

TOWNSHIP OF RUSH
Schuylkill County, Pennsylvania

ORDINANCE NO. 107

AN ORDINANCE

SUPPLEMENTING AND ESTABLISHING ADDITIONAL REGULATIONS,
REQUIREMENTS AND AUTHORIZATIONS AFFECTING THE DISCHARGE
OF WASTEWATER TREATMENT INTO THAT PART OF THE TOWNSHIP
OF RUSH SERVED BY THE LAKE HAUTO SEWAGE COLLECTION SYSTEM.

WHEREAS, Rush Township has obtained a grant through the Pennsylvania Infrastructure Authority (hereinafter "PENNVEST") in order to construct a pressurized sewage collection system in that part of the Township bordering on Lake Hauto, and which area is referred to as and commonly known as "Lake Hauto"; and

WHEREAS, the Lake Hauto area is almost exclusively residential and no industry is contemplated to be served by that collection system; and

WHEREAS, the sewage collected from the Lake Hauto area is being treated by a treatment plant owned and operated by the Borough of Nesquehoning which has or shall from time to time in the future establish pre-treatment and discharge of sewage requirements; and

WHEREAS, PENNVEST has required certain language be specifically addressed in ordinance fashion as a requirement of their funding;

NOW, THEREFORE, BE IT ORDAINED as follows:

Section 1.

That this Ordinance shall apply to the sewage collection system constructed by Rush Township in that area of the Township known as Lake Hauto, which system at present consists of a pressurized system and a Township owned grinder pump serving each user which is to be constructed at the lot owner's expense to specifications established by the Township, its agents, successors or assigns, in an area on the lot for which the owner shall grant an easement to the Township for the construction of the grinder pump and the requisite lateral extending to the pressurized sewer main.

Section 2. Requirement To Be Connected

All improved property whether domestic or non-domestic establishment as defined by relevant prior ordinances, located within the Lake Hauto area are hereby required to be connected to the Lake Hauto sewage collection system if the main building is within 150 feet of the grinder

pump which grinder pump shall be owned, operated and maintained by the said Township after installation. Failure of any owner of an improved property to so connect shall constitute a summary violation and the penalty shall be a \$300.00 fine. Each day of non-connection shall be considered to be a separate violation.

Section 3.

All fees, penalties and charges collected under this or any other ordinance dealing with the Lake Hauto sewage collection system shall be used for the purpose of operating, maintaining and replacement of the Lake Hauto sewage collection system or the retirement of the debt incurred for same.

Section 4. Vandalism.

Any unauthorized person including the owner of the lot that tampers with, damages, attempts unauthorized repairs, or attempts to otherwise damage, enter or remove any part of the grinder pump, the component parts or the laterals from the grinder pump to the sewer main or the sewer main or other apparatus such as meters, connections or equipment used by the Township to operate, repair or maintain the said system is hereby guilty of the summary offense of vandalism and shall be subject to a fine of not more than \$300.00 or 90 days in jail or both. This offense shall be in addition to any other criminal penalties or civil damages which are provided by law.

Section 5. Installation as Authorized by Township.

The installation and connection of electrical panels or other apparatus needed to operate the Lake Hauto sewage collection system and specifically the grinder pumps appropriately shall be designed and the connections shall conform to any applicable building and plumbing codes and all the applicable requirements of connection established by the Township or its authorized agents. The owner shall be solely responsible for the expense and installation as well as operation and maintenance of the electrical panel and connections from the house to the grinder pump. Failure to obtain proper authorization from the Township or its agents shall subject the owner to the imposition of a \$100.00 penalty charge in addition to any other criminal damages or other criminal penalties established by this or any other ordinance or authorized by law. The owner shall be solely responsible for making inquiry of whatever plumbing or other codes are required by the Township.

Section 6. Testing.

The Township shall have the right to conduct an examination and make tests to meet the requirements of this or any other ordinance or resolution that requires the connection of new buildings to existing building sewers.

Section 7. Connection and Capacity.

No new connection to the Lake Hauto sewage collection system shall

be permitted unless there is sufficient capacity available in the treatment plant not legally committed to other users to adequately convey and treat the wastewater which the new connection will discharge.

Section 8. Discharges Prohibited.

The following discharges into the Lake Hauto collection system are prohibited:

(a) Any substance which can create a fire or explosion hazard including and not limited to gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(b) Any substance which can cause corrosive damage or hazard to pumps, the grinder pumps, structures, equipment or personnel of the collection or treatment facility;

(c) Any substance which can cause an obstruction to flow in the sewage, grinder pumps or flow meters or other interference with the operation of the collection system;

(d) Any substance which can cause excessively high temperatures, damage the collection system or inhibit the treatment process;

(e) Any substance in greater concentration, temperature, rate of discharge, radioactivity or having any other quality in excess of the limits established by the Borough of Nesquehoning treatment plant.

(f) The regulations and pre-treatment requirements of the Nesquehoning Borough treatment facility as amended are hereby incorporated into this Ordinance by reference to the extent that they are applicable to the Lake Hauto sewage collection system.

(g) Nothing in this Section shall be construed as preventing any agreement with any user of the wastewater facilities whereby wastewater of unusual strength is accepted into the system and specially treated subject to any payments or user charges as may be applicable.

(h) Violation of this Section shall be a summary offense punishable by a fine of not more than \$300.00 for each day of violation. Nothing in this Ordinance shall restrict or preclude the Township from seeking civil damages or preventing other criminal penalties from any violation of this or any other section of this Ordinance.

Section 9. Recouping of Costs.

Costs for any work including materials, labor and supervision necessary to remove and repair any deposits, obstructions or damage caused to the sewage collection facilities by the discharge or drainage from any establishment shall be recouped from the owner and/or any responsible party,

if such party can be identified by the Township. At all times the Township or its agents shall have the discretion to determine whether such attempt to recoup the cost is a cost-effective means of expending the resources of the Township.

Section 10. Confidentiality.

Confidentiality of information provided by an industrial discharger pursuant to this Ordinance is insured provided, however, that that information relates directly to industrial processes, or trade secrets and does not conflict with any duty on the part of the Township to release information pursuant to law.

Section 11. Pre-treatment.

The Township shall have the authority to require the submission of reports, to conduct inspection, surveillance and monitoring necessary to determine compliance with any applicable pre-treatment requirements.

A. The Township shall authorize such remedies as may be necessary to insurance compliance including but not limited to injunctive relief, civil penalties or appropriate criminal penalties including penalties set forth in this Ordinance.

B. The Township shall at its option recoup any costs for labor, materials, attorney's fees, professional design costs or the like necessary to enforce any part of this Ordinance including this Section from the owner or the responsible party, including those costs associated assuring compliance with the Nesquehoning pre-treatment program whose regulations are incorporated herein.

Section 12..

This Ordinance shall become effective in accordance with provisions of law, and shall be amended or repealed only after public notice has been given prior to adoption as required by law.

Section 13. Severability.

In the event that 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 provision, section, sentence, clause or a part of this Ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

Section 14. Repealer.

This Ordinance is intended to supplement and not repeal or replace resolutions or other ordinances adopted by this Township that pertain to and govern the operation, maintenance and administration of the Lake Hauto

sewage collection system. However, where any parts of prior resolutions or ordinances are inconsistent with this Ordinance, those parts or sections are hereby repealed and this Ordinance shall be read as the controlling law.

DULY ENACTED AND ORDAINED this 10th day of March, 1994, by the Board of Supervisors of the Township of Rush, Schuylkill County, Pennsylvania, in lawful session duly assembled. This Ordinance shall become effective March 15, 1994.

TOWNSHIP OF RUSH
Schuylkill County, Pennsylvania

By: Ronald T. Werner
Ronald T. Werner, Chairman

ATTEST:

Carol Ann Opet
Carol Opet, Secretary

(SEAL)