

# **THE MUNICIPAL AUTHORITY OF THE BOROUGH OF BELLEFONTE**

## **RULES AND REGULATIONS GOVERNING SEWERS AND SEWAGE DISPOSAL**

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[Appendix A, Application Form for Certification of Connection to a Public Sewer  
HISTORY: Adopted by the Borough Council of the Borough of Bellefonte as indicated in  
article histories. Amendments noted where applicable.]

SECTION I

**Individual and Community Sewage Disposal Systems**

**1. Short title.**

This chapter shall be known and may be cited as the Borough of Bellefonte Ordinance Implementing the Pennsylvania Sewage Facilities Act.

**2. Definitions.**

The definitions set forth in Section Two of the Pennsylvania Sewage Facilities Act, being the Act of January 24, 1966, P.L. 1535, are incorporated herein by reference. In addition, the following terms shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

ACT—The Pennsylvania Sewage Facilities Act, being the Act of January 24, 1966, P.L. 1535, as amended.

APPROVING BODY—The Borough.

**3. Permit required; application; issuance.**

- A. In accordance with Section Seven of the Act, no person shall install an individual or community sewage disposal system or construct any building in which an individual or community sewage disposal system is to be installed, within the Borough, without first obtaining a permit therefore indicating that the site and plans and specifications of such system are in compliance with the provisions of this chapter, the Act and the standards, rules and regulations adopted by the Commonwealth Department of Environmental Protection for the Administration of the Pennsylvania Sewage Facilities Act. No permit shall be required in those cases where a permit from the Commonwealth Sanitary Water Board or the Secretary of the Department of Environmental Protection has been obtained, or where the Department determines that such permit is not necessary for the protection of the public health.
- B. Applications for a permit shall be in writing to the Secretary of the Borough and shall be made on a formal application blank which shall be furnished by the Secretary, and each application shall include such data as are prescribed by the technical standards adopted by the Commonwealth Department of Environmental Protection.
- C. Issuance of permits shall be in accordance with Section Seven of the Act and all of the provisions of Section Seven of the Act are incorporated herein by reference.

**4. Inspections.**

Inspections of applications and the site and the installation itself shall be in accordance with the provisions of Section Seven of the Act. The Borough shall from time to time designate and appoint an inspector who shall carry out the inspections in accordance with this chapter, with Section Seven of the Act and also with the rules and regulations of the Commonwealth Department of Environmental Protection, which are incorporated herein.

**5. Adoption of rules and regulations of the Commonwealth Department of Environmental Protection.**

The Borough hereby enacts, ordains and adopts as part of this chapter the rules and regulations of the Commonwealth Department of Environmental Protection, Chapter Four, Article 423, known as "Regulations for the Administration of the Pennsylvania Sewage Facilities Act." All such rules, regulations and standards are incorporated in this chapter by reference. Copies of these regulations shall be supplied with the application for a permit.

**6. Fees; indemnification and reimbursement of costs.**

A. The following fees shall be charged for sewage permits required by the Act:

- (1) Permit fee. A permit fee, as updated by resolution by the Bellefonte Borough Authority, is payable at the time of the application for the permit and is payable in all cases where the property owner, his agent, servant or employee, constructs soil log pits, constructs percolation test holes and supplies water for testing, which tests have indicated, together with the site investigation and the percolation test report, that a conventional sewage facilities system is feasible for that site, pursuant to the Department of Environmental Protection Module ER-BCE-117 Report, or an amended Department of Environmental Protection Module Report Form, containing similar information.
- (2) Permit fee. A permit fee, as updated by resolution by the Bellefonte Borough Authority, is payable at the time of the application for the permit and is payable in all cases where the site investigation and the percolation test report, pursuant to the Department of Environmental Protection Module ER-BCE-117 Report, or a similar amended form of the Department of Environmental Protection, do not allow installation of a conventional sewage disposal or facilities system on that site and indicate, rather, that an alternate Department of Environmental Protection approved system is required. Such fee shall be in addition to the permit fee provided for in paragraph (a)(1) hereof. Such fee shall be paid at the time of the application for the permit for an alternate sewage facilities system to be installed on such site.
- (3) Hearing fee. In the event of a written request for a hearing under the provisions of the Local Agency Law and Act 108 for the refusal to issue a permit, for the revocation of a permit, for the denial of a permit or for any other reason, a fee, as updated by resolution by the Bellefonte Borough Authority, shall be paid at the time such a

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request is made and shall accompany such request made to the Borough Secretary. An additional charge, as updated by resolution by the Bellefonte Borough Authority, per page shall be made for each page of testimony should a transcript of a hearing be requested by any party. Such charge shall be paid prior to the delivery of such testimony to the requesting party.

- (4) Design, construction, etc., of sewage facilities and disposal systems. The design, construction, installation and alteration of sewage facilities and disposal systems shall be done at the sole cost and expense of the property owner and/or his agents, servants or employees, and such design, construction, installation or alteration of such sewage facilities and disposal systems shall be done by private individuals who are not employees of the Borough.
- B. The Borough is authorized to establish rules and regulations consistent with Act 108 by resolution for the administration of this section and Act 108, as provided by law, and any change, supplement or amendment to such rules and regulations shall be made by resolution of Council.
- C. Indemnification and reimbursement.
- (1) To the extent permitted by law, each member of Council, the Mayor and/or any officer or employee of the Borough, whether or not then in office or employed, shall be indemnified and reimbursed by the borough for the costs, including, but not limited to, court costs and the amount of any judgment and expenses, including, but not limited to, attorney's fees reasonably paid or incurred by or imposed upon any of such persons in connection with any civil or criminal action, suit or proceeding instituted or threatened, to which any of such persons may be made a party or a prospective party by reason of such person's being or having been such a member of Council, the Mayor and/or any officer or employee, or by reason of any act or thing alleged to have been done or committed by him or her, either alone or with others, as such a member of Council, the Mayor and/or any officer or employee, arising out of the enforcement of this section or the Sewage Facilities Act of the Commonwealth, as supplemented and amended, or the Clean Streams Act of the Commonwealth, provided, however, that no such member and/or officer or employee shall be indemnified or reimbursed for costs or expenses paid or incurred by or imposed upon him in relation to any matter as to which he has been finally adjudged guilty in any criminal proceeding and by reason of which a final judgment decree or order has been entered against him, either alone or with others, for payment of any fine or other penalty. This right to indemnification and reimbursement, hereby granted, shall extend also to amounts paid or agreed to be paid by each such member of Council, the Mayor and/or any officer or employee in settlement of any such civil action, suit or proceeding. If the same is settled or otherwise terminated as against such member and/or any officer or employee without a final determination thereof, the Borough shall not indemnify or reimburse such member and/or any officer or employee, with respect thereto, unless a majority (whether or not such majority constitutes a quorum) of the remaining

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members of Council (after excluding all members disqualified to vote, by personal interest) have approved such settlement, either before or after its consummation, and have determined that such member, Mayor and/or officer or employee did not act negligently or in bad faith or respect to such action, suit or proceeding. This right to indemnification and reimbursement, hereby granted, shall not be exclusive of, but shall be in addition to, the rights of any member, the Mayor and/or any officer or employee, to compensation for services performed and all other rights to which any such member, officer or employee is entitled, as a matter of law, equity or otherwise.

- (2) In any case in which liability for any such act or omission of any such member, the Mayor and/or any officer or employee has been imposed or is sought to be imposed upon the estate of such member, the Mayor and/or any officer or employee, the right to indemnification and reimbursement herein conferred on members, the Mayor and/or any officer or employee shall extend to the heirs, executors and/or administrators of any such member, the Mayor and/or any officer or employee.

**7. Additional inspections and tests.**

In the event the Municipality deems it necessary to make additional inspections or to make additional percolation tests or any other tests required to be made by the applicant under the Act and the regulations of the Commonwealth Department of Environmental Protection, the applicant shall pay to the Borough the actual cost of such additional inspections or such percolation tests or other tests made by the Borough, which shall be paid to the Borough prior to the issuance of the permit.

**8. Restraining violations.**

In accordance with Section Eleven of the Act, the Borough shall have the power to institute in the Court of Common Pleas of Centre County, proceedings in law or in equity to restrain any and all violations of Section Seven of the Act and the provisions of this chapter. Such proceedings shall be instituted in the name of the Borough.

**9. Use of receptacles prohibited where sewer available; abandonment, cleaning and filling.**

No privy vault, cesspool, septic tank or similar receptacle for human excrement shall hereafter be maintained upon any premises from which connection with any of the Borough sewers has been made. Every such privy vault, cesspool, septic tank or other receptacle shall, within 30 days after final enactment of this section in the case of premises now connected with a sewer, and within 30 days after connection with a sewer, in the case of premises hereafter so connected, be abandoned, cleansed and filled under the direction and supervision of the Commonwealth Department of Environmental Protection, pursuant to Section 1810.01 of the Health and Sanitation Code.



**10. Abandonment procedure.**

It shall be the responsibility of the property owner upon whose premises the privy vault, cesspool, septic tank or similar receptacle for human excrement exists to remove or fill the abandoned receptacle. Such property owner shall obtain a permit from the Commonwealth Department of Health, subject to the customary fees of the Department, for the removal or filling of the abandoned receptacle and shall perform any and all work to the approval and satisfaction of the Department, which approval shall be indicated by an endorsement on the permit by the enforcement officer at the completion of the work. Such filling or removal shall be done in accordance with the rules and regulations of the Department.

**11. Noncompliance; abatement of nuisance.**

Any privy vault, cesspool, septic tank or other receptacle not abandoned, cleansed and filled as required by Section 1 #10 shall constitute a nuisance and such nuisance may be abated on order of the Commonwealth Department of Environmental Protection as provided by law at the expense of the owner of such property.

**12. Violations; separate offenses.**

No person shall violate or fail to comply with any of the provisions of this chapter or of the Act or any rule, regulation or standard promulgated under authority of this chapter, or resist or interfere with any officer, agent or employee of the Borough in the performance of his duties under this chapter. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues after notice thereof has been served upon the offender by the Commonwealth Department of Environmental Protection.

SECTION II  
**Sewer Connections, Use and Rates**

**13. Definitions.**

As used in this chapter, unless the context specifically indicates otherwise:

**ABNORMAL INDUSTRIAL WASTE**—Any industrial waste having a suspended solids content or BOD appreciably in excess of that normally found in municipal sewage. For the purposes of this chapter, any industrial waste containing more than 350 parts per million of suspended solids, or have a BOD in excess of 300 parts per million, shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.

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**AUTHORITY-** The word “Authority” whenever the same appears herein, means the Municipal Authority of the Borough of Bellefonte of Centre County, Pennsylvania, a body corporate and politic organized and existing under the laws of the Commonwealth of Pennsylvania.

**BOD OF SEWAGE OR INDUSTRIAL WASTE**—Designates its biochemical oxygen demand and means the quantity of oxygen utilized in the biochemical oxidation of the organic matter in such sewage or industrial waste under standard laboratory procedures in five days at 20°C., expressed in parts per million by weight. It shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association.

**COMBINED SEWER**—A sewer that carries sewage designed to receive both sewage and stormwater runoff and that has been approved for such purpose.

**COUNCIL**—The elected and appointed members of Council, as now or hereafter constituted, and its duly authorized agents or representatives.

**GARBAGE**—Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**INDUSTRIAL WASTES**—Any liquid, gaseous or water-borne wastes from industrial processes or commercial establishments, as distinct from sanitary sewage.

**OCCUPIED BUILDING**—Any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and industrial wastes, or either, are or may be discharged.

**pH**—The logarithm to the base 10 of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association.

**PREMISES ACCESSIBLE TO THE PUBLIC SANITARY SEWAGE SYSTEM**—Any real estate abutting on or adjoining or having access to any street, alley or right-of-way in which a sewer is located which ultimately connects to the public sanitary sewerage system.

**PROPERLY SHREDDED GARBAGE**—The wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce, that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

**PUBLIC SANITARY SEWAGE SYSTEM** (sometimes called the “SEWER SYSTEM”)—All sanitary or combined sewers, all pumping stations, all force mains, all sewage treatment works and all other sewerage facilities owned or leased and operated by the Borough for the collection, transportation and treatment of sanitary sewage and industrial wastes, together with

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their appurtenances and any additions, extensions or improvements thereto. The term also includes sewers within the Borough's service area that serve one or more persons and discharge into the public sanitary sewerage system even though those sewers may not have been constructed by the Borough and are not owned or maintained by the Borough. The term does not include separate storm sewers or culverts that have been constructed for the sole purpose of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the sewage treatment facilities.

**SANITARY SEWAGE**—The normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial and commercial establishments, exclusive of stormwater runoff, surface water or ground water.

**SANITARY SEWER**—A sewer that carries sewage and to which storm, surface and ground waters are not intentionally admitted.

**SEWAGE**—A combination of water-carried wastes from residences, business buildings, institutions and industrial and commercial establishments, together with such ground, surface or stormwater as may be present.

**SEWER**—A pipe or conduit for carrying sewage.

**STORM SEWER**—A sewer that is intended to carry stormwater runoff, surface waters, groundwater drainage, etc., but that is not intended to carry any sanitary sewage or polluted industrial waste.

**STORMWATER RUNOFF**—That portion of the rainfall which reaches a channel, trench, sewer or sink.

**SUSPENDED SOLIDS**—Solids that either float on the surface or are in suspension in water, sewage, industrial waste or other liquids and which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association.

**UNPOLLUTED WATER OR WASTE**—Any water or waste containing none of the following: free or emulsified grease or oil; acid or alkali; 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 10,000 parts per million by weight of dissolved solids of which not more than 2,500 parts per million shall be as chloride and not more than 10 parts per million each of suspended solids and BOD. The color shall not exceed 50 parts per million. Analyses for any of the above mentioned substances shall be made in accordance with the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association.

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WATER COMPANY—Any publicly or privately owned duly authorized agency, corporation or organization that is the approved purveyor of the public water supply within the limits of the Borough.

**14. Connection required where sewer available.**

Every owner of property in the Borough whose property abuts upon any public sanitary sewer constructed or to be constructed as a part of the Borough's sewerage system shall connect, at his own cost, the house, building and other structures on the property with the aforementioned public sanitary sewer upon completion of its construction for the purpose of disposing of all acceptable sanitary sewage emanating from such property.

**15. Use of available sewers required for sewage disposal.**

No owner, lessee or occupier of any property in the Borough abutting upon any public sanitary sewer upon completion of its construction shall employ any means, either by septic tank, cesspool, privy vault, mine hole or otherwise, for the disposal of acceptable sanitary sewage other than into and through such public sanitary sewer.

**16. Disconnection of unauthorized means of disposal on notice.**

Where any house, building or structure in the Borough abutting any public sanitary sewer, upon completion of its construction, is determined to be using any method for the disposal of sanitary sewage other than through such public sanitary sewer, it shall be the duty of the Borough Secretary or such other person as is authorized by Council to notify the owner and lessee of occupier of such structure, in writing, either by personal service, certified mail or registered mail, to disconnect the same and make proper connection for the discharge and disposal of all acceptable sanitary sewage through the public sanitary sewers, as herein provided, within 60 days after receipt of such notice.

**17. Sewage receptacles not to be connected to sewers.**

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

**18. Certain waste not to enter sanitary sewers.**

No person whose property is connected to a public sanitary sewer shall connect any roof drain thereto, or permit any roof drain to remain connected thereto, or permit, allow or cause to enter into such public sanitary sewer any stormwater, foundation drain water, spring water, surface water or any sewage or industrial waste from any property other than that for which a permit is issued.

**19. Conditions to be met prior to making connection.**

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

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- A. He shall make application to the Borough upon a permit form to be formulated and supplied by the Borough for permission to connect to the public sanitary sewers. Among other things, the applicant shall state the character and use of each structure located upon his property.
- B. He shall pay the current tap connection fee to the Borough or its designated agent at the time of making application for permission to make a connection.
- C. No work shall commence before the payment of the aforesaid tap connection fee and issuance of the aforementioned connection permit.
- D. All connections shall be accomplished in strict accordance with the provisions of this chapter, in particular Section 1 #10.

**20. Building sewer specifications.**

The actual construction of all building sewer lines or house service sewers shall be done in accordance with the specifications and procedures established in this chapter. Copies of the pertinent provisions thereof may be obtained from the Borough Secretary.

**21. Noncompliance; remedy of Borough.**

If an owner of any occupied house, building or structure in the Borough neglects or refuses to comply with the provisions of this chapter or the written notice as prescribed in Section 1 #16, the Borough may perform or cause to be performed such work and labor and furnish or cause to be furnished such material as may be necessary to comply with the provisions of this chapter, at the cost and expense of such owner or owners, together with 10% additional thereof and all charges and expenses incidental thereto, which sum shall be collected from such owner for the use of the Borough as debts are by law collectible, or the Borough may, by its proper officer, file a municipal claim or lien therefor against such premises as provided by law. Such remedies shall be in addition to the penalty provided in Section 1 #39.

**22. Connection to system.**

- A. Applications for connection to the public sanitary sewerage system shall be made to Council upon the permit form to be formulated and furnished by Council.
- B. All information requested on such form shall be furnished by the applicant, including the character and use of each structure located upon the property.
- C. Any required tap connection and inspection fee shall be paid at the time of making application for permission to make a connection. In no event shall any required four-inch, single tap connection (PVC or equivalent) be less than \$500.

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- D. No work shall commence before the payment of any required tap connection and inspection fee and issuance of any required connection permit, as set forth in this section and in Section 1 #19.
- E. Unless written permission is obtained from Council, separate connections and corresponding tap connection and inspection fees shall be required for each individual occupied building, whether constructed as a detached unit or as one of a pair or row, but a single connection shall be permitted to serve a school, factory, apartment house or other permanent multiple-unit structure whose individual apartments or units may not be subject to separate ownership. Buildings served by a single main line, being the property lateral to the development (private), but containing separate units, shall be required to make separate connections to the internal main line. Separate tap and inspection fees shall be charged for each individual unit of an occupied building, whether it is constructed as a detached unit or as one of a pair or row, or whether it is contained in a multi-unit structure receiving service from one main line tap according to the following schedule:
- F. Connections to sanitary and combined sewers shall be completed within 60 calendar days after receipt of proper notice.
- G. All connections to sanitary or combined sewers shall be subject to certain restrictions as to unacceptable sanitary sewage which are set forth in Section 2 #35.
- H. The designated inspector of Council shall be given at least 24 hours notice of the time when such connection is to be made in order that such inspector can be present to inspect and approve the work of connection. The inspector shall signify his approval of the connection by endorsing his name and the date of approval on the aforementioned connection permit in the possession of the permittees.
- I. At the time of inspection of the connection, the owner or owners of properties shall permit the inspector full and complete access to all sanitary and drainage arrangements and facilities in each building and in and about all parts of the property. No building sewer line shall be covered over or in any manner concealed until after it is inspected and approved by such inspector.
- J. It is the intention of this section that the entire connection be inspected at one time. However, if the property owner feels that special conditions warrant more than one inspection, he may request the same subject to such additional inspection fees as Council determines.
- K. All pipe installed shall be either vitrified clay, asbestos-cement or cast iron pipe of the kind and quality hereinafter specified and of at least four inches inside diameter. Where the ground is firm and provides a good foundation, vitrified clay pipe or asbestos-cement pipe may be used. On filled ground or on ground which is not firm, cast iron pipe shall be used. Vitrified clay pipe shall be of the bell and spigot type. The pipe shall be four-inch ASTM C-65T vitrified clay sewer pipe or four-inch ASTM C-428 Class 2400 asbestos-cement

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sewer pipe or four-inch ASA-A40.1 cast iron soil pipe. Each section of pipe shall be stamped with the manufacturer's certification. Vitrified clay pipe shall be furnished with joints conforming to ASTM C-425, Type III. Couplings for the asbestos-cement pipe shall conform to the standards of the manufacture of the pipe with which the couplings will be used. All joints for the cast iron soil pipe shall be made with jute and lead. The lead in the bell shall have a minimum depth of one inch and shall be adequately caulked.

- L. All sewer pipes shall be installed in strict accordance with the manufacturer's recommendations. Where rock trench foundation exists, a four-inch gravel cradle shall be provided under the pipe.
- M. All pipe shall be installed with a minimum slope of one-eighth inch per foot and a minimum cover of 2 ½ feet unless otherwise approved. All pipe shall be laid to an even grade and straight alignment to the public sanitary sewer. All pipe shall be laid with full and even bearing and no block supports shall be allowed. Bell holes shall be dug to allow sufficient space to properly make each joint. Backfill shall be tamped uniformly around the pipe. All work shall be done in a workmanlike manner and shall provide a durable installation.
- N. A four-inch cast iron soil pipe shall be installed a maximum of five feet from the building. The cast iron soil pipe shall be installed with a trap and a four-inch vent within the building. The vent shall be so situated as not to allow the discharge of any surface water into the sanitary sewer.
- O. Commercial installations shall also comply with all local construction regulations.
- P. Maintenance and repair of all building sewers shall be the responsibility of the property owner. The connection from the main sewer line back to the owner's property shall be the responsibility of the owner.

**23. Proposed extensions of system by developers.**

- A. Five copies of plans for proposed extensions shall be submitted to Council on 24-inch by 36-inch sheets showing plan views to a scale of one inch equals fifty feet and profiles to a scale of one inch equals ten feet vertically and one inch equals fifty feet horizontally, a north point, a suitable title block, the date, the name of the engineer or surveyor and an imprint of his registration seal.
- B. All sewers shall be designed in accordance with the latest edition of Sewerage Manual of the Pennsylvania Department of Health, Division of Sanitary Engineering, and the provisions of this chapter.
- C. Construction of sewers shall not be permitted until the proper State permits have been obtained in the name of the Borough.

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- D. Prior to final acceptance of any sewer extension by Council, it shall be necessary for the developer to furnish to Council "as built plans" showing the angle and distance between manholes, the top and invert elevation of each manhole and the exact location of all house sewer connections relative to the nearest manhole both downstream and upstream.
- E. Easements shall be recorded in the name of the Borough for all sewers to be constructed outside of dedicated street rights-of-way.
- F. All sewer pipe shall be extra strength vitrified clay pipe conforming to ASTM Specification C-200 or Class 2400 asbestos-cement pipe conforming to ASTM Specification C-428, unless otherwise specified for extraordinary ground conditions by Council.
- G. All sewer pipe shall be a minimum of eight inches in diameter and have a minimum of laying length of not less than five feet.
- H. Jointing connections for clay pipe shall be the factory-fabricated type conforming to ASTM Specification C-425, Type III. Both the bell and the spigot of the pipe shall be especially prepared for the jointing connection selected. The details of any jointing connection which is proposed for use must be submitted to Council for prior approval.
- I. The installation of sewers shall start at the lower end of the line and proceed upstream so that the spigot ends point in the direction of flow. The pipe shall be carefully laid to line and grade. The handling, placing and jointing of pipe shall be in strict accordance with the pipe manufacturer's recommendations.
- J. All manholes shall be constructed in accordance with the standards established by Council. Frames and covers for all manholes shall be fabricated of cast iron and shall conform to the standards established by Council. Manholes with frames and covers as specified shall be furnished at the ends of lines.
- K. Sewers shall be hydrostatically, pneumatically and/or smoke tested for leakage at the discretion of, and in the manner required by, Council.
- L. The developer shall file all necessary connection permits and pay the applicable tap connection and inspection fee for each house or building to Council, which fees shall become due and payable prior to inspection and approval by the inspector for each respective house service sewer.
- M. The developer shall also reimburse Council in full for all costs of inspection of construction of all sanitary sewers. The amount and type of inspection required shall be determined by council during construction.
- N. No sewer extension constructed by a developer shall be approved for use and acceptance by Council until such sewers are formally approved by Council, until all building tap connection and inspection fees have been paid for each building connected to the system,



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and until Council has been reimbursed in full for all inspection costs incurred by the inspector during construction, testing and approval.

**24. Sewer rates.**

There is hereby imposed upon the owners of, or users of water in or on, all properties served by the public sanitary sewerage system, service charges for the use of such system, payable in the amounts and as provided in this section and Sections 2 # 25 through #30.

- A. Sewage hauling rates. The rates for the hauling of sewage to the sanitary sewer plant of the Borough are as provided in Section 5 #104.
- B. Reference current Bellefonte Borough comprehensive fee Schedule for effective rates which are established by resolution by the Bellefonte Borough Authority. The rates are for all users of the sewerage system, either residing in the Borough, or directly served by the Borough.
- C. EDU rate schedule.
  - (1) Determination of equivalent dwelling unit (EDU). The standard equivalent dwelling unit (EDU) for the Borough shall be based on water usage equal to 300 gallons per day (i.e., 27,000 gallons per quarter).
  - (2) Large commercial or industrial EDU metered, with 20 or more employees. The first nine employees shall be counted and classified as small commercial [see paragraph (g)(7) hereof]. After that, an EDU shall consist of nine persons located or working in the same building, under the same roof and for the same employer. The basic commercial or industrial EDU shall consist of such nine persons. Each additional nine persons shall constitute an additional EDU. Fractions of a unit of nine shall be multiplied by 0.111.
  - (3) Institutional EDU. The EDU, as related to institutions, including schools, hospitals, nursing homes, churches, day care centers and prisons, shall be determined as follows:
    - (a) Generally, every institution having a full-time staff shall be charged on a basis of one EDU equaling 12 persons (full-time staff, excluding teachers). Each additional 12 persons shall constitute an additional EDU. Fractions of a unit of 12 shall be multiplied by 0.083.
    - (b) Schools and day care centers shall be charged at the rate of one EDU equaling 100 students. Teachers shall be included in the student count.

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- (c) Hospitals and nursing homes shall be charged on the basis of one EDU equaling six patients. All staff, full-time and part-time, shall be counted separately and charged an EDU rate of one EDU equaling 12 persons.
  - (d) Churches shall not be charged for the actual house of worship. Accessory uses, such as parsonages, day care centers, soup kitchens and other church-related functions, shall be charged according to the schedule for such institutions as set forth in this subsection.
  - (e) Jails and prisons shall be charged on the basis of one EDU equaling six inmates.
- (4) Other commercial. Restaurants, taverns, clubs and other establishments which serve food and/or beverages shall be charged on the basis of one EDU equaling 40 seats. Fractions of an EDU shall be charged at the rate of 0.025 multiplied by the number of additional seats.
- (5) Firehouses. There shall be no charge for firehouses. Accessory uses, such as restaurants, bars and clubs, shall be charged according to the schedule for restaurants, taverns, clubs and other establishments set forth in paragraph (g)(4) hereof.
- (6) Home occupations. Where a home occupation is in existence, a charge expressed in EDUs or parts thereof shall be added as follows, in addition to the residential rate charge expressed in EDUs.
- (a) Beauty shop: one operator, 0.75 of one EDU. Each additional operator, 0.25 of one EDU.
  - (b) Dental office: 0.75 of one EDU. Each additional employee, 0.25 EDU.
  - (c) Barber shop: 0.50 of one EDU.
  - (d) Professional office: one person, 0.50 EDU. Each additional person, 0.25 EDU.
- (7) Small commercial (water consuming).
- (a) Dental office: 0.75 of one EDU; each additional employee: 0.25 of one EDU.
  - (b) Beautician: one operator: 0.75 of one EDU; each additional operator: 0.25 of one EDU.
  - (c) Car wash.
- [1] Automatic units: one EDU per bay.

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- [2] Hand wash units: 0.50 EDU per bay.
- (d) Service station. Charge as a small commercial except for car washing services to be added according to car wash schedule.
  - (e) Laundromat: one EDU for every two single-load washers.
- (8) Small commercial (not using water in their product or process).
- (a) One employee shop: 0.50 of one EDU.
  - (b) Two employee shop: 0.75 of one EDU.
  - (c) Three employees: 1.0 EDU.
  - (d) Each additional employee thereafter: 0.125 of one EDU up to eight employees total.
  - (e) Over eight employees: see paragraph (g)(2) hereof.
- (9) Part-time employees. For purposes of the rate schedule relating to institutions, commercial establishments and industries, two part-time persons shall equal one full-time person. (A part-time person is employed less than 25 hours weekly.)
- (10) Residential EDU.
- (a) A residential EDU consists of five people living in the same dwelling unit, under the same roof and sharing the same sanitary facilities. For purposes of this rate schedule, one EDU shall be the minimum charge for sewage services within the Borough. A single-family dwelling shall be equivalent to one EDU; an apartment shall be equivalent to one EDU; and for boarding houses, one EDU shall equal four occupants.
  - (b) Zero to five persons shall equal one EDU; six to ten persons shall equal two EDUs; and each increment of five persons shall equal an additional EDU. Additional persons not equaling an additional EDU of five persons shall be multiplied by 0.2 EDU to determine the appropriate number of EDUs.
  - (c) Single persons, who are homeowners, living alone and over 62 years old, shall be charged 0.5 of a residential EDU. To qualify, the person must apply at the Borough office on forms provided by the Borough. This rate is not automatic and will be available only upon successful application.
- (11) Hotels. Each and every bedroom available for use shall be equivalent to 0.25 EDU.

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- E. Bed-and-breakfast facilities. Bed-and-breakfast facilities shall be charged a flat annual rate at the beginning of each new year for sewer service based on the number of bedrooms available for rent. For one to five bedrooms, the charge will be per room, as updated by resolution by the Bellefonte Borough Authority.

**25. Bills and notices.**

Bills and notices relating to sewage service charges and surcharges shall be mailed or delivered to the property owner's last address, or, where proper arrangements have been made with Council, to the user's last address, as shown on the billing books of the Borough.

**26. Temporary vacancies.**

- A. Vacancies of single-family dwellings. No credit or abatement shall be permitted or allowed from any sewer bill during a temporary vacancy of any single-family premises served by such utility except in the case of temporary vacancy of a single-family dwelling (as defined in the Borough Zoning Ordinance). Abatement or release from such a utility bill during a temporary vacancy of a single-family detached dwelling shall only be permitted after an application for the same is made and approved by the Borough Manager. The form of the application shall be prescribed from time to time by Borough Council by resolution. In the event any such application is disapproved by the Borough Manager then the applicant may appeal to Borough Council in writing. Council shall hold a hearing on any such appeal within 30 days of such filing and notify the applicant in writing of its decision within 15 days of the date of the hearing. The decision of Council relating to the appeal shall be final. In the event the abatement or credit is allowed, the applicant shall pay to the Borough of Bellefonte the sum as updated by resolution by the Bellefonte Borough Authority to shut off utility service and the sum as updated by resolution by the Bellefonte Borough Authority in addition thereto to turn on such utility service at the end of the temporary occupancy, and in addition to those charges the petitioner shall pay one-third of the accustomed charge for the utility service during the temporary occupancy. That one-third charge is based upon the cost of making available the utility service to the petitioner and represents the fair share of the fixed cost of utility service. Vacancy credits shall not be considered for a period of less than one month.
- B. Vacancies of industrial, commercial, and multi-family buildings (including units). In cases relating to the temporary vacancy of industrial, commercial, multi-family and residential buildings (or units thereof), wherein a credit is claimed for temporary vacancy by the owner, the owner thereof may make application to the Borough Manager in the same manner as prescribed in division (a) of this section for relief, provided that the temporary vacancy period shall be for a period of not less than three months (one quarter) nor more than nine months (three quarters). Only temporary vacancies for the purpose of construction, reconstruction, remodeling, painting, major repair or major alterations, as defined, shall be considered for relief under this section. No relief for temporary vacancy shall be granted for failure to rent the premises in whole or in part. The written application shall specify whether

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the period of time is for one quarter (three months) or two quarters (six months). In the event the petitioner desires an additional quarter (three months) during such period of temporary vacancy, which shall not exceed nine months, the petitioner shall, 30 days before the close of the second quarter, file a new written application for further extension with the Manager of the Borough of Bellefonte setting forth his reasons for the request. In no event shall the period of temporary vacancy for which relief is sought exceed three quarters (nine months). In considering applications for temporary vacancy, the Manager and/or the Council of the Borough of Bellefonte may consider, among other criteria, financial hardship, difficulty in terminating and reestablishing utility service, difficulty in segregating charges for such utility service, the effect on other consumers of the utility service and such other criteria as Council may deem to be met and proper. The Manager shall have 30 days to render a written opinion accepting or rejecting any such application.

- C. Fees; inspections. In the event the application is allowed by the Manager, relating to industrial, commercial and multi-family units, the petitioner shall pay to the Borough of Bellefonte the sum as updated by resolution by the Bellefonte Borough Authority per industrial, commercial and multi-family unit. No additional fees shall be required in the event an extension in excess of two quarters is allowed. Upon receipt of the inspection fee, the Borough Manager and/or the Building Inspector shall cause the unit for which relief is sought to be inspected. At the close of the temporary vacancy period the Borough Manager and/or the Building Inspector shall cause the unit for which relief is sought to be re-inspected to ascertain the condition of the unit and that it is ready to be reserviced by the Borough utility. In the event the owner requests inspection after normal working hours (8:00 a.m. to 4:00 p.m., Monday through Friday), an additional fee as updated by resolution by the Bellefonte Borough Authority to compensate the Borough for the overtime rate which must be paid to the Inspector. During the period of temporary vacancy, sewer charges shall be charged to the owner of the unit at a rate of one-third the cost of sewer service normally charged to that unit.
- D. Decisions of Council. The decision of Council shall be final in all cases relating to credit for temporary vacancies as provided in subsections (a) and (b) hereof.
- E. Violations. The following acts shall be deemed a violation of this section:
- (1) The leaving, transferring, letting, assigning or renting of any property as real estate for which a vacancy credit is given without first serving an inspection of the premises as provided in this section
  - (2) In the event any property is removed from the public housing rolls of the Borough of Bellefonte, then re-rented before a public housing permit is issued. Such action shall be deemed a violation of this section, and, in addition to any fine assessed, the owner of said property shall pay all back utility charges, connection fees and all other costs of utility service due the Borough from the time the property is removed from the public housing rolls to the time a new public housing permit is issued.

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- F. Application of zoning ordinance. The Zoning Ordinance and regulations relating to nonconforming uses apply to all properties vacant for a period exceeding one year.

**27. Delinquencies; surcharge and interest.**

The sewer rates and charges imposed in this chapter shall be due and payable immediately upon receipt of the bill by the owner or user and shall be paid not later than the due date appearing on the bill. Such charges shall be subject to a 5% surcharge if not paid within 20 days from their due date. If not paid within 60 days after such due date, the charge plus the surcharge shall bear interest at the rate of  $\frac{1}{2}\%$  of 1% per month or any fraction thereof until paid.

**28. Nonpayment; remedies of Borough.**

Each sewage service charge, surcharge and penalty imposed by this chapter shall be a debt due the Borough and shall be a lien on the property served, and if not paid within the periods prescribed in this chapter after the date of the bill shall be deemed delinquent. In such event, Council shall proceed to file a lien in the office of the Prothonotary of Centre County and collect the same in the manner provided by law for the filing and collection of municipal claims. In the event of failure to pay a sewage service charge, surcharge or penalty after it becomes delinquent, and subject to the provisions of 524. 2, Council may also authorize the appropriate personnel to shut off water service to the property or to remove or close the sewer connection and to take such steps as may be necessary to accomplish such shut-off or removal or closing. The expense of such shut-off or removal or closing, as well as the expense of restoring any such service, shall likewise be a debt due the Borough and a lien on the property served and may be filed and collected as hereinabove provided. Such sewage service shall not be restored until all sewage service charges, surcharges and penalties, including the expense of removal, closing and restoration, have been paid or until adequate provision for their payment has been made.

**29. Liability for charges; measurement of quantity of water used.**

- A. The owners and users upon whom sewer service charges are imposed shall be jointly and severally liable for the payment of such service charges and the surcharges prescribed for delinquent payments thereof.
- B. All bills for service charges shall be due when rendered and shall be subject to the surcharge provisions set forth in Section 2 #27 . Owners, and where adequate arrangements have been made with the Borough, users, will be billed periodically for the sewage service charges in accordance with the billing practices of the Borough.
- C. The measurement by two or more meters of the quantity of water used in or on one property by one owner or user may be combined and the service charge billed to such owner or user as though the quantity of water were measured by one meter if Council so elects.

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- D. In the event an owner or user obtains part or all of the water used in or on a property from sources other than the water company, such owner or user shall, after written notice from the Borough, at no expense to the Borough or the water company, install and maintain a water meter or meters satisfactory to the Borough and the water company for measuring all water used other than that obtained from the water company, and the quantity of water used to determine the sewage service charges shall be the quantity of water measured by all such meters plus the quantity of water obtained from the water company. In lieu of such additional meters, Council has established under Section 2 #24 a flat rate charge which shall be applicable to such nonmetered water usage.
  
- E. If it is established to the satisfaction of Council that a portion of the water used in or on any property served by the public sanitary sewerage system does not and cannot enter such system, and if the total water used in or on such property exceeds 15,000 cubic feet per quarter, Council may determine, in such a manner and by such a method as it may deem practical, the percentage of the water entering the public sanitary sewerage system, or Council may require or permit the installation of additional meters in such a manner as to determine either the quantity of water excluded from the public sanitary sewerage system or the quantity of water, sewage or industrial waste actually entering the public sanitary sewerage system, exclusive of stormwater runoff. In such case, the sewage service charge shall be based upon the quantity of water estimated, measured or computed by Council to be actually entering the public sanitary sewerage system, exclusive of stormwater runoff, and shall be subject to the sewage service charges set forth in Section 2 #24.
  
- F. Any person requesting consideration for a reduction of the amount of the sewage service charges because of water not entering the public sanitary sewerage system shall make written application to Council for such consideration, giving his name, his address and setting forth supporting data fully describing other sources of water, if any, as well as the disposition of water alleged not to be entering the public sanitary sewerage system. The application shall be accompanied by a sketch to approximate scale showing the plan of the property, the water distribution system, the sewer layout, existing meters and proposed meters in the scheme to determine the quantity of flow entering, or not entering, the public sanitary sewerage system. The cost of furnishing, installing and maintaining any meters other than those utilized to measure water purchased from the water company shall be borne by the applicant. The type, size, location, arrangement and maintenance of such meters shall be subject to the approval of Council and the water company.

**30. Surcharge for certain industrial wastes.**

- A. Although the sewage treatment works will be capable of treating certain abnormal industrial wastes, as defined in Section 2 #13, the actual treatment of such wastes may increase the cost of operating and maintaining the public sanitary sewerage system. Therefore, there shall be imposed upon each person discharging such industrial wastes into the public sanitary sewerage system a surcharge, or surcharges, which are intended to cover such additional cost. Such surcharges shall be in addition to the regular sewage service charges and shall be payable as therein provided.

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B. The strength of any industrial waste, the discharge of which is to be subject to surcharge, shall be determined monthly, or more frequently as Council determines, from samples taken either at the manhole or metering chamber 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 Council, will permit a reasonably reliable determination of the average composition of such waste, exclusive of storm water runoff. Samples shall be collected or their collection supervised by a representative of Council and shall be in proportion to the flow of waste, exclusive of storm water runoff, and composited for analysis in accordance with the latest edition of Standard Methods for the Examination of Water and Sewage as published by the American Public Health Association. Except as hereinafter provided, the strength of waste so found by analysis shall be used for establishing the surcharge or surcharges. However, Council 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 samplings and analyses.

C. Calculation of BOD Surcharge

(1) In the event that any industrial waste is found, by Council, to have a BOD in excess of 300 parts per million, the producer of such waste shall be surcharged an amount equal to the product of the actual volume of wastes in thousand gallons per billing period, exclusive of storm water runoff, discharged into the public sanitary sewerage system and the BOD surcharge rate. The BOD surcharge rate shall be determined by the following formula:

$$R_c = 0.00834 (P) (C-300)$$

Where:

R<sub>c</sub> = the BOD surcharge rate in cents per 1,000 gallons of waste discharged

P = the average annual fixed, operating and maintenance cost of secondary treatment processes per pound of BOD received at the treatment works. (The value of P shall be assumed to be \$0.12.).

C = the average BOD of the industrial waste expressed in parts per million as determined in accordance with subsection (b) hereof.

(2) The figure “300” appearing in the above formula corresponds to the maximum BOD permissible without surcharge. The figure “0.00834” is the factor to convert parts per million to pounds per 1,000 gallons. No discount shall be permitted for sewage or industrial wastes having a BOD of less than 300 parts per million.

(3) See Appendix A—New Sliding Scale Calculation.



D. Calculation of TSS Surcharge

- (1) In the event that any industrial waste is found, by Council, to have an average suspended solids concentration in excess of 350 parts per million, the producer of such waste shall be surcharged an amount equal to the product of the actual volume of wastes in thousand gallons per billing period, exclusive of storm runoff, discharged into the public sanitary sewerage system and the suspended solids surcharge rate. The suspended solids surcharge rate shall be determined by the following formula:

$$R = 0.00834 (B) (S-350)$$

Where:

- Rs = the suspended solids surcharge rate in cents per 1,000 gallons of waste discharged
- B = the average annual fixed, operating and maintenance cost of the sludge digestion, sludge drying and sludge disposal operations per pound of suspended solids received at the treatment works. (The value of B shall be assumed to be \$0.12.).
- S = the average suspended solids concentration of the abnormal industrial waste expressed in parts per million as determined in accordance with subsection (b) hereof.

- (2) The figure “350” appearing in the above formula corresponds to the maximum suspended solids concentration permissible without surcharge. The figure “0.00834” is the factor to convert parts per million to pounds per 1,000 gallons. No discount shall be permitted for sewage or industrial wastes having a suspended solids concentration of less than 350 parts per million.
- (3) See Appendix A—New Sliding Scale Calculation.

- E. The surcharges provided for in this section shall be added to the sewage service charges imposed by Council.

**31. Disposition of revenue from rentals and charges.**

The Borough shall collect and receive all sewer rates and charges prescribed by this chapter. All such moneys shall be deposited to the credit of a special fund, to be designated the Bellefonte Borough Sewer System Fund, pursuant to the terms of the agreement of lease provided for in Ordinance 604, passed November 18, 1968, which Fund shall be a separate and distinct fund of the Borough.

**32. Discharge of sanitary sewage into public sanitary sewerage system required.**

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- A. All persons owning any occupied building now erected within the Borough upon premises accessible to the public sanitary sewerage system shall, at their own expense, make connection with the public sanitary sewerage system in accordance with the provisions of this chapter if they are not presently so connected.
- B. All persons owning any premises within the Borough accessible to the public sanitary sewerage system, upon which an occupied building is subsequently erected, shall, at the time of erection of such building, and at their own expense, make connection with the public sanitary sewerage system in accordance with the provisions of this chapter.
- C. All persons owning any occupied building within the Borough upon premises which subsequently become accessible to the public sanitary sewerage system shall, at their own expense, make connection with the public sanitary sewerage system within the time period stipulated after proper notice to do so has been given in accordance with applicable law.
- D. Any person owning any occupied building upon premises accessible to the public sanitary sewerage system of the Borough, or any person owning any premises accessible to the public sanitary sewerage system upon which an occupied building is subsequently erected, or any person owning any occupied building upon premises which subsequently become accessible to the public sanitary sewerage system, may, where such building or premises lie outside the boundaries and confines of the Borough, at their own expense, make connection with the public sanitary sewerage system at the option of the Borough after proper application and notice have been given the Borough in accordance with the provisions of this chapter and applicable law. All persons desiring to make connection with the public sanitary sewerage system under this subsection shall pay all fees, assessments and charges set forth in this chapter. Extension of service in any area is not a precedent for further extension of service in that or any other area or in any given area. Extension of service shall be made only upon approval of Council subject to further approval of the appropriate municipal authorities of the area to be connected and/or the Commonwealth, when and as required.
- E. All connections to the public sanitary sewerage system shall be made in accordance with Section 2 #19.

**33. Exclusion of stormwater runoff.**

- A. The discharge of stormwater runoff into sanitary sewers is prohibited.
- B. All persons connecting to the public sanitary sewerage system shall provide adequate means for excluding stormwater runoff in the event the connection is made to a sanitary sewer.
- C. No person connected to a sanitary sewer shall connect any roof drain or foundation drain or sump pump thereto or permit any such drain to remain connected thereto or permit, allow

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or cause to enter into any sanitary sewer any spring water or surface water from any other source.

- D. The provisions of this chapter do not prohibit the present or future discharge of stormwater runoff into combined sewers or into storm sewers or into natural watercourses within the Borough.
- E. The Borough shall inspect the facilities of any user to ascertain whether or not the purpose of this section is being fulfilled and all requirements are being complied with. Owners and occupants of premises where wastewater is created or discharged shall allow the Borough or its representative ready access at all reasonable times to all parts of the premises for inspection, sampling, records examination or the performance of any other duty.

**34. Admission of industrial wastes into the public sanitary sewerage system.**

- A. The economy and desirability of the combined treatment of industrial wastes and sanitary sewage is recognized. In general, any and all industrial wastes may be discharged into the public sanitary sewerage system except those that are deemed to be harmful to the system or are specifically prohibited by this chapter. However, it is also recognized that the treatment of abnormal industrial wastes may add to the cost of operating and maintaining the public sanitary sewerage system. Such additional cost must therefore be borne by the person receiving the benefit of such treatment.
- B. The Borough reserves the right to refuse connection to the public sanitary sewerage system for deleterious industrial wastes, or to compel discontinuance of the use of the system for such wastes, or to require pretreatment and/or equalization of flow thereof in order to prevent harmful or adverse effects upon the system. The design, construction and operation of such pretreatment and/or flow equalization facilities shall be made at the sole expense of the person discharging such wastes and shall be subject to the approval of Council or its designated representative.
- C. In general, industrial waste shall be considered harmful to the public sanitary sewerage system if it may cause any of the following damaging effects:
  - (1) Chemical reaction either directly or indirectly with the materials of construction of the public sanitary sewerage system in such a manner as to impair the strength or durability of any sewerage structure.
  - (2) Mechanical action that will destroy any sewerage structure.
  - (3) Restriction of the hydraulic capacity of any sewerage structure.
  - (4) Restriction of the normal inspection or maintenance of any sewerage structure.
  - (5) Danger to public health and safety.

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- (6) Obnoxious conditions inimical to the public interest.
- D. When required by Council, any person discharging into the public sanitary sewerage system any industrial wastes, or industrial wastes and sanitary sewage together, shall install a suitable manhole or metering chamber on his connecting sewer or sewers to facilitate observation, sampling and measurement of the combined flow of wastes from his premises. Such manhole or manholes or metering chamber shall be accessible and safely located and shall be constructed in accordance with plans approved by Council or its designated representative. The manhole or manholes or metering chamber shall be installed by such person at his expense and shall be maintained by him so as to be safe and accessible to Council or its designated representative at all times. The construction and maintenance of such manhole or metering chamber shall be mandatory for the producers of abnormal industrial wastes and, if deemed necessary by Council, flows from such manhole or metering chamber shall be continuously monitored, transmitted and recorded by means of an approved receiving device to be located at the treatment plant.

**35. Unacceptable sanitary sewage and industrial wastes.**

- A. The discharge of excessive amounts of unpolluted water or waste into a sanitary sewer is expressly prohibited. However, such discharges into storm sewers shall be permitted wherever such sewers are of adequate capacity. Council reserves the right to define the amount it deems excessive in each particular instance.
- B. The discharge of garbage into the public sanitary sewerage system is expressly prohibited unless the garbage is first properly shredded.
- C. No sanitary sewage or industrial waste from any property other than that for which a permit has been issued as provided in Section 2 #19 shall be discharged into the public sanitary sewerage system.
- D. No person shall discharge into the public sanitary sewerage system any sanitary sewage or industrial wastes having any of the following characteristics:
  - (1) Wastes containing liquids, solids or gases which by reason of their nature or quality may cause fire or explosions or be in any other way injurious to persons, the structures of the public sanitary sewerage system or its operation.
  - (2) Wastes having a temperature in excess of 150° F or less than 32° F.
  - (3) Wastes having a pH lower than 5.5 or higher than 9.0 or having any corrosive properties capable of causing damage or hazards to structures, equipment or personnel of the public sanitary sewerage system. Where Council deems it advisable, it may require any person discharging industrial wastes to install and maintain, at his own expense, in a manner approved by Council or its designated representative, a

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suitable device to continuously measure and record the pH of the wastes so discharged.

- (4) Wastes containing any noxious or malodorous gas or substance which either singly or by interaction with sewage or other wastes is, in the opinion of Council, likely to create a public nuisance or hazard to life, or prevent entry to sewage structures for their maintenance and repair.
- (5) Wastes containing ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, hair, chemical or paint residues, greases, lime slurry or viscous materials of such character or in such quantity that, in the opinion of Council, they may cause an obstruction to the flow in the sewers or otherwise interfere with the proper operations of the public sanitary sewerage system. Attention is called to the fact that the maximum permissible concentration will vary throughout the public sanitary sewerage system depending upon the size of the particular interceptor sewer receiving the same and the flows therein.
- (6) Wastes containing insoluble, nonflocculent substances having a specific gravity in excess of 2.65.
- (7) Wastes containing soluble substances in such concentration as to cause the specific gravity of the waste to be greater than 1.1.
- (8) Wastes containing any of the following substances in solution or in suspension in concentrations exceeding those shown in the following table:

<b>Substance</b>	<b>Maximum Permissible Concentration (mg/l)</b>
Arsenic	0.117
Cadmium	0.254
Chromium Total	12.032
Copper	1.772
Cyanide	4.423
Lead	2.207
Mercury	0.097
Nickel	3.743
Silver	12.006
Zinc	4.824
Benzene	0.195
Ethylbenzene	2.385
Toluene	2.025
Xylene	348.00
Oil & Grease	150.00

- (9) Wastes containing more than 100 mg/l by weight of fat, oil or grease.

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- (10) Wastes containing more than 10 mg/l of any of the following gases: hydrogen sulfide, sulfur dioxide, nitrous oxide or any of the halogens.
- (11) Wastes containing gases or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals
- (12) Wastes containing toxic substances in quantities sufficient to interfere with the biochemical processes of the sewage treatment works or that will pass through the treatment process and still exceed the state and federal requirements for the receiving stream.
- (13) Wastes containing toxic radioactive isotopes without a special permit.

**36. Violations; remedies.**

Any person violating any provision of this chapter shall be given notice of such violation either personally or by means of the United States mails, and if no action to correct such violation is taken within 30 days of the date of such notice, water to such premises may be shut off or the sewer connection may be removed or closed, subject to the provisions of 524.1 and 524.2. Reconnection shall not be made until after correction of the violation has been accomplished. The expense of such shut-off or removal or closing and the expense of restoring the water or sewage service shall be a debt due the Borough and a lien upon the property served and may be filed and collected as provided in Section 2 #28.

**37. Management of sewerage system; additional regulations authorized.**

Council shall have ultimate responsibility for management of the sewerage system. Bellefonte Borough Authority promulgates and adopts such rules and regulations governing the use, operation and maintenance of such sewerage system as from time to time are deemed necessary.

**38. Sewer connection test required before sale of property.**

- A. Upon passage of this section (Ordinance 955, passed March 17, 1986), every property owner, agent of a property owner or executor of an estate who offers to sell an improved real estate parcel must obtain a certification that the property is connected or not connected to the public sewer system.
- B. The required certification will be made by qualified Borough officials by conducting tests or by verification of records which show that the property is already known to be connected to the public sewer system.

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- C. An application for certification must be made by the property owner or his or her agent by completing a form provided by the Borough Secretary. The application shall be filed with an application fee as updated by resolution by the Bellefonte Borough Authority.
- D. Upon proper submission of a completed application and fee, the Borough shall, within 10 days or sooner, provide the certification for the property. A late fee as updated by resolution by the Bellefonte Borough Authority will be charged if notice is not given at least 10 working days prior to the date of the closing.
- E. Such certification shall be filed with the property as a permanent record and will not be required at succeeding sales of the same property.
- F. If a property is discovered to be not connected to a public sewer main when such connection can be made, then such connection shall be required in accordance with Section 2 # 32.
- G. The application form to be provided by the Borough Secretary shall be in substantially the same form as set forth in Appendix A, following the text of this chapter. Such form may be altered or modified by the Borough from time to time as the Borough sees fit.

**39. Penalty.**

- A. Whoever violates or fails to comply with any of the provisions of this chapter, or any order of Council, or any order, rule, regulation or permit issued under this chapter, for which no penalty is otherwise provided, shall be fined not more than \$1,000 for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- B. In addition to the penalties provided herein, the Borough may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated or failed to comply with any of the provisions of this chapter, or any order of the Borough, or any order, rule, regulation or permit issued under this chapter.

SECTION III  
**Joint Municipal Pretreatment**

**40. Short title.**

This chapter shall be known as the Joint Municipal Pretreatment Agreement Chapter.

**41. Authority.**

This chapter is adopted pursuant to the authorization contained in Act No. 180 of July 12, 1972, 53 P.S. Secs. 481 et seq., and the Municipality Authorities Act, being the Act of May 2, 1945, P.L. 382, Section 4, as amended, 53 P.S. Sec. 306.

**42. Definitions.**

As used in this chapter:

AUTHORITY—The Spring-Benner-Walker Joint Authority.

BOROUGH—The Borough of Bellefonte.

MUNICIPALITY—Any one of the Townships of Spring, Benner and Walker or the Borough of Bellefonte, except as the context may indicate otherwise.

TOWNSHIP—Any one of the Townships of Spring, Benner and Walker, unless the context clearly indicates otherwise.

**43. Conditions.**

The conditions of the joint adoption of this chapter are as follows:

- A. That this chapter shall become effective upon the adoption of the same by all the Townships of Spring, Benner and Walker and the Borough of Bellefonte.
- B. That the Spring-Benner-Walker Joint Authority and the Bellefonte Borough Authority accept responsibility as the agencies within their respective areas to provide for enforcement of this chapter and that the cost of the enforcement be paid by such Authorities.
- C. That the Spring-Benner-Walker Joint Authority and the Bellefonte Borough Authority adopt the provisions of this chapter as their rules and regulations.

**44. Purpose and objectives.**

The purpose and objectives of this chapter are:

- A. To meet the requirements imposed by the Federal Government so that the Spring-Benner-Walker Joint Authority's sewage collection system can continue to flow into the Bellefonte Borough Authority's wastewater treatment plant.
- B. To provide uniform ordinances, rules, regulations and enforcement procedures for the intermunicipal area affected.



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- C. To provide for enforcement of this chapter by the Spring-Benner-Walker Joint Authority.
- D. To place the cost of the enforcement of this chapter upon the users of the Authority's system for whose benefit it is enacted by providing that the Authority shall be liable and responsible to act as the agent of the municipalities to enforce this chapter.

**45. Manner of financing the agreement.**

Each municipality agrees to pay the cost of enactment of this chapter. The Spring-Benner-Walker Joint Authority is designated as the code enforcement agency for the joint administration of this chapter in the Townships of Spring, Benner and Walker. The sole purpose for the enactment of the regulations contained in this chapter is for the benefit of the users of the Authority's wastewater collection system. The Authority accepts its designation as the code enforcement agency and agrees to be responsible for the enforcement of this chapter. All salaries, fees, costs, expenses or other resources expended in the enforcement of this chapter shall be the responsibility of the Authority. The Spring-Benner-Walker Joint Authority agrees to hold each and all municipalities herein harmless and to indemnify them for any loss or expense arising from the enforcement or failure to enforce this chapter.

**46. Organizational structure.**

The Spring-Benner-Walker Joint Authority is hereby designated as the code enforcement agency for the administration and enforcement of this chapter in Spring, Benner and Walker Townships. The Spring-Benner-Walker Joint Authority shall be responsible for the assignment of duties to such employees as it deems necessary to accomplish the objectives of this chapter and to enforce its provisions.

**47. Property.**

All property, whether real or personal, which is acquired or managed by the Spring-Benner-Walker Joint Authority in the administration or enforcement of this chapter shall become the property of such Authority. All expenses and liabilities of whatever nature arising from the administration and enforcement of this chapter shall be the responsibility of the Authority.

**48. Duration.**

This chapter shall remain in effect so long as:

- A. The Service Agreement of November 30, 1976, remains in effect; or
- B. The Federal Government continues to require this chapter for pretreatment; or
- C. The parties hereto agree to terminate and repeal the same.

**49. Amendment.**

This chapter may be amended by the adoption of identical amendments by all the municipalities and concurrence by the Spring-Benner-Walker Authority and the Bellefonte Borough Authority.

**50. Review.**

The Townships of Spring, Benner and Walker, and Bellefonte Borough, shall periodically (at least once every three years) review this chapter and jointly draft and adopt amendments to this chapter when necessary or advisable to ensure the effective administration and operation of the pretreatment program. Whenever the Bellefonte Borough Authority or the Spring-Benner-Walker Joint Authority becomes aware of a problem with the pretreatment program which can be mitigated by a change in this chapter, the Authorities may draft a joint amendment which the Authorities agree to adopt as their respective rules and regulations and submit the same to the Townships and the Borough to ordain, which amendments shall become effective upon the ordaining of the same by all three Townships and the Borough.

**51. Industrial users in other jurisdictions.**

If there is an industrial user discharging into the Authority's sewerage system, but located outside the jurisdictional limits of the Authority, then the Authority shall negotiate and enter into an agreement with the outside jurisdiction. Such agreement shall be substantially equivalent to this chapter and shall be jointly executed by the Authority, the municipalities and the outside jurisdiction. If the outside jurisdiction refuses to negotiate and execute an agreement, then the Authority shall enter into a contract with the industrial user which contains terms and conditions substantially equivalent to the Authority's industrial discharge permits.

**52. Access to reports.**

The Authority shall file with the Borough a certified copy of its ordinance and any amendments thereto, other interjurisdictional agreements, each industrial waste discharge permit issued, and any contract entered into for the purpose of industrial waste control. The Authority shall provide the Borough access to and copies of, if requested, all industrial monitoring reports, including 40 CFR, Part 403.12 compliance reports, self-monitoring reports, baseline reports, records of violations and actions taken and any other monitoring or reporting requirements imposed by federal, state or local regulations. These records and other relevant information shall be maintained for at least three years.

**53. Inspection.**

Any authorized officer or employee of the Borough may enter and inspect at any reasonable time any part of the sewerage system of the Authority. The right of entry and inspection shall extend to public streets, easements and property within which the system is located. Additionally, the Borough shall be permitted, as appropriate, to enter onto private property to inspect industrial waste dischargers. The Authority shall make all necessary legal and administrative arrangements, including the procurement of search warrants, for these

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inspections. The right of inspection shall include on-site inspection of pretreatment and sewer facilities, observation, measurement, sampling, testing and access to (with the right to copy) all pertinent compliance records located on the premises of the industrial user.

**54. Technical and administrative activities.**

- A. The Authority and the Borough may enter into a pretreatment agreement providing the Borough with the legal authority and responsibility for performance of technical and administrative activities necessary for implementation of a pretreatment program within the Authority's jurisdiction. These activities may include, among others:
- (1) Updating the industrial waste survey,
  - (2) Providing technical services, such as sampling, process chemical analysis, and engineering advice,
  - (3) Issuance of permits,
  - (4) Compliance monitoring,
  - (5) Enforcement support.
- B. Where pretreatment delegation occurs, the Borough shall assess the Authority the cost incurred by the Borough in conjunction with the administration of the pretreatment program on behalf of the Authority, including costs of overhead insurance and maintenance personnel. The Borough shall provide the Authority with a detailed accounting of the pretreatment costs so assessed.

**55. Review of Authority's rules.**

- A. The Borough shall review the Authority's rules and regulations and the Townships' ordinances and any amendments thereto. The Borough shall further review any interjurisdictional agreements by or among the parties hereto. Such ordinances, rules, regulations and interjurisdictional agreement shall be reviewed for conformance with 40 CFR, Part 403, to ensure inclusion of all other legal provisions mandated by this Agreement. The Borough shall periodically review the enforcement efforts of the Authority, to ascertain whether or not the pretreatment requirements are being diligently enforced.
- B. To the extent that the Authority chooses to administer its own pretreatment program, the Borough may periodically review the Authority's pretreatment program activities and funding to ensure that the Authority and/or the Township and/or any outside jurisdiction is adequately administering its pretreatment program in conformance with the federal pretreatment regulations (40 CFR, Part 403), all Commonwealth requirements, all County requirements and all Borough requirements.

**56. Remedial plan.**

If the Borough determines that the Authority has failed or has refused to fulfill any pretreatment obligations, the Borough may develop and issue a remedial plan containing a description of the nature of the pretreatment deficiencies, an enumeration of steps to be taken by the Authority and a time schedule for attaining compliance with all pretreatment requirements. Such plans shall be specifically enforceable in a court of competent jurisdiction, at law or in equity, as the Borough may choose. Where the Authority fails to satisfy the terms of the remedial plan, the Borough may, upon 30 days written notice, refuse to accept any industrial waste discharges from the Authority.

**57. Indemnification.**

The Authority shall indemnify the Borough, the Borough Authority and the Townships for all damages, fines, costs, legal fees or other charges incurred as a result of industrial waste discharge from the Authority and further shall hold harmless and indemnify municipalities, including the Borough Authority, for all costs incurred on account of the defense of the Borough or the Authority against any claim for injuries or property damage, or for any other matter whatsoever, made by a third party resulting from the discharge, accidental, negligent or purposeful, from the Authority. The Authority shall reimburse the municipalities for all fines, costs, attorney's fees, charges or damages stemming from injury or property damage to personnel of the municipalities or to third parties; damage to facilities of the municipalities; disruption of treatment processes or operations; degradation of sludge quality; NPDES permit violations; interruption of service to any other customer; and other air, water and sludge quality violations.

**58. Dangerous discharge.**

When a discharge to the Borough's wastewater treatment system reasonably appears to present an imminent danger to the environment, or threatens damage to any stream into which the wastewater treatment system discharges, or threatens to interfere with the operation of the wastewater treatment system, the Borough may immediately initiate steps to identify the source of the discharge and to halt or prevent such discharge. The Borough may seek such legal or equitable relief as is necessary against the Authority, an outside jurisdiction and/or any industrial user contributing to such emergency condition and may pursue such other self-help remedies as will bring a reasonable judgment, mitigation or a stop to the danger presented by such discharge. The Authority agrees to reimburse the Borough for all costs, legal fees or other charges incident to the implementation of this section if such discharge emanates from the Authority's geographical area and the Authority has failed to take such action necessary to mitigate or eradicate such danger after oral or written notice from the Borough. The Authority for its part agrees to act promptly, diligently and immediately to alleviate, mitigate or eradicate any danger to the environment or to the health, safety or welfare of the public or any threat to the operation of the Borough's wastewater treatment facility from any such industrial discharge within its service area.

**59. Reservation of right to issue zoning and sewage permits.**

Each municipality reserves the right to issue zoning or sewage permits to new industrial users if the entire system has the capacity to accept such new users. Such permits may be issued in the properly zoned areas of any of the four municipalities involved up to the capacity of the system. The permit system shall not be used to favor or detrimentally affect one municipality over another but shall operate equally on all users, industrial or otherwise, regardless of which municipality the user desires to locate in.

**60. Adoption of pretreatment ordinance.**

- A. Each municipality, by the adoption of this chapter, adopts the provisions of the ordinance entitled:

A joint municipal ordinance of the Borough of Bellefonte and the Townships of Spring, Benner and Walker setting forth uniform requirements from direct and indirect contributors into the wastewater and treatment system of the Borough of Bellefonte as required by state and federal regulations.

- B. Such ordinance has been adopted by the Borough as Ordinance 913, passed June 18, 1984, and is hereby incorporated herein by reference. Such ordinance shall be adopted together with this chapter by the Townships of Spring, Benner and Walker and numbered successively.

**61. Interjurisdictional pretreatment agreement.**

Upon the adoption of this chapter by all parties identified herein, an Interjurisdictional Pretreatment Agreement shall be executed by the proper officers of the Borough, as directed by Council, on behalf of the Borough, which Agreement shall incorporate therein the provisions of this chapter.

**62. Discharge limits.**

- A. In accordance with the terms and conditions of this chapter, the Borough hereby promulgates discharge limits for those pollutants enumerated in subsection (c) hereof. Such local discharge limits are established to protect the integrity of the Borough's wastewater collection and treatment system and to optimize its operation and maintenance.
- B. The proper officers of the Borough are hereby required, requested, directed and authorized to issue treatments pursuant to this chapter.
- C. The proper officers of the Borough are hereby required, requested, directed and authorized to enforce the limits of discharge relating to the following enumerated pollutants and to bring action for the imposition of a penalty in accordance with this chapter and other laws of the Borough. Such officers are further required, requested, directed and authorized to make inspections as provided by law and by ordinance of the Borough to ensure that no

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wastewater of a user of the Borough wastewater collection and treatment system exceeds the following limits:

<b>Pollutant</b>	<b>Maximum Daily Concentration (mg/l)</b>	<b>Maximum Monthly Average Concentration (mg/l)</b>
Arsenic (T)	0.117	0.078
Cadmium (T)	0.254	0.169
Chromium (T)	12.032	8.021
Copper (T)	1.772	1.181
Cyanide (T)	4.423	2.949
Lead (T)	2.207	1.471
Mercury (T)	0.097	0.065
Nickel (T)	3.743	2.496
Silver (T)	12.006	8.004
Zinc (T)	4.824	3.216
Benzene	0.195	0.130
Ethylbenzene	2.385	1.590
Toluene	2.025	1.350
Xylene	348.00	232.00
Oil & Grease	150.0	100.00

SECTION IV  
**Pretreatment of Industrial Waste**

**63. Purpose and policy; enforcement.**

- A. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Borough. This chapter complies with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).
  
- B. The objectives of this chapter are to:

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- (1) Prevent the introduction of pollutants into the Borough's wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.
  - (2) Prevent the introduction of pollutants into the Borough's wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.
  - (3) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
  - (4) Provide for equitable distribution of the cost of the Borough's wastewater system.
- C. This chapter provides for the regulation of direct and indirect contributors to the Borough's wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacities will not be pre-empted and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- D. This chapter shall apply to the Borough and to persons outside the Borough who are, by contract or agreement with the Borough, users of the Borough publicly owned treatment works (POTW). This chapter is a supplement to Ordinance No. 605, as amended.
- E. Except as otherwise provided in this chapter, the Borough Manager or the POTW shall administer, implement and enforce this chapter.

**64. Definitions.**

Unless the context specifically indicates otherwise, as used in this chapter:

**ACT or THE ACT**—The Federal Water Pollution Control Act, also known as the Clean Water Act, being 33 U.S.C. 1251 et seq., as amended.

**APPROVAL AUTHORITY**—The Regional Administrator of the EPA.

**AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER (AS DEFINED IN 40 CFR 403.12(1))**—Either a principal executive officer of at least the level of vice president, if the industrial user is a corporation; a duly authorized and proper official of any local, county, state or federal governmental agency; a general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively; or a duly authorized representative of one of the individuals designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

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**BEST MANAGEMENT PRACTICE or BMP**—Schedule(s) of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants to the sewage collection system within the service area of Bellefonte Wastewater Treatment Plant.

**BIOCHEMICAL OXYGEN DEMAND or BOD**—The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C., expressed in terms of weight and concentration (milligrams per liter (mg/l)).

**BUILDING SEWER**—A sewer conveying wastewater from the premises of a user to the POTW.

**CONTROL AUTHORITY**—The Approval Authority, as defined above, or the Superintendent, if the Borough has an approved pretreatment program under 40 CFR 403.11.

**COOLING WATER**—The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

**DIRECT DISCHARGE**—The discharge of treated and untreated wastewater directly to the waters of the State.

**ENVIRONMENTAL PROTECTION AGENCY or EPA**—The U.S. Environmental Protection Agency, or, where appropriate, the Administrator or other duly authorized official of such agency.

**GRAB SAMPLE**—A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

**HOLDING TANK WASTE**—Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

**INDIRECT DISCHARGE**—The discharge or introduction of pollutants from any nondomestic source into the POTW, including holding tank waste discharged into the system.

**INDUSTRIAL USER**—A source of indirect discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Act (33 USC 1342).

**INTERFERENCE**—A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and which, therefore, is a cause of a violation of the Borough’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II (commonly referred to as the Resource Conservation and Recovery Act (RCRA)); any state regulations contained in any state sludge management



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plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD**—Any regulation containing pollutant discharge limits promulgated by the EPA, in accordance with Section 307(b) and (c) of the Act (40 CFR, Chapter 1, Subchapter N, Parts 405-471), which applies to a specific category of industrial users.

**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT or NPDES PERMIT**—A permit issued pursuant to Section 402 of the Act (33 USC 1342).

**NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD**—Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR 403.5.

**NEW SOURCE**—Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, which standards will be applicable to such source if they are thereafter promulgated in accordance with that section. This definition is subject to all further provisions found at 40 CFR, Part 403.3 (k)(1) et seq. or any supplement or amendment thereto.

**PASS THROUGH**—A discharge which exits the POTW into waters of the United States in quantities which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

**pH**—The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

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

**POLLUTION**—The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

**POTW TREATMENT PLANT**—That portion of the POTW designed to provide treatment of wastewater.

**PRETREATMENT OR 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 a POTW. The

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reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR 403.6(d).

**PRETREATMENT REQUIREMENT**—Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

**PUBLICLY OWNED TREATMENT WORKS or POTW**—A treatment works, as defined by Section 212 of the Act (33 USC 1292), which is owned in this instance by the Borough. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term also includes any sewer that conveys wastewater to the POTW from persons outside the Borough who are, by contract or agreement with the Borough, users of the POTW.

**QUALIFIED PROFESSIONAL**—A registered professional engineer in good standing with the Commonwealth of Pennsylvania.

**SHALL; MAY**—“Shall” is mandatory; “may” is permissive.

**SIGNIFICANT INDUSTRIAL USER**—

A. Except as provided in paragraph (29) A.2. hereof, “significant industrial user” means:

- (1) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR, Chapter 1, Subchapter N; and
- (2) Any other industrial user who or which discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

B. Upon a finding that an industrial user meeting the criteria set forth in paragraph (29) A.2. hereof has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the Control Authority (as defined in 40 CFR 403.12(a)) may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

**SIGNIFICANT NONCOMPLIANCE or SNC**—Violations which meet one or more of the following criteria:

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- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);
- B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance;
- H. Any other violation or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

**SIGNIFICANT VIOLATOR**—Any user who or which at any time during the previous 12 months, was in significant noncompliance with applicable pretreatment requirements as defined in number (31) above and regulations of the Borough, the Commonwealth of Pennsylvania and the United States. The names of such significant violators shall be published once annually in a newspaper(s) that provides meaningful public notice within the jurisdiction(s) served by the POTW.

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**SLUG LOAD OR SLUG**—Any discharge of a non-routine, episodic nature, or at a flow rate or concentration which would cause a violation of the prohibited discharge standards in Section 1047.04.

**STANDARD INDUSTRIAL CLASSIFICATION or SIC**—A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1982.

**STORMWATER**—Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**SUPERINTENDENT or BOROUGH MANAGER**—The person designated by the Borough to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his or her duly authorized representative.

**SUSPENDED SOLIDS**—The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

**TOXIC POLLUTANT**—Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Act or under the provisions of any other act.

**USER**—Any person who contributes or causes or permits the contribution of wastewater into the POTW.

**WASTEWATER**—Liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with whatever may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

**WASTEWATER CONTRIBUTION PERMIT**—See Section 3 #76

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

## **65. Abbreviations**

As used in this chapter, the following abbreviations shall have the designated meanings:

- A. BOD means biochemical oxygen demand.
- B. CFR means Code of Federal Regulations.

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- C. COD means chemical oxygen demand.
- D. CWA means Clean Water Act.
- E. EPA means Environmental Protection Agency.
- F. l means liter.
- G. mg means milligrams.
- H. mg/l means milligrams per liter.
- I. NPDES means National Pollutant Discharge Elimination System.
- J. POTW means publicly owned treatment works.
- K. SIC means standard industrial classification.
- L. SWDA means Solid Waste Disposal Act, 42 USC 6901 et seq.
- M. USC means United States Code.
- N. TSS means total suspended solids.

**66. Prohibited discharges generally.**

- A. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause pass through or interference in connection with the operation or performance of the POTW. No petroleum, oil, non-biodegradable cutting oil, mineral oil products, grease or other petroleum products shall be released into the waste stream in an amount that will interfere with POTW operations or cause pass through of such products or substances to surface waters. This general prohibition applies to all such users of a POTW, whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standard or requirement. A user may not contribute the following substances to any POTW:
  - (1) Any liquid, solid or gas which, by reason of its nature or quantity, either alone or by interaction with other substances, has a closed cup flashpoint of less than 140° F, or may cause fire or explosion in, or be injurious in any other way to, the POTW or the operation of the POTW. 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%, nor shall any single reading be over 10%, 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,

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peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substances constituting a fire hazard or a hazard to the system.

- (2) Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to, grease, garbage with particles greater than ½ inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or glass grinding or polishing wastes.
- (3) Any wastewater having a pH of less than 5.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
- (5) Any noxious or malodorous liquid, gas or solid which, either singly or by interaction with other waste, is sufficient to create a public nuisance or hazard to life or to prevent entry of persons into the sewers for maintenance and repair.
- (6) Any substance which may cause the effluent of the POTW or any other product of the POTW, such as residue, sludge or scum, to be unsuitable for reclamation and re-use or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; with any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act or the Toxic Substances Control Act; or with State criteria applicable to the sludge management method being used.
- (7) Any substance which will cause the POTW to violate its NPDES and/or State disposal system permit or the receiving water quality standards.
- (8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant, resulting in interference. In no case shall wastewater with a

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temperature of 40° C. (104°F), at the introduction into the POTW, be contributed to the POTW.

- (10) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which will cause interference with the POTW. In no case shall a slug load have a flow rate or contain a concentration or quantity of pollutants that exceeds for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantity or flow during normal operation.
  - (11) Any wastewater containing any radioactive waste or isotope of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
  - (12) Any wastewater which causes a hazard to human life or creates a public nuisance.
  - (13) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
  - (14) Any trucked or hauled pollutants, except at discharge points designated by the Superintendent of the POTW.
- B. When the Superintendent determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Superintendent may advise the user of the impact of the contribution on the POTW and develop effluent limitations for such user to correct the interference with the POTW.

**67. Local limits.**

- A. The following pollutant limits are hereby established to assure bio solids quality and to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following maximum allowable discharge limits.

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<b>Pollutant</b>	<b>Monthly Average Limit (mg/l)</b>	<b>Maximum Daily Limit (mg/l)</b>	<b>Instantaneous Maximum Limit (mg/l)</b>
Arsenic (T)	0.078	0.117	0.156
Cadmium (T)	0.169	0.254	0.338
Chromium (T)	8.021	12.032	16.042
Copper (T)	1.181	1.772	2.363
Cyanide (T)	2.949	4.423	5.897
Lead (T)	1.471	2.207	2.942
Mercury (T)	0.065	0.097	0.129
Nickel (T)	2.496	3.743	4.991
Silver (T)	8.004	12.006	16.008
Zinc (T)	3.216	4.824	6.432
Benzene	0.130	0.195	0.260
Ethylbenzene	1.590	2.385	3.180
Toluene	1.350	2.025	2.700
Xylene	232.00	348.00	464.00
Oil and grease	100.00	150.00	200.00

B. The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances shall be for the “total” metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to, or in place of, the concentration-based limitations set forth herein.

**68. Application of federal categorical pretreatment standards.**

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard found at 40 CFR 405-471, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

**69. Modification of the federal categorical pretreatment standards.**

Where the Borough’s wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the Borough may apply to the approval authority for modification of specific limits in the federal pretreatment standards. “Consistent removal,” as used in the preceding sentence, means reduction in the amount of a pollutant or alteration of the nature of a pollutant, by the wastewater treatment system, to a less toxic or harmless state in the effluent, which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in Section 403.71(c)(2) of the Title 40 of the Code of Federal Regulations, Part 403, “General Pretreatment Regulations for Existing and New



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Sources of Pollution,” promulgated pursuant to the Act. The Borough may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.

**70. State requirements.**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or the requirements and limitations set forth in this chapter.

**71. Borough’s right of revision.**

The Borough reserves the right to establish by ordinance more stringent requirements and limitations on discharges to the wastewater disposal system if deemed necessary to comply with the objectives set forth in these rules and regulations.

**72. Excessive discharge.**

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 Borough or the State.

**73. Reports of potential problems.**

- A. Protection facilities and procedures. Each user shall provide protection from any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature or non-customary batch discharges, or a slug load that may cause potential problems for the POTW facilities. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained by the owner or user at his, her or its own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Borough for review and shall be approved by the Borough before construction of the facility. All existing users shall complete such a plan by January 1, 1983. No user who or which commences contribution to the POTW after the effective date of this chapter (Ordinance 913, passed June 18, 1984) shall introduce pollutants into the system until accidental discharge procedures have been approved by the Borough. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user’s facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, or any discharge that could cause problems for the POTW, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include the location of the discharge, the type of waste, the concentration and volume and corrective actions taken or to be taken.
- B. Written report to superintendent. Within five days following an accidental discharge, or any discharge that could cause problems for the POTW, the user shall submit to the

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Superintendent 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 POTW, including fish kills, and any other civil penalties or other liability which may be imposed by this chapter or other applicable law.

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

**74. Fees.**

- A. Purpose. It is the purpose of this chapter to provide for the recovery of costs from users of the Borough's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Authority's Schedule of Charges and Fees.

- B. Scope of fee schedule. The Authority may adopt charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the Authority's pretreatment program
- (2) Fees for monitoring, inspections and surveillance procedures
- (3) Fees for reviewing accidental discharge procedures and construction
- (4) Fees for permit applications
- (5) Fees for filing appeals
- (6) Fees for consistent removal by the Authority of pollutants otherwise subject to federal pretreatment standards
- (7) Such other fees as the Authority may deem necessary to carry out the requirements contained in this chapter.

- C. These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the Authority.

**75. Surcharge for certain industrial wastes.**

- A. Although the sewage treatment works will be capable of treating certain abnormal industrial wastes, the actual treatment of such wastes may increase the cost of operating and maintaining the public sanitary sewage system. Therefore, there shall be imposed upon

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each user discharging such industrial wastes into the public sanitary sewage system a surcharge, or surcharges, which are intended to cover such additional cost. Such surcharges shall be in addition to the regular sewage service charge provided for in Section 2 # 24 and shall be payable as therein provided.

- B. The strength of any industrial waste, the discharge of which is to be subject to surcharge, shall be determined monthly, or more frequently, as the Superintendent determines.
- C. In the event that any industrial waste is found to have a BOD in excess of 300 parts per million, the producer of such waste shall be surcharged an amount equal to the product of the actual volume of wastes in thousands of gallons per billing period discharged into the public sanitary sewerage system and the BOD surcharge rate. The BOD surcharge rate shall be determined by the following formula:

$$R = 0.00834 (P) (C-300)$$

Where:

- Rc = the BOD surcharge rate in cents per 1,000 gallons of waste discharged
- P = the average annual fixed, operating and maintenance costs of secondary treatment processes per pound of BOD received at the treatment works. (The value of P shall be assumed to be \$0.12).
- C = the average BOD of the industrial waste expressed in parts per million as determined in accordance with subsection (b) hereof.

The figure "300" appearing in the above formula corresponds to the maximum BOD permissible without surcharge.

The figure "0.00834" is the factor to convert parts per million to pounds per 1,000 gallons. No discount shall be permitted for sewage or industrial wastes having a BOD of less than 300 parts per million.

See Appendix A—New Sliding Scale Calculation.

- D. In the event that any industrial waste is found to have an average suspended solids concentration in excess of 350 parts per million, the producer of such waste shall be surcharged an amount equal to the product of the actual volume of wastes in thousands of gallons per billing period, discharged into the public sanitary sewerage system and the suspended solids surcharge rate. The suspended solids surcharge rate shall be determined by the following formula:

$$Rs = 0.00834 (B) (S-350)$$

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Where:

- Rs = the suspended solids surcharge rate in cents per 1,000 gallons of waste discharged
- B = the average annual fixed, operating and maintenance costs of the sludge digestion, sludge drying and sludge disposal operations per pound of suspended solids received at the treatment works. (The value of B shall be assumed to be \$0.12).
- S = the average suspended solids concentration of the abnormal industrial waste expressed in parts per million as determined in accordance with subsection (b) hereof.

The figure “350” appearing in the above formula corresponds to the maximum suspended solids concentration permissible without surcharge. The figure “0.00834” is the factor to convert parts per million to pounds per 1,000 gallons. No discount shall be permitted for sewage or industrial wastes having a suspended solids concentration of less than 350 parts per million.

See Appendix A—New Sliding Scale Calculation.

- E. The surcharges provided for in this section shall be added to the sewage service charges imposed by Council.

**76. Discharges; permit required; authority of superintendent.**

No person shall discharge any wastewater to any natural outlet within the Borough or in any area under the jurisdiction of the Borough and/or to the POTW, without first obtaining a permit therefore as set forth in this chapter, except as authorized by the Superintendent in accordance with this chapter.

**77. Wastewater contribution permits.**

- A. General requirements. All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before doing so. All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within 180 days after the effective date of this chapter (Ordinance 913, passed June 18, 1984).
- B. Permit application; fee. Users required to obtain a wastewater contribution permit shall complete and file with the Borough an application in the form prescribed by the Borough, which application shall be accompanied by a fee, as updated by resolution by the Bellefonte Borough Authority. Existing users shall apply for a wastewater contribution permit within 30 days after the effective date of this chapter (Ordinance 913, passed June 18, 1984) and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application,

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the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) The name and address of the user and the location of the connection or point of contribution if the same is different from the address of the user.
- (2) The SIC number according to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.
- (3) Wastewater constituents and characteristics, including, but not limited to, those mentioned in Sections 3 #65 through Section 3 #73, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.
- (4) The time and duration of the contribution.
- (5) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by their size, location and elevation.
- (7) A description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.
- (8) Where known, the nature and concentration or mass, where required by the Standard or the Control Authority, of any pollutants in the discharge, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether or not additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards. Both daily and maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.
- (9) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. 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 user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans,

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completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

- (b) No increment referred to in paragraph (b)(9)A. hereof shall exceed nine months.
  - (c) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent, including, as a minimum, whether or not such user complied with the increment of progress to be met on such date and, if not, the date on which such user expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Superintendent.
- (10) Each product by type, amount, process or processes and the rate of production.
  - (11) The type and amount of raw materials processed (average and maximum per day).
  - (12) The number and type of employees and the hours of operation of the plant and proposed or actual hours of operation of the pretreatment system.
  - (13) Any other information deemed by the Borough to be necessary to evaluate the permit application.
- C. Execution of applications. All permit applications shall be signed by an authorized representative of the user and certified to by a qualified professional.
  - D. Notice of existing environmental control permits. The user shall submit a list of any environmental control permits held by or for the facility.
  - E. Notice of discharge of hazardous wastes. Any industrial user, whether subject to a pretreatment standard or not, after the commencement of discharge into the POTW, shall submit to the Commonwealth Hazardous Waste authority and to the Superintendent of the plant a written description of any substances to be disposed of into the POTW which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR, Part 261, the EPA hazardous waste number and the type of discharge (continuous batch or other). In the event the industrial user discharges more than 100 kg. (200 pounds) of such waste per calendar month to the POTW, such notice shall contain all of the information required by 40 CFR 403.12, N. 3, et seq. In the event of any subsequent change to the hazardous waste discharge, notice will be provided in writing of such change to the above parties within five days of commencement of any such discharge.
  - F. Certification of reports and applications. All industrial user reports and new source applications shall contain the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- G. Permit issuance. The Borough will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Borough may issue a wastewater contribution permit subject to the terms and conditions provided in this chapter.

**78. Permit modifications.**

Where a user who is subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater contribution permit, as required by Section 4 #76 the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the Superintendent, within 180 days after the promulgation of an applicable federal categorical pretreatment standard, the information required by Section 4 #77 (B)(8) and (9).

**79. Permit conditions.**

- A. Wastewater discharge permits shall be expressly subject to all of the provisions of this chapter and all other applicable regulations, user charges and fees established by the Borough. Permits may contain the following:
  - (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
  - (2) Limits on the average and maximum wastewater constituents and characteristics, and any BMPs that are applicable to the industrial user. Such limits and BMPs shall be based on applicable general pretreatment standards, local limits and state and local law.
  - (3) Limits on the average and maximum rate and time of discharge or requirements for flow regulations and equalization. Such limits shall be based on applicable general pretreatment standards, local limits and state and local law.
  - (4) Requirements for installation and maintenance of inspection and sampling facilities.

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- (5) Specifications for monitoring programs, such as reporting, notification and record keeping requirements, including an identification of pollutants to be monitored, based on applicable general pretreatment standards, local limits, and state and local law.
  - (6) Compliance schedules.
  - (7) Requirements for submission of technical reports or discharge reports (See Section 4 #82).
  - (8) Requirements for maintaining and retaining plant records relating to wastewater discharge, including documentation of compliance with all applicable BMP requirements, as specified by the Borough, and the right of the Borough to have access thereto. Such records, except in cases of unresolved litigation, shall be maintained for a period of three years.
  - (9) Requirements for notification of the Borough of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
  - (10) Requirements for notification of all discharges, including slug discharges, which could cause problems to the POTW as per Section 4 #66.
  - (11) Other conditions deemed appropriate by the Borough to assure compliance with this chapter.
- B. Requirements for the notification of “slug” discharges and the filing of a plan to control such discharges may be required by the Borough from time to time. For the protection of the POTW, its personnel and the Borough, upon identification to the Superintendent of a potentially dangerous situation caused by a “slug” discharge by any user, the Borough may, with the advice of the Superintendent, require the written filing of a “slug” discharge plan. The plan shall indicate a description of the user’s chemical storage and discharge practices, procedures for notifying the POTW of “slug” loadings, measures for preventing and containing spills, and emergency response follow-up procedures. Such plans may be required annually, giving the location of the user’s point of entry into the sanitary sewer system and such other identifying information as necessary.
- C. Any user who violates the pretreatment standards and requirements, and any applicable compliance schedules, will be subject to applicable civil and criminal penalties.

**80. Effective period of permits; modification of conditions.**

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for a permit re-issuance a minimum of 180 days prior to the expiration of the user’s existing permit. The terms and conditions of the permit may be subject to modification by the



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Borough during the term of the permit, as limitations or requirements identified in Sections 4 # 66 through Section 4 #73 are modified, or when other just cause exists. The user shall be informed of any proposed change in his, her or its permit at least 30 days prior to the effective date of the change. Any change or new condition in a permit shall include a reasonable time schedule for compliance, not to exceed 180 days, which may be extended for good cause by Council.

**81. Permit transfers.**

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the Borough. A succeeding owner or user shall also comply with the terms and conditions of the existing permit.

**82. Reporting requirements for permittees.**

- A. Compliance date reports. Within 90 days following the date for final compliance with applicable pretreatment standards, or, in the case of a new source, following the commencement of the introduction of wastewater into the POTW, any industrial user, whether subject to pretreatment standards and requirements or not, shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process, which pollutants are limited by pretreatment standards or 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. The report shall state whether the applicable pretreatment standards or requirements including BMP based standards 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 the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional.
- B. Periodic compliance reports.
  - (1) Any industrial user, whether subject to a pretreatment standard or not, after the compliance date of such pretreatment standard, if any, or, in the case of a new source, after the commencement of the discharge into the POTW, shall submit to the Superintendent, during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent, which pollutants are limited by such pretreatment standards. Additionally, the report shall include information describing the industrial user's compliance or noncompliance with any applicable BMP based pretreatment standard. In addition, this report shall include a report of all daily flows which, during the reporting period, exceeded the average daily flow reported pursuant to subsection (a) hereof. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget

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cycles, etc. the Superintendent may agree to alter the months during which the reports required by this paragraph are to be submitted.

- (2) The Superintendent 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 paragraph (b)(1) hereof shall indicate the mass of pollutants regulated by the 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 and concentration, or, where requested by the Superintendent, the production and mass, of pollutants contained therein, which pollutants are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standards. All analyses shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended, or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. If 40 CFR, Part 136, does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, as amended, or in accordance with any other sampling and analytical procedures approved by the Administrator.
- (3) The Superintendent shall require advance reports, in writing, from any user, notifying the Superintendent of any substantial change in the volume or character of pollutants of their discharge. As used in this paragraph, "substantial" means a deviation of more than 33% in the volume or character of the pollutants or any of them discharged by any user. Such notice shall be provided to the Superintendent no less than 24 hours prior to such change.
- (4) All reports required pursuant to this section shall be signed by an authorized representative of the user and certified to by a qualified professional.
- (5) Any industrial user, whether subject to a pretreatment standard or not, after the commencement of discharge into the POTW, shall submit to the Commonwealth Hazardous Waste Authority and to the Superintendent of the plant, a written description of any substances to be disposed of into the POTW which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR, Part 261, the EPA hazardous waste number and the type of discharge (continuous batch or other). In the event the industrial user discharges more than 100 kg. (200 pounds) of such waste per calendar month to the POTW, such notice shall contain all of the information required by 40 CFR 403.12, N. 3, et seq. In the event of any subsequent change to the hazardous waste discharge, notice will be provided in writing of such

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change to the above parties within five days of commencement of any such discharge.

- (6) Any industrial user, whether subject to a pretreatment standard or not, after the commencement of discharge into the POTW, shall submit to the Superintendent within 90 days of its commencement of discharge into the POTW, or within 90 days of the effective date of this section (Ordinance 1109, passed July 1, 1996), whichever is later, a certification indicating that the industrial user has a written program in force to reduce the volume and toxicity of waste generated by it. Industrial users shall report the general scope of such program with milestones indicated by date of the attainment of the goals created by such program. Periodic reports indicating the progress by which such industrial user reaches the goals and milestones outlined in the program shall be filed with the Superintendent annually in December as part of the report required by paragraph (b)(1) hereof.
- (7) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (8) If an industrial user subject to the reporting requirements of this section monitors any pollutant more frequently than required by the Superintendent using the procedures described in paragraph (b)(1) hereof, the results of this monitoring shall be included in the report.

**83. Monitoring facilities.**

- A. The Borough shall require monitoring facilities to be provided and operated at the user's expense to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Borough may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area, so located as not to be obstructed by landscaping or parked vehicles.
- B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Borough's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Borough.

**84. Inspection and sampling.**

The Borough shall inspect the facilities of any user to ascertain whether or not the purpose of this chapter is being fulfilled and all requirements are being complied with. Owners and occupants of premises where wastewater is created or discharged shall allow the Borough or its representative ready access at all reasonable times to all parts of the premises for inspection, sampling, records examination or the performance of any other duty. The Borough, the approval authority and/or the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into his, her or its premises, such user shall make necessary arrangements with his, her or its security guards so that personnel from the Borough, from the approval authority and/or from the EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities, upon presentation of appropriate identification.

**85. Notice of violation; repeat sampling and reporting.**

If sampling performed by an industrial user indicates a violation, the industrial user must notify the Superintendent within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 30 days after becoming aware of the violation. The industrial user is not required to resample if the Superintendent monitors at the industrial user's facility at least once a month, or if the Superintendent samples between the time of the industrial user's initial sampling and the time the industrial user received the results of this sampling. If analysis of a sample(s) collected by the Superintendent at the industrial user's facility indicates a violation, the Superintendent shall repeat the sampling and analysis within 30 days of becoming aware of the violation.

**86. Pretreatment facilities and procedures.**

Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limit 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 approved by 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 this chapter. Any subsequent change in the pretreatment facilities or method of operation shall be reported to and be approved by the Borough prior to the user's initiation of such change.

**87. Confidentiality of information.**

- A. Information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public and governmental agencies without restriction, unless the user specifically requests confidentiality 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. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or the approval authority upon request.
- B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, the State disposal system permit and/or the pretreatment programs, provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- C. Information accepted by the Borough as confidential shall not be transmitted to the general public by the Borough, except that any effluent data shall remain available without limitation. The Borough may provide such information to the United States Environmental Protection Agency without notice, provided that said Agency maintains such information in accordance with the procedures contained in 40 CFR, Subpart B, Section 2.201 et seq. Such information may be provided to the Pennsylvania Department of Environmental Protection without notice, provided that said Agency agrees in writing to abide by the procedures contained in 40 CFR, Subpart B, Section 2.201 et seq.

**88. Harmful contributions; suspension of service and permits.**

- A. The Borough may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the Borough, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial danger to the health or welfare of persons or to the environment, may cause interference with the POTW or may cause the Borough to violate any condition of its NPDES permit.
- B. Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. If the person fails to voluntarily comply with the suspension order, the Borough shall take such steps as it deems necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or danger to any individual. The Borough may reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement

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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 the occurrence.

**89. Revocation of permits.**

Any user who violates any of the following conditions, or any applicable state or federal regulation, is subject to having his, her or its permit revoked in accordance with the procedures set forth in this chapter:

- A. Failure of a user to factually report the wastewater constituents and characteristics of his, her or its discharge
- B. Failure of a user to report significant changes in operations or wastewater constituents and characteristics
- C. Refusal of reasonable access to a user's premises for the purpose of inspection or monitoring
- D. Violation of any of the conditions of a permit.

**90. Notification of violations; plans for correction.**

Whenever the Borough finds that any user has violated or is violating any of the provisions of this chapter or of his, her or its wastewater contribution permit, or any prohibition, limitation or requirement contained in this chapter, the Borough may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Borough by the user.

**91. Show cause hearings; orders of Council.**

- A. The Borough may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause to Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by Council regarding the violation, the reasons why the action is to be taken and the proposed enforcement action, and directing the user to show cause to Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.
- B. Council may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the assigned department to:

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- (1) Issue, in the name of Council, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings
  - (2) Take the evidence
  - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations, to Council for action thereon.
- C. At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.
- D. After Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that the sewer service be discontinued, following a specified time period, unless adequate treatment facilities, devices or other related appurtenances are installed or unless existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

**92. Actions for legal and equitable relief.**

If any person discharges sewage, industrial waste or other waste into the Borough's wastewater disposal system contrary to any of the provisions of this chapter, federal or state pretreatment requirements, or any order of the Borough, the Borough Solicitor may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Centre County and/or in any other forum having jurisdiction.

**93. Publication of names of significant violators.**

The names of any users deemed to be significant violators of any of the provisions of this chapter shall be listed in the largest daily newspaper in circulation in the Borough. A significant violator is a user who or which is responsible for one or more of the following:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter
- B. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all pollutants, except pH)

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- C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public)
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or that has resulted in the PTOW's exercise of its emergency authority under Section 3 #88 to halt or prevent such a discharge
- E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance
- F. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports and reports on compliance with the compliance schedules
- G. Failure to accurately report noncompliance
- H. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

**94. Falsifying information.**

No person shall knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or pursuant to a wastewater contribution permit. No person shall falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this chapter.

**95. Conflict of laws.**

In the event of a conflict between any of the provisions of this chapter and a provision of any other ordinance resolution, rule or regulation of the Borough, the provision of this chapter shall prevail.

**96. Appeals.**

- A. Time to appeal. An industrial user charged with a civil penalty under Section 1047.99(b) shall have 30 days to pay the proposed penalty in full, or, if the industrial user wishes to contest either the amount of the penalty or the fact of the violation, the industrial user must file an appeal of the action within 30 days. Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.



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- B. Place to appeal. The name, address and telephone number of the person responsible for accepting such appeal is as follows:

Ralph W. Stewart, Borough Manager  
236 West Lamb Street  
Bellefonte, PA 16823  
(814) 355-1501

- C. Appeal procedure. The appeal procedure shall be in accordance with 2 Pa.C.S.A. § 551 et seq., relating to administrative law and procedure before local agencies.

**97. Penalty.**

- A. Civil penalty assessment policy. In accordance with the Publicly Owned Treatment Works Penalty Law, it is the policy of the Borough to consider damage to air, water, land or other natural resources of this Commonwealth and their uses, occasioned by violation of pretreatment standards and/or requirements, whether or not such violation is willful or negligent. In assessing the penalty, the Borough shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation; the magnitude and duration of the violation; corrective actions by the user; the cost of restoration and abatement; any economic benefit resulting to the user in consequence of the violation; history of past violations; and deterrence of future violations.
- B. Civil penalties. Civil penalties may be assessed and collected in addition to any proceeding under any other remedy available at law, in equity or under this chapter for a violation of the pretreatment standards and/or requirements, whether or not such violation is willful or negligent, in an amount not to exceed \$25,000 per day for each violation regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct offense under this subsection except operational upset, wherein a single operational upset may lead to simultaneous violations of more than one pretreatment standard or requirement, as defined in the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. 1251 et seq.). Such civil penalty shall be levied, assessed and collected in accordance with the Publicly Owned Treatment Works Penalty Law, 35 P.S. 752.1 et seq.
- C. Recovery of costs. In addition to the penalties provided herein, the Borough may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated or failed to comply with any of the provisions of this chapter or any order of the Borough, or any order, rule or regulation.
- D. Criminal prosecution. Whoever violates Section 4 #94 shall be fined not less than \$300 nor more than \$1,000 or imprisoned not more than six months, or both, for each offense.

SECTION V  
**Sewage Haulers**

**98. Definitions.**

As used in this section:

AUTHORITY- The Bellefonte Borough Authority, Centre County, Pennsylvania.

BOROUGH—The Borough of Bellefonte, Centre County, Pennsylvania.

COUNCIL—The Council of the Borough of Bellefonte.

DESIGNATED DISPOSAL FACILITY or FACILITY—Bellefonte Sewage Treatment Plant, Bellefonte, Pennsylvania.

HAULER—Any individual, corporation or other entity holding a license from the Borough of Bellefonte and the County of Centre authorizing such entity to haul septage to the Bellefonte Sewage Treatment Works and there to unload and dispose of the same.

MANAGER—The Manager of the Borough of Bellefonte.

SEPTAGE—Liquid, semi-liquid or solid matter (material) emanating or pumped from a septic tank, cesspool, holding tank, privy or outdoor toilet of a residence or other structure having toilet facilities. “Septage” shall also include portable toilet waste, sludges from package and/or individual sewage treatment plants, gas-well water (frac and pit only) fish waste, meat-packing wastewater and other wastes specifically permitted in writing by the Sanitation Committee of the Council of the Borough of Bellefonte and approved by Council from time to time by resolution.

SUPERINTENDENT—The Superintendent of the Bellefonte Sewage Treatment Plant.

**99. Prohibited Discharges.**

Unless otherwise provided by Council, by resolution, it shall hereafter be lawful for any hauler holding a permit from the Borough to dispose of septage at the designated disposal facility (hereinafter called “facility”) in accordance with the schedule posted by the Superintendent at that facility. No deliveries of septage shall be accepted at the facility at times other than those posted. The Superintendent may, in his or her discretion, refuse to accept septage at the facility if, in his or her judgment, such delivery and disposal of such septage will, in any manner, disrupt or have a deleterious effect on the sewage treatment process or otherwise be inconvenient to the Borough. The judgment of the Superintendent of the facility shall be final. Any hauler having a permit issued by the Borough may appeal the Superintendent’s decision to the Manager, in writing, no more than 10 days after such decision is made. If an appeal is taken, the Superintendent of the facility shall provide his or her decision to the hauler or her request, in

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writing, giving brief reasons therefor. An appeal of the Manager's decision must be made in writing to Council no more than 10 days after such decision is made by the Manager.

- A. Hereafter it shall be a violation of this section and unlawful to dispose of any hazardous or toxic waste in any manner whatsoever, whether mixed or not with other septage, as defined herein, by hauling and disposing of the same as septage at the facility. Hazardous and toxic waste shall be as defined by the United States Environmental Protection Agency, the Department of Environmental Protection, the Commonwealth of Pennsylvania or the Borough of Bellefonte.
- B. In the event it is determined by the Superintendent that analysis of the septage delivered by any licensed hauler is necessary, such analysis shall be performed at the sole cost and expense of the hauler. In the event the hauler does not desire such an analysis, then he or she shall deliver his or her septage to some other facility. Analysis shall be performed by an independent analytical laboratory specified by the Borough. The results of such analyses shall be final, conclusive and binding on the Borough and the licensed hauler. In the event such analyses indicate that the septage delivered for disposal will in any manner be disruptive, have a deleterious effect on the sewage process at the plant or otherwise present a source of potential harm to the facility, then and in such event the Superintendent may reject such delivery, and the licensed hauler shall remove all such septage from the Borough's premises at his or her sole cost and expense.

#### **100. Permit Required**

All haulers who seek to dispose of septage at the facility shall secure a permit from the Borough Secretary.

No septage shall be accepted from any hauler at the facility for disposal without valid permits from the Borough of Bellefonte.

#### **101. Permit Applications**

Haulers shall apply for a permit on a form provided by the Borough. Such form shall include at least the following information:

- A. The name, address, social security number and telephone number of the principal owner of the disposal company.
- B. The business name of disposal company. If a corporation, the name and address of all principal officers, together with the names and social security numbers of those stock holders holding more than 25% of the common stock of such corporation, shall be included.
- C. A list of all customers, other than residential septage customers, with addresses for whom services are rendered. It shall be the obligation of the hauler to notify the Superintendent of any new customers acquired after the issuance of a permit and designate on the manifest

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any customer or source of septage not included on the application form. Failure to report such new customers or sources shall be a violation of this section and may result in the revocation of any permit issued hereunder. All sources of septage served by the hauler shall be specifically identified as to address and geographic location.

- D. A list of all vehicles which the hauler shall use to deliver septage to the facility. Such list shall contain vehicle identification numbers and Pennsylvania registration numbers. Any change of vehicles shall be reported within five days to the Borough Secretary, who shall amend the application form. Failure to so notify the Borough Secretary shall be a violation of this section.
- E. Copies of current certificates of insurance for vehicular and general liability, with coverage of no less than \$1,000,000 for each occurrence, which shall be attached to the application. Changes in insurance coverage shall be reported to the Borough Secretary by submitting the new certificate of insurance to him or her within five days of the change of insurance. Failure to notify the Borough Secretary of any such change shall be a violation of this section.
- F. Execution, acknowledgment and delivery of a hold harmless and indemnity agreement with the Borough on a form prescribed by the Solicitor of the Borough.
- G. Such other information as may, from time to time, be required by the Borough.

**102. Permit Application Fee, Permit Period.**

Upon the submission by the hauler of a complete application form with attachments and an application fee, as updated by resolution by the Authority, the Borough Secretary shall issue a permit to the hauler, which shall have a duration of one year unless revoked for cause by the Borough. Such permit shall be extended from year to year, provided that the hauler updates his or her application annually for a fee as updated by resolution by the Authority.

**103. Revocation of Permits.**

The permit may be revoked for cause. Revocation may occur in the event of any violation of this section by the hauler or for his or her failure to provide any information to the Borough Secretary as hereinbefore enumerated. It shall be the duty of the hauler to, within 48 hours, notify the Borough Secretary in writing of any suspension or cessation of any permit issued to him or her by any other entity, or any revocation, suspension or cancellation of any bond or liability insurance issued to the hauler for any reason whatsoever. Such notice, together with the reasons for such revocation, suspension or cancellation, shall be provided to the Borough Secretary in writing. Failure to give such written notice shall constitute grounds for revocation of any permit issued hereunder. The revocation of any permit by the Borough Secretary may be appealed to the Council of the Borough of Bellefonte in writing no more than 10 days after such revocation is made. Subsequent appeals shall be governed by the Local Agency Law of the Commonwealth of Pennsylvania.

**104. Disposal Rates.**

A. The following rates shall be in effect for the hauling and disposal of septage until changed by resolution of the Council of the Borough of Bellefonte.

<b>Type of Waste</b>	<b>Disposal Rate (per 1,000 gallons)</b>
Package treatment plant effluent	\$30.50
Sanitary holding tank waste	\$70.00
Package treatment plant sludge	\$70.00
Septic tank waste	\$70.00
Portable toilet waste	\$70.00
Other sources	\$144.00
Truck Cleaning	\$100.00 Flat Rate & \$50.00 per Ton

B. The charge for other sources provided in division (g)(7) of this section includes all waste of non-domestic origin that is not included in divisions (g)(1) through (6) of this section. "Other sources" includes, but is not limited to, printing plant waste, water-based machining coolants, commercial washing service wastewater (Sparkle Wash, etc.) and equipment wash-down wastewater. Generators of wastewater under this category are required to meet all the industrial pretreatment standards set forth in Section 5 as amended. These generators may be required to obtain a wastewater contribution permit from the Borough of Bellefonte.

**105. Surcharge for Excess Oil & Grease.**

There is hereby established a surcharge for excessive amounts of oil and grease that may be included in any waste hauled in bulk to the plant. In order to assess a fair surcharge for excessive grease, the Borough will composite eight samples from eight different loads hauled to the plant. These individual samples shall be combined into a single composite sample to be tested for oil and grease content. In the event the oil and grease content exceeds 8,000 mg/l then the following surcharge table will be used to assess an additional charge for treating the troublesome oil and grease:

THE MUNICIPAL AUTHORITY OF THE BOROUGH OF BELLEFONTE OF CENTRE COUNTY, PENNSYLVANIA  
RULES AND REGULATIONS GOVERNING SEWERS AND SEWAGE DISPOSAL

Surcharge rates:

<b>Oil and Grease (mg/l)</b>	<b>Surcharge Amount</b>
8,001 to 9,000	\$300
9,001 to 10,000	\$450
10,001 to 11,000	\$600
11,001 to 12,000	\$750
12,001 to 13,000	\$900
13,001 to 14,000	\$1,050
Continue table in 1,000 mg/l increments	Continue table in \$200 increments

**106. Modification.**

The Authority may, from time to time provide, change, amend or include other rules, regulations and requirements pursuant to this section. Such changes, amendments or additions to this section may be made by resolution, provided that copies of such resolutions are mailed to the then-current permittees at the time of passage and posted conspicuously at the Borough offices and the facility. Otherwise, such changes, amendments and additions shall be made by ordinance.

APPENDIX A  
 New Sliding Scale Calculation

<u>New Sliding Scale Calculation</u>	
<u>BOD</u>	<u>TSS</u>
Rc = (0.00834) (\$0.12) 300 to 500 mg/L BOD	Rs = (0.00834) (\$0.12) 350 to 550 mg/L TSS
Rc = (0.00834) (\$0.15) 501 to 700 mg/L BOD	Rs = (0.00834) (\$0.15) 551 to 750 mg/L TSS
Rc = (0.00834) (\$0.18) 701 to 900 mg/L BOD	Rs = (0.00834) (\$0.18) 751 to 950 mg/L TSS
Rc = (0.00834) (\$0.21) 901 to 1,100 mg/L BOD	Rs = (0.00834) (\$0.21) 951 to 1,150 mg/L TSS
Rc = (0.00834) (\$0.24) above 1,101 mg/L BOD	Rs = (0.00834) (\$0.24) above 1,151 mg/L TSS