

## **Chapter 18**

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**Part 1****Mandatory Connection****§18-101. Definitions.**

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

*Borough*—the Borough of Ferndale, Cambria County, Pennsylvania, a municipal corporation of the Commonwealth, acting by and through its Council, or, in appropriate cases, acting by and through its authorized representatives.

*Building sewers*—the extension from the sewage drainage system of any structure to the lateral of a sewer.

*Commonwealth*—the Commonwealth of Pennsylvania.

*Improved property*—any property within this Borough 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 sanitary sewage and/or industrial wastes shall be or may be discharged.

*Industrial establishment*—any improved property located in this Borough and 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 located in this Borough from which wastes, in addition to or other than sanitary sewage, shall be discharged.

*Industrial wastes*—any and all wastes discharged from an industrial establishment, other than sanitary sewage.

*Lateral*—that part of the sewer system extending from a sewer to the curb line or, if there shall be no curb line, to the property line or, if no such lateral shall be provided, then lateral shall mean that portion of, or place in, a sewer that is provided for connection of any building sewer.

*Owner*—any person vested with ownership, legal or equitable, sole or partial, of any improved property.

*Person*—any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity.

*Sanitary sewage*—normal water-carried household and toilet wastes from any improved property.

*Sewer*—any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

*Sewer system*—all facilities, as of any particular time, for collecting, transmitting, gating or disposing of sanitary sewage and/or industrial wastes, and owned by the Borough.

*Street*—and shall include any street, road, lane, court, cul-de-sac, alley, public way or public square.

(Ord. 479, 7/11/2011, Art. I)

**§18-102. Use of Public Sewers Required.**

1. The owner of any improved property which is benefitted, improved or accommodated by a sewer, shall connect such improved property with such sewer, in such manner as the Borough may require, within 45 days (or such other longer period of time as maybe prescribed by the Borough in its discretion) after notice to such owner from the Borough, to make such connection, for the purpose of discharging all sanitary sewage and industrial wastes from such improved property; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Borough, from time to time.

2. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under subsection .1, shall be conducted into such sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Borough, from time to time.

3. No person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this Borough any sanitary sewage or industrial wastes in violation of subsection .1.

No person shall discharge or shall permit to be discharged to any natural outlet within this Borough any sanitary sewage or industrial wastes in violation of subsection .1, except where suitable treatment has been provided that is satisfactory to the Borough.

4. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon any improved property that has been connected to a sewer or that shall be required under subsection .1 to be connected to a sewer.

Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of the Borough, shall be cleansed and shall be filled, at the expense of the owner of such improved property, unless otherwise provided for by the Borough, under the direction and supervision of the Borough; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by the Borough, not cleansed and filled shall constitute a nuisance, and such nuisance may be abated, as provided by law, at the expense of the owner of such improved property.

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

6. The notice by this Borough to make a connection to a sewer, referred to in subsection .1, shall include a reference to this Part in a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within 45 days (or such other longer period of time as may be prescribed by the Borough in its discretion) from the date such notice is given or served. Such notice may be given or served at any time after a sewer is in place that can receive and can convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be given or served to the owner in accordance with law.

(*Ord. 479, 7/11/2011, Art. II*)

**§18-103. Building Sewers and Connections.**

1. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any sewer or any part of the sewer system without first obtaining a permit, in writing, from the Borough.

2. Application for a permit required under subsection .1 shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.

3. No person shall make or shall cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:

A. Such person shall have notified the secretary of the Borough, or other designated representative, of the Borough, of the desire and intention to connect such improved property to a sewer.

B. Such person shall have applied for and shall have obtained a connection permit as required by subsection .1.

C. Such person shall have given the secretary of the Borough, or other designated representative of the Borough, at least 48 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.

D. If applicable, such person shall have furnished satisfactory evidence to the secretary of the Borough, or other designated representative of the Borough, that any fee charged and imposed by the Borough against the owner of each improved property who connects such improved property to a sewer has been paid.

4. Except as otherwise provided in this subsection, 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, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by the Borough.

5. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer 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 a sewer.

6. A building sewer shall be connected to a sewer 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 connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.

7. If the owner of any improved property benefitted, improved or accommodated by a sewer, after 45 days (or such other longer period of time as may be prescribed by the Borough in its discretion) notice either by personal service or by registered or

certified mail, from the Borough requiring the connection of such improved property with a sewer, in accordance with §18-102, shall fail to connect such improved property and use the sewer system, as required, the Borough may make such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

(*Ord. 479, 7/11/2011, Art. III*)

**§18-104. Rules and Regulations Governing Building Sewers and Connections to Sewers.**

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

2. No building sewer shall be covered until it has been inspected and approved by the 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.

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

4. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk and other 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 the Borough.

5. If any person shall fail or shall refuse, upon receipt of a written notice of the Borough, to remedy any unsatisfactory condition with respect to a building sewer within 45 days (or such other longer period of time as may be prescribed by the Borough in its discretion) of receipt of such notice, the Borough may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of the Borough.

6. This Borough reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and with the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as Part of this Part.

(*Ord. 479, 7/11/2011, Art. IV*)

**§18-105. Enforcement.**

1. Any person who shall violate this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 489*]

2. Fines and costs imposed under provisions of this Part shall, be enforceable and recoverable in the manner at the time provided by applicable law.

(*Ord. 479, 7/11/2011, Art. V; as amended by Ord. 489, 10/13/2014*)

**§18-106. Declaration of Purpose.**

It is declared that enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Borough.

(*Ord. 479, 7/11/2011, Art. VIII*)





**Part 2****Sewer Rules and Regulations; User Charges****§18-201. Definitions.**

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

*Act or The Act*—the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 *et seq.*

*Authorized representative of a significant user*—

(1) A principal executive officer of at least the level of vice president if the significant user is a corporation.

(2) A general partner or proprietor if the significant user is a partnership or proprietorship, respectively.

(3) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates, or any governmental entity within the Borough. The signature must conform to requirements set forth in 40 CFR 403.12(1).

*B.O.D. (Biochemical Oxygen Demand)*—the quantity of oxygen, expressed in ppm by weight, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for 5 days at 20°C expressed in terms of weight and concentration (milligrams per liter) (mg/l). 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.

*Borough*—the Borough of Ferndale, Cambria County, Pennsylvania, a municipal corporation of the Commonwealth, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

*Building sewer*—the sewage drainage system from a building constructed on any improved property to the lateral serving such improved property, including any grinder pump or pressure sewer or similar apparatus or facilities installed by the Borough or the owner and which are located on such improved property.

*Categorical Standards*—National Categorical Pretreatment Standards or pretreatment standards.

*Commercial establishment*—any room, group of rooms, building or enclosure, or group thereof, 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, which maintains separate toilet, sink or other plumbing facilities in the room or group of rooms utilized for such business enterprise.

*Commonwealth*—the Commonwealth of Pennsylvania.

*Cooling water*—the water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

*Council*—the governing body of the Borough.

*Dwelling unit*—any room (efficiency), group of rooms, house trailer, apartment, condominium, cooperative or other enclosure connected, directly or indirectly, to the sewer system and occupied or capable of being occupied as a discrete living quarters. As evidenced by the existence of such facilities as:

(a) A functioning kitchen or other food preparation area and a bathroom.

(b) The receipt of rental income or equivalent value for the use thereof by one or more persons, excluding institutional dormitories.

*Educational establishment*—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.

*EPA*—the Environmental Protection Agency of the United States of America.

*Equivalent Dwelling Unit or EDU*—the unit of measure by which the user charge shall be imposed upon each improved property, as determined in this Part or in any subsequent ordinance of the Borough, which shall be deemed to constitute the estimated, equivalent amount of sanitary sewage discharged by a typical, single-family dwelling unit.

*Grab sample*—a sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and without consideration of time.

*Holding tank waste*—any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

*Improved property*—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 sanitary sewage and/or industrial wastes shall be or may be discharged, which is located within the sewered area and is subject to the mandatory connection provisions of this Part.

*Indirect discharges*—the discharge or the introduction of pollutants into the sewer system, including holding tank waste discharged into the sewer system as outlined in 40 CFR 403.31(g) and §§307(b), (c) and (d) of the Act.

*Industrial establishment*—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.

*Industrial wastes*—any and all wastes discharged from an industrial establishment, and/or any wastewater having characteristics which may have the potential to be detrimental to the treatment plant, other than sanitary sewage.

*Institutional establishment*—any room, group of rooms, building or other enclosure connected, directly or indirectly, to the sewer system, including institutional dormitories and school buildings, which do not constitute a commercial establishment, a dwelling unit or an industrial establishment.

*Interference*—the inhabitation or disruption of the treatment plant treatment processes or operations or its sludge operations which contributes to a violation of

any requirement of the Borough's NPDES permit. The term includes prevention of sewage sludge use, sludge processes or disposal by the treatment plant in accordance with §405 of the Act, 33 U.S.C. §1345, or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent State criteria, including those contained in any state sludge management plan prepared pursuant to Title 1V of SWDA applicable to the method of disposal or use employed by the treatment plant.

*Lateral*—that part of the sewer system extending from a sewer to the curblineline, or if there is no curblineline, to the property line, or if no such extension is provided, then “lateral” that portion of, or place in, a sewer that is provided for connection of any building sewer.

*Multiple use improved property*—any improved property upon which there shall exist any combination of a dwelling unit, commercial establishment, industrial establishment, educational establishment or institutional establishment.

*National Categorical Pretreatment Standard or pretreatment standard*—any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §307(b) and (c) of the Act, 33 U.S.C. §131 and 40 CFR, Chapter 1, Subchapter N, or 40 CFR, Parts 401-471, which applies to a specific industry.

*National Pollutant Discharge Elimination System or NPDES permit*—a permit issued pursuant to §402 of the Act, 33 U.S.C. §1342.

*National prohibitive discharge standard or prohibitive discharge standard*—any regulation developed under the authority of §307(b) of the Act and 40 CFR 403.5.

*Nitrogen ammonia (NH<sub>3</sub>-N)*—the quantity of ammonia nitrogen expressed in terms of weight and concentration (milligrams per liter) as nitrogen and determined by an analytical method outlined in 40 CFR, Part 136.

*Nitrogen, total Kjeldahl (TKN)*—the quantity of total Kjeldahl nitrogen (TKN) expressed in terms of weight and concentration (milligrams per liter) as nitrogen and determined by an analytical method outlined in 40 CFR, Part 136.

*Owner*—any person vested with title, legal or equitable, sole or partial, of any improved property.

*Person*—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*—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.

*Phosphate (PO<sub>4</sub> as P)*—the quantity of phosphate ion (PO<sub>4</sub>) expressed in terms of weight and concentration (milligram per liter) as phosphorus and determined by an analytical method outlined in 40 CFR, Part 136.

*Pollutant*—any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

*ppm*—parts per million parts water, by weight.

*Pretreatment or treatment*—the reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into a sewer system. The reduction or alteration can be obtained by physical, chemical or biological processes, or by process changes, or by other means, except as prohibited by 40 CFR 4.03.6(d).

*Sanitary sewage*—normal water-carried household and toilet wastes from any improved property.

*Sewer*—any pipe or conduit constituting a part of the sewer system used or usable for collection of sanitary sewage and/or industrial wastes.

*Sewer system*—all facilities, at any particular time, acquired, constructed, operated and/or owned by the Borough for collecting, pumping and transporting of sanitary sewage and/or industrial wastes, other than a building sewer or a lateral.

*Sewered area*—that geographic area in the Borough served or to be served by the sewer system, determined and designated, from time to time, by the Council of the Borough.

*Significant user*—any non-residential user of the sewer system who:

- (1) Has a wastewater flow of 25,000 gallons or more per average work day.
- (2) Has a flow greater than five percent of the total flow in the sewer system.
- (3) Has in its wastes toxic pollutants as defined pursuant to §307 of the Act or Pennsylvania statutes and rules.
- (4) Is found by the Borough, the Pennsylvania Department of Environmental Protection (DEP), or the EPA to have significant impact, either singly or in combination with other user's, on the treatment plant, the quality of sludge, the sewer system's effluent quality, or air emissions generated by the sewer system.

*Standard industrial classification (SIC)*—a classification pursuant to the “Standard Industrial Classification Manual” issued by the Executive Office of the President, Office of Management and Budget, 1972.

*Stormwater*—any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Street*—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.

*Suspended solids*—the total suspended matter expressed in terms of weight and concentration (milligrams per liter) that floats on the surface or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.

*Total phosphorus as P*—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*—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, Inc. Total solids include floating solids, suspended solids, settleable solids and dissolved solids, as defined below:

(a) *Suspended solids*—solids determined by standard laboratory procedure in the waste.

(b) *Settleable solids*—solids that settle in an imhoff cone from a standard sample of waste.

(c) *Dissolved solids*—solids that are dissolved in the waste and cannot be removed by filtration but can be determined by evaporation.

*Toxic pollutant*—any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of CWA §307(a) or other acts.

*Treatment plant*—the wastewater treatment and disposal system facilities owned and operated by the Borough, together with all appurtenant facilities and properties, and together with any additions, improvements, enlargements and/or modifications thereto from time to time acquired or constructed.

*User*—any person who contributes, causes or permits the contribution of wastewater into the sewer system or the treatment plant from an improved property.

*User charge*—the monthly rental or charge imposed by the Borough hereunder, as amended from time to time, against the owner of each improved property, for the use or availability of use of the sewer system.

*Wastewater*—the liquid and water-carried industrial wastes or sanitary sewage from a dwelling unit, commercial establishment, institutional establishment, industrial establishment, and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the treatment plant.

2. The following abbreviations shall have the designated meanings:

A. CFR—Code of Federal Regulations.

B. CWA—Clean Water Act.

C. DEP—Pennsylvania Department of Environmental Protection.

D. EPA—U.S. Environmental Protection Agency.

E. L—Liter.

F. mg—Milligrams.

G. mg/l—Milligrams per liter.

H. NPDES—National Pollutant Discharge Elimination System.

I. O&M—Operation and maintenance.

J. SIC—Standard Industrial Classification.

K. SWDA—Solid Waste Disposal Act, 42 U.S.C. §6901 *et seq.*

L. TKN–Total Kjeldahl nitrogen.

M. TSS–Total suspended solids.

(Ord. 480, 12/12/2011, Art. I)

**§18-202. User Charges.**

1. A user charge is hereby imposed upon the owner of each improved property which is or 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 Borough in connection therewith, and shall be payable as provided herein. At the discretion of the Borough, such user charge may be imposed upon the owner of an improved property who fails or refuses improperly to connect such improved property to the sewer system, as compensation for the availability of service by the Borough in connection with the sewer system.

2. A. The user charge shall be payable by the owner of each improved property commencing the earlier of:

(1) The date of actual, physical connection of an improved property to the sewer system.

(2) Forty-five days from the date of issuance of the notice to connect described in this Section (unless extended by the Borough); or such other date established by the Borough for commencement of the payment of the user charge.

B. The monthly user charge payable per equivalent dwelling unit shall be calculated and collected and is hereby imposed at a flat rate user charge of \$93 per EDU per calendar quarter, payable in arrears. Each owner of an improved property shall pay the user charge times the number of EDUs applicable to an improved property calculated in the manner described below.

C. The number of equivalent dwelling units applicable to any improved property shall be determined by the Borough, in its discretion, as follows:

Description of Improved Property	Unit of Measurement	Number of EDUs Per Unit of Measurement
Single-family house. (year-round or seasonal)	Each single-family dwelling unit.	1
Apartment house, duplex or other form of multi-family dwelling unit.	Each apartment or other form of dwelling unit. (occupied or unoccupied)	1
Retail store, professional offices or other commercial establishment.	1 to 10 employees. Each additional 10 employees or fraction thereof.	1
Hotel, motel, bed and breakfast or boarding house. (not including restaurant facilities.)	1 to 3 rental rooms. Each additional 3 rooms or fraction thereof.	1
Mobile home park.	Per trailer pad (whether or not occupied.)	1

Description of Improved Property	Unit of Measurement	Number of EDUs Per Unit of Measurement
Restaurant, club, tavern or other retail food or drink establishment.	1 to 20 customer seats. Each additional 20 seats or fraction thereof.	1
Automotive truck stop or vehicle repair shop (without car wash)	1 to 10 employees. Each additional 10 employees or fraction thereof.	1
Car wash (can be in addition to any other facility)	1 or 2 bays. Each additional bay.	1
Beauty parlor or barber shop (with hair washing)	1 or 2 chairs. Each additional 2 chairs.	1
Educational/institutional establishment	Per each 15 pupils, faculty, administrators and staff or fraction thereof.	1
Church	Each property.	1
Fire company	Each property.	1
Community hall	Each property.	1
Community park	Each property.	1
Public laundromat	1 to 4 washing machines. Each additional 4 washing machines of fraction thereof.	1
Funeral home	Each property (without residence.)	1
Municipal garage	Each property.	1
Industrial establishment	1 to 10 employees. Each additional 10 employees or fraction thereof (or based on the volume of wastewater generated.)	1

D. The number of equivalent dwelling units applicable to commercial establishments and 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 the user charge is due. The owners of such facilities shall be responsible for advising the Borough in writing of the number of employees upon connection to the sewer system and, from time to time, upon request of the Borough. The number of equivalent dwelling units applicable to educational and institutional establishments shall be computed on the highest monthly average daily attendance of occupants, pupils, faculty, administrators and staff during the 12 months preceding the date the user charge is due. The owners of such facilities shall be responsible for advising the Borough in writing of the number of pupils, faculty, administrators and staff in attendance as an average daily figure, from time to time, upon request of the Borough.

3. A. The owner of any improved property discharging wastewater into the sewer system shall furnish to the Borough, including by way of the application for permit described in the connection ordinance, all information deemed essential or

appropriate by the Borough 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.

B. In the event of the failure of the owner to provide adequate information, the Borough 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.

4. Nothing herein contained shall be deemed to prohibit this Borough from entering into separate or special agreements with owners of improved property or other persons 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 Borough, in its sole discretion, to be inequitable, or where it is in the best interests of this Borough to do so.

5. User charges and surcharges, as applicable, shall be payable on a monthly basis, on the first day of each month, and shall cover a billing period consisting of the immediately preceding month. Owners of improved property that shall be first connected to the sewer system during any monthly period shall pay a user charge for service for the balance of the monthly period, plus any applicable surcharges.

6. Payments of user charges and any applicable surcharges shall be due and payable upon the applicable billing date, at a place designated by the Borough, in the appropriate amount, computed in accordance with this Part, which shall constitute the net bill. If any user charge or any applicable surcharge is not paid within 30 calendar days after the applicable billing date, an additional sum of 10 percent 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 30 calendar day period shall constitute payment within such period. If the end of such 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. Any and all payments received on account of delinquent accounts shall be applied first to the oldest outstanding gross bill, including any accumulated late fee.

7. It shall be the responsibility of each owner of an improved property to provide the Borough with, and thereafter keep the Borough 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.

8. A. No officer or employee of the Borough is authorized to reduce, vary or exempt charges imposed herein or other provisions of this Part without official action by the Council of this Borough.

B. 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 Borough of written notice by such owner that the property has been sold, containing the correct name and mailing address of the new owner.

(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 Borough has been properly notified of any change in ownership as described above.

(*Ord. 480, 12/12/2011, Art. II*)

**§18-203. Prohibited Wastes.**

1. No person shall discharge or shall cause to be discharged into the sewer system any stormwater, surface water, spring water, ground water, roof runoff, subsurface drainage, building foundation drainage, cellar drainage or drainage from roof leader connections.

2. Except as otherwise provided, no person shall discharge or cause to be discharged into the sewer system the following:

A. 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 to be injurious in any other way to the sewer system or to the operation of the sewer system. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the sewer system (or at any point in the sewer system) by more than five percent, nor any single reading over 10 percent, of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, hydrides and sulfides, and any other substance determined by the DEP or the EPA to be a fire or explosion hazard or a hazard to the system.

B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the treatment plant, such as, but not limited to, grease, garbage with particles greater than ½ inch in any dimension, animal guts/tissues/manure/bones/hair/hides, spent lime, rock or rock dust, metal, glass, glass grindings, straw, shavings, grass clippings, rags, spent grains, waste paper, wood, plastics, tar, asphalt-residues, residues from refining or processing of fuel or lubricating oil, mud, polishing wastes, fur, ashes, incinerator residue, dredged spoil, solid waste, construction materials, sand, cellar dirt, feathers, wax, cinders or medical waste.

C. Grease, oil and sand interceptors shall be provided when, in the opinion of the Borough, they are necessary for the proper handling of liquid wastes containing floatable grease in such amounts as to cause obstruction to the flow in a sewer or other interference with the operation of the treatment plant, or any flammable wastes, sand or other harmful ingredients, except such interceptors shall not be required for private living quarters or dwelling units. All such interceptors shall be of a type and capacity approved by the Borough and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Borough. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by State licensed waste disposal firms.

D. Any wastewater having a pH less than 5.0, unless the sewer system is

specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the sewer system.

E. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure, to interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters or the sewer system, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to §307(a) of the Act.

F. Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair.

G. Any substance which may cause the sewer system's effluent or any other product of the sewer system, 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 sewer system cause the sewer system to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under §405 of the Act, or with any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or State criteria applicable to the sludge management method being used.

H. Any substance which will cause the sewer system to violate its NPDES permit or the water quality standards of the receiving water.

I. Any wastewater with an objectionable color not removable in a treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.

J. Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the sewer system which exceeds 40°C (104°F), unless the treatment plant is designed to accommodate such temperature.

K. Any pollutants, including oxygen demanding pollutants (BOD, COD, etc.), released at a flow rate and/or pollutant concentration which will cause interference to the sewer system. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed, for any time period longer than 15 minutes, more than five times the average 24-hour concentration, quantities or flow during normal operation.

L. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Borough in compliance with applicable State or Federal regulations.

M. Any wastewater which causes a hazard to human life or creates a public nuisance.

N. Stormwater, groundwater, roof runoff, area drainage, perimeter drainage, sump pump discharge, subsurface drainage, cooling water, air conditioner condensate drainage, commercial refrigeration condensate drainage or cooling

tower discharge.

O. (1) Any wastewater which would cause this Borough to be in violation of any agreement with the White Haven Authority.

(2) All wastewater entering this Borough’s sewer system shall be pretreated to typical domestic levels unless otherwise stated in writing by this Borough by way of an Industrial user permit. In addition, no user shall contribute toxic pollutants to the sewer system in excess of the following:

Parameter	Maximum Concentrations in Milligram per Liter from Industrial/Commercial/Institutional Establishments to the Sewer System
Antimony	5.0
Arsenic	0.1
Barium	4.0
Boron	1.0
Cadmium	0.05
Chromium (hexavalent)	0.1
Chromium (trivalent)	1.0
Copper	1.0
Cyanide, Total	0.2
Iron	5.0
Lead	0.1
Manganese	1.0
Mercury	0.01
Nickel	1.0
Total Phenolics	0.5
Selenium	0.04
Silver	0.1
Tin	3.0
Vanadium	3.0
Zinc	1.0
Total Toxic Organics	2.13
Any Single Toxic Organic	0.5

(3) These are end-of-lateral concentrations in the wastewater stream that exists after all industrial waste and sanitary sewage streams connected to the sewer system have mixed completely. The concentrations represent state-of-the-art for local limits that will assure protection of the wastewater treatment process. The end-of-lateral concentrations are generally lower than categorical pretreatment standards which apply to concentrations measured at the end of the manufacturing process.

(4) Where categorical pretreatment standards are available, §403.6 of the General Pretreatment Regulations provides a formula for calculation of an alternate value for the specific pollutant concentration limit based on combined

waste strength. This formula will be applied to the wastewater stream, including sanitary sewage flows and other applicable flows, to calculate an end-of-lateral concentration. The calculated concentration and the concentration based on local limits will be compared and the lower of the two limits will be applied in the permit for the nonresidential discharge.

(5) All wastewater entering the sewer system shall be pretreated to typical domestic levels for compatible pollutants unless otherwise stated in writing by this Borough by way of the issuance of a permit. Typical domestic levels for compatible pollutants shall be:

Parameter	Maximum Concentration (mg/l)
Biochemical Oxygen Demand (BOD <sub>5</sub> )	250
Total Suspended Solids (TSS)	250
Ammonia Nitrogen (NH <sub>3</sub> -N)	25 as N
Phosphorus (Total as P)	10 as P
Total Kjeldahl Nitrogen (TKN)	40 as N
Oil and Grease	100

(6) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations, or those in this Part.

(7) No significant 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 Standard, or with any other pollutant-specific limitation developed by this Borough, or State or Federal agencies.

(8) Each significant user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Part. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the significant user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to this Borough and shall be approved in writing by this Borough before construction of the facility. All existing significant user's shall complete such a plan prior to being issued a permit. No significant user who commences contribution to the sewer system after the effective date of this Part shall be permitted to introduce pollutants into the system until his accidental discharge procedures have been approved by this Borough. Review and approval of such plans and operating procedures shall not relieve the significant user from the responsibility to modify his facility, as necessary, to meet the requirements of this Part. In the case of an accidental discharge, it is the responsibility of the significant user to immediately telephone and notify this Borough of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(9) Within 5 days following an accidental discharge, the significant user shall submit to this Borough a detailed written report describing the cause of the discharge and the measures to be taken to mitigate any expense, loss,

damage or other liability which may be incurred as a result of damage to the sewer system or aquatic life or any other damage to person or property. Such report shall not relieve the user or significant user of any fines, civil penalties or other liability which may be imposed by this Part or other applicable law.

(10) A notice shall be permanently posted on the significant user's bulletin board or other prominent place advising employees whom to call in the event of excessive and/or dangerous discharge, whether accidental or otherwise. Employers shall ensure that all employees who may cause or suffer such an excessive and/or dangerous discharge to occur are properly advised of the emergency notification procedures.

3. Under no circumstances shall any person discharge or cause to be discharged into the sewer system any of the substances listed in subsection .2.O, above, without first securing written permission to do so from the Borough.

4. 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 Part for sources in that subcategory, shall immediately supersede the limitations imposed under this Part. This Borough shall notify all affected user's of the applicable reporting requirements under 40 CFR §403.12.

5. No user shall ever increase the use of process water or, in anyway, 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 Borough or the Commonwealth.

6. A. Whenever a person is authorized by this Borough and the appropriate governmental agencies to discharge any polluted water, sanitary sewage or industrial waste containing any of the substances or possessing any of the characteristics referred to in subsection .2, such discharge shall be subject to the continuing approval, inspection and review of this Borough. If, in the opinion of this Borough, such discharges are causing or will cause damage to the sewer system or the treatment plant, or are causing or will cause this Borough to be in violation of any agreement or order, this Borough shall order the person causing such discharge to cease doing so forthwith, or to take other appropriate action, including exercising the remedies provided herein, to eliminate the harmful discharge.

B. This Borough reserves the right to recoup the costs for any work, including, but not limited to, costs of material, labor and supervision, necessary to remove and repair any deposit, obstruction or damage caused to the sewer system or the treatment plant as a result of the discharge or drainage from any improved property.

7. Nothing contained herein shall be construed as prohibiting any special agreement or arrangement between the Borough and the owner of an improved property or other person allowing wastewater of unusual strength or character to be admitted into the sewer system and specially treated, subject to any payments or user charges, surcharges and other charges as may be acceptable to this Borough.

8. A. Where necessary or appropriate, in the opinion of this Borough, the owner of an improved property shall provide, at the sole expense of the owner, suitable pretreatment facilities acceptable to this Borough.

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

C. 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 this Borough. This Borough shall have access to such facilities at reasonable times for purposes of inspection and sampling.

(Ord. 480, 12/12/2011, Art. III)

#### **§18-204. Admission of Industrial Wastes into the Sewer System.**

1. In the absence of a permit from the Borough, it shall be unlawful to discharge to the sewer system any wastewater except as authorized in writing by the Borough in accordance with the provisions of this Part.

2. All user's proposing to connect to and contribute to the sewer system shall obtain a user permit from the Borough before connecting to or contributing to the sewer system. Application forms are available from the Borough.

A. There shall be two classes of user permits:

(1) For residential, commercial and public service.

(2) For service to institutional and industrial establishments producing industrial wastes, or waste otherwise prohibited or controlled by this Part.

B. In either case, the owner or his agent shall make application on forms furnished by the Borough. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Borough. A permit and inspection fee for a residential, commercial or public user permit and for an institutional or industrial user permit shall be paid by the Borough at the time the application is filed. All user permit applications shall be reviewed and approved in writing by the Borough prior to permit issuance. Permit and inspection fees for user permits shall be in such amounts as may be established from time to time by the Borough.

C. The Borough may:

(1) Impose conditions in any user permit for compliance with monitoring and reporting requirements and compliance with pollutant limitations, which conditions are deemed necessary by the Borough to ensure continued compliance with pretreatment standards and requirements.

(2) Modify existing permits to respond to changes in institutional or industrial discharges to alleviate problems at the treatment plant, to meet water quality standards or to incorporate National Categorical Pretreatment Standards and requirements.

(3) Prohibit the transfer of user permits when an industry or institution is acquired by a new owner.

(4) Revoke user permits to ensure against violations of permit conditions.

D. The Borough shall require a user of sewer services to provide information needed to determine compliance with this Part or other applicable local, State or Federal laws, rules or regulations. These requirements may include:

- (1) Wastewater discharge peak rate and volume records over a specified time period.
- (2) Information on raw materials, processes and products affecting wastewater volume and quality.
- (3) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- (4) A plot plan of sewers on the user's property showing sewer facility locations and all proposed sewer connections to these facilities.
- (5) Details of systems to prevent stormwater from entering municipal sewers.

E. The costs of providing this information shall be borne by the user of the sewer services in addition to other charges and sewer rentals.

F. All measurements, tests and analyses of the characteristics of waters and wastewaters to which reference is made in this Part shall be determined in accordance with procedures established by the Administrator pursuant to §304(g) of the Act, and contained in 40 CFR, Part 136, and amendments thereto, or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

G. The user shall be responsible for submitting all applicable County, regional, State or Federal permits or planning documents required for approval of sewer connection.

3. A. All significant user's proposing to connect to or contribute to the sewer system shall obtain a significant user permit before connecting to or contributing to the sewer system.

B. Whenever a user becomes subject to a new National Categorical Pretreatment Standard, but has not previously submitted an application for a significant user permit as required by 40 CFR §403.12, the user shall apply for a significant user permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.

4. A user or significant user required to obtain a significant user permit shall complete and file with the Borough an application, in the form prescribed by the Borough, accompanied by the required fee. In support of the application, the significant user shall submit in units and terms appropriate for evaluation, the following information:

A. Name, address and location of the facility (if it is different from the address).

B. SIC number, according to the Standard Industrial Classification Manual, Bureau of the Budget 1972, as amended.

C. Wastewater constituents and characteristics shall be determined by a reliable analytical laboratory in compliance with 40 CFR 403.12(1); sampling and analyses shall be performed in accordance with procedures established by the EPA

pursuant to §304(g) of the Act, and contained in 40 CFR, Part 136, as amended.

D. Time and duration of contribution.

E. Average daily and three minute peak wastewater flow rates, including daily, monthly and seasonal variation, if any.

F. Site plans, floor plans, mechanical and plumbing plans and details to show all drains, vent pipes, sinks, sumps, sewers, sewer connections and appurtenances by their size, locations and elevation.

G. Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.

H. The nature and concentration of any pollutants in the discharge which are limited by any Borough, State or Federal pretreatment standards; and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the significant user to meet applicable pretreatment standards.

I. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the significant user will provide such additional pretreatment. The completion data in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the significant user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing permits for major components, commencing construction, completing construction, etc.).

(2) No increment referred to in paragraph .I(1) shall exceed 9 months.

(3) No later than 14 days following each date in the schedule and the final date for compliance, the significant user shall submit a progress report to the Borough, including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress; the reason for delay, and the steps being taken by the significant user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the superintendent.

J. Each product produced by type, amount, process or processes, and rate of production.

K. Type and amount of raw material processed (average and maximum per day).

L. Number and type of employees, the hours of plant operation, and proposed or actual hours of pretreatment system operation.

M. Any other information as may be deemed by the Borough to be necessary to evaluate the permit application.



The Borough will evaluate the data furnished by the significant user and may require additional information. After evaluation and acceptance of the data furnished, the Borough may issue a significant user permit subject to terms and conditions provided herein.

5. Upon the promulgation of a National Categorical Pretreatment Standard, the significant user permit of significant user's subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard.

6. Significant user permits shall be expressly subject to all provisions of this Part, and all other applicable regulations, user charges and fees established by the Borough. Permits may contain the following:

A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a sewer.

B. Limits on the average and maximum wastewater constituents and characteristics.

C. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.

D. Requirements for installation and maintenance of inspection and sampling facilities.

E. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.

F. Compliance schedules.

G. Requirements for submission of technical reports or discharge reports.

H. Requirements for maintaining and retaining plant records relating to wastewater discharge shall be for a period of 3 years (minimum) or, in the case of unresolved litigation, a minimum of 3 years from the termination or settlement of said litigation.

I. Requirements for notification of the Borough of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the sewer system.

J. Requirements for notification of slug discharges herein.

K. Other conditions as deemed necessary by the Borough to ensure compliance with this Part.

7. Permits shall be issued for a specified time period, not to exceed 5 years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. A significant user shall apply for permit reissuance a minimum of 180 days prior to the expiration of his significant user's existing permit. The terms and conditions of his permit may be subject to modification by the Borough during the term of the permit, as limitations or requirements are modified or other just cause exists. A significant user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

8. Significant user permits are issued to a specific significant user for a specific

operation. A significant user permit shall not be reassigned, transferred or sold to a new owner, new significant user, different premises, or a new or changed operation without the written approval of the Borough. Any succeeding owner shall also comply with the terms and conditions of the existing permit.

9. A. *Compliance Date Report.* Within 90 days following the date for final compliance with applicable pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the sewer system, any significant user subject to pretreatment standards and requirements shall submit to the Borough a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis, and if not, what additional O&M and/or pretreatment is necessary to bring the significant user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the significant user and certified by a qualified professional engineer registered in the Commonwealth.

B. *Periodic Compliance Reports.*

(1) Every significant user subject to a pretreatment standard after the compliance date of such pretreatment standard; or, in the case of a new source, after commencement of the discharge to the sewer system, shall submit to the Borough during the months of June and December, unless required more frequently in the pretreatment standards or by the Borough, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flow which, during the reporting period, exceeded the average daily flow allowed in the permit. At the discretion of the Borough in consideration of such factors as local high or low flow rates, holiday, budget cycles, etc., the Borough may agree to alter the months during which the above reports are to be submitted.

(2) The Borough may impose mass limitations on significant user's which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this Section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the significant user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the Borough of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to §304(g) of the Act, and contained in 40 CFR, Part 136, and amendments thereto, or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

(3) All periodic compliance reports must be signed by an authorized representative of the significant user and certified by a qualified professional.

10. The Borough or its designee shall inspect the facilities of any user to ascertain whether the purpose of this Part is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Borough, through its representative(s), ready access during all working hours to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of any of his duties. The Borough, the DEP and the EPA shall have the right to set up on a user's or significant user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user or significant user has security measures in force which require proper identification and clearance before entry into his premises, the user or significant user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Borough, the DEP and the EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

11. A. User's and significant user's shall provide necessary wastewater treatment as required to comply with this Part and shall achieve compliance with all Federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any equipment or facilities required to pretreat wastewater to a level acceptable to the Borough shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Borough for review, and shall be acceptable to the Borough before construction of the facility. The review of such plans and operating procedures will in no way relieve a user from the responsibility of modifying his facility as necessary to produce an effluent acceptable to the Borough under the provisions of this Part. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the Borough prior to the user's or significant user's initiation of the changes.

B. Annually, the Borough may publish in a newspaper of general circulation in the Borough a list of the user's and significant user's who failed to comply with pretreatment requirements or standards at least once during the previous 12 months. The notification also shall summarize any enforcement actions taken by the Borough against these user's and significant user's during the same 12 months.

C. All records relating to compliance with pretreatment standards shall be made available to officials of the Borough, DEP, EPA or approval authority upon request.

12. A. Information and data on a user or significant user obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other governmental agencies without restriction unless the user or significant user specifically requests and is able to demonstrate to the satisfaction of the Borough that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user or significant user.

B. When requested by the person furnishing a report, those portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available, upon written request, to governmental agencies for uses related to this Part, the National

Pollutant Discharge Elimination system (NPDES) permit, State disposal permit and/or the pretreatment programs provided. Any such portions of a report shall also be available for use by the State or any State agency in judicial review or enforcement proceeding involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

13. Whenever the Borough finds that any user or significant user has violated, or is violating this Part, his user permit or significant user permit, or any prohibition or limitation of requirements contained herein, the Borough may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Borough by the user or significant user.

14. A. The Borough may suspend a user permit or a significant user permit whenever such suspension is necessary in the opinion of the Borough in order to stop an actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of persons or to the environment, or which may cause interference to the sewer system or the treatment plant, or which may cause the Borough to violate any condition of its NPDES permit or applicable sewage treatment agreements.

B. Any person notified of a suspension of this permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the Borough shall take steps as deemed necessary to prevent or minimize damage to the sewer system or endangerment to any individuals. The Borough shall reinstate the permit upon proof of the elimination of the non-complying discharge by user or significant user, payment of any damages, fines, penalties or costs associated with the discharge, and the submission of a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

15. Any user or significant user is subject to revocation of a permit granted hereunder for violation of applicable State and Federal regulations, or by reason of the commission of any of the following acts:

A. Failure to report factually on discharge wastewater constituents and characteristics.

B. Failure to report significant changes in operations or wastewater constituents and characteristics.

C. Refusal to permit reasonable access to the premises for inspection and monitoring.

D. Violation of the conditions of the permit.

(Ord. 480, 12/12/2011, Art. IV)

#### **§18-205. Miscellaneous.**

1. The Borough or its designee shall have the right of access, at all reasonable times, following reasonable notice to the applicable person(s), 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 Borough.

2. The owner of any improved property, upon direction of the Borough, shall acquire, install, own and operate, at such owner's sole cost and expense, a grinder pump or similar apparatus satisfactory to the Borough in the manner and at the location directed by the Borough. Such grinder pump shall be installed at the time such improved property is connected to the sewer system and shall be subject to inspection and approval together with the remainder of the building sewer.

3. 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 Part.

4. Any person who shall violate this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 489*]

5. Fines and costs imposed under provisions of this Part shall be enforceable and recoverable in the manner at the time provided by applicable law.

6. The Borough 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 Part.

7. In the event any provision, Section, sentence, clause or Part of this Part 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 Part, it being the intent of the Borough that such remainder shall be and shall remain in full force and effect.

8. All ordinances or parts of ordinances of this Borough which are inconsistent herewith expressly shall be and are repealed.

9. This Part shall become effective in accordance with law.

10. It is declared that enactment of this Part is necessary for the protection, benefit and preservation of health, safety and welfare of the inhabitants of this Borough.

(*Ord. 480, 12/12/2011, Art. 5; as amended by Ord. 489, 10/13/2014*)



**Part 3****Infiltration and Illegal Discharge Testing****§18-301. Definitions.**

*Applicant*—a person applying for a certificate of compliance or temporary certificate of compliance.

*Cash security*—cash, certified check, or treasurer’s check.

*Lateral*—all underground pipes connected to the Borough’s sanitary sewer system, from the outside of the foundation wall to the main.

*Lateral testing*—includes both:

A. Any commonly accepted method of testing whereby dye is introduced into the storm, surface or subsurface water connection system and downspouts of structures or improvements to real property to determine if surface stormwater is entering into the sanitary sewer system.

B. Pressure testing requirements, so that all underground pipe can be shown to be capable of holding 5 pounds of pressure for 15 minutes, or as provided in §312 of the International Plumbing Code (IPC) as contained in the PA Uniform Construction Code [Chapter 5, Part 1], as from time to time amended.

*Improved and sewer real property*—real property on which any building, driveway or parking pad, other surface or subsurface structure or improvement has been constructed, installed or erected, where the real property or any improvement on the real property is connected to the municipal sewer system.

*Ordinance Compliance Officer*—the municipality authorized representative appointed by the governing body, from time to time, whose duty it shall be to administer this Part unless such duty is expressly conferred by this Part upon another municipality, official or entity. Unless the governing body by resolution provides otherwise, the Municipality Secretary/Treasurer and Zoning Officer shall be designated as Ordinance Compliance Officers under this Part.

*Person*—any natural person, association, partnership, corporation, syndicate, institution, agency, authority, or other entity recognized by law as the subject of rights and duties.

*Sanitary sewer system*—the sanitary sewer lines and related facilities maintained and operated by the municipality.

*Sell or transfer*— the sale, transfer, or assignment of any interest in real property; provided, however, that a mortgage or mortgage refinancing of real property, without a conveyance, is not a sale or transfer under this Part.

*Surface stormwater*—surface water and ground water including, but not limited to, roof and driveway drainage, basement seepage.

(Ord. 485, 4/8/2013, §1)

**§18-302. Unlawful Connections.**

It shall be unlawful for any person to connect any rain leader, roof drain,

downspout, gutter, parking lot drain, driveway drain, interior or exterior sump, french drain, spring or other collector or source of surface stormwater, including but not limited to the fresh air vent of the improved and severed property's sanitary sewer, to the sanitary sewer system. It shall also be unlawful to keep or maintain any lateral that is not airtight and watertight.

*(Ord. 485, 4/8/2013, §2)*

**§18-303. Repair of Private Sewer Facilities.**

Persons owning property within the Municipality are required to maintain all private sanitary sewer laterals and sanitary sewer service connections in good repair, at all times, so as to be airtight and watertight. All privately owned laterals shall be tested and property owners shall be required to obtain a certificate of compliance with this Part no later than October 1, 2013.

*(Ord. 485, 4/8/2013, §3)*

**§18-304. Lateral Testing by Municipality.**

The Ordinance Compliance Officer, or other person(s) designated by the Governing Body by resolution, is authorized to initiate lateral testing or other testing or inspection within the Municipality for purposes of discovering or locating the inflow of surface stormwater to the sanitary sewer system. The Ordinance Compliance Officer is authorized to retain the services of a qualified contractor to perform the lateral testing or other testing or inspection. Persons owning property within the Municipality are required to grant access to the Ordinance Compliance Officer and/or the lateral testing contractor and to permit lateral testing or other testing or inspection. It is unlawful for any person to refuse access to property for purposes of lateral testing or other testing or inspection.

*(Ord. 485, 4/8/2013, §4)*

**§18-305. Notices to Property Owners.**

In the event the Ordinance Compliance Officer identifies any illegal connections or leaking, deteriorating or poorly constructed private sanitary sewer lateral and/or sanitary sewer service connections, the Ordinance Compliance Officer shall give written notice of same to the property owner that such illegal connections be eliminated and/or service connections be, at the property owner's expense, repaired, replaced, or rehabilitated within 30 days of the date of the notice. If the condition does not create a health hazard, the Ordinance Compliance Officer, upon request of the property owner, may extend the deadline to 60 days from the date of the notice.

*(Ord. 485, 4/8/2013, §5)*

**§18-306. Proof of Compliance on Sale or Transfer.**

It shall be unlawful for any person to sell or transfer improved and sewered real property located within the Municipality without having obtained and delivered to the buyer or transferee, at or prior to closing or transfer, a certificate of compliance or temporary certificate of compliance for the property being sold or transferred.

*(Ord. 485, 4/8/2013, §6)*



**§18-307. Application for Certificate of Compliance.**

1. At least 21 days prior to the date of closing or transfer of any improved real property located within the Municipality, the seller or transferor or its agent shall submit to the Ordinance Compliance Officer an application for certificate of compliance, completed as required by subsection .2. The certificate of compliance form shall be available upon request from the Municipality Secretary. The fee for filing the completed application for certificate of compliance shall be established by the Governing Body from time to time by resolution.

2. Prior to the sale or transfer of any improved real property located within the Municipality, the seller or transferor shall have a lateral test of the property performed by a licensed plumber, or other qualified contractor approved in advance by the Compliance Officer, to perform such tests or by such other person designated or approved by the Municipality. Upon completion of the lateral test, the person who performed the test shall complete the appropriate section of the application for certificate of compliance, confirming that the property has been lateral tested and certifying the results of the test.

(*Ord. 485, 4/8/2013, §7*)

**§18-308. Issuance of Certificate of Compliance.**

1. If the application for certificate of compliance, properly completed and filed with the Ordinance Compliance Officer with the designated filing fee, indicates that there are no connections of surface stormwater to the sanitary sewer system, and the Ordinance Compliance Officer observes a passing pressure test then the Ordinance Compliance Officer shall issue the certificate of compliance within 40 days of the completion of the testing.

2. If the lateral test reveals the existence of one or more surface stormwater connections to the sanitary sewer system, or the pressure test fails, the Ordinance Compliance Officer shall not issue the certificate of compliance until the connections have been removed and pressure test has been passed.

(*Ord. 485, 4/8/2013, §8*)

**§18-309. Temporary Certificate of Compliance.**

1. When a surface stormwater connection to the sanitary sewer system is discovered or the property fails to pass a pressure test, and the necessary work to remove the connection would require a length of time such as to create a hardship for the seller or applicant, the seller or applicant may apply to the Ordinance Compliance Officer for a temporary certificate of compliance. The seller or applicant must submit the following with the properly completed application:

A. A bona fide executed contract with a registered and licensed plumber, or other qualified contractor approved in advance by the Compliance Officer, requiring the plumber to complete the remedial work necessary to the removal of the connections of surface stormwater to the sanitary sewer system and granting the Municipality the right and power to enforce the contract.

B. Cash security in an amount equal to 110 percent of the contract described in subsection 1.A. above.

C. The agreement of the purchaser or transferee to be responsible for all cost overruns related to the remedial work, together with a license from the purchaser or transferee to the Municipality, its agents, contractors, and employees, to enter upon the property to complete the remedial work in case of default by the contractor or the applicant.

D. A filing fee for the temporary certificate of compliance established by the governing body from time to time by resolution.

2. When lateral testing cannot be performed because of weather conditions, the seller or applicant may apply to the Ordinance Compliance Officer for a temporary certificate of compliance. The seller or applicant must submit the following with the properly completed application:

A. Cash security in the amount of \$1,000.

B. The written, signed agreement of the purchaser or transferee to correct, at the purchaser's or transferee's sole expense, any surface stormwater connections to the sanitary sewer system disclosed by the subsequent lateral test, together with a license from the purchaser or transferee to the Municipality, its agents, contractors, and employees, to enter upon the property to conduct the lateral testing should the applicant fail to do so. Nothing in this subsection shall prohibit any purchaser or transferee from requiring the applicant to reimburse the purchaser or transferee for any costs incurred in connection with such remedial work; provided, however, that primary responsibility for the remedial work and all costs thereof shall run with the land, and no such agreement shall affect the Municipality's enforcement powers or excuse the current owner of the property from performance.

C. The filing fee established by the Borough Council from time to time by resolution.

3. The Ordinance Compliance Officer may reject the application for temporary certificate of compliance whenever, in his or her sole judgment, the conditions defined by this Section do not exist or the submissions required by this Section have not been made.

4. The temporary certificate of compliance shall be effective for 60 days, and the expiration date of the temporary certificate of compliance shall be noted on the certificate. If, upon the expiration of the temporary certificate of compliance, the seller or applicant has not applied for and received a certificate of compliance, as provided for in §§18-304 and 18-305 of this Part, the cash security shall be forfeited, and the Municipality may use the funds to complete the remedial work for the lateral testing.

5. The application for temporary certificate of compliance form shall be available upon request from the Municipal Secretary.

(Ord. 485, 4/8/2013, §9)

#### **§18-310. Municipal Lien and Tax Verification Letters.**

A request to the Municipality for a municipal lien letter or tax verification letter must be accompanied by a valid certificate of compliance or temporary certificate of compliance and by the appropriate fee, which shall be established by the Municipality (Borough Council) from time to time by resolution. The Municipality shall issue the

municipal lien letter or tax verification letter within 7 days of receipt of the appropriately documented request and the applicable fee.

(*Ord. 485, 4/8/2013, §10*)

**§18-311. Expiration of Certificate of Compliance.**

A certificate of compliance issued under this Part attesting to the property fulfilling all requirements of this Part shall be valid for a period of 1 year from the date of issuance.

(*Ord. 485, 4/8/2013, §11*)

**§18-312. Regulations.**

The Ordinance Compliance Officer is hereby empowered to make reasonable rules and regulations for the operation and enforcement of this Part including, but not limited to: establishing the form of applications, acknowledgments and certifications; and limiting the time of year in which temporary certificate of compliance is available for reasons of weather.

(*Ord. 485, 4/8/2013, §12*)

**§18-313. Conflict with General Police Powers.**

Nothing in this Part shall limit in any fashion whatsoever the Municipality's right to enforce its ordinances or the laws of the Commonwealth. Nothing in this Part shall be a defense to any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

(*Ord. 485, 4/8/2013, §13*)

**§18-314. Penalties.**

Any person who shall fail, neglect or refuse to comply with any of the terms or provisions of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 485, 4/8/2013, §14; as amended by Ord. 489, 10/13/2014*)

