

CHAPTER 18

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PART 1

SEWER CONNECTIONS

§18-101. Sanitary Sewer Connections.

The owner or owners of lands, buildings, dwellings and other structures abutting or accessible to a Borough sanitary sewer, be and are hereby required and directed to make connection with such sewer for the purpose of discharging the sewage, sink water and all other acceptable waste water from said premises into such sewer, other than roof, storm, industrial and other waste waters or drainage in violation of the contractual terms of the agreement between the Borough of East McKeesport and the Allegheny County Sanitary Authority and the City of McKeesport.

(Ord. 535, 4/4/1962, §1; as amended by Ord. 828, 6/12/2003, §1)

§18-102. Storm and Roof Water Control.

The owner or owners of lands, building, dwellings and other structures presently discharging roof waters, stormwaters or other unacceptable drainage into any sewer, private or public, that ultimately discharges into the sanitary sewer system of the Borough of East McKeesport, is/are hereby directed to stop, alter, divert and desist, now and forever, said discharge of such waters by any effective lawful means.

(Ord. 535, 4/4/1962, §2)

§18-103. Permit.

From and after the passage of this Part, the construction of land, building, dwelling and other structures drains or sewers shall be constructed only after a permit has been duly issued and only under the Borough Engineer's supervision and in accordance to the following regulations of construction, namely; (§§18-104 - 18-109)

(Ord. 535, 4/4/1962, §3)

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§18-104. Permit Application Requirements.

No person or persons shall make connection with the Borough sewer without having first presented plans, showing proposed connection, degree of slope or grade of proposed sewer, type and specifications of material to be used for approval to the Borough Engineer or other designated Borough officials. Second, after approval and upon paying the hereafter prescribed fee, making application for and receiving from the proper Borough official a written permit therefore which permit shall specify the time when and the place where such opening and sewer connection shall be made.

(*Ord. 535, 4/4/1962, §4*)

§18-105. Permit Fee.

Any person or persons desiring to file plans and specifications as required by this Part shall, after approval thereof and before permit is issued, pay to the proper Borough official a sum in an amount to be established from time to time by resolution of Borough Council to defray the cost of inspection supervision and other costs incidental thereto.

(*Ord. 535, 4/4/1962, §5; as amended by Ord. 646, --/1979, §1; and by Ord. 828, 6/12/2003, §1*)

§18-106. Inspection and Approval.

All work must not be covered or concealed in any manner until after it is inspected and approved by the Borough Engineer. Notice must be given, the office of the Borough Engineer, when work is sufficiently advanced for such inspection; when it shall be the duty of the Engineer to inspect same within 24 hours after receipt of notice.

(*Ord. 535, 4/4/1962, §6*)

§18-107. Laying of Sewers or Drains.

All sewers or drains must, where possible, be given an even uniform grade to the main sewer of not less than $\frac{1}{4}$ of an inch per foot on a properly prepared trench bottom. The main sanitary drainage system of every building, dwelling or structure shall be separately connected with the Borough sewer, except where a legal accessory structure, building or use exists together with the main building on a single lot, then one connection to the main sewer will be allowed, providing that no joint sewer shall traverse above or beneath the cellar floor or otherwise through either structure. Auxiliary sewer line to legal accessory structure shall only be connected to the joint sewer line by a "Y" branch outside the foundation of the main building or use. A horizontal trap must be provided; on new construction, placed immediately inside the foundation wall or on old construction outside the cellar wall, the trap must be provided with a handhole for the convenience of cleaning,

on traps inside the cellar wall and cover of heavy brass screw cap ferrule, caulked in and made gas and air tight, must be provided or on traps outside the cellar wall, a suitable extension to the level of the surface of the ground and properly capped must be provided. A fresh air inlet must be connected with the sewer or drain just inside of the main horizontal trap and piped to the outer air and fitted with an approved automatic device. The fresh air inlet must be the same size as the drain pipe or not less than 6 inches in diameter when outside the cellar wall or not less than 4 inches inside the cellar wall.

(Ord. 535, 4/4/1962, §7)

§18-108. Material Specifications.

All sewers or drains from the Borough sewer connection to the main and accessory building, house or structure shall be constructed underground with a minimum cover of 36 inches when possible and shall consist of pipe constructed of such material as shall have been approved for such use by the Borough Council and the Borough Engineer. No sewer pipe shall be less than 6 inches in diameter outside the foundation wall to the connection with the Borough sewer.

(Ord. 535, 4/4/1962, §8; as amended by Ord. 646, --/--/1979, §2)

§18-109. Discontinuance of Privy Vaults, Cesspools, Septic Tanks and Mine Holes or Mine Drops.

No privy vault, cesspool, septic tank or mine hole or drop for sewage purposes shall be constructed within the Borough, nor shall it be lawful to continue a privy vault, cesspool, septic tank and/or mine hole within the limits of the Borough where a sanitary sewer exists. No connection for any privy vault, cesspool or septic tank shall be made with any sanitary sewer.

(Ord. 535, 4/4/1962, §9)

§18-110. Notice of Responsibility.

The owner or owner of property abutting on or adjoining a Borough sewer shall be given 45 days notice of this Part, requiring such sewer connection and the elimination of roof, storm and other prohibited waste waters, from the sanitary sewers of the Borough, and thereafter, upon the failure or neglect of such owner or owners to make the sewer connection required and/or eliminate said prohibited roof, storm or waste waters from being discharged into the sanitary sewers as required by this Part, the Borough may make the same and collect the costs thereof from the owner by a municipal claim, or in an action of assumpsit, as provided by law.

(Ord. 535, 4/4/1962, §10)

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§18-111. Other Regulations.

The issuing of a permit under the requirements of this Part shall in no way release, supersede, relieve or exonerate the permittee from the responsibilities, obligations or requirements as set forth in Borough Ordinances Nos. 766 [Chapter 20, Part 1] and 645 [Part 2] of this Chapter.

(Ord. 535, 4/4/1962, §11)

§18-112. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, 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 30 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. 535, 4/4/1962, §12; as amended by Ord. 828, 6/12/2003, §1)

PART 2
CONNECTION FEE

§18-201. Connection Fee.

In those cases where the Borough of East McKeesport has constructed or built a sanitary sewer or sewers either as trunk sewers or lateral sewers, through or along property which has not been assessed, but, which property subsequently becomes the subject of an application for a connection or tap-in with such sanitary sewer, the person, firm or corporation making such application shall be required to pay forthwith a fee of \$1,000 per Equivalent Dwelling Unit (EDU) to the Secretary of the Borough of East McKeesport for such connection or tap-in fee.

(Ord. 645, --/1979, §1; as amended by Ord. 828, 6/12/2003, §1)

§18-202. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, 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 30 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. 645, --/1979, §2; as amended by Ord. 828, 6/12/2003, §1)

PART 3

SEWAGE RATES AND CHARGES

§18-301. Rates and Charges.

The Borough of East McKeesport in accordance with the ALCOSAN and the McKeesport Municipal Authority agreements hereby adopts, fixes and establishes the following sewage rates and charges effective with all bills issued on or after January 1, 2013:

- A. Based upon water consumption per quarter year - \$8 per thousand gallon sewage charge.
- B. A minimum charge (up to 6,800 gallons) of \$54 per quarter is hereby established.

(Ord. 906, 12/13/2012, §1)

§18-302. Application of Charges.

It is further ordained that the aforesaid minimum charge shall apply to every structure in which a water meter is installed, regardless of water usage.

(Ord. 906, 12/13/2012, §2)

PART 4

NONPAYMENT OF SEWAGE FEES

§18-401. Sewer Payment Required.

No person shall fail to pay any sewage fee imposed by or for which the Borough of East McKeesport is responsible.

(Ord. 909, 7/11/2013)

§18-402. Late Payment of Sewage Charges.

In addition to the surcharges set forth in other ordinances of the Borough, the Borough shall assess a penalty for late payment for the first month or part thereof in which any account is delinquent and for each subsequent month said account remains delinquent of 10% of the delinquent balance.

(Ord. 909, 7/11/2013)

§18-403. Sewer Service Termination.

All accounts which are delinquent in payment of sewage may be subject to a termination of water service. To effectuate said termination, Wilkinsburg-Penn Joint Water Authority is hereby authorized and required at the request of the Borough of East McKeesport or its agents to terminate water supply to such premises until all such overdue sanitary sewer service charges and penalties [are paid]. Termination can be requested prior to the filing of a claim or lien being filed for nonpayment for sanitary sewer service. Any termination shall be done by any authority and shall comply with the provisions of the Act of November 26, 1978, P.L. 1255, 68 P.S. §399.1.

(Ord. 909, 7/11/2013)

§18-404. Sewer Service Termination Procedures.

1. If an account is delinquent, the Borough Administrator/Secretary or other agent of the Borough shall send to the person whose account is delinquent a notice of termination of sewage service.
2. Notice of termination shall be given in any of the following ways:
 - A. By United States mail, first class, postage prepaid.
 - B. By personal service.

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3. The notice of termination shall contain the following:
 - A. The amount to be paid.
 - B. The date of the notice of termination.
 - C. The date of termination, which shall be at least 15 days from the date of the notice of termination.
 - D. Notice that unless the Borough of East McKeesport or its agent receives complete payment of the amount shown prior to the date of termination, water service shall be terminated.
 - E. Notice that in lieu of paying the entire amount shown, a residential customer, prior to the date of termination, may notify the Borough of East McKeesport that he/she disputes the correctness of all or part of the amount shown, if all or part of the amount shown was not the subject of a previous dispute.
4. If, prior to the date of termination:
 - A. The Borough of East McKeesport or its agent has not received complete payment of the amount shown on the notice of termination.
 - B. The person whose account is delinquent has not notified the Borough of East McKeesport that he disputes the correctness of all or part of the amount shown on the notice of termination.

then the Borough of East McKeesport shall cause to be terminated the water service provided the person whose account is delinquent on the date of termination.

(Ord. 909, 7/11/2013)

§18-405. Request for Hearing.

1. Any person who disputes any penalty or order to terminate service may request a hearing to challenge the propriety of such penalty or termination. All requests for hearing shall be made to the Borough Administrator/Secretary within 10 days of the notice of penalty or notice of termination of service. Upon request for hearing, all proceedings will stay.
2. The hearing will be conducted by the President of Council or his/her designated agent. The President of Council or designated agent will, within 24 hours, notify the person whose account is delinquent of his/her decision.
3. The President of Council in deciding to waive the penalty or cause water supply to be terminated shall consider the following:

- A. Payment history of the person relative to delinquent sanitary sewage accounts.
- B. Prior notice of delinquency.
- C. Promptness of householder in response to the notice of delinquency.
- D. Other criteria bearing on the general welfare of the Borough of East McKeesport.

(Ord. 909, 7/11/2013)

§18-406. Costs.

Any person whose water supply becomes subject to the terms of this Part, in any way, or whose water supply is terminated because of a delinquent fee shall pay all costs incurred by the Borough in shutting off and/or turning on the water supply.

(Ord. 909, 7/11/2013)

§18-407. Claims and Liens.

Nothing contained in this Part shall preclude the Borough of East McKeesport from filing a claim or lien for unpaid delinquent sewer service charges.

(Ord. 909, 7/11/2013)

PART 5

DYE TESTING

§18-501. Findings and Purpose.

1. The United States Environmental Protection Agency and the Pennsylvania Department of Environmental Protection have directed municipalities to take such steps as are necessary to eliminate sanitary sewer overflows or face civil penalties and other sanctions.
2. The Council of the Borough of East McKeesport has determined that inflows of stormwater, surface water and other non-sanitary discharges into the sanitary sewer system may exceed the hydraulic capacity of the Borough's sanitary sewer system and cause or contribute to sanitary sewer overflows.
3. The Council of the Borough of East McKeesport has determined that inflows of stormwater, surface water and other non-sanitary discharges into the sanitary sewer system result in wasteful expenditures for wastewater treatment.
4. The Council of the Borough of East McKeesport has determined that it is in the best interest of the residents of the Borough to eliminate inflows of stormwater, surface water and other non-sanitary discharges into the Borough sanitary sewer system.
5. The Council of the Borough of East McKeesport has expended funds in an effort to eliminate inflows of stormwater, surface water and other non-sanitary discharges into the Borough sanitary sewer system.
6. The Council of the Borough of East McKeesport has determined that the procedures, fees and penalties provided by this Part are necessary to achieve the purposes of this Part.

(Ord. 803, 6/8/2000, §1)

§18-502. Program.

After the effective date of this Part, it shall be unlawful for any person to sell property without first delivering to the purchaser a certificate of compliance or temporary certificate of compliance. For purposes of this Part, a sale of property shall include any conveyance or transfer whereby title is transferred from one person to another, but shall not include (A) a refinancing where the holder of title remains unchanged.

(Ord. 803, 6/8/2000, §2; as amended by Ord. 828, 6/12/2003, §1)

SEWERS AND SEWAGE DISPOSAL

§18-503. Short Title.

This Part may be known and cited as the "Dye Testing Ordinance."

(Ord. 803, 6/8/2000, §3)

§18-504. Definitions.

The following terms used in this Part shall have the following meanings:

BOROUGH - the Borough of East McKeesport, Allegheny County, Pennsylvania.

BOROUGH LIEN LETTER - a written letter from the Borough certifying that the property is free from municipal liens and unpaid municipal taxes.

CERTIFICATE OF COMPLIANCE - an official writing issued by the Borough that dye testing has determined that there are no illegal connections in violation of this Part.

COUNCIL - the governing body of the Borough of East McKeesport.

DATE OF SALE - the date of sale is the date of closing.

DYE TEST - any dye test performed by the Borough, a registered plumber or other qualified contractor whereby dye is introduced into the water collection system of a property to determine whether basement seepage, groundwater, downspout drainage, roof drainage, driveway drainage or other surface water drainage is entering the sanitary sewer system.

EVIDENCE OF COMPLIANCE - an official statement from the Borough stating that it has on file a written statement from a licensed plumber or approved home inspector that there are no illegal storm or surface water connections into the sanitary sewer connections which would violate municipal or County ordinances, the state statutes or municipal, County or State plumbing regulations.

HOME INSPECTOR - a person registered with the Borough who performs stormwater dye tests.

ILLEGAL CONNECTIONS - any connection or conveyance that allows the discharge of inflammable or volatile liquids, basement seepage, ground water, downspout drainage, roof drainage, driveway drainage or other surface water drainage into the sanitary sewer system.

MUNICIPAL LIEN LETTER - a written letter from the Borough concerning municipal liens and claims.

ORDINANCE COMPLIANCE OFFICER - those person(s) designated by the Borough to administer and enforce all laws and ordinances of the Borough.

PERSON - any person, partnership, association, syndicate, firm, corporation, institution, agency, authority or entity recognized by law as the subject of rights and duties. The singular shall include the plural.

PROPERTY - real property located within the Borough upon which a building or improvements exists.

TEMPORARY CERTIFICATE OF COMPLIANCE - a statement issued by the Borough pursuant to §18-510 of this Part.

(Ord. 803, 6/8/2000, §4)

§18-505. Illegal Connections Prohibited.

Illegal connections are prohibited.

(Ord. 803, 6/8/2000, §5)

§18-506. Repair of Private Sewer Facilities.

Persons owning property are required to maintain all private sanitary sewer laterals and sanitary sewer service connections in good repair. Laterals shall include the discharge line from the dwelling to the main line of the municipality which also encompasses the connection to the main line.

(Ord. 803, 6/8/2000, §6; as amended by Ord. 828, 6/12/2003, §1)

§18-507. Dye Testing by Borough.

The Borough has completed initial dye testing to identify illegal connections by retaining the services of a qualified contractor to perform the dye testing. Persons owning property are required to grant access to the Borough and/or the dye testing contractor and to permit dye testing.

(Ord. 803, 6/8/2000, §7)

SEWERS AND SEWAGE DISPOSAL

§18-508. Notices to Property Owners.

In the event that the Ordinance Compliance Officer identifies any illegal connections, leaking, deteriorating or poorly constructed private sanitary sewer laterals and/or sanitary sewer service connections, the Ordinance Compliance Officer shall give written notice of same to the property owner and an order that such illegal connections be eliminated and/or that such leaking, deteriorating or poorly constructed sanitary sewer laterals and/or service connections be, at the property owner's expense, repaired, replaced or rehabilitated within 10 calendar days fo the date of the notice and order. If the condition does not create a health hazard, the Ordinance Compliance Officer, upon request of the property owner, may once extend the 10 day deadline to 30 calendar days from the date of the notice and order.

(*Ord. 803, 6/8/2000, §8*)

§18-509. Certificate of Compliance.

1. At least 21 days prior to the sale of property, the seller (hereinafter, "applicant") shall apply to the Borough for a certificate of compliance and pay the Borough a fee in an amount to be established from time to time by resolution of Borough Council. The property owner shall perform dye testing of the property. If the dye testing identifies illegal connections, then the Borough shall notify applicant pursuant to §18-507 of this Part. If the dye testing identifies no illegal connections, then the Borough shall issue a certificate of compliance to applicant. [*Ord. 828*]
2. The applicant must ~~may~~ have the dye testing performed by a registered plumber, who shall certify the dye testing results to the Borough. If the dye testing identifies illegal connections, then the Borough shall notify applicant pursuant to §18-508 of this Part. If the dye testing identifies no illegal connections, then the Borough shall issue a certificate of compliance to applicant upon payment of a fee to the Borough in an amount to be established from time to time by resolution of Borough Council. [*Ord. 828*]
3. If a certificate of compliance for the property has been issued within the ~~10~~ 1 years preceding the date of the application, the Ordinance Compliance Officer may waive the dye testing requirement if the Ordinance Compliance Officer inspects the property and finds no evidence of illegal connections. In this event, the Ordinance Compliance Officer may issue a certificate of compliance upon payment of a fee to the Borough in an amount to be established from time to time by resolution of the Borough Council. [*Ord. 828*]

(*Ord. 803, 6/8/2000, §9; as amended by Ord. 828, 6/12/2003, §1*)

§18-510. Temporary Certificate of Compliance.

1. When a illegal connection is discovered and activities necessary to correct the condition would required such a length of time as to create a practical hardship for applicant, applicant may apply to the Ordinance Compliance Officer for a temporary certificate of compliance, which may only be issued when applicant provides the Borough with all of the following:
 - A. Written explanation of the practical hardship.
 - B. Cash security in the amount of \$1,500. [*Ord. 828*]
 - C. An executed agreement by the purchaser/transferee accepting responsibility for all costs in excess of the cash security.
 - D. An easement or other license executed by the purchaser/transferee allowing the Borough to enter upon the property and complete the work in case of default by applicant.
2. The Ordinance Compliance Officer shall determine in good faith based upon all the circumstances when such temporary certificate shall expire, and shall advise applicant and the purchaser of the expiration date. If the temporary certificate of compliance should expire without all work having been completed, the cash security shall be forfeited to the Borough and the Borough may apply the cash security to complete the necessary work. If the remedial work is completed prior to the expiration date, the Borough shall return the cash security to the applicant or to his/her designee.

(*Ord. 803, 6/8/2000, §10; as amended to Ord. 828, 6/12/2003, §1*)

§18-511. Borough Lien Letters.

A request for lien letter must be accompanied by a valid certificate of compliance and the lien letter fee, all of which shall be delivered to the Borough at least 7 business days prior to the day the lien letter is to be provided. Upon the request of a property owner or his/her agent, and subject to time availability as determined by the Borough in good faith based upon all the circumstances, the Borough may issue an expedited Borough lien letter on 2 business days notice upon the payment of an expediting fee in an amount to be established from time to time by resolution of Borough Council in addition to the lien letter fee.

(*Ord. 803, 6/8/2000, §11; as amended by Ord. 828, 6/12/2003, §1*)

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§18-512. Adjustment of Fees.

The fees set forth in this Part may be changed from time to time by resolution of the Borough Council.

(Ord. 803, 6/8/2000, §12)

§18-513. No Conflict with General Police Powers.

Nothing in this Part shall limit in any fashion whatsoever the Borough'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 law or ordinance.

(Ord. 803, 6/8/2000, §13)

§18-514. Violations and Penalties.

It is unlawful for any person to refuse access to property for purposes of dye testing, to issue or obtain false dye testing results or to procure a certificate of compliance under false pretenses. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense. In addition to and not in lieu of the foregoing, the Borough may seek equitable and legal relief to compel compliance with this Part.

(Ord. 803, 6/8/2000, §14; as amended by Ord. 828, 6/12/2003, §1)

PART 6

DISCHARGE REGULATIONS

§18-601. Definitions.

For the purposes of this Part, the following terms shall have the meaning hereafter designated:

ALCOSAN - Allegheny County Sanitary Authority, including its treatment facility and any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature.

CORROSIVE WASTE - a waste or substance which has any of the following properties:

- A. It is aqueous and has a pH of less than or equal to 5 or greater than or equal to 10, as determined by pH meter.
- B. It is a liquid and corrodes steel (SAE1020) at a rate greater than 6.35 millimeter (0.250 inch) per year at a test temperature of 55°C (130°F).

REACTIVE/EXPLOSIVE WASTE - a waste or substance which can create an explosion hazard in the sewage collection system or the ALCOSAN treatment facility; which has any of, but is not limited to, the following properties:

- A. It is normally unstable and readily undergoes violent change without detonating.
- B. It reacts violently with water.
- C. It forms potentially explosive mixtures with water
- D. When mixed with water, it generates toxic gasses, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
- E. It is a cyanide or sulfide bearing waste which can generate toxic gasses, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
- F. It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.
- G. It is readily capable of detonation, explosive decomposition or reaction at standard temperature and pressure.

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- H. It is a forbidden explosive as defined in 40 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR §173.88.

HAZARDOUS WASTE - all wastes that are defined as hazardous under the regulations enacted pursuant to the Resource Conservation and Recovery Act, (RCRA) as specified in 40 CFR §261 or under the regulations promulgated pursuant to the Pennsylvania Solid Waste Management Act as specified in 25 Pa. Code §261.

IGNITABLE WASTE - a waste or substance which can create a fire hazard in the sewage collection system or the ALCOSAN treatment facility which has any of, but is not limited to the following properties:

- A. It is liquid with a flash point less than 60°C (140°F) using the test methods specified in 40 CFR §261.21.
- B. It is an oxidizer as defined in 49 CFR §173.151.

INTERFERENCE - a discharge originating in the Borough which, alone or in conjunction with a discharge or discharges from other sources, both:

- A. Inhibits or disrupts the ALCOSAN facilities, its treatment processes or operations or its sludge processes, use or disposal.
- B. Therefore is a cause of a violation of any requirement of ALCOSAN's National Pollutant Discharge Elimination System (hereinafter referred to as "NPDES") permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by ALCOSAN in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): §405 of the clean water Act, the Solid Waste Disposal Act (including Title 2 or more commonly referred to as the Resource Conservation and Recovery Act and including State regulations contained in and State Sludge Management Plan prepared pursuant to subtitle D of the Solid Waste Disposal Act), the Clean Air Act and the Toxic Substances Control Act.

PASS-THROUGH - the term pass-through shall mean any discharge of a pollutant through ALCOSAN into the waters of the Commonwealth of Pennsylvania in quantities or concentrations which, alone or in conjunction with, other discharges from other sources, is a cause of a violation of any requirement of the ALCOSAN'S NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON - any, individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents or assigns.

pH - the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in, grams per liter of solution.

Pollutant - any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, emissions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or other industrial municipal, or agricultural waste discharged into water.

POLLUTION - the manmade or man-induced alteration, of the chemical, physical, biological and/or radiological integrity of water.

THE ACT - the Federal Water Pollution Act also known as the Clean Water Act, as amended, 33 U.S.C. §1251 *et seq.*

TOXIC POLLUTANT - any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA pursuant to §307(A) of the Act.

WASTE WATER - the liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any ground water, surface water and stormwater that may be present, whether treated or untreated, which is contributed directly or indirectly into the facilities of ALCOSAN.

WATERS OF THE COMMONWEALTH - all streams, lakes, ponds, marshes, water courses water ways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the Commonwealth of Pennsylvania or any portion thereof.

(Ord. 770, 2/9/1995, §1)

§18-602. Toxic Pollutants.

No person shall introduce or cause to be introduced directly or indirectly into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the Borough and transmitting substances into the facilities of ALCOSAN, any toxic pollutant or other waste water which will:

- A. Cause interference with the operation or performance of ALCOSAN'S treatment plant or other facilities.
- B. Pass through ALCOSAN'S treatment plant or other facilities.

(Ord. 770, 2/9/1995, §2)

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§18-603. Prohibited Substances.

No person shall introduce, permit or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any piped sewer, pipe or other conveyance located in the Borough and transmitting substances into the facilities of ALCOSAN any of the following:

- A. Any substance which will endanger the life, health or safety of the treatment plant sewer maintenance and plant operations personnel or which would preclude safe entry into the sewer system or any portion of the treatment plant.
- B. Any ignitable, reactive, explosive, corrosive or hazardous waste, except as provided for by ALCOSAN's rules and regulations.
- C. Any waste water with a temperature greater than 140°F (60°C).
- D. Any waste which exceeds the naturally occurring background levels for either Alpha, Beta or Gamma radiation and/or any waste water containing any radioactive wastes or isotopes of such half-life or concentration not in compliance with applicable State or Federal regulations.
- E. Any solids or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operations of ALCOSAN'S facility or facilities discharging into the ALCOSAN system.
- F. Any noxious or malodorous liquids, gasses or solids which either singly or by interaction with other wastes may create a public nuisance or adversely affect public health or safety.
- G. Pathological wastes from a hospital or other medical establishment.
- H. Garbage, whether ground or not, except properly shredded food waste garbage resulting from the proper use of a garbage grinder or disposer type approved by ALCOSAN and maintained in good operating condition.
- I. Sludges or other materials from septic tanks or similar facilities or from sewage or industrial waste treatment plants or from water treatment plants: unless the discharge of such sludges and other materials is specifically approved by ALCOSAN.
- J. Any pollutant including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the ALCOSAN facilities.
- K. Any substance which will cause ALCOSAN's effluent or any other product of the ALCOSAN facilities such as residues, sludges or scums, to be unsuitable for reclamation processes, including any substance which will cause the

ALCOSAN facility to be in noncompliance with sludge use or disposable criteria guidelines, or regulations developed under §405 of the Act, any criteria, guidelines or regulations promulgated pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State laws or regulations applicable to the treatment or disposal of such effluent or such product.

(*Ord. 770, 2/9/1995, §3*)

§18-604. Violation.

No person shall take any action or do or cause to be done anything in violation of any rule or regulation of ALCOSAN. The pretreatment regulations of the Allegheny County Sanitary Authority are incorporated into this Part by reference as though fully set forth herein.

(*Ord. 770, 2/9/1995, §4*)

§18-605. Penalty.

Any person violating any provision of this Part shall, upon conviction thereof, be sentenced to a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day a violation continues shall constitute a separate offense. In addition, any person violating any provision of the ALCOSAN pretreatment regulations may be subject to administrative and civil penalties as provided for by the pretreatment regulations and administered by ALCOSAN. Such penalties may include, but are not limited to, injunctive relief and penalties of up to \$25,000 per day, per violation, as provided for the Publicly Owned Treatment Works Penalty Law, 35 P.S. §752.1 *et seq.* Authority to so enforce the pretreatment regulations is granted to ALCOSAN, and is in addition to but not in place of any other remedy available to the Borough.

(*Ord. 770, 2/9/1995, §5; as amended by Ord. 828, 6/12/2003, §1*)

PART 7

PRETREATMENT STANDARDS

§18-701. General Provisions.

1. Purpose and Policy.

- A. This Part sets forth uniform requirements for users of the publicly owned treatment works for the Borough of East McKeesport and enables the Municipal Authority of the City of McKeesport to comply with all applicable State and Federal laws, including the Clean Water Act (33 U.S.C. §1251 *et seq.*) and the General Pretreatment Regulations (40 C.F.R., Part 403). The objectives of this Part are:
- (1) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation.
 - (2) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works.
 - (3) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
 - (4) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works.
 - (5) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the publicly owned treatment works.
 - (6) To enable the Municipal Authority of the City of McKeesport to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the publicly owned treatment works is subject.
- B. This Part shall apply to all users of the publicly owned treatment works. The Part authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

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2. **Administration.** Except as otherwise provided herein, the Municipal Authority of the City of McKeesport shall administer, implement and enforce the provisions of this Part. Any powers granted to or duties imposed upon the Municipal Authority of the City of McKeesport may be delegated by the Authority to other Authority personnel.
3. **Abbreviations.** The following abbreviations, when used in this Part, shall have the designated meanings:
 - A. BOD - biochemical oxygen demand
 - B. CFR - Code of Federal Regulations
 - C. COD - chemical oxygen demand
 - D. EPA - U.S. Environmental Protection Agency
 - E. gpd - gallons per day
 - F. mg/l - milligrams per liter
 - G. MACM - Municipal Authority of the City of McKeesport
 - H. NPDES - National Pollutant Discharge Elimination System
 - I. POTW - publicly owned treatment works
 - J. RCRA - Resource Conservation and Recovery Act
 - K. SIC - Standard Industrial Classification
 - L. TSS - total suspended solids
 - M. U.S.C. - United States Code
4. **Definitions.** Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Part, shall have the meanings hereinafter designated.

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.*

APPROVAL AUTHORITY - the Regional Administrator of EPA - Region III is designated as the Approval Authority.

AUTHORIZED REPRESENTATIVE OF THE USER -

- A. If the user is a corporation:
- (1) The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation.
 - (2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding 25 million dollars (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. If the user is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals described in subsections (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Municipal Authority of the City of McKeesport.

BIOCHEMICAL OXYGEN DEMAND OR BOD - the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for 5 days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD - any regulation containing pollutant discharge limits promulgated by EPA in accordance with §§307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CITY - the City of McKeesport or the City Council of McKeesport or MACM.

ENVIRONMENTAL PROTECTION AGENCY or EPA - the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

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EXISTING SOURCE - any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with §307 of the Act.

GRAB SAMPLE - a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

INDIRECT DISCHARGE OR DISCHARGE - the introduction of pollutants into the POTW from any nondomestic source regulated under §307(b), (c) or (d) of the Act.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT - the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE - a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation the MACM NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder or any more stringent State or local regulations: §405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

MEDICAL WASTE - isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

NEW SOURCE -

- A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under §307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:
- (1) The building, structure, facility or installation is constructed at a site at which no other source is located.
 - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.

- (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of §(1)(b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment.
- C. Construction of a new source as defined under this subsection has commenced if the owner or operator has:
 - (1) Begun, or caused to begin, as part of a continuous onsite construction program:
 - (a) Any placement, assembly or installation of facilities or equipment.
 - (b) Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment.
 - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

NONCONTACT COOLING WATER - water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

PASS THROUGH - a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a violation of any requirement of MACM NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON - any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity; or other legal representatives, agents or assigns. This definition includes all Federal, State and local governmental entities.

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pH - a measure of the acidity or alkalinity of a solution, expressed in standard units.

POLLUTANT - dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

PRETREATMENT - the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENTS - any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARDS or STANDARDS - pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards and local limits.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES - absolute prohibitions against the discharge of certain substances; these prohibitions appear in §18-702(1) of this Part.

PUBLICLY OWNED TREATMENT WORKS or POTW - a "treatment works" as defined by §212 of the Act (33 U.S.C. §1292) which is owned by McKeesport or MACM. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial waters of a liquid nature and any conveyances which convey wastewater to a treatment plant.

SEPTIC TANK WASTE - any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE - human excrement and gray water (household showers, dishwashing operations, etc.)

SIGNIFICANT INDUSTRIAL USER -

- A. A user subject to categorical pretreatment standards.
- B. A user that:

- (1) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater).
 - (2) Contributes a process wastestream which makes up 5 or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant.
 - (3) Is designated as such by MACM on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- C. Upon finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, MACM may, at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SLUG LOAD or SLUG - any discharge of a nonroutine episodic nature or a flow-rate or concentration which would cause a violation of the prohibited standards in §18-702(1) of this Part.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE - a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

STORMWATER - any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

SUSPENDED SOLIDS - the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid, and which is removable by laboratory filtering.

USER or INDUSTRIAL USER - a source of indirect discharge.

WASTEWATER - liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER TREATMENT PLANT or TREATMENT PLANT - that portion of the POTW which is designated to provide treatment of municipal sewage and industrial waste.

(Ord. 810, 4/12/2001, §1)

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§18-702. General Sewer Use Requirements.

1. Prohibited Discharge Standards.

- A. **General Prohibitions.** No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements.
- B. **Specific Prohibitions.** No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.
 - (2) Wastewater having a pH less than 5.0 or otherwise causing corrosive structural damage to the POTW or equipment.
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference.
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
 - (5) Wastewater with a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C).
 - (6) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.
 - (7) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 - (8) Trucked or hauled pollutants, except at discharge points designated by MACM in accordance with §18-703(4) of this Part.

- (9) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
 - (10) Wastewater which imparts color which cannot be removed by the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating MACM NPDES permit.
 - (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
 - (12) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by MACM.
 - (13) Sludges, screenings or other residues from the pretreatment of industrial wastes.
 - (14) Medical wastes, except as specifically authorized by MACM in a wastewater discharge permit.
 - (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
 - (16) Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW.
 - (17) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5% or any single reading over 10% of the lower explosive limit of the meter.
- C. Pollutants, substances or wastewater prohibited by this Part shall not be processed or stored in such a manner that they could be discharged to the POTW.

2. **National Categorical Pretreatment Standards.** The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, MACM may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

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- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, MACM shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
 - C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
 - D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
3. **State Pretreatment Standards.** (Reserved.)
4. **Local Limits.** No industrial user shall discharge wastewater containing a mass of any pollutant which, when taken together with the mass of that pollutant discharged by all other industrial users will cause the mass of the pollutant to exceed the mass of that pollutant specified in the Headworks Industrial Allowance which has been approved by the Approval Authority for the POTW into which the industrial user discharges. MACM may establish local limits regulating the discharge of specific pollutants by industrial users. Discharging any pollutant in excess of a local limit or an industrial user's permit shall constitute a violation of this Part.
5. **MACM's Right of Revision.** MACM reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.
6. **Dilution.** No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. MACM may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. 810, 4/12/2001, §2)

§18-703. Pretreatment of Wastewater.

- 1. **Pretreatment Facilities.** Users shall provide wastewater treatment as necessary to comply with this Part and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in §18-702(1) of this Part within the time limitations specified by EPA, the State or MACM, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and

operating procedures shall be submitted to MACM for review, and shall be acceptable to MACM before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to MACM under the provisions of this Part.

2. Additional Pretreatment Measures.

- A. Whenever deemed necessary, MACM may require users to restrict their discharge peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Part.
- B. MACM may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil and sand interceptors shall be provided when, in the opinion of MACM, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by MACM and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at their expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3. Accidental Discharge/Slug Control Plans. At least once every 2 years, MACM shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. MACM may require any user to develop, submit for approval and implement such a plan. Alternatively, MACM may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges.
- B. Description of stored chemicals.
- C. Procedures for immediately notifying MACM of any accidental or slug discharge, as required by §18-706(6) of this Part.

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- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of contaminant structures or equipment, measures for containing toxic organic pollutants, including solvents and/or measures and equipment for emergency response.

4. **Hauled Wastewater.**

- A. Septic tank waste or municipal digested sewage sludge may be introduced into the POTW only at locations designated by MACM, and at such times as are established by MACM. Such waste shall not violate §18-702 of this Part or any other requirements established by MACM. MACM may require waste haulers to obtain wastewater discharge permits.
- B. MACM shall require haulers of industrial waste to obtain wastewater discharge permits. MACM may require generators of hauled industrial waste to obtain wastewater discharge permits. MACM also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Part.
- C. Industrial waste haulers may discharge loads only at locations designated by MACM. No load may be discharged without prior consent of MACM. MACM may collect samples of each hauled load to ensure compliance with applicable standards. MACM may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents and whether any wastes are RCRA hazardous wastes.

(Ord. 810, 4/12/2001, §3)

§18.704. Wastewater Discharge Permit Application.

- 1. **Wastewater Analysis.** When requested by MACM, a user must submit information on the nature and characteristics of its wastewater within 60 days of the request. MACM is authorized to prepare a form for this purpose and may periodically require users to update this information.

2. **Wastewater Discharge Permit Requirement.**

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from MACM, except that a significant industrial user that has filed a timely application pursuant to §18-704(3) of this part may continue to discharge for the time period specified therein.
- B. MACM may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Part.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this part and subjects the wastewater discharge permittee to the sanctions set out in §§18-710 through 18-712 of this Part. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

3. **Wastewater Discharge Permitting; Existing Connections.** Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Part and who wishes to continue such discharges in the future, shall, within 60 days after said date, apply to MACM for a wastewater discharge permit in accordance with §18-704(5) of this Part, and shall not cause or allow discharges to the POTW to continue after 120 days of the effective date of this part except in accordance with a wastewater discharge permit issued by MACM.

4. **Wastewater Discharge Permitting; New Connections.** Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with §18-704(5) of this Part, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

5. **Wastewater Discharge Permit Application Contents.** All users required to obtain a wastewater discharge permit must submit a permit application. MACM may require all users to submit as part of an application the following information:

- A. All information required by §18-706(1)(B) of this Part.
- B. Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- C. Number and type of employees, hours of operation and proposed or actual hours of operation.

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- D. Each product produced by type, amount, process or processes and rate of production.
- E. Type and amount of raw materials processed (average and maximum per day).
- F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation, and all points of discharge.
- G. Time and duration of discharges.
- H. Any other information as may be deemed necessary by MACM to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

6. **Application Signatories and Certification.** All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7. **Wastewater Discharge Permit Decisions.** MACM will evaluate the data furnished by the user and may require additional information. Within 60 days of receipt of a complete wastewater discharge permit application, MACM will determine whether or not to issue a wastewater discharge permit. MACM may deny any application for a wastewater discharge permit.

(Ord. 810, 4/12/2001, §4)

§18-705. Wastewater Discharge Permit Issuance Process.

1. **Wastewater Discharge Permit Duration.** A wastewater discharge permit shall be issued for a specified time period, not to exceed 5 years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than 5 years, at the discretion of MACM. Each wastewater discharge permit will indicate a specific date upon which it will expire.

2. **Wastewater Discharge Permit Contents.** A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by MACM to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the POTW.

A. Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed 5 years.
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to MACM in accordance with §18-705(5) of this Part, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
- (3) Effluent limits based on applicable pretreatment standards.
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law.
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization.
- (2) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works.
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges.
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

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- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.
- (8) Other conditions as deemed appropriate by MACM to ensure compliance with this part, and State and Federal laws, rules and regulations.

3. **Wastewater Discharge Permit Appeals.** MACM shall issue industrial wastewater discharge permits. Any person, including the user, may petition MACM to reconsider the terms of a wastewater discharge permit within 30 days of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If MACM fails to act within 60 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Allegheny County Court of Common Pleas.

4. **Wastewater Discharge Permit Modification.** MACM may modify a wastewater discharge permit for good cause including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State or local pretreatment standards or requirements.

- B. To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance.
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- D. Information indicating that the permitted discharge poses a threat to MACM's POTW, MACM personnel or the receiving waters.
- E. Violation of any terms or conditions of the wastewater discharge permit.
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or any required reporting.
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
- H. To correct typographical or other errors in the wastewater discharge permit.
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5. **Wastewater Discharge Permit Transfer.** Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days advance notice to MACM and MACM approves the wastewater discharge permit transfer. The notice to MACM must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
- B. Identifies the specific date on which the transfer is to occur.
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

6. **Wastewater Discharge Permit Revocation.** MACM may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify MACM of significant changes to the wastewater prior to the changed discharge.

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- B. Failure to provide prior notification to MACM of changed conditions pursuant to §18-706(5) of this Part.
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- D. Falsifying self-monitoring reports.
- E. Tampering with monitoring equipment.
- F. Refusing to allow MACM timely access to the facility premises and records.
- G. Failure to meet effluent limitations.
- H. Failure to pay fines.
- I. Failure to pay sewer charges.
- J. Failure to meet compliance schedules.
- K. Failure to complete a wastewater survey or the wastewater discharge permit application.
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility.
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Part.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

- 7. **Wastewater Discharge Permit Reissuance.** A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit re-issuance by submitting a complete permit application, in accordance with §18-704(5) of this Part, a minimum of 180 days prior to the expiration of the user's existing wastewater discharge permit.
- 8. **Regulation of Waste Received from Other Jurisdictions.**
 - A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, MACM shall enter into an intermunicipal agreement with the contributing municipality.

- B. Prior to entering into an agreement required by subsection (A), above, MACM shall request the following information from the contributing municipality.
- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality.
 - (2) An inventory of all users located within the contributing municipality that are discharging to the POTW.
 - (3) Such other information as MACM may deem necessary.
- C. An intermunicipal agreement, as required by subsection (A), above, shall contain the following conditions:
- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Part and local limits which are at least as stringent as those set out in §18-702(4) of this Part. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to MACM's ordinance or local limits.
 - (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis.
 - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by MACM; and which of these activities will be conducted jointly by the contributing municipality and MACM.
 - (4) A requirement for the contributing municipality to provide MACM with access to all information that the contributing municipality obtains as part of its pretreatment activities.
 - (5) A provision ensuring MACM access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling and any other duties deemed necessary by MACM.

(Ord. 810, 4/12/2001, §5)

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§18-706. Reporting Requirements.

1. Baseline Monitoring Reports.

- A. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to MACM a report which contains the information listed in subsection (B), below. At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to MACM a report which contains the information listed in subsection (B), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations. A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
 - (5) Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process.

- (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by MACM, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in §18-706(10) of this Part.
 - (c) Sampling must be performed in accordance with procedures set out in §18-706(11) of this Part.
 - (6) **Certification.** A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether 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 to meet the pretreatment standards and requirements.
 - (7) **Compliance Schedule.** If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this part must meet the requirements set out in §18-706(2) of this Part.
 - (8) **Signature and Certification.** All baseline monitoring reports must be signed and certified in accordance with §18-704(6) of this Part.
2. **Compliance Schedule Progress Reports.** The following conditions shall apply to the compliance schedule required by §18-706(1)(B)(7) of this Part:
- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction and beginning and conducting routine operation).
 - B. No increment referred to above shall exceed 9 months.

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- C. The user shall submit a progress report to MACM no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.
- D. In no event shall more than 9 months elapse between such progress reports to MACM.

3. **Reports on Compliance with Categorical Pretreatment Standard Deadline.** Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to MACM a report containing the information described in §18-706(1)(B)(4-6) of this Part. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with §18-704(6) of this Part.

4. **Periodic Compliance Reports.**

- A. All significant industrial users shall, at a frequency determined by MACM but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with §18-704(6) of this Part.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in a good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this part monitors any pollutant more frequently than required by MACM, using the procedures prescribed in §18-706(11) of this Part, the results of this monitoring shall be included in the report.

5. **Reports of Changed Conditions.** Each user must notify MACM of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 90 days before the change:

- A. MACM may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under §18-704(5) of this Part.
- B. MACM may issue a wastewater discharge permit under §18-704(7) of this Part or modify an existing wastewater discharge permit under §18-704(5) of this Part in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater, and the discharge of any previously unreported pollutants.

6. Reports of Potential Problems.

- A. In the case of any discharge including, but not limited to, accidental discharges, discharges of nonroutine, episodic nature, a noncustomary batch discharge or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify MACM of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within 5 days following such discharge, the user shall, unless waived by MACM, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Part.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (A), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

7. Reports from Unpermitted Users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to MACM as MACM may require.

8. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify MACM within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to MACM within 30 days after becoming aware of the violation. The user is not required to resample if MACM monitors at the user's facility at least once a month, or if MACM samples between user's initial sampling and when the user receives the results of this sampling.

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9. Notification of the Discharge of Hazardous Waste.

- A. Any user who commences the discharge of hazardous wastes shall notify the POTW, the EPA Regional Waste Management Division Director and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR, part 261. Such notification must include the name of the hazardous wastes as set forth in 40 CFR, Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under §18-706(5) of this part. The notification requirement in this part does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§18-706(1), 18-706(3) and 18-706(4) of this Part.
- B. Dischargers are exempt from the requirement of subsection (A), above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under §3001 of RCRA identifying additional characteristics hazardous waste or listing any additional substance as a hazardous waste, the user must notify MACM, the EPA Regional Waste Management Division Director and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- D. In the case of any notification made under this Section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Part, a permit issued thereunder or any applicable Federal or State law.
10. **Analytical Requirements.** All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.
11. **Sample Collection.**
- A. Except as indicated in subsection (B), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, MACM may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.
12. **Timing.** Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
13. **Record Keeping.** Users subject to the reporting requirements of this Part shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Part and additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling, and the name of the person(s) taking the samples; the date analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least 3 years. This period shall be automatically extended for the duration of any litigation concerning the user or MACM, or where the user has been specifically notified of a longer retention period by MACM.

(Ord. 810, 4/12/2001, §6)

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§18-707. Compliance Monitoring.

1. **Right of Entry; Inspection and Sampling.** MACM shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this part and any wastewater discharge permit or order issued hereunder. User shall MACM ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties.
 - A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, MACM will be permitted to enter without delay for the purposes of performing specific responsibilities.
 - B. MACM shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
 - C. MACM may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.
 - D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of MACM and shall not be replaced. The costs of clearing such access shall be borne by the user.
 - E. Unreasonable delays in allowing MACM access to the user's premises shall be a violation of this part.

(Ord. 810, 4/12/2001, §7)

§18-708. Confidential Information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs and from MACM's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of MACM, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined in 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. 810, 4/12/2001, §8)

§18-709. Publication of Users in Significant Noncompliance.

MACM shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a 6 month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.
- B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a 6 month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other discharge violation that MACM believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in MACM's exercise of its emergency authority to halt or prevent such a discharge.
- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance.
- F. Failure to provide within 30 days after the due date, any required reports; including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.

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- H. Any other violation(s) which MACM determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 810, 4/12/2001, §9)

§18-710. Administrative Enforcement Remedies.

1. **Notification of Violation.** When MACM finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, MACM may serve upon that user a written notice of violation. Within 5 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to MACM. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Section shall limit the authority of MACM to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
2. **Consent Orders.** MACM may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§18-710(4) and 18-710(5) of this Part and shall be judicially enforceable.
3. **Show Cause Hearing.** MACM may order a user which has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, to appear before MACM and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
4. **Compliance Orders.** When MACM finds that a user has violated, or continues to violate, any provision of this part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, MACM may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated.

Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

5. **Cease and Desist Orders.** When MACM finds that a user has violated, or continues to violate, any provision of this part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, MACM may issue an order to the user directing it to cease and desist all such violations and directing the user to:
 - A. Immediately comply with all requirements.
 - B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

6. **Administrative Fines.**

- A. When MACM finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, MACM may assess a civil penalty in an amount not to exceed \$25,000 per day for each violation. Each violation for each separate day shall constitute a separate and distinct offense. MACM may recover its costs for reestablishing the operating of the POTW in addition to any civil penalty imposed hereunder. In addition, MACM may recover attorney's fees, all court costs and all other expenses of litigation to the extent permitted by law.
- B. Users desiring to dispute such fines must file a written request for MACM to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, MACM may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. MACM may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- C. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

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7. **Emergency Suspensions.** MACM may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. MACM may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, MACM may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. MACM may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of MACM that the period of endangerment has passed, unless the termination proceedings in §18-710(8) of this Part are initiated against the user.
 - B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to MACM prior to the date of any show cause or termination hearing under §§18-710(3) or 18-710(8) of this Part.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

8. **Termination of Discharge.** In addition to the provisions in §18-705(6) of this Part, any user who violates the following conditions is subject to discharge termination:
- A. Violation of wastewater discharge permit conditions.
 - B. Failure to accurately report the wastewater constituents and characteristics of its discharge.
 - C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
 - D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
 - E. Violation of the pretreatment standards in §18-702 of this Part.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under §18-710(3) of this part why the proposed action should not be taken. Exercise of this option by MACM shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. 810, 4/12/2001, §10)

§18-711. Judicial Enforcement Remedies.

1. **Injunctive Relief.** When MACM finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, MACM may petition the Court of Common Pleas of Allegheny County through MACM's attorney for the issuance of a 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 part on activities of the user. MACM 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 the user.
2. **Civil Penalties.**
 - A. A user who has violated, or continues to violate any provisions of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to MACM for a maximum civil penalty not to exceed \$25,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.
 - B. MACM may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by MACM.
 - C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user and any other factor as justice requires.
 - D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against the user.

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3. **Criminal Penalties.** Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this part, or pretreatment permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part shall, upon conviction, be sentenced to 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 of not more than 30 days. Each occurrence shall be a separate offense. This section shall not preclude prosecution under the Pennsylvania Crimes Code. [*Ord. 828*]
4. **Remedies Nonexclusive.** The remedies provided for in this part are not exclusive. MACM may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with MACM's enforcement response plan. However, MACM may take other action against any user when the circumstances warrant. Further, MACM is empowered to take more than one enforcement action against any noncompliant user.

(*Ord. 810, 4/12/2001, §11; as amended by Ord. 828, 6/12/2003, §1*)

§18-712. Supplemental Enforcement Action.

(Reserved.)

(*Ord. 810, 4/12/2001, §12*)

§18-713. Affirmative Defenses to Discharge Violations.

1. **Upset.**
 - A. For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.
 - B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (C), below, are met.
 - C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause(s) of the upset.
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures.
 - (3) The user has submitted the following information to MACM within 24 hours of becoming aware of the upset.
 - (a) A description of the indirect discharge and cause of noncompliance.
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
 - (c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
2. **Prohibited Discharge Standards.** A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general provisions in §18-702(1)(A) of this part or the specific prohibitions in §§18-702(1)(B)(3) through (17) excluding (8) of this Part if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference.

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- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when MACM was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

3. **Bypass.**

- A. For the purposes of this Section,

- (1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (C) and (D) of this Section.

C. **Notice of a Bypass.**

- (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to MACM, at least 10 days before the date of the bypass, if possible.
- (2) A user shall submit oral notice to MACM of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. MACM may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D. **Bypass Exceptions.**

- (1) Bypass is prohibited, and MACM may taken enforcement action against the user for a bypass, unless:

- (a) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage.
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.
 - (c) The user submitted notices as required under subsection (C) of this Section.
- (2) MACM may approve an anticipated bypass, after considering its adverse effects, if MACM determines that it will meet the three conditions listed in subsection D(1) of this Section.

(Ord. 810, 4/12/2001, §13)

§18-714. Wastewater Treatment Rates.

(Reserved.)

(Ord. 810, 4/12/2001, §14)

§18-715. Miscellaneous Provisions.

1. **Pretreatment Charges and Fees.** MACM may adopt reasonable fees for reimbursement of costs of setting up and operating MACM'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 submitted by users.
 - C. Costs for reviewing and responding to accidental discharge procedures and construction.
 - D. Costs for filing appeals.

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- E. Other fees and costs as MACM may deem necessary to carry out the requirements contained herein. These relate solely to the matters covered by this part and are separate from all other fees, fines and penalties chargeable by the Federal or State governmental agencies.

(Ord. 810, 4/12/2001, §15)