of the sewage treatment plant; or to exceed the limitation set forth in a categorical pretreatment standard; limiting the concentration in mg/l of the following ions in the discharges into the sanitary sewer system to:

(a)	Arsenic	0.04 mg/l.
(b)	Cadmium	0.90 mg/l.
(c)	Chromium (total)	9.0 mg/l.
(d)	Chromium (hexavalent)	1.0 mg/l.
(e)	Copper	1.0 mg/l.
(f)	Cyanides	0.08 mg/l.
(g)	Lead	0.10 mg/l.
(h)	Mercury	0.10 mg/l.
(i)	Nickel	0.90 mg/l.
(j)	Zinc	1.0 mg/l.

(8) Containing any substance which may cause the treatment plant effluent or any product of the treatment plant such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with reclamation process. In no case shall the substance discharged to the treatment plant cause the treatment plant to be in noncompliance with any criteria, guidelines, or regulations affecting the sludge use or disposal developed pursuant to the Solid Waste Disposal Act, 42 U.S.C. §6962, or Commonwealth of Pennsylvania criteria applicable to the sludge management method being used.

(9) Containing total solids of such character and quantity that unusual

attention or expense is required to handle such materials at the sewage treatment plant, except as may be approved by the authority, or as may be otherwise provided herein.

(10) Containing any toxic radioactive isotopes.

(11) Containing color from any source that when diluted with distilled water 1 to 10 will have a luminescence of 10 percent or better and a purity of 90 percent or less, at its dominant wave length by the tristimulus method.

(12) Having a chlorine demand in excess of 10 mg/l.

(13) Prohibited by any permit by the Commonwealth of Pennsylvania, or by the U.S. Environmental Protection Agency or any other Federal agency.

(14) Containing wastes which are not amenable to biological treatment or reduction in existing treatment facilities, specifically non-biodegradable complex carbon compounds.

(15) Quantities of flow or concentrations, or both, which constitute a "slug" as defined in this Part.

(16) Any waters which are used for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations.

(17) Ammonia nitrogen in such an amount that would cause the authority to be in noncompliance with regulations of the Commonwealth of Pennsylvania.

(18) Wastes containing more than 10 milligrams per liter of hydrogen sulfide, sulfur dioxide, nitrous oxide or any of the halogens.

D. No provision in this Section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by the U.S. Environmental Protection Agency or the Commonwealth of Pennsylvania.

E. Nothing in this Section shall be construed as preventing any special agreement or arrangement between the Borough and any user of the treatment works whereby wastewater of unusual character is accepted for treatment should such wastewater be deemed by the Borough to be acceptable for treatment without harm to the treatment works or people operating it and should such wastewater be in compliance with categorical pretreatment standards and all other appropriate local, State and Federal regulations.

F. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed under this Part for sources in that subcategory, shall immediately supersede the limitations imposed under this Part. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a permit, the user shall apply for a permit, and the user shall apply for such a permit within 180 days.

G. Unless special permission is granted by the Borough, no user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the authority or the

Commonwealth of Pennsylvania.

(*Ord. 91-4*, 10/8/1991, §5.09; as amended by *Ord. 92-2*, 10/6/1992, §2)

§18-170. Commonwealth of Pennsylvania Requirements.

Commonwealth of Pennsylvania requirements and limitation on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Part.

(*Ord. 91-4*, 10/8/1991, §5.10; as amended by *Ord. 92-2*, 10/6/1992, §2)

§18-171. Industrial/Commercial Waste Discharge Permit.

1. Any user who discharges into the treatment works any wastes having any one or more of the following characteristics shall be required to obtain an industrial waste discharge permit:

- A. A 5-day BOD greater than 204 mg/l.
- B. A suspended solids content greater than 240 mg/l.
- C. A dissolved solids content greater than 300 mg/l.
- D. A C.O.D. content greater than 600 mg/l.
- E. A chloride demand greater than 10 mg/l.
- F. An average daily flow greater than 5,000 gallons per day.
- G. Any quantity of substances possessing characteristics described in this Part.

2. Prior to discharging such waste to the sewer system after the effective date of this Part, the owner of the property from which such discharge is proposed to be made shall apply to the Borough in writing for a permit to make such a discharge (and shall not discharge such waste prior to receiving a permit); provided, however, that any owner of a property from which such waste is being discharged pursuant to a permit in effect on the effective date of this Part shall, within 30 days of this Part, apply to the Borough in writing for a new permit to make such a discharge (and commencing 90 days after the effective date of this Part, and shall not continue discharging such waste unless a new permit has been reissued).

3. The application for an industrial waste discharge permit shall be made on a form provided for that purpose by the Borough, and shall be fully completed under oath by the property owner, user, or a duly authorized and knowledgeable officer, agent or representative thereof, and acknowledged. The person making the application shall also submit such scientific or testing data, or other information, as may be required by the Borough and shall pay an application fee and shall reimburse the Borough for all expenses incurred as a result of the processing of the application. The Borough shall also have, at its discretion, the right to inspect the premises, equipment and material, and laboratory testing facilities of the applicant.

4. No discharge permit shall be issued by the Borough to any person whose discharge of material to sewers, whether shown upon the application or determined after inspection and testing conducted by the Borough, is not in conformance with Federal, Commonwealth of Pennsylvania, or Borough statutes, ordinances, or rules and regulations. The Borough shall state in writing the reason or reasons for denial, and

said written communication shall be mailed or personally delivered to the applicant.

5. If the application for a permit is denied by the Borough, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of this Part, the user may have the Borough review the denial, provided the user shall give written notice of his request within 30 days after receiving the denial. The Borough shall review the permit application, the written denial, and such other evidence and matters as the applicant shall present at a public hearing following receipt of request for its review, and the decision of the Borough rendered publicly shall be final.

6. In the event that any discharge of material to a sewer shall materially and substantially differ in type and volume from that shown in the application and permit, the person and user shall immediately, upon order of the Borough, cease and desist from such discharge.

7. As EPA adds or amends specific pretreatment and effluent guidelines, or as the Borough deems necessary, the restrictions or conditions of a permit may require amendment. The Borough reserves the right to make such amendments as necessary in the judgement of the Borough. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the industrial waste permit of industrial users subject to such standards shall be deemed to have been revised to require compliance with such standard.

8. The Borough may suspend a permit when such suspension is necessary, in the judgement of the Borough, in order to stop the discharge which presents a hazard to the public hazard, safety, or welfare, to the environment or operations at the Borough's treatment works or upon a finding that the discharger has violated any provision of this Part. Any discharger notified in such a suspension shall immediately stop the discharge of all wastewaters into the system. The Borough may reinstate the permit upon proof of satisfactory compliance with all discharge requirements of this Part and all other requirements of the Borough. Any person notified of a suspension of the wastewater treatment service and/or the industrial waste discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the Borough may take such steps as deemed necessary including immediate severance of the sewer connection to prevent or minimize damage to the system or endangerment to any individuals. The Borough may reinstate the industrial waste discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Borough within 15 days of the date of occurrence.

9. Permits shall be issued for a specified time period not to exceed 5 years.

10. A permit may be revoked by the Borough for any of the following causes:

- A. Failure of a permittee to accurately report his wastewater characteristics.
- B. Failure of a permittee to report significant changes in operations which affect wastewater characteristics.
- C. Refusal of access to the permittee's premises for the purpose of inspection or monitoring.

D. Any violation of any condition of the permit or of this Part.

11. Industrial waste permits shall remain in effect only so long as the type and volume of wastewater discharged remains unchanged. Any person discharging wastes covered by an industrial waste discharge permit who contemplates a change in the method of operation or other factor which will alter the type or change in volume of waste then being discharged into the sewer system shall apply for a new industrial waste discharge permit at least 60 days prior to such a change and shall make such change prior to receiving from the Borough a new industrial waste discharge permit.

12. If additional pretreatment and/or operation and maintenance procedures are required for a permittee to meet all applicable regulations contained herein, the shortest schedule by which the permittee can provide. Such additional pretreatment and/or operation and maintenance procedures shall be submitted to the Borough. The completion date for this schedule shall not be later than the compliance date established for applicable pretreatment standards. The following conditions shall apply to this schedule:

A. 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 required for the permittee to meet the applicable pretreatment standards (e.g., hiring an engineer, completion preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

B. No increment shall exceed 9 months.

C. Not later than 14 days following each date in the schedule and the final date for compliance, the permittee shall submit a progress report to the Borough 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 permittee to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Borough.

13. The permittee shall maintain and retain records relating to wastewater discharged for a period of not less than 3 years and shall afford the Borough access thereto at all reasonable times.

(*Ord. 91-4*, 10/8/1991, §5.11; as amended by *Ord. 92-2*, 10/6/1992, §2)

§18-172. Industrial/Commercial Agreements.

As a condition precedent to the issuance of an industrial/commercial waste discharge permit, the Borough shall require industrial/commercial users to enter into agreements with the Borough containing such provisions as the Borough deems appropriate in furtherance of its effort to comply with regulations promulgated by the United States Environmental Protection Agency in 40 CFR §403. Industrial users shall comply with Federal, State and local statutes, ordinance rules and regulations, and with the provisions of such agreements; and in the event of conflict between provisions, shall comply with whichever provision on a particular matter is most stringent or most strict.

(*Ord. 91-4*, 10/8/1991, §5.12; as amended by *Ord. 92-2*, 10/6/1992, §2)

§18-173. Preliminary Treatment and Handling of Industrial/Commercial Wastes.

1. The Borough may require the owner of an improved property to construct, operate and maintain at his expense a preliminary treatment facility when, in the opinion of the Borough, such facility is necessary to reduce quantities and/or concentrations of pollutants to:

A. Come within maximum limits specified in this Part.

B. Prevent excessive quantities of flow or concentrations of pollutants from disrupting operation of the Borough's treatment system.

2. No preliminary treatment plant and facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance are reviewed by the Borough and found by the Borough to conform to all Borough regulations; and, unless written approval of the plans, specifications, technical operating data and sludge disposal method has been obtained from U.S. Environmental Protection Agency, Commonwealth of Pennsylvania, and any other local, State, or Federal agency having regulatory authority with respect thereto. Such approvals shall not relieve the discharger from meeting any of the provisions of this Part.

3. All such preliminary treatment facilities as required by this Part shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby, and at the user's expense. The Borough shall have access to such facilities at all reasonable times for purpose of inspection and testing.

4. No provision contained in this Part shall be construed to prevent or prohibit a separate or special contract or agreement between the Borough and any industrial/commercial user whereby industrial waste and wastewater of unusual strength, character or composition may be accepted by the Borough for treatment, subject to additional payment by the industrial/commercial user; provided, however, that such contract or agreement shall have the prior approval of the Borough and provided such industrial/commercial waste is in compliance with categorical pretreatment standards and all applicable local, State and Federal regulations.

5. The Borough reserves the right to reject admission to the system of any waste harmful to the treatment or collection facilities or to receiving stream, to compel discontinuance of use of the treatment discharges deemed harmful to or having a deleterious effect upon any portion of the treatment works or receiving stream.

6. Users shall provide necessary wastewater treatment as required to comply with this Part and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Borough shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Borough for review, and shall be acceptable to the Borough before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Borough under the provisions of this Part. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and

be acceptable to the Borough prior to the user's initiation of the changes.

7. The Borough shall annually publish in the local newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

8. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA and Borough upon request.

(*Ord. 91-4, 10/8/1991, §5.13; as amended by Ord. 92-2, 10/6/1992, §2*)

§18-174. Grease and Sand Interceptors.

1. Grease, oil and sand interceptors or retainers shall be installed by the user at his own expense when, in the opinion of the Borough, such are necessary for the proper handling of liquid wastes containing grease, oil or sand in excessive amounts, of any flammable wastes, and of such other harmful ingredients. Such interceptors shall be of a type and capacity approved by the Borough and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Borough.

2. Where installed, all grease, oil and sand interceptors shall be maintained by the user, at his own expense, and shall be kept in continuous and efficient operation at all times.

(*Ord. 91-4, 10/8/1991, §5.14; as amended by Ord. 92-2, 10/6/1992, §2*)

§18-175. Sampling Procedures and Reporting Criteria for Industrial/Commercial Users.

1. All industrial/commercial users shall submit at least quarterly to the Borough a certified statement of the characteristics of its wastewater discharged into the sewers and treatment works of the Borough or into any sewers connected to its treatment works. This statement shall be filed with the Borough no later than the tenth day of the month following the quarter for which the report is required.

2. The waste characteristics to be measured and certified by the user shall be determined by the Borough and specified in the industrial/commercial waste permit.

3. Whenever required by the Borough, the owner of any property served by a building sewer carrying wastewater and material shall install a large manhole or sampling chamber in the building sewer in accordance with plans and specifications approved by the Borough and install and maintain it at all times at the user's expense. There shall be ample room in each sampling chamber to accurately sample and composite samples for analysis. The chamber shall be safely, easily and independently (of other premises and buildings of user) accessible to authorized representatives of the Borough at all times. Where construction of a sampling chamber is not economically or otherwise feasible in the opinion of the Borough, alternative arrangements for sampling may be made at the discretion of the Borough.

4. Each sampling chamber shall contain a Parshall flume, weir or similar device with a recording and totalizing register for measuring liquid quantity; or the metered water supply to the industrial plant may be used as a measure of liquid quantity where it is substantiated by the Borough that the metered water supply and waste quantities are approximately the same or where a measurable adjustment agreed to by the

Borough is made in the metered water supply to determine the liquid waste quantity.

5. Samples shall be taken as deemed appropriate by the Borough. Such sampling shall be done as prescribed by the Borough to insure representative quantities for the entire reporting period.

6. The sampling frequency, sampling chamber, metering device, sampling methods, and analyses of samples shall be subject, at any time to inspection and verification by the Borough.

7. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Section shall be determined in accordance with the standard methods specified by this Part or with any other method approved by the Borough.

8. The Borough shall consider all information regarding an industrial user's effluent characteristics as being nonconfidential and may make all such information available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Borough that the release of such information would divulge information processes or methods of production entitled to protection as trade secrets of the user.

9. In the event that the Borough deems it necessary to conduct its own tests of wastewaters discharged by any user, the Borough may take or have made any such tests and the user shall reimburse the Borough for the full cost thereof.

10. Within 90 days following the date for final compliance with applicable pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the sanitary sewer system, any user subject to pretreatment standards and requirements shall submit to the Borough a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. This report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with all no applicable pretreatment standards and requirements. This statement shall be signed by an authorized representative of the industrial/commercial user, and certified to by a qualified professional.

11. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the sanitary sewer system, shall submit to the Borough during the months of June and December, unless required more frequently in the pretreatment standard or by the Borough, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the Borough and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Borough may agree to alter the months during which the above reports are to be submitted.

12. The Borough may impose mass limitations on 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 subsection .10 of this Section shall include the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature of concentration, or production and mass where requested by the Borough, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in accordance with procedures established by the administrator pursuant to §304(g) of the Act and contained in 40 CFR, Part 136, and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator.

(*Ord. 91-4*, 10/8/1991, §5.15; as amended by *Ord. 92-2*, 10/6/1992, §2)

§18-176. Accidental Discharges.

1. All industrial/commercial users shall provide and maintain at their own expense facilities adequate, in the judgement of the Borough, to prevent accidental discharge of prohibited and/or regulated substances and to protect the sewer system from damages caused by such substances. No industrial user which commences discharge to the treatment plant after the effective date of this Part shall be permitted to introduce pollutants into the treatment plant until the Borough has reviewed and approved that user's accidental discharge prevention procedures.

2. In the case of an accidental discharge to the treatment plant of any prohibited or regulated substance, the owner shall immediately telephone and notify the Borough of the incident. The notification shall include information regarding the location of the discharge, the type of pollutants involved, the concentration and volume of the discharge, and corrective actions taken and/or contemplated.

3. Within 5 days following an accidental discharge, the user shall submit to the Borough a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the treatment plant, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Part or other applicable law.

4. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer a dangerous discharge to occur are advised of the emergency notification procedure.

(*Ord. 91-4*, 10/8/1991, §5.16; as amended by *Ord. 92-2*, 10/6/1992, §2)

§18-177. Injunction Relief.

The Borough reserves the right to seek injunctive relief from discharges to the sewer system of substances which it deems harmful or which violate any provision of this Part or of the Federal Categorical Standards.

(*Ord. 91-4*, 10/8/1991, §5.17; as amended by *Ord. 92-2*, 10/6/1992, §2)

Exhibit 18-1-E-A

Application for Sewer Connection Permit

Application for Sewer Connection Permit

Date _____

- 1. Name _____
- 2. Address _____
- 3. Premises for which permit is requested _____
- 4. Number of _____ located in premises _____
- 5. Sewer rental bills should be sent to _____
- 6. Date on which notice to connect was received _____
- 7. Amount enclosed \$ _____

Action Taken on Above Application

Permit number _____ was issued to applicant on _____, 19____, and the permit fee in the amount of \$_____ has been received. The connection was completed and inspected on _____, 19_____.

Chairman, Sewer Committee
or his appointed substitute

Sewer Connection Permit

Permit Number _____

Issued to _____

For Premises Located at _____
Dauphin, Pennsylvania

Permit Fee \$ _____

This permit entitles the above-named person to connect the above described premises to the Borough's sewer system in accordance with the General Sewer Ordinance, dated February 28, 1961, as amended, and the rules and regulations of the Borough of Dauphin.

Issued this _____ day of _____, 19_____.

Borough of Dauphin

By _____
Chairman, Sewer Committee
or his appointed substitute

Exhibit 18-1-E-B

Procedures for Procurement of an Industrial/Commercial Waste Discharge Permit

1. Any user who discharges into the treatment works any wastes having any one or more of the following characteristics shall be required to obtain an industrial waste discharge permit.

- A. A 5 day BOD greater than 204 mg/l; or
- B. A suspended solids content greater than 240 mg/l; or
- C. A dissolved solids content greater than 300 mg/l; or
- D. A COD content greater than 600 mg/l; or
- E. A chlorine demand greater than 10 mg/l; or
- F. An average daily flow greater than 5,000 gallons per day; or
- G. Any quantity of substances possessing characteristics described in the rules and regulations governing connection to the sewer system and the acceptance of residential, commercial, and industrial wastes.

2. The standard procedure at Borough of Dauphin for the review of an application for industrial/commercial waste discharge permit is as follows:

A. The industry shall submit a written request for permission to discharge an industrial waste to the sewer.

B. The Borough will provide a copy of the rules and regulations governing connection to the sewer system and the acceptance of residential, commercial, and industrial waste. The application is to be completed and returned to the Borough.

C. An inspection of the industries facilities will be conducted by the Borough, its employees and/or agents to review the information furnished in the application. At this time, samples may be collected for analysis to determine whether or not pretreatment of the waste stream will be necessary.

D. The Borough may require the construction of pretreatment facilities to reduce quantities and/or concentrations of pollutants that will satisfy the limits set in the rules and regulations governing connection to the sewer system and the acceptance of residential, commercial, and industrial wastes.

E. No treatment facility will be approved until plans, specifications, technical and projected operating data and other information pertinent to its operation and maintenance is reviewed by the Borough's Engineer.

F. Upon approval of the waste stream for discharge, the applicant will be required to enter into an industrial/commercial waste acceptance agreement (refer to Exhibit 18-1-E-C).

G. Along with the agreement, an industrial/commercial waste discharge permit will be issued subject to the provisions of the rules and regulations governing connection to the sewer system and the acceptance of residential, commercial, and industrial wastes. This permit will prescribe special conditions applicable to each individual industry (i.e., pretreatment, effluent monitoring, reporting, etc.).

Exhibit 18-1-E-C

Industrial/Commercial Waste Acceptance Agreement

THIS AGREEMENT made this _____ day of _____ 19____, by and between the Borough of Dauphin, (hereinafter called "Borough") and _____, (hereinafter called "industrial/commercial user" or "I/C user").

WITNESSETH:

WHEREAS, wastewater discharged from the Borough facility in Dauphin Borough, Dauphin County, Pennsylvania, will be treated at a treatment plant operated by the Borough; and

WHEREAS, an agreement between the Borough, I/C user, and others, provide, inter alia, that no industrial user shall be permitted to discharge into a sewer collection system any waste other than sanitary waste without the approval of Borough; and

WHEREAS, said agreement provides that the Borough may establish acceptability standards for industrial waste that the Borough deems appropriate in furtherance of its efforts to comply with regulations promulgated by the United States Environmental Protection Agency in 40 CFR 403, and regulations of other governmental bodies having jurisdiction.

NOW, THEREFORE, in consideration of the mutual promises herein contained, the parties hereto, intending to be legally bound hereby, agree as follows:

1. Borough shall issue an industrial/commercial waste discharge permit subject to conditions set forth therein. The other parties hereto, by executing this agreement, have approved issuance of said permit. I/C user agrees to comply with all provisions of said permit, a copy of which is attached hereto and made a part hereof by reference thereto. I/C user agrees that the Borough, by issuing such permit, shall not be deemed to have assumed any responsibility or liability, but that I/C user shall continue to be responsible for compliance with all applicable statutes, rules and regulations.

2. I/C user, at its expense, shall cause all wastewater discharged into the Borough to comply with all provisions of the rules and regulations governing connection to the sewer system and the acceptance of residential, commercial, and industrial wastes, as they may be amended from time to time, and appropriate municipal ordinances, as they may be amended from time to time, and with all provisions of said industrial/commercial waste discharge permit. In the event of any conflict between any of such provisions, the Township shall comply with the more stringent provisions.

3. I/C User agrees, at its expense, to comply with all rules and regulations presently and subsequently adopted by the Borough, including without limitation, those presently and subsequently adopted in an effort to comply with any present, future or anticipated rule, regulation, or order of any governmental body, agency, department, etc.

4. The right to discharge wastewater which will be treated at the treatment plant operated by the Borough is contingent upon such pretreatment, if required by the Borough, at the expense of I/C user as will cause the wastewater discharged from the I/C user at all times to be of a quality satisfactory to the Borough. If, (A) in the opinion

of the Borough, the wastewater from the Township (1) may be injurious to any personal property operated by the Borough or (2) may interfere with any treatment process or (3) in any way may cause the Borough to violate its NPDES permit, or (B) if because of any statute, rule, regulation, order or provision the wastewater discharged from the Township becomes unsatisfactory to the Borough, or (C) if the I/C user falls to comply with any condition, rule, or regulation presently or hereinafter adopted by the Borough, then upon notice from the Borough the right to discharge wastewater shall cease and become null and void unless within the time specified by the Borough, the I/C user at its expense shall put into effect such remedial measures as will produce wastewater, which in the opinion of the Borough, will be satisfactory for discharge into a collection system for treatment at the treatment plant operated by the Borough, will be satisfactory for discharge into a collection system for treatment at the treatment plant operated by the Borough (or unless, in the case of failure to comply with any condition, rule or regulation, I/C user complies therewith with the time specified by the Borough within the time set forth in a written notice mailed to the I/C User, or delivered to any adult believed to be an employee at the I/C User, which notice shall state that the wastewater from the Township is not satisfactory to the Borough for a reason falling within clause (A) or (B) of the preceding sentence hereof, then in the event of such failure the Borough shall have the right without liability to cause the discontinuance of discharge of wastewater from the I/C user or seek other remedies that may be available under the law. Means of effecting such discontinuance shall be provided by I/C user at its expense and shall be satisfactory to the Borough.

5. I/C user at its expense shall provide an appropriate sampling location. I/C user at its expense shall do such monitoring and reporting as may be required by the Borough from time to time. The Borough and its employees and agents are hereby authorized to have access to I/C user's premises at any and all times without prior notice for the purpose of monitoring and complying with this agreement and to exercise any remedies provided by this agreement. I/C user agrees to make arrangements satisfactory to the Borough to permit monitoring, inspection, and spot checks at any and all times. I/C user shall have its security personnel provide access for Borough's employees and agents or shall make other arrangements satisfactory to the Borough for providing access upon short notice.

6. Failure to enforce any provision of this agreement shall not be deemed a waiver of the Borough's right to enforce any or all provisions hereof. The Borough assumes no responsibility for enforcement of this agreement. No duty or responsibility of I/C user shall be deemed to have been shifted in whole or in part to the Borough by this agreement, but I/C user shall remain as fully responsible as it would have been if this agreement had never been executed. I/C user agrees to indemnify and hold harmless the Borough, its engineer and their agents, and employees from any against all claims, damages, losses, fines, penalties and expenses, including, without limitation, attorney fees, arising out of, or resulting from discharge of effluent from the I/C user. In addition, in the event of breach of any provision of this agreement, I/C user agrees to reimburse the Borough for all expenses incurred by the Borough as calculated by the Borough as a result of such breach.

7. I/C user shall promptly reimburse the Borough for the Borough's expense in monitoring, inspecting, sampling, and testing, (including, without limitation, laboratory work) in an effort to determine whether the Township is complying with this agreement and with permits granted.

8. If a substance is believed by the Borough to be endangering the Borough's plant

or treatment process, and if in searching for the source of such substance the Borough samples at other industrial facilities, which the Borough would otherwise not have done, I/C user agrees that if its facility is determined by the Borough to have been the source of such substance, a I/C user shall reimburse the Borough for Borough's costs of tracing such substance to I/C user, as such costs may be calculated by the Borough. Obviously, if the source of such substance is not found by the Borough, I/C user shall pay for sampling at its manhole and tests done on its effluent only.

9. I/C user agrees to pay to the Borough within 30 days of invoice all fees, surcharges, etc. that are levied in connection with the industrial pretreatment program. Interest on late payments shall be computed at the current prime rate.

10. This agreement may not be assigned by I/C user but shall be binding upon I/C user's successors and assigns until such time as it is replaced by a new agreement. This agreement shall inure to the benefit of the Borough, its successors and assigns.

11. Should any one or more of the provisions of this agreement for any reason be held illegal or invalid, such illegality or invalidity shall not affect any other provision of this agreement; and this agreement shall, in such circumstances, be construed and enforced as if such illegal or invalid provision had not been contained herein.

12. This agreement shall be effective until terminated by mutual agreement of the parties or until modified by the Borough upon notice to I/C user, whichever shall first occur.

13. I/C user agrees to make no change which might cause its effluent to be in violation of this agreement without first obtaining Borough's concurrence.

14. I/C user agrees immediately to notify the Borough in the event of any accident or other occurrence which results or may result in discharge into a sanitary sewage system of effluent which is not in accordance with each and every provision of this agreement. In the event I/C user's facilities include a method of retaining effluent upon I/C user's property, and in the event that there is an accident or other occurrence which causes the effluent from I/C user's premises to be in violation of this agreement in any respect, I/C user's agrees to attempt to retain such effluent upon its premises and consult with the Borough concerning the best means of bringing the effluent within the limitations permitted by this agreement before permitting the effluent to leave the I/C user's premises.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have caused this agreement to be duly executed as of the day and year first above written.

Exhibit 18-1-E-D

Industrial/Commercial Waste Discharge Permit

Company Name: _____
Division Name: _____
Mailing Address: _____

Facility Address: _____

The above industrial/commercial (I/C user) is authorized to discharge industrial wastewater to the Borough of Dauphin in compliance with the rules and regulations governing connection to the sewer system and the acceptance of residential, commercial, and industrial wastes, any applicable provisions of Federal or State law or regulation, and in accordance with discharge point(s), effluent limitations, monitoring requirements, and other conditions set forth herein.

If there is a conflict between the application, its supporting documents and/or amendments and the standard or special conditions, the standard or special conditions shall apply.

Failure to comply with the provisions of the rules and regulations governing connection to the sewer system and the acceptance of residential, commercial, and industrial wastes, or with the provisions of Federal Categorical Pretreatment Standards, any other appropriate legal, State and Federal regulations may result in suspension of this permit and the authorization to discharge granted hereby.

The industrial waste acceptance agreement is an integral part of this permit. This agreement between I/C user and the Borough of Dauphin, a copy of which is attached, is made a part hereof.

This permit shall become effective on _____

This permit and the authorization to discharge shall expire at midnight on _____.

Permit issued by: _____
Borough of Dauphin

Exhibit 18-1-E-E

Wastewater Discharge Limitations and Monitoring Requirements

Parameter	FSWA Limits (mg/l)	Sampling Frequency	Sample Type
Arsenic	0.04	Quarterly	24-hour composite
Cadmium	0.90	Quarterly	24-hour composite
Total Chromium	9.0	Quarterly	24-hour composite
Hexavalent Chromium	1.0	Quarterly	24-hour composite
Copper	1.0	Quarterly	24-hour composite
Lead	0.08	Quarterly	24-hour composite
Mercury	0.10	Quarterly	24-hour composite
Nickel	0.90	Quarterly	24-hour composite
Zinc	1.0	Quarterly	24-hour composite
pH	6.0 - 9.0 pH units	Monthly	grab
BOD	204	Monthly	24-hour composite
Suspended Solids	240	Monthly	24-hour composite
Grease and Oil	100	Quarterly	grab in glass
Flow	N/A	Monthly	measured

Part II - Special Conditions

This permit is written as an interim permit. The self monitoring program will be subject to change pending the results of the analytical data obtained after plant performance. The initial sampling will take place when the () facility is operational. A representative of Borough of Dauphin must be present at the time the initial samples are collected. For the initial round of sampling, the above list as well as a volatile organic analysis must be completed.

Part 2**On-Lot Subsurface Sewage Disposal Facilities****§18-201. Title; Introduction; Purpose.**

1. This Part may be cited as the “OLDS (On-Lot Disposal System) Management Program for Dauphin Borough.”

2. As mandated by the municipal codes, the Clean Streams Law, 35 P.S. §691.1 *et seq.*, and the Pennsylvania Sewage Facilities Act, Act of January 24, 1996. P.L. 1535 as amended, 35 P.S. §750.1 *et seq.*, known as Act 537, municipalities have the power and the duty to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Dauphin Borough indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

3. The purpose of this Part is to provide for the inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit the Borough to intervene in situations which are public nuisances or hazards to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

(*Ord. 02-06, 9/3/2002, §301*)

§18-202. Terms and Definitions.

1. *General Terms.* In the interpretation of this Part, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

2. *Specific Terms.* For the purposes of this Part, the terms used shall be construed to have the following meanings:

Act—the Pennsylvania Sewage Facilities Act, Act of January 24, 1996. P.L. (1965) 1535, No. 537, as amended, 35 P.S. §750.1 *et seq.*

Alternative system—a system for the disposal of domestic waster-waters not operating below ground level but located on or near the site of the building or buildings being served (e.g., composing toilets, gray water recycling systems, incinerating toilets, spray irrigation and black water recycling systems, etc.).

Authorized agent—a licensed sewage enforcement officer, professional engineer or sanitarian, plumbing inspector, soils scientist, or any other qualified or licensed person who is delegated to function within the specified limits as the agent of the Council of Dauphin Borough to carry out the provisions of this Part.

Borough—Borough of Dauphin, Dauphin County, Pennsylvania.

Codes Enforcement Officer (hereinafter called CEO)—an individual employed by the Borough to administer and enforce this and other ordinances in the Borough.

Community sewage system—any system, whether publicly or privately owned, for the collection of sewage publicly, or industrial wastes of a liquid nature from two or more lots or used, or two or more equivalent dwelling units, and the and/or

disposal of the sewage or industrial waste on one or more of the lots or at any other site and which shall comply with all applicable regulations of the DEP.

Council—meaning Dauphin Borough Council.

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

Developer—shall be defined as any person, partnership or corporation which erects or contracts to erect a building on property owned by it with the intent to sell the building to some other party upon its full or partial completion, or upon the conveyance of property on which the building is to be built.

Equivalent dwelling unit (EDU)—for the purpose of determining the number of lots in a subdivision or land development, that part of a multiple-family dwelling, commercial, industrial, or institutional establishment with sewage flows equal to 400 gallons per day.

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

Individual sewage system—any system of piping, tanks, or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposal.

Land development—a land development as defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. §10101 *et seq.*

Lot—a designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Malfunction—the condition which occurs when an on-lot sewage disposal system causes pollution to the ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or hazard to public health. Indications of malfunctioning systems include, but are not limited to, foul odors, lush grass growing over the system, backup of wastewater in the attached building, soggy ground over the system, surfacing sewage effluent flowing over the ground and occurring at any time of the year.

Management program—the management program shall encompass the entire area of Dauphin Borough serviced by sewage facilities or any other alternative system, which discharges into the soils of the Borough. All systems shall be operated under the jurisdiction of the Borough of Dauphin regulating the subsurface disposal and/or alternate systems, and other applicable laws of the Commonwealth of Pennsylvania.

Official plan—a comprehensive plan for the provision of adequate sewage disposal systems adopted by the Borough and approved by the DEP in accordance with the Act and with applicable DEP regulations.

On-lot sewage disposal system—any sewage system disposing of sewage in whole or in part into the soil or any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposal, and which is located upon

the lot which it serves.

Owner—any person, corporation, partnership, etc. holding deed/title to lands within Dauphin Borough.

Person—any individual, association, partnership, public or private corporation whether for profit or not-for-profit, trust, estate, or other legally recognized entity. Whenever the term “person” is used in connection with any clause providing for the imposition of a fine or penalty or the ordering of action to comply with the terms of this Part, the term “person” shall include the members of an association, partnership or firm, and the officers of any public or private corporation, whether for profit or not for profit.

Planning module for land development—a revision to, or exception to the revision of, the Borough official plan submitted in connection with the request for approval of a subdivision or land development in accordance with DEP regulations.

Pumper/hauler—any person, company, partnership or corporation, which engages in cleaning community or individual sewage systems and transports the septage cleaned from these systems.

Pumpers report/receipt—form which shall be used by all licensed pumper/haulers to report each pumping of on-lot sewage disposal systems in the Borough.

Rehabilitation—work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

Replacement area—an area designated as the future location of an individual on-lot sewage system that shall be installed should the initial individual on-lot system installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the DEP and all applicable Borough ordinances for an individual on-lot sewage system, and shall be protected from encroachment by an easement recorded on the final plan as filed with the Dauphin County Recorder of Deeds.

Septage—the residual scum and sludge pumped from septic systems.

Sewage—any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

Sewage enforcement officer (hereinafter called SEO)—a person appointed by the Council to administer the provisions of this Part and authorized by the DEP in accordance with 25 Pa.Code, Chapter 71, “Administration of Sewage Facilities Program,” to perform percolation tests, site and soil evaluation, and issue sewage permits for on-lot disposal systems.

Sewage facilities—any method of sewage collection, conveyance, treatment, and disposal which will prevent the discharge of untreated or inadequately treated sewage into the waters of this Commonwealth or otherwise provide for the safe and sanitary treatment of sewage.

Single and separate ownership—the ownership of a lot by one or more persons which ownership is separate and distinct from that of any abutting or adjoining lot.

Subdivision—a subdivision as defined by the Pennsylvania Municipalities

Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. §10101 *et seq.*

3. All other definitions of words and terms used in this Part shall have the same meaning as set forth in 25 Pa.Code, Chapter 73, “Standards for Sewage Disposal Facilities.”

(Ord. 02-06, 9/3/2002, §302)

§18-203. Applicability.

From the effective date of this Part, its provisions shall apply to all persons owning any property in the Borough serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems.

(Ord. 02-06, 9/3/2002, §303)

§18-204. Sewage Permit Requirements.

1. No person shall install, construct or request bed proposals for construction or alter an individual sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act (hereinafter called “Act 537” or “Act”), 35 P.S. §750.1 *et seq.*, and the standards adopted pursuant to that Act.

2. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by the municipal SEO If 72 hours have elapsed, excepting Sundays and Holidays, since the SEO issuing the permit received notification of completion of construction, the applicant may cover said system or structure, unless permission has been specifically refused by the SEO

3. The Borough may require applicants for sewage permits to notify the Borough’s certified SEO of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by Act 537 may be scheduled and performed by the Borough’s certified SEO at the cost of the applicant.

4. No building or occupancy permit shall be issued by the Borough or its CEO for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained form the Borough’s certified SEO

5. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until the Borough’s CEO and the structure's owner receive from the Borough’s SEO either a permit for alteration or a replacement of the existing sewage disposal system or written notification that such a permit will not be required. In accordance with Chapter 73 regulations, the certified SEO shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

6. Sewage permits may be issued only by a certified SEO employed by the Borough for that express purpose. The DEP shall be notified by the Borough as to the identity of its currently employed certified SEO

7. No sewage permit may be issued unless proof is provided the owner of record

has owned the lot since May 15, 1972, or that Act 537 planning for that lot has been provided by the Borough.

8. No final Act 241 approval on a subdivision plan may begin until Act 537 planning is approved by the Borough.

(Ord. 02-06, 9/3/2002, §304)

§18-205. Ground Markers.

Any person who shall install new or rehabilitated systems shall provide a marker or markers at ground level locating the subsurface waste disposal tank and other important components of the system requiring periodic inspection and maintenance. Requirements for marker types and locations will be determined by the Borough's SEO. In addition, a riser or access hatch shall be constructed so as to enable easy access to the waste disposal tank, and prevent odors from escaping and to prevent children from removing the hatch.

(Ord. 02-06, 9/3/2002, §305)

§18-206. Replacement Areas.

1. *Requirements.*

A. After the effective date of this Part, a replacement area for an individual on-lot sewage system shall be required for all lots or lots to be created which are not serviced or to be serviced by a community sewage system, or for which a valid permit for installation of an individual on-lot sewage system has not been issued. Lots existing prior to the effective date of this Part shall be exempt from the requirements for this Section.

B. The replacement area provided shall comply with the Act and with all regulations issued by the DEP as incorporated into this Part concerning individual on-lot sewage systems, including isolation distances, and with the terms of this Part and any other applicable Borough ordinances.

2. *Identification of Replacement Area.*

A. Each applicant who shall submit a plan for the subdivision or development of land or who shall apply for a permit for the installation of an individual on-lot sewage system, or who shall request approval of a planning module for land development or the adoption of a revision, exception to revision, or supplement to the official plan shall demonstrate to the satisfaction of the SEO that a suitable area exists on the lot or on each lot to be created for an initial individual on-lot sewage system and for the replacement area. The SEO shall perform or observe all tests required for the location of an individual on-lot sewage system to confirm the suitability of the replacement area. Allowance of open land for the replacement area without testing performed or observed by the SEO shall not constitute compliance with the requirements of this Section.

B. The location of the initial individual on-lot sewage system and the replacement area as confirmed by the SEO shall be identified on the plot plans and diagrams submitted as part of the permit application.

C. If the application has been submitted as part of an application for subdivision or land development approval or as part of a request that the Borough

approve a planning module for land development or amend its official plan, or a request for an exception to the revision of the official plan, the location of each initial individual on-lot sewage system and each replacement area shall be noted upon the plans. If the application is for subdivision or land development approval, a note constituting a permanent easement shall be added to the plans stating that no improvements shall be constructed upon the replacement area, and the deed to be recorded for each lot created as part of the subdivision or land development shall contain language reflecting this limitation.

D. Any revisions to a permit or plan affecting a replacement area which previously has been approved pursuant to the provisions of this Part shall be reviewed for approval by the Council or its authorized agent.

3. *Construction Restrictions.*

A. The easement for the replacement area noted upon the plan and recorded with the Dauphin County Recorder of Deeds shall state that no permanent or temporary improvements of any character, other than shallow-rooted plant matter, shall be constructed upon the replacement area.

B. This provision shall be enforced by the Borough unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the SEO that an alternate replacement area which complies with all applicable regulations of the DEP, this Part and all other applicable Borough ordinances, exists upon the lot. If such an alternate replacement area shall be identified, the alternate replacement area may be considered to be the replacement area. The newly designated replacement area shall thereafter be considered the replacement area for the purposes of this Part.

4. *Relief from Replacement Area Requirement.*

A. If any lot held in single and separate ownership as of the effective date of this Part does not contain land suitable for a replacement area, the applicant submitting a land development plan or a planning module for land development or desiring to install an individual on-lot sewage system may request that the Council grant an exception to the requirements of providing a replacement area. The applicant for such an exception shall present credible evidence to the Council demonstrating (1) that the lot was held in single and separate ownership on the effective date of this Part; (2) the size of the lot; (3) inability of the applicant to acquire adjacent land or the unsuitability of adjacent land which might be able to be acquired; and (4) the testing conducted to determine that the lot is not suitable to provide a replacement area.

B. At all times the burden to present credible evidence and the burden of persuasion shall be upon the applicant for an exception from the terms of this Part. In no case shall any lot be exempted from the requirements of §18-204 of this Part.

(Ord. 02-06, 9/3/2002, §306)

§18-207. Inspections.

1. Any on-lot sewage disposal system may be inspected by the Borough's authorized agent at any reasonable time as of the effective date of this Part.

2. The inspection may include a physical tour of the property, the taking of

samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure. A copy of the inspection report shall be furnished to the owner and current resident which shall include all of the following information which is reasonably available to the individual or agency responsible for pumping the septic tank: date of inspection; name and address of system owner; description and diagram of the location of the system including location of access hatches, risers, and markers; size of tanks and disposal fields; current occupant's name and number of users; indication of any system malfunction observed; results of any and all soils and water tests; any remedial action required.

3. The Borough's authorized agent shall have the right to enter upon land for the purposes of inspections described above. In the event that access to inspect the property is denied, the following steps shall be taken:

A. The matter will be officially referred to the Council for action.

B. The Council may schedule a review at the next scheduled meeting of the Council or, if the situation threatens the health or safety of the residents of the Borough, the Council may commence an immediate procedure to obtain a search warrant from the magisterial district judge. [*Ord. 2012-03*]

C. Upon receipt of a search warrant to inspect the property, the authorized agent of the Borough shall be accompanied by an officer of the County or State Police, and the inspection shall be completed in accordance with this Section.

4. A schedule of routine inspection as may be established by the Borough if necessary, to assure the proper function of the systems in the Borough.

5. The Borough's authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is malfunctioning, the Borough shall take action to require the correction of the malfunction. If total correction is not technically or financially feasible in the opinion of the Borough and a representative of the DEP, action by the owner to mitigate the malfunction shall be required.

6. There may arise geographic areas within the Borough where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area wide problems may necessitate detailed planning and a Borough sponsored revision to that area's Act 537 Official Sewage Facilities Plan. When a DEP authorized Official Sewage Facilities Plan Revision has been undertaken by the Borough, pending the outcome of the plan revision process. However, the Borough may compel immediate corrective action whenever a malfunction, as determined by Borough officials and the Pennsylvania DEP, represents a serious public health or environmental threat.

(*Ord. 02-06, 9/3/2002, §307; as amended by Ord. 2012-03, 12/4/2012*)

§18-208. Operation.

Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system:

A. Industrial waste.

B. Automobile oil and other non-domestic oil.

C. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.

D. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and French drains

(*Ord. 02-06, 9/3/2002, §308*)

§18-209. Maintenance.

1. Any person owning a building served by an on-lot sewage disposal system shall have the septic tank pumped by a qualified pumper/hauler after the effective date of this Part. Thereafter that person shall have the tank pumped at least once every 4 years. Receipts from the pumper/hauler shall be submitted to the Borough as required in subsection .6.

2. Any person providing a receipt or other written evidence showing that their tank had been pumped within 3 years of the first year anniversary of the effective date of this Part, then the Borough may delay that person's initial required pumping to conform to the general 4-year frequency requirement.

3. The Borough may allow septic tanks to be pumped out at less frequent intervals when the owner can demonstrate to the Borough that the system can operate properly without the need for pump out for a period longer than 4 years, but in no case shall such period extend beyond 6 years. Such a request must be made no sooner than 6 months prior to the date when the next required pumping is to be completed. The request must be in writing with all supporting documents attached. The Borough in making its determination, shall take into account the information submitted by the applicant, the sewerage permit issued by the Borough SEO upon installation or rehabilitation of the system and supporting documentation, reports of inspection and maintenance of the system, and other relevant information, and may conduct an on-site inspection. The applicant shall bear the cost of any inspection, surface or subsurface, and soil or wastes sampling conducted for the purposes of evaluating the request. The applicant shall receive a decision within 60 days of accumulation of all necessary information by the Borough. [*Ord. 2012-03*]

4. The required pumping frequency may be increased at the discretion of the authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown.

5. Each time a septic tank or other subsurface waste disposal system tank is pumped out, the Borough, its authorized agent, or a private septage pumper/hauler, whichever provides the service, shall provide to the owner of the sub-surface waste disposal system a signed pumpers report/receipt containing at a minimum the following information:

- A. Date of pumping.
- B. Name and address of system owner.
- C. Address of tank's location, if different from owner.
- D. Description and diagram of the location of the tank, including the location

of any markers, riser, and access hatches and size of the tank.

- E. The date existing system was installed.
- F. Last date of pump out.
- G. List of other maintenance performed.
- H. Any indications of system malfunction observed.
- I. Amount of septage or other solid or semi-solid material removed.
- J. List or recommendations.
- K. Destination of the septage (name of the treatment facility).

6. Upon completion of each required pumping, the Borough, its authorized agent, or a private septage waste hauler, shall fill out and submit a pumper report/receipt, copies of which shall be provided by the Borough to all licensed pumpers/haulers. The Borough's authorized agent, or private septage pumper/hauler shall provide one copy of the pumper's report/receipt to the owner and one copy to the Borough. Copies must be received at the Borough's business office within 30 days of the date of pumping. The pumper's report/receipt will include verification that the baffles in the septic tank have been inspected and found to be in good working order.

7. Any person owning a building served by an alternative system or on-lot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Borough within 6 months of the effective date of this Part. Thereafter, service receipts shall be submitted to the Borough at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals exceed those for those required for septic tanks.

8. Any person owning a building served by a cesspool or dry well shall have that system pumped according to the schedule prescribed for septic tanks in subsection .1.

9. The Borough may require additional maintenance activity as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc. Repair permits issued by the certified SEO must be secured for these activities.

(Ord. 02-06, 9/3/2002, §309, as amended by Ord. 2012-03, 12/4/2012)

§18-210. System Rehabilitation.

1. No person shall operate and maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the water of the Commonwealth of Pennsylvania unless a permit to discharge has been obtained from the DEP.

2. The Borough shall issue a written notice of violation to any person who is the owner of a property in the Borough which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging raw or partially treated sewage without a permit.

3. Within 7 days of notification by the Borough that a malfunction has been identified, the owner shall make application to the Borough's certified SEO for a permit to repair or replace the malfunctioning system. Within 30 days of initial notification by the Borough construction of the permitted repair or replacement shall commence. Within 60 days of the original notification by the Borough the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Borough shall set an extended completion date.

4. The Borough's certified SEO shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, other alternatives as appropriate for the specific site.

5. In lieu of, or combination with, the remedies described in subsection .4, the SEO may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices and appliance. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the structure served. The use of laundry facilities may be limited to one load per day or discontinued altogether, etc.

6. In the event that the rehabilitation measures in subsections .1 through .5 are not feasible or do not prove effective, the Borough may require the owner to apply for a permit to construct a holding tank in accordance with Borough ordinance. Upon receipt of said permit the owner shall complete construction of the system within 30 days.

7. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the owner is not absolved of responsibility for that malfunction. The Borough may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it feels necessary.

(Ord. 02-06, 9/3/2002, §310)

§18-211. Liens.

The Borough upon written notice from the SEO that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this Part, shall have the authority to perform or contract to have performed, the work required by the SEO. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with law.

(Ord. 02-06, 9/3/2002, §311)

§18-212. Disposal of Septage.

1. All septage pumper/haulers operating within the Borough shall be licensed with the Borough and shall comply with all reporting requirements established by the

Borough.

2. All septage originating within the municipal sewage management district shall be disposed of at sites or facilities approved by the DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.

3. Septage pumper/haulers operating within the Borough shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act, Act 97 of 1980, 35 P.S. §6018.101 *et seq.*, and regulations adopted pursuant to such Act.

A. Any septage pumper/hauler, person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 2012-03*]

B. If any pumper/hauler shall have been convicted on two occasions of any violation of this Part or for violating the conditions of its State permit, or of any State or local law governing its operation, the Council shall have the power to suspend said pumper/hauler from operating within the Borough for a period of not less than 6 months or more than 2 years for each violation, as determined by the Borough. Each day the violation continues shall constitute a separate offense.

(*Ord. 02-06, 9/3/2002, §312; as amended by Ord. 2012-03, 12/4/2012*)

§18-213. Discontinuance of Individual Sewage System.

1. Upon the discontinuance of the use of any tank for sewage disposal purposes, whether by mandatory or voluntary connection to a community sewage system or abandonment for any other reason, the owner thereof shall have the tank pumped and flushed by a pumper/hauler and, at the owner's option, either physically removed from the premises or filled with soil and/or stone.

2. When the owner elects to have the tank filled with stone as permitted by paragraph .A above, said tank may then be used for the discharge of storm water, sump pump discharge, or other effluent not qualifying for discharge into the community sewage system, providing said discharge is otherwise permitted by applicable law.

(*Ord. 02-06, 9/3/2002, §312.1; as added by Ord. 2012-03, 12/4/2012*)

§18-214. Administration.

1. The Borough shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Part.

2. The Borough shall employ qualified individuals to carry out the provisions of this Part. Those employees shall include a certified SEO, a CEO, a secretary, administrator or other persons as required. The Borough may also contract with private qualified persons or firms as necessary to carry out the provisions of this Part.

3. All permits, records, reports, files and other written material relating to the

installation, operation and maintenance and malfunction of on-lot sewage disposal systems shall become the property of the Borough. Existing and future records shall be available for public inspection during required business hours at the official Borough office. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the Borough's OLDS Management Program shall be made available, upon request, for inspection by representatives of the DEP.

4. The Council shall establish all administrative procedures necessary to properly carry out the provisions of this Part.

5. The Council may establish a fee schedule, and subsequently collect fees, to cover the cost to the Borough of administering this program.

(Ord. 02-06, 9/3/2002, §313)

§18-215. Appeals.

1. Appeals from decisions of the Borough or its authorized agent under this Part shall be made to the Board in writing within 45 days from the date of the decision in question.

2. The appellant shall be entitled to a hearing before the Council at its next regularly scheduled meeting, if the appeal is received at least 14 days prior to that meeting. If the appeal is received within 14 days of the next regularly scheduled meeting, the appeal shall be heard at the subsequent meeting. The Borough shall thereafter affirm, modify or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Borough. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.

3. A decision shall be rendered in writing within 45 days of the date of the hearing. If a decision is not rendered within 45 days, the relief sought by the appellant shall be deemed granted.

(Ord. 02-06, 9/3/2002, §314)

§18-216. Penalties.

Any person, other than a pumper/hauler, who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 02-06, 9/3/2002, §315; as amended by Ord. 2012-03, 12/4/2012)

Exhibit 18-2-A

DAUPHIN BOROUGH SEPTIC TANK PUMPER'S REPORT

1. Date of Pumping ___ / ___ / ___ 2. Treatment System: ___ Septic Tank ___ Aerobic Tank ___ Cesspool ___ Dry Well
3. System: ___ Sand Mound ___ In Ground

4. Property Owner's Name _____
Address _____

City _____ State _____ Zip Code _____

5. Address of Tank Location _____

City _____ State _____ Zip Code _____

6. Description and diagram of the location of the tank (use box below), including the location of any markers, risers, and access hatches and size of the tank. Description _____

7. Date system was installed (if not known, approximate date) ___ / ___ / ___

8. Date of last pump out (if not known, approximate date) ___ / ___ / ___

9. List of other maintenance performed.

- Baffle Replacement
- Extensions (riser rings)
- Inspection Ports
- Snaked the Line
- Other _____

Diagram:

10. Check any of the following conditions observed.

- High Water Level in Tank
- Wet Areas Near System or Site
- Noticeable Odors
- Sewer Backup into House
- Abundant Grass Growth Near System or Site
- Backflush of Water from Absorption Area to Tank
- Other _____

11. Amount of septage or other solid or semi-solid material removed.

- 500 Gallon Tank 1750 Gallon Tank
- 750 Gallon Tank 2000 Gallon Tank
- 1000 Gallon Tank 2250 Gallon Tank
- 1250 Gallon Tank 2500 Gallon Tank
- 1500 Gallon Tank Other _____

12. Recommendations _____

13. Destination of the septage (name of treatment facility, include address if private property) _____

DEP Permit # _____

Signature of Pumper _____ Company _____

NOTICE -- Completion of this report is required by Dauphin Borough for information purposes only and shall not be deemed to be any certification of conditions by the Pumper.

A copy of this report is to be submitted to the property owner listed above and a copy mailed within thirty (30) days after pumping to:

Dauphin Borough, P.O. Box 487, 200 Delaware Street, Dauphin, PA 17018

Exhibit 18-2-B

Property Owner Letter

Dear Property Owner:

Several months ago we reported to you about the Boroughs plans to enact an on-lot sewage disposal system management program. The Borough has now enacted an ordinance establishing the OLDS program effective date: _____. The following is a summary of property owner's responsibilities under the Ordinance:

1. Property owners must pump their on-lot sewage disposal system once every four (4) years.
2. After the above schedule is completed, it will start over again.
3. If you pumped your system within the last three (3) years, you may submit a copy of your receipt to the Borough. The new date that your system must be pumped will be four (4) years from the date of the receipt.
4. Enclosed is a list of septage pumpers licensed to operate within Dauphin Borough. When you arrange to have your system pumped, you should contact one of these companies. Licensed pumpers are responsible for providing property owners and the Borough with a detailed report of each system they pump. Pumpers licensed by the Borough must provide the location where they dispose of septage and abide by all state and local regulations.

If you have questions regarding the OLDS program, we suggest that you review the enclosed materials first, especially the sheet entitled "Questions and Answers". Your cooperation in establishing the OLDS program is greatly appreciated.

Sincerely,

Dauphin Borough Council

Exhibit 18-2-C

DAUPHIN BOROUGH

ON-LOT DISPOSAL SYSTEM (OLDS) PROGRAM ANSWERS TO YOUR QUESTIONS

How will the Borough OLDS program change the way I currently take care of my septic system? *Very little if you are presently providing regular maintenance to your on-lot sewage disposal system. Over the next four years all Borough property owners will be required to pump out their system at least once. If you are already having your system pumped on a regular schedule (every year, once every two years, etc.), you should continue to do so.*

What if I pump out my system every year? How does the OLDS program effect me? *It doesn't. As we stated in the first question, you should continue to maintain your system on your present schedule. The value of the OLDS program in reducing the potential for groundwater pollution is that for the first time all properties will have to provide property maintenance to their systems.*

My family just bought and moved into our home here in the Borough. How do I know when I have to pump out my system? *Reread the section in the enclosed letter from the Borough, which describes the initial pumping schedule. After the initial pumping, the Borough will automatically send a reminder letter to the property owner about six months before the four year period ends.*

Why did the Borough adopt an OLDS program ? I don't like the idea of government telling me I have to pump out my septic tank. *The Borough was required by the Pennsylvania Department of Environmental Protection (DEP) to establish an OLDS program as part of its required Sewage Facilities Plan. Each local government in Pennsylvania is required to have an approved Sewage Facilities Plan from DEP. If a municipality does not submit and receive DEP approval, a moratorium is imposed whereby DEP will not approve any sewage permits. By law, the Borough cannot issue building permits until it has received a sewage permit from DEP.*

So you're saying that I have to pump out my system every four years. I've used the same on-lot system for thirty years and never had it pumped out. Why should I have to start having it pumped out now? *According to the Penn State Agriculture and Biological Engineering Department, an unmaintained septic tank is no longer protecting the soil absorption field from solids. In plain language, property owners with unmaintained systems to some degree or another are polluting both their own and their neighbor's ground water.*

My wife and I now live alone. We don't generate as much wastewater as we once did when our children lived at home. Shouldn't the size of my septic tank and the fact that it's just the two of us mean that we can pump out our system less frequently than the required four years? *The Penn State Agriculture and Biological Engineering Department has developed a very informative fact sheet entitled "Septic Tank Pumping." A copy of the fact sheet has been enclosed with this mailing. The fact sheet contains a chart for estimated pumping frequencies*

based on tank size and the number of persons per household. Based on the schedule shown on the Penn State chart, the four year pumping schedule is a longer period than recommended for most Borough households.

Will I still be able to use my present septic tank pumper? *As of _____, all septage pumpers operating in Dauphin Borough must be licensed with the Borough. We have enclosed a list of pumpers who have obtained a license as of the date of this mailing. Property owners are free to call whichever company they wish from the enclosed list.*

The pumping company I normally use is not on the list. What do I do? *If the pumping company you regularly use is not on the list, you should urge them to contact the Borough and obtain a license. They must be licensed before they can pump systems in Dauphin Borough.*

In your letter announcing the OLDS program you mentioned that the Pumper is required to fill out a report form. What is this form, what is it for, and will I get a copy? *The Borough has provided all licensed pumpers with Septic Tank Pumper's Report forms. When your pumper comes to your property to pump out your system, he will fill out a form that notes the name and address of the property; describes the location of the system on the property, the size of the tank and what maintenance if any was done to the system. The Pumper will give you a copy of the report for your records, will keep a copy for himself, and will provide a copy to the Borough for its records. The Septic Tank Pumper's Report form is for information purposes only.*

Won't having the Pumper fill out this form take them extra time and cost me more money in increased pumping charges? My pumper says it will. *The Borough developed the Septic Tank Pumper's Report form in cooperation with several pumping companies. Pumpers who have many years of experience have told us that the form will not place an undue burden on them and should have no impact on the fees they charge. If a pumper tells you his costs have increased because of the form, we recommend you contact one of the other licensed pumpers on the list for a comparative price.*

My pumper says I need some repairs done to my system. Can he go ahead and do the work? *It depends on the type of repairs needed. Routine maintenance, replacement of baffles, installation of extensions (risers) or snaking the lines can be done by the pumper or a plumber without a sewage permit. State law requires sewage permits to be issued by the Borough SEO for any alteration of the system or its use. This would include the replacement or installation of additional septic tanks, repair of delivery lines, or replacement of a drain field. The Borough's SEO's have established a system that enables them to expeditiously issue sewage permits for repairs when needed.*

This program seems pretty simple, but whom do I call if I have a question? For answers to general questions about the program, call the Borough office between the hours of _____ a.m. and _____ p.m., Monday through Friday. If you have specific or technical questions about your on-lot sewage disposal system, or concerns about a possible sewage malfunction, contact Light-Heigel & Associates, Inc., the Borough's SEO, at 1-800-257-2190.

Exhibit 18-2-D

PENNSSTATE



College of Agricultural Sciences • Cooperative Extension

Agricultural and Biological Engineering Fact Sheet

SW-161

Septic Tank Pumping

Paul D. Robillard, Assistant Professor of Agricultural Engineering
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The most common *domestic wastewater treatment system* used in rural areas is the *septic tank-soil absorption system*. The septic tank removes settleable and floatable solids from the wastewater. The soil absorption field then filters and treats the clarified septic tank effluent and distributes it through the soil. Removing the solids from the wastewater protects the soil absorption system from clogging and failure. In addition to removing solids, the septic tank also promotes biological digestion of a portion of the solids and stores the remaining undigested portion.

The first stage of the treatment system, the septic tank, removes solids by holding wastewater in the tank. This allows the heavier solids to settle as sludge and the lighter particles to form scum at the top. To accomplish this, wastewater should be held in the tank for at least 24

hours. Up to 50 percent of the solids retained in the tank decompose; the remainder accumulate in the tank. *Biological and chemical additives are not needed to aid or accelerate decomposition.*

As the system is used, sludge continues to accumulate in the bottom of the septic tank. Properly designed tanks have enough space for up to three years safe accumulation of sludge. When the sludge level increases beyond this point, sewage has less time to settle before leaving the tank and more solids escape into the absorption area. If too much sludge accumulates, no settling occurs before the sewage flows to the soil absorption field. Infiltration of sludge into the soil absorption field can cause system failure. To prevent this, the tank must be pumped periodically. The material pumped is known as *septage*. Figure 1 shows a cross-section of a septic tank.

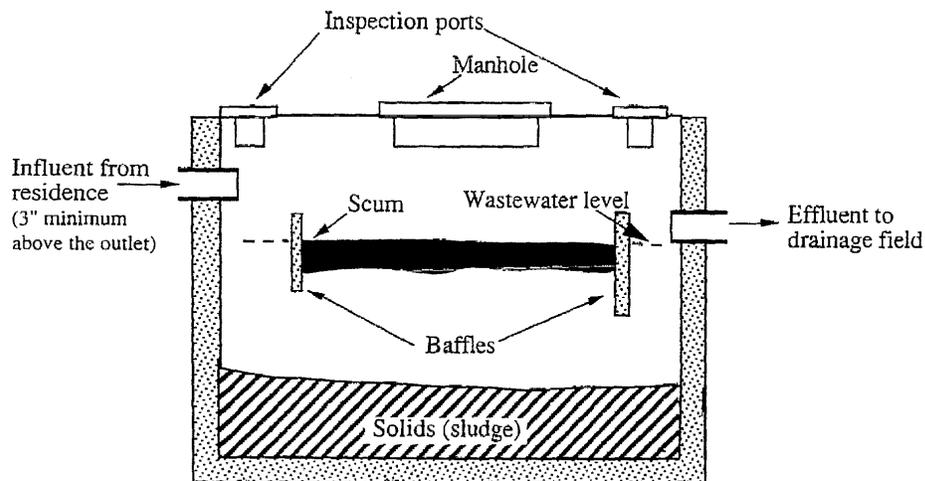


Figure 1. Cross-Section of Septic Tank

Cleaning Tank

Septic tank pumping and haul contractors can clean your tank. It is a good idea to supervise cleaning to ensure that it is done properly. To extract all the material from the tank, the scum layer must be broken up and the sludge layer mixed with the liquid portion of the tank. This is usually done by alternately pumping liquid from the tank and reinjecting it into the bottom of the tank. The septic tank should be pumped through the large central manhole, not the baffle inspection ports. Pumping a tank through the baffle inspection ports can damage the baffles.

The use of additives in septic tanks to reduce the sludge volume or substitute for pumping is not recommended. In fact, relying on additives rather than conventional tank pumping may result in failure of the septic system.

Before closing the tank, check the condition of the baffles. If they are missing or deteriorated, replace them with appropriate sanitary tee baffles. It should never be necessary to enter a septic tank. Any work to replace the baffles or repair the tank should be done from the outside. Decomposing wastes in the septic tank produce toxic gases which can kill a human in a matter of minutes. When working on a tank be sure the area is well ventilated and that someone is standing nearby. *Never go into a septic tank* to retrieve someone who has fallen in and was overcome by toxic gases without a self-contained breathing apparatus (SCBA). If a SCBA is not available, call for emergency services and put a fan at the top of the tank to blow in fresh air.

To facilitate future cleaning and inspection, *install risers from the central manhole and inspection ports* to the surface before burying the tank. Also mark the location of the tank, so it can be easily identified.

Summary

The septic tank is only one part of an on-site wastewater system. It is designed to remove solids prior to the effluent entering the soil absorption field, provide for the digestion of a portion of those solids, and store the remaining solids. Biological and chemical additives are not needed to aid or accelerate decomposition. Garbage grinders impose an additional solids load on the system. Solids must be removed periodically to prevent them from entering the soil absorption field. For a properly designed septic tank, the tank should be inspected and pumped every 1 to 5 years.

For More Information

Other Penn State Fact Sheets relating to domestic wastewater treatment systems include the following:

- SW-162, Preventing Septic System Failures
- SW-163, The Soil Media and the Percolation Test
- SW-164, Mound Systems for Wastewater Treatment
- SW-165, Septic Tank--Soil Absorption Systems

For a list of septic tank pumping and haul contractors in your area, contact:

The Pennsylvania Septage Management Association
R. D. #3, Box 3231
Moscow, PA 18444

PSU/90

For further information or for a copy of our Fact Sheet Listing, contact:

Agricultural and Biological Engineering Department
246 Agricultural Engineering Building
University Park, PA 16802
Telephone: 814-865-7685
FAX: 814-863-1031