

Chapter 18

Sewers and Sewage Disposal

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Part 1**Sewer Connections****A. Sewer Tapping, Connection and Facilities Fees****§18-101. Fees.**

1. The Borough of West Homestead, by its Borough Council, hereby ordains, enacts and establishes the following schedule of tapping fees and connection and facilities fees regarding the sanitary collection sewer system in the Borough of West Homestead:

- A. Sanitary Connection Fee \$ 75.00 per Connection.
- B. Sanitary Facilities Fee \$ 75.00 per Connection.
- C. Sanitary Sewer Tapping Fee \$1,900.00 per Equivalent Dwelling Unit ("EDU"), composed of: [*Ord. 595*]
 - (1) Collection Portion \$ 300.00 [*Ord. 595*]
 - (2) Capacity Portion \$1,600.00 [*Ord. 595*]
 - (3) Special Purpose Portion \$ 0.00
 - (4) Reimbursement Portion \$ 200.00 (only if and where applicable)

2. For the purposes of calculating the sanitary sewer tapping fee, as set forth above, an EDU shall be equal to 150 gallons per day of water consumption. A non-residential applicant's estimate of water consumption is subject to approval by the Borough Engineer. Fees shall be payable at the time of application for sewer service. Allocations of sewage capacity must be used within 2 years of approval or the allocation and the fees paid will be forfeited and the applicant shall have to re-apply and pay a new fee based upon the fee schedule then and there in effect.

(*Ord. 572, 5/12/1998; as amended by Ord. 595, 9/9/2003*)

B. Sewer Connection Testing.**§18-111. Definitions.**

The terms used in this Part shall have the meanings set forth as follows:

Applicant - a person applying for a certificate of compliance or temporary certificate of compliance. [Ord. 604]

Building sewer - a sewer which conveys sewage but does not convey stormwater. [Ord. 608]

Building trap - (house trap) a device, fitting, or assembly of fittings installed in the building drain to prevent the entrance of sewer gas into the drainage system of the building from the building sewer or main sewer; to provide a circulation of fresh air for the drainage system through the fresh air inlet of the house or building trap and the soil and vent stacks. [Ord. 608]

Cash security - cash, certified check, or treasurer's check. [Ord. 604]

Council - the governing body of the Borough of West Homestead.

Dye test - any commonly accepted method of testing whereby dye is introduced into the storm, surface or subsurface water collection system and downspouts of structures or improvements to real property to determine if surface stormwater is entering into the sanitary sewer system. [Ord. 604]

Date of sale - the date of sale is the date of closing.

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

Fresh air vent - the fresh air inlet opening to the exterior atmosphere connected to the sanitary building sewer on the outside of the building, on the building side of the building trap. [Ord. 608]

Ground surface - the surface of the ground, which may be earth, vegetated or bare, or pavement in driveway, patio, entry way or some other surface at ground level. [Ord. 608]

Home inspector - a person registered with the Borough who performs stormwater dye tests.

Illegal storm or surface water connections - the discharge of basement seepage or ground water, or the connection of downspouts, roof drainage, or surface or areaway drainage into the sanitary sewer system.

Improved and sewered real property - real property on which any building, driveway, or parking pad, other surface or subsurface structure or improvement has been constructed, installed or erected, where the real property or any improvement on the real property is connected to the sanitary sewer system.

Municipal Engineer - the person officially appointed by the governing body to enforce this Part or any other entity so designated by the Borough Council.

Municipal lien letter - a written letter from the Borough concerning municipal

liens and claims.

Borough Secretary - the person officially appointed by the governing body to administer and enforce all laws and ordinances of the Borough and be responsible for the proper administration of all affairs of the Borough.

Person - any natural person, association, partnership, corporation, syndicate, institution, agency, authority, or other entity recognized by law as the subject of rights and duties. [Ord. 604]

Sanitary sewer system - the sanitary sewer lines and related facilities maintained and operated by the Borough of West Homestead. [Ord. 604]

Sell or transfer - the sale, transfer, or assignment of any interest in real property; provided, however, that a refinancing of real property, without a conveyance, is not a sale or transfer under this Ordinance. [Ord. 604]

Surface stormwater - surface water and ground water including but not limited to roof and driveway drainage, basement seepage, and surface and areaway drainage. [Ord. 604]

Temporary evidence of compliance - a temporary statement from the Borough used pursuant to the terms of §18-114 of this Part.

Vent stack - the portion of the building trap assembly rising from the trap to the ground surface. [Ord. 608]

(Ord. 594, 9/9/2003, §1; as amended by Ord. 604, 9/14/2004, §1; and by Ord. 608, 2/8/2005, §A)

§18-112. Unlawful Connections and Fresh Air Vents.

1. After the effective date of this Part, it shall be unlawful for any rain leader, roof drain, downspout, gutter, parking lot drain, driveway drain, interior or exterior sump, French drain, spring or other collector or source of surface stormwater including, but not limited to, the fresh air vent of the improved and sewered property's sanitary sewer, to connect to the sanitary sewer system.

2. It shall be unlawful for any fresh air vent to be located less than 1 inch above the surrounding ground surface. Where the building sewer exits the building beneath a paved or other surface where the fresh air vent would pose an obstruction or hazard, a tee may be placed in the vent stack to permit installation of the fresh air vent at a location that is not an obstruction or hazard, and the opening at the ground surface shall be replaced with a removable plug to allow inspection and maintenance of the sanitary building sewer. The intent of this Section is to comply with the standards of §1302 of the Allegheny County Plumbing Code, and any future amendments thereto which provides that "stormwater shall not be drained into sewers intended for sewage only." The fresh air vent may be required to be higher than 1 inch above the ground surface to comply with the Allegheny County Plumbing Code.

(Ord. 594, 9/9/2003; as added by Ord. 604, 9/14/2004, §2; and as amended by Ord. 608, 2/8/2005, §B)

§18-113. Proof of Compliance on Sale or Transfer.

After the date of this Part, it shall be unlawful for any person to sell or transfer improved and sewered real property located within the Borough of West Homestead

without having obtained and delivered to the buyer or transferee, at or prior to closing or transfer, a certificate of compliance or temporary certificate of compliance for the property being sold or transferred.

(*Ord. 594, 9/9/2003*; as added by *Ord. 604, 9/14/2004, §3*)

§18-114. Application for Certificate of Evidence of Compliance.

1. At least 14 days prior to the date of closing or transfer of any improved real property located within the Borough of West Homestead, the seller or transferor or its agent shall submit to the Borough an application for certificate of compliance, completed as required by subsection .2 below. The certificate of compliance form shall be available upon request from the Borough of West Homestead. The fee for filing the completed application for certificate of compliance shall be established by the Borough Council of Borough of West Homestead from time to time by resolution.

2. Prior to the sale or transfer of any improved real property located within the Borough of West Homestead, the seller or transferor shall have a dye test of the property performed by a registered master plumber or approved home inspector licensed by the Allegheny County Health Department to perform such tests or by such other person designated or approved by the Borough of West Homestead. Upon completion of the dye test, the person who performed the test shall complete the appropriate section of the application for certificate of compliance, conforming that the property has been dye tested and certifying the results of the test.

(*Ord. 594, 9/9/2003*; as added by *Ord. 604, 9/14/2004, §4*)

§18-115. Issuance of Certificate of Evidence of Compliance.

1. If the application for certificate of compliance, properly completed and filed with designated filing fee indicates that there are no connections of surface stormwater to the sanitary sewer system, then the borough shall issue the certificate of compliance within 10 days of application therefor.

2. If the dye test reveals the existence of one or more surface stormwater connection to the sanitary sewer system, the Borough shall not issue the certificate of compliance until the connections have been removed and a plumber licensed by the Allegheny County Health Department or other person approved the Borough of West Homestead to do so has certified that there is no connection of surface stormwater to the sanitary sewer system from the property to be sold or transferred.

(*Ord. 594, 9/9/2003, §2*; as amended by *Ord. 604, 9/14/2004, §5*)

§18-116. Temporary Certificate of Evidence of Compliance.

1. When a surface stormwater connection to the sanitary sewer system is discovered and the necessary work to remove the connection would require a length of time such as to create a hardship for the seller or applicant, the seller or applicant may apply to the Borough for a temporary certificate of compliance. The seller or applicant must submit the following with the properly completed application:

A. A bona fide executed contract with a plumber registered and licensed by the Allegheny County Health Department requiring the plumber to complete the remedial work necessary to the removal of the connections of Department requiring the plumber to complete the remedial work necessary to the removal of the

connections of surface stormwater to the sanitary sewer system and granting the Borough of West Homestead the right and power to enforce the contract.

B. Cash security in an amount equal to 110% of the contract described in subsection .1.A above.

C. The agreement of the purchaser or transferee to be responsible for all cost overruns related to the remedial work, together with a license from the purchaser or transferee to the Borough of West Homestead its agents, contractors, and employees, to enter upon the property to complete the remedial work in case of default by the contractor or the applicant.

D. The filing fee established by the Borough Council of the Borough of West Homestead from time to time by resolution.

2. When dye testing cannot be performed because of weather conditions, the seller or applicant may apply to the Borough for a Temporary Certificate of Compliance. The seller or applicant must submit the following with the properly completed Application.

A. Cash security in the amount of \$200.

B. The written, signed agreement of the purchaser or transferee to correct, at the purchaser's or transferee's sole expense, any surface stormwater connections to the sanitary sewer system disclosed by the subsequent dye test, together with a license form the purchaser or transferee to the Borough of West Homestead, its agents, contractors, and employees, to enter upon the property to conduct the dye testing should the applicant fail to do so. Nothing in this subsection .2 shall prohibit any purchaser or transferee from requiring the applicant to reimburse the purchaser or transferee for any costs incurred in connection with such remedial work; provided, however, that-primary responsibility for the remedial work and all costs thereof shall run with the land, and no such agreement shall affect the Borough's enforcement powers or excuse the current owner of the property from performance.

C. The filing fee established by the Borough of the Borough of West Homestead from time to time by resolution.

3. The Borough may reject the application for temporary certificate of compliance whenever, in its judgment, the conditions defined by this Section do not exist or the submission required by this Section have not been made.

4. The temporary certificate of compliance shall be effective for 60 days, and the expiration date of the temporary certificate of compliance shall be noted on the certificate, if, upon the expiration of the temporary certificate of compliance, the seller or applicant has not applied for and received a certificate of compliance, as provided for in §18-114 and §18-115 of this Part, the cash security shall be forfeited, and the Borough of West Homestead may use the funds to complete the remedial work or the dye testing.

5. The application for temporary certificate of compliance form shall be available upon request from the Borough.

(*Ord. 594, 9/9/2003, §3; as amended by Ord. 604, 9/14/2004, §6*)

§18-117. Municipal Lien and Tax Verification Letters.

A request to the Borough of West Homestead for a municipal lien letter or tax

verification letter must be accompanied by a valid certificate of compliance or temporary certificate of compliance and by the appropriate fee, which shall be established by the Borough Council of the Borough of West Homestead from time to time by resolution. The Borough of West Homestead shall issue the municipal lien letter or tax verification letter within 7 days of receipt of the appropriately documented request and the applicable fee.

(*Ord. 594, 9/9/2003, §4; as amended by Ord. 604, 9/14/2004, §7*)

§18-118. Expiration of Certificate of Compliance.

A certificate of compliance issued under this Part shall be valid for a period of 1 year from the date of issuance.

(*Ord. 594, 9/9/2003; as added by Ord. 604, 9/14/2004, §8*)

§18-119. Regulations.

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

(*Ord. 594, 9/9/2003, §5; as amended by Ord. 604, 9/14/2004, §9*)

§18-120. Conflict with General Police Powers.

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

(*Ord. 594, 9/9/2003, §7; as amended by Ord. 604, 9/14/2004, §10*)

§18-121. Penalties.

1. Any person, firm or corporation who shall violate any provisions 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.

2. Any plumber or inspector who falsifies information to be submitted to the Borough shall be banned from performing work in the Borough of West Homestead for a period of 5 years from the date of the falsification, and upon conviction before any magisterial district judge, shall be sentenced to pay a fine of \$2,500 and agrees to forfeit his Allegheny County plumbing license for a period of 5 years from the date of the conviction.

(*Ord. 594, 9/9/2003; as added by Ord. 604, 9/14/2004, §11; as amended by Ord. 623, 2/14/2006*)

Part 2**Rates and Charges****§18-201. Rates.**

There is hereby imposed and established rates and/or charges for the use and service of the various sewer systems in the Borough of West Homestead, (hereinafter "Borough") said rates and/or charges being based on the quantity of water used, and providing that all users of the various sanitary sewer systems in the Borough shall be charged the rates hereinafter set forth on a monthly basis, based upon the users' water consumption for the corresponding month of each calendar year:

- A. The rate of \$2.10 per 1,000 gallons of water used.
- B. The sum of \$75 shall be the minimum monthly rate of all users.
- C. A customer service charge of \$.40 per bill.
- D. Garbage disposal service: \$.40 per month for each applicable user.

(*Ord. 596, 12/29/2003, §I*)

§18-202. Charges Collected.

Charges for said sanitary sewerage service shall be made monthly, and collected by the Pennsylvania-American Water Company, (hereinafter "PA American"), as an addition to, but part of, its normal customer billings. All bills shall be rendered as of the first day of the month following the month for which charges are made and shall be due and payable within 30 days from the date of the statement. Upon collection of the afore described sanitary sewerage service charges PA American shall pay same to the Borough accompanied by an accounting of said collections.

(*Ord. 596, 12/29/2003, §II*)

§18-203. Unpaid Charges.

In the event the charges for said sanitary sewerage service remain unpaid for a period of 30 days from the date of said statement for such services, such charges shall be deemed, and are hereby declared, to be delinquent, after which a penalty of 10% of the amount of said statement shall be added and shall bear interest at the rate of 1% per month upon 110% of the sewage charge, or fraction thereof, until paid, and shall be a lien upon the real property to which said rental or service charge applies from the date said rental or service charge becomes due and payable. Said sewer rental or service charge, if not paid within 30 days, may be collected as provided by law, including an action of assumpsit and/or distress of personal property against both the owner of the premises and the user, if not the owner, or by lien filed in the nature of a municipal lien or claim. In addition, the Borough reserves the right to terminate water service after notice, according to law and ordinance.

(*Ord. 596, 12/29/2003, §III*)

§18-204. Imposition of Rates and Charges.

The rates and charges herein established shall be imposed upon and collected from

the owner, tenant or occupant of each lot or parcel of land in the Borough serviced by a sanitary sewer owned, maintained or operated by the Borough from which sewerage, waste, or water enter the Borough's sewer system.

(Ord. 596, 12/29/2003, §IV)

Part 3**Prohibited Discharges****§18-301. Purpose.**

For the purposes of this Part, the following terms shall have the meanings hereinafter designated:

A. *Interference.* The term "interference" shall mean any inhibition or disruption of the ALCOSAN facilities, its treatment processes or operations, its sludge processes, use or disposal, or of any sewer, pipe or other conveyance located in the Borough, and transmitting substances into the ALCOSAN facilities, which is a cause of and significantly contributes to either a violation of any requirement of ALCOSAN's National Pollution Discharge Elimination System Permit (hereinafter called "NPDES permit") including an increase in the magnitude or duration of a violation or to the prevention of sewage sludge use or disposal by ALCOSAN in accordance with the following statutory provisions and rules, regulations or permits issued thereunder: Pennsylvania Sewage Facilities Act (35 P.S. §750.1 *et seq.*), Pennsylvania Clean Streams Act (35 P.S. §691.1, *et seq.*), Pennsylvania Solid Waste Management Act (35 P.S. §6018:101), Federal Water Pollution Control Act (33 U.S.C. §1251 *et seq.*), the Solid Waste Disposal Act (42 U.S.C. §6901 *et seq.*), including Title 11, more commonly referred to as the Resource Conservation and Recovery Act and including all Commonwealth of Pennsylvania statutes and Pennsylvania Department of Environmental Resources Regulations prepared pursuant to Subtitle D of the Solid Waste Disposal Act, the Clean Air Act (42 U.S.C. §6901 *et seq.*), and the Toxic Substances Control Act (15 U.S.C. §2601 *et seq.*), County of Allegheny Health Code and the Pollution Control Standards of the Ohio River Valley Water Sanitation Commission. (All such statutory provisions, rules, regulations or permits are hereinafter collectively called "laws"). A user significantly contributes to such a permit violation or prevention or sludge use or disposal in accordance with the above-cited laws whenever such user:

(1) Discharges daily pollutant loading in excess of that allowed by permit or by contract with ALCOSAN or by Federal, Commonwealth of Pennsylvania, County of Allegheny, ALCOSAN or Borough laws, ordinances, rules or regulations.

(2) Discharges wastewater which substantially differs in nature or constituents from the user's average discharge.

(3) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in violation of ALCOSAN's NPDES permit or prevent sewage sludge use or disposal in accordance with the above-cited laws as they apply to ALCOSAN's selected method of sludge management.

B. *Pass Through.* The term "pass through" shall mean any discharge of pollutant through the facilities of ALCOSAN into navigable waters or any stream in the Commonwealth of Pennsylvania in quantities or concentrations which are a cause of and significantly contribute to a violation of any requirement of

ALCOSAN's NPDES permit (including an increase in the magnitude or duration of a violation). A user significantly contributes to such a permit violation where it:

(1) Discharges a daily pollutant loading in excess of that allowed by permit or by contract with ALCOSAN or by Federal, Commonwealth of Pennsylvania, County of Allegheny, ALCOSAN or the Borough laws, ordinances, rules or regulations.

(2) Discharges wastewater which substantially differs in nature or constituents from the user's average discharge.

(3) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation.

(4) Knows or has reason to know that ALCOSAN is, for any reason, violating its final effluent limitations in its permit and that such user's discharge either alone or in conjunction with discharges from other sources, creases the magnitude or duration of ALCOSAN's violations.

(Ord. 486, 9/11/1984, §1)

§18-302. Interference Prohibited.

No person, firm, association or corporation shall introduce or cause to be introduced, directly or indirectly into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the Borough and transmitting substances into the facilities of ALCOSAN, any toxic substance, pollutant or other wastewater which will (A) cause interference with the operation or performance of ALCOSAN's treatment plant or other facilities or (B) pass through ALCOSAN's treatment plant or other facilities.

(Ord. 486, 9/11/1984, §2)

§18-303. Prohibited Substances.

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

A. Any pollutant or wastewater which will interfere with or substantially adversely affect the operation or performance of the ALCOSAN treatment plant, or pass through said plant into navigable waters or streams of the Commonwealth of Pennsylvania in quantities or concentrations which are a cause of and significantly contributes to a violation of any requirement of the above-cited laws or the ALCOSAN NPDES permit, or adversely affect the use or disposal of ALCOSAN sludge or other residues.

B. Any substance which will endanger the life, health or safety of the treatment plant, sewer maintenance and plant operations personnel or which would preclude safe entry into the sewer system or any portion of the treatment plant.

C. Any ignitable, reactive, explosive or corrosive waste.

D. All wastes that are defined or listed as hazardous under the regulations enacted by agencies of the Federal Government or the Commonwealth of

Pennsylvania.

E. Any wastewater with a temperature great enough to inhibit biological activity in the ALCOSAN treatment plant.

F. Any waste which exceeds the naturally occurring background levels for either alpha, beta or gamma radiation and/or any wastewater containing any radioactive wastes or isotopes of such half-life or concentration not in compliance with applicable State or Federal regulations.

G. Any solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of ALCOSAN's facilities or facilities discharging into the ALSOCAN system.

H. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes may create a public nuisance or adversely affect public health or safety.

I. Pathological wastes from a hospital or other medical establishment.

J. Garbage, whether ground or not, except properly shredded food waste garbage resulting from the proper use of a garbage grinder or disposer of a type approved by ALCOSAN and maintained in good operating condition.

K. Sludges or other materials from septic tanks or similar facilities or from sewage or industrial waste treatment plants or from water treatment plants; unless the discharge of such sludges and other materials is specifically approved by ALCOSAN.

L. Any substance which violates discharge regulations as established by authorized agencies of the Federal Government, the Commonwealth of Pennsylvania, the Ohio River Valley Water Sanitation Commission, Allegheny County or ALCOSAN.

(Ord. 486, 9/11/1984, §3)

§18-304. Toxic Substances Prohibited.

No person, firm, association or corporation shall introduce or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the Borough and transmitting substances into the facilities of the Sanitary Authority, any toxic substance, pollutant or other wastewater, in violation of a National Categorical or General Pretreatment Standards promulgated by the U.S. Environmental Protection Agency pursuant to §§307(b) and (c) of the Federal Water Pollution Control Act (33 U.S.C. §1317(b) and (c)).

(Ord. 486, 9/11/1984, §4)

§18-305. Violation of Federal Regulation Prohibited.

No person, firm, association or corporation shall take any action or do or cause to be done any thing in violation of any provision of the Federal Water Pollution Control Act or of any regulation promulgated by the U.S. Environmental Protection Agency pursuant thereto.

(Ord. 486, 9/11/1984, §5)

§18-306. Violation of ALCOSAN Regulations Prohibited.

No person, firm, association or corporation shall take any action or do or cause to be done any thing in violation of any rule or regulation of ALCOSAN or of laws, ordinances, rules or regulations of the Commonwealth of Pennsylvania, the County of Allegheny, the Ohio River Valley Water Sanitation Commission or the Borough pertaining to sewage discharge, introduction or treatment.

(*Ord. 486, 9/11/1984, §6*)

§18-307. Penalty.

Any person, firm or corporation who shall violate any provisions 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, shall be subject to imprisonment in the Allegheny County jail for a period not exceeding 30 days. Each day that a violation is continued shall constitute a separate offense. In the case of firms or associations, the penalty may be imposed upon the partners or members thereof, and in the case of corporations upon the officers thereof.

(*Ord. 486, 9/11/1984, §7; as amended by Ord. 623, 2/14/2006*)