

CHAPTER 18

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PART 1

SUPERVISION OF BOROUGH SEWERS

§18-101. Supervision of the Borough Sewers; Duties of Borough Manager

1. All sewers owned and controlled by the Borough of Aspinwall shall be under the control of Borough Council and the Borough Manager shall be in charge of the normal supervision, operation and maintenance of the Borough's sewer system.
2. It shall be the duty of the Borough Manager to see that all orders of Council as to the operation and management of the Borough sewer system are enforced; that all contracts relating thereto are faithfully performed; that all bills, claims and accounts that may accrue on account of the sewer system are approved and paid.
3. The Manager shall issue orders for supplies and materials necessary for the operation and maintenance of the sewers.
4. The Manager shall report regularly to Council on the condition of the Borough-owned sewers along with any recommendations for improvements. The Manager shall submit an annual report to Council of all expenses and income relating to the operation of the sewers.

(Ord. 806, 6/11/1986)

PART 2

SEWER CONNECTIONS

§18-201. Connection to Sanitary Sewers.

1. All buildings and/or uses located in the Borough of Aspinwall shall be connected to the Borough's sanitary sewer system. All sewer connections shall comply with the provisions of this Chapter, Code or other ordinance of the Borough, specifications of the Borough Engineer, and all applicable provisions of the Allegheny County Plumbing Code, and the rules and regulations of the Allegheny County Health Department. [*Ord. 995*]
2. No more than one building shall be connected to a sewer through any one connection without the consent of Borough Council.

(*Ord. 806, 6/11/1986, §10802; as amended by Ord. 995, 12/10/2003*)

§18-202. Connecting Storm or Surface Drainage Facilities to Sanitary Sewer Prohibited.

After the effective date of this Part, no person shall connect any roof leaders, roof drains, downspouts, gutters, parking lot drains, driveway drains, interior or exterior sumps, exterior foundation drains, drains or other sources of surface stormwater runoff and groundwater to any sanitary sewer.

(*Ord. 806, 6/11/1986, §10803; as amended by Ord. 1007, 12/30/2004, §1*)

§18-203. Permit and Fees for Sewer Connections.

Any person desiring to connect to the Borough sewer system shall apply to the Borough Manager for a sewer connection permit. The Manager shall issue the permit following a review of the application to assure all other necessary Borough, County, State and Federal approvals or permits have been obtained and upon payment of a fee, in an amount as established from time to time by resolution of Borough Council.

(*Ord. 806, 6/11/1986, §10804; as amended by Ord. 995, 12/10/2003*)

§18-204. Street Openings and Work and Repairs to Borough Streets.

1. No person shall open any public street in the Borough for any sewer-related work without a street opening permit in accordance with the Streets and Sidewalk Ordinances [Chapter 21].
2. All work performed in connecting any property with a public sewer shall be at the

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expense of the person making the connection. All work and repairs to street and sidewalks shall be done in accordance with Borough specifications and under the supervision of the Borough Manager or other designated Borough employee. Any work within the right-of-way of a public street shall be performed by a registered master plumber and comply with the requirements of the Allegheny County Plumbing Code.

(Ord. 806, 6/11/1986, §10805)

§18-205. Penalties.

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$500 nor more than \$5,000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.
3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(Ord. 806, 6/11/1986; as added by Ord. 995, 12/10/2003)

§18-206. Maintenance Responsibility.

1. Owners of property within the Borough shall be responsible for the maintenance of sewer lines inside a building and on the owner's property, and for the maintenance of sewer lateral lines extending from a building or private property to the main sewer lines.
2. The Borough shall not be responsible for the maintenance of sewer lines inside a building or the maintenance of sewer lateral lines extending from a building or private property to the main sewer lines, or for damages caused by sewage or water escaping therefrom, or for lines or fixtures on private property.

(Ord. 806, 6/11/1986; as added by Ord. 1007, 12/30/2004, §2)

PART 3

SEWER USE AND DISCHARGE

§18-301. Definitions.

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

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

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

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

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

HAZARDOUS WASTE - all wastes that are defined as hazardous under the regulations enacted pursuant to the Resource Conservation and Recovery Act (RCRA) as specified in 40 CFR §261 as amended or under the regulations promulgated pursuant to the Pennsylvania Solid Waste Management Act as specified in 25 Pa.Code §261 as amended. [*Ord. 995*]

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

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

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

- A. Inhibits or disrupts the ALCOSAN facilities, its treatment processes or operations or its sludge processes, use or disposal.
- B. Therefore, is a cause of a violation of any requirement of ALCOSAN's National Pollutant Discharge Elimination System (hereinafter referred to

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as “NPDES”) permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by ALCOSAN in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): §405 of the Clean Water Act, the Solid Waste Disposal Act (including Title 2 or more commonly referred to as the Resource Conservation and Recovery Act and including State regulations contained in the State Sludge Management Plan prepared pursuant to subtitle D of the Solid Waste Disposal Act), the Clean Air Act and the Toxic Substances Control Act, all as amended. [*Ord. 995*]

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

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

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

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

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

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

- A. It is normally unstable and readily undergoes violent changes without detonating.
- B. It reacts violently with water.
- C. It forms potentially explosive mixtures with water.
- D. When mixed with water, it generates toxic gasses, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
- E. It is a cyanide or sulfide bearing waste which can generate toxic gasses, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.

- F. It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.
- G. It is readily capable of detonation, explosive decomposition or reaction at standard temperature and pressure.
- H. It is a forbidden explosive as defined in 40 CFR §173.51, as amended or a Class A explosive as defined in 49 CFR §173.53 as amended or a Class B explosive as defined in 49 CFR §173.88 as amended. [*Ord. 995*]

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

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

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

(*Ord. 907, 7/13/1995, §1*)

§18-302. Interference and Pass Through Prohibited.

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

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

(*Ord. 907, 7/13/1995, §2*)

§18-303. Prohibitions into Sewers, Pipes and Conveyances.

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

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- A. Any substance which will endanger the life, health or safety of the treatment plant, sewer maintenance and plant operations personnel or which would preclude safe entry into the sewer system or any portion of the treatment plant.
- B. Any ignitable, reactive, explosive, corrosive or hazardous waste, except as provided for by ALCOSAN's rules and regulations.
- C. Any wastewater with a temperature greater than 140°F (60° C).
- D. Any waste which exceeds the naturally occurring background levels for either alpha, beta or gamma radiation and/or any wastewater containing any radioactive wastes or isotopes of such half life or concentration not in compliance with applicable State or Federal regulations.
- E. Any solids or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operations of ALCOSAN's facility or facilities discharging into the ALCOSAN system.
- F. Any noxious or malodorous liquids, gasses or solids which either singly or by interaction with other wastes may create a public nuisance or adversely affect public health or safety.
- G. Pathological wastes from a hospital or other medical establishment.
- H. Garbage, whether ground or not, except properly shredded food waste garbage resulting from the proper use of a garbage grinder or disposer type approved by ALCOSAN and maintained in good operating condition.
- I. Sludges or other materials from septic tanks or similar facilities or from sewage or industrial waste treatment plants or from water treatment plants; unless the discharge of such sludges and other materials is specifically approved by ALCOSAN.
- J. Any pollutant including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the ALCOSAN facilities.
- K. Any substance which will cause ALCOSAN's effluent or any other product of the ALCOSAN facilities such as residues, sludges or scums, to be unsuitable for reclamation processes, including any substance which will cause the ALCOSAN facility to be in noncompliance with sludge use or disposable criteria, guidelines or regulations developed under §405 of the Act, any criteria, guidelines or regulations promulgated pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State laws or regulations applicable to the treatment or disposal of such effluent or such product.

(Ord. 907, 7/13/1995, §3)

§18-304. Rules and Regulations of ALCOSAN.

1. No person shall take any action or do or cause to be done anything in violation of any rule or regulation of ALCOSAN.
2. The pretreatment regulations of the ALCOSAN are incorporated into this Part by reference as though fully set forth herein.¹

(*Ord. 907, 7/13/1995, §4*)

§18-305. Penalties.

Any person violating any provision of this Part shall, upon conviction, be punished by a fine to be not less than \$500 nor exceed the sum of \$5,000, for each offense, recoverable with costs and, in default of payment of the fine and costs, shall be subject to imprisonment in the Allegheny County Jail for a period not exceeding 30 days. Each day a violation is continued shall constitute separate offense. In addition, any person violating any provision of the ALCOSAN pretreatment regulations may be subject to administrative and civil penalties as provided for by the pretreatment regulations and administered by ALCOSAN. Such penalties may include, but are not limited to, injunctive relief and penalties of up to \$25,000 per day, per violation, as provided for by the Publicly Owned Treatment Works Penalty Law, 35 P.S. §752.1 *et seq.*, as amended. Authority to so enforce the pretreatment regulations is granted to ALCOSAN, and is in addition to but not in place of any other remedy available.

(*Ord. 907, 7/13/1995, §5; as amended by Ord. 995, 12/10/2003*)

¹Editor's Note: The pretreatment regulations of the Allegheny County Sanitary Authority are on file in the Borough office.

PART 4

SEWER USE AND RECONSTRUCTION FUND

§18-401. Establishment of Sewer Use and Reconstruction Fund.

The Borough of Aspinwall hereby establishes a Sewer Use and Reconstruction Fund for the exclusive purpose of repair and replacement of the Borough sewers or other related costs.

(*Ord. 796*, 1/9/1985, §10812; as amended by *Ord. 995*, 12/10/2003)

§18-402. Charge for Sewer Use.

All charges and fees for sewer usage and reconstruction shall be established from time to time by resolution of Borough Council..

(*Ord. 796*, 1/9/1985, §10813; as amended by *Ord. 991*, 12/23/2002, §1; and by *Ord. 995*, 12/10/2003)

§18-403. Billing Procedure and Collection of Monies.

1. The billing for the sewage use shall be sent to each property owner and delinquency thereof shall be liened against the property.
2. The monies collected from the sewer usage shall be maintained in a separate interest bearing account and all expenses for administration billing shall be paid from that fund.
3. The Borough Council may authorize that the billing for sewage use be done through a private or third party entity along with water billing; any such private or third party entity shall have authority to collect said billing together with all delinquencies in the manner now utilized in water billing. [*Ord. 995*]

(*Ord. 796*, 1/9/1985, §10814; as amended by *Ord. 995*, 12/10/2003)

PART 5

COMBINED SEWER OVERFLOW POLICY

§18-501. Adoption of Policy.

The Borough hereby adopts the Combined Sewer Overflow Policy attached hereto as Exhibit "1."

(Res. 95-16, 12/27/1995, §1)

§18-502. NPDES Permit.

The Borough Solicitor and Borough Engineer are authorized to take all actions necessary to apply for and obtain a National Pollutant Discharge Elimination System permit for each CSO within the Borough.

(Res. 95-16, 12/27/1995, §2)

§18-503. Additional Long-Term Plans.

The Borough Solicitor and Borough Engineer are authorized to communicate and meet with all necessary parties to develop a long-term characterization, monitoring and modeling plan and long-term combined sewer overflow control plan, said plans being subject to future approval by the Borough Council.

(Res. 95-16, 12/27/1995, §3)

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EXHIBIT "1"

BOROUGH OF ASPINWALL

COMBINED SEWER OVERFLOW POLICY

NINE MINIMUM CONTROLS

1. The United States Environmental Protection Agency's final combined sewer overflow (CSO) policy approved in April, 1994, requires municipalities to implement "nine minimum technology controls" into their combined sewage collection system in order to obtain a discharge permit which will be required to use the ALCOSAN sewage treatment system. The nine minimum controls are listed below:
 - A. Proper operation and maintenance of sewage systems and treatment plants.
 - B. Maximize the use of the existing collector pipes to store combined sewage during storms to hold or treat afterwards.
 - C. Review and modify the pretreatment program for industrial discharges to the combined sewer system.
 - D. Maximize the capabilities of the sewage collection system to transmit flow to the treatment plant.
 - E. Insure that no discharge of sewage from CSO structures occurs during dry weather.
 - F. Control the discharge of solids and floatable materials from CSO.
 - G. CSO communities must institute pollution prevention programs, largely targeting at reducing or eliminating potentially harmful pollutants at their sources.
 - H. CSO discharges must notify the public when and where overflows occur.
 - I. CSO dischargers must monitor and sample overflow and receiving water quality to characterize CSO discharges and the efficacy of CSO controls.
2. The Borough will implement the following methods to comply with EPA's nine minimum controls:
 - A. **Operation and Maintenance of the System.**
 - (1) **Action.** Check the collection system regularly, a minimum of once a month, or after heavy rainstorms. Look for the following problems and repair when necessary:
 - Are nonstandard connections noted during inspections?

- Are there pipe joints that are separated?
- Are there sections of pipe that are broken or misaligned?
- Are outfalls blocked by debris?

(2) **Responsible Entity.** Borough Maintenance Department.

(3) **Implementation Date.** January 1996.

B. Maximize the use of the existing collector pipes to store combined sewage during storms to hold for treatment later.

(1) **Action.** Storage may be implemented using one or all of the following methods:

- Investigate the possibility of using in-line storage to equalize peaks in flow.
- Can weirs be raised or otherwise modified to provide in-line storage without causing upstream flooding?
- Can additional flow restrictors be installed, or existing restrictors modified to provide additional storage of storm flows?
- Are there piping trunks that are either unused or not used to full capacity during wet weather?
- Are there underground tanks or structures that are either unused or not used to full capacity during wet weather?
- Consider the installation of flow control equipment such as inflatable dams to maximize in-line storage.

(2) **Responsible Entity.** Borough Engineer.

(3) **Implementation Date.** Engineer to investigate and report by July 1996.

C. Review and modify the pre-treatment program for industrial discharges to the CSO system.

(1) **Action.** This control does not apply. Aspinwall is a residential community with no industrial plants.

(2) **Responsible Entity** N/A.

(3) **Implementation Date.** N/A.

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- D. Maximize the capabilities of the sewage collection system to transmit flow to the ALCOSAN treatment plant.
- (1) **Action.** This control can be accomplished by direct observation of large pipes and by camera observation in smaller pipes to insure that the system flow capacity is not limited by the following:
 - Are there piping locations such as sharp corners where flow velocity drops and solids collect?
 - Is the capacity of each interceptor trunk sufficient to handle expected or measured peak dry-weather flow volumes, and a portion of wet weather flows?
 - Are there illegal piping connections?
 - Are deposits of solids in the sewer decreasing capacity either through volume reduction or increased friction?
 - (2) **Responsible Entity.** Borough Engineer and Borough Maintenance Department.
 - (3) **Implementation Date.** January 1996 and ongoing.
- E. Insure that no discharge of sewage from CSO structures occurs during dry weather.
- (1) **Action.** No dry weather discharges exist at the present time. However, interceptor lines of ALCOSAN are running near capacity “upstream” of the Aspinwall CSO’s, indicating the possibility of the following in the ALCOSAN system:
 - Malfunctioning regulators, a hydraulic bottleneck in the system, infiltration and inflow from groundwater, illegal sewer connections, an undersized interceptor sewer, or insufficient wastewater treatment plant capacity.
 - To satisfy this requirement, the design capacity of the ALCOSAN interceptor and treatment plant must be sufficient to treat measured dry weather flow.
 - (2) **Responsible Entity.** ALCOSAN.
 - (3) **Implementation Date.** To be determined by ALCOSAN.
- F. Control the discharge of solids and floatable materials from CSO.
- (1) **Action.** This control may be implemented by flow reduction in the system.

- Review pretreatment and local limit programs for flow and pollution reduction opportunities.
 - New developments are required to provide separate sanitary and stormwater connection.
- (2) **Responsible Entity.** Primary Responsibility - ALCOSAN; Borough Engineer to assist/review.
- (3) **Implementation Date.** To be determined by ALCOSAN.
- G. CSO communities must institute pollution prevention programs, largely targeted at reducing or eliminating potentially harmful pollutants at their sources.
- (1) **Action.** This control, for the most part, is already in effect in our community. This is done on a regular basis by the Borough Maintenance Department.
- Streets are regularly swept (weekly April 1 - December 1).
 - Catch basins are regularly cleaned (monthly).
 - Solids such as leaves, branches, and litter are prevented from entering the sewer system.
 - Sewer pipes are flushed during dry weather to prevent solid buildup.
 - Restrictions on uncovered dump and rubbish trucks are in effect.
 - Insure unsettled runoff and dewatering flows from construction sites to not enter the system.
- (2) **Responsible Entity.** Borough Maintenance Department.
- (3) **Implementation Date.** Immediate and ongoing.
- H. CSO dischargers must notify the public when and where overflows occur.
- (1) **Action.** This control can be implemented by observing the corner street sewers after a heavy rain to locate and identify if flooding has occurred. If it has occurred, the sewers can be unclogged and if necessary repaired at that time.
- (2) **Responsible Entity.** Borough Maintenance Department.
- (3) **Implementation Date.** Immediate and ongoing.

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- I. CSO dischargers must monitor and sample overflows and receiving water quality to characterize CSO discharges and efficacy of CSO controls.
 - (1) **Action.** This control can be implemented by sampling and analyzing the overflow at the source if and when it occurs.
 - (2) **Responsible Entity.** Borough Engineer or agent.
 - (3) **Implementation Date.** April 1996 and thereafter.

3. **Applicability to Joint Owners and/or Operators.** Presently, three adjacent municipalities, through agreements with the Borough, attribute flow directly into the Aspinwall sewage system. These communities are Fox Chapel Borough, O'Hara Township and Sharpsburg Borough. As part of this CSO policy, the Borough has or will request that each of these three communities implement the foregoing nine minimum controls, to the extent such controls are applicable to those portions of the sewage systems in these communities connecting into the Aspinwall sewage system.

CHARACTERIZATION, MONITORING AND MODELING

LONG TERM CSO CONTROL PLAN

1. Given the inherent capacity limitations of the existing ALCOSAN interceptor and/or ALCOSAN treatment facility and the impact of the same not only upon the Borough of Aspinwall, but numerous municipalities also serviced by ALCOSAN, it is impossible for the Borough to independently develop a meaningful and effective long-term plan for characterization, monitoring and modeling and long-term CSO control plan. The Borough, however, will endeavor to cooperate and participate in the development of such plans with adjacent municipalities, ALCOSAN, the Environmental Protection Agency and the Pennsylvania Department of Environmental Protection. To this end, the Borough Engineer and Borough Solicitor are authorized to communicate and meet with representatives of the foregoing entities to work toward the drafting of such long-term plans for ultimate submission to and approval by the Borough Council.

(Res. 95-16, 12/27/1995, Exhibit 1)

PART 6

DYE TESTING

§18-601. Applicability.

Unless otherwise stated, this Part shall only apply to those properties, and the building/structures constructed thereon, located in the Borough which directly connect to separate sanitary sewer system, as opposed to a combined sewer system.

(Ord. 1007, 12/30/2004, §3)

§18-602. Definitions.

As used in this Part, the following words and phrases shall have the meanings prescribed to them in this Section, except where the context or language clearly indicates or requires a different meaning.

APPLICANT - a person applying for a certificate of compliance or temporary certificate of compliance.

BOROUGH CODE OFFICIAL/BUILDING INSPECTOR - the Borough Code Official/Building Inspector, Borough Code Enforcement Officer, Zoning Officer, Borough Manager or other designee of the Borough Manager or Borough Council.

BOROUGH LIEN LETTER - a written letter from the Borough concerning municipal liens or municipal property taxes.

CERTIFICATE OF COMPLIANCE - an official statement or certificate issued by the Borough certifying that there are no illegal storm or surface water connections into the sanitary sewer system which would violate State, County or Borough laws, statutes, ordinances and regulations.

COMBINED SEWER SYSTEM - a sewer system which has been designed to serve as both a sanitary sewer and as a storm sewer and to carry sanitary sewage and stormwater in the same sewer line(s).

DYE TEST - any dye test performed by the Borough or a licensed plumber whereby dye is introduced into the storm, surface or subsurface water collection system and downspouts of structures or improvements to real property to determine if surface stormwater is entering into the sanitary sewer system.

ILLEGAL STORM or SURFACE WATER CONNECTION - the discharge of basement seepage, surface stormwater or ground water or the connection of downspouts, roof drainage or surfaces or areaway drainage into the sanitary sewer system.

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IMPROVED AND SEWERED REAL PROPERTY - real property on which any building, driveway or parking pad, other surface or subsurface structure or improvement has been constructed, installed or erected, where the real property or any improvement on the real property is connected to the sanitary sewer system.

LICENSED PLUMBER - a registered master plumber licensed by the Allegheny County Department of Health to perform dye tests.

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

SANITARY SEWER SYSTEM - the sanitary sewer lines and related facilities maintained and operated by the Borough.

SELL or TRANSFER - the sale, transfer, or assignment of any interest in real property; provided, however, that a refinancing of real property, without a conveyance, is not a sale or transfer under this Part.

SEPARATE SANITARY SEWER SYSTEM - a sewer system or part thereof which is specifically designed and intended to carry sanitary sewage separate from stormwater.

SURFACE STORMWATER - surface water and ground water, including but not limited to roof and driveway drainage, basement seepage, and surface and areaway drainage.

TEMPORARY CERTIFICATE OF COMPLIANCE - a temporary statement from the Borough issued pursuant to the terms of § 18-605 hereof.

(Ord. 1007, 12/30/2004, §3)

§18-603. Sale or Transfer of Real Property without Certificate of Compliance Prohibited.

It is unlawful for any person to sell or transfer real property within the Borough on which a building or improvement exists without first delivering to the purchaser or transferee a certificate of compliance or temporary certificate of compliance issued by the Borough.

(Ord. 1007, 12/30/2004, §3)

§18-604. Certificate of Compliance; Application and Procedure.

1. Any person selling or transferring real property within the Borough shall make application for a certificate of compliance on a form furnished by the Borough at least 21 days before the date of sale or transfer. Prior to the sale or transfer of the improved real property, the applicant shall have a dye test of the property

- performed by a licensed plumber. No person other than a licensed plumber shall perform a dye test in the Borough unless prior written approval is obtained from the Borough. Upon completion of the dye test, the person who performed the test shall complete the appropriate portions of the application form confirming that the property has been dye tested and certifying the results of such test.
2. If the dye test reveals the existence of an illegal storm or surface water connection, no certificate of compliance will be issued until the illegal connections are removed and the storm or surface water is discharged in compliance with the ordinances of the Borough and certification of such is received, reviewed and approved by the Borough Code Official/Building Inspector.
 3. In the event the property has been dye tested and a certificate of dye testing has been issued in the preceding 10 years, the Borough Code Official/Building Inspector, upon receipt of an application for that property, shall inspect the property and if that inspection does not disclose any objective evidence of improper stormwater drainage or illegal storm or surface water connection then the Borough Code Official/Building Inspector may waive the dye test and issue a certificate of compliance upon seller or transferor paying a fee to the Borough in an amount as established from time to time by resolution of Borough Council.

(Ord. 1007, 12/30/2004, §3)

§18-605. Temporary Certificate of Compliance.

1. When an illegal storm or surface water connection is discovered and the necessary remedial activities to correct such condition would require a length of time such as to create a practical hardship for the applicant, then the applicant may apply to the Borough Code Official/Building Inspector for a temporary certificate of compliance which may only be issued when the applicant provides the Borough with all of the following:
 - A. Written documentation of practical hardship;
 - B. Financial security in the amount of \$1,000.00 which complies with the requirements of Chapter 1, Part 7, of this Code; and,
 - C. An agreement by the purchaser/transferee to be responsible for all cost overruns related to the remedial work together with a written license, in a form acceptable to the Borough Solicitor, to the Borough to enter upon the property to complete the work in case of default by the applicant. Any such agreement and/or license shall be in form acceptable to the Borough Solicitor.
2. The Borough Code Official/Building Inspector shall determine in good faith based upon all the circumstances when such temporary certificate of compliance shall expire. The applicant and the purchaser shall be advised of the expiration date. Upon expiration of the temporary certificate of compliance, without all work having

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been completed, the security shall be forfeited to the Borough and the Borough may use the security to have the necessary remedial work completed. If the remedial work is completed prior to the expiration date, the Borough shall return the security to the applicant or to his/her designee.

(*Ord. 1007, 12/30/2004, §3*)

§18-606. Borough Lien Letters.

1. A request for a Borough lien letter or property tax certification letter must be accompanied by a valid certificate of compliance issued by the Borough and the lien letter fee, all of which shall be delivered to the Borough at least 10 business days prior to the day said letter is to be provided.
2. When requested by a property owner or his/her agent, and subject to time availability as determined solely by the Borough, made in good faith based upon all the circumstances, the Borough may issue an expedited Borough lien letter on 2 business days notice upon the payment of an expedition fee in an amount as established from time to time by resolution of Borough Council in addition to the fee for the lien letter.

(*Ord. 1007, 12/30/2004, §3*)

§18-607. Enforcement and Administration.

1. **Dye Testing by Borough.** Subject to applicable law, the Borough is authorized to initiate dye testing or other testing or inspection within the Borough for purposes of discovering or locating the inflow of surface stormwater to the sanitary sewer system and illegal storm or surface water connections. The Borough is authorized to retain the services of a qualified contractor to perform the dye testing or other testing or inspection.
2. **Notices to Property Owners.** In the event the Borough and/or the dye testing contractor identifies any illegal storm or surface water connections and/or leaking, deteriorating or poorly constructed private sanitary sewer laterals and/or sanitary sewer service connections, the Borough Code Official/Building Inspector shall give written notice of same to the property owner that such illegal connections be eliminated and/or services connections be repaired, replaced, or rehabilitated, at the property owner's expense, within 10 days of the date of the notice. If the condition does not create a health hazard, then the Borough Code Official/Building Inspector, upon request of the property owner, may extend the 10-day deadline to 30 calendar days from the date of the notice.

(As added by *Ord. 1007, 12/30/2004, §3*)

§18-608. No Conflict with General Police Powers.

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

(Ord. 1007, 12/30/2004, §3)

§18-609. Regulations.

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

(Ord. 1007, 12/30/2004, §3)

§18-610. Violations and Penalties.

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$5,000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.
3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(Ord. 1007, 12/30/2004, §3)

