

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF TOBYHANNA, MONROE COUNTY, PENNSYLVANIA, BOARD OF SUPERVISORS AMENDING THE CODE OF THE TOWNSHIP OF TOBYHANNA, PART II, CHAPTER 113, SEWER, ARTICLE V, CONNECTIONS, SECTIONS 113-35 DEFINITIONS, SECTIONS 113-36 113-37, 113-40 AND ARTICLE VI SECTION 113-48 AND DELETING ARTICLE V SECTIONS 113-39, 113-41, AND 113-42.

The Tobyhanna Township Board of Supervisors does hereby ENACT and ORDAIN, as follows:

SECTION I.

Part II, Chapter 113, Sewers, Article V, Connections, Section 113-35, Definitions; word usage, of the Code the Township of Tobyhanna is hereby amended and revised with the addition and modification of the following definitions:

AQUA

Aqua Pennsylvania Wastewater, Inc., the owner and operator of sewer system in Tobyhanna Township, as shown in the Tobyhanna Township Act 537 Plan approved by the Pennsylvania Department of Environmental Protection excluding Tobyhanna Township Sewer District No. 1. The term Aqua shall also include all other sanitary sewer service providers in Tobyhanna Township with a service area shown in the Tobyhanna Township Act 537 Plan approved by the Pennsylvania Department of Environmental Protection and a tariff on file with the PUC.

BUILDING SEWER

The sewage drainage system from a building constructed on any improved property to the company service lateral serving such improved property, including any customer service line, grinder pump or pressure sewer or similar apparatus or facilities installed by the Township or the owner and which are located on such improved property.

COMPANY SERVICE LATERAL

Aqua's pipe or line extending laterally out from Aqua's collection main that connects the building service line at the hypothetical or actual curb line, edge of the right-of-way or the actual property line.

CUSTOMER SERVICE LINE

The connecting facilities from Aqua's sewage lines or mains at the curb-line into and within the customer's premises.

CUSTOMER

A person, at least 18 years of age, or entity who is an owner, occupant or who contracts with Aqua for or who takes or receives wastewater collection, treatment and/or disposal service. Also referred to herein as a “user” and includes significant users.

PUC

Pennsylvania Public Utility Commission.

SEWER SYSTEM

All facilities, at any particular time, acquired, constructed, operated and/or owned by Aqua for collecting, pumping, transporting, treating and/or disposing of sanitary sewage and/or industrial wastes in the Township, other than a building sewer or customer service line. For purposes of this Article, “sewer system” shall not include Tobyhanna Township Sewer District No. 1 which shall be governed under separate Articles VIII and IX of this Chapter.

TARIFF

Aqua’s tariff on file with the PUC, as same shall be supplemented or amended from time to time. In the event of any conflict between Aqua’s tariff and this ordinance, Aqua’s tariff shall control. This ordinance shall not be deemed to limit any of Aqua’s rights, powers or duties contained in Aqua’s tariff.

SECTION II.

Part II, Chapter 113, Sewers, Article V, Connections, Section 113-36, Use of public sewers; exception, Subsections 113-36.A. (3); 113-36.B; 113-36 G; 113.36.H; 113-36.I; and 113-36.J, of the Code the Township of Tobyhanna are hereby amended and revised to read as follows:

§113-36. Use of public sewers required; exception.

A. Connection.

(3) The exemption provided for in Subsection A(2) shall not be available in any situation where the business seeking to use it had notice, either actual or constructive, prior to construction of its sanitary sewage treatment plant, of the intention of a third party or Aqua to construct a sanitary sewer system and the Township’s requirement that the business connect thereto.

B. All wastewater from any improved property, after connection of such improved property with a sewer as required under Subsection A, shall be conducted into such sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by Aqua from time to time.

G. This subsection shall be deleted and the remaining subsections re-lettered.

- H. No new connections to a sewer system will be permitted unless there is sufficient capacity, as determined by Aqua, and verified by the Township through a ‘Will Serve’ Letter, to adequately convey and treat the wastewater which the new connection will contribute.
- I. Aqua shall have the right, at any time upon written notice, to inspect any and all existing connections to Aqua’s sanitary sewer system. Additionally, no storm water from pavements, area ways, roof runoff water, foundation drains, subsurface drains, water from springs, cooling water, sump pumps, downspouts, unpolluted industrial or commercial process water or other sources shall be connected to any companies’ service lateral, customer service line, building sewer or building drain which is discharging into Aqua’s public sanitary sewer system.
- J. This subsection shall be deleted.

SECTION III.

Part II, Chapter 113, Sewers, Article V, Connections, Section 113-37, Buildings sewers and connections, Subsections 113-37.A; 113-37.C; 113-37.D; 113-37.E; 113-37.F; 113-37.G; 113-37.H; 113-37.I; 113-37.J; and 113-37.L, of the Code the Township of Tobyhanna are hereby amended and revised to read as follows::

§113-37. Building sewers and connections.

- A. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any sewer or any part of the sewer system without first obtaining written permission from Aqua.
- C. No person shall make or shall cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:
 - (1) Such person shall have notified Aqua of the desire and intention to connect such improved property to a sewer;
 - (2) Such person shall have ‘Will Serve’ letter from Aqua and supplied a copy to the Township.
 - (3) Such person shall have complied with Aqua’s Tariff; and
 - (4) Such person shall have obtained from the Township all necessary building permits for such connections and shall have complied with all of the requirements associated therewith.
- D. Each improved property shall be connected to a sewer in accordance with Aqua’s Tariff.
- E. All costs and expenses of acquisition, construction, operation and maintenance of a building sewer and of the customer service line serving any improved property shall be

borne by the owner of the improved property served thereby, unless otherwise provided by Aqua. Installation of a company service lateral to connect any improved property shall be in accordance with Aqua's Tariff. All costs and expenses of acquiring, installing, operating and maintaining a grinder pump or similar apparatus shall be borne by the owner of the improved property so connected, unless otherwise provided by Aqua. Each such owner shall indemnify and shall save harmless this Township and Aqua from all loss or damage that may be occasioned, directly or indirectly, as a result of construction, connection, operation or use of a building sewer or of a customer service line.

- F. A building sewer and appropriate customer service line shall be connected to a sewer at the location designated by Aqua. If Aqua furnishes the customer service line, the building sewer shall be connected to the sewer at the location designated by Aqua. . The owner of each improved property shall provide Aqua any information requested pertaining to the existing or proposed location of a building sewer and of the customer service line.
- G. This subsection shall be deleted and the remaining subsections re-lettered.
- H. Where an improved property, at the time a connection to a sewer is permitted by Aqua, and is currently being served by its own sewage disposal system or sewage disposal devise, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device and attachment shall be made, with proper fittings, to continue such house sewer line as the building sewer to the company service lateral and the sewer, in the manner provided by Aqua. The sewage disposal system or sewage disposal device shall be abandoned following Pennsylvania Department of Environmental Protection regulations.
- I. This subsection shall be deleted.
- J. This subsection shall be deleted.
- L. This subsection shall be deleted.

SECTION IV.

Part II, Chapter 113, Sewers, Article V, Connections, Section 113-38, Tapping fees, is deleted.

SECTION V.

Part II, Chapter 113, Sewers, Article V, Connections, Section 113-39, User charges, is deleted.

SECTION VI.

Part II, Chapter 113, Sewers, Article V, Connections, Section 113-40, Prohibited wastes, Subsections 113-40.B(3)(f)[2][a], 113-40.B(3)(g)[4], 113-40.B(3)(h), 113-40.B(3)(i)[1][d], 113-40.B(3)(i)[2] and [3], 113-40.B(3)(j)[2], 113-40.B(15), 113-40.B(15)(c), (f) and (g), 113-40.C, 113-40.D, 113-40.F, 113-40.G and 113-40.H, of the Code the Township of Tobyhanna are hereby amended and revised to read as follows:

113.40.B(3)(f)[2][a] The facilities are found by Aqua to be contributing grease in quantities sufficient to cause sanitary sewer line stoppages or necessitate increased maintenance on the sanitary sewer collection system in order to keep main line stoppages from occurring.

113.40.B(3)(g)[4] Additives. Any additive(s) placed into the grease interceptor or building discharge line system on a constant, regular or scheduled basis shall be reported to Aqua. Such additives shall include, but not be limited to, enzymes, commercially available bacteria or other additives designed to absorb, purge, consume, treat or otherwise eliminate grease and oils. The use of additives shall in no way be considered as a substitution to the maintenance procedures required herein.

113.40.B(3)(h) Permit requirements.

[1] Permit.

[a] it is unlawful for any facility producing grease to discharge waste into the sewer system without authorization from Aqua. Authorization shall be given in the form of a grease discharge permit. Application for a permit shall be made to Aqua. If after examining the information contained in the grease discharge permit application, it is determined by Aqua that the proposed discharge does not conflict with the provisions of this chapter or Aqua's tariff and the permit fee is paid, a permit shall be issued allowing the discharge of such wastes into the sanitary sewer collection system.

[b] As a condition precedent to the granting of a permit, the permittee under this section will agree to hold harmless Aqua and the Township including its employees from any liabilities arising from the permit holder's operations under this permit.

[2] Deleted.

113.40.B(3)(i)[1][d] Upon receipt of the waste, the receiving facility shall send one copy of each manifest to Aqua.

113.40.B(3)(i)[2] Maintenance log. A log indicating each pumping for the previous twelve months shall be maintained by each facility required to install a grease

interceptor. This log shall include the date, time, amount pumped, hauler and disposal site, and shall be kept in a conspicuous location for inspection. Said log shall be made immediately available to any representative of Aqua upon request.

113.40.B(3)(i)[3] Reporting. The information required in the maintenance log must be submitted to Aqua annually. The reporting period shall be January 1 through December 31 of each year. The report shall be submitted within thirty days after the end of the reporting period to Aqua.

113.40.B(3)(j)[2] Inspection and entry. Authorized personnel of Aqua, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this section, at any reasonable time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this section.

113.40.B(15) All industrial and commercial waste entering Aqua's collection system shall, at the Customer's expense, be studied to determine the degree of pretreatment, if any, necessary in order that the waste will not be harmful or adversely affect the sewer system or the treatment plant or related facilities. Aqua will have the authority to properly control any waste discharge into its sewage system by regulating the rate of any waste discharge into its sewer system by requiring necessary pretreatment, and excluding certain waste, if necessary, to protect the integrity of the sewer system. In general, any waste will be considered harmful to the sewer system if it may cause any of the following damaging effects:

- Chemical reaction either directly or indirectly with the materials of construction of the system in such a manner as to impair the strength or durability of the sewer structures;
- Mechanical action that will destroy the sewer structures;
- Restriction of the hydraulic capacity of the sewer structures;
- Restriction of the normal inspection or maintenance of the sewer structures;
- Danger to public health and safety; or (0 obnoxious condition contrary to public interest

At a minimum, and subject to the foregoing sentence, no user shall contribute toxic pollutants to the sewer system in excess of the following: *the remainder of this subsection remains unchanged.*

113.40.B(15)(c) All wastewater entering the sewer system shall be pretreated to typical domestic levels for compatible pollutants unless otherwise stated, in writing, by Aqua by way of the issuance of a permit. Typical domestic levels for compatible pollutants shall be: *the remainder of this subsection remains unchanged.*

- 113.40.B(15)(f) Each customer deemed a significant user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the significant user's own cost and expense. Detailed plans showing the facilities and operating procedures to provide this protection shall be submitted to the Township and Aqua and shall be approved, in writing, by the Township and Aqua before construction of the facility. All existing significant users shall complete such a plan prior to being issued a permit. No significant user who commences contribution to the sewer system after the effective date of this article shall be permitted to introduce pollutants into the system until his accidental discharge procedures have been approved by Aqua. Review and approval of such plans and operating procedures shall not relieve the significant user from the responsibility to modify his facility, as necessary, to meet the requirements of this article. In the case of an accidental discharge, it is the responsibility of the significant user to immediately telephone and notify Aqua of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- 113.40.B(15)(g) Within five days of an accidental discharge, the significant user shall submit to Aqua a detailed written report describing the cause of the discharge and the measures to be taken to mitigate any expense, loss, damage or other liability which may be incurred as a result of damage to the sewer system or aquatic life or any other damage to person or property. Such report shall not relieve the user or significant user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.
- 113.40.C Under no circumstances shall any person discharge or cause to be discharged into the sewer system any of the substances listed in Subsection B above without first securing written permission to do so from Aqua. Under no circumstances shall any person discharge or cause to be discharged into the sewer system any of the substances listed in Section G of Aqua's tariff.
- 113.40.D Upon promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. Aqua shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.
- 113.40.F Whenever a person is authorized by Aqua and the appropriate governmental agencies to discharge any polluted water, sanitary sewage or

industrial waste containing any of the substances or possessing any of the characteristics referred to in Subsection B or Section G of Aqua's Tariff, such discharge shall be subject to the continuing approval, inspection and review of Aqua. If, in the opinion of Aqua, such discharges are causing or will cause damage to the sewer system or are causing or will cause Aqua to be in violation of any agreement or order, Aqua shall order the person causing such discharge to cease doing so forthwith or to take other appropriate action, including exercising the remedies provided herein, to eliminate the harmful discharge. Aqua may recoup the costs for any work, including but not limited to costs of material, labor and supervision necessary to remove and repair any deposit, obstruction or damage caused to the sewer system as a result of the discharge or drainage from any improved property.

113.40.G Deleted.

113.40.H Where necessary or appropriate, in the opinion of Aqua, the owner of an improved property shall provide, at the sole expense of the owner, suitable pretreatment facilities acceptable to Aqua.

- (1) Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of industrial wastes shall be submitted for approval of Aqua. No construction of any such facility shall commence until approval has been obtained, in writing, from Aqua and until approval has been obtained from any and all regulatory bodies having jurisdiction.
- (2) Such facilities for preliminary treatment and handling of industrial wastes shall be continuously maintained, at the sole expense of the owner, in good operating condition satisfactory to Aqua. Aqua shall have access to such facilities at reasonable times for purposes of inspection and sampling.

SECTION VII.

Part II, Chapter 113, Sewers, Article V Connections, Section 113-41, Admission of Industrial Wastes into Sewer System, Subsections is deleted.

SECTION VIII.

Part 2, Chapter 113, Sewers, Article V, Connections, Section 113-42, Miscellaneous Provisions, is deleted.

SECTION VIII.

Except for Section 113-48, Part 2, Chapter 113, Sewers, Article VI, Assessments is hereby deleted.

SECTION X.

Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION XI.

Severability. If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

SECTION XII.

Effective Date. This Ordinance shall become effective five (5) days after final enactment.

ENACTED AND ORDAINED this 17th day of September, A.D., 2019.

TOBYHANNA TOWNSHIP
BOARD OF SUPERVISORS

ATTEST:

Anne M. Lamberton

Julia Heilakka, Secretary

John J. Holahan, III

Heidi A. Pickard

Brendon J.E. Carroll

David Carbone