

ORDINANCE

6
NO. 3 OF 1990

AN ORDINANCE OF THE BOROUGH OF WEST WYOMING LUZERNE COUNTY, PENNSYLVANIA, IMPOSING CHARGES, SURCHARGES, FEES AND ASSESSMENTS FOR USE AND BENEFITS DERIVED FROM THE SEWER SYSTEM OWNED AND OPERATED BY WEST WYOMING BOROUGH, UPON OWNERS OF PROPERTY BENEFITED, IMPROVED OR ACCOMMODATED BY SUCH SEWER SYSTEM; PROVIDING FOR SPECIAL AGREEMENTS, COLLECTIONS AND FOR FILING OF LIENS; REGULATING THE DISCHARGE OF SANITARY SEWAGE INTO SUCH SEWER SYSTEM; PROVIDING FOR REVIEW OF OPERATION AND MAINTENANCE CHARGES; PROVIDING FOR ACCESS TO THE SEWER SYSTEM; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS

WHEREAS, the Borough of West Wyoming, hereinafter called the "BOROUGH", will be constructing and operating a Sewer System consisting of facilities for the collection and conveyance of sanitary sewage and other wastewaters within West Wyoming Borough, located in Luzerne County, Pennsylvania; and

WHEREAS, the Borough, in accordance with power vested in it by law, desires to establish a User Charge System fixing charges, surcharges, fees and assessments for use of its Sewer System and for services rendered by the Borough in connection therewith; and

WHEREAS, the Borough desires to establish Rules and Regulations for the connection of Improved Properties to the Sewer System.

ARTICLE I

DEFINITIONS

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Resolution shall be as follows:

- A. "Ammonia Nitrogen as N" shall mean ammonia nitrogen as determined pursuant to the procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewaters", published by American Public Health Associates, Inc.
- B. "Billing Unit" shall mean and shall include, as applicable, a Commercial Establishment, a Dwelling Unit, an Industrial Establishment or an Institutional Establishment.

C. "B.O.D." (Biochemical Oxygen Demand) shall mean the quantity of oxygen, expressed in ppm, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20^o) degrees Centigrade. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, Inc.

D. "Building Sewer" shall mean the sewer extension from the sewage drainage system of any structure to the grinder pump or point of gravity connection with the lateral serving such structure.

E. "Commercial Establishment" shall mean any room, group of rooms, building or enclosure connected, directly or indirectly, to the Sewer System and used or intended for use in the operation of a business enterprise for the sale and distribution of any product, commodity, article or service.

F. "Commonwealth" shall mean the Commonwealth of Pennsylvania.

G. "Dwelling Unit" shall mean any room, group of rooms, house trailer, building or other enclosure connected, directly or indirectly, to the Sewer System and occupied or intended for occupancy as living quarters by an individual, family or any other group of persons, excluding institutional dormitories.

H. "Educational Establishment" shall mean each room, group of rooms, building, house trailer, mobile home, connected directly or indirectly, to the Sewer System and used or intended for use, in whole or in part, for education purposes, including both public and private schools.

I. "Improved Property" shall mean any property upon which there is a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.

J. "Industrial Establishment" shall mean any Improved Property used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other Improved Property from which wastes, in addition to or other than Sanitary Sewage, shall or may be discharged.

K. "Industrial Waste" shall mean any and all wastes discharged from an Industrial Establishment, other than Sanitary Sewage.

L. "Institutional Establishment" shall mean any room, group of rooms, building or other enclosure connected, directly or indirectly, to the Sewer System, including institutional

dormitories and Educational Establishments, which do not constitute a Commercial Establishment, a Dwelling Unit or an Industrial Establishment.

M. "Lateral" shall mean that part of the Sewer System extending from a Sewer normally located in the street right-of-way to the grinder pump or Building Sewer serving an Improved Property. If there shall be no improvement on the property, then "Lateral" shall mean that part of the Sewer System, 1) extending from said sewer to the curb box providing for future extension to a grinder Pump, 2) extending from said sewer to a point of future connection to the Building Sewer, if and when said property is improved.

N. "Multiple Use Improved Property" shall mean any Improved Property in which shall be located more than one Billing Unit.

O. "Owner" shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

P. "Person" shall mean any individual, partnership, company, association, society, trust, corporation or other group or entity.

Q. "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance.

R. "ppm" shall mean parts per million parts water, by weight.

S. "Sanitary Sewage" shall mean normal water-carried household and toilet wastes from any Improved Property.

T. "Sewer" shall mean any pipe or conduit constituting a part of the Sewer System used or usable for sewage collection purposes.

U. "Sewer System" shall mean all facilities at any particular time, for collecting, grinding, pumping, transporting, treating, and disposing of Sanitary Sewage and/or Industrial Wastes, acquired, constructed, operated and/or owned by the Borough.

V. "Street" shall mean and shall include any street, road, lane, court, cul-de-sac, alley, public way or public square, including such streets as are dedicated to public use, and such streets as are owned by private property owners in association for their mutual and common benefit.

W. "Suspended Solids" shall mean suspended solids as determined pursuant to the procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, Inc.

X. "Total Phosphorus as P" shall mean total phosphorus as determined pursuant to the procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, Inc.

Y. "Borough" shall mean West Wyoming Borough, Luzerne County, Pennsylvania, a municipality organized and existing under the laws of the Commonwealth of Pennsylvania, acting by and through its Borough Council or, in appropriate cases, acting by and through its authorized representatives.

ARTICLE II

CHARGES, SURCHARGES AND FEES

SECTION 2.01. - General:

Charges, surcharges and fees as provided for herein shall be imposed upon and collected from the Owner of each Improved Property benefited, improved or accommodated by the Sewer System. Payment shall be made in accordance with the provisions of Article 4 herein.

SECTION 2.02. - Permit Application Fees:

In accordance with the requirements of Article 7, an application fee of \$10.00 shall be imposed upon any Person seeking a permit to use, uncover, connect with, make any opening into, alter, or disturb in any manner, any part of the Sewer System.

SECTION 2.03. - Connection Fees:

A connection fee of \$500.00 shall be imposed upon the Owner of each Property prior to the connection of said property to the Sewer System, except as otherwise provided by special agreement under Article 5 herein.

SECTION 2.03B - Tapping Fee

This Borough does charge a tapping fee against the Owner of any improved property whenever such Owner hereafter shall connect any such improved property with the sewerage system. Such tapping fee is charged for connection of each such improved property by the Owner of such improved property.

The amount of the tapping fee shall be the direct cost for materials, labor, meter, fringe benefits, engineering and legal charges.

All tapping fees shall be payable to the Secretary of this Borough or to such other officer or representative of this Borough as shall be authorized, from time to time, to accept payment thereof.

Payment of tapping fees charged by this Borough shall be enforced by this Borough in any manner appropriate under laws at the time in effect.

SECTION 2.04. - Ready to Serve Charges:

A Ready to Serve Charge shall be imposed upon all Improved Properties that are required to connect to the Sewer System but have failed to do so within ninety (90) days after notification in accordance with the respective Borough Ordinance. The Ready to Serve Charge shall be an amount equal to the then current user charge applicable to the dwelling or establishment involved, as provided for in Section 2.05 herein, and shall be billed and collected at the same time and in the same manner as those charges imposed upon connected users of the Sewer System.

SECTION 2.05. - User Charges:

A quarterly user charge shall be imposed upon and collected from the Owner of each Improved Property connected to the Sewer System, effective as of the date of connection or within thirty (30) days of notice of the commencement of sewer service for Improved Properties existing at the time of sewer construction or as otherwise provided for in Section 2.04. The user charge amount shall be applicable to the type of establishment involved on either a flat rate, metered rate or estimated rate basis. The Borough reserves the right to select which user charge basis described below shall be applicable to each property served by the Sewer System and to revise the same, from time to time, as necessary.

SECTION 2.05A. - Flat Rate Basis For Dwelling Units, Commercial Establishments, Industrial Establishments and Institutional Establishments:

User charges for any Improved Property constituting a Dwelling Unit, a Commercial Establishment, an Industrial Establishment, or an Institutional Establishment may be on a flat rate basis for the following user classifications at the rate of \$78.00 per Billing Unit per quarter-annum:

<u>User Classification</u>	<u>Billing Units</u>
A. Each Dwelling Unit	1
B. Each rental store, business or professional office per 10 employees or less	1
Each additional 5 employees or fraction thereof	1/2

C.	Each hotel, motel or boarding house (in addition to restaurant facilities), per four or less rental rooms	1
	Each additional 2 rental rooms or fraction thereof	1/2
D.	Each restaurant, club, or tavern, per 20 or less seats intended for customer use	1
	Each additional 10 seats or fraction thereof	1/2
E.	Each service station or automobile repair garage:	
	a. 2 bays or less	1
	b. Each additional 2 bays or fraction thereof	1/2
F.	Each beauty or barber shop whether or not attached to or part of a private dwelling:	
	a. First chair	1
	b. Each additional e chairs	1

User Classification

Billing
Units

G.	Car wash:	
	a. First bay	2
	b. Each additional 2 bays or fraction thereof	1
H.	Laundromat:	
	a. First machine	2
	b. Each additional 2 machines or fraction thereof	1
I.	Each school (non-boarding), Per 40 students or less and/or faculty members	1
J.	Each mobile home park, per unit whether occupied or not	1
K.	Firehouses	1.5
L.	Municipal Building	1.5
M.	Church with Kitchen Facilities	1.5
N.	Church without Kitchen Facilities	1
O.	Funeral homes	1.5

P. Hospital, nursing home, convalescent home and similar institutions, per four patients and employees

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Billing Units allocated on businesses, retail stores and professional offices shall be computed on a basis of the average number of full and part time employees (including individual owners and employers) for the calendar quarter preceding the date of the quarterly billing.

If the use or classification of any Improved Property changes during a quarter-annum period, the user charge shall be prorated by the Borough to the nearest calendar month. The appropriate credit or charge shall appear on the statement for the next succeeding quarter-annum period.

The right is reserved for the Borough, from time to time, to establish additional flat rate classifications and to establish quarter-annum rates therefor; and further, from time to time, to alter, modify, revise and/or amend flat rate classifications and the quarter-annum rates applicable thereto.

SECTION 2.05B. - Metered Rate Basis For Commercial, Industrial, or Institutional Establishments:

Should either this Borough or the Owner feel that the flat charges create an unfair result, then, in said event, the Owner may have a water meter installed at the owner's expense, or this Borough may require the installation of a water meter at the owner's expense. In circumstances where the Improved Property is not served by a public Water Supplier and there is currently a water meter installed, billings shall be in accordance with the water meter rate schedule. Owner shall present proof to the Borough that the meter is accurately collaborated from time to time as determined by the Borough.

User charge for any Improved Property constituting a Commercial Establishment, an Industrial Establishment or Institutional Establishment not enumerated in Section 2.05A, may be based upon:

- A. Metered volume of potable water usage, adjusted, if appropriate, by the Authority, or
- B. Actual metered volume of wastewater discharge to the Sewer System.

In either of the foregoing cases, such user charges shall be computed in accordance with the following metered rate per quarter annum:

METERED RATE SCHEDULE

0 to 12,000 gallons or less per quarter - \$78.00

All over 12,000 gallons per quarter - \$6.50 per 1,000 gallons

In cases where the Improved Property is an Industrial Establishment/Industrial User which consumes water in the industrial process, making it difficult or impossible to fairly monitor sewage discharge from water intake, a charge is instituted in the amount of \$200.00 per month.

SECTION 2.05C. - Estimated Rate Basis For Certain Commercial, Institutional And Industrial Establishments:

When the volume of potable water usage or wastewater discharge is not metered and flat rate charges are deemed inappropriate, user charges for Sanitary Sewage and/or Industrial Wastes discharged to the Sewer System from any Improved Property constituting a Commercial, Institutional or Industrial Establishment and/or Industrial User, may be based upon a Borough estimate of potable water consumption of said Improved Property and billed in accordance with the Metered Rate Schedule provided herein.

SECTION 2.05D - Measuring Volume:

A. Methods of Measuring Volume:

1. Whenever a Person purchasing all water used from the Water Supplier discharges Sanitary Sewage and/or Industrial Waste into the Sewerage System, the volume of water used as determined from meter readings made by or made available to the Borough shall be used in computing the sewer rentals.
2. In cases where Persons have sources of water supply in addition to, or other than from the Water Supplier and discharge Sanitary Sewage System, those Persons shall provide a meter on such additional or other sources of supply. The total amount of water used as shown by these meter readings will be used in computing the sewer rentals. If no such meter is installed, the Sewer Manager shall estimate the total amount of water used for the purpose of determining the sewer rentals.
3. In cases where Persons use water from the Water Supplier and/or from any other source such that all or any part of the water so used is not discharged into the Sewerage System, the quantity of water used to determine the sewer rentals shall be computed by one of the following methods:

Method 1: By placing a meter or measuring device on the sewer construction. The readings from this meter or measuring device shall be used in computing the sewer rental.

Method 2: By placing a meter or measuring device on the effluent not discharging into the Sewerage System. The reading from this meter or measuring device will then be deducted from the total water meter readings and the remainder will be used in computing the sewer rentals.

Method 3: When in the opinion of the Sewer Manager it is not desirable or not practical to install devices to continuously determine the quantity of water not discharged to the Sewerage System, the Sewer Manager will determine, in such manner and by such method as he may prescribe, the percentage of metered water discharged into the Sewerage System and the quantity of water used to compute the sewer rentals shall be the percentage so determined of the quantity measured by the water meter or meters. Any dispute as to the estimated amount shall be submitted to the Borough for determination and its decision shall be final for the current calendar year.

B. Measuring Devices: All meters or measuring devices not provided by the Water Supplier but otherwise used under the provisions of this resolution shall be furnished and installed by the Borough at the expense of the property Owner and shall be owned by, and under the control of, the Borough and may be tested, inspected or repaired by Borough employees whenever deemed necessary. The Owner of the property upon which such measuring device is installed shall be responsible for its maintenance and safekeeping and all repairs thereto shall be made by the Borough at the property Owner's expense, whether such repairs are made necessary by ordinary wear and tear or other causes. Bills for such installation and repairs shall be due and payable at the same time and collected in the same manner as are the bills for sewer service, such bills from and after their due date shall constitute a lien upon the property upon which such measuring device is installed.

C. Meter Readings: Borough shall be responsible for the reading of all meters or measuring devices, unless such readings are otherwise made available to the Borough by the Water Supplier, and they shall be made available to Borough employees for meter readings at any reasonable time.

SECTION 2.06. - Multiple Use Improved Properties:

A Multiple Use Improved Property exists where two or more billing units, i.e., Dwelling Units or Commercial, Institutional or Industrial Establishments and/or Industrial Users, or

combinations thereof, share a common connection to the Sewer System or a common structure. In such cases, each such billing unit shall pay a separate user charge, as though it was housed in a separate structure and had a direct and separate connection to the Sewer System, computed in accordance with the appropriate section of Article 2, Section 2.05 of this Resolution.

SECTION 2.07. - Volume and Composition Surcharges:

The Owner of any Improved Property which shall discharge Sanitary Sewage and/or Industrial Wastes to the Sewer System of a volume greater than 12,000 gallons per quarter, shall pay a volume surcharge of \$6.50 for each additional 1,000 gallons. The Owner of any Improved Property which shall discharge Sanitary Sewage and/or Industrial Waste to the Sewer System having a B.O.D. greater than 220 ppm and Suspended Solids content greater than 220 ppm, a total phosphorus as P content greater than 10 ppm and an ammonia nitrogen as N content greater than 25 ppm, shall pay a strength of waste surcharge, in addition to applicable volume charges, in accordance with the requirements of West Wyoming Borough in effect at the time of violation. Surcharges shall be paid in addition to all user charges computed in accordance with provisions of this Article 2. The strength of Sanitary Sewage and/or Industrial Wastes to be used for establishing the amount of surcharges shall be determined periodically at the discretion of the Borough either: (1) by suitable sampling and analysis of such wastes for a consecutive three-day period during a time of normal plant operation; or (2) from estimates made by the Borough; or (3) from known relationships of products produced to strengths of such wastes for those industries where such factors have been established. In establishing such waste strengths for surcharge purposes by analysis, analyses shall be made in accordance with procedures outlined in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, Inc.

SECTION 2.08. - Owner Supplied Information:

The Owner of any Improved Property discharging Sanitary Sewer and/or Industrial Wastes to the Sewer System shall furnish to the Borough, upon written request, all information deemed essential by the Authority for the determination of applicable fees, charges and surcharges. The costs of obtaining such information shall be borne by such Owner of such Improved Property. All such data shall be kept confidential.

Upon failure of the Owner to provide adequate information, the Borough may estimate applicable fees, charges and surcharges based upon available information, or until such time as actual information is received. There shall be no rebate of past Owner payments if actual information reveals that such payments were overestimated.

ARTICLE 3

ASSESSMENTS

SECTION 3.01. - Front Foot Assessments:

Reserved for future use.

SECTION 3.02. - Benefit Assessments:

Reserved for future use.

ARTICLE 4

TIME AND METHOD OF PAYMENT

SECTION 4.01. User charges, ready to serve charges and surcharges, as applicable, shall be rendered on a quarterly basis, and shall cover a quarterly billing period consisting of the immediately following calendar quarter. The Owner of any Improved Property which shall be connected to the Sewer System for only a part of a monthly bill period shall pay such charges on a pro-rata basis for the portion of the quarterly billing period during which such connection was in effect.

Permit application fees, connection fees and assessments shall be billed on a one-time payment basis unless arrangements for installment payments are specifically approved by the Borough.

Connection fees for existing Improved Properties at the time of sewer system construction shall be due from the Owner within thirty (30) days of notification from the Borough of the commencement of sewer use.

SECTION 4.02. Billings for user charges, ready to serve charges, surcharges, permit application fees, connection fees and/or assessments shall be due and payable upon the applicable billing date, at the office of the Secretary of the Borough, and the appropriate amount, computed in accordance with this Resolution, shall constitute the net bill. If such billings are not paid within thirty (30) calendar days after each billing date, an additional sum of one and one-half percent (1-1/2%) shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such thirty (30) calendar day period shall constitute payment within such period. If the end of such thirty (30) calendar day period shall fall on a legal holiday or on a Sunday, then payment made on or mailed and postmarked on the next succeeding regular day shall constitute payment within such period.

SECTION 4.03. The Owner of an Improved Property, prior to connection to the Sewer System, shall provide the Borough with

and thereafter shall keep the Borough advised of the correct address of such Owner. Failure of any Person to receive bills shall not be considered as excuse for nonpayment, nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

SECTION 4.04. Those fees, charges, surcharges and assessments herein specified and other requirements herein imposed on Owners of Property improved, benefited or accommodated by the Sewer System are part of a contract and every such Owner shall be bound by provisions of this Resolution.

SECTION 4.05. No officer or employee of the Borough is authorized to vary fees, charges, surcharges or assessments imposed herein or other provisions of this Resolution without action by the Borough.

ARTICLE 5

SPECIAL AGREEMENTS

Notwithstanding any provision in this Resolution to the contrary, the Borough shall have the right to enter into special agreements which the Owner of any Improved Property with respect to terms and conditions upon which Sanitary Sewage and/or Industrial Wastes may be discharged to the Sewer System and with respect to payments to be made to the Borough in connection therewith. In such event, such service and payments shall be governed by terms and conditions of such special agreements.

ARTICLE 6

FILING AND COLLECTION OF LIENS

Billings for user charges, ready to serve charges, surcharges, connection fees and/or assessments imposed by this Resolution shall be a lien upon the Improved Property connected to and served by the Sewer System and any such billings which are not paid within thirty (30) days after each monthly billing date, at the discretion of the Borough, shall be filed as a lien against the Improved Property so connected to and served by the Sewer System, which lien shall be filed in the appropriate office of the County of Luzerne, Pennsylvania, as provided by law, and shall be collected in the manner provided by law for the filing and collecting of municipal claims.

ARTICLE 7

BUILDING SEWERS AND CONNECTIONS

SECTION 7.01. No Person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner, any part of the Sewer System without first obtaining a permit, in writing, from the Borough.

SECTION 7.02. Application for a permit required under Section 7.01 shall be made by the Owner of the property served or to be served or by the duly authorized agent of such Owner. Borough shall require the payment of a permit fee in such amount as shall be designated by Borough resolution from time to time.

SECTION 7.03. No person shall make or shall cause to be made a connection of any Improved Property to the Sewer System until such Person shall have fulfilled each of the following conditions:

A. Such Person shall have notified the Secretary of the Borough of the desire and intention to connect such Improved Property to the Sewer System;

B. Such Person shall have applied for and shall have obtained a permit as required by Section 7.01;

C. Such Person shall have given the Secretary of the Borough at least twenty-four (24) hours' notice of the time when such connection will be made so that the Borough may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing; and

D. As applicable, such Person shall have furnished satisfactory evidence to the Secretary of the Borough that any and all appropriate charges, surcharges, fees and assessments imposed by the Borough against the Owner of each Improved Property have been paid prior to connection.

SECTION 7.04. Except as otherwise provided in this Section 7.04, each Improved Property shall be connected separately and independently with a Sewer through a Building Sewer. Grouping of more than one Improved Property on one Building Sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of the Borough, in writing, has been secured and only subject to such rules, regulations and conditions as may be prescribed by the Borough.

SECTION 7.05. All costs and expenses, including electrical costs, of construction and connection of a Building Sewer to the Sewer System shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and shall save harmless this Borough from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a Building Sewer or of connection of a Building Sewer to the Sewer System.

SECTION 7.06. A Building Sewer shall be connected to the Sewer System at the place designated by the Borough and where, if applicable, the lateral is provided.

The invert of a Building Sewer at the point of a gravity connection shall be at the same or a higher elevation than the invert of the Sewer. Where any building drainage system is too low to permit gravity flow to the sewer lateral, the sewage flow from such building drainage system shall be lifted by an approved means and discharged through the Building Sewer.

SECTION 7.07. No privy, vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon any Improved Property which has been connected to a Sewer or which shall be required under Section 2.01 to be connected to a Sewer.

Every such privy, vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and shall be filled at the expense of the Owner of such property; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and not filled shall constitute a nuisance, and such nuisance may be abated, as provided by law, at the expense of the Owner.

SECTION 7.08. No privy, vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a Sewer.

SECTION 7.09. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the Owner of such improved property.

SECTION 7.10. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the Owner of the improved property being connected, in a manner satisfactory to this Borough.

SECTION 7.11. If any person shall fail or refuse, upon receipt of a notice of this Borough, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within thirty (30) days of receipt of such notice, this Borough may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewerage system until such unsatisfactory condition shall have been remedied to the satisfaction of the Authority.

SECTION 7.12. Building Sewers and Connections to Sewers:

Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line, as a building sewer.

SECTION 7.13.

No building sewer shall be covered until it has been inspected and approved by this Borough. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner of the improved property to be connected to a sewer.

SECTION 7.14. Installation of Building Sewers:

Building Sewer or Service Line shall be subject at all times to the inspection and approval of the Borough or its duly authorized representative who shall have supervisions and control over same.

A. Size: Service Lines shall in no case be less than four inches in diameter. Where double or multiple houses are permitted to be served by a common line under a special connection permit issued by the Borough, the double and multiple houses will be served with a six-inch line, unless a larger line for the multiple house is required by the Borough or its representative. An approved adapter connecting the Service Line to the Lateral Sewer must be used.

B. Material: Pipe used for Building Sewers or Service Lines shall conform to cast iron soil pipes conforming with HS-67, service weight, bell and spigot joint or PVC Schedule 40.

C. Service Lines shall be laid on a grade of not less than one-quarter of an inch per foot for four-inch pipes and one-eighth of an inch per foot for six-inch pipes or larger.

D. At the option of the Borough, all Service Lines greater than 200 feet in length, connecting Nondomestic Establishments or Industrial Users to the Sewer, shall be air tested in accordance with specifications available from the Borough upon request.

E. Service Lines must be as direct as possible. Changes in direction must be Made with "Y's", combination "Y" and eight-bends or half "Y's", or one-eighth bends. Any ninety degree change in direction shall include a cleanout. Changes in size where the Lateral Sewer is connected to the Service Line shall be made only with fittings.

F. Ditches shall be promptly backfilled after inspection and approval by the Borough or its representative. Care shall be taken to prevent damage to the pipe in backfilling and to secure a well-compacted and firm trench.

G. On existing improved properties as distinguished from future properties to be improved, the Service Line shall be vented, trapped and a cleanout placed on the line.

1. Vents: A vent shall be placed along the house sewer line at a location acceptable to the Borough or its representative. Vent risers shall extend a minimum of twelve inches above the ground surface and shall be capped with a mushroom vent or double head. Vents shall be at least three inches in diameter.
2. Trap: A standard building trap shall be provided immediately after the vent. The trap size shall be the full size of the Service Line.
3. Cleanouts: A cleanout shall be placed immediately following the building trap. The cleanout shall consist of a line size "Y" branch with a riser of not less than four inches extending to the surface where it is to be provided with a ferrule and plug for cleaning purposes.

H. Upon completion of each Service Installation, the Borough or its representative is to be notified and an appointment made for inspection. All pipes and pipe joints must be visible and accessible to the Borough or its representative. If the work is satisfactory, the permit, which must be on hand at the time of the inspection, will be endorsed and returned to the Owner.

Registration \$100.00 Fee Per Annum:

Contractors performing work on the Sewerage System shall be subject to Registration as follows:

Contractors desiring Registration to perform work on the Sewerage System in the Borough must apply to the Borough office, present their qualifications, past experience, record their place of business and any other required information. Upon acceptance, their names shall be inscribed on a Borough Registry List. A registration fee may be charged by the Borough and the Borough may issue licenses or certificates.

Evidence of failure to comply with these Rules and Regulations, by any Registrant, will open that Registrant to removal of his name from the Registry List which will automatically exclude him from doing any work in the Borough on the Sewerage System.

ARTICLE 8

PROHIBITED WASTES

SECTION 8.01. No Person shall discharge or shall cause to be discharged any storm water, surface water, spring water, ground water, roof runoff, subsurface drainage, building foundation drainage, cellar drainage or drainage from roof leader connections into the Sewer System.

SECTION 8.02. The Borough reserves the right to refuse permission to connect to the Sewer System, to compel discontinuance of use of the Sewer System or to compel pretreatment of Industrial Wastes by any Industrial Establishment, in order to prevent discharges deemed to be harmful or to have a deleterious effect upon any part of the Sewer System.

SECTION 8.03. The Borough reserves the right to set concentration or mass discharge limits to any Person discharging to the Sewer System. In general, and except as otherwise provided, no Person shall discharge or cause to be discharged to the Sewer System any matter or substance:

- A. Having a temperature higher than 120 degrees F. or less than 32 degrees F.;
- B. Containing more than 80 mg/1 of fat, oil or grease;
- C. Containing any gasoline, benzene, naptha, fuel, oil, paint products, acid or other flammable or explosive liquids, solids, or gases;
- D. Containing any solid wastes resulting from preparation, cooking and dispensing of food and from handling, storage and sale of produce, which wastes commonly are known as garbage, which have not been ground by household type garbage disposal units or other suitable garbage grinders;
- E. Containing any ashes, cinders, sand, mud, straw, string, shavings, metal, glass, rags, feathers, tar, cotton, dental floss, wool or other fibers, plastics, wood, paunch manure or any other solids or viscous substances capable of causing obstructions or other interferences with proper operation of the Sewer System;
- F. Having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazards to structures or equipment of the Sewer System or any Sewer or to any Person engaged in operation and maintenance of the Sewer System;
- G. Containing toxic or poisonous substances in sufficient quantity to injure or to interfere with any sewage treatment process, to constitute hazards to humans or animals or to create any hazards in waters which shall receive treated effluent from the Sewer System;
- H. Containing dye from any source that will result in a treatment plant effluent exceeding limits in compliance with applicable State or Federal regulations;
- I. Containing radio-active substances and/or isotopes of such

half-life or concentration that will result in a treatment plant effluent exceeding limits in compliance with applicable State and Federal regulations:

J. Having a chlorine demand in excess of 15 mg/l at a detention time of 20 minutes;

K. Prohibited by any permit issued by the Commonwealth of Pennsylvania or the U.S. Environmental Protection Agency;

L. Containing wastes which are not amendable to biological treatment or reduction in existing treatment facilities, specifically non-biodegradeable complex carbon compounds;

M. Having a B.O.D. content greater than two hundred twenty (220) ppm;

N. Having a Suspended Solids content greater than two hundred twenty (220) ppm;

O. Having a Total Phosphorous as P content greater than 10 ppm;

P. Having an Ammonia Nitrogen as N content greater than 25 ppm;

Q. Having as instantaneous sludge flow greater than five percent (5%) of the peak design capacity of the smallest downstream sewage pumping station;

R. Having any waste containing toxic or poisonous substances in excess of the following limits, measured at the point of discharge to the Sewer System:

<u>Substance</u>	<u>Maximum Concentration ppm</u>
Arsenic	0.01
Cadmium (as Cd)	0.01
Chromium (trivalent)	0.5
Chromium (hexavalent)	0.3
Copper (as Cu)	1.0
Cyanides	0.1
Lead	0.05
Mercury	0.1
Nickel (as Ni)	0.5
Phenol	0.005
Silver	0.05
Zinc (as Zn)	2.5

Provided, however, that deviations from the above schedule may be authorized by the Borough in its sole discretion, upon an affirmative showing by the Owner requesting the same that such deviation will not be harmful to the Sewer System and upon approval by the Borough's Consulting Engineers.

S. Containing any substances not mentioned in the foregoing list that will pass through the treatment works and exceed the maximum permitted levels for such substance under the requirements of the State or other governmental agencies.

T. Containing noxious or malodorous gases that create a public nuisance or hazard to life.

SECTION 8.04. In no circumstances shall a Person discharge or cause to be discharged into the Sewer System any of the substances listed in Section 8.03 above, without first securing a written permit to do so from the Borough.

SECTION 8.05. Whenever a Person is authorized by the Borough and the appropriate governmental agencies to discharge any Sanitary Sewage or Industrial Waste containing any of the substances or possessing any of the characteristics referred to in Section 8.03 of this Ordinance, such discharge shall be subject to the continuing approval, inspection and review of the Borough's Consulting Engineer. If, in the opinion of the Borough's Consulting Engineer, such discharges are causing or will cause damage to the Sewer System, the Borough shall order the person causing such discharge to cease doing so forthwith, or to take other appropriate action, as may be required by the Borough, to eliminate the harmful discharge.

SECTION 8.06. Nothing contained in this Article shall be construed as prohibiting any special agreement or arrangement between the Borough and the Owner of an Improved Property from which Industrial Wastes of unusual strength or character may be admitted into the Sewer System.

SECTION 8.07. Where necessary, in the opinion of the Borough, the Owner of an Improved Property shall provide, at the expense of the Owner, suitable pretreatment facilities in order to comply with Section 8.03 of this Article.

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 the Borough. No construction of any such facility shall commence until approval has been obtained, in writing, from the Borough, and until approval has been obtained from any regulatory body having jurisdiction.

Whenever facilities for preliminary treatment and handling of Industrial Wastes are provided, such facilities shall be continuously maintained, at the expense of the Owner, in satisfactory operating condition. The Borough shall have access to such facilities at reasonable times for purposes of inspection and sampling.

ARTICLE 9

ADMISSION OF
INDUSTRIAL WASTES INTO THE SEWER SYSTEM

SECTION 9.01. No Person shall discharge or cause to be discharged into the Sewer System any Industrial Wastes without prior application for and receipt of a written permit from the Borough.

SECTION 9.02. Required Survey Data

Any Person desiring to make or use a connection through which Industrial Wastes shall be discharged into the Sewer System shall file with the Authority a completed "Industrial Wastes Questionnaire", furnished by the Borough, which shall supply pertinent data, including estimated quantity of flow, characteristics and constituents of the proposed discharge. The cost of obtaining all such data shall be borne by the Person desiring to make or use the connection to the Sewer System. All such data shall be kept confidential.

SECTION 9.03. Industrial Waste Contribution Reports

A. Ten (10) days prior to the first day of March, June, September, and December of each year, each major contributor of Industrial Waste shall file with the Borough a report on the quality and quantity of their discharge. The report forms shall be supplied by the Borough and shall be similar to EPA 7550-22, Page IV-1.

B. Major contributors shall consist of those whose total discharge exceeds 10,000 gallons per day, has in its waste a toxic pollutant or, in the judgment of the Borough, would have a significant impact on the Borough's treatment plant or the quality of its effluent.

SECTION 9.04. Sampling, Flow, Measurements, Testing and Inspection

A. When required by the Borough, the Owner of any Improved Property serviced by a building sewer carrying Industrial Waste shall install at his expense, a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling and measurement of the waste.

B. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made herein shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater", published by the American Public Health Association and shall be determined by or under the direct supervision of a "qualified analyst" at the

control manhole provided, or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewer System and to determine the existence of hazards of life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples be taken).

SECTION 9.05. Changes in Type of Wastes

Any Industrial Establishment discharging Sanitary Sewage and/or Industrial Wastes into the Sewer System and contemplating a change in the method of operation which will alter the characteristics and/or volume of wastes being discharged shall notify the Borough, in writing, at least ten (10) days prior to consumation of such change.

SECTION 9.06. Interceptors

Grease, oil and sand interceptors shall be provided by the Owner of any Industrial, Commercial or Institutional Establishment, when required by the Borough, for the proper handling of liquid wastes containing excessive grease, flammable wastes, sand or other harmful substances. All interceptors shall be of a type and capacity approved by the Borough and constructed or installed at a satisfactory location in accordance with plans approved by the Borough prior to installation or commencement of construction.

SECTION 9.07. The use of mechanical garbage grinders in Industrial or Commercial Establishments shall not be permitted without prior approval from the Borough.

SECTION 9.08. The Borough has the right to require Industrial Establishments having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the Sewer System.

SECTION 9.09. Pre-Treatment Facilities

A. Whenever a Person requests permission to discharge Sanitary Sewage or Industrial Waste containing any substance prohibited in Article 8 of this Resolution, the Borough may require said Person provide, at his own expense, pre-treatment of such wastes to reduce or eliminate objectionable flows, substances or characteristics prior to discharge into the Sewer System.

B. Whenever a Person is required by the Borough to provide pre-treatment facilities, such Person shall develop and submit to

the Borough suitable compliance schedules. No construction of such facilities shall commence until:

1. Construction drawings, specifications and other pertinent information relating to the proposed facilities are submitted by said Person to the Borough's Consulting Engineer; and
2. The Borough's Consulting Engineer gives written approval of the compliance schedule and design of the proposed facilities.

C. Whenever approved pre-treatment facilities are placed in operation, said facilities shall be continuously and satisfactorily maintained by the Person who installed them or by the Owner thereof, at their expense. The Borough, or its designated agent, shall have the right to inspect said facilities at any reasonable time to insure they are being properly maintained and operated in accordance with the then current Rules and Regulations of the Borough.

ARTICLE 10

BIENNIAL REVIEW OF USER CHARGE SYSTEM

The Borough shall review not less often than every two (2) years the waste contribution of each user or user class, the total costs of operation and maintenance of the treatment works and the Borough user charge system. The Borough shall maintain such records as are necessary to document compliance with regulations of the Commonwealth and the United States Environmental Protection Agency. The Borough shall revise the charges, surcharges and fees for user or user classes as necessary to accomplish the following:

- A. Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required by regulations of the United States Environmental Protection Agency.
- B. Generate sufficient revenue to pay the total operation and maintenance costs necessary for the proper operation and maintenance (including equipment replacement) of the various portions of the Sewer System, as well as the required debt service and reserve.
- C. Generate sufficient revenue to finance, in whole or in part, expansion of the Sewer System for present and/or future users and user classes.
- D. Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.
- E. Distribute the costs of operation and maintenance of all flow

not directly attributable to users (i.e., infiltration/inflow) among all users of the Borough's Sewer System in the same manner that the costs of operation and maintenance are distributed among users, or user classes, for their actual use.

All fees, penalties and charges collected shall be used for the purpose of operating, maintaining and replacement of the Sewer System or retirement of the debt incurred for same.

ARTICLE II

ACCESS

The Borough shall have the right to access, at all reasonable times to any part of any Improved Property served by the Sewer System as necessary for purposes of inspection, observation, measurement, sampling and testing and for performance of other functions relating to service rendered by the Borough through the Sewer System.

ARTICLE 12

OWNER-TENANT LIABILITY

The Owner of any Improved Property connected to the Sewer System shall be held liable for all acts of tenants or other occupants of such Improved Property insofar as such acts shall be governed by provisions of this Resolution.

ARTICLE 13

BOROUGH LIABILITY

The Borough shall not be liable for a deficiency or failure of service when occasioned by an emergency or required repairs, or failure from a cause beyond its control; the Borough reserves the right to restrict the use of the Sewer System whenever public welfare may require it; and the Borough shall not be responsible for any damage or expense to any Person or to an Improved Property or any Building Unit resulting from any leak, stoppage or defect in the Sewer System.

ARTICLE 14

ADOPTION OF ADDITIONAL RULES AND REGULATIONS

The Borough reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with use and operation of the Sewer System, which rules and regulations shall be, shall become and shall be construed as part of this Resolution. In accordance with applicable law, public notice shall be given prior to the adoption of any amendments to this Resolution.

ARTICLE 15

SEVERABILITY

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of this Resolution, it being the intent of this Borough that such remainder shall be and shall remain in full force and effect.

ARTICLE 16

REPEALER

All ordinances or parts of ordinances or resolution or parts of resolutions which are inconsistent herewith expressly shall be and are repealed.

ARTICLE 17

EFFECTIVE DATE

This Ordinance shall become effective on the date of its adoption by the Borough.

DULY RESOLVED AND ADOPTED this 12th day of November, 1990, by West Wyoming Borough, Luzerne County, Pennsylvania, in lawful session duly assembled.

FOR THE BOROUGH

By: Steve A. Kopyeva
Chairman

ATTEST:

Thomas C. Loftus
Secretary

APPROVED:

George Nocek
Mayor

(SEAL)