

**TOWNSHIP OF WEISENBERG  
LEHIGH COUNTY, PENNSYLVANIA**

**Ordinance No. \_\_\_\_\_**

(Duly Adopted \_\_\_\_\_, 2018)

AN ORDINANCE AMENDING THE TOWNSHIP ORDINANCES TO CONFORM TO RECENT AMENDMENTS OF THE CITY OF ALLENTOWN SEWAGE AND INDUSTRIAL WASTE ORDINANCE, WHICH WERE ENACTED TO COMPLY WITH STATE AND FEDERAL LAW AND PROVIDING FOR AN EFFECTIVE DATE AND A REPEALER.

**WHEREAS**, the public sanitary sewer collection system serving the Township discharges into trunk and receptor lines of others for ultimate transportation to the City of Allentown's Sewer System and treatment at the City of Allentown's publicly owned treatment works; and

**WHEREAS**, the City of Allentown most recently amended its Sewage and Industrial Waste Ordinances on January 18, 2017 (Ordinance No. 15346); and

**WHEREAS**, the Board of Supervisors is required by agreement to amend the Township's Wastewater Discharge Limitations Ordinance to conform to the changes made in the City of Allentown Ordinance No. 15346.

**NOW, THEREFORE**, be it **ORDAINED** and **ENACTED** by the Board of Supervisors of the Township of Weisenberg, Lehigh County, Pennsylvania, as follows:

**Section 1. Amendments.**

Section 120 shall be amended to read as follows:

*"Manager of Water Resources"* Means the Director of Public Works or a person designated by the Director of Public Works who is charged with certain duties and responsibilities by this Ordinance. Any references to the "Manager of Water Resources and/or the Township" in this regard in the existing Weisenberg Township Wastewater Discharge Limitations Ordinance shall be stricken in favor of the Director of Public Works.

Section 302(d) shall be amended to read as follows:

D. Users with the potential to discharge flammable substances may be required by the Director of Public Works to install and maintain an approved combustible gas detection meter.

Section 304(a) shall be amended to read as follows:

A. Any hauler, operator, person or persons cleaning cesspools, septic tanks, privies or any other container governed by this Section shall obtain a license from the City before cleaning such containers and hauling the material to the designated place of disposal within the City. Such license cannot be transferred from one operator, owner, person or persons, to another without prior approval by the City.

Section 403 shall be amended to include the following additional paragraphs:

C. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director of Public Works prior to or together with any reports to be signed by an Authorized Representative.

D. A facility determined to be a Non-Significant Categorical Industrial user by the Director of Public Works pursuant to Section 139 must annually submit the signed certification statement in Section 403(b).

Section 404(a) shall be amended to read as follows:

The Director of Public Works will evaluate the data furnished by the user and may require additional information. Within sixty (60) days of receipt of a complete wastewater discharge permit application, the Director of Public Works will determine whether or not to issue a wastewater discharge permit. The Director of Public Works may deny any application for a wastewater discharge permit.

Section 504(c) shall be amended to read as follows:

D. If a user subject to the reporting requirement in this section monitors any pollutant at the appropriate sampling location more frequently than required by the Director of Public Works, using the procedures described in Sections 510 and 511 of this Ordinance, the results of this monitoring shall be included in the report.

Section 507 shall be amended to read as follows:

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director of Public Works as the Director of Public Works may require from time to time.

Section 801 shall be amended to read as follows:

When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may petition the Lehigh County Court of Common Pleas for the issuance of a restraining order, temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other

requirement imposed by this Ordinance on activities of the user. The Director of Public Works may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

Section 1001 shall be amended to read as follows:

(a) In General. Except as otherwise provided herein, the Director of Public Works shall administer, implement, and enforce the provisions of this Ordinance. Except as specifically set forth herein, any powers granted to or duties imposed upon the Director of Public Works shall be delegated by the Director of Public Works to the Lehigh County Authority as Concessionaire under the Concession Agreement.

(b) Review by City of Allentown. The Hearing Board established by the City of Allentown pursuant to City of Allentown Ordinance 15346 shall hear appeals from any person aggrieved by the application of the provisions of this Ordinance and in accordance with the rules and procedures established by the City of Allentown.

Section 1002(b) shall be stricken in its entirety.

Section 1003 shall be amended to read as follows:

Pretreatment charges and fees shall be in accordance with the Concession Agreement. Such fees and charges shall include reasonable amount for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports and certifications submitted by users;
- (c) Fees for reviewing and responding to accidental discharge procedures and construction;
- (d) Fees for filing appeals;
- (e) Fees to recover administrative and legal costs associated with the enforcement activity taken to address IU noncompliance; and
- (f) Other fees as necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines and penalties chargeable by the Township, City or Lehigh County Authority as applicable.

Section 1004 shall be added to the ordinance and shall read as follows:

§1004 Surcharge.

A. In the event that any user is discharging waste having average Biochemical Oxygen Demand, Suspended Solids, or Total Kjeldahl Nitrogen exceeding 300, 360, or 85 respectively, such waste will be subject to, payment of a surcharge by such user, or by proper and continuous pretreatment before discharge into the sewerage system. However, no such waste of unusual strength or character shall be permitted if in violation of federal pretreatment requirements.

B. To determine the strength of every waste requiring a surcharge, the City shall sample and analyze discharges according to established sampling and analyses periods. The City will consider any relevant factors, including flow volumes, an industry brings forth in deciding the sampling period. The average of said analysis shall be used to establish the surcharge for the quarter during which the samples are taken and quarterly or monthly billings shall be made by the City.

C. Whenever the Director of Public Works shall deem it necessary for the protection and safe, economical and efficient management of the POTW a user shall provide at their expense such facilities for preliminary treatment and processing of industrial waste as may be necessary to: reduce BOD to three hundred (300) mg/L, suspended solids to three hundred sixty (360) mg/L, and Total Kjeldahl Nitrogen to eighty-five (85) mg/L.

**Section 2. Severability.**

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of Lower Macungie Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

**Section 3. Repealer.**

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

**Section 4. Effective Date.**

This Ordinance shall become effective one (1) day after enactment or upon recordation of this Ordinance within the Township's official Ordinance Book, whichever comes later.

**ENACTED** and **ORDAINED** this \_\_\_\_\_ day of February, A.D., 2018.

**BOARD OF SUPERVISORS  
WEISENBERG TOWNSHIP**

By: \_\_\_\_\_  
Name: Linda Gorgas  
Title: Chairperson

By: \_\_\_\_\_  
Name: Anthony C. Werley  
Title: Vice Chairperson

By: \_\_\_\_\_  
Name: Thomas N. Wehr  
Title: Member

**ATTEST:**

By: \_\_\_\_\_  
Name: Brian C. Carl  
Title: Administrator