

**TOWNSHIP OF RUSH**  
**Schuylkill County, Pennsylvania**

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**ORDINANCE NO. 144**

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**AN ORDINANCE**

**OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF RUSH, SCHUYLKILL COUNTY, PENNSYLVANIA, IMPOSING USER CHARGES AND TAPPING FEES TO BE COLLECTED FROM THE OWNER OF EACH IMPROVED PROPERTY TO BE SERVED BY THE AREA SEWER SYSTEM; PROVIDING FOR PAYMENT AND COLLECTION OF SUCH USER CHARGES AND TAPPING FEES; AND ADOPTING RULES AND REGULATIONS GOVERNING USE OF THE SEWER SYSTEM.**

The Board of Supervisors of the Township of Rush, Schuylkill County, Pennsylvania, hereby enacts and ordains as follows:

**ARTICLE I**

**DEFINITIONS**

**SECTION 1.01.** Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Ordinance shall be as follows:

"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 Wastewater", published by American Public Health Association, Inc.

"Board" shall mean the Board of Supervisors of the Township.

"B.O.D." (Biochemical Oxygen Demand) shall mean the quantity of oxygen, expressed in ppm by weight, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees (20°) 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.

"Building Sewer" shall mean the sewer extension from the sewage drainage system of any Improved Property, including any grinder pump or related apparatus, to the Lateral serving such Improved Property.

"Commercial Establishment" shall mean, unless more specifically described, 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.

"Commonwealth" shall mean the Commonwealth of Pennsylvania.

"Connection Ordinance" shall mean the ordinance enacted by this Township, inter alia, requiring all Owners of Improved Property located in the Sewered Area, and which is adjoining and adjacent to a Sewer, to connect to such Sewer and use the same in such manner as this Township may ordain.

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

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

"Educational Establishment" shall mean any room, group of rooms, building or other enclosure connected, directly or indirectly, to the Sewer System and used or intended for use, in whole or in part, for educational purposes, including both public and private schools or colleges.

"Equivalent Dwelling Unit" or "EDU" shall mean the unit of measure by which a User Charge shall be imposed upon each Improved Property, as determined in this Ordinance or in any subsequent ordinance, resolution or regulation of the Township, which shall be deemed to constitute the estimated, equivalent amount of Domestic Sanitary Sewage discharged by a single-family Dwelling Unit.

"Improved Property" shall mean any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Domestic Sanitary Sewage and/or Industrial Wastes shall be or may be discharged, which is located within the Sewered Area and is subject to the Connection Ordinance.

"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 Domestic Sanitary Sewage, shall or may be discharged.

"Industrial Wastes" shall mean any and all wastes discharged from an Industrial Establishment, and/or any wastewater having characteristics which may have the potential to be physically or financially detrimental to the treatment facilities, in the opinion of the Board, other than Domestic Sanitary Sewage.

"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.

"Large Consumer" shall mean any Commercial Establishment, Educational Establishment, Institutional Establishment or Industrial Establishment, regardless of water consumption or volume of Domestic Sanitary Sewage or Industrial Wastes discharged.

"Lateral" shall mean that part of the Sewer System extending from a Sewer to the curblin, or if there is no curblin, to the property line, or if no such extension is provided, then "Lateral" shall mean that portion of, or place in, a Sewer that is provided for connection of any Building Sewer.

"Multiple Use Improved Property" shall mean any Improved Property upon which there shall exist any combination of a Dwelling Unit, Commercial Establishment, Industrial Establishment, Educational Establishment or Institutional Establishment.

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

"Person" shall mean any individual, partnership, company, association, society, trust, corporation or other group or entity, including municipalities, municipality authorities, school districts and other units of government.

"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.

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

"Sewer" shall mean any pipe or conduit constituting a part of the Sewer System used or usable for collection of Domestic Sanitary Sewage and/or Industrial Wastes.

"Sewered Area" shall mean the service area of the Township served and to be served by the Sewer System, as determined and designated, from time to time, by the Board of the Township.

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

"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 Persons.

"Tapping Fee" shall mean the Tapping Fee imposed by the Township under Article III hereof against the Owner of any Improved Property that is connected to the Sewer System.

"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.

"Total Solids" shall mean solids determined by evaporating at 100°C a mixed sample of wastewater 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. Total solids include floating solids, Suspended Solids, Settleable Solids and Dissolved Solids, as defined below:

(a) "Suspended Solids" shall mean solids determined by standard laboratory procedure in the waste.

(b) "Settleable Solids" shall mean solids that settle in an imhoff cone from a standard sample of waste.

(c) "Dissolved Solids" shall mean solids that are dissolved in the waste and cannot be removed by filtration but can be determined by evaporation.

"Township" shall mean the Township of Rush, Schuylkill County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board or, in appropriate cases, acting by and through its authorized representatives.

"User" shall mean any person who contributes, causes or permits the contribution of wastewater into the Sewer System.

"User Charge" shall mean the rental or charge imposed by the Township hereunder, as amended from time to time, against the Owner of each Improved Property, for the use or availability for use of the Sewer System.

## ARTICLE II

### USER CHARGE

SECTION 2.01. A User Charge is hereby imposed upon the Owner of each Improved Property which shall be connected to the Sewer System, for use of the Sewer System, whether such use is direct or indirect, and for services rendered by the Township in connection therewith, and shall be payable as provided herein. At the discretion of the Township, such User Charge may be imposed upon the Owner of an Improved Property who refuses improperly to connect such Improved Property to the Sewer System, as compensation for the availability of service by the Township in connection with the Sewer System.

Each User Charge shall include those existing and projected costs and expenses of operating, maintaining and improving the Sewer System, including reserves, depreciation and any debt service attributable to additions or improvements to the Sewer System, as determined in the discretion of the Board and shall include the debt service attributable to the initial construction of the Sewer System, as determined in the discretion of the Board.

The Owner of each Improved Property which shall be connected to the Sewer System by paying the User Charge quarterly in an amount of \$67.00 per quarter, in the manner and at the times hereinafter described, payable indefinitely.

The User Charge shall be payable by all Owners of Improved Property which shall be connected to the Sewer System, quarterly, in an amount to be established by the Board, in the manner and at the times hereinafter described, payable indefinitely.

Gasoline service station, per bay	2.0
Commercial mechanical service station	1.0
Beauty/barber shop, attached or unattached to dwelling per chair	1.0
Each additional chair	0.5
Laundromat, per washer	2.0
Commercial/Industrial Establishment - no process waste water - per 10 employees or less located on site	1.0
Each 5 additional employees	0.5
Educational/Institutional Establishment - per 20 or less students and/or employees located on site	1.0
Each 5 additional students and/or employees	0.5
Funeral home	2.0
Doctor's office - per 2 examination rooms	1.0
Nursing home - per 5 full-time residents or equivalents	1.0
Facilities not covered and facilities exceeding gallonage, EDU's will be established on an individual basis.	

The number of Equivalent Dwelling Units applicable to Commercial, Industrial Establishments shall be computed on the basis of the average daily number of full and part-time employees (including the owner(s) or employer(s)) for the calendar quarter preceding the date of the quarterly billing. The Owners of such facilities shall be responsible for advising the Township in writing of the number of employees upon connection to the Sewer System and upon request of the Township. The number of Equivalent Dwelling Units

SECTION 2.02. The applicable User Charge shall be payable by the Owner of each Improved Property shall commence the first day of the calendar quarter following actual physical connection of an Improved Property to the Sewer System. Payment of the quarterly User Charge shall be payable during January, April, July and October of each year, for services to be rendered by the Township during the next succeeding calendar quarter.

SECTION 2.03. The User Charge applicable to any Improved Property constituting a Dwelling Unit or Large Consumer shall be calculated, imposed and collected according to the method described in this Section 2.03.

Each Owner of an Improved Property shall pay the applicable, User Charge times the number of Equivalent Dwelling Units applicable to such Improved Property, as determined by the Township, from time to time. The number of Equivalent Dwelling Units applicable to each Improved Property shall be determined as follows:

<u>Description of Improved Property</u>	<u>Number of EDUs</u>
Single family dwelling-full or part time	1.0
Multiple family dwelling-per family	1.0
Trailer/mobile home	1.0
Apartment house, per unit	1.0
Hotel or motel, per 4 units or fraction	1.0
Restaurant, club, tavern or other retail food or drinking establishment-per 10 seats or fraction	1.0
Church	1.0
Community hall	1.0



applicable to Educational and Institutional Establishments shall be computed on the highest monthly average daily attendance of pupils (plus faculty, administrators and staff) for the twelve (12) months preceding the date of the quarterly billing. The Owners of such facilities shall be responsible for advising the Township in writing of the number of pupils, faculty, administrators and staff in attendance as an average daily figure upon request of the Township.

If the use or classification of any Improved Property changes within a billing period, the User Charge for such billing period may be prorated by the Township. The Owner of the Improved Property shall be responsible for advising the Township in writing of any such change affecting the User Charge payable hereunder. The appropriate credit or additional charge shall appear on the statement for the next succeeding billing period.

The quarterly User Charge payable per Equivalent Dwelling Unit shall be adopted and established by the Board in December of the previous fiscal year at the same meeting at which taxes are levied for the following fiscal year, or at other times in the discretion of the Board.

User Charges for any Improved Property, in the discretion of the Township, may be determined on a metered rate basis calculated according to:

- (1) Metered volume of potable water usage by the Improved Property, adjusted, if appropriate, by the Township, or
- (2) Actual metered or estimated volume of wastewater discharged by the Improved Property into the Sewer System.

In either of the foregoing cases, such User Charges shall be computed in accordance with a rate schedule to be established by the Board.

SECTION 2.04. In the case of a Multiple Use Improved Property sharing a common connection to the Sewer System or a common structure, each such classification of Improved Property 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 Section 2.03 of this Ordinance.

SECTION 2.05. The Owner of any Improved Property which shall discharge Domestic Sanitary Sewage and/or Industrial Wastes into the Sewer System in excess of a total flow of 250 gallons per day per Equivalent Dwelling Unit with a peak flow rate in excess of 500 gallons per day for any 10-minute period, per Equivalent Dwelling Unit, as determined or reasonably estimated by the Township, shall pay a volume surcharge. The Owner of any Improved Property which shall discharge Domestic Sanitary Sewage and/or Industrial Wastes to the Sewer System having a B.O.D. greater than 300 ppm, or a Suspended Solids content greater than 300 ppm, or a Dissolved Solids content greater than 500 ppm, or a Total Solids content greater than 800 ppm, or a Total Phosphorus as P content greater than 10 ppm or an Ammonia Nitrogen as N content greater than 20 ppm, or otherwise causes a surcharge or penalty to be incurred by the Township under the Treatment Agreement shall pay a strength of waste or other applicable surcharge, in addition to applicable User Charges.

Surcharges shall be paid in addition to all User Charges computed in accordance with provisions of this Article II and shall be computed on such basis as this

Township may from time to time adopt. The strength of Domestic Sanitary Sewage and/or Industrial Wastes to be used for establishing the amount of surcharge shall be determined periodically at the discretion of the Township 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 Township; 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 2.06. The Owner of any Improved Property discharging Domestic Sanitary Sewage and/or Industrial Wastes into the Sewer System shall furnish to the Township, including by way of the application for permit described in the Connection Ordinance, all information deemed essential or appropriate by the Township for the determination of all applicable User Charges and surcharges. The costs of obtaining such information shall be borne by such Owner of the Improved Property.

In the event of the failure of the Owner to provide adequate information, the Township shall estimate the applicable User Charge and surcharges based upon available information, until such time as adequate information is received. There shall be no rebate of past payments if the Owner's refusal to provide such information results in overpayment.

SECTION 2.07. Nothing herein contained shall be deemed to prohibit this Township from entering into separate or special agreements with Owners of Improved

Property with respect to the User Charge or surcharge to be imposed in those cases where, due to special or unusual circumstances, the User Charge set forth herein shall be deemed by this Township, in its sole discretion, to be inequitable, or where it is in the best interests of this Township to do so.

SECTION 2.08. Owners of Improved Property that are first connected to the Sewer System during any quarterly billing period shall, in the discretion of the Board, pay a pro-rated User Charge for service for the balance of the quarterly period, plus any applicable surcharges.

SECTION 2.09. Payments of User Charges and any applicable surcharges shall be due and payable upon the applicable billing date, at the office of the Treasurer or other designated representative of the Township, in the appropriate amount, computed in accordance with this Ordinance, which shall constitute the net bill. If any User Charge or any applicable surcharge is not paid within thirty (30) calendar days after the applicable billing date, an additional sum of ten percent (10%) 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 business day which is not a legal holiday shall constitute payment within such period. If any User Charge or any applicable surcharge is not paid within sixty (60) calendar days after the applicable billing date, interest shall accrue and become payable on the unpaid amount at a rate equal to the lesser of 1% per month or the maximum rate of interest

permissible by law. Any and all payments received on account of delinquent accounts shall be applied first to the oldest outstanding gross bill, including any accumulated interest and/or late fee.

SECTION 2.10. It shall be the responsibility of each Owner of an Improved Property to provide the Township with, and thereafter keep the Township continuously advised of, the correct mailing address of such Owner. Failure of any Owner to receive a bill for charges due and payable shall not be considered an 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 2.11. No officer or employee of the Township is authorized to reduce, vary or exempt charges imposed herein or other provisions of this Ordinance without official action by the Board of this Township.

Every Owner of Improved Property shall remain liable for the payment of User Charges and surcharges until the later of: (1) the receipt by the Township of written notice by such Owner that the property has been sold, containing the correct name and mailing address of the new Owner, or (2) the date on which title to the Improved Property is transferred to a new Owner. Failure to provide notice renders an Owner continuously liable for any charges that may accrue until such time as the Township has been properly notified of any change in ownership as described above.

## ARTICLE III

### TAPPING FEES

SECTION 3.01. No Person shall connect any Improved Property with any part of the Sewer System without first making application for and securing a permit, in writing, from the Township. Such application shall be made on a form to be provided by the Township and shall be submitted in the manner described in the Connection Ordinance.

SECTION 3.02. A Tapping Fee is hereby imposed and shall be charged against the Owner of any Improved Property (other than such Owners who are subject to contractual or special agreements providing for payment of certain sums in lieu of a Tapping Fee) whenever such Owner hereafter shall connect or be required to connect such Improved Property with the Sewer System. The Tapping Fee hereby imposed shall be the product of \$3,000.00 multiplied by the number of Equivalent Dwelling Units applicable to the Improved Property (as determined in accordance with Section 2.03 and Section 2.04 of this Ordinance), if paid in full by January 31, 2001. The fee components included in such Tapping Fee, calculated pursuant to Acts 203 and 209 of 1990, are separately set forth in Exhibit "A" attached hereto and made a part hereof. This Township reserves the right to revise and substitute, from time to time, Exhibit A, which shall be available for public inspection to reflect appropriate amendments to the cost components, design capacity or other elements of the required calculation of the Tapping Fee. Such amendments shall be deemed to revise the maximum permissible Tapping Fee of this Township set forth therein, and shall be, shall become and shall be construed as part of this Ordinance, and be applicable to those Persons who subsequently connect to the Sewer System.

The Township reserves the right to impose a "Connection Fee", in an amount not to exceed the permissible sum calculated under applicable law, against those Owners of any Improved Property or other property for whom this Township acquires and constructs a Lateral from the Township's main to the property line or curb stop of such property.

SECTION 3.03. If any Owner of Improved Property connected to the Sewer System shall alter or expand the use of such Improved Property such that a larger number of Equivalent Dwelling Units shall be applicable to such Improved Property, as determined in accordance with Section 2.03 and Section 2.04 of this Ordinance, such Owner must apply for a permit in accordance with the provisions of Section 3.01 of this Ordinance, and an additional Tapping Fee in the applicable amount multiplied by the difference between the number of Equivalent Dwelling Units applicable to such Improved Property prior to such alteration or expansion and the number of Equivalent Dwelling Units to be applicable thereto immediately thereafter. Such additional Tapping Fee shall be due and payable at the time application is made for such permit.

SECTION 3.04. All Tapping Fees shall be payable to the Treasurer of this Township, or to such other officer or agent of this Township as shall be authorized from time to time by Resolution of the Board of this Township to accept payment thereof. Payment of the Tapping Fee shall be made not later than at the time application is made for the connection permit described in Section 3.01 hereof and in the Connection Ordinance.

SECTION 3.05. Payment of Tapping Fees imposed under this Ordinance shall be enforced by this Township in any manner appropriate under laws at the time in effect.

SECTION 3.06. Nothing herein contained shall be deemed to prohibit this Township from entering into separate or special agreements with the Owner of any property with respect to the Tapping Fees to be imposed in those cases where such Owner shall agree to make a capital contribution toward the cost of constructing or improving the Sewer System, or shall agree to construct any facilities, at such Owner's cost and expense, thereafter to become part of the Sewer System owned and operated by this Township, where, due to special or unusual circumstances, the Tapping Fee set forth herein shall be deemed by this Township, in its sole discretion, to be inequitable, or where it is in the best interests of this Township to do so.

SECTION 3.07. The Owner of any Improved Property required to connect to the Sewer System shall be responsible for the costs and expense of acquiring and installing any grinder pump or related and necessary facilities located on the Improved Property as part of the Building Sewer in the manner, of the type and model prescribed by the Township. The Owner of any Improved Property required to connect to the Sewer System shall be responsible for the costs and expense of constructing the Lateral for such Improved Property unless a Lateral is provided by the Township, in its discretion.

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## ARTICLE IV

### PROHIBITED WASTES

SECTION 4.01. No Person shall discharge or shall cause to be discharged into the Sewer System any storm water, surface water, spring water, ground water, roof runoff, subsurface drainage, building foundation drainage, cellar drainage or drainage from roof leader connections.

SECTION 4.02. Except as otherwise provided, no Person shall discharge or cause to be discharged into the Sewer System any matter or substance:

- A. Having a temperature higher than 104 degrees F. (40 degrees C.) or less than 32 degrees F.;
- B. Containing more than 50 mg/L of fat, oil or grease;
- C. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the treatment facilities or to the operation of the treatment facilities. At no time, shall two successive readings on an explosion hazard meter, at any point of discharge into the Sewer System (or at any point in the System) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limits (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Township, the Commonwealth or EPA has notified the User is a fire hazard or a hazard to the Sewer System or the treatment facilities;

D. Containing any solid wastes with particles greater than one-half inch (1/2") in any dimension, 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 solids or viscous substances which may cause obstruction to flow in the Sewer System or other interference with the proper operation of the treatment facilities such as, but not limited to: animal guts or tissues, paunch manure, bones, hair, hides or fleshings, feathers, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, strings, wood, plastics, gas tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, dental floss, wool or other fibers.

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 dyes or other materials with objectionable color, from any source that will result in a treatment plant effluent exceeding limits in compliance with applicable State or Federal regulations;

I. Any substance which may cause the treatment facilities effluent or any other product of the treatment facilities such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the treatment facilities cause the treatment facilities to be in non-compliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or Commonwealth criteria applicable to the sludge management method being used.

J. 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 or Federal regulations;

K. Having a chlorine demand in excess of 12 mg/l at a detention time of 20 minutes;

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

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

N. Having a B.O.D. content greater than three hundred (300) ppm;

- O. Having a Suspended Solids content greater than three hundred (300) ppm;
- P. Having a Total Phosphorus as P content greater than 10 ppm;
- Q. Having an Ammonia Nitrogen as N content greater than 20 ppm;
- 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	0.05
Cadmium (as Cd)	0.1
Chromium (trivalent)	1.0
Chromium (hexavalent)	0.05
Copper (as Cu)	0.5
Cyanides (free CN)	0.05
Lead	0.3
Mercury	0.002
Nickel (as Ni)	2.0
Phenolic Compounds	0.005
Silver	0.05
Zinc (as Zn)	1.0

S. Containing any substance not mentioned in the foregoing list that will pass through the treatment facilities and exceed the maximum permitted levels for such substance under the requirements of the Commonwealth or other governmental agencies having jurisdiction;

T. Any substance which may cause a breach of or surcharge under the Treatment Agreement; or

U. Any other substance prohibited by ordinance, resolution, rule or regulation of the Township hereafter enacted or adopted from time to time.

SECTION 4.03 Under no circumstances shall any Person discharge or cause to be discharged into the Sewer System any of the substances listed in Section 4.02 above, without first securing written permission to do so from the Township.

SECTION 4.04 Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The Township shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12

SECTION 4.05 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 Township or Commonwealth - (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in Section 4.02, e.g. the pH prohibition.) Such practices must receive prior written approval from the Township.

SECTION 4.06. Whenever a Person is authorized by the Township and the appropriate governmental agencies to discharge any polluted water, Domestic Sanitary Sewage or Industrial Waste containing any of the substances or possessing any of the characteristics referred to in Section 4.02, such discharge shall be subject to the continuing approval, inspection and review of the Township. If, in the opinion of the Township, such discharges are causing or will cause damage to the Sewer System, or cause the Township to

be in violation of the Treatment Agreement, the Township shall order the Person causing such discharge to cease doing so forthwith, or to take other appropriate action, including exercising the remedies provided in the Connection Ordinance, to eliminate the harmful discharge.

SECTION 4.07. Nothing contained herein shall be construed as prohibiting any special agreement or arrangement between the Township and the Owner of an Improved Property allowing Industrial Wastes of unusual strength or character to be admitted into the Sewer System to the extent permitted by the Treatment Agreement.

SECTION 4.08. Where necessary or appropriate, in the opinion of the Township, the Owner of an Improved Property shall provide, at the sole expense of the Owner, suitable pretreatment facilities acceptable to the Township and which complies with the Treatment Agreement.

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

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 the Township. The Township shall have access to such facilities at reasonable times for purposes of inspection and sampling.

ARTICLE V

MISCELLANEOUS

SECTION 5.01. The Township shall have the right of access, at all reasonable times, to any part of any Improved Property as necessary for purposes of inspection, observation, measurement, sampling and testing and for performance of other functions relating to service rendered by the Township.

SECTION 5.02. The Owner of any Improved Property, upon direction of the Township, shall acquire and install, at such Owner's cost and expense, a grinder pump or other apparatus satisfactory to the Township in the manner and at the location directed by the Township. Such grinder pump or other apparatus shall be installed at the time such Improved Property is connected to the Sewer System and shall be subject to Township inspection and approval together with the remainder of the Building Sewer. Maintenance, repair and replacement of such grinder pump or other apparatus shall be and remain the sole responsibility of the Owner of the Improved Property.

SECTION 5.03. The Owner of any Improved Property shall be held liable for all acts of tenants or other occupants of such Improved Property, as may be permitted by law, insofar as such acts shall be governed by the provisions of this Ordinance.

SECTION 5.04. The Township shall adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with the use and operation of the Sewer System, which rules and regulations shall be, shall become and shall be construed as part of this Ordinance.

SECTION 5.05. In the event any provision, section, sentence, clause or part of this Ordinance shall be held by any Court or Administrative tribunal of competent jurisdiction to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

SECTION 5.06. All ordinances or parts of ordinances of this Township which are inconsistent herewith expressly shall be and are repealed.

SECTION 5.07. This Ordinance shall become effective in accordance with law.

SECTION 5.08. It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of health, safety and welfare of the inhabitants of this Township.

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DULY ENACTED AND ORDAINED, this 15th day of November, 2000, by the Board of Supervisors of the Township of Rush, Schuylkill County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF RUSH,  
Schuylkill County, Pennsylvania

By: *John D. Schickman*  
Chairman of the Board of  
Supervisors

ATTEST:

*Catherine M. Riotta*  
Secretary

(SEAL)

**CERTIFICATE**

I, the undersigned, Secretary of the Township of Rush, Schuylkill County, Pennsylvania (the "Township"), certify: that the foregoing is a true and correct copy of an Ordinance which duly was enacted by affirmative vote of a majority of all members of the Board of Supervisors of the Township at a meeting of said Board duly convened and held according to law on November 15, 2000, at which meeting a quorum was present; said Ordinance duly has been recorded in the Ordinance Book of the Township; said Ordinance duly has been published as required by law; and that said Ordinance is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the Board of the Township met the advance notice requirements of the Sunshine Act No. 65 Pa.C.S. Ch. 7, by advertising said meeting and by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 15th day of November, 2000.

*Catherine M. Riotta*  
Secretary

(SEAL)