

CHAPTER 18

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PART 1

INDUSTRIAL WASTE PRETREATMENT STANDARDS

§101. GENERAL PROVISIONS.

1. Purpose and Policy.

- A. This Part sets forth uniform requirements for direct and indirect contributors into the wastewater collection system of the Borough of East Conemaugh and the treatments system for the City of Johnstown and its suburbs and enables the owner of the treatment system to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403.)
- B. The objectives of this Part are:
 - (1) To prevent the introduction of pollutants into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.
 - (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.
 - (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
 - (4) To provide for equitable distribution of the cost of the municipal wastewater system.
- C. This Part provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- D. This Part shall apply to the City of Johnstown and to persons outside the City who are, by contract or agreement with the City, users of the City POTW. Except as otherwise provided herein, the Director of the City Bureau of Sewage shall administer, implement and enforce the provisions of this Part.

2. **Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Part, shall have the meanings hereinafter designated:

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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 Director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

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;
- and (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BIOCHEMICAL OXYGEN DEMAND (BOD) - the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure 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 POTW.

CATEGORICAL STANDARDS - National Categorical Pretreatment Standards or pretreatment standard.

CITY - the City of Johnstown or the operator of the sewage treatment plant as the case may appear from context.

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

CONTROL AUTHORITY - the term "control authority" shall refer to the "approval authority," defined hereinabove; or the Director of the City has an approved pretreatment program under the provisions of 40 CFR §403.11.

DIRECT DISCHARGE - the discharge of treated or untreated wastewater directly to the waters of the State of Pennsylvania.

DIRECTOR OF BUREAU OF SEWAGE (DIRECTOR) - the person designated by the City to supervise the operation of the publicly owned treatments works and who is charged with certain duties and responsibilities by this Part, or his duly authorized representative.

ENVIRONMENTAL PROTECTION AGENCY or 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.

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

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

INDIRECT DISCHARGE - a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to §402 of the Act (33 U.S.C. §1342).

INDUSTRIAL USER - a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to §402 of the Act (33 U.S.C. §1342).

INTERFERENCE - the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with §405 of the Act (33 U.S.C. §1345), or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IC of SWDA) applicable to the method of disposal or use employed by the POTW.

NATIONAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT STANDARD - any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §307(b) and (c) of the Act (33 U.S.C. §1317) and 40 CFR, Subchapter N, Parts 401-471, which applies to a specific category of industrial user.

NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGED STANDARD - any regulation developed under the authority of §307 (b) of the Act and 40 CFR §403.5.

NEW SOURCE - any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under §307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

- A. The building, structure, facility or installation is constructed at a site at which no other source is located.
- B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.
- C. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors

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such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT - a permit issued pursuant to §402 of the Act (33 U.S.C. §1342).

PASS THROUGH - a discharge which exits the POTW into waters of the United States in quantities or concentrations which alone or in concentration with a discharge or discharges from other sources is a cause of a violation of any requirement of the POTW's NPDES permit.

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 grams per liter of solution.

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

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

PRETREATMENT or TREATMENT - 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 POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR §403.6(d).

PRETREATMENT REQUIREMENTS - any substantive or procedure requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

PUBLICLY OWNED TREATMENT WORKS (POTW) - a treatment works as defined by §212 of the Act, (33 U.S.C. §1292) owned in this instance is the facility currently operated by the City of Johnstown, Bureau of Sewage at Dornick Point. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Part, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, or ruling of the Pennsylvania Public Utilities Commission, users of the City's POTW.

POTW TREATMENT PLANT - that portion of the POTW designed to provide treatment to wastewater.

SHALL - is mandatory, **MAY** - is permissive.

SIGNIFICANT INDUSTRIAL USER - any industrial user of the City's wastewater disposal system who (i) is subject to National Categorical Pretreatment Standards; or (ii) is a noncategorical industrial user that has a discharge flow of 25,000 gallons per day or more of process wastewater; or (iii) contributes a process wastestream which makes up 5% or more of the dry weather hydraulic or organic capacity of the City's POTW; or (iv) is found by the City to have a reasonable potential to adversely affect the operation of the POTW or to violate any pretreatment standard of the City or the EPA.

STATE - the Commonwealth of Pennsylvania.

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

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

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.

TOXIC POLLUTANTS - any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA, §307(a), or other Acts.

USER - any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

WASTEWATER - the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

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.

WASTEWATER CONTRIBUTION PERMIT - as set forth in §104(2) of this Part.

3. Abbreviations. The following abbreviations shall have the designated meanings:

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- A. BOD - Biochemical oxygen demand.
- B. CFR - Code of Federal Regulations.
- C. COD - Chemical oxygen demand.
- D. EPA - Environmental Protection Agency.
- E. l - liter.
- F. mg - Milligrams.
- G. mg/l - Milligrams per liter.
- H. NPDES - National Pollutant Discharge Elimination System.
- I. POTW - Publicly Owned Treatment Works.
- J. SIC - Standard industrial classification.
- K. SWDA - Solid Waste Disposal Act, 42 U.S.C. §6901 *et seq.*
- L. USC - United States Code.
- M. TSS - Total suspended solids.
- N. PUC - Pennsylvania Public Utility Commission.

(Ord. 102-93, 6/8/1993, §1)

§102. REGULATIONS.

1. General Discharge Prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or requirements. A user may not contribute the following substances to any POTW:
 - A. Any liquids, solids or gases which are 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 POTW or to the operation of the POTW. The discharge of wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit is prohibited. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or any point in the system) be more than 5% nor any single reading be over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene,

xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

- (1) If an agent of the POTW or the City of Johnstown makes an inspection and reading with an explosion hazard meter the results thereof shall be recorded in writing and forwarded to the contributing municipality.
 - (2) If any such reading is over 10% of the lower explosion limit set on the meter, the person conducting the test shall immediately notify both police and fire officials of the contributing municipality who shall take such precautions as are deemed necessary.
- B. Solid or viscous substances which may cause an obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to: grease, garbage with particles greater than 1/2 inch to dry dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, ciders, 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 waste, or the discharge of petroleum oil or nonbiodegradable cutting oil, or products of mineral oil origin in an amount in excess of 100 milligrams per liter.
- C. Any wastewater having a pH less than 6.0 or higher than 9.0.
- D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, 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 POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to §307(a) of the Act.
- E. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- F. Any substance which may cause the POTW's effluent or any other product of the POTW's effluent, such as residues, sludges or scums, to be unsuitable for reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under §405 of the Act; any 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.
- G. Any substance which will cause the POTW to violate its NPDES and/or State disposal system permit or the receiving water quality standards.

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- H. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- I. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Celsius (104 degrees Fahrenheit) unless the POTW treatment plant is designed to accommodate such temperature.
- J. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentrations or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24 hour concentration, quantities or flow during normal operation.
- K. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- L. Any wastewater which causes a hazard to human life or creates a public nuisance.
- M. The results of all inspections, whether a violation is found or not, shall be submitted in writing to the contributing municipality within 1 week of the inspection.
- N. Any discharge causing interference at the POTW.
- O. Any waste which would exceed the following limitation unless an exception has been granted to the user in their wastewater discharge permit, or different limitations are required of the discharges based upon EPA Categorical Pretreatment Standards, as delineated in the user's discharge permit. The limitations represent the average concentration taken during a sampling event, either an 8 or 24 hour composite sample.

Arsenic	1.78 mg/l
Cadmium	17.98 mg/l
Chromium	17.65 mg/l
Copper	10.40 mg/l
Cyanide	1.51 mg/l
Lead	1.45 mg/l
Mercury	1.80 mg/l

Nickel	17.35 mg/l
Nitrogen as Ammonia	11.00 mg/l
Silver	4.46 mg/l
Zinc	5.98 mg/l

The specific pollutants of concern and limitation may be amended because of new health effects studies, water quality reports or amendments to Federal or State criteria or regulations.

- P. Pollutants which result in the presence of the toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- Q. Any trucked or hauled wastes without prior approval of the POTW, and at the discharge point designed by the POTW.

When the Director determines that a user(s) is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Superintendent shall: (1) advise the user(s) of the impact of the contribution on the POTW; and (2) develop effluent limitation(s) for such user to correct the interference with the POTW. Contributing municipality shall be advised of any such actions taken or contemplated.

- 2. Promulgation of Federal Categorical Pretreatment Standards. Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed under this Part for sources in that subcategory, shall immediately supersede the limitations imposed under this Part. The Director of the Bureau of Sewage shall notify all affected users of the applicable reporting requirements under 40 CFR §403.12 and of any new or revised categorical standards as promulgated by the EPA.
- 3. Modification of Federal Categorical Pretreatment Standards. Where the City's wastewater treatment system achieves consistent removal of pollutants limited by Federal pretreatment standards, the City may apply to the approval authority for modification of specific limits in the Federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in §403.7(c) (2) of Title 40 of the Code of Federal Regulations, Part 403 - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the Federal pretreatment standards if the requirements contained in 40 CFR §403.7, are fulfilled and prior approval from the approval authority is obtained.
- 4. State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or

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those in this Part.

5. City's Right of Revision. The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objective presented in §101(1) of this Part.
6. Excessive Discharge. No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or State. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in §202(1), e.g., the pH prohibition. Use of dilution must be approved in advance by the Director of the POTW.)
7. Accidental Discharges.
 - A. Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Part. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the POTW operator for review, and shall be approved by the POTW operator before construction of the facility. All existing users shall complete such a plan by January 1, 1987. No user who commences contribution to the POTW after the effective date of this Part shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Part. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.
 - B. Written Notice. Within 5 days following an accidental discharge, the user shall submit to the contributing municipality and the Director of the POTW a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this Part or other applicable law.
 - C. Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. 102-93, 6/8/1993, §2)

§103. FEES.

1. Purpose.

- A. It is the purpose of this Part to provide for the recovery of costs from users of the wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the schedule of charges and fees.
- B. The City may adopt charges and fees which may include:
 - (1) Fees for reimbursement of costs of setting up and operating the POTW's pretreatment program.
 - (2) Fees for monitoring, inspection and surveillance procedures.
 - (3) Fees for reviewing accidental discharge procedures and construction.
 - (4) Fees for permit applications.
 - (5) Fees for filing appeals.
 - (6) Fees for consistent removal (by the POTW) of pollutants otherwise subject to Federal pretreatment standards.
 - (7) Other fees as the POTW may deem necessary to carry out the requirements contained herein.
- C. These fees relate solely to the matters covered by this Part and are separate from all other fees chargeable by the POTW or contributing municipality for treatment, collection and/or supervision.

(Ord. 102-93, 6/8/1993, §3)

§104. ADMINISTRATION.

- 1. Compliance With Discharge Requirements. It shall be unlawful to discharge without a City permit to any natural outlet within the operating area of the POTW, or in any area under the jurisdiction of same and/or to the POTW any wastewater except as authorized by the Director of the Bureau of Sewage in accordance with the provisions of this Part. It shall be unlawful for an existing user of the POTW to change the character or volume of its discharge where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW operator to violate its NPDES permit.

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2. Wastewater Contribution Permits.

- A. General Permits. All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within 180 days after the effective date of this Part.
- B. Application. Users required to obtain a wastewater contribution permit shall complete and file with the City an application in the form prescribed by the City. Existing users shall apply for a wastewater contribution permit within 90 days after the effective date of this Part, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
- (1) Name, address and location, (if different from the address).
 - (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
 - (3) Wastewater constituents and characteristics including, but not limited to, those mentioned in §102 of this Part as determined by a reliable analytical laboratory; sampling and analysis 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.
 - (4) Time and duration of contribution.
 - (5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any.
 - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation.
 - (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.
 - (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State or Federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
 - (9) If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the user will

provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

- (a) 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 user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (b) No increment referred to in subsection (a) shall exceed 9 months.
 - (c) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent 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 user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Superintendent.
- (10) Each produced by type, amount, process or processes and rate of production.
 - (11) Type and amount of raw materials processed (average and maximum per day).
 - (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
 - (13) Any other information as may be deemed by the POTW operator to be necessary to evaluate the permit application.
 - (14) Within 30 days following the filing of the permit application the contributing municipality may review all materials, data and facts submitted for consideration in the application. The contributing municipality may make recommendations in detail wherein public necessity, convenience and general welfare do or do not justify the grant of the permit. If the contributing municipality fails to file such recommendations, it shall be presumed that the contributing municipality has no objections to the grant of the permit. In any event, the recommendations of the contributing municipality shall be regarded as advisory in nature and shall not be binding on the POTW.

The POTW operator will evaluate the data furnished by the user and may

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require additional information. After evaluation and acceptance of the data furnished, the City may issue a wastewater contribution permit subject to terms and conditions provided herein.

- C. Wastewater Contribution Permits; Permit Modification. Within 3 months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for a wastewater contribution permit as required by §104(2), the user shall apply for a wastewater contribution permit within 90 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater contribution permit shall submit to the Director of the Bureau of Sewage within 90 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by subsections (8) and (9) of §104(2)(B).
- D. 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 POTW operator. Permits may contain the following:
- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
 - (2) Limits on the average and maximum wastewater constituents and characteristics.
 - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
 - (4) Requirements for installation and maintenance of inspection and sampling facilities.
 - (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.
 - (6) Compliance schedules.
 - (7) Requirements for submission of technical reports or discharge reports (§104(3)).
 - (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto.
 - (9) Requirements for notification and approval of the POTW operator of any new introduction of wastewater constituents or any substantial change in

the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

- (10) Requirements for notification of slug discharges as per §105(2).
- (11) Other conditions as deemed appropriate by the City to ensure compliance with this Part.

- E. Permits Duration. Permits shall be issued for a specified time period not to exceed 5 years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the POTW operator during the term of the permit as limitations or requirements as identified in §102 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any change or new condition in the permit shall include a reasonable time schedule for compliance.
- F. Permit Transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the POTW operator. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The contributing municipality shall be notified of such transfer by the user.

3. Reporting Requirements for Permittee.

- A. Compliance Date Report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional.
- B. Periodic Compliance Reports.
 - (1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standards, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit biannual

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reports to the Director, unless required more frequently in the pretreatment standard or by the Director of the Bureau of Sewage, indicating the nature, concentration and flow of the pollutants in the effluent which are limited by such pretreatment standards. All significant noncategorical industrial users are also required to submit such biannual reports detailing the nature, concentration and flow of pollutants that are outlined in the wastewater discharge permits and the City of Johnstown local discharge limits, §1042.16(e)(14), Ordinance No. 4537. All baseline monitoring reports, 90 day compliance reports or biannual status reports on continued compliance must be signed by a duly authorized representative of the industrial user and must include the certification statement set forth in 40 CFR §403.6(a)(2)(ii).

- (2) The Director may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (1) of this Section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass, where requested by the Director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to §304(g) of the Act and contained in 40 CFR, Part 136, and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR, Part 136, does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.
- (3) All analysis of sewage effluent performed by or on behalf of any industrial user of the system must be reported, in writing, to the Director of the Bureau of Sewage.
- (4) All industrial users shall notify the POTW, the EPA Regional Waste Management Division Director, and Pennsylvania Department of Environmental Protection hazardous waste authorities in writing of any discharge into the POTW of a substance which would be a hazardous waste under 40 CFR, Part 261, and detail the name, hazardous waste number, and type of discharge. If the discharge is greater than 100 Kg per calendar month, the industrial user shall also make known the hazardous constituents contained in the wastes, and estimation of the mass and concentration of such constituents in the wastestream discharged during

that calendar month and during the following 12 months. All notifications must take place within 180 days of promulgation of 40 CFR §403.12, or in the case of new discharges, within 180 days after the discharge of the listed or characteristic hazardous waste. Any notification need be submitted only once for each hazardous waste discharge. Any changed discharges must be promptly brought to the attention of the POTW. Discharges of less than 15 Kg of hazardous wastes per calendar month are exempt from reporting requirements, unless the wastes are acute hazardous wastes as specified in 40 CFR §261.30(d) and 261.33(e). Discharge of more than 15 Kg of nonacute hazardous wastes in a calendar month or of any quantity of acute hazardous waste requires a one-time notification. Any industrial user that requires notification under this Section shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. [A.O.]

4. Monitoring Facilities.

- A. The POTW operator may require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the operator may, when such a location would be impractical or cause undue hardship on the user, with the concurrence by resolution of the geographic municipality 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 user.
- C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the POTW operator's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the POTW operator.

5. Inspection and Sampling. The POTW operator shall inspect the facilities of any user to ascertain whether the purposes of this Part are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the POTW operator or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The POTW operator, approval authority and where the State is the approval authority, the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspections, compliance monitoring and/or metering operations; and, shall have the right to copy records and reports of the industrial users.

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6. Pretreatment.

- A. Users shall provide the necessary wastewater treatment as required to comply with this Part and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations specified by the Federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the user's expense. Detailed plans showing 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 user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under this Chapter. Any subsequent changes in the pretreatment facilities or methods of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.
- B. The City shall annually publish in the *Johnstown Tribute-Democrat* newspaper a list of industrial users which, at any time during the previous 12 months, were in significant noncompliance with pretreatment requirements. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
- (1) Chronic violations of wastewater discharge limits, in which 66% or more of all of the measurements taken during a 6 month period exceed the daily maximum limit or the average limit for the same pollutant parameter.
 - (2) Technical review criteria (TRC) violations, in which 33% or more of all of the measurements for each pollutant parameter taken during a 6 month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, oil and grease, and 1.2 for all other pollutants except pH).
 - (3) Any other violation of a pretreatment effluent limit that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of the City of Johnstown's wastewater treatment plant's personnel or the general public).
 - (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the City of Johnstown's exercise of its emergency authority to halt or prevent such a discharge.
 - (5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.

- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, 90-day self-monitoring reports and reports on compliance with compliance schedules.
 - (7) Failure to accurately report noncompliance.
 - (8) Any other violation which the City determines will adversely affect the operation or implementation of the pretreatment program.
- C. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or the approval authority upon request.
7. Confidential Information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction. If the user specifically requests and is able to demonstrate to the satisfaction of the POTW operator that the release of certain portions of a report might disclose trade secrets or secret processes, those Sections shall not be made available for inspection by the public. However, all information and data provided by industrial users shall be made available to the EPA as provided by §308 of the Clean Water Act, 33 U.S.C. §1317.

(Ord. 102-93, 6/8/1993, §4; as amended by A.O.

§105. ENFORCEMENT.

1. Harmful Contributions.

- A. The POTW operator may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the POTW operator, 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 to the POTW or causes the POTW operator to violate any condition of its NPDES permit. Upon such action, the POTW operator shall immediately notify the contributing municipality.
- B. Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply with such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW operator shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future contribution and the measures taken to prevent any future

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occurrence shall be submitted to the POTW operator and the contributing municipality within 15 days of the date of occurrence.

2. **Revocation of Permit.** Any user who violates the following conditions of this Part, or applicable State and Federal regulations, is subject to having his permit revoked in accordance with the procedures of this Section of this Part:
 - A. Failure of a user to factually report the wastewater constituents and characteristics of his discharge.
 - B. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics.
 - C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
 - D. Violation of conditions of the permit.
3. **Notification of Violation.** Whenever the POTW operator finds that any user has violated or is violating this Part, wastewater contribution permit, or any prohibition, limitation of requirements contained herein, the POTW operator must serve upon such person and the contributing municipality, a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the POTW operator by the user.
4. **Show Cause Hearing.**
 - A. **Show Cause and Appeal.** The POTW operator may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Waste Water Appeal Board why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Waste Water Appeal Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Waste Water Appeal Board 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) on the user and the contributing municipality at least 10 days before the hearing. Within 5 days of the hearing the user must submit a \$200 bond to defray the expenses of the hearing. Service may be made on any agent or officer of a corporation.
 - B. **Waste Water Appeal Board.** The Waste Water Appeal Board must itself conduct the hearing and take the evidence to:
 - (1) Issue in the name of the Waste Water Appeal Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 - (2) Take the evidence.

- (3) Provide a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City of Johnstown and contributing municipalities for action thereon.
 - C. Transcript. 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. Order. After the Waste Water Appeal Board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.
 - E. Make Up of Waste Water Appeal Board. The Waste Water Appeal Board shall be made up of seven members, three of whom shall be appointed by the Mayor of the City of Johnstown and four shall be appointed by the contributing municipalities. Four members shall constitute a quorum. The contributing municipalities of each district, as designated below, shall jointly agree to the member for said district, who shall be appointed for a term of 1 year. Members appointed from the contributing municipalities shall be geographically representative of all contributing municipalities so that one member is appointed from each of the four designated districts.
 - (1) District 1. City of Johnstown, (3 members).
 - (2) District 2. Richland Township, Stonycreek Township, Geistown Borough, (1 member).
 - (3) District 3. Upper Yoder Township, Ferndale Borough, Dale Borough, Loraine Borough, (1 member).
 - (4) District 4. Westmont Borough, Southmont Borough, Lower Yoder Township, (1 member).
 - (5) District 5. Conemaugh Township, East Taylor Township, Franklin Borough, East Conemaugh Borough, Daisytown Borough, West Taylor Township, Brownstown Borough, (1 member).
5. Legal and Equitable Remedies. If any person discharges sewage, industrial wastes or other wastes into the POTW operator's wastewater disposal system contrary to the provisions of this Part, Federal or State pretreatment requirements, or any wastewater contributor permits issued by the POTW operator; or if any person fails to submit required monitoring or compliance reports; or refuses to allow any authorized representative of the POTW operator to enter and inspect the premises of the industrial user, the POTW operator may commence an action for appropriate legal and/or

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equitable relief in the County Court of Common Pleas or through an appropriate order of the Public Utilities Commission.

(Ord. 102-93, 6/8/1993, §5)

§106. PENALTY; COSTS.

1. Penalties. The POTW operator shall have the authority to seek civil and criminal penalties and injunctive relief for noncompliance by any user. An industrial user found to be not in compliance with any provision of this Part, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than \$1,000 a day for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the POTW operator may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit of law against the person found to have violated this Part or the orders, rules, regulations and permits issued hereunder.
2. Falsifying Information. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part, or wastewater contribution permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part shall, upon conviction thereof, 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. [A.O.]
3. Legal and Equitable Remedies. An enforcement response plan, as approved by EPA, shall be implemented by the City's Bureau of Sewage to formalize the enforcement procedures to be followed for all persons and users of the City's wastewater disposal system that fail to maintain compliance with the provisions of this Part, Federal, State, or local pretreatment regulations, wastewater discharge permits or the guidelines of the industrial pretreatment program. The Bureau of Sewage shall be empowered to utilize all provisions of enforcement, as mandated by the EPA, in its administration of the industrial pretreatment program, that are notices of violation, administrative orders, compliance schedules, administrative fines, show cause hearings, injunctive relief and service termination.

(Ord. 102-93, 6/8/1993, §6; as amended by A.O.)

§107. TRUCKED INDUSTRIAL WASTE.

1. All persons desiring to transport and discharge holding tank waste, septage or trucked industrial waste shall apply for a waste hauler license with the City Bureau of Sewage. Such application shall consist of:
 - A. Name, address, location, phone number.
 - B. Vehicle information including make, year, model, license number and waste

volume capacity of each vehicle which will be utilized, and total number of vehicles owned.

- C. A description and analysis of wastes to be discharged at the treatment plant.
 - D. A list of permits held by the applicant for the generation, transportation or disposal of wastes.
 - E. An estimate of the total maximum volume of waste to be discharged daily at the treatment plant.
2. Waste hauler licenses shall contain the following terms and conditions:
- A. Maximum discharge rate.
 - B. Term of license.
 - C. Specific limitation and requirements of wastewater and septages.
3. Waste hauler licenses shall be issued for a time period not to exceed 1 year.
4. The acceptance of trucked wastes is based solely on the ability of the wastewater treatment facility to assimilate those wastes without potential of interference or pass through. All trucked wastes must be within the acceptable ranges of local limitations and treatment plant acceptability. The Bureau of Sewage may immediately and without notice revoke any waste hauler license if it is determined that the acceptance of the waste is detrimental to the overall operation of the treatment facility, whether caused by constituents of the waste or circumstances wholly within the plant. Any waste hauler who violates any provision of this Part or waste hauler license may be subject to immediate license revocation.

(Ord. 102-93, 6/8/1993, §7)

§108. STATUTORY REGULATIONS OF THE EPA.

This Part shall be effective upon City industrial users on the same date and to the same extent as it is effective against non-City industrial users.

(Ord. 102-93, 6/8/1993, §8)

§109. WITHDRAWAL FROM AGREEMENT.

Any contributing municipality may upon 1 year written notice to the Authority of Johnstown withdraw from this agreement and establish its own inspection procedures pursuant to the provisions of the Clean Water Act of 1977.

(Ord. 102-93, 6/8/1993, §11)

PART 2

SEWER CONNECTIONS

§201. PERMIT REQUIRED TO CONNECT TO SEWER; TAPPING FEE.

Any person or persons who may be desirous of tapping or using any of the public sewers of the Borough for the purpose of drainage shall make application to the Borough Council which shall thereupon, if it shall find such application in order and shall determine that all proposed work shall be in conformity with all applicable ordinances of the Borough, direct the issuance of the necessary permit upon payment of the sewer tapping fee at the rate of \$1.50 per front foot; provided, in case of any disagreement between the Council and the applicant as to foot frontage involved, the decision of the Council shall be final.

(Ord. 14, 8/6/1900, §1; as amended by Ord. 88, 8/11/1926; by Ord 89, 11/1/1927; and by Ord. 188, 3/18/1974, §1)

§202. TAPPING FEE PAYABLE BEFORE MAKING CONNECTION; SUPERVISION OVER WORK.

Before any person shall proceed to connect with any of the public sewers of the Borough, he shall pay over to the Borough Treasurer the tapping fee, as provided in the preceding Section, and all connections so made with the public sewers shall be made under the direction of the Borough Engineer.

(Ord. 14, 8/6/1900, §2; as amended by Ord. 188, 3/18/1974, §2)

§203. CONDITIONS FOR CONSTRUCTION AND MAINTENANCE OF PRIVATE DRAINS OR SEWERS.

1. Before any property holder desiring to build a private drain or sewer along any street or alley for the draining of any property not abutting or convenient to any public sewer shall make application for permission to Council, which if satisfied of the property and necessity of the same, shall grant the permission conditional that the Borough reserve the right, at any time thereafter, to take up said drain or sewer for the purpose of building a public sewer along said street or alley, and the right to charge the owners of said private drain or sewer the same price for the use of said public sewers as other citizens of the Borough.
2. The building of all private sewers or drains under the provisions of this Section shall be done under the supervision of the Borough Engineer, at the expense of the owners.

(Ord. 14, 8/6/1900, §3)

§204. PROPERTY OWNERS REQUIRED TO CONNECT UPON NOTICE.

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The owner or owners of each and every lot, piece or parcel of ground in the Borough which has a public sewer, main or branch thereof abutting said property or within 50 feet of the same shall, upon 60 days notice from the Street Commissioner or other proper officer of the Borough, make application for a permit and pay the sewer tax or frontage required by this Part and tap and connect with said public sewer.

(Ord. 14, 8/6/1900; as added by Ord. 162, 3/12/1965, §1)

§205. PENALTY FOR FAILURE TO MAKE CONNECTION.

Any person or persons failing or refusing to comply with said notice and the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$1000 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. 14, 8/6/1900; as added by Ord. 162, 3/12/1965, §2; as amended by Ord. 190, 3/18/1974, §1; and by A.O.)

§206. AUTHORITY FOR BOROUGH TO MAKE CONNECTION AND COLLECT COST, PLUS TAPPING FEE, FROM PROPERTY OWNER.

In addition to the penalty provided for in §202 of this Part, if any property owner after 60 days notice to do so by resolution of the Borough, shall neglect or refuse to have his or her premises so connected with such sewer, it shall be lawful for the Borough Council by its proper officers and employees to enter upon such premises and have the same connection made, and to collect the cost, together with the amount of frontage as required by Ord. 14, from the owner of the property, in the manner provided by law.

(Ord. 14, 8/6/1900; as added by Ord. 162, 3/12/1965, §3; as amended by Ord. 190, 3/18/1974, §2)

PART 3

SEWER RATES

§301. QUARTERLY SEWER SERVICE CHARGES FIXED.

The schedule of sewer rates as recommended by the Borough consulting engineer in his certificate of April 5, 1967, be and it is hereby adopted by the Borough of East Conemaugh as follows:

- A. The quarterly charge for such service for every property shall be based upon the water consumed on such properties during the period previous to that for which the said sewer charge is being billed. All sewer charges shall be computed in accordance with the following schedule.

<u>Water Consumption</u>	<u>Quarterly Charge</u>
Minimum 0 - 6,000 gallons	\$6.50
6,000 - 40,000 gallons	\$1.07
40,000 - 100,000 gallons	\$.90
100,000 - 200,000 gallons	\$.31
200,000 - 300,000 gallons	\$.69
300,000 - 400,000 gallons	\$.49
All over 400,000 gallons	\$.15

(Ord. 166, 10/18/1965, §1; as amended by Ord. 170, 4/14/1967, §1)

§302. METERS REQUIRED TO MEASURE WATER OBTAINED OTHER THAN FROM A WATER COMPANY.

In the event any person, firm or corporation discharging sanitary sewage, industrial waste, water or other liquids into the Borough's public sanitary sewerage system, either directly or indirectly, obtains part or all of the water used by him from other sources than a water company, such user of other water shall, at no expense to the Borough, install and maintain water meters satisfactory to the Borough Council for measuring all water usage other than that obtained from said water company, and the quantity of water used to determine the sewage service charge as above set forth shall be the sum of the quantity measured by all such meters plus the quantity of water obtained from said water company.

(Ord. 166, 10/18/1965, §2)

§303. DETERMINATION OF CHARGE WHERE NOT ALL WATER ENTERS PUBLIC

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SANITARY SEWER SYSTEM.

In the event it be established to the satisfaction of the Borough Council that a portion of the water measured by the above-named water meter or meters does not and cannot enter the public sanitary sewage system, then the Borough Council may determine, in such manner and by such method as it may deem practical, the percentage of the metered water entering the sewer system, or the Borough Council may require or permit installation of additional meters in such a manner as to determine either the quantity of water excluded from the sewer system, or the quantity of water, sewage or industrial waste actually entering the sewer system. The sewage service charge shall be based upon the quantity of water estimated, measured or computed by the Borough Council to be actually entering the sewer system, subject to the charge provisions set forth in §301.

(Ord. 166, 10/18/1965, §3)

§304. APPLICATION FOR REDUCTION IN SERVICE CHARGE; COST OF ADDITIONAL METERS; REQUIREMENTS THEREOF.

Persons, industries or corporations requesting consideration for a reduction in the sewage service charges because of water not entering the public sanitary sewage system shall make written application to the Borough Council for such consideration, giving the name of the firm, industry or business, address, water company account number, and supporting data fully describing other sources of water, if any, as well as disposition of water alleged not to be entering the sewer system. The application shall be accompanied by a sketch to approximate scale showing the plan of the property, water distribution system, sewer layout, existing meters and proposed meters in the scheme to determine the quantity of flow entering, or not entering, the sewer system. The cost of furnishing, installing and maintaining any desired additional meters purchased from said 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 Borough Council.

(Ord. 166, 10/18/1965, §4)

§305. SURCHARGE FOR DISCHARGE OF CERTAIN WASTES.

1. The Borough reserves the right to impose such surcharges as it deems necessary for the discharge to the sewer system of wastes having a strength in excess of the following:

pH	5.5 to 9.5
BOD	250 parts per million
Suspended Solids	250 parts per million
Chlorine Demand	15 parts per million

"Chlorine demand" is defined as the chlorine requirement necessary to maintain a chlorine residual of 0.5 parts per million after a contact time of 15 minutes.

2. The amount, methods of sampling, determination of surcharge and related characteristics of such surcharge shall be set by Borough Council by amendment to this Part.

(Ord. 166, 10/18/1965, §5)

§306. BILLING TO HOLDER OF ACCOUNT; LIABILITY OF PROPERTY OWNER.

All bills for sewer service shall be rendered to the holder of the water service account to which the sewer service is furnished. Provided, however, that the property owners shall in all cases be liable for payment of such bills.

(Ord. 166, 10/18/1965, §6)

§307. WHEN CHARGES DUE AND PAYABLE; LIABILITY FOR DELINQUENT BILLS; PENALTY ADDED THERETO.

Sewer charges imposed by this Part shall be due and payable immediately upon receipt by the holder of the water service account. Provided, however, that the owner of the premises shall be liable for payment of such bills and shall be paid not later than the 10th day following the date of billing. The penalty for later payment of said bills shall be 5% up to 30 days delinquency, plus 1% per month thereafter.

(Ord. 166, 10/18/1965, §8)