

## AN ORDINANCE

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### **AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter A178, To Adopt The City Of Philadelphia Water Department Sewer & Wastewater Control Regulations As Amended January 1, 2013.**

The Board of Commissioners of the Township of Lower Merion does hereby enact and ordain:

**Section 1.** The Code of the Township of Lower Merion, Chapter A178, Wastewater Control Regulations, §§A178-3 Adoption of wastewater control regulations and A178-4 Violations and penalties, shall be amended to provide henceforth as follows:

§ A178-3. Adoption of wastewater control regulations.

The Township hereby adopts by reference the City of Philadelphia Sewer & Wastewater Control Regulations, effective January 1, 2013, as published by the Philadelphia Water Department and available at < <http://www.phila.gov/water/PDF/PWDregCH5.pdf>>, subject to the following modifications and additional requirements:

- A. The City is the control authority and the Township is the contributing jurisdiction.
- B. The City shall enforce the Wastewater Control Regulations, including inspections and penalties, with notification to the Township.
- C. All required notifications and reports shall be made to both the City and the Township.
- D. The City shall administer industrial pretreatment permit applications, and a copy of permit applications shall be submitted to the Township.
- E. Any industrial user responsible for any accidental discharge of wastewater must immediately notify both the City and the Township.
- F. Except as allowed by federal pretreatment standards, dilution as a control technique for compliance with discharge limits is prohibited.
- G. The City, with notification to the Township and as part of its approval, modification or administration of industrial pretreatment permits, may impose mass discharge limits in lieu of, or in conjunction with, concentration discharge limits.

- H. The knowing transmittal of false information by an industrial user to either the City or the Township is prohibited and constitutes a wastewater control regulation violation.
- I. The City or the Township may require an industrial user to install monitoring and pretreatment facilities, and these shall be provided and operated at the user's own expense.
- J. Any authorized officer or employee of the City may, upon 24 hours' notification to the Township, enter and inspect, sample or test at any reasonable time any part of the Township wastewater collection system, and, as appropriate, enter onto private property to inspect, sample or test waste discharges of industrial users; the Township may also choose to inspect, sample and test waste discharges of the industrial users.
- K. Where a discharge to the wastewater collection system reasonably appears to present an imminent danger to the health and welfare of persons, or presents or may present an imminent danger to the environment, or threatens to interfere with the operation of the City's wastewater treatment system, the City or the Township may immediately initiate steps to identify the source of the discharge, and to hold or prevent said discharge.

§ A178-4. Violations and penalties.

In addition to those penalties for violations specified by the City of Philadelphia Wastewater Control Regulations, effective January 1, 2013, any user who is found to have violated, continues to violate or fails to comply with any provision of the rules, regulations and permits issued hereunder shall be liable to the Township for a civil penalty not exceeding \$1,000 or the maximum fine allowed by law for each offense plus actual damages incurred by the Township per violation per day, for as long as the violation continues. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense; each term, condition or parameter violated shall also be deemed a separate and distinct offense. In addition to the penalties and damages provided herein, the Township may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses associated with the enforcement activities, including sampling and monitoring expenses, against the person found to have violated these regulations or the orders, rules, regulations and permits issued hereunder.

**Section 2.** Nothing in this Ordinance or in Chapter A178 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter prior to the adoption of this amendment.

**Section 3.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

**Section 4** This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this       day of       , 2017.

BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF LOWER MERION

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Daniel S. Bernheim, President

ATTEST:

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Jody L. Kelley, Secretary