

## **Chapter 18**

### **Sewers and Sewage Disposal**

#### **Part 1**

#### **Sewer Connections, Uses and Rentals**

##### **A. Main System**

- §18-101. Definitions
- §18-102. Connections to Existing Sewers Required
- §18-103. Connection to Newly Constructed Sewers Required
- §18-104. Application; Connection Charge; Installation of Certain Lines by Property Owner
- §18-105. Time Limit for Making Connection; Authority for Borough to Connect at Expense of Defaulting Property Owner
- §18-106. Certain Receptacles Unlawful Where Sewer Available
- §18-107. Penalty for Use of or Connection with Unlawful Receptacles
- §18-108. Sewer Rentals Imposed
- §18-109. Billing for Sewer Rentals; Pro-Rata Billing
- §18-110. Penalty and Interest Charges Added to Delinquent Sewer Rentals
- §18-111. Collection of Delinquent Sewer Rentals
- §18-112. Notice of Vacation of Premises or Change in Ownership; Responsibility for Sewer Rental Charges; Access to Vacated Premises
- §18-113. Special Provisions Applicable to Certain Wastes
- §18-114. Special Contracts for Sewer Service Authorized
- §18-115. Pledge of Revenues

##### **B. Sewer Rates and Charges**

- §18-121. Connection Charges for Washington Boulevard Sanitary Sewer Extension
- §18-122. Fees For Connection
- §18-123. Connection Fee For Individuals
- §18-124. Fees For Connection By Residential Households

#### **Part 2**

#### **Maintenance of Sewer Lines**

- §18-201. Responsibility for Maintenance of Sewer Lines

#### **Part 3**

#### **Pretreatment Standards and Regulations**

##### **A. General Provisions**

- §18-301. Purpose and Policy
- §18-302. Administration
- §18-303. Abbreviations

§18-304. Definitions

## **B. General Sewer Use Requirements**

§18-305. Prohibited Discharge Standards  
§18-306. National Categorical Pretreatment Standards  
§18-307. Local Limits  
§18-308. MACM's Right of Revision  
§18-309. Dilution

## **C. Pretreatment of Wastewater**

§18-311. Pretreatment Facilities  
§18-312. Additional Pretreatment Measures  
§18-313. Accidental Discharge/Slug Control Plans  
§18-314. Hauled Wastewater

## **D. Wastewater Discharge Permit Application**

§18-315. Wastewater Analysis  
§18-316. Wastewater Discharge Permit Requirement  
§18-317. Wastewater Discharge Permitting: Existing Connections  
§18-318. Wastewater Discharge Permitting: New Connections  
§18-319. Wastewater Discharge Permit Application Contents  
§18-320. Application Signatories and Certification  
§18-321. Wastewater Discharge Permit Decisions

## **E. Wastewater Discharge Permit Issuance Process**

§18-325. Wastewater Discharge Permit Duration  
§18-326. Wastewater Discharge Permit Contents  
§18-327. Wastewater Discharge Permit Appeals  
§18-328. Wastewater Discharge Permit Modification  
§18-329. Wastewater Discharge Permit Transfer  
§18-330. Wastewater Discharge Permit Reissuance  
§18-331. Regulation of Waste Received from Other Jurisdictions

## **F. Reporting Requirements**

§18-335. Baseline Monitoring Reports  
§18-336. Compliance Schedule Progress Reports  
§18-337. Reports on Compliance with Categorical Pretreatment Standard Deadline  
§18-338. Periodic Compliance Reports  
§18-339. Reports of Changed Conditions  
§18-340. Reports of Potential Problems  
§18-341. Reports from Unpermitted Users  
§18-342. Notice of Violation/Repeat Sampling and Reporting  
§18-343. Notification of the Discharge of Hazardous Waste  
§18-344. Analytical Requirements  
§18-345. Sample Collection

- §18-346. Timing
- §18-347. Records

### **G. Compliance Monitoring**

- §18-351. Right of Entry: Inspection and Sampling

### **H. Confidential Information**

- §18-355. Requesting Confidentiality

### **I. Publication of Users in Significant Noncompliance**

- §18-361. The Noncompliance List

### **J. Administrative Enforcement Remedies**

- §18-365. Notification of Violation
- §18-366. Consent Orders
- §18-367. Show Cause Hearing
- §18-368. Compliance Orders
- §18-369. Cease and Desist Orders
- §18-370. Administrative Fines
- §18-371. Emergency Suspensions
- §18-372. Termination of Discharge

### **K. Judicial Enforcement Remedies**

- §18-375. Injunctive Relief
- §18-376. Civil Penalties
- §18-377. Criminal Penalties
- §18-378. Remedies

### **L. Affirmative Defenses to Discharge Violations**

- §18-381. Upset
- §18-382. Prohibited Discharge Standards
- §18-383. Bypass

### **M. Miscellaneous Provisions**

- §18-385. Pretreatment Charges and Fees



**Part 1****Sewer Connections, Uses and Rentals****A. Main System****§18-101. Definitions.**

The following words and terms shall have the following meaning when used in this Part:

*Acceptable sanitary sewage* - household waste, liquids, human excreta or other materials commonly known as domestic sanitary sewage, including garbage which has been properly processed through a mechanical grinder or garbage disposal unit, but shall not include exhaust steam, oils, tars, gasoline, benzine or other combustible gases or liquids which are not of a usual household nature, nor shall it include offal, insoluble solids, grease or industrial wastes of a dangerous nature or which would damage or interfere with the operation or maintenance of the treatment facilities or other parts of the sewer system.

*Building connection* - the portion of the connections between the house and the lateral at the curb or property line.

*Lateral* - the portion of the connection or connections between the main sanitary sewer and the curb or property line.

*Person* - all natural persons, partnerships, firms, organizations, associations and corporations, whether public or private.

*Sewer system* - the existing sanitary sewage connection of the Borough together with the proposed sewage treatment facilities to be constructed as a capital improvement thereto and all other capital improvements made thereto from time to time hereafter.

(Ord. 623, 6/15/1963, Art. 1)

**§18-102. Connections to Existing Sewers Required.**

Every owner of improved property within the Borough abutting or adjoining any street, road, alley or right-of-way in which there is a public sanitary sewer is required to connect his premises to that sewer and to pay the required connection charge set forth in §18-104 30 days from the effective date of this ordinance.

(Ord. 623, 6/15/1963, Art. II, §2.01)

**§18-103. Connection to Newly Constructed Sewers Required.**

From time to time in the future, as sanitary sewer service becomes available to additional properties within the Borough by reason of additions to the sewer system or improvements on abutting properties, every owner of such property shall likewise be required to make connection to the abutting or adjoining sanitary sewer and to pay the required connection charge within 30 days after completion of the addition or improvement.

(Ord. 623, 6/15/1963, Art.II, §2.02)

**§18-104. Application; Connection Charge; Installation of Certain Lines by Property Owner.**

Before making connection to the sewer system, each owner shall:

A. Make a written application for connection in the manner prescribed by the Borough.

B. Pay a connection charge to the Borough and obtain a connection permit from the Borough in accordance with the following schedule:

(1) For connection to the existing sanitary sewer line of the Borough which does not require any construction of sanitary lines, reconstruction of sanitary lines, or the installation of any new lines, the sum of \$125.

(2) For connection to the sanitary sewer system which involves or requires the installation of new sanitary sewer lines or the extension or reconstruction of existing sewer lines, shall be at a connection charge of \$2,000.

C. Install, at the owner's expense, such line or lines as is necessary to connect to the lateral of the Borough at the curb or property line, which installation shall be subject to inspection and approval of the Borough or its authorized representative and shall be made in accordance with the regulations of the Borough, as from time to time promulgated.

(*Ord. 623, 6/15/1963, Art. II, §2.03; as amended by Ord. 850, 11/12/1985, §3*)

**§18-105. Time Limit for Making Connection; Authority for Borough to Connect at Expense of Defaulting Property Owner.**

If any owner of improved property within the Borough shall fail to make the connection or connections required hereunder in §§18-102 or 18-103 within the time herein prescribed, the Borough may give to that owner 45 days written notice of this Section and if that owner shall have failed within a further period of 30 days thereafter to make the required connection, that failure shall be and is hereby declared to be a violation of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. After the aforementioned 45-day notice and 30-day additional period, the Borough may at its option make the required connection of that delinquent owner and collect the cost from that owner by a municipal claim or in an action in assumpsit as provided by law.

(*Ord. 623, 6/15/1963, Art. II, §2.04; as amended by Ord. 1077, 5/23/2006*)

**§18-106. Certain Receptacles Unlawful Where Sewer Available.**

It shall be unlawful for any person to maintain or use a privy, cesspool, septic tank or like receptacle for disposal of acceptable sanitary sewage upon any property now or hereafter improved and abutting on or adjoining any street, road, alley or right-of-way in which there is an available public sanitary sewer, or to connect any such privy, cesspool, septic tank or like receptacle with the sewer system.

(*Ord. 623, 6/15/1963, Art. II, §2.05*)

**§18-107. Penalty for Use of or Connection with Unlawful Receptacles.**

Any person violating §18-106, after 60-days written notice to that offender has been given by the Borough by certified mail sent to the last known address of that person or by personal service, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 623, 6/15/1963, Art. II, §2.06; as amended by Ord. 1077, 5/23/2006*)

**§18-108. Sewer Rentals Imposed.**

1. Sewer rental charges for services rendered by the sewer system are imposed and shall be collected from each owner of improved property within the Borough which is or shall in the future be connected to the sewer system in accordance with the following schedule of sewer rental charges:

2. *Sewer Rental Charges for All Customers of the Sewer System Operated by the Borough of Glassport, Allegheny County, Pennsylvania.* The following shall be the sewer rental charges to all customers of the sewer system owned and operated by the Borough for services furnished in the transportation and treatment of acceptable sanitary sewage by the facilities of that sewer system:

0 - 5,000 gallons of water used	\$14.00 per month
5,000 and over an additional	\$3.00 per 1,000

(*Ord. 623, 6/15/1963, §3.01; as amended by Ord. 693, 5/22/1969, §1; by Ord. 883, 12/19/1988, §1; by Ord. 916, 12/30/1991, §1; by Ord. 938, 12/28/1993, §1; by Ord. 946, 12/27/1994, §1; and by Ord. 1076, --/2005, §1*)

**§18-109. Billing for Sewer Rentals; Pro-Rata Billing.**

All bills for sewer rental charges shall be rendered quarterly in the manner and in the form prescribed by the Borough. Owners of premises connecting to the sewer system during any quarterly period shall pay a pro rata charge for the services rendered during the balance of said quarter. All such bills shall be rendered to the owner of the premises to which sewer service is furnished and that owner shall in all cases be liable for payment of such bills. All current billings and collection shall be handled by a third party vendor.

(*Ord. 623, 6/15/1963, Art. III, §3.02; as amended by Ord. 1076, --/2005, §2*)

**§18-110. Penalty and Interest Charges Added to Delinquent Sewer Rentals.**

All bills for sewer rental charges shall be due and payable when rendered and shall be subject to a 5% penalty charge if not paid within 10 days after they are due. If not paid within 30 days after the due date, the net bill plus penalty shall bear interest at the rate of ½% per month or fraction thereof until paid.

(*Ord. 623, 6/15/1963, Art. III, §3.03*)

**§18-111. Collection of Delinquent Sewer Rentals.**

1. All sewer rental charges imposed by this Chapter shall be a lien from their due date on every lot or parcel of improved real property in the Borough served by the sewer system. If those charges are not paid after a 30-day notice period, those delinquent

charges may be collected by an action in assumpsit in the name of the Borough against the owner of the property charged or by distress of personal property on the premises or by lien filed in the office of the Prothonotary of Allegheny County, and collected in the manner provided by law for the filing and collection of municipal claims.

2. The Borough reserves the right to enter into payment agreements in hardship cases where there is a certification of hardship where individuals provide appropriate documentation in a form of financial records, medical information or other information evidencing extreme hardship. The Borough will address hardship applications on a case by case basis. The Borough in no event shall waive penalty or interest. [Ord. 1076]

3. The Borough shall attempt where possible to ascertain the record owner of the property to make certain that appropriate notice is sent to the owner of the property as well as the occupant. [Ord. 1076]

(Ord. 623, 6/15/1963, Art. III, §3.04; as amended by Ord. 1076, --/2005, §3)

**§18-112. Notice of Vacation of Premises or Change in Ownership; Responsibility for Sewer Rental Charges; Access to Vacated Premises.**

When premises are vacated, or a change in ownership is made, the owner or grantor must give notice in writing of the same to the Borough at the Borough building. Until such notice is properly given, the owner or grantor shall be responsible for all sewer rental charges. Owners desiring an abatement of sewer rental charges during a temporary vacancy shall also report the same in writing to the Borough at the Borough building. All such temporary vacancies shall date from the day when proper notice is given to the Borough and an allowance in sewer rental charges shall be made for the period of such temporary vacancy, but only if the property is vacant continuously for the entire quarter. In order to qualify for such abatement, owners must verify that the property will be vacant for the entire quarter. Said abatement may be granted for successive quarters provided the aforesaid written notice is given each quarter the property remains vacant. Said abatement is not available and/or will be forfeited if the property is not vacant for the entire quarter. Duly authorized agents of the Borough shall have access during reasonable hours of the day to all portions of such vacant property to make necessary inspections.

(Ord. 623, 6/15/1963, Art. III, §3.05)

**§18-113. Special Provisions Applicable to Certain Wastes.**

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

A. pH - 5.5 to 9.5.

B. B.O.D. - 250 parts per million.

C. Suspended Solids - 250 parts per million.

D. 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 that surcharge shall be set by Borough Council by amendment to this

Part.

(*Ord. 623, 6/15/1963, Art. III, §3.06*)

**§18-114. Special Contracts for Sewer Service Authorized.**

The Borough also reserves the right to enter into such contracts for sewer services which it deems necessary and advisable.

(*Ord. 623, 6/15/1963, Art. III, §3.07*)

**§18-115. Pledge of Revenues.**

It is the intent of the Borough to pledge all receipts and revenues derived under this article to the repayment of an interim loan with a bank to be designated by Council and/or the payment of the principal of and interest on the Sewer Revenue Bonds, Series A, of the Borough to be issued to finance the construction of the capital improvements to the sewer system contemplated in this Part.

(*Ord. 623, 6/15/1963, Art. IV, §4.01*)



**B. Sewer Rates and Charges****§18-121. Connection Charges for Washington Boulevard Sanitary Sewer Extension.**

The recitals of this Part are incorporated by reference hereto without the necessity of setting them forth at length.

(*Ord. 1014, 6/12/2001, §1*)

**§18-122. Fees for Connection.**

All prior ordinances purporting to set fees for connection to the Washington Boulevard Sanitary Sewer Extension are amended and/or repealed so as to provide that the fee for connection by any EDU to any new or existing portion of the Washington Boulevard Sanitary Sewer Extension shall be set at an amount as established from time to time by resolution of Borough Council.

(*Ord. 1014, 6/12/2001, §2; as amended by Ord. 1077, 5/23/2006*)

**§18-123. Connection Fee for Individuals.**

The connection fee for individuals qualifying under the guidelines set forth for AIM loan requirements shall be reduced and in accord with such Federal and local guidelines to reduce said charge on the basis required by said Federal and local guidelines.

(*Ord. 1014, 6/12/2001, §3*)

**§18-124. Fees for Connection by Residential Households.**

All other terms and provisions of existing ordinances concerning the Washington Boulevard Sanitary Sewer Extension are continued in full force and effect, and the purpose of this Part is to set the fees for connection per EDU by residential households to any new or existing portion of the Washington Boulevard Sanitary Sewer Extension and to permit qualified applicants a reduced connection fee.

(*Ord. 1014, 6/12/2001, §4*)



**Part 2****Sewer Line Maintenance****§18-201. Responsibility for Maintenance of Sewer Lines.**

From and after the effective date of this Part the Borough shall be responsible for the maintenance of only the main trunk lines of the Borough sanitary sewer system as has been established by prior ordinances. It shall be the responsibility of the property owners to maintain their respective laterals up to the point that those laterals tap into the main trunk line of the Borough sanitary sewer system.

(*Ord. 772, 3/14/1978, §1*)



**Part 3****Pretreatment Standards and Regulations****A. General Provisions****§18-301. Purpose and Policy.**

1. This Part sets forth uniform requirements for users of the publicly owned treatment works for the Borough of Glassport and enables the Municipal Authority of the Borough of Glassport to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC §1251 *et seq.*) and the General Pretreatment Regulations (40 CFR, Part 403). The objectives of this Part are:

A. To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation.

B. To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works.

C. To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.

D. To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works.

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works.

F. To enable the Borough of Glassport to comply with its national pollutant discharge elimination system permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the publicly owned treatment works is subject.

2. This Part shall apply to all users of the publicly owned treatment works. This Part authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(*Ord. 1015, 5/11/2001, §1.1*)

**§18-302. Administration.**

Except as otherwise provided herein, the Municipal Authority of the City of McKeesport shall administer, implement, and enforce the provisions of this Part. Any powers granted to or duties imposed upon the Municipal Authority of the Borough of Glassport may be delegated by the Authority to other Authority personnel.

(*Ord. 1015, 5/11/2001, §1.2*)

**§18-303. Abbreviations.**

The following abbreviations, when used in this Part, shall have the designated meanings:

*BOD* - Biochemical oxygen demand.

*CFR* - Code of Federal regulations.

*COD* - Chemical oxygen demand.

*EPA* - U.S. Environmental Protection Agency.

*GPD* - Gallons per day.

*MG/L* - Milligrams per liter.

*MACM* - Municipal Authority of the City of McKeesport.

*NPDES* - National pollutant discharge elimination system.

*POTW* - Publicly owned treatment works.

*RCRA* - Resource Conservation and Recovery Act.

*SIC* - Standard industrial classification.

*TSS* - Total suspended solids.

*USC* - United States Code.

(Ord. 1015, 5/11/2001, §1.3)

#### **§18-304. Definitions.**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Section, shall have the meanings hereinafter designated.

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

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

*Authorized representative of the user* -

(1) If the use is a corporation:

(a) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation.

(b) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the use is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in subsections (1) through (3), above, may designate another authorized representative if the authorization is in writing,

the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Municipal Authority of the Borough of Glassport.

*Biochemical Oxygen Demand or BOD* - the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for 5 days at 20° Centigrade, usually expressed as a concentration (e.g., mg/l).

*Categorical Pretreatment Standard or Categorical Standard* - any regulation containing pollutant discharge limits promulgated by EPA in accordance with §§307 (b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR, Chapter I, Subchapter N, Parts 405-471.

*City* - the city of McKeesport or the City Council of McKeesport or MACM.

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

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

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

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

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

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

*New source* -

(1) 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 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 of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsections (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this subsection has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program:

- 1) Any placement assembly or installation of facilities or equipment.
- 2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment.

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

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

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

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

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

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

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

*Pretreatment requirements* - any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

*Pretreatment standards or standards* - pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

*Prohibited discharge standards or prohibited discharges* - absolute prohibitions against the discharge of certain substances; these prohibitions appear in §18-305 of this Part.

*Publicly owned treatment works or POTW* - a “treatment works” as defined by §212 of the Act (33 USC §1292) which is owned by McKeesport or MACM. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

*Septic tank waste* - any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

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

*Significant industrial user* -

(1) A user subject to categorical pretreatment standards.

(2) A user that:

(a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater).

(b) Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant.

(c) Is designated as such by MACM on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standards or requirement.

(3) Upon finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW’s operation or for

violating any pretreatment standard or requirement, MACM may, at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR §403.8(f)(6), determine that such user should not be considered a significant industrial user.

*Slug load or slug* - any discharge of a non-routine episodic nature or a flow-rate of concentration which would cause a violation of the prohibited standards in §18-305 of this Part.

*Standard Industrial Classification (SIC) Code* - a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

*Stormwater* - any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

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

*User or industrial user* - a source of indirect discharge.

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

*Wastewater treatment plant or treatment plant* - that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(Ord. 1015, 5/11/2001, §1.4)

## B. General Sewer Use Requirements

### §18-305. Prohibited Discharge Standards.

1. *General Prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

2. *Specific Prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

A. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR §261.21.

B. Wastewater having a pH less than 5.0 or otherwise causing corrosive structural damage to the POTW or equipment.

C. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference.

D. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which either singly or by interaction with other pollutants, will cause interference with the POTW.

E. Wastewater with a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).

F. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.

G. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

H. Trucked or hauled pollutants, except at discharge points designated by MACM in accordance with §18-311 of this Part.

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

J. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating MACM NPDES permit.

K. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.

L. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically

authorized by MACM.

M. Sludges, screenings, or other residues from the pretreatment of industrial wastes.

N. Medical wastes, except as specifically authorized by MACM in a wastewater discharge permit.

O. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

P. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

Q. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5% or any single reading over 10% of the lower explosive limit of the meter.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

*(Ord. 1015, 5/11/2001, §2.1)*

#### **§18-306. National Categorical Pretreatment Standards.**

The categorical pretreatment standards found at 40 CFR, Chapter I, Subchapter N, Parts 405 - 471, are hereby incorporated.

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

B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, MACM shall impose an alternate limit using the combined wastestream formula in 40 CFR §403.6 (e).

C. A use may obtain a variance from a categorical pretreatment standard if the use can prove, pursuant to the procedural and substantive provisions in 40 CFR §403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

D. A user may obtain a new gross adjustment to a categorical standard in accordance with 40 CFR §403.15.

*(Ord. 1015, 5/11/2001, §2.2)*

#### **§18-307. Local Limits.**

1. No industrial user shall discharge wastewater containing a mass of any pollutant which, when taken together with the mass of that pollutant discharged by all other industrial users will cause the mass of the pollutant to exceed the mass of that pollutant specified in the headworks industrial allowance which has been approved by the Approval Authority for the POTW into which the industrial user discharges.

2. MACM may establish local limits regulating the discharge of specific pollutants by industrial users. Discharging any pollutant in excess of a local limit or an industrial user's permit shall constitute a violation of this Part.

*(Ord. 1015, 5/11/2001, §2.4)*

**§18-308. MACM's Right of Revision.**

MACM reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

*(Ord. 1015, 5/11/2001, §2.5)*

**§18-309. Dilution.**

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. MACM may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

*(Ord. 1015, 5/11/2001, §2.6)*



### **C. Pretreatment of Wastewater**

#### **§18-311. Pretreatment Facilities.**

Users shall provide wastewater treatment as necessary to comply with this Part and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in §18-305 of this Part within the time limitations specified by EPA, the State, or MACM, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to MACM for review, and shall be acceptable to MACM before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to MACM under the provisions of this Part.

*(Ord. 1015, 5/11/2001, §3.1)*

#### **§18-312. Additional Pretreatment Measures.**

1. Whenever deemed necessary, MACM may require users to restrict their discharge peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Part.

2. MACM may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

3. Grease, oil and sand interceptors shall be provided when, in the opinion of MACM, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand, except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by MACM and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and required regularly, as needed, by the user at their expense.

4. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

*(Ord. 1015, 5/11/2001, §3.2)*

#### **§18-313. Accidental Discharge/Slug Control Plans.**

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

- A. Description of discharge practices, including nonroutine batch discharges.
- B. Description of stored chemicals.

C. Procedures for immediately notifying MACM of any accidental or slug discharge, as required by §18-340 of this Part.

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

(*Ord. 1015, 5/11/2001, §3.3*)

**§18-314. Hauled Wastewater.**

1. Septic tank waste or municipal digested sewage sludge may be introduced into the POTW only at locations designated by MACM, and at such times as are established by MACM. Such waste shall not violate Part 3B or any other requirements established by MACM. MACM may require waste haulers to obtain wastewater discharge permits.

2. MACM shall require haulers of industrial waste to obtain wastewater discharge permits. MACM may require generators of hauled industrial waste to obtain wastewater discharge permits. MACM also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Part.

3. Industrial waste haulers may discharge loads only at locations designated by MACM. No load may be discharged without prior consent of MACM. MACM may collect samples of each hauled load to ensure compliance with applicable standards. MACM may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(*Ord. 1015, 5/11/2001, §3.4*)

**D. Wastewater Discharge Permit Application****§18-315. Wastewater Analysis.**

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

*(Ord. 1015, 5/11/2001, §4.1)*

**§18-316. Wastewater Discharge Permit Requirement.**

1. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from MACM, except that a significant industrial user that has filed a timely application pursuant to §18-317 of this Part may continue to discharge for the time period specified therein.

2. MACM may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Part.

3. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Part and subjects the wastewater discharge permittee to the sanctions set out in Part 3J through Part 3L. Obtaining a wastewater discharge permits does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

*(Ord. 1015, 5/11/2001, §4.2)*

**§18-317. Wastewater Discharge Permitting: Existing Connections.**

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Part and who wishes to continue such discharges in the future, shall, within 60 days after said date, apply to MACM for a wastewater discharge permit in accordance with §18-319 of this Part, and shall not cause or allow discharges to the POTW to continue after 120 days of the effective date of this Part except in accordance with a wastewater discharge permit issued by MACM.

*(Ord. 1015, 5/11/2001, §4.3)*

**§18-318. Wastewater Discharge Permitting: New Connections.**

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with §18-319 of this Part, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

*(Ord. 1015, 5/11/2001, §4.4)*

**§18-319. Wastewater Discharge Permit Application Contents.**

All users required to obtain a wastewater discharge permit must submit a permit application. MACM may require all users to submit as part of an application the

following information:

- A. All information required by §18-335.2 of this Part.
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation.
- D. Each product produced by type, amount, process or processed, and rate of production.
- E. Type and amount of raw materials processed (average and maximum per day).
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- G. Time and duration of discharges.
- H. Any other information as may be deemed necessary by MACM to evaluate the wastewater discharge permit application.

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

*(Ord. 1015, 5/11/2001, §4.5)*

#### **§18-320. Application Signatories and Certification.**

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

*(Ord. 1015, 5/11/2001, §4.6)*

#### **§18-321. Wastewater Discharge Permit Decisions.**

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

*(Ord. 1015, 5/11/2001, §4.7)*

**E. Wastewater Discharge Permit Issuance Process****§18-325. Wastewater Discharge Permit Duration.**

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

(*Ord. 1015, 5/11/2001, §5.1*)

**§18-326. Wastewater Discharge Permit Contents.**

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

**A. Wastewater discharge permits must contain:**

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed 5 years.

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to MACM in accordance with §18-329 of this Part, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(3) Effluent limits based on applicable pretreatment standards.

(4) Selfmonitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

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

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges.

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(8) Other conditions as deemed appropriate by MACM to ensure compliance with this Part, and State and Federal laws, rules, and regulations.

*(Ord. 1015, 5/11/2001, §5.2)*

### **§18-327. Wastewater Discharge Permit Appeals.**

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

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

D. If MACM fails to act within 60 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Allegheny County Court of Common Pleas.

*(Ord. 1015, 5/11/2001, §5.3)*

### **§18-328. Wastewater Discharge Permit Modification.**

MACM may modify a wastewater discharge permit for good cause including, but not limited to, the following reasons:

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

B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

D. Information indicating that the permitted discharge poses a threat to

MACM's POTW, MACM personnel, or the receiving waters.

- E. Violation of any terms or conditions of the wastewater discharge permit.
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or any required reporting.
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR §403.13.
- H. To correct typographical or other errors in the wastewater discharge permit.
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

(*Ord. 1015, 5/11/2001, §5.4*)

**§18-329. Wastewater Discharge Permit Transfer.**

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

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
- B. Identifies the specific date on which the transfer is to occur.
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit application.
- D. Falsifying self monitoring reports.
- E. Tampering with monitoring equipment.
- F. Refusing to allow MACM timely access to the facility premises and records.
- G. Failure to meet effluent limitations.
- H. Failure to pay fines.
- I. Failure to pay sewer charges.
- J. Failure to meet compliance schedules.
- K. Failure to complete a wastewater survey or the wastewater discharge permit application.
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility.
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Part.

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

(*Ord. 1015, 5/11/2001, §5.5*)

**§18-330. Wastewater Discharge Permit Reissuance.**

A user with an expiring wastewater discharge permit shall apply for a wastewater

discharge permit reissuance by submitting a complete permit application, in accordance with §18-319 of this Part, a minimum of 180 days prior to the expiration of the user's existing wastewater discharge permit.

(*Ord. 1015, 5/11/2001, §5.7*)

**§18-331. Regulation of Waste Received from Other Jurisdictions.**

1. If another municipality, or user located within another municipality, contributes wastewater to the POTW, MACM shall enter into an intermunicipal agreement with the contributing municipality.

2. Prior to entering into an agreement required by subsection .1, above, MACM shall request the following information from the contributing municipality:

A. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality.

B. An inventory of all users located within the contributing municipality that are discharging to the POTW.

C. Such other information as MACM may deem necessary.

3. An intermunicipal agreement, as required by subsection .1 above, shall contain the following conditions:

A. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in §18-308 of this Part. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to MACM's ordinance or local limits.

B. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis.

C. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement will be conducted by the contributing municipality; which of these activities will be conducted by MACM; and which of these activities will be conducted jointly by the contributing municipality and MACM; and which of these activities will be conducted jointly by the contributing municipality and MACM.

D. A requirement for the contributing municipality to provide MACM with access to all information that the contributing municipality obtains as part of its pretreatment activities.

E. A provision ensuring MACM access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by MACM.

(*Ord. 1015, 5/11/2001, §5.8*)

## F. Reporting Requirements

### §18-335. Baseline Monitoring Reports.

1. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6 (a) (4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to MACM a report which contains the information listed in subsection .2, below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to MACM a report which contains the information listed in subsection .2, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

2. Users described above shall submit the information set forth below.

A. *Identifying Information.* The name and address of the facility, including the name of the operator and owner.

B. *Environmental Permits.* A list of any environmental control permits held by or for the facility.

C. *Description of Operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

D. *Flow Measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR §403.6 (e).

E. *Measurement of Pollutants.*

(1) The categorical pretreatment standards applicable to each regulated process.

(2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by MACM, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in §18-344 of this Part.

(3) Sampling must be performed in accordance with procedures set out in §18-345 of this Part.

F. *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

G. *Compliance Schedule.* If additional pretreatment and/or O&M will be

required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in §18-336 of this Part.

H. *Signature and Certification* All baseline monitoring reports must be signed and certified in accordance with §18-320 of this Part.

(Ord. 1015, 5/11/2001, §6.1)

### **§18-336. Compliance Schedule Progress Reports.**

The following conditions shall apply to the compliance schedule required by §18-335.2.G of this Part:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).

B. No increment referred to above shall exceed 9 months.

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

D. In no event shall more than 9 months elapse between such progress reports to MACM.

(Ord. 1015, 5/11/2001, §6.2)

### **§18-337. Reports on Compliance with Categorical Pretreatment Standard Deadline.**

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to MACM a report containing the information described in §18-335.2.D - .F of this Part. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR §402.6 (c), this report shall contain reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with §18-320 of this Part.

(Ord. 1015, 5/11/2001, §6.3)

**§18-338. Periodic Compliance Reports.**

1. All significant industrial users shall, at a frequency determined by MACM but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of a pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with §18-320 of this Part.

2. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

3. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by MACM, using the procedures prescribed in §18-345 of this Part, the results of this monitoring shall be included in the report.

*(Ord. 1015, 5/11/2001, §6.4)*

**§18-339. Reports of Changed Conditions.**

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

A. MACM may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under §18-319 of this Part.

B. MACM may issue a wastewater discharge permit under §18-321 of this Part or modify an existing wastewater discharge permit under §18-319 of this Part in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater, and the discharge of any previously unreported pollutants.

*(Ord. 1015, 5/11/2001, §6.5)*

**§18-340. Reports of Potential Problems.**

1. In the case of any discharge including, but not limited to, accidental discharges, discharges of nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify MACM of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

2. Within 5 days following such discharge the user shall, unless waived by MACM, submit a detailed written report describing the cause (s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any

finances, penalties, or other liability which may be imposed pursuant to this Part.

3. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection .1, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

*(Ord. 1015, 5/11/2001, §6.6)*

**§18-341. Reports from Unpermitted Users.**

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to MACM as MACM may require.

*(Ord. 1015, 5/11/2001, §6.7)*

**§18-342. Notice of Violation/Repeat Sampling and Reporting.**

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

*(Ord. 1015, 5/11/2001, §6.8)*

**§18-343. Notification of the Discharge of Hazardous Waste.**

1. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under §18-339 of this Part. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§18-335, 18-437, and 18-440 of this Part.

2. Dischargers are exempt from the requirements of subsection .1, above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §261.30 (d) and 261.33 (e). discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR §261.30 (d) and 261.33 (e), requires a onetime notification. Subsequent months

during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

3. In the case of a new regulation under §3001 of RCRA identifying additional characteristics hazardous waste or listing any additional substance as a hazardous waste, the user must notify MACM, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

4. In the case of any notification made under this Section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

5. This provision does not create a right to discharge any substance to otherwise permitted to be discharged by this Part, a permit issued thereunder, or any applicable Federal or State law.

*(Ord. 1015, 5/11/2001, §6.9)*

#### **§18-344. Analytical Requirements.**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application prescribed in 40 CFR, Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR, Part 136, does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

*(Ord. 1015, 5/11/2001, §6.10)*

#### **§18-345. Sample Collection.**

1. Except as indicated in subsection .2, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional samplings is infeasible, MACM may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

*(Ord. 1015, 5/11/2001, §6.11)*

#### **§18-346. Timing.**

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

*(Ord. 1015, 5/11/2001, §6.12)*

#### **§18-347. Records.**

Users subject to the reporting requirements of this Part shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Part and additional records of information

obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the date analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least 3 years. This period shall be automatically extended for the duration of any litigation concerning the user or MACM, or where the user has been specifically notified of a longer retention period by MACM.

*(Ord. 1015, 5/11/2001, §6.13)*

## **G. Compliance Monitoring**

### **§18-351. Right of Entry: Inspection and Sampling.**

MACM shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. User shall allow MACM ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, with its security guards so that, upon presentation of suitable identification, MACM will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. MACM shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

C. MACM may require that user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of MACM and shall not be replaced. The costs or clearing such access shall be borne by the user.

E. Unreasonable delays in allowing MACM access to the user's premises shall be a violation of this Part.

*(Ord. 1015, 5/11/2001, §7)*



## **H. Confidential Information**

### **§18-355. Requesting Confidentiality.**

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

*(Ord. 1015, 5/11/2001, §8)*



**I. Publication of Users in Significant Noncompliance****§18-361. The Noncompliance List.**

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

A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a 6-month period equals or exceeds the product of the daily maximum limit or average limit for the same pollutant parameter by any amount.

B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

C. Any other discharge violation that MACM believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in MACM's exercise of its emergency authority to halt or prevent such a discharge.

E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

F. Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.

G. Failure to accurately report noncompliance.

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

(Ord. 1015, 5/11/2001, §9)



**J. Administrative Enforcement Remedies****§18-365. Notification of Violation.**

When MACM finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, MACM may serve upon that user a written Notice of explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to MACM. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Section shall limit the authority of MACM to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

*(Ord. 1015, 5/11/2001, §10.1)*

**§18-366. Consent Orders.**

MACM may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§18-368 and 18-469 of this Part and shall be judicially enforceable.

*(Ord. 1015, 5/11/2001, §10.2)*

**§18-367. Show Cause Hearing.**

MACM may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before MACM and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

*(Ord. 1015, 5/11/2001, §10.3)*

**§18-368. Compliance Orders.**

When MACM finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, MACM may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders

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

(*Ord. 1015, 5/11/2001, §10.4*)

#### **§18-369. Cease and Desist Orders.**

When MACM finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, MACM may issue an order to the user directing it to cease and desist all such violations and directing the user to:

A. Immediately comply with all requirements.

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

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

(*Ord. 1015, 5/11/2001, §10.5*)

#### **§18-370. Administrative Fines.**

1. When MACM finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, MACM may assess a civil penalty in an amount not to exceed \$25,000 per day for each violation. Each violation for each separate day shall constitute a separate and distinct offense. MACM may recover its costs for reestablishing the operating of the POTW in addition to any civil penalty imposed hereunder. In addition, MACM may recover attorney's fees, all court costs, and all other expenses of litigation to the extent permitted by law.

2. Users desiring to dispute such fines must file a written request for MACM to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, MACM may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. MACM may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

3. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(*Ord. 1015, 5/11/2001, §10.6*)

#### **§18-371. Emergency Suspensions.**

1. MACM may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened

discharge which reasonable appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. MACM may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

2. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, MACM may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. MACM may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of MACM that the period of endangerment has passed unless the termination proceedings in §18-372 of this Part are initiated against the user.

3. A user that is responsible, in whole or in part for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to MACM prior to the date of any show cause or termination hearing under §§18-367 or 18-472 of this Part.

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

*(Ord. 1015, 5/11/2001, §10.7)*

**§18-372. Termination of Discharge.**

In addition to the provisions in §18-330 of this Part, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions.
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge.
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge.
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.
- E. Violation of the pretreatment standards in Part 3B.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under §18-367 of this Part why the proposed action should not be taken. Exercise of this option by MACM shall not be a bar to, or prerequisite for, taking any other action against the user.

*(Ord. 1015, 5/11/2001, §10.8)*



**K. Judicial Enforcement Remedies****§18-375. Injunctive Relief.**

When MACM finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, MACM may petition the Court of Common Pleas of Allegheny County through MACM's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. MACM may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the user.

(*Ord. 1015, 5/11/2001, §11.1*)

**§18-376. Civil Penalties.**

1. A user who has violated, or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to MACM for a maximum civil penalty not to exceed \$25,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.

2. MACM may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by MACM.

3. In determining the amount of civil liability, the Court shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, and any other factor as justice requires.

4. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against the user.

(*Ord. 1015, 5/11/2001, §11.2*)

**§18-377. Criminal Penalties.**

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or pretreatment permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Part any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. Each occurrence shall be a separate offense. This Section shall not preclude prosecution under the Pennsylvania Crimes Code.

(*Ord. 1015, 5/11/2001, §11.3; as amended by Ord. 1077, 5/23/2006*)

**§18-378. Remedies.**

The remedies provided for in this Part are not exclusive. MACM may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with MACM's enforcement response plan. However, MACM may take other action against any user when the circumstances warrant. Further, MACM is empowered to take more than one enforcement action against any noncompliant user.

*(Ord. 1015, 5/11/2001, §11.4)*

**L. Affirmative Defenses to Discharge Violations****§18-381. Upset.**

1. For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection .3, below, are met.

3. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

A. An upset occurred and the user can identify the cause(s) of the upset.

B. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

C. The user has submitted the following information to MACM within 24 hours of becoming aware of the upset.

(1) A description of the indirect discharge and cause of noncompliance.

(2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

(3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(*Ord. 1015, 5/11/2001, §13.1*)

**§18-382. Prohibited Discharge Standards.**

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general provisions in §18-311.1 of this Part or the specific prohibitions in §18-311.2.C through .Q excluding .H of this Part if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference.

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

(Ord. 1015, 5/11/2001, §13.2)

**§18-383. Bypass.**

1. For the purposes of this Section:

*Bypass* - the intentional diversion of wastestreams from any portion of a user's treatment facility.

*Severe property damage* - substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonable be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2. A user may allow any by pass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections .3 and .4 of this Section.

3. *Notice Needed.*

A. If a user knows in advance of the need for a bypass, it shall submit prior notice to MACM, at least 10 days before the date of the bypass, is possible.

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

4. *Exceptions.*

A. Bypass is prohibited, and MACM may take enforcement action against the user for a bypass, unless:

(1) Bypass was unavoidable to prevent loss of like, personal injury, or severe property damage.

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.

(3) The user submitted notices as required under subsection .3 of this Section.

B. MACM may approve an anticipated bypass, after considering its adverse effects, if MACM determines that it will meet the three conditions listed in subsection .4.A of this Section.

*(Ord. 1015, 5/11/2001, §13.3)*



**M. Miscellaneous Provisions****§18-385. Pretreatment Charges and Fees.**

MACM may adopt reasonable fees for reimbursement of costs of setting up and operating MACM's pretreatment program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications.
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users.
- C. Costs for reviewing and responding to accidental discharge procedures and construction.
- D. Costs for filing appeals.
- E. Other fees and costs as MACM may deem necessary to carry out the requirements contained herein. These relate solely to the matters covered by this Part and are separate from all other fees, fines, and penalties chargeable by the Federal or State governmental agencies.

*(Ord. 1015, 5/11/2001, §15.1)*

