

**CHAPTER 18**  
**SEWERS AND SEWAGE DISPOSAL**

**PART 1**

**SEWER CONNECTIONS AND USES**

**A. Definitions.**

§18-101. Definitions

**B. Discharge of Sanitary Sewage to Public System Required.**

- §18-111. Connections of Buildings Presently Erected
- §18-112. Connections of Buildings Subsequently Erected
- §18-113. Connections of Buildings Subsequently Becoming Accessible
- §18-114. Manner of Connection Pursuant to this Part
- §18-115. Unlawful Connections

**C. Exclusion of Stormwater Runoff.**

- §18-121. Stormwater Discharge Unlawful
- §18-122. Means to Exclude Stormwater Required
- §18-123. Connection of Drains Unlawful; Exclusion of Surface Waters
- §18-124. Combined Sewers and Storm Sewers Unaffected by Provisions

**D. Sewerage Service Charges.**

- §18-131. Charges Imposed for Use of Sewers
- §18-132. Manner of Billing
- §18-133. City May Bill Multiple Meters as One if Upon Same Property
- §18-134. Manner of Measuring and Billing for Water Not Supplied by City
- §18-135. Measurement and Charge for Partial Service
- §18-136. Manner of Requesting Reduction of Charge.

**E. Surcharge for Certain Industrial Wastes.**

- §18-141. Surcharge Imposed for Abnormal Wastes
- §18-142. Determination of Abnormal Wastes
- §18-143. Biochemical Oxygen Demand and Surcharge Rate
- §18-144. Suspended Solids Surcharge Rate
- §18-145. Surcharges Are In Addition to Normal Charges
- §18-146. City May Require Pretreatment of Wastes

**F. Billing and Collection.**

§18-151. Delivery of Bills and Notices

## **G. Connection to System.**

- §18-161. Application for Permit
- §18-162. Information Required of Applicant
- §18-163. Connection Fee; Certain Lateral Installation Costs Borne By City
- §18-164. Work to Commence Only Upon Payment of All Fees
- §18-165. Separate Connection Required; Exceptions
- §18-166. Time Limit to Connect
- §18-167. Connections Subject to Restriction
- §18-168. Inspection of Connection
- §18-169. Right of Inspector to Enter Premises
- §18-170. Connection to be Entirely Inspected at One Time; Additional Inspections
- §18-171. Types of Piping Permitted
- §18-172. Compliance with Manufacturer's Recommendations Required; Rock Foundations
- §18-173. Installation Requirements
- §18-174. Installation of Vents
- §18-175. Compliance with Local Regulations
- §18-176. Maintenance of Building Sewers

## **H. Extensions By Developers.**

- §18-181. Plans Required for Proposed Extensions
- §18-182. Sewer Design
- §18-183. Permits for Construction
- §18-184. "As Built" Plans to be Filed
- §18-185. Recording of Easements
- §18-186. Standards for Sewer Pipe
- §18-187. Dimensions of Pipe Sections
- §18-188. Jointing Connections
- §18-189. Installation of Pipe
- §18-190. Manhole Construction
- §18-191. Tests for Leakage
- §18-192. Filing of Permits; Payment of Fees
- §18-193. Inspection Costs
- §18-194. Conditions for Final Approval

**I. Delinquencies, Violations And Remedies.**

- §18-199.1. Late Payment; Action by City
- §18-199.2. Disconnection of Water
- §18-199.3. Penalty

**PART 2**

**SEWER RENTAL AND CHARGES**

**A. Basic Service Charges.**

- §18-201. Quarterly Rental; Manner of Determination
- §18-202. Private Haulers Without Access to System; Discharge Only at Designated Sites; Rates
- §18-203. Billing and Payment; Right of City to Shut Off Water
- §18-204. Late Payment; Action by City
- §18-205. Penalty
- §18-206. Rates and Charges for Laboratory Analysis

**PART 3**

**INDIVIDUAL AND COMMUNITY SEWAGE SYSTEMS AND HOLDING TANKS**

**A. Individual and Community Sewage Systems.**

- §18-301. Short Title
- §18-302. Permit for Construction
- §18-303. Permit Fee
- §18-304. Council May Adopt Regulations
- §18-305. Inspections
- §18-306. Penalty
- §18-307. Interpretation

**B. Holding Tanks.**

- §18-311. Purpose
- §18-312. Definitions
- §18-313. Approval
- §18-314. Rights and Privileges Granted
- §18-315. Rules and Regulations
- §18-316. Rules and Regulations to be In Conformity with Applicable Law
- §18-317. Rates and Charges
- §18-318. Exclusiveness of Rights and Privileges
- §18-319. Duties of Improved Property Owner
- §18-320. Penalty
- §18-321. Abatement of Nuisances

## **PART 4**

### **INDUSTRIAL PRETREATMENT PROGRAM**

#### **A. Repeal and Amendment of Existing Ordinances.**

§18-401. Repeal of Ordinance No. 193

#### **B. Purpose and Policy.**

§18-411. Policy

§18-412. Objectives

#### **C. Sewer Usage and Discharge Regulation.**

§18-421. Definitions

§18-422. Prohibited Wastes and Pollutant Limitations

§18-423. Fees

§18-424. Permits and Reports for Industrial Waste Discharged Into the Sewer System

§18-425. Enforcement

§18-426. Penalties

§18-427. Remedies not Exclusive

**PART 1**

**SEWER CONNECTIONS AND USES**

**A. Definitions.**

**§18-101. Definitions.**

1. Unless the context specifically indicates otherwise, the following words and terms used in this Part shall have the following meanings:

**ABNORMAL INDUSTRIAL WASTE** - any industrial waste having a suspended solids content or BOD appreciably in excess of that normally found in municipal sewage. For the purposes of this Part, any industrial waste containing more than 350 parts per million of suspended solids or having a BOD in excess of 300 parts per million shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.

**BOD OF SEWAGE OR INDUSTRIAL WASTE** - shall designate its biological oxygen demand and shall mean the quantity of oxygen utilized in the biochemical oxidation of the organic matter in said sewage or industrial waste under standard laboratory procedures in 5 days at 20° Centigrade, expressed in parts per million by weight. It shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association.

**CITY COUNCIL** - the elected and appointed members of the City Council of the City of Lock Haven, as now or hereafter constituted, and its duly authorized agents or representatives.

**CITY ENGINEER** - the duly appointed registered professional engineer acting in accordance with Article XV of the Third Class City Code.

**CITY** - the City of Lock Haven, Clinton County, Pennsylvania.

**COMBINED SEWER** - a sewer designed to receive both sanitary sewage and stormwater runoff and approved for such purposes.

**GARBAGE** - solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**INDUSTRIAL WASTES** - any solid, liquid or gaseous water-borne wastes from industrial processes or commercial establishments, as distinct from sanitary sewage.

## SEWERS AND SEWAGE DISPOSAL

**OCCUPIED BUILDING** - any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure sanitary sewage and industrial wastes, or either thereof, is or may be discharged.

**PERSON** - includes natural persons, partnerships, associations and corporations, public or private.

**pH** - the negative logarithm to the base 10 of the reciprocal of hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association.

**PREMISES ACCESSIBLE TO THE PUBLIC SANITARY SEWAGE SYSTEM** - any real estate abutting on or adjoining or having access to any street, alley or right-of-way in which a sewer is located which ultimately connects to the public sanitary sewage system.

**PROPERLY SHREDDED GARBAGE** - the wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce that have been shredded to such degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

**PUBLIC SANITARY SEWAGE SYSTEM** (sometimes called the "sewer system") - all sanitary or combined sewers, all pumping stations, all force mains, all sewage treatment works and all other sewerage facilities owned or leased and operated by the City for the collection, transportation and treatment of sanitary sewage and industrial wastes, together with their appurtenances and any additions, extensions or improvements thereto. It shall also include sewers within the City's service area which serve one or more persons and discharge into the public sanitary sewerage system even though those sewers may not have been constructed by the City and are not owned by the City. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the sewage treatment facilities.

**SANITARY SEWAGE** - the normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial and commercial establishments, exclusive of stormwater runoff, surface water or groundwater.

**SANITARY SEWER** - a sewer which carries sanitary sewage and to which storm, surface and ground waters are not intentionally admitted.

**SEWAGE** - a combination of water-carried wastes from residences, business buildings, institutions and industrial and commercial establishments.

**SEWER** - a pipe or conduit for carrying sewage.

**STORM SEWER** - a sewer which is intended to carry stormwater runoff, surface waters, groundwater drainage, etc., but which is not intended to carry any sanitary sewage or polluted industrial waste.

**STORMWATER RUNOFF** - that portion of the rainfall which reaches a channel, trench, sewer or sink.

**SUSPENDED SOLIDS** - solids that either float on the surface or are in suspension in water, sewage, industrial waste or other liquids and which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association.

**UNPOLLUTED WATER or WASTE** - any water or waste containing none of the following: free or emulsified grease or oil; acid or alkali; phenols or other substances imparting taste or odor to receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; obnoxious or odorous gases. It shall contain no more than 10,000 parts per million by weight of dissolved solids of which not more than 2,500 parts per million shall be as chloride and not more than 10 parts per million each of suspended solids and BOD. The color shall not exceed 50 parts per million. Analyses for any of the above mentioned substances shall be made in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association.

**WATER COMPANY** - any publicly or privately owned duly authorized agency, corporation or organization which is the approved purveyor of the public water supply within and without the limits of the City.

2. As used herein, "shall" is mandatory; "may" is permissive.

(Ord. 23B, 3/7/1977, §§101-123)





**B. Discharge of Sanitary Sewage to Public System Required.**

**§18-111. Connections of Buildings Presently Erected.**

All persons owning any occupied building now erected within the City upon premises accessible to the public sanitary sewage system shall, at their own expense, make connection with the public sanitary sewage system, if they are not presently so connected

*(Ord. 23B, 3/7/1977, §201)*

**§18-112. Connections of Buildings Subsequently Erected.**

All persons owning any premises within the City accessible to the public sanitary sewage system upon which an occupied building is subsequently erected shall, at the time of erection of such building and at their own expense, make connection with the public sanitary sewage system.

*(Ord. 23B, 3/7/1977, §202)*

**§18-113. Connections of Buildings Subsequently Becoming Accessible.**

All persons owning any occupied building within the City upon premises which subsequently become accessible to the public sanitary sewage system shall, at their own expense, make connection with the public sanitary sewage system within the time period stipulated after proper notice to do so has been given.

*(Ord. 23B, 3/7/1977, §203)*

**§18-114. Manner of Connection Pursuant to this Part.**

All connections to the public sanitary sewage system shall be made in accordance with this Part.

*(Ord. 23B, 3/7/1977, §204)*

**§18-115. Unlawful Connections.**

No privy vault, cesspool, septic tank, mine hole or similar receptacle for human excrement shall presently or at any time hereafter be connected with the public sanitary sewage system.

*(Ord. 23B, 3/7/1977, §205)*



**C. Exclusion of Stormwater Runoff.**

**§18-121. Stormwater Discharge Unlawful.**

The discharge of stormwater runoff to sanitary sewers is prohibited.

*(Ord. 23B, 3/7/977, §301)*

**§18-123. Means to Exclude Stormwater Required.**

All persons connecting to the public sanitary sewage system shall provide adequate means for excluding stormwater runoff in the event the connection is made to a sanitary sewer.

*(Ord. 23B, 3/7/977, §302)*

**§18-123. Connection of Drains Unlawful; Exclusion of Surface Waters.**

No person connected to a sanitary sewer shall connect any roof drain or foundation drain thereto or permit any such drains to remain connected thereto, nor shall he permit, allow or cause to enter into any sanitary sewer any spring water or surface water from any other source.

*(Ord. 23B, 3/7/977, §303)*

**§18-124. Combined Sewers and Storm Sewers Unaffected by Provisions.**

The provisions of these rules and regulations do not prohibit the present or future discharge of stormwater runoff to combined sewers or storm sewers or to natural watercourses within the City.

*(Ord. 23B, 3/7/977, §304)*



**D. Sewerage Service Charges.**

**§18-131. Charges Imposed for Use of Sewers.**

There is imposed upon the owners of or the users of water in or on all properties served by the public sanitary sewage system, service charges for the use of said system, payable in the amounts and as provided in the Sewer Rate Ordinance [Chapter 18, Part 2] adopted by the City Council and as it is hereafter from time to time amended and modified. Said owners and users will be jointly and severally liable for the payment of said service charges and the penalties therein prescribed for delinquent payments thereof.

*(Ord. 23B, 3/7/1977, §601)*

**§18-132. Manner of Billing.**

All bills for service charges shall be due when rendered and shall be subject to the penalty provisions set forth in the City's Sewer Rate Ordinance [Chapter 18, Part 2]. Owners and, where adequate arrangements have been made with the City, users will be billed periodically for the sewage service charges in accordance with the billing practices of the City.

*(Ord. 23B, 3/7/1977, §602)*

**§18-133. City May Bill Multiple Meters as One if upon Same Property.**

The measurement by two or more meters of the quantity of water used in or on one property by one owner or user may be combined and the service charge billed to said owner or user as though the quantity of water was measured by one meter if the City Council so elects.

*(Ord. 23B, 3/7/1977, §603)*

**§18-134. Manner of Measuring and Billing for Water not Supplied by City.**

In the event an owner obtains part or all of the water used in or on a property from sources other than the water company, such owner or user shall, after written notice from the City, at no expense to the City or the water company, install and maintain a water meter or meters satisfactory to the City for measuring all water used other than that obtained from the water company, and the quantity of water used to determine the sewage service charges shall be the quantity of water measured by all such meters plus the quantity of water obtained from the water company. In lieu of such additional meters, the City Council has established under the Sewer Rate Ordinance [Chapter 18, Part2] a flat rate charge which shall be applicable to such nonmetered water usage.

*(Ord. 23B, 3/7/1977, §604)*

## SEWERS AND SEWAGE DISPOSAL

### **§18-135. Measurement and Charge for Partial Service.**

In the event it is established to the satisfaction of the City Engineer that a portion of the water used in or on any property served by the public sanitary sewage system does not and cannot enter said system, the City Engineer may determine in such manner and by such method as he may deem practical, the percentage of the water entering the public sanitary sewage system or the City Engineer may require or permit the installation of additional meters in such manner as to determine either the quantity of water excluded from the public sanitary sewage system or the quantity of water, sewage or industrial waste actually entering the public sanitary sewage system, exclusive of stormwater runoff. In such case, the sewage service charge shall be based upon the quantity of water estimated, measured or computed by the City Engineer to be actually entering the public sanitary sewage system, exclusive of stormwater runoff, and shall be subject to the sewage service charges set forth in the City's Sewer Rate Ordinance [Chapter 18, Part 2].

*(Ord. 23B, 3/7/1977, §605)*

### **§18-136. Manner of Requesting Reduction of Charge.**

Any person requesting consideration for a reduction of the amount of the sewage service charges because of water not entering the public sanitary sewage system shall make written application to the City Engineer for such consideration, giving the name of such person, his address and setting forth supporting data fully describing other sources of water, if any, as well as the disposition of water alleged not to be entering the public sanitary sewage system. The application shall be accompanied by a sketch to approximate scale showing the plan of the property, the water distribution system, sewer layout, existing meters and proposed meters in the scheme to determine the quantity of flow entering or not entering the public sanitary sewage system. The cost of furnishing, installing and maintaining any meters other than those utilized to measure water purchased from the water company shall be borne by the applicant. The type, size, location, arrangement and maintenance of such meters shall be subject to the approval of the City Engineer.

*(Ord. 23B, 3/7/1977, §606)*

**E. Surcharge for Certain Industrial Wastes.**

**§18-141. Surcharge Imposed for Abnormal Wastes.**

Although the sewage treatment works will be capable of treating certain abnormal industrial wastes as heretofore defined in §18-101, the actual treatment of such wastes may increase the cost of operating and maintaining the public sanitary sewage system. Therefore, there will be imposed upon each person discharging such industrial waste into the public sanitary sewage system a surcharge, or surcharges, which are intended to cover such additional cost. Such surcharges shall be in addition to the regular sewage service charges set forth in the Sewer Rate Ordinance [Part 2] of the City and shall be payable as otherwise provided.

*(Ord. 23B, 3/7/1977, §701)*

**§18-142. Determination of Abnormal Wastes.**

The strength of any industrial waste, the discharge of which is to be subject to surcharge, shall be determined monthly, or more frequently as the City Engineer shall determine, from samples taken either at the manhole or metering chamber hereof, or at any other sampling point mutually agreed upon by the City and the producer of such waste. The frequency and duration of the sampling period shall be such as, in the opinion of the City Engineer, will permit a reasonably reliable determination of the average composition of such waste, exclusive of stormwater runoff. Samples shall be collected or their collection supervised by a representative of the City Engineer and shall be in proportion to the flow of waste, exclusive of stormwater runoff, and composited for analysis in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," as published by the American Public Health Association. Except as hereinafter provided, the strength of the waste so found by analysis shall be used for establishing the surcharge or surcharges. However, the City Engineer may, if he so elects, accept the results of routine sampling and analyses by the producer of such wastes in lieu of making his own samplings and analyses.

*(Ord. 23B, 3/7/1977 §702; as amended by Ord. 670, 2/24/2003, §1)*

**§18-143. Biochemical Oxygen Demand Surcharge Rate.**

In the event any industrial waste is found by the City Engineer to have a BOD in excess of 300 parts per million, the producer of said waste shall be surcharged an amount equal to the product of the actual volume of wastes in thousand gallons per billing period, exclusive of stormwater runoff, discharged to the public sanitary sewage system and the BOD surcharge rate. The BOD surcharge rate shall be determined by the following formula:

$$R_c = 0.00834 P (C-300)$$

Where:

$$R_c = \text{the BOD surcharge rate in cents per 1,000 gallons of waste discharged.}$$

## SEWERS AND SEWAGE DISPOSAL

- P = the average annual fixed, operating and maintenance cost of secondary treatment processes per pound of BOD received at the treatment works. (Prior to completion of the first year of operation the value of "P" shall be assumed to be 4¢; and thereafter, the value will be adjusted annually.)
- C = the average BOD of the industrial waste expressed in parts per million as determined in accordance with §18-162, above.

The figure "300" appearing in the above formula corresponds to the maximum BOD permissible without surcharge. The figure "0.00834" is the factor to convert parts per million to pounds per 1,000 gallons. No discount will be permitted for sewage or industrial wastes having a BOD less than 300 parts per million.

(Ord. 23B, 3/7/1977, §703)

### **§18-144. Suspended Solids Surcharge Rate.**

In the event any industrial waste is found by the City Engineer to have an average suspended solids concentration in excess of 350 parts per million, the producer of such waste shall be surcharged an amount equal to the product of the actual volume of wastes in thousand gallons per billing period, exclusive of storm runoff, discharged to the public sanitary sewage system and the suspended solids surcharge rate. The suspended solids surcharge rate shall be determined by the following formula:

$$Rs = 0.00834 \times B (S-350)$$

Where:

- Rs = the suspended solids surcharge rate in cents per 1,000 gallons of waste discharged.
- B = the average annual fixed, operating and maintenance cost of the sludge digestion, sludge drying and sludge disposal operations per pound of suspended solids received at the treatment works. (Prior to completion of the first year of operation the value of "B" shall be assumed to be 4¢; and thereafter the value will be adjusted annually.)
- S = the average suspended solids concentration of the abnormal industrial waste expressed in parts per million as determined in accordance with §18-162, above.

The figure "350" appearing in the above formula corresponds to the maximum suspended solids concentration permissible without surcharge. The figure "0.00834" is the factor to convert parts per million to pounds per 1,000 gallons. No discount will be permitted for sewage or industrial wastes having a suspended solids concentration less than 350 parts per million.

(Ord. 23B, 3/7/1977, §704)



**§18-145. Surcharges Are in Addition to Normal Charges.**

The surcharges provided for in this Part shall be added to the sewage service charges imposed by the City Council under the Sewer Rate Ordinance [Chapter 18, Part 2].

*(Ord. 23B, 3/7/1977, §705)*

**§18-146. City May Require Pretreatment of Wastes.**

To insure proper operation of the treatment plant, the City Council may require pretreatment of certain industrial wastes before they are discharged into the sanitary system. Plans for pretreatment facilities will be submitted to the City Engineer, prior to construction, for approval as to adequacy and reliability.

*(Ord. 23B, 3/7/1977, §706)*



**F. Billing and Collection.**

**§18-151. Delivery of Bills and Notices.**

Bills and notices relating to the sewage service charges and surcharges will be mailed or delivered to the property owner's last address or, where proper arrangements have been made with the City water office, to the user's last address, as shown on the billing books of the City.

*(Ord. 23B, 3/7/1977, §801)*



**G. Connection to System.**

**§18-161. Application for Permit.**

Applications for connection to the public sanitary sewage system shall be made to the City Engineer upon the permit form to be formulated and furnished by the City Engineer.

*(Ord. 23B, 3/7/1977, §901)*

**§18-162. Information Required of Applicant.**

All information requested on said form shall be furnished by the applicant, including the character and use of each structure located upon the property.

*(Ord. 23B, 3/7/1977, §902)*

**§18-163. Connection Fee; Certain Service Lateral Installation Costs Borne by City.**

A connection and inspection fee in an amount as established from time to time by City Council will be required at the time of making application for permission to make a connection to the City's sanitary sewer system. The fee is to be used to recover the ordinary and reasonable expenses incurred by the City in making the connection. Connections to the City mains may be made only by City forces. Service laterals shall be installed from the main to the curb line of the property or a distance of 35 feet, whichever is the lesser, by and at the expense of the City. Where an existing sanitary sewer main is not available, the cost of extending the main shall be by and at the expense of the property owner(s) making the request of the extension.

*(Ord. 23B, 3/7/1977, §903; as amended by Ord. 485B, 1/3/1995; and by Ord. 670, 2/24/2003, §1)*

**§18-164. Work to Commence Only Upon Payment of All Fees.**

No work shall commence before the payment of any aforementioned tap connection and inspection fee and issuance of the aforementioned connection permit.

*(Ord. 23B, 3/7/1977, §904)*

## SEWERS AND SEWAGE DISPOSAL

### **§18-165. Separate Connection Required; Exceptions.**

Unless written permission is obtained from the City Engineer, separate connections and corresponding tap connection and inspection fees will be required for each individual occupied building, whether constructed as a detached unit or as one of a pair or row, but a single connection will be permitted to serve a school, factory, apartment house or other permanent multiple unit structure whose individual apartments or units may not be subject to separate ownership.

*(Ord. 23B, 3/7/1977, §905)*

### **§18-166. Time Limit to Connect.**

Connections to sanitary sewers shall be completed within 60 calendar days after receipt of an approved permit.

*(Ord. 23B, 3/7/1977, §906)*

### **§18-167. Connections Subject to Restriction.**

All connections to the sanitary sewers shall be subject to certain restrictions as to unacceptable sanitary sewage which are set forth in §§18-141 to 18-145.

*(Ord. 23B, 3/7/1977, §907)*

### **§18-168. Inspection of Connection.**

The designated inspector of the City shall be given at least 24 hours notice of the time when such connection shall be made in order that said inspector can be present to inspect and approve the work of connection. The inspector shall signify his approval of the connection by endorsing his name and the date of approval on the aforementioned connection permit in the possession of the permittee(s).

*(Ord. 23B, 3/7/1977, §908)*

### **§18-169. Right of Inspector to Enter Premises.**

At the time of inspection of the connection, the owner or owners of property shall permit the inspector full and complete access to all sanitary and drainage arrangements and facilities in each building and in and about all parts of the property. No building sewer line shall be covered over or in any manner concealed until after it is inspected and approved by said inspector.

*(Ord. 23B, 3/7/1977, §909)*

**§18-170. Connection to be Entirely Inspected at One Time; Additional Inspections.**

It is the intention of these rules and regulations that the entire connection be inspected at one time; however, if the property owner feels that special conditions warrant more than one inspection, he may request the same, subject to such additional inspection fees as the City Council shall determine.

*(Ord. 23B, 3/7/1977, §910)*

**§18-171. Types of Piping Permitted.**

All pipe installed shall be either asbestos cement, plastic or ductile iron pipe. Pipe shall meet City standards currently in effect and shall be of nominal size of at least 4 inches. Where the ground is firm and provides a good foundation, plastic or asbestos cement pipe may be used. On filled ground or on ground which is not firm, ductile iron pipe shall be used. Each section of pipe shall be stamped with the manufacturer's certification. Couplings for the asbestos-cement pipe shall conform to the standards of the manufacturer of the pipe with which the couplings will be used. All joints for ductile iron pipe or plastic pipe shall conform to the standards of the manufacturer.

*(Ord. 23B, 3/7/1977, §911)*

**§18-172. Compliance with Manufacturer's Recommendations Required; Rock Foundations.**

All sewer pipe shall be installed in strict accordance with the manufacturer's recommendations. Where rock trench foundation exists, a 4 inch gravel cradle shall be provided under the pipe.

*(Ord. 23B, 3/7/1977, §912)*

**§18-173. Installation Requirements.**

All pipe shall be installed with a minimum slope of 1/8 inch per foot and a minimum cover of 2 1/2 feet. All pipe shall be laid to an even grade and straight alignment to the public sanitary sewer. All pipe shall be laid with full and even bearing and no block supports will be allowed. Bell holes shall be dug to allow sufficient space to properly make each joint. Backfill shall be tamped uniformly around the pipe. All work shall be done in a workmanlike manner and shall provide a durable installation.

*(Ord. 23B, 3/7/1977, §913)*

## SEWERS AND SEWAGE DISPOSAL

### **§18-174. Installation of Vents.**

A 4 inch soil pipe vent shall be installed a maximum of 5 feet from the building. The soil pipe vent shall be installed with a trap and a 4 inch vent within the building. The vent shall be so situated as not to allow the discharge of any surface water to the sanitary sewer.

*(Ord. 23B, 3/7/1977, §914)*

### **§18-175. Compliance with Local Regulations.**

Commercial installations must also comply with all local construction regulations.

*(Ord. 23B, 3/7/1977, §915)*

### **§18-176. Maintenance of Building Sewers.**

Maintenance and repair of all building sewers shall be the responsibility of the property owner

*(Ord. 23B, 3/7/1977, §916)*



## **H. Extensions by Developers.**

### **§18-181. Plans Required for Proposed Extensions.**

Five copies of plans for proposed extensions shall be submitted to the City Council on 24 x 36 inch sheets showing plan views to a minimum scale of 1 inch equals 50 feet and profiles to a minimum scale of 1 inch equals 10 feet vertically and 1 inch equals 50 feet horizontally, a north point, a suitable title block, date and the name of the engineer and imprint of his registration seal.

*(Ord. 23B, 3/7/1977 §1001)*

### **§18-182. Sewer Design.**

All sewers shall be designed in accordance with the latest edition of "Sewerage Manual" of the Pennsylvania Department of Environmental Protection and these rules and regulations.

*(Ord. 23B, 3/7/1977, §1002; as amended by Ord. 670, 2/24/2003, §1)*

### **§18-183. Permits for Construction.**

Construction of sewers will not be permitted until the proper State permits have been obtained in the name of the City.

*(Ord. 23B, 3/7/1977, §1003)*

### **§18-184. "As Built" Plans to be Filed.**

Prior to final acceptance of any sewer extensions by the City Council, it will be necessary for the developer to furnish to the City Council "as built" plans showing the angle and distance between manholes, the top and invert elevation of each manhole and the exact location of all house sewer connections relative to the nearest manhole both downstream and upstream. Such plans shall be properly referenced to allow location of connections. etc., in the field.

*(Ord. 23B, 3/7/1977, §1004)*

### **§18-185. Recording of Easements.**

Easements shall be recorded in the name of the City for all sewers to be constructed outside of dedicated street rights-of-way.

*(Ord. 23B, 3/7/1977, §1005)*

## SEWERS AND SEWAGE DISPOSAL

### **§18-186. Standards for Sewer Pipe.**

All sewer pipe shall meet current City standards. The type of pipe proposed for installation shall be indicated on the plan sheets.

*(Ord. 23B, 3/7/1977, §1006)*

### **§18-187. Dimensions of Pipe Sections.**

All sewer main pipe shall be a minimum of 8 inches in diameter and have a minimum of laying length of not less than 5 feet.

*(Ord. 23B, 3/7/1977 §1007)*

### **§18-188. Jointing Connections.**

The details of any jointing connection which is proposed for use must be submitted to the City Engineer for prior approval and shall be detailed on the plan sheets.

*(Ord. 23B, 3/7/1977 §1008)*

### **§18-189. Installation of Pipe.**

The installation of sewers shall start at the lower end of the line and proceed upstream so that the spigot ends point in the direction of flow. The pipe shall be carefully laid to line and grade. The handling, placing and jointing of pipe shall be in strict accordance with the pipe manufacturer's recommendations.

*(Ord. 23B, 3/7/1977, §1009)*

### **§18-190. Manhole Construction.**

All manholes shall be constructed in accordance with the current standards established by the City Engineer. Frames and covers for all manholes shall be fabricated of cast iron and shall conform to the standards established by the City Engineer. Manholes shall be furnished at the ends of lines.

*(Ord. 23B, 3/7/1977, §1010)*

**§18-191. Tests for Leakage.**

Sewers shall be hydrostatically, pneumatically and/or smoke tested for leakage at the discretion of, and in the manner required by, the City Engineer. Sewers shall meet leakage requirements of the pipe manufacturer, the Department of Environmental Protection and the City standards.

*(Ord. 23B, 3/7/1977, §1011; as amended by Ord. 670, 2/24/2003, §1)*

**§18-192. Filing of Permits; Payment of Fees.**

The developer shall file all necessary connection permits and pay the applicable tap connection and inspection fee for each house or building to the City Treasurer, which shall become due and payable prior to inspection and approval by the inspector for each respective house service sewer.

*(Ord. 23B, 3/7/1977, §1012)*

**§18-193. Inspection Costs.**

The developer shall also reimburse the City in full for all costs of inspection of construction of all sanitary sewers. The amount and type of inspection required shall be determined by the City Engineer during construction.

*(Ord. 23B, 3/7/1977, §1013)*

**§18-194. Conditions for Final Approval.**

No sewer extensions constructed by a developer will be approved for use and acceptance by the City until said sewers are formally approved by the City Council, all building tap connection and inspection fees have been paid for each building connected to the system and the City has been reimbursed in full for all inspection costs incurred by the inspector during construction testing and approval.

*(Ord. 23B, 3/7/1977 §1014)*



**I. Delinquencies, Violations and Remedies.**

**§18-199.1. Late Payment; Action by City.**

Each sewage service charge, surcharge and penalty imposed by the Sewer Rate Ordinance of the City [Chapter 18, Part 2] shall be a debt due the City and shall be a lien on the property served, and if not paid within the period prescribed in the Sewer Rate Ordinance after the date of the bill shall be deemed delinquent. In such event the City shall proceed to file a lien in the office of the Prothonotary of Clinton County and collect the same in the manner provided by law for the filing and collection of municipal claims. In the event of failure to pay the sewage service charge or surcharge or penalty after they become delinquent, the City Council may also authorize the appropriate personnel to shut off water service to said property or to remove or close the sewer connection and to take such steps as may be necessary to accomplish such shut-off or removal or closing. The expense of such shut-off or removal or closing as well as the expense of restoring any such service shall likewise be a debt due the City and a lien on the property served and may be filed and collected as hereinbefore provided. Such sewage service shall not be restored until all sewage service charges, surcharges and penalties, including the expense of removal, closing and restoration shall have been paid or adequate provisions for their payment shall have been made.

*(Ord. 23B, 3/7/1977, §1101)*

**§18-199.2. Disconnection of Water.**

All persons violating any provisions of these rules and regulations shall be given notice of such violation either personally or by means of the United States mail, and if no action to correct said violation is taken within 30 days of the date of such notice, water to said premises may be shut off or the sewer connection may be removed or closed. Reconnection will not be made until after correction of the violation has been accomplished. The expense of such shut-off or removal or closing and the expense of restoring the water or sewage service shall be a debt due the City and a lien upon the property served and may be filed and collected as provided in §18-199.21, hereof.

*(Ord. 23B, 3/7/1977, §1102)*

**§18-199.3. 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 and may, in addition, be assessed for any damages to person, property, transmission lines or the City's sewage treatment facility, as well as any other penalties provided for in this Part. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 23B, 3/7/1977, §1103)*



**PART 2**

**SEWER RENTAL CHARGES**

**A. Basic Service Charges.**

**§18-201. Quarterly Rental, Manner of Determination.**

There is hereby imposed, and all owners of property now or hereafter connected with the sanitary sewers or the sewerage system (hereinafter called "sewer system") of the City of Lock Haven, Pennsylvania, and having the use of said sewer system shall pay an annual rental or charge payable as hereinafter provided, for the use, whether directly or indirectly, of such sewer system, based on the following schedule:

- A. The sewer rent for collection of sanitary sewage discharged into the sewer system shall be quarterly rent based upon the actual volume of water metered per quarter as determined from meters installed and maintained by the City of Lock Haven and the Suburban Lock Haven Water Authority. The minimum quarterly rent for each meter property shall be \$17.70 per quarter, and rents will be charged in accordance with the following schedule:

Up to	4,000 gal. per quarter	\$17.70 flat rate
Next	6,000 gal. per quarter	2.65 per 1,000 gal.
Next	15,000 gal. per quarter	2.82 per 1,000 gal.
Next	35,000 gal. per quarter	2.59 per 1,000 gal.
Next	140,000 gal. per quarter	2.69 per 1,000 gal.
Next	100,000 gal. per quarter	2.19 per 1,000 gal.
Next	700,000 gal. per quarter	1.94 per 1,000 gal.
All over	1,000,000 gal. per quarter	1.61 per 1,000 gal.

[Ord. 457B]

Provided, however, that in cases where a single meter is used to measure water furnished to two or more families, family dwelling units, premises, properties or commercial establishments, the quantity so measured will be divided equally for billing among such families, family dwelling units, premises, properties and commercial establishments, and the above rate shall then apply.

- B. Whenever a property upon which a sewer rental or charge is hereby imposed uses water, all or part of which water so used is not discharged into the sewer system, the quantity of water so used and not discharged into the sewer system may be excluded in determining the sewer rental or charge of said property; provided, the quantity of water so used and not discharged into the sewer system is measured

SEWERS AND SEWAGE DISPOSAL

by a device or devices approved by the City and installed without cost to the City. For the purpose of determining the sewer rental, the quantity of such water not discharged into the sewer system shall be deducted from the water meter readings; provided further, however, when, in the opinion of the City, it is not practical to install measuring devices to continuously measure the quantity of water not discharged into the sewer system, the City shall determine in such manner and in such method as it may prescribe, the percentage of metered water discharged into the sewer system and the quantity of water used to determine the sewer rental shall be the percentage so determined of the quantity measured by the water meter or meters. Any dispute as to estimated amount shall be determined by the City after notice of the estimate, the decision as to which manner shall be final for the period covered by such estimate. All meters or other measuring devices installed or required to be used under this subsection shall be under the control of the City. The owner of the property upon which any such measuring device [is] installed shall be responsible for its maintenance and safekeeping and all repairs thereto shall be made at the property owner's expense whether such repairs are made necessary by wear and tear or any other cause or causes.

- C. There is hereby imposed a penalty of 10% on all sewer rental invoices that remain unpaid after 30 days from the date the invoice is rendered.

(Ord. 22B, 3/7/1977, §1; as amended by Ord. 53B, 12/29/1977, §I; by Ord. 211B, 1/7/1985, §I; by Ord. 358B, 9/13/1990, §I; and by Ord. 457B, 1/3/1994, §I)

**§18-203. Private Haulers Without Access to System; Discharge Only at Designated Sites; Rates.**

1. Any private hauler, except recreation vehicles, serving establishments not having access to a sewage treatment system shall be permitted to discharge sanitary sewage into the sewer system of the City of Lock Haven, provided that he makes application therefor to the Director of Public Works.
2. All sanitary sewage discharged into the sewage system as specified in subsection (1), above, shall be discharged only at such site or sites as shall be designated by the Director of Public Works, and the Director of Public Works is authorized to establish such administrative rules and regulations as he may deem necessary. The violation of any such rules and regulations shall result in revocation by the Director of Public Works of the privilege of so discharging sanitary sewage.
3. Hauled waste shall be classified in one of the following categories of waste:

Septic Tank Waste	Concentrated domestic waste as pumped from a septic tank.
Trucked Domestic Waste	Unconcentrated domestic waste with a holding tank detention of 24 hours or less.



Holding Tank Waste	Unconcentrated domestic waste with a holding tank detention greater than 24 hours.
Commercial Waste	Unconcentrated commercial waste with a holding tank detention greater than 24 hours.
Portable Toilet Waste	Domestic waste collected from portable toilets or pit toilets.
Other	Odd wastes which do not fall into the above categories.

[Ord. 492BB]

4. Charges for treatment of hauled waste shall be based on the category of waste discharged and shall be billed monthly.

A. The amounts charged shall be based on the number of gallons of waste discharged in the month and shall be based on the following rates:

(1)	Septic Tank Waste		\$30.00/1,000 gal.
(2)	Holding Tank and Trucked Domestic Waste	First 5,000 gal.	\$ 5.00/1,000 gal.
		Next 50,000 gal.	\$ 3.50/1,000 gal.
		Next 50,000 gal.	\$ 2.50/1,000 gal.
		Over 105,000 gal.	\$ 1.50/1,000 gal.
(3)	Portable Toilet Waste		\$40.54/1,000 gal.
(4)	Commercial Waste		\$30.00/1,000 gal.

B. The above rates shall be reviewed annually and revised to reflect the actual costs of treating the hauled wastes.

C. The charges due from each producer of waste shall be calculated separately and the City may, at its option, invoice the producer of the waste or the discharger who hauls the waste to the disposal plant

[Ord. 492BB]

5. Owners of recreation vehicles shall be permitted to discharge sanitary sewage into the system and such discharge will only be made at the treatment plant. A fee of \$3 shall be charged for each and every time sewage is accepted for discharge to the system and shall be paid at the time of discharge to the treatment plant attendant. [Ord. 492BB]

(Ord. 22B, 3/7/1977, §2; as amended by Ord. 409B, 7/6/1992, §I; Ord. 466B, 4/18/1994, §I; and by Ord. 492BB, 8/7/1995, §I)

## SEWERS AND SEWAGE DISPOSAL

### **§18-203. Billing and Payment; Right of City to Shut Off Water.**

The above rentals or charges shall be paid quarterly and quarterly billings will be made with or at the same time water rent billings for each quarter are made by either the City of Lock Haven or the Suburban Lock Haven Water Authority. Quarterly charges for sewerage service shall be payable on or before the thirtieth day of the date of the bill. The City shall have the right to cut off sewerage service from delinquent premises and not restore the same until all delinquent and the cost of cutting off and restoring service shall have been paid.

*(Ord. 22B, 3/7/1977, §3)*

### **§18-204. Late Payment; Action by City.**

The sewer rent or charge hereby imposed shall be a lien on the property served. All such sewer rentals or charges not paid on or before the end of 1 year from the date on which such bill was rendered shall be deemed to be delinquent for the purposes of this Part. All delinquent sewer rentals or charges shall be filed and entered as a lien against the property served, in the office of the Prothonotary of Clinton County, in the manner provided by law for the filing and collection of municipal claims.

*(Ord. 22B, 3/7/1977, §4)*

### **§18-205. 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 shall constitute a separate offense.

*(Ord. 22B, 3/7/1977, §5; as amended by Ord. 670, 2/24/2003, §1)*

### **§18-206. Rates and Charges for Laboratory Analysis.**

Rates for the collection and analysis of industrial waste samples shall be as established from time to time by resolution of City Council.

*(Ord. 22B, 3/7/1977, §5; as added by Ord. 349B, 12/26/1990; and by Ord. 670, 2/24/2003, §1)*

**PART 3**

**INDIVIDUAL AND COMMUNITY SEWAGE SYSTEMS AND HOLDING TANKS**

**A. Individual and Community Sewage Systems.**

**§18-301. Short Title.**

This Part shall be known as the "Lock Haven Sewage Disposal System Ordinance."

(*Ord. 668A, 8/7/1968, §1*)

**§18-302. Permit for Construction.**

1. No person, firm or corporation shall construct, install, alter, repair or extend an individual or a community sewage disposal system of any type, or construct, extend or alter any building of any type or construct, extend, alter, establish, set up or locate any type of trailer, mobile home, portable structure, to which or with which an individual or community sewage disposal system shall be used or connected in the City of Lock Haven, Clinton County, Pennsylvania, until a permit has been obtained indicating that the site, plans and specifications of such proposed individual or community sewage disposal system comply with the terms and provisions of Act 537, known as the "Pennsylvania Sewage Facilities Act" and the rules and regulations adopted by the Department of Environmental Protection of the Commonwealth of Pennsylvania issued from time to time pursuant to such Act. [*Ord. 670*]
2. This Part shall apply to all individual or community sewage disposal systems hereafter installed or constructed in the City of Lock Haven, regardless of the size of the sewage system or the size of acreage of the parcel of land in or on which the sewage system may be installed or constructed.

(*Ord. 668A, 8/7/1968, §2; as amended by Ord. 670, 2/24/2003, §1*)

**§18-303. Permit Fee.**

A fee, in an amount as established from time to time by resolution of City Council, shall be paid to the City Clerk, or such other person as may be designated by the City Council, when an application is made for a permit for an individual or a community sewage disposal system.

(*Ord. 668A, 8/7/1968, §3; as amended by Ord. 670, 2/24/2003, §1*)

## SEWERS AND SEWAGE DISPOSAL

### **§18-304. Council May Adopt Regulations.**

The City Council shall adopt and do hereby adopt any forms or regulations which in their judgment may be required pursuant to this Part.

(*Ord. 668A, 8/7/1968, §4*)

### **§18-305. Inspections.**

The City Council of the City of Lock Haven does hereby designate the Sewage Enforcement Officer of said City as the person to inspect and approve individual and/or community sewage disposal system or systems constructed and installed in the City of Lock Haven.

(*Ord. 668A, 8/7/1968, §5; as amended by Ord. 670, 2/24/2003, §1*)

### **§18-306. 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 shall constitute a separate offense.

(*Ord. 668A, 8/7/1968, §6, as amended by Ord. 8B, 3/7/1977, §1; and by Ord. 670, 2/24/2003, §1*)

### **§18-307. Interpretation.**

This Part shall be construed as implementing for the City of Lock Haven the provisions of the Pennsylvania Sewage Facilities Act No. 537 and the rules and regulations adopted by the Department of Environmental Protection, Commonwealth of Pennsylvania issued pursuant to said Act.

(*Ord. 668A, 8/7/1968, §8; as amended by Ord. 670, 2/24/2003, §1*)

**B. Holding Tanks.**

**§18-311. Purpose.**

The purpose of this Part is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage, whether from residential or commercial uses, and it is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this City.

*(Ord. 564B, 10/5/1998, §1)*

**§18-312. Definitions.**

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

**HOLDING TANK** - a watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

**IMPROVED PROPERTY** - any property within the City upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

**MUNICIPALITY** - the City of Lock Haven, Clinton County, Pennsylvania.

**OWNER** - any person vested with ownership, legal or equitable, sole or partial, of any property located in the City.

**PERSON** - any individual, partnership, company, association, corporation or other group or entity.

**SEWAGE** - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals, and any noxious or deleterious substance being harmful or inimical to the public health or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

*(Ord. 564B, 10/5/1998, §2)*

## SEWERS AND SEWAGE DISPOSAL

### **§18-313. Approval.**

The City reserves the right to allow only temporary and limited use facilities to install a holding tank. The City will review all requests on a case by case basis and may refuse any or all such requests.

*(Ord. 564B, 10/5/1998, §3)*

### **§18-314. Right and Privileges Granted.**

The City is hereby authorized and empowered to undertake within the City the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

*(Ord. 564B, 10/5/1998, §4)*

### **§18-315. Rules and Regulations.**

The City is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

*(Ord. 564B, 10/5/1998, §5)*

### **§18-316. Rules and Regulations to be In Conformity with Applicable Law.**

All such rules and regulations adopted by the City shall be in conformity with the provisions herein, all other ordinances of the City and all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

*(Ord. 564B, 10/5/1998, §6)*

### **§18-317. Rates and Charges.**

The City shall have the right and power to fix, alter, charge and collect rates, assessments and other charges in the area served by its facilities at reasonable and uniform rates, as authorized by applicable law.

*(Ord. 564B, 10/5/1998, §7)*

**§18-318. Exclusiveness of Rights and Privileges.**

1. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the City, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
2. The City will receive, review and retain pumping receipts from permitted holding tanks.
3. The City will complete and retain annual inspection reports for each permitted tank.

(Ord. 564B, 10/5/1998, §8)

**§18-319. Duties of Improved Property Owner.**

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this or any ordinance of this City, the provisions of any applicable law and the rules and regulations of the City and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the City or its agent to inspect holding tanks on an annual basis.
- C. Permit only the City or its approved hauler to collect, transport and dispose of the contents therein.

(Ord. 564B, 10/5/1998, §9)

**§18-320. 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.

(Ord. 564B, 10/5/1998, §10; as amended by Ord. 670, 2/24/2003, §1)

**§18-321. Abatement of Nuisances.**

In addition to any other remedies provided in this Part, any violation of §18-318, above, shall constitute a nuisance and shall be abated by the City by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

(Ord. 564B, 10/5/1998, §11)





**PART 4**

**INDUSTRIAL PRETREATMENT PROGRAM**

**A. Repeal and Amendment of Existing Ordinances.**

**§18-401. Repeal of Ordinance No. 193B.**

Ordinance No. 193B, enacted April 2, 1984 is hereby repealed in its entirety as of the effective date of this Part. Ordinance No. 23B [Part 1] is amended by this Part to the extent that it conflicts with this Part. If any issue or conflict arises between or among the provisions of Ordinance No. 23B and this Part, the provisions of this Part shall be binding and the conflicting provisions of Ordinance No. 23B shall not apply.

*(Ord. 420B, 10/19/1992, §1.0)*



**B. Purpose and Policy.**

**§18-411. Policy.**

This Part sets forth uniform requirements for users of the sewer system and enables the City to comply with the requirements of the Clean Water Act and other applicable State and National laws and regulations. This Part establishes requirements regarding the introduction of wastes into the sewer system by all users, and establishes an industrial pretreatment program to monitor and control the discharge of industrial wastes.

*(Ord. 420B, 10/19/1992, §2.0)*

**§18-412. Objectives.**

The objectives of this Part are:

- A. To prevent the introduction of pollutants into the sewer system that will cause interference with operation of the sewer system or contaminate the resulting sludge, increase the difficulty or cost of operation of the sewer system or reduce the efficiency or effectiveness of the sewer system.
- B. To prevent pass through of pollutants, inadequately treated, to the environment.
- C. To protect workers and the general public from exposure to toxic or other dangerous substances.
- D. To protect the sewer system from damage.
- E. To improve the opportunity to recycle or reclaim wastewater or sludge.
- F. To provide for the equitable distribution of the cost of the administration and enforcement of the industrial pretreatment program.
- G. To enable the City to comply with all applicable State and National laws, rules and regulations, including NPDES permit conditions, sludge use and disposal requirements, air quality standards and water quality standards.



**C. Sewer Usage and Discharge Regulation.**

**§18-421. Definitions.**

The following words, terms and phrases will hereinafter have the meanings set forth in this Section, unless the context clearly requires a different meaning:

**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 administrator or the regional administrator of Region III of the EPA.

**AUTHORIZED REPRESENTATIVE (OF INDUSTRIAL USER)** - an authorized representative of an industrial user may be:

- (1) A principal executive officer of at least the level of vice president if the industrial user is a corporation.
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.
- (3) A principal executive officer or director having responsibility for the overall operation of the discharging facility if the industrial user is a governmental entity, charitable organization or other such unincorporated entity.
- (4) A duly authorized representative of the individual designated in (1), (2) or (3), above, if such representative is responsible for the overall operation of the facility from which the discharge originates.

**BIOCHEMICAL OXYGEN DEMAND (BOD)** - the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure 5 days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

**BUILDING SEWER** - a sewer conveying wastewater from the premises of a user to the sewer system.

**BYPASS** - the intentional diversion of wastewater from any portion of an industrial user's pretreatment facility through which the wastewater normally passes.

**CATEGORICAL INDUSTRIAL USER** - an industrial user subject to categorical standards.

**CATEGORICAL STANDARDS** - national categorical pretreatment standards.

**CERTIFIED PROFESSIONAL** - a registered professional engineer under the laws of the State.

## SEWERS AND SEWAGE DISPOSAL

**CHAIN OF CUSTODY** - a record of sample collection indicating the place and time of collection and the person collecting the sample. It shall also include a record of each person involved in possession of the sample, including the laboratory person who takes final possession of the sample for the purpose of analysis.

**CITY** - the City of Lock Haven, Clinton County, Pennsylvania, and the City Council thereof, its agents and officials.

**CLEAN STREAMS LAW** - the Act of June 22, 1937, P.L. 1937, as amended and re-enacted by the Act of October 10, 1980, P.L. 894, 35 P.S. §§691.1 - 691.702.

**COLOR** - color of light transmitted through a waste after removal of all suspended matter, including pseudo-colloidal particles, and measured in platinum-cobalt units.

**COMBINED WASTE FORMULA** - a procedure for calculating discharge concentrations of constituents of industrial waste, as defined in 40 CFR §403.6(e).

**COMPLIANCE** - adherence to conditions or requirements of this Part or the industrial pretreatment program, any written directions issued by the City or any wastewater discharge permit or other permit issued under the provisions of this Part.

**COMPOSITE SAMPLE** - a sample composed of individual subsamples taken at regular intervals over a specified period of time. Subsamples may be proportioned by time interval or size according to flow (flow-proportioned composite sample) or be of equal size and taken at equal time intervals (equal-time composite sample).

**COOLING WATER** - the water from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

**DISCHARGE** - the conveyance of any water or wastewater into the sewer system.

**DOMESTIC WASTES** - normal household wastes from kitchens, water closets, lavatories and laundries, or any waste from a similar source and possessing the same characteristics.

**ENFORCEMENT RESPONSE PLAN** - a plan and guide developed pursuant to 40 CFR §403.8(f)(5) providing for the enforcement of the industrial pretreatment program.

**EPA** - the U. S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

**GARBAGE** - solid or semisolid wastes resulting from preparation, cooking and dispensing of food and from handling storage and sale of produce.

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

**GROUNDWATER** - water which is contained in or passing through the ground.

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

**INDUSTRIAL PRETREATMENT PROGRAM** - the sum of the provisions of this Part, amendments thereto and any regulations or activities authorized by this Part as regards the regulation and control of industrial users.

**INDUSTRIAL USER** - any person who discharges industrial waste into the sewer system.

**INDUSTRIAL WASTE** - any solid, liquid or gaseous substance or form of energy, which is produced as a result, whether directly or indirectly, of any industrial, manufacturing, trade or business process or activity, or in the course of developing, recovering or processing of natural resources, but not sanitary sewage.

**INTERFERENCE** - the condition in which a discharge, alone or in conjunction with discharges from other sources:

- (1) Inhibits or disrupts the processes or operations of the sewage treatment plant or the sewage collection system, or the processing, use or disposal of sludge.
- (2) Is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Article 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act, or which results in or increases the severity of a violation of other State or National environmental statutes, rules or regulations.

**LOCAL LIMITS** - numerical limitations on the concentration, mass or other characteristics of wastes or pollutants discharged, or likely to be discharged, by industrial users, and which are developed by the City.

**MANHOLE** - a structure allowing access from the surface of the ground to a sewer.

**MG/L** - milligrams per liter; a measure of concentration of water borne substances.

**MONTHLY AVERAGE** - the arithmetic mean of all daily determinations of concentration made during a calendar month.

## SEWERS AND SEWAGE DISPOSAL

**NATIONAL CATEGORICAL PRETREATMENT STANDARD** - any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §307(b) and (c) of the Act (33 U.S.C. §1317) which applies to a specific category of industrial users. National Categorical Pretreatment Standards are enumerated in 40 CFR, Chapter I, Subchapter N, Parts 405 through 471.

**NPDES PERMIT** - a permit issued pursuant to §402 of the Act, 33 U.S.C. §1342.

**NEW SOURCE** - any building, structure, facility or other source from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical standards under §307(c) of the Act which will be applicable to such source if such categorical standards are thereafter promulgated in accordance with that Section. Determination of the applicability of new source standards shall be made as provided in the Act and 40 CFR §403.3.

**NONCOMPLIANCE** - not in compliance.

**ORDINANCE (THIS PART)** - when capitalized, the term ordinance refers to this Part.

**OPERATOR** - any person having charge, care, control or management of a pretreatment facility for industrial wastes or of a truck or trucks used in the removal, transport or disposal of sewage or industrial wastes.

**OWNER** - any person vested with ownership, legal or equitable, sole or partial, of an improved property.

**PASS THROUGH** - discharge of pollutants to the waters of the State either untreated or insufficiently treated so as to cause pollution or violation of the City's NPDES permit; or concentration of pollutants in the sludge so that the end use of the sludge results in pollution, harm to the environment, or a violation of any State or National sludge disposal regulation, guideline or standard.

**PERSON** - any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

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

**POLLUTANT** - any substance including, but not limited, to dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste which, when discharged into water, results in pollution or increases pollution.



**POLLUTION** - the contamination of any waters of the State such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life; or contamination of the air, soil, or of the environment so as to produce or is likely to produce similar deleterious effects.

**POTW** - a publicly owned treatment works as defined by §212 of the Act, 33 U.S.C. §1292. The term includes the sewage collection system and the sewage treatment plant.

**PRETREATMENT** - the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a sewer system. The reduction or alteration can be obtained by physical, chemical or biological processes, or by means of other process changes except as prohibited by 40 CFR §403.6(d).

**PRETREATMENT COORDINATOR** - agent of the City designated to administer the provisions of the industrial pretreatment program.

**PRETREATMENT REQUIREMENTS** - any substantive or procedural requirement, other than a categorical standard, imposed on an industrial user by §303(b) and (c) of the Act, the State or the industrial pretreatment program.

**PROCESS WASTEWATER** - any wastewater resulting from the direct contact of water with any raw material, intermediate product, finished product, by-product or waste during any manufacturing process, or water other than cooling water which results from a manufacturing process.

**PROHIBITED DISCHARGE** - any discharge which is prohibited under §18-422 of the this Part.

**PROHIBITIVE DISCHARGE STANDARD** - any regulation developed under §307(b) and (c) of the Act, 33 U.S.C §1317, and 40 CFR §403.5.

**QUALIFIED ANALYST** - any person who has demonstrated competency in the analysis of wastewater by submission of their generally recognized documentation of competency to the City, or who is normally employed in the capacity of analyst by a professional analytical laboratory.

**REFRIGERATION** - maintenance of temperature for storage, preservation of food or as a process of manufacturing.

**SANITARY SEWAGE** - the normal water carried domestic wastes from any improved property, but excluding: effluent from septic tanks or cesspools; rain, snow or stormwater; groundwater; or other collected water from roofs, drains or basements.

## SEWERS AND SEWAGE DISPOSAL

**SANITARY SEWER** - a sewer carrying only sanitary sewage or industrial wastes and to which storm, surface or ground waters are not intentionally admitted.

**SEWAGE COLLECTION SYSTEM** - all facilities of the City or any municipality party to a service agreement with the City, as of any particular time, used or usable for collecting, transporting, pumping and disposing of wastewater, which facilities are connected to and served by the sewage treatment plant.

**SEWAGE TREATMENT PLANT** - that portion of the sewer system owned by the Lock Haven City Authority and operated by the City, which is designed to provide treatment of wastewater and discharge of treated effluent to the environment.

**SEWER** - a pipe or conduit for conveying wastewater.

**SEWER SYSTEM** - the sewage collection system, sewage treatment plant and any sewers that convey wastewater to the sewage treatment plant. For the purposes of this Part, "sewer system" shall also include any sewers that convey wastewater to the sewage treatment plant from persons who are, by contract or agreement with the City, users of the sewer system.

**SHALL** - is mandatory; may is permissive.

**SIGNIFICANT INDUSTRIAL USER** - an industrial user who:

- (1) Has a discharge flow of 25,000 gallons or more of process wastewater per average work day.
- (2) Discharges an organic load, in pounds of BOD per average work day, of 5% or more of the average daily organic loading of the sewage treatment plant.
- (3) Is regulated by categorical standards.
- (4) Is determined by the City to have the potential of adversely affecting the operation of the POTW, causing interference or pass through, or of violating any pretreatment requirement.

**SIGNIFICANT NONCOMPLIANCE** - a noncompliance which meets or exceeds standards of significant noncompliance determined by the City and contained in §18-425 of this Part.

**SIGNIFICANT VIOLATOR** - any industrial user in significant noncompliance.

**SLUG or SLUG LOAD** - any discharge of water, wastewater or industrial waste in which the concentration of any constituent or the rate of flow exceeds, for any period of time longer than 15 minutes, five times the average concentration or flow rate from that source during a normal working day.

**SPILL** - any discharge of pollutants resulting from the spilling, overflowing, rupture or leakage of any storage, process or transfer container, or the control or cleanup activities associated with such an occurrence.

**SPCC PLAN** - a spill prevention, control and countermeasure plan prepared by an industrial user to minimize the likelihood and intensity of a slug load or spill and to expedite control and cleanup activities should a slug load or spill occur.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC)** - a classification pursuant to the "Standard Industrial Classification Manual," issued by the Executive Office of the President, Office of Management and Budget, 1972.

**STANDARD METHODS** - the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the Water Pollution Control Federation (Water Environment Federation), the American Public Health Association and the American Waterworks Association.

**STATE** - Commonwealth of Pennsylvania.

**STORMWATER** - any flow occurring during or following any form of natural precipitation and resulting therefrom.

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

**SUPERINTENDENT** - the person designated by the City to supervise the operation of the sewage treatment plant and monitor flows in the sewage collection system, or his duly authorized representative.

**TOTAL SOLIDS** - the sum of the dissolved and undissolved solid constituents of water or wastewater.

**TOTAL TOXIC ORGANICS** - the sum of all quantifiable values of various organic pollutants as determined by the City or, for certain categorical industrial users, as defined in the applicable categorical standard.

**TOXIC ORGANIC MANAGEMENT PLAN** - a plan submitted in lieu of testing for total toxic organics in which an industrial user specifies methods of control to assure that total toxic organics do not routinely enter the sewer system.

**TOXIC POLLUTANTS** - any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of §307(a) of the Act, or other acts, or is present in sufficient quantity, either singly or in combination with other wastewater, so as to present risk of causing interference or pass through, causing harm to humans, animals or plants or creating a hazard to persons or property, either in the sewage collection system, the sewage treatment plant or the environment into which it is released.

## SEWERS AND SEWAGE DISPOSAL

**UNAUTHORIZED DISCHARGE** - discharge of an unauthorized waste, or a discharge which otherwise is not in compliance with the requirements of the industrial pretreatment program or other rules or regulations of the City.

**UNAUTHORIZED WASTE** - any substance which is discharged into the sewage collection system which is not in compliance with the provisions of the industrial pretreatment program or which is discharged by a person in violation of any of the provisions of this Part.

**USER** - any person who contributes, causes or permits the discharge of wastewater into the sewer system.

**WASTEWATER** - industrial wastes or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which enters the sewer system.

**WASTEWATER DISCHARGE PERMIT** - as set forth in §18-424 of this Part.

**WATERS OF THE STATE** - all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all 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 State or any portion thereof.

(Ord. 420B, 10/19/1992, §3.1)

### **§18-422. Prohibited Wastes and Pollutant Limitations.**

1. **Discharge of Stormwaters.** No person shall discharge or cause or permit to be discharged any stormwater, surface water, groundwater, roofwater, subsurface drainage or building foundation drainage into any sanitary sewer.
2. **Prohibited Discharges.** No user shall discharge or cause to be discharged, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the sewer system. These general prohibitions apply to all users, whether or not the users are subject to categorical standards or any other pretreatment requirements. No user may discharge any of the following substances to the sewer system:
  - A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewer system or to the operation of the sewer system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5%, nor any single reading over 10 of the Lower Explosive Limit (LEL) of the meter. At no time shall the closed cup flashpoint of

the wastewater be less than 140 degrees Fahrenheit. Prohibited materials include, but are not limited to, the following substances in concentrations which cause exceedance of the above standard: gasoline, kerosene, naphtha, benzene, ethers, alcohols, peroxides, chlorates, perchlorates, bromates and carbides.

- B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the sewer system, such as, but not limited to: grease, garbage with particles greater than 1½ inches in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- C. Any wastewater having a pH less than 6.0 or higher than 10.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the sewer system.
- D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other constituents of the wastewater, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the sewage treatment plant or to exceed the limitation set forth in an applicable categorical standard.
- E. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other substances normally present in the sewer system are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewer system for maintenance and repair.
- F. Any substance which results in the formation or release of toxic gasses, vapors or fumes in a quantity that may cause acute worker health and safety problems.
- G. Any petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through, but in no case exceeding 20 mg/l.
- H. Fats, oils, greases or waxes of animal or vegetable origin in amounts which exceed 100 mg/l.
- I. Any substance which may cause the sewage treatment plant's effluent or any other product of the sewage treatment plant such as residues, sludges or scums to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the sewer system cause the sewage treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method being used.

## SEWERS AND SEWAGE DISPOSAL

- J. Any substance which will cause the City to violate its NPDES and/or State water quality management permit or applicable receiving water quality standards.
  - K. Any wastewater with objectionable color which will pass through the treatment plant, such as, but not limited to, dye wastes and vegetable tanning solutions.
  - L. Any wastewater having a temperature which will inhibit biological activity in the sewage treatment plant resulting in interference, but in no case wastewater with a temperature at the discharge into the sewer system which exceeds 40 degrees Centigrade (104 degrees Fahrenheit).
  - M. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the sewage treatment plant or interfere with the operation of the sewer system. In no case shall a slug load be discharged.
  - N. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City or applicable State or National regulations.
  - O. Any trucked or hauled wastewater or pollutants, except those discharged at points designated by the City.
  - P. Any wastewater which is incompatible with treatment processes in use at the sewage treatment plant so as to cause interference or pass through.
  - Q. Any wastewater containing any compounds or salts of aldrin, dieldrin, endrin, lindane, methoxychlor, toxaphene, dichlorophenoxyacetic acid, trichlorophenoxypropionic acid or other persistent herbicides, pesticides or rodenticides.
3. **Unauthorized Discharges.** Discharge of any prohibited substance listed under subsection (2) of this Section shall be considered an unauthorized discharge and the City may take whatever steps are necessary to halt such a discharge, as set forth in §§18-425 and 18-426 of this Part.
4. **Categorical Standards.** If the categorical standards for a particular industrial user are more stringent than local limits or other requirements imposed under this Part, then the categorical standards shall apply. The City shall notify in writing all affected industrial users of the applicable reporting requirements under 40 CFR §403.12. The national categorical pretreatment standards are hereby incorporated into the industrial pretreatment program as program requirements for those industrial users subject to such categorical standards.

5. **Removal Credits.** Where the sewage treatment plant achieves consistent removal of pollutants limited by categorical standards, the City may apply to the approval authority for modification of specific limits in the categorical standards if the requirements contained in 40 CFR §403.7 are fulfilled and prior approval from the approval authority is obtained. Any such action shall be at the sole discretion of the City.
6. **State Requirements.** State requirements and limitations on discharges shall apply in any case where they are more stringent than National requirements and limitations or those established under this Part.
7. **Local Limits.** The City Council shall establish, and review and amend from time to time, local limits which control or limit the discharge of specific pollutants by industrial users.
  - A. Local limits may be established for any substance which is discharged, or is likely to be discharged, to the sewer system.
  - B. Local limits may limit concentration, mass or a combination of the two.
  - C. The procedure for the calculation of local limits should be as recommended by the approval authority.
  - D. Local limits shall be calculated to prevent interference; pass through; the discharge of toxic materials in toxic amounts; threats to worker health and safety; and physical, chemical or biological damage to the sewer system.
  - E. Local limits shall be applied to all significant industrial users and shall be included in all wastewater discharge permits. Local limits may be applied to other industrial users if deemed appropriate by the City.
  - F. Discharging any pollutant in excess of a local limit established for that pollutant shall constitute an unauthorized discharge. Such a discharge is subject to the actions and penalties set forth herein.

The City has developed technology based local limits which are specifically set forth in each wastewater discharge permit. These local limits are incorporated herein by reference, as if set forth at length.

8. **Prohibition on Dilution.** No industrial user shall, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in applicable categorical standards, or in any other pollutant specific limitation, including local limits developed by the City or State.
9. **Slug Loads and Spills.** Each industrial user shall provide protection from spills resulting in prohibited discharges and slug load discharges. Facilities to prevent spills and slug loads shall be provided and maintained at the owner or industrial user's own cost and expense.

## SEWERS AND SEWAGE DISPOSAL

- A. **SPCC Plans.** Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and shall be approved by the City before construction of the facility. All existing industrial users shall complete a spill prevention control and countermeasure (SPCC) plan or provide evidence that such a plan is not necessary for their facility. No industrial user who commences discharge to the sewer system after the effective date of this Part shall be permitted to introduce pollutants into the sewer system until this requirement has been fulfilled. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of the industrial pretreatment program. In the case of a spill, it is the responsibility of the industrial user to immediately telephone and notify the City of the incident. The notification shall include location of discharge, type of waste, concentration and volume, corrective actions being taken or planned and expected duration.
  - B. **Written Notice.** Within 5 days following a spill, slug load or other accidental discharge, the industrial user shall submit to the City a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the sewer system, fish kills or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties or other liability which may be imposed by this Part or applicable law.
  - C. **Notice to Employees.** A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a spill or other accidental discharge. Employers shall insure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.
10. **Drainage of Water Filtration Systems.** Discharge of filter backwash water to the sewer system shall be regulated as follows:
- A. Granular media filter backwash water may be discharged to the sewer system, subject to all of the applicable provisions of this Part.
  - B. Diatomaceous earth filter backwash, if discharged to the sewer system, shall be connected to the sewer system through settling tanks with no less than 3 months storage capacity of spent diatomaceous earth, which tanks shall be accessible for removing solid waste for disposal.
11. **Trucked and Hauled Wastes.**
- A. Discharge of trucked or hauled wastes shall only be made at a point designated by the City.



- B. Such wastes shall conform to all requirements of the industrial pretreatment program regarding prohibited discharges, regulated characteristics, local limits or other requirements as to nature and concentration.
  - C. No trucked or hauled wastes shall be discharged, except as specifically approved by the City. The City may require testing, reporting or other specific information to be presented by the operator or owner prior to discharge.
  - D. In order to implement the provisions of subsection (11)(C), above, the City may establish a permit system or other means of control and may set rate, frequency, volume or other controls on the discharges from such vehicles.
12. **Grease and Sand Traps.** Grease, oil and sand interceptors or traps shall be provided by a user when the City determines that such devices are necessary for the proper handling of wastewaters containing greases, oils or settleable solids. Interceptors and traps shall be installed, operated, maintained and cleaned properly, so that they will consistently remove the grease, oil or settleable solids. Interceptors and traps shall be properly designed to accommodate the maximum flow rate expected to occur and shall be located as to be readily and easily accessible for cleaning and inspection.
13. **Garbage Grinders.** The use of mechanical garbage grinders producing a finely divided mass, properly flushed with an ample amount of water, shall be permitted, upon the condition that no such mechanical garbage grinder used for commercial or business purposes shall be installed until permission for such use has been obtained from the City.
14. **Notification Requirements; Hazardous Wastes and Hazardous Substances.**
- A. All industrial users shall notify the City, the EPA Regional Waste Management Division Director and the Pennsylvania Department of Environmental Protection, 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 shall include the name of the hazardous waste, as set forth in 40 CFR, Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month, the notification shall also include the following information, to the extent that it is known and readily available to the industrial user: [*Ord. 670*]
    - (1) An identification of the hazardous constituents contained in the waste.
    - (2) An estimation of the mass and concentration in the wastewater of all such constituents discharged in the most recent month.
    - (3) An estimate of the mass and concentration of such constituents expected to be discharged during the following twelve months.

## SEWERS AND SEWAGE DISPOSAL

- B. Industrial users that commence discharge after the effective date of this Part shall submit the report within 180 days of first discharge of the hazardous waste, except as provided in subsection (14)(D).
- C. The required report need be submitted only once for each hazardous waste discharged. Industrial users regulated under categorical standards which have already submitted such information in baseline monitoring reports or periodic compliance reports do not have to report this information again.
- D. Industrial users that discharge less than 15 kilograms of hazardous wastes in a calendar month do not have to comply with these reporting requirements. This exemption does not apply to acute hazardous wastes as specified in 40 CFR §§261.30(d) and 261.33(e).
- E. An industrial user shall notify the City within 5 days of becoming aware of any discharges of reportable quantities of listed or unlisted hazardous substances, as defined at 40 CFR §302.4 (CERCLA hazardous substances). This notification shall include the time of release; the name of the substance; the identifying CAS number, if known; and the approximate quantity discharged. If the discharge constitutes a spill, change in wastewater constituents or slug load, other reporting requirements of the industrial pretreatment program may also apply.
- F. Each notification required by this Section shall include a statement certifying that the industrial user has a program in place to reduce the volume and/or toxicity of the discharged wastes to the extent that it is economically practical. This statement shall be signed by the authorized representative of the industrial user.

(*Ord. 420B*, 10/19/1992, §3.2; as amended by *Ord. 670*, 2/24/2003, §1)

### **§18-423. Fees.**

1. **Purpose.** It is the purpose of this Section to provide for the recovery of costs from industrial users of the sewer system for the implementation of the industrial pretreatment program established herein. The applicable charges or fees shall be set forth in the City's schedule of charges and fees.
2. **Fees that May be Charged.** The City may adopt charges and fees which may include:
  - A. Fees for reimbursement of costs of setting up and operating the industrial pretreatment program.
  - B. Fees for monitoring, inspections and surveillance procedures.
  - C. Fees for reviewing accidental discharge procedures and construction.
  - D. Fees for wastewater discharge permit applications.

- E. Fees for filing appeals.
- F. Fees for consistent removal (by the sewage treatment plant) of pollutants otherwise subject to categorical standards.
- G. Other fees as the City may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Part and are separate from all other fees chargeable by the City.

(Ord. 420B, 10/19/1992, §3.3)

**§18-424. Permits and Reports for Industrial Waste Discharged Into the Sewer System.**

1. **Requirement for Wastewater Discharge Permits.** Discharge of any industrial waste to the sewer system without a wastewater discharge permit, except as authorized by the City in accordance with the provisions of this Part, is an unauthorized discharge and subject to the penalties provided herein. Each industrial user has an obligation to make reasonable efforts to determine if it is a significant industrial user and therefore subject to the permitting requirements of subsection (2) of this Section.
2. **Significant Industrial Users.** All significant industrial users proposing to connect to or to discharge to the sewer system shall obtain a wastewater discharge permit before connecting to or Discharging to the sewer system.
3. **Other Industrial Users.** Industrial users which are not significant industrial users do not require a wastewater discharge permit, but are required to comply with all other provisions of this Part. If an industrial user makes changes to processes, flow, wastewater concentration, wastewater characteristics or other changes which result in the industrial user meeting the definition of significant industrial user, the industrial user shall, immediately upon becoming aware that such a change has occurred or 90 days prior to such a change if it is planned, notify the City and apply for a wastewater discharge permit.
4. **Permit Applications.** Industrial users required to obtain a wastewater discharge permit shall complete and file with the City an application in the form prescribed by the City and accompanied by the fee prescribed in the City's schedule of fees, at least 90 days prior to connecting to or discharging to the sewer system. In support of the application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:
  - A. Name, address and location, (if different from the address).
  - B. SIC number or numbers according to the "Standard Industrial Classification Manual," Bureau of the Budget, 1972, as amended.

## SEWERS AND SEWAGE DISPOSAL

- C. Wastewater constituents and characteristics as required by the City, as determined by a qualified analyst.
  - (1) Sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to §304(g) of the Act and contained in 40 CFR, Part 136, as amended.
  - (2) Sample results shall be accompanied by a signed statement of the authorized representative that the samples analyzed are representative of normal discharge during the routine operation of the discharging facility.
- D. Each product by type, amount, process or processes, and rate of production.
- E. Type and amount of raw materials processed (average and maximum per day).
- F. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- G. Time and duration of wastewater or industrial waste contribution.
- H. Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variation if any.
- I. Site plans, floor plans, mechanical and plumbing plans and details to show all building sewers, sewer connections and appurtenances by the size, location and elevation.
- J. Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.
- K. The nature and concentration of any pollutants in the discharge which are limited by any City, State, or National pretreatment requirements (including local limits) or categorical standards, and a statement regarding whether or not the categorical standard or pretreatment requirements are being met on a consistent basis and, if not, how the industrial user proposes to meet the pretreatment standards and requirements, including whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the applicable standard. If the applicant is a categorical industrial user, this statement shall be signed by a certified professional.
- L. If additional pretreatment and/or O&M will be required to meet categorical standards or other pretreatment requirements (including local limits), the shortest schedule by which the industrial user will provide such additional pretreatment shall be developed and submitted. The completion date of this schedule shall not be later than the compliance date established for any applicable categorical standard. The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical standards or other pretreatment requirements (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - (2) No increment referred to in subsection (L)(1) shall exceed 9 months.
  - (3) Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the City, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the City.
- M. Any other information as may be deemed by the City to be necessary to evaluate the application.
- N. The application shall be signed and attested to by an authorized representative of the industrial user.

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

**5. Confidentiality of Applications.**

- A. All information required by the City in the permit application shall be provided by the industrial user to the best of its ability.
- B. If information regarding raw materials, processes, production rates or other manufacturing information is regarded as confidential by the industrial user, such information shall be marked "confidential" on the application form.
- C. Confidentiality shall not apply to information regarding the flow of or the constituents in the industrial wastewater discharge.
- D. Information accepted by the City as confidential shall be handled as detailed in subsection (19) of this Section.

**6. Wastewater Discharge Permit Conditions.** Wastewater discharge permits shall be expressly subject to all provisions of this Part and all other applicable regulations, user charges and fees established by the City. Permits shall contain the following:

## SEWERS AND SEWAGE DISPOSAL

- A. Limits on the average and maximum wastewater constituents and characteristics, including local limits and/or categorical standards, as applicable.
- B. List of prohibited discharges, as presented in §18-422 of this Part.
- C. Requirements for submission of technical reports or discharge reports, including the information to be contained and the signatory requirements of these reports.
- D. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- E. Requirements for maintaining and retaining records relating to industrial waste and wastewater discharges and characteristics as specified by the City and affording the City access thereto.
- F. Requirements for notification to the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being discharged into the sewer system.
- G. Requirements for notification of slug loads as per §18-422(9).
- H. Statement of duration of the wastewater discharge permit.
- I. Notification of the rules regarding transferability, as stated in subsection (7) this Section.
- J. Notification of penalties provided for noncompliance as contained in §18-426 of this Part.
- K. Notification of right of appeal.
- L. Permits may also contain other information including, but not limited to:
  - (1) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization.
  - (2) Requirements for installation and maintenance of inspection and sampling facilities.
  - (3) Requirements for installation and maintenance of pretreatment facilities.
  - (4) Requirements for developing and implementing special plans or practices such as toxic organic management plans, special management or housekeeping practices or other such procedures.
  - (5) Compliance schedules.

- (6) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the sewer system.
  - (7) Other conditions as deemed appropriate by the City to ensure compliance with this Part or any other applicable ordinance.
7. **Transferability of Permits.** Wastewater discharge permits are issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new person, new industrial user, different premises or a new or changed operation without the approval of the City. Any succeeding industrial user shall also comply with the terms and conditions of the existing wastewater discharge permit. The City may, at its discretion, deny the transfer of a wastewater discharge permit and require application for a new wastewater discharge permit under the provisions of this Section.
8. **Duration of Wastewater Discharge Permits.** Wastewater discharge permits shall be issued for a specified time period, not to exceed 5 years. A wastewater discharge permit may be issued for a period of less than a year or may be dated to expire on a specific date. The industrial user shall apply for reissuance of the wastewater discharge permit a minimum of 180 days prior to the expiration of the industrial user's existing wastewater discharge permit. The terms and conditions of the wastewater discharge permit may be subject to modification by the City during the term of the wastewater discharge permit as limitations or requirements as identified in §18-422 are modified or other just cause exists. The industrial user shall be informed of any proposed changes in its wastewater discharge permit at least 30 days prior to the effective date of change. Any changes or new conditions in the wastewater discharge permit shall include a reasonable time schedule for compliance.
9. **Delayed Permit Renewal.**
  - A. If the industrial user has complied with the terms of the wastewater discharge permit and this Part, and has applied for renewal as provided for in subsection (8) of this Section and the wastewater discharge permit is not renewed on or before the expiration date through no fault of the industrial user, then the existing wastewater discharge permit shall remain in effect until it is re-issued or rescinded by the City.
  - B. If the wastewater discharge permit is not renewed because of a failure of the industrial user to apply for renewal in a timely fashion or through an act or omission of the industrial user, then discharge of industrial waste by the industrial user without a wastewater discharge permit is an unauthorized discharge and is subject to the enforcement provisions of this Part.
10. **Appeal of Wastewater Discharge Permits.**
  - A. Any industrial user that is issued a wastewater discharge permit may appeal the permit conditions, in whole or in part. Appeal procedures shall be as set forth in §18-425(7) of this Part.

## SEWERS AND SEWAGE DISPOSAL

- B. During the process of appeal, the wastewater discharge permit shall remain in effect and shall be enforced with the exception of those conditions specified in writing in the appeal. Conditions imposed by Federal or State Regulations (e.g., categorical standards) shall not be waived. Conditions which, in the opinion of the City, would set a hazard or pose a potential threat of pollution if waived, shall not be waived during an appeal.

### 11. **Baseline Monitoring Reports.**

- A. As soon as possible following the promulgation of a categorical standard, the wastewater discharge permit of industrial users subject to such standards shall be revised, if necessary, to require compliance with such categorical standard within the time frame prescribed by the categorical standard.
- B. Where an industrial user, subject to a newly promulgated categorical standard, has not previously submitted an application for a wastewater discharge permit as required by §18-424(4), the industrial user shall, within 180 days after the promulgation of the applicable categorical standard:
  - (1) Apply for a wastewater discharge permit.
  - (2) Provide the baseline monitoring information required by 40 CFR §403.12(b). This information may be incorporated into the application for a wastewater discharge permit.
- C. An industrial user with an existing wastewater discharge permit shall submit to the City, within 180 days after the promulgation of an applicable categorical standard, the information required by 40 CFR §403.12(b).
- D. A new source or an industrial user that becomes a categorical industrial user through a change in facilities or processes, shall submit a report containing the information required by 40 CFR §403.12(b) at least 90 days prior to commencement of discharge from the regulated process or facility.

- 12. **Categorical Compliance Report.** Within 90 days following the date for final compliance with applicable categorical standards or, in the case of a new source, following commencement of the discharge of industrial waste from processes regulated by categorical standards into the sewer system, any industrial user subject to categorical standards shall submit to the City a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by categorical standards and the average and maximum daily flow for those process units in the industrial user's facility which are limited by such categorical standards. The report shall certify that the information contained therein concerning wastewater constituents and flows is representative of discharges during normal work cycles. The report shall also



state whether the applicable categorical standards are being met on a consistent basis and, if not, what additional operation and management practices and/or pretreatment is necessary to bring the industrial user into compliance with the applicable categorical standards, and including a schedule for completion of the required actions in the form described in subsection (4)(L) of this Section. This statement shall be signed by an authorized representative of the industrial user and certified to by a certified professional.

**13. Periodic Compliance Reports.**

- A. All significant industrial users shall report to the City, at least twice a year, the date of the report to be as determined by the City and contained in the wastewater discharge permit. Reports may be required more frequently, if deemed necessary by the City.
- B. The reports required under this Section shall contain, at a minimum, the measured concentrations of all pollutants regulated by the wastewater discharge permit, a record of all measured daily flows which exceeded the average daily flow value reported in compliance with §18-424(4)(H) of this Part and a statement of accuracy and completeness signed and certified by the authorized representative of the significant industrial user.
- C. For significant industrial users subject to categorical standards, if discharge limits are based on mass units per production unit, then production information regarding the regulated processes during the reporting period shall be included in the report, along with flow and concentration values, so that a determination of compliance or noncompliance with categorical standards can be made.
- D. For significant industrial users subject to categorical standards, the certification of compliance with those standards, signed by a certified professional.

**14. Reporting and Resampling of Discharge Limit Violations.**

- A. If, upon receipt of valid sampling and testing results, a significant industrial user becomes aware that a violation of discharge limits has occurred, the significant industrial user shall, within 24 hours of becoming aware of the violation, notify the City of this fact. Within 30 days of becoming aware of the violation, the significant industrial user shall also sample and analyze its discharge(s) for each parameter found to be in violation and report the results of the resampling and analysis to the City.
- B. Each significant industrial user shall have a duty, on receipt of validly obtained sampling and analysis results, of inspecting the results and determining if any wastewater discharge permit condition has been violated. Failure to examine and compare testing results with wastewater discharge permit conditions shall not be a valid defense for failure to comply with these reporting conditions.

## SEWERS AND SEWAGE DISPOSAL

15. **Sampling and Analysis.** All sampling and analysis performed in compliance with wastewater discharge permit conditions or to prepare the reports required in subsections (11), (12), (13) and (14) of this Section shall be accomplished using techniques specified in 40 CFR, Part 136, or alternative procedures approved by the administrator, or using procedures described in standard methods if no EPA approved procedure exists.
16. **Monitoring Facilities.**
  - A. The City may require an industrial user to provide and operate, at the industrial user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the wastewater or industrial waste discharge. The monitoring facility should normally be situated on the industrial user's premises, but the City may, when such a location would be impractical or cause undue hardship on the industrial user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
  - B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user.
  - C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City.
17. **Inspections.** By being connected to the sewer system, a user agrees that the City may inspect the facilities of any user to ascertain whether the purpose of this Part is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The City, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto their premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the City, approval authority and EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.
18. **Pretreatment Facilities.** Industrial users shall provide necessary wastewater pretreatment as required to comply with this Part and shall achieve compliance with all applicable categorical standards within the time limitations as specified by the applicable categorical standards. Any facilities required for pretreatment shall be provided, operated and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review

and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce a discharge which complies with the provisions of this Part. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the industrial user's initiation of the changes. The review and acceptance of plans and procedures by the City shall not be considered as an approval regarding their efficacy, safety or reliability; such considerations are solely the responsibility of the industrial user.

**19. Confidentiality.**

- A. Information and data on an industrial user obtained from reports, questionnaires, wastewater discharge permit applications and monitoring programs and from inspections shall be available to the public or any governmental agency without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information, processes or methods of production are entitled to protection as trade secrets of the industrial user. Wastewater constituents and characteristics shall not be recognized as confidential information.
- B. When requested by the person furnishing a report, and supported by evidence acceptable to the City as to need for protection as confidential material, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Part, the City's NPDES permit, any State permit and/or the industrial pretreatment program; provided, however that such portions of a report shall be available for use by the EPA, the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report.
- C. The City shall maintain a secure place to store records containing confidential information and shall insure that all records marked as confidential are kept secure from casual or public scrutiny.
- D. When information accepted by the City as confidential is transmitted to any government agency, a notification to the industrial user shall be provided listing the confidential information transmitted and the governmental entity requesting it.

**20. Change in Operations.**

- A. Any industrial user contemplating or planning a change in the manufacturing process, raw materials, auxiliary processes, pretreatment processes or other changes which may result in changes to wastewater character, composition,

## SEWERS AND SEWAGE DISPOSAL

volume or rate of flow, shall notify the City in writing at least 30 days prior to making such a change or, if the change is unplanned, immediately upon making the change. The report shall include all information necessary to determine the effect on the wastewater of the change.

- B. The City may, on receipt of such a report:
- (1) Continue an existing wastewater discharge permit in effect.
  - (2) Require application for a new wastewater discharge permit.
  - (3) Modify an existing wastewater discharge permit to reflect the changed nature of the waste.
  - (4) Rescind and re-issue an existing wastewater discharge permit in order to make substantial changes in wastewater discharge permit conditions.
  - (5) Revoke an existing wastewater discharge permit or require the industrial user to cease or prevent the discharge.
  - (6) Take such other action as it deems appropriate.

### 21. **Records.**

- A. The City shall keep and maintain all records relating to the administration and enforcement of the industrial pretreatment program including, but not limited to, wastewater discharge permit applications, investigations and calculations, wastewater discharge permits, inspection reports, industrial user reports, sampling results and enforcement activities for a minimum of 3 years. In cases of ongoing litigation, records shall be maintained as long as they may be required.
- B. All industrial users shall keep and maintain records of monitoring activities and results, wastewater discharge permits and reports to the City for a minimum of 3 years. In cases of ongoing litigation, such records shall be maintained as long as they may be required.

(Ord. 420B, 10/19/1992, §3.4)

### **§18-425. Enforcement.**

1. **Right to Refuse.** The City reserves the right to refuse to accept wastewater, or combinations of wastewater, which are discharged in violation of the terms or conditions of the industrial pretreatment program or any written directions issued by the City pursuant to the conditions of the industrial pretreatment program. The City may take such steps as it deems necessary, as outlined in this Part, to compel discontinuance of use of the sewer system or pretreatment of industrial wastes in order to comply with the provisions of the industrial pretreatment program.

**2. Revocation of Permit.**

- A. Any industrial user who violates the following conditions of this Part, or applicable State and Federal regulations, is subject to having its wastewater discharge permit revoked.
  - (1) Failure of an industrial user to factually report the wastewater constituents and characteristics of its discharge in any application for a wastewater discharge permit, or in any reports required by §18-424(11), (12), (13) or (14).
  - (2) Failure of the industrial user to report significant changes in operations, or wastewater constituents and characteristics as required in §18-424(20) of this Part.
  - (3) Refusal of reasonable access to the industrial user's premises for the purpose of inspection or monitoring.
  - (4) Violation of conditions of the wastewater discharge permit.
- B. Discharge of any industrial waste to the sewer system by a significant industrial user without a wastewater discharge permit is an unauthorized discharge, as provided in §18-424(1), and is subject to the penalties provided herein.
- C. Any industrial user notified of a revocation of its wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the industrial user to comply voluntarily with the notice of revocation, the discharge shall be considered an unauthorized discharge and the City shall take such steps as deemed necessary, which may include immediate severance of the connection between the building sewer and the sewage collection system, to prevent or minimize damage to the sewer system or endangerment to the environment or any property or person.

**3. Suspension of Permit.**

- A. The City may suspend the wastewater discharge permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference or pass through or causes the City to violate any condition of its NPDES permit or any other National or State law, rule, regulation or permit condition.
- B. Any industrial user notified of a suspension of its wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the industrial user to comply voluntarily with the notice of suspension, the discharge

## SEWERS AND SEWAGE DISPOSAL

shall be considered an unauthorized discharge and the City shall take such steps as deemed necessary, including immediate severance of the connection between the building sewer and the sewage collection system, to prevent or minimize damage to the sewer system or endangerment to the environment or any property or person.

- C. If a permit has been suspended as a result of an unauthorized discharge, which discharge resulted in or contributed to damages to the sewer system or to any person or property, the permit shall not be reinstated until such time as all such damages have been satisfied.
  - D. The City shall reinstate the wastewater discharge permit upon submission of proof by the industrial user of the elimination of the unauthorized discharge. A detailed written statement submitted by the industrial user describing the causes of the unauthorized discharge and the measures taken to prevent any future occurrence shall be submitted to the City within 15 days of the date of occurrence.
4. **Notice of Violation.** Whenever the City finds that any industrial user has violated or is violating this Part, its wastewater discharge permit or any prohibition, limitation or requirements contained herein, the City may serve upon such industrial user a written notice stating the nature of the violation and requiring a response within a specified time. Responses required of industrial users may include, but are not restricted to, actions, plans, compliance schedules or written explanations.
5. **Show Cause Hearing.**
- A. The City may direct any industrial user who causes or allows an unauthorized discharge to enter the sewer system, or who violates any condition or requirement of the industrial pretreatment program or its wastewater discharge permit, to show cause before the City why the proposed enforcement action should not be taken. A written notice shall be served on the industrial user specifying the time and place of a hearing to be held by the City regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the industrial user to show cause before the City why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of a corporation if the industrial user is a corporation.
  - B. The City Council may designate any of its members or any representative to:
    - (1) Issue in the name of the City notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
    - (2) Conduct the hearings.
    - (3) Take the evidence.

- (4) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City for action thereon.
  - C. At any hearing held pursuant to this Part, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
  - D. After the City has reviewed the evidence, it may, in writing, direct the industrial user to take certain actions to correct the unauthorized discharge or to achieve compliance. The actions which may be directed include, but are not limited to:
    - (1) Installation of pretreatment facilities or equipment.
    - (2) Modification or additions to existing pretreatment facilities or equipment.
    - (3) Initiation of management practices which are required to alter the nature of the industrial waste being discharged.
    - (4) Development or implementation of SPCC plans or other measures.
    - (5) Other measures found to be necessary to correct the unauthorized discharge or other noncompliance.
    - (6) The direction may be in the form of a schedule for compliance, setting dates by which certain actions shall be taken.
  - E. Failure of an industrial user to comply with written directions issued pursuant to a hearing constitutes a violation of this Part.
6. **Administrative Orders.** The City may issue written directions as described in subsection(5)(D), above, without a show cause hearing if the City determines that such directions are necessary to correct conditions or remedy continuing violations of this Part or any wastewater discharge permit or other requirements of the industrial pretreatment program, the City or Federal or State regulations.
7. **Right of Appeal.**
  - A. An industrial user may appeal the enforcement actions enumerated above in subsections (2), (3), (5), and (6) of this Section, or wastewater discharge permit conditions, in whole or in part. An appeal is subject to the following requirements:
    - (1) The appeal must be made in writing to City Council.

## SEWERS AND SEWAGE DISPOSAL

- (2) The appeal must be made within 30 calendar days from the date of receipt of the wastewater discharge permit, written directions or notice of denial, suspension, modification or revocation of a wastewater discharge permit being appealed by the industrial user.
  - (3) The appeal must state the specific provision(s) of a wastewater discharge permit or the specific directions of the City which are being contested.
  - (4) The appeal must state the reasons for the appeal of each provision.
  - (5) The appeal may suggest alternate or revised provisions to replace those appealed.
- B. Provisions mandated by Federal or State regulations (e.g., compliance with categorical standards) shall not be appealed.
- C. The appeal shall be reviewed by the City Manager.
- D. Within 30 days of receipt, the City Manager shall report, in writing, to City Council the results of the review. The report shall contain, at a minimum:
- (1) A summary of each item appealed, the appellant's reasons for appeal and the appellant's proposed remedies, if any.
  - (2) The finding of merit for each point and the reason(s) for finding.
  - (3) For each point found to be with merit, a proposed remedy and a finding that the remedy is allowable under this Part and all applicable Federal, State and local rules, regulations and laws.
- E. City Council shall review the report and, at one or more regular or special public meetings, take any additional testimony offered by the appellant, reviewer, pretreatment program coordinator or other interested party. City Council shall, within 45 days of the conclusion of testimony, decide to:
- (1) Grant the appeal or portions of the appeal, applying such remedies as it deems proper.
  - (2) Deny the appeal.

Such decision of City Council constitutes final administrative action.

8. **Civil Actions.** If any person violates the provisions of the industrial pretreatment program, including local National or State pretreatment requirements, categorical standards or any wastewater discharge permit or written directions issued by the City, the City may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Clinton County or any other appropriate forum.



9. **Injunctive or Other Equitable Relief.** If any person causes or permits an unauthorized discharge to occur, or otherwise violates the conditions imposed by this Part or any wastewater discharge permit or written directions issued by the City, or any National or State pretreatment requirement, the City may commence an action in the Court of Common Pleas of Clinton County, or any other appropriate forum, for injunctive or other equitable relief to stop the unauthorized discharge or to require compliance with the applicable condition.
10. **Enforcement Response Plan.** The City shall develop an enforcement response plan to guide the pretreatment coordinator in the administration of the industrial pretreatment program. The enforcement response plan shall meet the requirements of 40 CFR §403.8(f)(5) regarding the contents of enforcement response plans. The pretreatment coordinator shall be guided by the enforcement response plan when reviewing industrial user reports, inspection results and other compliance information, and when recommending to the City enforcement action in response to noncompliance.
11. **Significant Violators.** The City shall publish annually, in the local daily newspaper of highest circulation, a list of industrial users that were found to be in significant noncompliance during the previous calendar year. Significant noncompliance shall be determined using measures of rate, magnitude and type of noncompliance, as delineated below:
  - A. **Chronic Violations of Local Limits, Prohibitive Discharge Standards, Categorical Standards or Other Numerical Limitations on Discharges of Industrial Waste.** A chronic violation occurs if the violation occurs in 66% or more of all measurements taken during a 6 month period for the same pollutant(s).
  - B. **Technical Review Criteria (TRC) Violations of Local Limits, Prohibitive Discharge Standards, Categorical Standards or Other Numerical Limitations on Discharges of Industrial Waste.** A TRC violation occurs if 33% or more of all of the measurements for any pollutant in a 6 month period equal or exceed the product of the daily maximum limit or the monthly average limit and the applicable TRC. For conventional pollutants (BOD, total suspended solids and fats, oil and grease), the TRC equals 1.4; for all other pollutants except pH, the TRC equals 1.2.
  - C. Any violation of local limits, prohibitive discharge standards, categorical standards or other narrative or numerical limitations on discharges of industrial waste which the City determines has caused pass through or interference, or has endangered the health or safety of City personnel or the public.
  - D. Any discharge that has caused imminent endangerment to human health, welfare or the environment, or has caused the City to exercise its emergency authority under §18-425(2) or (3) of this Part.

## SEWERS AND SEWAGE DISPOSAL

- E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or submitted in response to written directions of the City, for starting construction, completing construction, or attaining final compliance.
  - F. Failure to provide, within 30 days after the due date, any required reports including, but not limited to, baseline monitoring reports, periodic compliance reports, reports on compliance with compliance schedules or reports on a change in operations.
  - G. Failure to accurately report any noncompliance.
  - H. Any other violation, noncompliance or group of violations or noncompliances which the City determines will adversely affect the operation or implementation of the industrial pretreatment program.
12. **Records.** The City shall maintain records of all enforcement actions taken, the reasons for those actions and the results of those actions. These records shall be made available to the approval City and the public during normal City business hours.

(Ord. 420B, 10/19/1992, §3.5)

### **§18-426. Penalties.**

Any person, firm or corporation who violates any provision of this Part, or the rules, regulations and permits issued hereunder, shall, upon conviction thereof, 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 the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Part or the rules, regulations and permits issued hereunder.

(Ord. 420B, 10/19/1992, §3.6)

### **§18-427. Remedies not Exclusive.**

The enumeration of remedies in §§18-425 and 18-426 of this Part does not restrict their application. Although the enforcement response plan shall serve as a guide in applying remedies and penalties, the City reserves the right to take any action or combination of actions allowed by this Part or other applicable law, including concurrent actions, if it determines that those actions are necessary for the proper and prudent administration or enforcement of the industrial pretreatment program.

(Ord. 420B, 10/19/1992, §3.7)