

**Application of Pennsylvania-American Water Company for Acquisition of Assets of
The Municipal Authority of the City of McKeesport
66 Pa. C.S. §1329
Application Filing Checklist – Water/Wastewater
Docket No. A-2017-_____**

18. Rates.
- b. Provide a copy of the seller's current rules and regulations for service.

RESPONSE:

- b. See rate schedule of The Municipal Authority of the City of McKeesport enclosed at Appendix A-18-a.

In addition, see enclosed Rules and Regulations of The Municipal Authority of the City of McKeesport (Revised and Adopted September 2015).

MACM
• THE MUNICIPAL AUTHORITY OF THE CITY OF MCKEESPORT •

**SEWER USE
RULES AND REGULATIONS**

REVISED AND ADOPTED SEPTEMBER 2015

Municipal Authority of the City of McKeesport
100 Atlantic Avenue
McKeesport, PA 15132

THE MUNICIPAL AUTHORITY OF THE CITY OF MCKEESPORT

SEWER USE RULES AND REGULATIONS

Effective Date: September 10, 2015

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THE MUNICIPAL AUTHORITY OF THE CITY OF MCKEESPORT

SEWER USE RULES AND REGULATIONS

APPENDICES

Appendix A Specifications for the Construction of Sanitary Sewer Lines and Appurtenances

Appendix A-1 Listing of Referenced Standards and Publications Used in Preparing these Specifications

**Appendix A-2 Municipal Authority of the City of McKeesport
Supplemental Detailed Drawings**

Appendix B Procedures and Requirements for Land Development Sewer Extensions

**Appendix B-1 Preliminary Application for Residential or Commercial Development/Line
Extension/Line Replacement**

Appendix B-2 Developer's Agreement for the Construction of Sanitary Sewer Facilities in

Appendix C Specifications for the Construction of Building Lateral Sanitary Sewers

Appendix D Standard Forms

**Application for Residential Sewage Service Connection
Application for Commercial Sewage Service Connection
Request for Sewage Municipal No Lien Letter**

Appendix E Pretreatment Permit Information

Appendix E-1 Industrial Pretreatment Permit Requirements

Appendix E-2 Enforcement Response Plan

SECTION 1 - INTRODUCTION

- 1.01 The Municipal Authority of the City of McKeesport (hereinafter "Authority"), Allegheny County, Pennsylvania has duly adopted the following Rules and Regulations governing the furnishing of sewage services.
- 1.02 The Rules and Regulations, as amended, shall govern and control the furnishing of sewage services, the terms and conditions under which current and future Authority customers shall receive sewer service and, in addition, shall apply to all privately owned sewerage systems within the geographical jurisdiction of the Authority and shall be a part of each application for service and each service contract.
- 1.03 For the purposes of construing the Rules and Regulations, the use of the singular shall include the plural and the plural the singular. Words used in the masculine gender shall include the feminine and the neuter. Words used in the present or past tense shall include the future.
- 1.04 The provisions of the Rules and Regulations are severable. If any word, sentence, clause, section or other provision thereof is found by a court of competent jurisdiction to be unlawful and void, the remaining provisions shall nevertheless remain valid.
- 1.05 It is the intent of these Rules and Regulations to establish construction standards that meet or exceed the provisions of the Uniform Construction Code. If any standard contained in these Rules and Regulations is determined to be less stringent than the standards provided in the Uniform Construction Code, the more stringent standard shall apply.
- 1.06 The proper officers of the Authority are hereby authorized to take all steps, to execute all documents and to do all things necessary or proper to carry out all of the provisions set forth in these Rules and Regulations and to comply with state, county and federal regulations in connection with the ownership, maintenance and operation of the sewerage system.

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SECTION 2 - DEFINITIONS

- 2.01 Abnormal Industrial Waste shall mean any industrial waste having a suspended solids content or B.O.D. appreciably in excess of that normally found in municipal sewage. For the purposes of this Regulation, any industrial waste containing more than 290 parts per million of suspended solids, or having a B.O.D. in excess of 245 parts per million, shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.
- 2.02 Apartment Building shall mean a building divided into three or more Dwelling Units, each without a separate entrance and having no fixtures for water usage outside the Dwelling Unit.
- 2.03 Authority shall mean the Municipal Authority of the City of McKeesport, Allegheny County, a body corporate and politic, organized and existing under the laws of the Commonwealth of Pennsylvania (also referred to as "MACM").
- 2.04 Authorities Act shall mean the Municipality Authorities Act, 53 Pa. C.S. Ch 56 (formerly the Municipality Authorities Act of 1945), as the same shall have been amended and supplemented at the time in question.
- 2.05 Bio-chemical Oxygen Demand (sometimes referred to as "B.O.D.") shall mean the quantity of oxygen utilized in the bio-chemical oxidation of organic matter under standard laboratory procedure in five days at 20°C., expressed in parts per million by weight. The B.O.D. shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association.
- 2.06 Chlorine Requirement shall mean the amount of chlorine, in parts per million by weight, which must be added to sewage to produce a specified residual chlorine content, or to meet the requirements of some other objective, in accordance with procedures set forth in the latest edition of Standard Methods for the Examination of Water, Sewage and Industrial Waste published by the American Public Health Association.
- 2.07 Connection shall mean a physical link between two pipes.
- 2.08 Connections in Disrepair shall mean any connection, including a building lateral sanitary sewer, from a building to the public sanitary sewage facility, which fails to comply with the standards set forth in the Authority's current lateral inspection policy, as set forth in Section 3, herein, or which contains inflow and/or infiltration.

- 2.09 Conveyancing and/or Refinancing of Premises shall mean the transferring of ownership or the refinancing of any premises by any means, but excludes the acquisition of a home equity loan or any transfer between family members by adding or deleting a parent or child's name to/from a deed or where only nominal consideration is paid.
- 2.10 Customer shall mean the owner hereafter defined, contracting for and/or using sewage service for one or more premises.
- 2.11 Document of Certification shall mean a final or temporary official statement from the Authority stating that at the time of any inspection and/or testing conducted by the Authority there is no inflow or infiltration from the premises and there are no building lateral sanitary sewers or other connections in disrepair.
- 2.12 Drainage System shall mean piping within a public or private premise that conveys sewage to a point of disposal.
- 2.13 Dwelling Unit shall mean a building or portion thereof providing living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking or sanitation.
- 2.14 Equivalent Dwelling Unit (EDU) shall mean one-single family residential household. An EDU is also the unit of measure by which non-single family residential household tapping fees are calculated.
- 2.15 Garbage shall mean solid waste from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce. Garbage properly shredded shall mean the waste from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in dimension.
- 2.16 Illegal Connection shall mean a connection in disrepair as defined in 2.08 and/or any pipe, conduit, seepage, surface or storm water, subsoil drain or other surface area which drains inflow and infiltration into the sanitary sewerage system.
- 2.17 Industrial Waste shall mean any liquid waste from industrial processes or commercial establishments, as distinguished from sanitary sewage.
- 2.18 Inflow and/or Infiltration shall mean the entry by whatever means of surface or subsurface water other than sanitary sewage into the sewerage system.

- 2.19 Lien Letter shall mean a letter from the Authority concerning unpaid sewage charges, tapping fees or other violations of the resolutions and/or Rules and Regulations of the Authority.
- 2.20 Municipality shall mean any local governmental entity that has corporate status (City, Borough, or Township) served by the Authority.
- 2.21 Non-Residential Premises shall mean any premises not used as a dwelling unit.
- 2.22 Owner shall mean the person, firm, corporation or association having an interest as owner, whether legal or equitable, sole or partial, in any premises which is or may be furnished sewage service by the Authority.
- 2.23 Parts Per Million shall mean a weight-to-weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.
- 2.24 Person shall mean any person, syndicate, association, partnership, firm, corporation, institution, agency, authority or other entity recognized by law as the subject of rights and duties.
- 2.25 pH shall mean the logarithm (Base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution. The pH shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association.
- 2.26 Plumbing System shall mean the plumbing fixtures and traps; water-treating or water-using equipment; soil, waste and vent pipes; any sewers as defined in paragraph 2.41, in addition to their respective connections, devices and appurtenances within a structure or premises.
- 2.27 Premises shall mean the property, structure or area, including the improvements thereon and additions thereto, to which sewage service is or will be furnished and shall include but may not be limited to:
- a. A building under one roof, owned or leased by one customer and occupied as one residence or one place of business, including additions thereto, or
 - b. A group or combination of buildings owned by one customer, in one common enclosure, occupied by one family or one organization, corporation or firm as a residence or place of business, or for manufacturing or industrial purposes, or as a motel, hotel, hospital,

church, private school, or similar institution, except as otherwise noted herein, or

- c. The one side of a double house having a solid vertical partition wall, or
- d. Each side or each part of a house or building occupied by one family even though the water closet and/or other fixtures be used in common, or
- e. Each apartment, office, or suite of offices, and/or place of business located in a building or group of buildings, even though such buildings in a group are interconnected by a tunnel or passageway, covered area-way or patio, or by some similar means or structure, or
- f. A public building devoted entirely to public use, such as a municipal building, school, fire engine house, or
- g. A single vacant lot, or
- h. A single lot or park or playground, or
- i. Each house in a row of houses, or
- j. Each dwelling unit in a house or building, or
- k. Each individual and separate place of business and/or occupancy located in one building or group of buildings commonly designated as office complex, mall, condominium, shopping center, supermarket areas, and by such other terms, or
- l. Each dwelling unit in a public housing development owned and operated by the United States of America, a municipal subdivision of the Commonwealth of Pennsylvania, or an agency or instrumentality of the United States or the Commonwealth of Pennsylvania; by a philanthropic foundation or organization of some such similar body or organization; or operated under private ownership, or
- m. A mobile home.

2.28 Private Sewerage System shall mean all or any portion of a sewerage system not owned by the Authority.

- 2.29 **Rate Schedule** shall mean the entire body of effective rates, rentals, tapping fees, connection fees, customer facility fees and other charges, as published by the Authority and as amended and supplemented from time to time.
- 2.30 **Residential Premises** shall mean a Dwelling Unit.
- 2.31 **Sale of Premises** shall mean to sell, transfer, assign, mortgage, or pledge, finance or refinance any interest in a premises.
- 2.32 **Sanitary Sewage** shall mean the normal water-carried household and toilet wastes from residences, business buildings, institutions, industries and commercial establishments exclusive of storm water runoff, surface water or ground water.
- 2.33 **Sanitary Sewerage System** shall mean all sanitary sewers, all sewage pumping stations, all sewage treatment works and all other facilities provided and owned by the Authority for the collection, conveyance and treatment of sanitary sewage and industrial waste with their appurtenances and any additions, extensions or improvements thereto that may be made by the Authority and/or others.
- 2.34 **Sewage** shall mean a combination of the water-carried wastes from residences, business buildings, institutions, commercial and industrial establishments, together with such ground, surface or stream water as may be present.
- 2.35 **Sewage Service Connection** shall mean the connection of the sewer carrying sewage to the sanitary sewerage system.
- 2.36 **Sewage Treatment Plant** shall mean any arrangement of devices and structures used for treating sewage.
- 2.37 **Sewage Works** shall mean all facilities for the collection, conveyance, pumping, treatment and disposal of sewage.
- 2.38 **Sewerageable Premises** shall mean any premises abutting on or adjoining any streets, highways, roads or rights-of-way within which is constructed any portion of the sewerage or drainage system, or which is otherwise benefited, improved or accommodated thereby.
- 2.39 **Sewer Connection Fee** shall mean the fee charged to new customers connecting into the Authority's sanitary sewerage system. The Sewer Connection Fee is also commonly referred to as the "Tapping Fee".
- 2.40 **Sewer Connection Permit** shall mean a license issued by the Authority authorizing the connection of premises to the sanitary sewerage system.

2.41 Sewer Line Extensions shall mean extensions of sewer lines beyond existing facilities excluding building sewer service connections.

2.42 Sewer Types

- (a) Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the Building Lateral Sanitary Sewer and which shall be owned and maintained by the owner. The Building Drain ends where it is connected to the Building Lateral Sanitary Sewer five feet outside the inner face of the building wall.
- (b) Building Lateral Sanitary Sewer shall mean the pipe located between the building drain and the Building Sewer Tap Connection and which shall be owned and maintained by the owner. The Building Lateral Sanitary Sewer is also commonly referred to as the "Sewage Service Lateral".
- (c) Building Sewer Tap Connection shall mean the pipe, wye's, saddles, manholes and other appurtenances located between the Building Lateral Sanitary Sewer and the public sewer and which shall be owned and maintained by the Authority.
- (d) Combined Sewer shall mean a sewer receiving both surface or storm water runoff and sanitary sewage.
- (e) Intercepting Sanitary Sewer shall mean a sewer into which the sewage from all main and other sewers is discharged.
- (f) Lateral Sanitary Sewer shall mean a sewer which does not receive sewage from any other common sewer.
- (g) Main Sanitary Sewer shall mean a sewer that is a main stem or artery of the sewerage systems.
- (h) Public Sewer shall mean a sewer owned and maintained by the Authority.
- (i) Sanitary Sewer shall mean a sewer which carries sanitary sewage to which storm, surface and ground water are not intentionally admitted.
- (j) Storm Sewer shall mean a sewer which carries storm and surface waters and drainage except sewage.

- (k) Sub-Main Sanitary Sewer shall mean a sewer into which the sewage from two or more laterals is discharged.
- 2.43 Slug shall mean any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of longer duration than 15 minutes more than three times its average hourly concentration of flow.
- 2.44 Subsoil Drain shall mean a drain that collects subsurface water or seepage water and conveys such water to a place of disposal.
- 2.45 Surcharge shall mean an additional rate for treatment of waste, including abnormal industrial waste, of greater strength than the concentration values established as is representative of normal sewage.
- 2.46 Suspended Solids shall mean solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by a laboratory filtration device. The quantity of suspended solids shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association.
- 2.47 Tapping Fee shall mean the fee charged to new customers connecting to the Authority's Sanitary Sewage System. The Tapping Fee is also commonly referred to as the "Sewer Connection Fee".
- 2.48 Temporary Document of Certification shall mean a temporary official statement of certification from the Authority.
- 2.49 Tenant shall mean anyone occupying premises under a lease from the owner and/or occupant of premises with permission of the owner in any premise which is about to be or is being furnished sewage service by the Authority.
- 2.50 Unpolluted Waste or Unpolluted Water shall mean water of quality equal to or better than the effluent criteria in effect established by Federal and state regulatory agencies or water which would not be benefited by discharge to the sanitary sewers and sewage treatment facilities of the Authority.
- 2.51 Water Carried Waste Facility shall mean any facility or drain in the building which discharges water carried waste.
- 2.52 Water Course shall mean a channel in which a flow of water occurs, either continuously or intermittently.

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SECTION 3 - CONDITIONS OF SERVICE

- 3.01 The Authority shall have charge of the management of the sewer system and shall amend from time to time these Rules and Regulations governing the use, operation and maintenance of said sewer system.
- 3.02 The Authority will furnish sewage service only in accordance with these Rules and Regulations as amended and supplemented. No application for service, contract, agreement or license shall be inconsistent or conflict with the Rules and Regulations.
- 3.03 The Authority may from time to time, without notice, as it may deem necessary, alter, amend, supplement or repeal these Rules and Regulations, in whole or in part.
- 3.04 The furnishing of sewage service may be refused if sewage flows are found or estimated to be excessive or if the character of the sanitary wastes to be discharged are determined to be unsatisfactory.
- 3.05 The Authority reserves the right to refuse permission to connect directly or indirectly to the sewer system, to compel discontinuance of use of the sewer system, or to compel pretreatment of sewage and industrial waste by any premises in order to prevent discharges which are deemed to be harmful or which have a deleterious effect upon any portion of the sewer system.
- 3.06 Maintenance and repair of the building lateral sanitary sewer, including the cost thereof, will be the responsibility of the user, customer or premises owner. No work shall be done on any building lateral sanitary sewer without prior issuance of a work permit from the Authority. All work shall be subject to inspection by Authority personnel during the performance thereof. The Authority shall have the right to do all work with respect to connections to the main sewers and charge the user, customer or property owner for the cost of such work, said work to be done in accordance with the requirements hereinafter set forth. Three days notice shall be given to the Authority prior to the commencement of any work on any building lateral sanitary sewer for which approval has been obtained from the Authority.
- 3.07 Each premises shall be served through a separate building lateral sanitary sewer, except where physical conditions prevent the installation of a separate building lateral sanitary sewer as determined by the Authority.

The term "physical conditions" shall apply only to such situations as relate to the plumbing layout in the premises. Any building lateral sanitary sewer, as defined

herein, shall be installed in accordance with all Authority requirements relative thereto, and shall be connected only to main lines abutting the property and owned by the Authority, except as otherwise provided, such building lateral sanitary sewers to extend from the street to a straight line at right angles to the street, to the premises where possible. All proposed sewer installations must be approved by the Authority prior to installation.

- 3.08 Any building lateral sanitary sewer which is in disrepair as defined in Section 2.08 is hereby declared to be illegal. Upon receipt of notice from the Authority, the owner shall repair same at their own expense, within the time limits imposed herein.
- 3.09 The Authority is required, pursuant to all Federal and State laws promulgated pursuant to the Clean Water Act of 1977 and the General Pretreatment Regulations found at 40 CFR Part 403, and specifically pursuant to the Pennsylvania Clean Streams Act, 35 P.S. 691.1, et seq., to eliminate or limit inflow and/or infiltration or the discharge of ground water, storm water runoff or other surface or subsurface waters, waste, industrial waste, large quantities of grease, or any other illegal or noxious discharge into the sanitary sewer system.
- 3.10 Inflow and infiltration is hereby declared to be illegal and prohibited. The owner of any premises with inflow and/or infiltration shall eliminate same at the owner's cost prior to connecting the premises to the sewerage system, or if presently connected, within the time limits imposed herein.
- 3.11 In order to identify and eliminate existing and potential sources of discharge and the inflow or infiltration of water other than sanitary sewage from any premises into the Authority's sanitary sewer system and to preserve the hydraulic capacity of the Authority's sewer system and its facilities, the Authority shall undertake a program of systematic inspection and testing of premises receiving sanitary sewer services from the Authority. The Authority shall determine, in its discretion, which portions of its service area shall be subject to said inspections and testing, and which types of inspections and testing, as set forth in paragraph 3.15, shall be utilized.
- 3.12 In connection with its program of systematic inspection and testing of premises as provided for in Section 3.11, the Authority shall conduct inspection and testing of any premises utilizing the procedures set forth in paragraph 3.16 herein. The inspection and testing procedures are intended to determine the overall structural condition of the building lateral sanitary sewer of any premise, as well as to identify existing and potential sources of inflow and infiltration along the length of the lateral, and/or from any other part of the premises.

- 3.13 As a condition of continuing to receive sanitary sewage waste disposal services from the Authority, the owner of any premises to which said services are being provided shall be deemed to have consented to the inspection and testing of said premises. The failure to provide access to the premises for the purposes of inspecting and testing any premises shall constitute a violation of the within Rules and Regulations punishable pursuant to Section 13.14.
- 3.14 The inspection and testing of any premises shall occur 1) with the consent of the premises owner; or 2) based on the implied consent of the premises owner pursuant to Paragraph 3.13; or 3) pursuant to an appropriate court order authorizing said inspection and testing.
- 3.15 The types of inspections and testing authorized herein shall include but not be limited to:
- (a) the inspection of inside plumbing, french drains, sump pumps, floor and other miscellaneous types of drains to determine whether or not the same are constructed in such a manner as to permit the discharge of any substance into the public sanitary sewer system;
 - (b) the inspection of outside area drains, driveway drains and roof leaders to determine whether or not any of the same are constructed in such a manner as to permit the discharge of any substance into the public sanitary sewer system;
 - (c) the inspection of stacks, building traps and clean outs to determine whether the same are present and in proper working order and otherwise comply with existing Authority Rules and Regulations; and
 - (d) the inspection of all building lateral sanitary sewers to determine whether or not the same have any inflow or infiltration resulting from any cause whatsoever which is not permitted under the within Rules and Regulations or any applicable Ordinance.
- 3.16 The inspections and testing utilized by the Authority may include but not be limited to the following procedures: (i) low pressure air testing, (ii) smoke testing, (iii) dye testing, (iv) dye flooding; (v) internal television video inspection (“CCTV”) of the inside plumbing (building side of the trap), any drains and all building lateral sanitary sewers located on the premises being tested; (vi) or any other method of inspections or testing developed in the future.
- 3.16.1 In the case of an internal CCTV inspection, the CCTV camera shall be inserted into the building lateral sanitary sewer from either the

Authority's sewer line, the Authority's inspection port (if available), or by way of a trap and vent assembly located on or within the premises.

- 3.17 In determining the condition of any building lateral sanitary sewer, the Authority shall utilize the most current grading system developed by the National Association of Sewer Service Companies (NASSCO). The Authority shall designate a representative to determine the condition of any building lateral sanitary sewer according to NASSCO standards or the presence of any illegal connection on or within any premises. A condition grade of 1 to 5 shall be determined based on the existence of defects in all or a portion of the building lateral sanitary sewer. Any building lateral sanitary sewer with a condition grade of 3 or greater shall be considered to be a connection in disrepair and illegal. The repair of same by the premises owner is required to be made after receiving written notification by the Authority within the time limits imposed herein.
- 3.18 A building lateral sanitary sewer determined by the Authority to have a condition grade of 4 or above shall be repaired by the premises owner within one (1) year of receiving written notice from the Authority to repair same, or upon the transfer or the refinancing of the premises, whichever first occurs.
- 3.19 A building lateral sanitary sewer determined by the Authority to have a condition grade of 3 shall be repaired by the premises owner within 5 years of receiving notice from the Authority to repair same or upon the transfer or refinancing of the premises, whichever first occurs.
- 3.20 In the case of any building lateral sanitary sewer receiving a condition grade of 3, the premises owner may, between the fourth and fifth years after receiving written notice to repair same, provided that the premises has not been conveyed or refinanced, request at the expense of the premises owner that the Authority reinspect and/or retest the building lateral sanitary sewer for the current condition of same. If the current condition grade has not increased to 4 or more, the time period within which the building lateral sanitary sewer shall be repaired will be extended for an additional 5 year period under the same terms and conditions. The request for reinspection and/or retesting may be repeated for as long as the condition grade of the building lateral sanitary sewer does not increase to 4 or more.
- 3.21 In addition, when the inspections and testing procedures utilized by the Authority determines that inflow and/or infiltration is emanating from any other part of any premises, the owner shall be required to make any necessary repairs or modifications to the premises to eliminate same at the owner's expense within

one year of receiving written notice from the Authority to repair or modify same, or upon transfer or refinancing of the premises, whichever first occurs.

- 3.22 The Authority shall provide the premises owner with a written copy of the inspections and testing report. The report shall state whether or not the building lateral sanitary sewer is in compliance with the within Rules and Regulations, and/or whether there exists on the premises any illegal connection.
- 3.23 In the event that any premises owner does not agree with the findings contained in the inspections and testing report, the premises owner may request that the findings be reviewed by the Board of the Authority.
- 3.24 Any repair techniques utilized by the owner of any premises shall comply with these Rules and Regulations.

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**SECTION 4 - APPLICATIONS AND CONTRACTS FOR CONNECTIONS
AND SERVICE**

- 4.01 Every owner of any sewerageable premises within the Municipality is required to connect to the Authority's sewer system at the expense of said owner.
- 4.02 Owners of premises already existing at the time of construction of any portion of the sewerage system and which is benefited, improved or accommodated thereby, shall provide for the discharge of all sewage therefrom into said system. At such time as the sewerage system is ready to accept sewage from existing premises, the owners thereof will be notified by the Authority. Connection of such premises to the sewerage system shall then be made within the time limits and under the terms and conditions set forth herein.
- 4.03 All premises shall be connected to the sewerage system before the same may be used or occupied.
- 4.04 In the event a building lateral sanitary sewer from any premises to the sewerage system is not provided by the Owner as and when required, the Authority may construct or install the same or cause the same to be constructed or installed and collect the cost thereof, including penalties and costs of collection, from the Owner(s) by the filing of a municipal claim or by appropriate legal proceeding.
- 4.05 No construction of any building lateral sanitary sewer shall be made in the service area without first obtaining a sewer connection permit.
- 4.06 For proposed buildings which can be served by the sewerage system, a sewer connection permit from the Authority, as well as any required permit or approval from the Municipality or any other applicable governmental entity, shall be obtained prior to receiving a building permit, and no building permit will be issued until this requirement is met.
- 4.07 No officer, official or employee of the Municipality shall issue or cause to be issued a building permit to any person, corporation or other entity without having first ascertained that the sewer connection permits or approvals referred to in Section 4.06 have been obtained.
- 4.08 In the event any owner or developer of land contends that the premises cannot be served by the sewerage system, the owner or developer shall notify the Authority in writing to this effect prior to any building permit being issued and shall also file with the Municipality a permit from the Municipality's Sewage Enforcement Officer and/or the Department of Environmental Protection to otherwise dispose of the sanitary sewage.

- 4.09 In the event the Authority shall refuse for any reason to issue a sewer connection permit, the Authority shall notify within ten (10) days the owner or developer, as well as the Municipality, in writing, setting forth the reasons for such refusal.
- 4.10 For any premises which can be served by the sewerage system, a sewer connection permit shall be obtained prior to starting any construction of the building lateral sanitary sewer.
- 4.11 All sewer lines constructed within the service area, including any building lateral sanitary sewers, shall comply with these Rules and Regulations.
- 4.12 Every Owner of a premises who hereafter applies for and receives a sewer connection permit from the Authority will pay to the Authority for such permit such amount as required by the Authority, as well as any other amount required by any other applicable governmental entity.
- 4.13 A written application for a sewer connection permit prepared in the form of a *Sewer Connection Permit Application* furnished by the Authority, together with the application fee, shall be submitted to the Authority for the purpose of requesting a connection to the sanitary sewerage system. A separate application shall be required for each premise or group of premises where an individual sewer service line connection is permitted in accordance with these Rules and Regulations. Said application shall be subject to such service connection fees and charges currently in effect which are payable in advance for each of the respective service areas, which application, together with the Rates and Rules and Regulations of the Authority, shall regulate and control the service to such premises. Said application shall be submitted at least one month, or such shorter time as the Authority may require, before the connection is required. Each application shall be signed by the owner of the premises or his duly authorized agent. The construction of building sewers shall be in accordance with the requirements hereinafter set forth.
- 4.14 A sewer connection permit application is considered a written request for a sewer service connection and must be approved by the Authority or its authorized agent. No application shall be approved until the applicant pays all required fees and complies with these Rules and Regulations. Furthermore, no application shall be approved until all required easements have been recorded. Where the proposed building lateral sanitary sewer must traverse through private property, or through an adjacent parcel under the same ownership as the property receiving the building lateral sanitary sewer, a recorded easement shall be provided.
- 4.15 The approved sewer connection permit application shall be a contract between the owner and the Authority, and shall be binding upon the heirs, successor and

assigns of the owner. Charges for sewer service shall commence from the date that sewer service is available to the premises.

- 4.16 To the extent permitted by law, no agreement will be entered into by the Authority with any owner for sewage service until all charges for service and any other charges due by the owner at any premises now or theretofore owned by him shall have been paid or until satisfactory arrangements for payment of such unpaid bills shall have been made.
- 4.17 All contracts for sewage service shall continue in force until notice is given by the Owner or the Authority of a desire to terminate the contract.
- 4.18 All contracts for sewage service shall be subject to such changes or other modifications as may be directed by action of the Legislature of the Commonwealth of Pennsylvania or a regulatory body.
- 4.19 Two or more parties who join in the application for service shall be jointly and severally liable, provided, however, that irrespective of the number of persons liable for payment the Authority need only prepare and submit a single bill.
- 4.20 In connection with a change in service, any customer making any material change in size, character or extent of equipment or operations utilizing sewage service, or whose change in operations results in a substantial increase in the flow of sewage or industrial waste, shall immediately give the Authority written notice of the nature of the change and, if necessary, amend their application.
- 4.21 Sewage service will be renewed under a proper application when the conditions under which such service was discontinued are corrected, and upon the payment of all charges due from the applicant.
- 4.22 The piping, plumbing and fixtures on the premise of a customer are assumed to be in satisfactory condition at the time service facilities are connected and service furnished. The Authority will not be liable in any case for any accidents, breaks or leakage that in any way are due to the connection to the premises. The Authority may terminate such service if the plumbing and sanitary drainage system is not in accordance with the Rules and Regulations and ordinances of the Municipality.
- 4.23 It shall be unlawful and a violation of these Rules and Regulations for any person to convey and/or refinance any premises presently receiving sewer services from the Authority without first obtaining a No-Lien Letter and a Document of Certification or a Temporary Document of Certification as defined herein.
- 4.24 Prior to the conveyance and/or refinancing of any premises receiving sewage service provided by the Authority, the owner of such premises shall submit an

application for a No-Lien letter in the form attached in Appendix A requesting the amount due for current sewage service to the date of the closing, and/or the amount of any other delinquent charges and/or the existence of any sewage liens upon such premises. Such written request shall include the written consent of the owner for the Authority to inspect and/or test the plumbing system servicing the premises prior to the closing.

- 4.25 If the written request for a No-Lien letter is provided to the Authority at least fourteen (14) business days prior to the scheduled closing, such No-Lien letter shall be given by the Authority to the owner of such premises, or the designated agent, no later than three (3) business days prior to the date of closing.
- 4.26 Upon the receipt of the request for a No-Lien letter, the Authority, within ten (10) business days of the receipt of such request, shall inspect and/or test the premises for the presence of any illegal connection, unless the premises has been inspected and/or tested within the preceding two years. The Authority shall conduct the types of inspections and testing which are set forth in paragraph 3.15 of the within Rules and Regulations. The total cost of said inspections and/or testing shall be borne by the seller.
- 4.27 If no illegal connection is discovered as a result of the inspections and/or testing conducted by the Authority, the Authority shall issue a Document of Certification.
- 4.28 If one or more illegal connections are discovered by the inspections and/or testing conducted by the Authority, the Document of Certification will not be issued by the Authority until such illegal connections are eliminated and certification of such is provided by the owner.
- 4.29 The Authority shall provide the premises owner with a written copy of the inspection and/or testing report. The report shall state whether or not the building lateral sanitary sewer is in compliance with the within Rules and Regulations, and/or whether there exists on the premises any illegal connection.
- 4.30 In the event that any premises owner does not agree with the findings contained in the inspections and testing report, the premises owner may request that the findings be reviewed by the Board of the Authority.
- 4.31 A temporary document of certification may be issued at the sole discretion of the Authority when an illegal connection is discovered and the necessary remedial activities to correct such illegal connection would require a length of time such as to create a practical hardship for the owner.

- 4.32 In this situation, the owner may request in writing the Authority to issue a Temporary Document of Certification, which may only be issued when the owner provides the Authority with all of the following:
- (1) A bona fide, executed contract between owner of the premises and a registered plumber or an approved contractor to complete the necessary remedial work with the Authority herein as a third-party beneficiary.
 - (2) Cash security in the amount of said contract is posted with the Authority.
 - (3) The contract required in paragraph (1) shall be reviewed by the Authority's consulting engineer to ensure that the work proposed is adequate to correct any violation of the within Rules and Regulations, the cost of same to be paid by the owner.
 - (4) An agreement by the purchaser to be responsible for all cost overruns related to the remedial work, together with a license by purchaser to enter upon the property to complete work in case of default of the contractor.
- 4.33 The Temporary Document of Certification shall include an expiration date, agreed to by the Authority, and at the expiration date and time the security shall be forfeited, and the Municipality Authority of the City of McKeesport may use the security to have the necessary remedial work completed.
- 4.34 Any repair techniques utilized by the owner of any premises shall comply with the Authority's Rules and Regulations.
- 4.35 At the time of the closing, sewage service provided to such premises by the Authority shall be the responsibility of the Purchaser of the property.
- 4.36 The Seller, or the designated agent listing such property for sale, shall, at the time of closing or before, present both the No-Lien Letter and the Document of Certification, and/or the Temporary Document of Certification, to the appropriate closing officer and all amounts due to the Authority for sewage service provided prior to the time of the closing shall be paid at the closing.
- 4.37 Upon the correction or repair of any illegal connection, a Document of Certification shall be issued by the Authority for the premises.
- 4.38 Individual units within a condominium complex may not be sold without individual Certification.

- 4.39 Upon the sale of multiple-unit premises, the Authority may inspect a sufficient number of units which the Authority determines, in its discretion, is necessary to determine compliance with these Rules and Regulations.
- 4.40 The Authority shall determine from time to time the fee required to obtain a Document of Certification and No-Lien Letter.
- 4.41 Each Document of Certification or Temporary Document of Certification shall be valid for a period of two years.

SECTION 5 - BUILDING LATERAL SANITARY SEWER AND TAP CONNECTIONS

- 5.01 No unauthorized person shall uncover or make any connections with or openings into, use, alter or disturb any sewer owned by the Authority without first having obtained written permission from an authorized official. Permission to use the building lateral sanitary sewer will not be granted until after an inspection has been made of the installation and a determination made that said building lateral sanitary sewer and/or building drain have been constructed to exclude all storm water, downspout, subsoil drains and such other illegal connections, and all industrial wastes prohibited herein are excluded. The types of inspections and testing which the Authority may conduct are set forth in Sections 3.15 (b), (c) and (d) and the procedures which the Authority may utilize are set forth in 3.16.
- 5.02 All systems, other than those owned by the Authority, shall be subject to the regulations set forth herein or to regulations establishing higher standards.
- 5.03 All costs and expenses incidental to the installation and connection of the building lateral sanitary sewer shall be borne by the owner. The owner shall indemnify the Authority from any loss or damage that may directly or indirectly be caused by the installation of the building lateral sanitary sewer. All costs and expenses incident to maintenance, repair, replacement and other work in connection with building lateral sanitary sewers shall be borne by the owner.
- 5.04 All work relating to the installation of sewer tap connections and/or building lateral sanitary sewers shall be performed by the Authority or the owner as the Authority shall determine, but in either case, at the cost of the owner.
- 5.05 All work in public streets, roads, alleys, rights-of-way, and other property shall be approved by the governing agency controlling such areas and the Authority reserves the right to do all work with respect to connection to the main sewer and bill the owner for such work.
- 5.06 The use of existing building lateral sanitary sewers in connection with new structures erected upon any premises will be permitted only when they are found, upon examination and testing by the Authority or persons approved by the Authority or agencies, to meet all requirements set forth herein. When existing septic tanks or other private sewage disposal systems are being abandoned the Authority will require the owner to demonstrate all interior plumbing is watertight and free of extraneous water from foundation drains or any other nonconforming use. Furthermore, the abandonment of septic tanks, or other hollow leaching structures, shall be performed in such a manner as to eliminate the danger of structure collapse in the future. The responsibility for abandonment shall be with the premises owner. When structures are abandoned, the premises owner shall take steps to have a licensed waste hauler empty the chamber of all

septage wastes, cave in or remove the lid, drill holes in the bottom of the tank to permit the exit of surface water infiltration, and fill the tank with suitable materials such as soil, gravel, sand or rock, thereby restoring the original grade of the ground surface. The premises owner may also desire to break up the top, bottom and sides of the tank as much as possible and then backfill the excavation to the ground surface with suitable material. The proper abandonment of all septic tanks must be verified by the Authority.

- 5.07 The drainage system of every premises shall be separately and independently connected to the main sewer. Where one premises exists or is erected in the rear of another having common ownership, and no private sewer is available or can be constructed to the rear premises through an adjoining alley, court yard, or driveway, the building lateral sanitary sewer from the front premises may be extended to the rear premises and the whole considered as one building lateral sanitary sewer.
- 5.08 The plumbing system serving the premises shall be designed and constructed in accordance with the Uniform Construction Code as modified by the Authority, insofar as said code does not conflict with the requirements hereinafter set forth. Said requirements shall govern and shall control the design and construction of the plumbing system except in matters where said requirements are silent.
- 5.09 All sewers below floors of premises and 5 feet outside the premises shall be Schedule 40 Polyvinyl Chloride (PVC) or Acrylonitrile Butadiene Styrene (ABS). Co-mingling of PVC and ABS is prohibited. A running trap with vent shall be installed at the end of the building drain. Vents shall be installed 6" above grade to prevent the inflow of water into the sewer line and may not be located in driveways or other impervious surfaces.
- 5.10 Adaptors from building drains to the building lateral sanitary sewer or building sewer tap connection shall be approved adaptors, shielded and with stainless steel banding clamps with 3000-psi concrete encasement such as donuts or couplings by Calder or Fernco Inc.
- 5.11 Building lateral sanitary sewers may be constructed of the same material as used in the public sewer system.

5.11.1 DUCTILE IRON PIPE

- (a) All ductile iron pipe shall have an ultimate tensile strength of 60,000 pounds per square inch (psi) minimum, a yield point of 42,000 psi minimum and an elongation of 10 percent minimum. Ductile iron pipe shall be manufactured in accordance with

ANSI Specification A21.51 and A21.50, AWWA C151 and H3, latest edition.

- (b) All ductile pipe shall be Class 50, unless the Plans call for another class, and double cement lined conforming to ANSI A21.4.
- (c) Joints shall be "push-on" type joints, as shown on Plans or specifically called for.
- (d) Push-on joints shall be in accordance with ANSI A21.4.
- (e) Fittings may be of ductile iron with a pressure rating of 250 p.s.i.

5.11.2 POLYVINYL CHLORIDE (PVC) PIPE

- (a) PVC pipe 6 inches in size and larger and fittings shall conform with the requirements of the latest revisions of ASTM Specification D3034-SDR35. Four-inch pipe shall be Schedule 40 PVC.
- (b) A bell and spigot ring type of joint shall be provided. The bell shall consist of an integral wall section with a solid cross-section rubber ring, factory assembled, securely locked to prevent displacement.
- (c) All bells on branch wyes or fittings shall be factory assembled.
- (d) An "O" ring coupling with stainless steel tightening band and rubber gasket water stop shall be provided for installation in manhole walls for pipe connections.
- (e) Lengths shall not exceed 12.5 feet.
- (f) Pipe and fittings shall be in compliance with this standard. Pipe at maximum intervals of 51-011, and fittings shall be marked:
 - a. Manufacturer's Name or Trademark
 - b. Nominal Size
 - c. Material Designation "PVC"
 - d. ASTM Spec. (D 3034)

- (g) The rubber ring for the bell and spigot joint shall be the elastomeric gasket joint providing a watertight seal.

5.12 The building lateral sanitary sewer shall be minimum six (6) inches in diameter for commercial premises and minimum four (4) inches in diameter for residential premises provided pipe is laid on minimum slope of 1/8 inch/foot and 1/4 inch/foot, respectively. Cleanouts shall be placed at intervals of not more than one hundred (100) feet for commercial premises and not more than fifty (50) feet for residential premises. All building lateral sanitary sewers shall conform to the specifications set forth in Appendix A attached hereto.

5.12.1 Cleanouts consisting of a wye branch, curve, riser and watertight plug are required at intervals specified above, or at all direction changes greater than 45 degrees. The wye branch and curve must be encased in at least 6 inches of concrete. Cleanouts shall not be located in driveways or other impervious surfaces.

5.12.2 Prior to excavation of any trench, the contractor should first expose the building sewer tap connection and the building drain. The trench width shall be kept to minimum width and have a uniform slope at approved grade, and as near as possible at right angles to the street. No 90 degree bends shall be permitted except on an inside vertical end of run. All trenches must be excavated at least 6 inches below the invert of the pipe. Granular 2B limestone backfill (minimum 3/4 inch gravel size) shall be placed in the trench to grade of pipe and after providing bell holes and laying pipe, backfill to a minimum height of 12 inches over the top of the pipe. Granular backfill must be carefully tamped along both sides of the pipe. Remaining backfill, if satisfactory, may be material from the original excavation. Underground detectable marking tape shall be installed a minimum of 2 feet above the pipe along the alignment of the building lateral sanitary sewer. Marking tape shall be minimum 3 inches wide, vivid green with foil backing and marked "Gravity Sewer Line". The building lateral sanitary sewer trench shall have minimum 3 feet horizontal separation and 18 inch vertical separation from other pipelines such as water service lines, gas lines, french drains or storm sewers. Building lateral sanitary sewers shall have minimum 3 feet of cover. An Authority inspector must be present to visually inspect the backfilling of the building lateral sanitary sewer trench. A test tee shall be installed in the building lateral sanitary sewer immediately before the wye, or manhole stub, if connection is to be made directly to a manhole. If unusual trench conditions exist, such as excessive depth, unstable soil, under a stream or other water

course, the Authority may require the owner, at his own expense, to encase the building sewer in concrete or take such other steps which, in the opinion of the Authority, are necessary for proper installation. The Authority may refuse a permit to allow a connection directly to the main intercepting sewer and require extensions and connections to a manhole, the manhole, sewer and other work to be accomplished at the expense of the owner. In no event will a connection be made through a hole cut in the sewer.

In no case shall a building lateral sanitary sewer be laid parallel to a cartway along the same alignment as the main sewer thereby acting as an extension of the main sewer. In such instance, the main sewer shall be extended, per Section 10.04.2, along the cartway and the building lateral sanitary sewer run perpendicular to the main.

- 5.13 In all premises in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means (pumped) and discharged to the building lateral sanitary sewer, the capacity of such units to be subject to approval by the Authority.
- 5.14 The applicant for the building lateral sanitary sewer permit shall notify the Authority when the building drain, building sewer and related facilities are ready for inspection and connection to the public sewer but prior to connection to the trap, and prior to backfilling. Final inspection will not be scheduled until all tapping fees or other charges due and payable have been remitted to the Authority. The inspection of the building drain, building lateral sanitary sewer and related facilities shall include but may not be limited to the following:
- 5.14.1 Inspection of installation to insure that proper bedding and embedment of the pipe has been accomplished. Concrete encasement has been placed where required. An air test of the lines at a pressure of 5 psi for 15 minutes without any loss of pressure, or a hydrostatic test when no water is lost from a filled service lateral subjected to a minimum of 10 feet of water head for 15 minutes.
- 5.15 All excavations shall be performed in accordance with the latest edition of the OSHA Standards-Employer-Employee Safe Practices for Excavation and Trenching operations.
- 5.16 All building lateral sanitary sewers shall be maintained by the owner or customer at his cost and the sewer shall be protected properly and maintained by the owner or customer. When repairs, renewals or replacements or other necessary work is required in the aforesaid facilities, the owner or customer shall employ, without delay, competent tradesmen to do the work, at his expense. All leaks shall be repaired immediately. No work shall be done, however, without the approval of and supervision by the Authority.

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SECTION 6 - USE OF SEWERS

- 6.01 All premises benefited, improved or accommodated by the Authority's sanitary sewerage system shall be connected to the system, at the expense of the premises owner.
- 6.02 All connections shall be made in accordance with the Rules and Regulations and other applicable requirements of the Authority.
- 6.03 It shall be unlawful for any person owning any premises accessible to the Authority's sanitary sewerage system to erect, construct, use or maintain or cause to be erected, constructed, used or maintained any privy, cesspool, sinkhole or other receptacle on such premises for receiving sanitary sewage. Sewage holding tanks may be erected, used and maintained only with the permission of the Sewage Enforcement Officer for the Municipality.
- 6.04 No person(s) shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, subsurface drainage, or cooling water into any sewer.
- 6.05 Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Municipal and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval by the Authority, to a storm sewer, or natural outlet.
- 6.06 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of any wastewater treatment plant.
 - (c) Any waters or wastes having a pH lower than 5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
 - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole

blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, either whole or ground by garbage grinders.

- 6.07 Those provisions of Section 12 hereof (Industrial Pretreatment) relating to prohibited discharges into the Authority's sewer system shall apply to all users of the sewer system.
- 6.08 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts – or fat, oil and grease concentrations in excess of 100 mg/l, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwellings units. All interceptors shall be of a type and capacity approved by the Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintenance of such interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Authority. Any removal and hauling of the collected materials not performed by owner's personnel must, be performed by currently licensed waste disposal firms.

SECTION 7 - SERVICE

7.01 Types of Service - The Authority may classify sewage service according to types of use, including but not limited to the types defined as follows:

7.01.1 Commercial Industrial Service shall mean sewage service for premises where the customer is engaged in trade or commerce or in manufacturing or processing industries.

7.01.2 Domestic or Residential Service shall mean sewage service for residential premises.

7.02 Termination of Service

7.02.1 By Customer - Any customer may terminate his active service contract with the Authority upon giving notice thereof to the Authority. Service shall be terminated upon the lapse of a reasonable time to permit the Authority to attend to details of such termination. The customer shall remain liable for active service to the premises described in his application until the Authority has received notice from him, and the termination of active service has taken effect, as stated above. The termination of active service does not relieve the owner of the premises of making payments of the minimum charges established for unoccupied premises, if the premises has become unoccupied unless the service has been disconnected.

7.02.2 Termination of service by the Authority for nonpayment of a bill or violation of these Rules shall not cancel the application for service nor constitute a waiver of this rule, nor constitute a waiver for payment of bills as required under inactive service.

7.02.3 By Authority - Active service may be discontinued for any of the following reasons:

- a. Misrepresentation in the application.
- b. The use of service for or in connection with or for the benefit of any other premises or purposes other than those described in the application.

- c. Failure to maintain in good order the building sewer connection and fixtures owned by the applicant.
- d. Failure to maintain in good order the service line extensions and connections and fixtures owned by the applicant.
- e. Tampering or in any other way interfering with any service pipe.
- f. Refusal of reasonable access to the premises for purposes of inspecting the piping, fixtures and water system appliance therein.
- g. Neglecting or refusing to make or renew advance payments where required, or for nonpayment sewage service, or for any charge accruing under the application.
- h. Termination of the contract by the customer.
- i. Premises where the use of water reduces the capacity of the sewers to such an extent that normal service to others is impaired, this condition relating to sewerage service.
- j. Premises where the character of the wastes is detrimental to the sewer or is not in accordance with the requirements set forth herein.
- k. Unauthorized use by others of the building sewer line.
- l. Premises where apparatus, appliances or equipment using sewers is dangerous, unsafe and not in conformity with any laws or the Rules and Regulations.
- m. Fraud or abuse.
- n. Violation of these Rules and Regulations or other requirements governing the furnishing of sewage service.

o. Nonpayment of a sewage bill.

7.03

Renewal of Service After Discontinuance - Service may be renewed under a proper application when the conditions under which such service was discontinued are corrected, and upon the payment of all proper charges or amounts due from the applicant provided in the Schedule of Rates or Rules of the Authority.

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SECTION 8 - CHARGES FOR SEWAGE SERVICES

- 8.01** **Charges for Active Sewage Service** - All charges for sewage services furnished by the Authority will be based on the published Schedule of Rates of the Authority. The charges shall be based on the quantity of water used on or in said premises, as the same may be measured by meters or based on the number and type of fixtures, or based on flat rates, or based on unit charges, or such other methods, all as approved subject to conditions and to the requirements and rates set forth in the Schedule of Rates, and in general, in accordance with the following:
- 8.01.1 **Normal Charges** - Each premises will be subject to a fixed minimum monthly or quarterly charge for sewage services and billed normally on a water use or fixture basis. The minimum charge shall be nonabatable for non-users of water, and non-cumulative against subsequent use. In the case of fractional bills covering less than a month or a quarter, monthly or minimum charges shall be prorated. The charges for the use of water in excess of the quantities allowed under the minimum charges will be in accordance with the Schedule of Rates, the allowances of water for the minimum charges to be deducted from the quantities set forth in applying the Schedule. The Authority may, at its option, adopt the unit charge or other methods as a basis of normal billing.
- 8.01.2 **Surcharge for Certain Industrial Wastes** - The Authority may exercise the right to levy and assess against applicable premises a surcharge, or surcharges, for the handling and treatment of abnormal industrial, commercial and other such wastes. The surcharge represents an apportionment of the cost for handling an excess load imposed on the sewage treatment plant by wastes stronger than normal sewage and of the additional costs of maintaining and operating the public sewerage system.
- 8.01.3 The surcharges will be added to the normal sewage service charge and shall be subject to the same penalties applicable to other charges.
- 8.01.4 The strength of wastes subject to a surcharge, or surcharges, shall be determined periodically by the Authority. The frequency and duration of the sampling period shall be subject to determination by the Authority, and shall be such as will permit reaching reasonably reliable conclusions as to the average composition of such wastes, exclusive of storm water run-off, if any. The manholes or other

facilities required for sampling shall be constructed at the cost of the owner and/or tenant, and shall be constructed as previously set forth.

- 8.01.5 The samples will be collected by a representative of the Authority, such samples to be collected in proportion to the flow of wastes, exclusive of storm water run-off, if any, and to be composited for analysis. The procedures and analyses will be in accordance with the latest edition of Standard Methods for Examination of Water and Sewage, as published by the American Public Health Association.
- 8.01.6 The characteristics and strength of the wastes, as determined by analyses, shall be used to determine the applicability of the surcharge, or surcharges, and used as bases for establishing the amount of the surcharge or surcharges. The Authority may assess the costs of conducting flow measurements, and making the chemical and other tests, against the owner and/or tenant of the premises.
- 8.01.7 The Authority may, at its option, accept the results of routine sampling and analyses by the producer of said wastes.

SECTION 9 – BILLS AND PAYMENT

- 9.01 All bills for sewage services will rendered at the end of the service period, billing normally to be on a monthly basis. Bills may be rendered on a monthly or quarterly basis, at the option of the Authority.
- 9.02 Bills may be paid in person at the Authority's collection agency during regular business hours or by mail. Also, drop boxes are available at the Municipal Building in McKeesport, Duquesne and Dravosburg. An after hours drop box is available at the Billing Department building at 2800 Walnut Street in McKeesport.
- 9.03 The Authority will receive regular meter reading from the water supplier monthly or quarterly, at its option. Bills we be rendered as soon as practicable after reading of the respective meters.
- 9.04 All bills shall be due and payable upon the date of presentation and, if not paid within 15 days after that date, a penalty of 10% will be added to such bills.
- 9.05 Except in cases where the customer or ratepayer is a landlord, the following procedures will apply to the termination of service for the nonpayment's of any delinquent bill for sewage and/or service:
- 9.05.1 Within 3 days after a bill shall have become delinquent, a delinquent notice shall be mailed to the customer demanding payment within 5 working days and stating that failure to pay the delinquent bill may result in the termination of service.
- 9.05.2 If the bill remains unpaid, a shut off notice shall be posted at the main entrance to the premises. The shut off notice shall contain the following information:
- a. The date on which the notice is rendered;
 - b. The date on which service will be discontinued, which date shall not be earlier than 10 days after the date of such notice. Amounts of the posting fee and the shut off fee;
 - c. If the customer wishes to protest or otherwise challenge the charges or the termination of service a brief statement that the customer is entitled to have a conference with the Billing Supervisor before service is terminated by writing or telephoning the Authority; and
 - d. The address and telephone number of the Authority.

- 9.05.3 If the customer shall fail to pay the delinquent bill within the time specified in the shut off notice and unless the dispute is resolved as a consequence of the protest procedure, the Authority shall notify the water Authority to shut off the supply of water to the customer's property.
- 9.05.4 Notwithstanding the foregoing provisions of this Section 12.05, nothing contained herein shall result in the shutoff or denial of water service to any lessee of a property because of a previous lessee's failure to pay charges for water or sewage service.
- 9.06 Where the customer or ratepayer is a landlord, service shall be discontinued only in accordance with the provisions of the Utility Service Tenants Rights Act, Act No. 299 of the 1978 Pennsylvania General Assembly.
- 9.07 If service is discontinued, it will not be restored until all unpaid bills and charges including the administration fees, deposits, minimum and such other charges are paid, or satisfactory arrangements made for payment. The amounts of the administration fees shall be as set forth in the Rate Schedule governing furnishing of sewage services.
- 9.08 Notwithstanding the definition of the owner, tenant, and customer, as set forth in Section 2 hereof, and notwithstanding that the customer, applicant or contractor entering into an agreement with the Authority for the use of sewage services, was not the owner of the premises served by the Authority, the owner of the premises shall be liable personally and/or subject to lien for all sewage services rendered to said premises. The Authority may discontinue service as previously set forth, and in addition thereto, file suit in assumpsit against the owner, tenant, and customer, severally or jointly, and may use any other remedy provided by law for the collection of delinquent bills, and in addition, file a municipal claim against the said property. The Authority may use any or all of the remedies so provided by law and the use of any one remedy shall not preclude the use of the Authority's other rights and remedies.
- 9.09 Abatement of Charges - No adjustment on meter bills will be made for any reason other than incorrect registering of the meter unless approved by an action of the Authority Board.
- 9.10 Termination of Water Service for Non-payment of Sewage Service Bill – The water service will be terminated for nonpayment of sewage service bills in premises receiving both water and sewage service even though the bills for water services are paid, the premises being subject to minimum charges regardless of such termination.

**SECTION 10 - SEWER LINE EXTENSIONS AND
SYSTEMS INCLUDING TREATMENT WORKS**

10.01 No sewers shall be extended from the sewers of the Authority, and no sanitary sewerage systems and/or treatment works shall be constructed or other work done without prior written approval of the Authority, permits from the Pennsylvania Department of Environmental Protection, and permits, licenses and/or approvals as required from all Federal, State, County and local agencies. The work shall be done in accordance with these Rules and Regulations, and other applicable requirements.

The applicant must prepare at his cost all contract plans and specifications, rights-of-way plans and contract documents, and prepare at his cost other material which may be required to obtain permits, licenses and/or other approvals and to prepare the applications relative thereto and shall pay all related fees.

The plans and reports involving strictly sanitary sewerage extensions shall be stamped with the seal of a Registered Professional Surveyor or Registered Professional Engineer. All other plans and reports involving pump stations and/or treatment works shall bear the seal of a Registered Professional Engineer (PA).

10.02 **Regulations Relative to Sewerage**

10.02.1 **General** - The construction of all sewerage and sewage treatment plant facilities shall be subject to the applicant, owner and/or developer obtaining at his cost all permits and approvals required by Federal, State, County and other agencies.

No applications for such permits shall be submitted until preliminary approval of the project is obtained from the Authority.

10.02.2 **Municipal, Authority and Others** - All procedures and work must be in accordance with all applicable ordinances and regulations of the Municipality and all Rules and Regulations of the Authority, as amended and supplemented from time to time.

The work and plans relative to sewerage must comply with all Municipal subdivision and other ordinances and regulations including the obtaining of highway occupancy permits in the name of the Authority.

10.03

Application for Approval of Sanitary Sewerage Systems - A written application on a form furnished by the Authority (*Preliminary Application*), unless otherwise indicated, must be submitted for the approval of a sewer line extension, sanitary sewerage system, including pumping stations and treatment facilities, and/or other work, and the obtaining or furnishing sewage service therefrom. A deposit, payable to the Municipal Authority of the City of McKeesport, shall accompany the application to cover preliminary Authority costs, including plan review by the Authority's engineer and the cost of preparation of the "Agreement for the Construction of Sanitary Facilities "Municipal Authority of the City of McKeesport". The deposit will also be used to cover the costs of planning/sewerage module review and submission to DEP, the Act 14 notifications, other miscellaneous administrative costs and an on-site inspector from the Authority. After completion of the sanitary sewer by the developer and the acceptance thereof by the Municipal Authority of the City of McKeesport and the expiration of the eighteen (18) month maintenance bond, if there remains any monies not spent by the Authority for plan review, inspection of construction and legal fees, such monies shall be returned to the developer. In the event the deposit is insufficient for the purpose provided, the developer will, at the request of the Authority, deposit additional funds to defray additional costs and expense. An itemized accounting of all such monies will be supplied to the developer, if requested.

The application shall be subject to the Authority's Rules and Regulations and the execution of an agreement. All applications for sewage service must be accompanied by plans, documents, reports and other materials as may be required by the Authority. The submission of the application must be in strict accordance with the Rules and Regulations of the Authority.

10.04

Procedure for Submission of Reports and Plans

10.04.1 **General** - The applicant shall submit preliminary plans and reports to the Authority for general review and recommendations followed by applications, final plans and reports.

The general design of all proposed sewerage facilities shall be in complete compliance with the requirements of the Department of Environmental Protection and all applicable Rules and Regulations of the Authority and ordinances of the Municipality.

10.04.2 **Preliminary Plans** - The applicant shall submit preliminary plans and reports, in duplicate, in accordance with the following:

1. The Preliminary Application and planning deposit shall be submitted to the Authority.

2. A professional engineer's report setting forth a full description of the proposed system and the basis of design. A comparable report prepared by a professional surveyor may be submitted when the development involves sanitary sewers exclusively.

This report must include a statement and description of the extent of area which it is proposed to include within the system at the present time, and in the future; the estimated present and future population to be served; the estimated per capita rates or volume of sewage to be provided for; the general character of the sewage and the proportion and nature of any industrial wastes; and such other data and information as the Authority may require.

Where industrial wastes will be treated, all applications for service, regardless of location of the premises, must be accompanied by a detailed report setting forth the quantities and character of the wastes, the proposed rates of discharge and such other facts as the Authority may require.

The report must include a detailed summary of the drainage areas and areas to be served; the sewerage system, showing sizes of sewers, distances between manholes, grades, capacities and future ultimate flows in main and intercepting sewers. If treatment facilities are to be constructed, a summary of dimensions, sizes, capacities and all pertinent data relative to each unit, types and capacities of all equipment, general plant and operating descriptive data, total plant capacities and such other data as may be required. If pumping stations are to be constructed, the type, head and capacities of pumping equipment, the type and size of motors, types and capacities of comminuting equipment and screens, descriptions of other equipment, sizes, capacities and other data relative to wet and dry wells, descriptions of operation and other data.

3. Preliminary plans showing the following:

Sewers - Layout of all sewers and manholes, showing sizes, distances between manholes and type of sewers. Design features should be submitted at least in sketch form for special conditions, inverted siphons and such other features. No sewer depth (measured to invert) shall be greater than 15 feet without specific Authority approval. Dead end sewers not over 200 feet in length shall terminate in standard manholes or cleanouts. Dead ends over 200 feet long shall terminate in standard manholes unless future extension of said dead end will include a manhole within 400 feet of the upper most manhole, in which case a temporary cleanout will be permitted. Furthermore, unless greater length is necessary to serve the property, end structures shall be placed 5 feet beyond the down grade property line on the last lot served.

Pump Stations and Treatment Plants - Plans showing property lines, general plant layout, dimensions, types and sizes of all equipment, hydraulic profile and other pertinent features.

4. Outline specifications for pumping stations and sewage treatment plants and description of proposed materials, and equipment.

10.04.3 Final Plans and Reports – After the Authority’s Manager has received replies and recommendations from the Authority’s Solicitor and/or Engineer, the Manager shall notify the developer of the findings and recommendations resulting from the above mentioned review and the amount of the performance bonds, etc. If applicable, any corrections to planning modules will be made at this time. The modules will then be submitted to the Municipality for their approval and adoption of a resolution adding the subdivision to the Municipality’s “Official Plan”. The applicant shall submit four (4) copies of final plans and reports and other required items, all in accordance with the following:

1. A formal letter of request for final approval, satisfactory to the Authority's solicitor, an agreement and such other documents as may be required.
2. An engineer's report setting forth the information and data required in the preliminary report. If no revisions or additional data is required, the preliminary report may be suitable as the final report. In addition, the applicant shall prepare all application forms, modules, reports and such other data as required by the Pennsylvania Department of Environmental Protection.
3. All applications, plans, exhibits and supporting data required for submittal to all agencies having jurisdiction in order to obtain licenses, permits and approvals.
4. Final plans prepared by a qualified Registered Professional Engineer, or by a qualified Registered Surveyor when the development involves sanitary sewers exclusively, showing the following:

Master plan, if first submission of several phases, additions or sections of large development.

U.S.G.S. Topographic Map to indicate general location.

P.A. One Call serial number.

Sewers - These plans must show the boundary line of the municipality or sewer district to be provided sewers; all existing and proposed streets, watercourses, and other salient topographic features; contour lines for intervals of not more than 10 feet; and the surface elevations at street intersections and at points where changes of slope occur. The plans must show clearly the locations of all existing sanitary sewers, but need not show the locations of drains used exclusively for surface or subsoil water.

If sewers are proposed for only a part of the natural or artificial drainage areas, there must be indicated

upon the plans how it is proposed, in general, to provide sewerage for each of the drainage areas in which it is not at the time planned to provide sewers. In the case of sewer extensions, the plans need show only the section wherein sewers are to be extended.

In all cases the plans must clearly show the following: Size of the sewer, the character of the sewer material, the slope, the elevation at the location of all points of change of slope, the direction of flow, the location of all manholes, flushing manholes, inverted siphons, pumping stations, the elevations of all stream beds, the direction of stream flow, the high and low water elevations of all water surfaces and such other data and showing all profiles.

The detailed plans shall include plans of all sewers, regular and special sewer appurtenances, structures of all types and such other features.

Pumping Station and Treatment Plants - These plans shall indicate all phases of the project including architectural, general, structural, mechanical, plumbing, heating and ventilating, electrical and other work, prepared in accordance with sound engineering practice. These plans shall show property lines of all sites, existing and proposed connections, existing and proposed utilities, roadways, drainage facilities and all physical features.

The plans shall provide for complete fencing of all pumping stations and treatment plants and other such facilities.

5. Complete detailed specifications for all work and other contract documents.

10.04.4 Plan Preparation - All final plans must be uniform in size and in accordance with requirements set forth in the Sewerage Manual of the Pennsylvania Department of Environmental Protection.

The plans shall be prepared on sheets 24 by 36 inches in size, with a one-inch border on the left side and a one-half-inch border on all

other sides. Each plan sheet shall include an appropriately sized title block.

The general plan shall be on a scale not smaller than 300 feet to one inch, preferably, and not more than 100 feet to one inch. All other plans shall be drawn to a scale to permit all necessary information to be shown plainly. Sewer profiles shall be on a horizontal scale of not more than 50 feet to the inch and a vertical scale of not more than 10 feet to the inch, and plan views of sewers shall be drawn to the same scale as the profile view.

10.04.5 **Record Plans** - Subsequent to completion of the work, the applicant shall submit to the Authority one (1) set of Record reproducible mylars, four (4) 24" x 36" paper sets, four (4) laminated 11" x 17" paper sets, and a disk containing record drawings of as-built conditions in a software format approved by the Authority (AutoCAD Version 13.0 or higher). No service will be furnished or permitted to be furnished until record plans are submitted and approved.

10.05 **Responsibility for Cost** - The cost of all sanitary sewerage systems and related costs shall be borne by the applicant requesting approval thereof.

The cost of such work shall include the following:

1. The cost of all sewer lines of the size required for the project, none to be less than eight inches in size, of all manholes and other sewer appurtenances.
2. The cost of connections to existing sewers.
3. The cost of all pump stations and treatment facilities, of all grading, landscaping, fencing and other work.
4. The cost of all land and rights of way, the rights of way and land to be conveyed to the Authority.
5. The cost of obtaining all permits, licenses and such other approvals.
6. Authority costs for the review of the plans and specifications, field work, if any, legal work, including the preparation of agreements with the Authority, administrative and such other costs in connection with the project.

7. The cost of a resident engineer or inspectors furnished by the Authority to supervise and/or inspect construction of the project or projects. Such costs shall be the per diem rate (wages plus benefits) currently in effect, plus mileage costs and expenses. If the initial payment referred to in Item 7.03 becomes exhausted, additional deposits shall be made in accordance with the Authorities rate schedule.
8. The payment of all tapping, customer facility, connection and other fees.

10.06

Agreement - The applicant shall enter into a Developer's Agreement with the Authority, prior to final approval for and the commencement of any work; the agreement shall include but may not be limited to the following:

1. The cost of all work shall be paid by the applicant or owner, except as otherwise indicated.
2. The materials and workmanship shall be in accordance with the requirements of the Authority.
3. The ownership title to all sewer collection system shall be conveyed to and vested in the Authority, including easements, sewer lines, pumping and all related facilities.
4. The Authority shall have the right to make further extensions beyond or laterally from all sewers, such extensions not to be considered as connections subject to any refund, and the right to enlarge or improve sewage treatment facilities.
5. Reimbursement of any costs to an applicant for connections to the facilities installed by the applicant shall be provided only if and to the extent required by law and shall be subject to the execution and delivery of a formal reimbursement agreement.
6. Treatment works will not be accepted by the Authority for operation until the satisfactory operation of the facilities is assured.
7. The applicant shall provide permanent 20-foot wide easements, or the width as required, in all plans of lots for all sanitary sewers, and for future extensions as required by the Authority. For sewers to be constructed outside the limits of a subdivision plan, the applicant shall obtain all required permanent easements at least 20 feet in width. All easements shall be obtained and provided at the cost of

the applicant and conveyed to the Authority prior to requesting final approval of the work.

8. The applicant shall provide all insurance, bonds and other such items as required by the Authority.

10.07

Security and Insurance - The applicant shall furnish, at his cost, all bonds or other acceptable security and insurance as provided herein or as required by the Authority. The general requirements shall include but not be limited as follows:

1. **Performance and Labor and Material Security**

The applicant with whom an agreement is executed shall furnish to the Authority surety bonds, letters of credit or other similar type of financial security authorized by Section 5607(d)(23) of the Authorities Act in an amount equal to 110% of the estimated cost of the facilities to be installed by the applicant, all of which financial security shall be in form and substance satisfactory to the Authority and conditioned upon the prompt performance of the construction of such facilities and the prompt payment of all material furnished and all labor supplied or performed in the installation of such facilities.

2. **Maintenance Guarantee and Security**

The applicant shall maintain all facilities and all work performed in good condition and repair for a period of 18 months from the date of the Authority's acceptance thereof and, as security for such maintenance, shall furnish to the Authority a surety bond, letter of credit or any other type of financial security authorized by Section 5607(d)(23) of the Authorities Act in an amount equal to 15% of the actual cost of the facilities installed by the applicant and in form and substance satisfactory to the Authority.

3. **Insurance**

The applicant shall, following the execution of the agreement, submit to the Authority certificates of insurance in accordance with the following requirements and subject to the approval and acceptance by the Authority:

- a. **Workmen's Compensation Insurance** - The applicant shall take out and maintain during the life of the agreement workmen's compensation insurance for all

of his employees employed on the project, and in case any work is sublet, the applicant shall require the subcontractor similarly to provide workmen's compensation insurance for all of the latter's employees, unless such employees are covered by the protection afforded by the applicant.

- b. **Public Liability and Property Damage Insurance** - The applicant shall take out and maintain during the life of the agreement such public liability and property damage insurance as shall protect him and any subcontractor performing work covered by the agreement from claims for personal injury, including accidental death, as well as claims for property damage which may arise from operations under the agreement, whether such operations be by himself or by any subcontractor or by anyone directly or indirectly employed by either of them, and the amounts of such insurance shall be as follows:

Public liability insurance in an amount of not less than \$100,000 for injuries, including accidental death, to any one person, in an amount of not less than \$300,000 on account of one accident; and property damage insurance in an amount not less than \$50,000 to any one person and subject to the same limit for each person, in an amount of not less than \$100,000 on account of one accident.

- c. **Insurance Covering Special Hazards** - Hazards relative to the use of boats or other means of water travel going to or coming from the site, relative to the use of automobiles or trucks on the site or going to or coming from the site, and relative to blasting shall be covered in the same amounts by rider or riders to the public liability and/or property damage insurance policy or policies herein elsewhere required to be furnished by the applicant or by separate policies of insurance.

10.08 Construction Specifications

- 10.08.1 **General** - The design, installation and construction of all sewers, pumping stations, sewage treatment plants and other related

facilities shall be in strict accordance with the *Specifications for the Construction of Sanitary Sewer Lines and Appurtenances* as established by the Authority, with all applicable requirements of the Municipality and as approved by the Consulting Engineer for the Authority.

10.09 Inspection of Construction - All construction of sewerage facilities in the Municipality shall be subject to inspection by representatives of the Authority during the progress of the work to assure that such construction is accomplished in accordance with the approved plans and specifications. The costs of such inspection shall be paid by the applicant.

At least 10 days prior to starting construction, the applicant shall notify the Authority of the anticipated starting date of his proposed construction and the schedule of operation through completion of the project. At the time of this notification, a meeting shall be arranged between the applicant, the construction foreman and representatives of the Authority to completely review all aspects of the construction project, prior to commencing with construction. No construction will be permitted without such a meeting.

Upon completion of the construction work, a detailed final inspection shall be made by the Authority to determine that the completed facilities have been constructed in accordance with the approved plans and specifications. Approval will not be given by the Authority until all discrepancies and deficiencies revealed by this final inspection have been satisfactorily corrected.

Inspection fees as outlined herein and in the Rules and Regulations of the Authority and the Township shall be paid by the applicant, as previously indicated.

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SECTION 11 – TAPPING FEES

11.01

Tapping Fees - Schedule of Rates and Charges

- (a) Upon connection of any sanitary facilities on any premises to a public sanitary sewer, the owner of the premises shall pay a tapping fee according to the following schedule:
- (b) For the premises defined in paragraphs 2.26 (a), (c), (d), (e), (g), (h), (i), (j), (l), and m of the within Rules and Regulations, a single tapping fee in an amount established by separate resolution of the Authority.
- (c) For the premises defined in paragraph 2.26 (b), (f), and (k) of the within Rules and Regulations a tapping fee for each EDU attributed to the premises based on water consumption in an amount established by separate resolution of the Authority. Where the water consumption cannot be readily ascertained, an estimate shall be made thereof and a tapping fee based upon that estimate. After fifteen (15) months of operation, the immediately past twelve (12) month period shall be measured and an adjustment made thereof according to the number of average Equivalent Dwelling Units consumed during that twelve (12) month period, and a tapping fee shall be paid based upon that estimate at the rate set forth herein.

11.02

Where it is necessary in the opinion of the Authority that a saddle be installed in order to accommodate connection of any sanitary facilities to a public sanitary sewer, the owner shall pay the then prevailing charge for each said saddle installed.

11.03

In the event that any premises is razed or destroyed and the owner thereof desires to construct a new building(s) or structure(s) on said real estate, the owner shall first be required to obtain all applicable permits from the Municipality, including but not limited to building, occupancy and/or zoning permits, before re-establishing connections with the public sanitary sewer system. Prior to re-establishing such connections and service, the owner shall also be required to apply for and obtain a sewer permit from the Authority at the cost of \$50.00. The owner shall be entitled to receive a credit for any tapping fee previously paid, provided that the new building or structure is connected at the same point where the previous building or structure was connected, that all fees are paid in full and that the owner pays a \$50.00 reinspection fee. In order to qualify for the credit established hereunder, the new building or structure must be fully constructed and connected within one (1) year of the date of destruction or razing.

- 11.04 In reviewing the application for the sewer permit described in Section 4.0, if the Authority determines that the proposed use of a new building or structure, located on a premises will result in additional EDU's being used on the premises, the owner shall be liable to pay additional tapping fees based on the additional EDU's used on the premises.
- 11.05 The provisions of Section 11.03 shall govern all situations in which the owner of real estate desires to change, in whole or in part, the use of an existing building or structure, or desires to construct additional buildings or structures on such real estate.
- 11.06 Except as otherwise provided herein, all fees shall be due and payable in advance of connecting or construction as determined by the Authority.

SECTION 12 - INDUSTRIAL PRETREATMENT

12.01 This Section 12 sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of McKeesport and enables the Municipal Authority of the City of McKeesport to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code 1251 et seq.) and the prevailing General Pretreatment Regulations (40 Code of Federal Regulations Part 403). In the event language herein is in conflict with the aforementioned laws and regulations, the prevailing applicable laws and regulations shall apply.

The objectives of this Section 12 are to:

- (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; and
- (f) To enable the Municipal Authority of the City of McKeesport 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.

This Section 12 shall work in concert with the requirements set forth in all industrial pretreatment ordinance(s) currently in force as well as Appendix E of these Rules and Regulations.

This Section 12, as well as Appendix E of these Rules and Regulations, provides for the regulation of direct and indirect contributors to the Wastewater System through the issuance of permits to certain nondomestic users and through enforcement of general requirements for other users, authorizes monitoring and

enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established hereunder.

This Section 12, as well as Appendix E of these Rules and Regulations, shall apply to all Users (as such term is hereinafter defined) of the Wastewater System.

12.02 Right of Administration, Implementation and Enforcement

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

12.03 Abbreviations

The following abbreviations, when used in these Rules and Regulations, shall have the designated meanings:

- BOD - Biochemical Oxygen Demand
- BMP - Best Management Practices
- 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
- U.S.C. - United States Code

12.04 Definitions

In addition to words and terms defined elsewhere in these Rules and Regulations, the following words and terms used in this Section 12, as well as Appendix E of these Rules and Regulations, shall have the following meanings, respectively, unless the context hereof otherwise clearly requires:

Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

Approval Authority The Regional Administrator of EPA or designated representative of the Regional Administrator – Region III is designated as the Approval Authority.

Authority The Municipal Authority of the City of McKeesport, Allegheny County, Pennsylvania.

Authorized Representative of the User

- (1) If the user 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; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit requirements; and where 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 user 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 paragraphs 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 if the City of McKeesport.

Biochemical Oxygen Demand or **BOD** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Board The Board of the Authority.

Building Sewer A sewer conveying wastewater from the premises of a User to the Treatment Works.

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

Cooling Water The water discharged from any use, such as air conditioning, cooling or refrigeration, or water to which the only pollutant added is heat and also includes non-contact cooling water.

Commonwealth The Commonwealth of Pennsylvania.

DEP The Pennsylvania Department of Environmental Protection.

Direct Discharge The discharge of treated or untreated wastewater directly into the waters of the Commonwealth.

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 commence prior to the publication by EPA of proposed categorical pretreatment

standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Grab Sample A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time consistent with published standards for sample collection.

Holding Tank Waste Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

Indirect Discharge The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or Section 307(c) of the Act into the Treatment Works (including holding tank waste discharged into the Treatment Works).

Industrial User A source of indirect discharge located within the Municipality which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act.

Instantaneous Maximum Allowable Discharge Limit The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

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 the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under or any more stringent State or local regulations: Section 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 D of the Solid Waste Disposal 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.

Municipality Any local governmental entity that has corporate status (City, Borough or Township) served by the Authority.

National Categorical Pretreatment Standard or Pretreatment Standard Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) or 307(c) of the Act which applies to a specific category of Industrial User.

National Prohibitive Discharge Standard or Prohibitive Discharge Standard Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR Section 403.5.

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 Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:
 - (a) The building, structure, facility, or installation if constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production of wastewater generating processes of the building, structure, facility, or installation is 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 Section (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 paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment ; or

(ii) 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 ; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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 paragraph.

National Pollution Discharge Elimination System Permit or NPDES Permit A permit issued pursuant to Section 402 of the Act.

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 requirements 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 government entities.

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

Pollution The man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

Pollutant Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, 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 Section 2.1 of this ordinance.

Publicly Owned Treatment Works or POTW A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 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; or

(2) A user that:

(a) Discharges an average of twenty-five thousand (25,000.00) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(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 standard 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 or concentration which has reasonable potential to cause an interference, pass through, or other violation of the POTW's ordinances, local limits or permit conditions.

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

Storm Water Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

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.

Treatment Works The any wastewater treatment facility owned and operated by the Authority, together with all additions thereto, and shall include any sewers that convey wastewater thereto, but shall not include pipes, sewers or other conveyances not connected to a facility providing wastewater treatment, and shall include any sewers that convey wastewater to such Treatment Works.

Toxic Pollutant Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of Section 307(a) of the Act or other Federal legislation.

User Any person who contributes, causes or permits the contribution of wastewater into the Treatment Works.

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

Waters of the Commonwealth All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies and accumulations of water, surface or underground, nature or artificial, public or private, which are contained within, flow through or border upon the Commonwealth or any portion thereof.

Wastewater Discharge Permit A permit contemplated by the provisions of Subsection 12.07 hereof inclusive of Appendix E of these Rules and Regulations.

12.05

Regulations

12.05.1 **General Discharge Prohibitions**

No User shall contribute or cause to be contributed, directly or indirectly, any pollution or wastewater which will interfere with the Treatment Works. These general discharge prohibitions apply to all Users of the Treatment Works whether or not the User is subject to National Categorical Pretreatment or other Pretreatment Requirements.

12.05.2 **Specific Discharge Prohibitions**

No User shall contribute any of the following substances to the Treatment Works:

- (a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the Treatment Works or to the operation of the Treatment Works including, not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21. At no time, shall two

successive readings on an explosion hazard meter, at the point of discharge into the Wastewater System (or at any point in the Wastewater System) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Authority, the Commonwealth or EPA has notified the User is a fire hazard or a hazard to the Wastewater System.

- (b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference or pass through with the operation of the Treatment Works including, but not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, Petroleum oil, non biodegradable cutting oil; or products of mineral oil origin, mud, or glass grinding or polishing wastes.
- (c) Any wastewater having a pH less than 5.0 or more than 9.0, unless the Treatment Works is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or constituting a hazard to structures, equipment or personnel of the Treatment Works.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the

receiving waters of the Treatment Works, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but shall not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.

- (e) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (f) Any substance which may cause the Treatment Work's effluent or any other product of the Treatment Works, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the Treatment Works cause the Treatment Works to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or Commonwealth regulations applicable to the sludge management method being used.
- (g) Any substance which will cause the Treatment Works to be in violation of its NPDES or Commonwealth Permit or the receiving water quality standards.
- (h) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetables tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating MACM NPDES permit
- (i) Any wastewater having a temperature which will inhibit biological activity in the Treatment Works resulting in interference, but in no case wastewater with a temperature at the introduction into the Treatment Works which is in excess of 40°C (104°F) or

less than 0°C (32°F) unless the Treatment Works is designed to accommodate such temperature.

- (j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a User knows or has reason to know will cause interference with the Treatment Works. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operation.
- (k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Authority in compliance with applicable Commonwealth or Federal regulations.
- (l) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (m) Medical wastes, except as specifically authorized by MACM in a wastewater discharge permit;
- (n) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (o) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (p) Trucked or hauled pollutants, except at discharge points designated by MACM in accordance with Appendix E of this document;
- (q) Storm water, 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

- (r) 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.

When the Authority determines that any User is contributing to the Treatment Works any of the above-enumerated substances in such amounts as to interfere with the operation of the Treatment Works, the Authority shall (i) advise such User of the impact of the contribution on the Treatment Works and (ii) develop effluent limitations for such User to correct the interference with the Treatment Works in accordance with these Rules and Regulations as well as Appendix E of this document.

12.05.3 Federal Categorical Pretreatment Standards

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

- A. Where a categorical pretreatment standard is expressed only in terms of mass of pollutant per unit of production, MACM may impose equivalent concentration or mass limits.
- 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 waste stream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user 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 net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Section 12 for sources in that subcategory, shall immediately supersede the limitations imposed under this Section 12. The

Authority shall notify all affected Users of the applicable reporting requirements under 40 CFR Section 403.12.

12.05.4 Commonwealth Requirements

Commonwealth requirements and limitations on discharges into the Wastewater System shall apply in any case where they are more stringent than Federal requirements and limitations or those contained in this Section 12.

12.05.5 Local Limits

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.

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 these Rules and Regulations.

12.05.6 Authority's Right of Revision

The Authority reserves the right to establish by ordinance or in wastewater discharge permits, more stringent limitations or requirements on discharges to the Wastewater System if deemed necessary to comply with the objectives set forth in Subsection 12.01 hereof.

12.05.7 Excessive Discharge/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 discharge limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Authority or the Commonwealth unless expressly authorized by an applicable 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 limitation is appropriate.

12.06 Pretreatment Facilities

12.06.1 Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 12.05.2 of these Rules and Regulations 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 provision of this ordinance.

12.06.2 Additional Pretreatment Measures

- A. 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 waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- B. 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.
- C. 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 repaired regularly, as needed, by the user at their expense.

- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- E. Whenever deemed necessary, MACM may require any industrial user to install, maintain and perform any and all best management practices as applicable in accordance with best management practices as specified by the EPA, the State, or MACM, whichever is more stringent.

12.06.3 Accidental Discharge/ Slug Control Plans

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Section 12. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the User's own cost and expense. Detailed plans showing facilities and operating procedures to provide such protection shall be submitted to the Authority for review and shall be approved by the Authority before the commencement of construction of the facility. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of this Section 12.

At least once every two (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. The MACM shall have the Authority to conduct on-site inspections of significant industrial user facilities to ensure measures taken by the significant industrial user are consistent with the submitted slug control plan. Such inspections shall be performed at a minimum, within one year of the user being identified as significant. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non routine batch discharges;

- B. Description of stored chemicals;
- C. Procedures for immediately notifying MACM of any accidental or slug discharge, as required by Appendix E of these Rules and Regulations; and
- 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.

12.06.4 Hauled Wastewater

- A. 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 Section 12 of these Rules and Regulations or any other requirements established by MACM. MACM may require waste haulers to obtain wastewater discharge permits.
- B. 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 ordinance.
- C. 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.
- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit

number, truck identification, names 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.

12.07

Administration and Permits

12.07.1 Wastewater Discharge Permit Requirement

It shall be unlawful to discharge without a Wastewater Discharge Permit to any natural outlet within the Municipality or in any area under the jurisdiction of the Authority or to the Treatment Works any wastewater except as authorized by the Authority in accordance with the provisions of this Section 12 inclusive of Appendix E of these Rules and Regulations.

12.07.2 Reference Appendix E for permit requirements for new and existing sources, application contents, issuance process, permit contents and durations, reporting requirements, and compliance monitoring for Wastewater Discharge Permits.

12.08

Pretreatment Program Violations and Administrative Enforcement

12.08.1 Notification of Violation

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 serve upon that user a written Notice of Violation. Within five (5) days of the receipt of this notice, an 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.

12.08.2 Consent Order

MACM may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non compliance. 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 Sections 12.08.4 and 12.08.5 of these Rules and Regulations and shall be judicially enforceable.

12.08.3 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 should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (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.

12.08.4 Compliance Orders

When MACM finds that user has violated, or continues to violate, any provision of these Rules and Regulations or other applicable 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.

12.08.5 Cease and Desist Orders

When MACM finds that a user has violated, or continues to violate, any provision of these Rules and Regulations or other applicable ordinance, 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; and
- B. Take such appropriate remedial or preventative 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.

12.08.6 Administrative Fines

- A. When MACM finds that a user has violated, or continues to violate, any provision of these Rules and Regulations or other applicable ordinance, 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 twenty-five thousand dollars (\$25,000.00) 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 operation 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.

- B. 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 thirty (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.
- C. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

12.08.7 Emergency Suspensions

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 reasonably 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.

- A. 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 Section 12.08.8 of these Rules and Regulations are initiated against the user.
- B. 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 Sections 12.08.3 or 12.08.8 of these Rules and Regulations.

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

12.08.8 Termination of Discharge

In addition to the provisions in Appendix E to these Rules and Regulations, any user who violated the following conditions is subject to discharge terminations:

- A. Violation of wastewater discharge permits 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; or
- E. Violation of the pretreatment standards in Section 12.05 of these Rules and Regulations.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 12.08.3 of these Rules and Regulations why the proposed action should not be taken. Exercise of this option by MACM shall not be a bar to, or a prerequisite for, taking any other action against the user.

12.09 JUDICIAL ENFORCEMENT REMEDIES

12.09.1 Injunctive Relief

When MACM finds that a user has violated, or continues to violate, any provision of these Rules and Regulations or other applicable ordinance, 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 these Rules and Regulations or other applicable 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.

12.09.2 Civil Penalties

- A. 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 twenty-five thousand dollars (\$25,000.00) 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.
- B. 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.
- C. In determining the amount of civil liability, the Court shall take into account all relevance 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, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against or a prerequisite or, taking any other action against the user.

12.09.3 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 these Rules and Regulations or other applicable ordinance, or Pretreatment Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Rules and Regulations or other applicable ordinance shall upon conviction be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than thirty (30) days, or both. Each occurrence shall be a separate offense. This section shall not preclude prosecution under the Pennsylvania Crimes Code.

12.09.4 Remedies Nonexclusive

The remedies provided for in these Rules and Regulations or other applicable ordinance 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 published in Appendix E of these Rules and Regulations. 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.

12.10 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

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 twelve (12) months, were in significant noncompliance (SNC) with applicable pretreatment standards and requirements. The term significant noncompliance is defined using the prevailing EPA definition under 40 CFR 403.8 or at a minimum shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed a numeric Pretreatment Standard or Requirement (including instantaneous maximum limits) for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or requirement (including instantaneous maximum 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 have caused imminent endangerment to the public or to the environment, or have resulted in MACM's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (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 forty five (45) 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; or
- H. Any other violation(s), which MACM determines will adversely affect the operation or implementation of the local pretreatment program. Such violations are not limited to quantitative values and may include violations of best management practices.

12.11 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

12.11.1 Upset

- A. For the purpose 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 preventative maintenance, or careless or improper operation.

- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph C, below, are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the user can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to MACM within twenty-four (24) hours of becoming aware of the upset.
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. 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.
- F. 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.