

Chapter 135

SEWERS

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[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg: Part 1, 10-8-1979 as Ch. 9 of the Code of Ordinances; Part 2, 3-8-1993 as Ord. No. 93-2. Sections 135-5, 135-7, 135-9, 135-17, 135-18 and 135-57 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

Sewage authority — See Ch. 42.
Mobile homes — See Ch. 114.

Part 1
Regulations
[Adopted 10-8-1979 as Ch. 9 of the Code of Ordinances]

ARTICLE 1
Installation of Public Sewers

§ 135-1. Application for connection permit.

From and after the approval of this Article, any person who shall be the owner or lessee of premises desiring to connect with any sewers of the borough by the "Y" connections now laid and established shall first make application to the Borough Secretary's office upon a book prepared for that purpose, and upon the receipt of such application, it shall be the duty of the Secretary to issue a permit for the tapping of the sewer, subject to the provisions of this Article, and to collect the fee as designated by Council pursuant to §1-16 herein, for the privilege; provided, however, that the permit shall be granted only upon the condition that the owner or lessee for whose benefit such connection is made and each succeeding tenant shall, in consideration of the privilege thereby granted and employed, hold the borough harmless from all and any loss or damage that may in any way result from or be occasioned by such sewer connections; and further provided, that they will not permit improper material to be thrown into the sewer inlets or openings, such as grease, rags, sweepings, shavings or kitchen refuse or solids of any kind, and will at all times keep these openings or inlets properly protected with grating or catch basins of description and form approved by the Borough Secretary. It shall moreover be a condition in the privilege granted that the party for whose use the attachment with the sewer is made shall have all downspouts, conductors or openings from buildings that discharge water or liquids upon the foot walks of the street connected with a private drain and the water or liquids carried underground to the sewer.

§ 135-2. Installation.

Any person who shall be the owner or lessee of premises desiring to connect with the main sewer, other than the "Y" connection now laid and established, shall first make application to the Borough Council in meeting assembled and obtain its consent for such connections, which said consent or permit shall be subject to the provisions of this Article. Before any work shall begin under the provisions of this section, a license fee as designated by Council pursuant to §1-16 herein shall be paid to the Treasurer of said Council. No such tapping or connection shall be done by any other than a regular licensed plumber. Said tapping shall be made by a "Y" connection with the main sewer, and all the cost of said connection shall be borne by said owner or lessee. Said tapping or connection shall be made subject to the provisions in § 135-1 of this Article.

§ 135-3. Licensing of installers.

The Committee on Sewers is hereby authorized to license three (3) or more persons in the borough to do the work of making the connections and laying the drains within the street limits or outside of the property line by the "Y" connections now laid and established, provided that no party be considered until he shall have furnished said Committee with satisfactory evidence that he is a person regularly educated to the business, is qualified to perform the duties which he undertakes and, previous to being licensed by said Committee, said party shall file a bond in such sum as may be designated by said Committee, not less than five hundred dollars (\$500.), with two (2) or more sureties, conditioned that he will indemnify and save the borough harmless from all loss or damage that may be occasioned by reason of his neglect or carelessness, either during the progress of the work in his charge or for its insufficiency after completion; and conditional also that he will promptly, at the proper time and place, restore the street and pavement over trenches and openings made for the purpose of laying drains to as good condition as he found it, previous to commencing work. The repairing shall be done to the satisfaction of the Street Commissioner. Upon the completion of any connections or at the stated time, as may be determined by the Secretary, he shall furnish a description of the work done on blanks prepared for that purpose.

§ 135-4. Control of work; costs.

The agent of the borough as such shall have control of the work that lies between the lines of the property and the sewer and, for the work within the limits prescribed, will be held liable for the amount of their bonds. The whole of the work within the streets and within the limits of the premises shall be done under the supervision of the Engineer's Department and subject to such rules, regulations and restrictions as may be established by that officer. The expenses incurred for making connections and having private drains will be borne by the person for whose use they are made or the connection is made.

§ 135-5. Violations and penalties.

Any person licensed to make connections with the sewers who shall be guilty of any violation of this Article or its provisions shall be immediately deprived of his license. If the connection with any sewer is made in violation of any provision of this Article or if used for purposes not specified therein, such violation shall constitute a summary offense and shall be punishable by a fine of not more than six hundred dollars (\$600.) and costs of prosecution or, upon default in payment of the fine and costs, by imprisonment for not more than thirty (30) days.

§ 135-6. Prohibited disposal.

The additional charge for garbage grinders shall be as designated by Council pursuant to §1-16 herein.

§ 135-7. Penalties for damage to system.

Any person injuring, breaking or removing any portion of a catch basin, manhole, cover or any part of the sewer or appurtenances or obstructing in any manner the inlet or outlet of any sewer or drain shall be subject to the penalty stated in § 135-5.

§ 135-8. Prevention of solid matter into sewers.

It shall be deemed unlawful for any person to use a private sewer or house connection with any of the public sewers without providing for all inlets suitable gratings to prevent the admission of rubbish or solid

matter that may find its way to them and further, to fix appliances to trap the sewer gas and to prevent the escape into the building or areas.

§ 135-9. Providing sufficient water for flushing.

When there shall have been provided a suitable and sufficient system or water supply for the borough, it shall be deemed unlawful for any person in possession of premises in which a pipe or other connections with a public sewer or drain has been laid for the carrying off of animal refuse from privy or water closet, slop from kitchen or for other purposes to allow the same to remain without good and perfect fixtures so as to allow a sufficiency of water to be applied so as to carry off such matter and to keep the same unobstructed. Each day the same is permitted to remain without such fixtures for supplying such water shall be deemed a distinct and separate offense, subject to the penalty stated in § 135-5.

§ 135-10. Disposition of fees and fines.

All money received on sewer permits or for fines imposed under the sewer ordinance now in force shall be paid into the Borough Treasury.

§ 135-11. Inspection of sewers.

All drain pipes for public sewers must be subject to the inspection of the Borough Secretary or Engineer, his assistant or any other authorized inspector connected with the department.

§ 135-12. Required drainage.

No dwelling house, store or other building shall be erected or altered on any street or alley in which there is a sewer without providing an underground connection by drain pipes for carrying off all drainage that would otherwise flow over the footway or sidewalk of the streets.

§ 135-13. Maintenance of inlet basins.

It shall be the duty of the Street Commissioner, at stated times during each month (on sidehill streets after every rain), to inspect the sewer inlet basins and to have removed all silt and rubbish collected in and about these openings and at all times to keep the openings and inlets in a condition to receive the surface drainage and to retain the heavier matter carried to them.

§ 135-14. Rules for connections.

The Borough Engineer shall establish such rules and regulations in reference to the construction of house connections not inconsistent with the provisions of this Article as, in his judgment, may be necessary.

§ 135-15. Pipe size.

No drain from any building shall be connected with any sewer otherwise than by a drain pipe, which shall be six (6) inches in diameter, except it is authorized by the Sewer Committee.

§ 135-16. Notice of time of connection.

Notice must be left at the office of the Borough Secretary by the person who is to make connection with the sewer or drain when such work shall be ready for inspection, previous to making such connection. This notice must be in handwriting and left between the hours of 8:00 a.m. and 5:00 p.m.

§ 135-17. Underground drain connections.

All such establishments as taverns, eating houses, barbershops, livery stables, dyeing and scouring rooms and factories located on streets and alleys where sewers are laid shall be provided with underground drain connections with sewers for the purpose of carrying off all water or liquids that would otherwise be discharged on the sidewalks or in the gutters of streets and alleys by the conductors or downspouts on the buildings or by pipes draining sinks or other receptacles of waste within the premises, and further, it shall be the duty of the Borough Secretary to give notice to all parties affected by this that failing to comply with the provisions set forth herein, they will be required to make such underground connection with the public sewer within thirty (30) days. Otherwise, they will be subject to the penalty stated in § 135-5

§135-18. Institution of prosecution.

It shall be the duty of the Street Commissioner to make information before the District Justice against parties violating the provisions relating to the deposit of rubbish or store sweepings in the street or alley gutters or in the sewer inlets and also for the violation of §§ 1355 and 135-6 of this Article relating to the tapping and use of sewers.

ARTICLE II
Discharge of Industrial Wastes

§ 135-19. Definitions.

Unless the context clearly requires otherwise, the following words and terms used in this Article shall have the following meanings:

ABNORMAL INDUSTRIAL WASTE — Any industrial waste having a suspended solid content of BOD (biochemical oxygen demand) appreciably in excess of that normally found in municipal sewage. For the purpose of this Article, any industrial waste containing more than two hundred seventy-five (275) parts per million of suspended solids or having a BOD in excess of two hundred fifty (250) 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.

AUTHORITY — The Greater Greensburg Sewage Authority, representing the City of Greensburg, and the Boroughs of South Greensburg and Southwest Greensburg, Westmoreland County, Pennsylvania.

CITY — The City of Greensburg, Westmoreland County, Pennsylvania.

COMBINED SEWER — A sewer designed to receive both sewage and stormwater runoff which has been approved by the City or Borough Council for such purposes.

GARBAGE — Solid wastes from the preparation, cooking and disposing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES — Any liquid, gaseous or waterborne wastes from industrial processes or commercial establishments, as distinct from sanitary sewage.

OCCUPIED BUILDING — Any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and industrial wastes, or either thereof, is or may be charged.

PERSON — Includes persons, partnerships, associations and corporations.

pH — The logarithm to the base 10 of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one (1) 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.

PREMISES ACCESSIBLE TO THE PUBLIC SANITARY SEWAGE SYSTEM — Any real estate abutting on or adjoining any street of the borough in which is a combined sewer or a sanitary sewer of the public sanitary sewage system.

PROPERLY SHREDDED GARBAGE — The waste from the handling, storage and sale of produce that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ($1/2$) inch in any dimension.

PUBLIC SANITARY SEWERAGE SYSTEM — All sanitary sewers, all combined sewers, all sewage treatment works and all other facilities owned or operated by either the borough or the Authority for the collection, transportation and treatment of sanitary sewage and industrial wastes, together with their appurtenances and additions, extensions or improvements thereto. It shall also include sewers within the borough limits which serve one (1) or more persons and discharge into the public sanitary sewerage system, even though those sewers may not have been constructed by borough funds and are not owned or maintained by the borough. It does not include separate storm sewers or culverts which have been constructed-for the sole purpose-of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the Authority's sewage treatment facilities.

SANITARY SEWAGE — The normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial and commercial establishments, exclusive of stormwater runoff, surface water or groundwater.

SANITARY SEWER — A sewer which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

SEWAGE — A combination of water-carried wastes from residences, business buildings, institutions and industrial and commercial establishments, together with such ground-, surface or storm water as may be present.

SEWER — A pipe or conduit for carrying sewage.

STORM SEWER — A sewer which is intended to carry stormwater runoff, surface water, groundwater, drainage or polluted industrial waste.

SUSPENDED SOLIDS — Solids that either float on the surface or are in suspension in water, sewage, industrial waste or other liquids and which are removable by laboratory filtration. The quantity of "suspended solids" shall be determined by one (1) 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.

UNPOLLUTED WATER OR WASTE — Any water or waste containing none of the following: free or emulsified greases or oil; acid or alkali; phenols or other substances imparting tastes and odor to receiving waters; toxic or poisonous substance in suspension, colloidal state or solution; obnoxious or odorous gases. It shall contain no more than ten thousand (10,000) parts per million by weight of

dissolved solids, of which not more than two thousand five hundred (2,500) parts per million shall be as chloride, and not more than ten (10) parts per million each suspended solids and BOD. The color shall not exceed fifty (50) parts per million. Analyses for any of the above-mentioned shall be made in accordance with the latest edition of Standard Methods for the Examination of Water and Sewage, published by the American Public Health Association.

WATER COMPANY — The publicly or privately owned duly authorized agency, corporation or organization which is the approved surveyor of the public water supply within the limits of the borough.

§ 135-20. Admission of industrial wastes.

The economy and desirability of the combined treatment of industrial waste and sanitary sewage is recognized. The treatment facilities which the Authority will cause to be constructed are of a type and design to permit reasonable flexibility in the treatment of various types of industrial wastes. In general, any and all industrial wastes may be discharged to the public sanitary sewerage system except those which are deemed harmful to the system or are specifically prohibited by this Article. However, it is also recognized that the treatment of abnormal industrial wastes may add to the cost of operating and maintaining the public sanitary sewerage system. Such additional cost shall be borne by the person or persons receiving the benefit of such treatment.

§ 135-21. Right to refuse certain wastes.

The borough and/or the Authority reserves the right to refuse connection to the public sanitary sewerage system for deleterious industrial wastes or to compel discontinuance of the use of the system for such wastes or to require pretreatment thereof in order to prevent harmful or adverse effect upon the system. The design, construction and operation of such pretreatment facilities shall be subject to the approval of the Authority and/or its authorized representative.

§ 135-22. Harmful factors.

In general, industrial waste will be considered harmful to the effects:

- A. A chemical reaction, either directly or indirectly, with the materials of construction of the public sanitary sewerage system in such a manner as to impair the strength or durability of the sewer structure.
- B. A mechanical action that will destroy the sewer structures.
- C. Restriction of the hydraulic capacity of the sewer structures.
- D. Restriction of the normal inspection or maintenance of the sewer structures.
- E. Danger to public health and safety.
- F. An obnoxious condition inimical to the public interest.

§ 135-23. Manhole installation.

When required by the borough and/or Authority, any person discharging to the public sanitary sewerage system industrial wastes or industrial wastes and sanitary sewage together shall install a suitable manhole

or manholes on his connecting sewer or sewers to facilitate observation, sampling and measurement of the combined flow of wastes from his premises. Such a manhole or manholes shall be accessible and safely located and shall be constructed in accordance with plans approved by the Authority and/or its authorized representative. The manhole or manholes shall be installed by such person at his expense and shall be maintained by him so as to be safe and accessible to the borough and/or Authority and/or its authorized representative at all times. The construction and maintenance of such manholes shall be mandatory for the procedures of abnormal industrial wastes.

§ 135-24. Prohibited excesses.

The discharge of excessive amounts of unpolluted water or waste to a sanitary sewer is expressly prohibited. However, such discharge to combined sewers or storm sewers be permitted wherever such sewers are of adequate capacity. The borough and/or Authority reserves the right to define the amount it deems excessive in each

§ 135-25. Shredding of garbage.

The discharge of garbage to the public sanitary sewerage system is expressly prohibited unless the garbage is first properly shredded.

§ 135-26. Prohibited wastes.

No person shall discharge to the public sanitary sewerage system industrial wastes having any of the following characteristics:

- A. Wastes containing liquids, solids or gases which, by reason of their nature or quality, may cause fire or explosion or be in any other way injurious to persons, the structures of the public sanitary sewerage system or its operation.
- B. Wastes having a temperature in excess of one hundred fifty degrees Fahrenheit (150⁰ F.) or less than thirty-two degrees Fahrenheit (32⁰ F.).
- C. Wastes having a pH lower than five point five (5.5) or higher than nine point five (9.5) or having any corrosive property capable of causing damage or hazards to structures, equipment or personnel of the public sanitary sewerage system. Where the borough and/or the Authority deem it advisable, it may require any person discharging industrial wastes to install and maintain at his own expense, in a manner provided by the Authority and/or its authorized representative, a suitable device to continuously measure the record of pH of the wastes so discharged.
- D. Wastes containing any noxious or malodorous gas or substance which, either singly or by interaction with sewage or other wastes, is likely, in the opinion of the borough and/or Authority, to create a public nuisance or hazard to life or prevent entry to sewers for their maintenance and repair.
- E. Wastes containing ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, hair, chemical or paint residues, greases, lime slurry or viscose material of such character or in such quantity as, in the opinion of the borough and/or Authority, may cause an obstruction of the proper operation of the public sanitary-sewerage system.

- F. Wastes containing insoluble non-flocculent substances having a specific gravity in excess of two point sixty-five (2.65).
- G. Wastes containing soluble substances in such concentration as to cause the specific gravity of the waste to be greater than one point one (1.1).
- H. Wastes containing any of the following substances in concentration exceeding those shown in the following table:

Substance	(parts per million)	Maximum Permissible Concentration
Phenolic compound as C ₆ H ₅ OH	1	
Cyanides as CN	1	
Cyanates as CNO	10	
Iron as Fe	15	
Trivalent Chromium as Cr	3	
Hexavalent Chromium as Cr	.5	
Nickel as Ni	3	
Copper as Cu	2	
Lead as Pb	2	
Tin as Sn	2	
Zinc as Zn	2	

- I. Wastes containing more than one hundred (100) parts per million by weight of fat, oil or grease.
- J. Wastes containing more than ten (10) parts per million of any of the following gases: hydrogen sulfide, sulfur dioxide, nitrous oxide or any of the halogens.
- K. Wastes containing gases or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals.
- L. Any wastes containing toxic substances in quantities sufficient to interfere with the biochemical processes of the sewerage treatment works or that will pass through the sewage treatment works and exceed the state requirements for the Monongahela River Watershed in Westmoreland County.
- M. Any waste containing toxic substances or radioactive isotopes

§ 135-27. Sewerage service charge.

There is hereby imposed upon the owners of or the users of water in or on all properties situated within the corporate limits of the borough and served by the public sanitary sewerage system a service charge for the use of said system, payable as hereinafter provided in the amounts hereinafter provided. The service charges shall begin to accrue from and after January 1, 1963, and said owners and users shall be jointly and severally liable for the payment of the service charge and the penalty herein prescribed for delinquent payment thereof.

§ 135-28. Basis of service charge. [Amended 8-10-1981 by Ord. No. 81-14; 12-29-1982 by Ord. No. 82-15; 4-14-1986 by Ord. No. 86-7]

- A. The service charge shall be based on the quantity of water used in or on said properties, as the same is measured by the water company's meter or meters and there in use, and shall be charged at the following percentage rate. Sewage service charges shall be levied at the rate of sixty percent (60%) of those rates set by the water company under its water rate schedule issued and made effective January 1, 1986, or as said rates as set by the water company under its water rate schedule may thereafter be amended.
- B. The increased sewage service rate shall cover the entire time covered by the billing, and no proration shall be required.

§ 135-29. Method of billing.

Owners and users will be billed quarterly for the service charge. The billing for the first two (2) months of each quarter may be an estimate based on the water usage shown by the water company's meter reading for the previous quarter. The last month's billing at each quarter will be computed on the actual water usage for the quarter, minus the previous two (2) months' estimated billings. All bills for service charges shall be due when rendered and shall be subject to a penalty of five percent (5%) if not paid within fifteen (15) days from the-date of the-bill.

§ 135-30. Method of measurement

The measurement of two (2) or more meters of the quantity of water used in or on one (1) property by one (1) owner or user may be combined and the service charge billed to said owner or user as though the quantity of water was measured by one (1) meter, if the Authority so elects.

§ 135-31. Metering of water.

In the event that the owner of or the user of water in or on any property served by the public sanitary sewerage system obtains parts or all of the water used in or on such property from sources other than the water company, such owner or user shall, upon demand of the borough or Authority, at no expense to the borough or Authority or water company, install and maintain a water meter or meters satisfactory to the borough or Authority and to the water company for measuring all water used other than that obtained from the water company, and the quantity of water used to determine the service charge shall be the quantity of water measured by all such meters, plus the quantity of water obtained from the water company.

§ 135-32. Installation of additional meters.

In the event that it is established to the satisfaction of the borough or Authority that a portion of the water used in or on any property served by the public sanitary sewerage system does not and cannot enter the system and in the event that the total water used in or on said property exceeds one hundred thousand (100,000) gallons per quarter, the borough or Authority may require or permit the installation of additional meters in such manner as to determine either the quantity of water excluded from the public sanitary sewage or industrial waste actually entering the public sanitary sewerage system, exclusive of stormwater runoff. The service charge shall be based upon the quantity of water estimated, measured or computed by the borough or Authority to be actually entering the public sanitary sewerage system, exclusive of stormwater runoff, subject to the minimum charge set forth in § 135-28.

§ 135-33. Application for reduction of service charge.

Any person requesting a reduction of the amount of the service charge because of water purchased which does not enter the public sanitary sewerage system shall make written application to the borough and Authority, giving the name of such person and his address and setting forth supporting data fully describing other sources of water, if any, as well as the disposition of water alleged not to be entering the public sanitary sewerage system. The application shall be accompanied by a titled sketch, eighteen by twenty-four (18 x 24) inches in dimension, to approximate scale showing the plan of the property, the water distribution system, sewer layout, existing meters and proposed meters in the scheme to determine the quantity of flow entering or not entering the public sanitary sewerage system. The cost of furnishing, installing and maintaining any meters other than those utilized to measure water purchased from the water company shall be borne by the applicant. The type, size, location, arrangement and maintenance of such meters shall be subject to the approval of the borough and/or the Authority.

§ 135-34. Authorization for additional contracts.

Nothing contained in this Article shall preclude the right of the borough or Authority from entering into contracts with neighboring municipalities for the treatment of their sewage pursuant to a schedule of fees differing from the service charges above set forth.

§ 135-35. Charge for shredded garbage.

Although the proposed sewage treatment works will be capable of treating properly shredded garbage, the actual treatment of the garbage will increase the cost of operating and maintaining the sewage treatment plant and the public sanitary sewage system. Therefore, there is hereby imposed upon each person discharging such garbage into the public sanitary system an additional charge which is intended to cover such additional cost. Such surcharge shall be in addition to the regular service charge set forth in § 135-28 and shall be payable as hereinafter provided in the amount hereinafter provided.

§ 135-36. Charges for garbage grinders.

The additional charge for garbage grinders shall be in accordance with the following schedule:

- A. Household garbage grinders. For each household garbage grinder in a private dwelling unit, forty cents (\$0.40).
- B. Other than household garbage grinders. For garbage grinders other than household grinders referred to in Subsection A of this section, five dollars (\$5.) per month per grinder of one (1) horsepower capacity, and a proportionately lower or higher charge per grinder of lesser or greater horsepower.

§ 135-37. Billing of additional charges.

The additional charges provided for in this Article will be added to the service charges. They will be billed monthly and shall be due at the same time and shall be subject to the same penalty as set forth in § 135-29. No additional charge will begin to occur until the sewage treatment plant works are put into operation.

§ 135-38. Surcharge for industrial wastes.

Although the proposed sewage treating works will be capable of treating certain abnormal industrial wastes, the actual treatment of such wastes will increase the cost of operation and maintaining the public sanitary sewerage system. Therefore, there is hereby imposed upon each person discharging such industrial wastes into the public sanitary sewage a surcharge or surcharges which are intended to cover such additional costs. Such surcharges shall be in addition to the regular service charge set forth in § 135-28 and shall be payable as hereinafter provided in the amount hereinafter provided.

§ 135-39. Basis for surcharge.

The strength of any industrial wastes the discharge of which is to be subject to surcharge shall be determined monthly or more frequently from samples taken either at the manhole referred to in § 135-23 hereof or at any other sample point mutually agreed upon by the Authority and the producer of such waste. The frequency and duration of the sampling period shall be such as, in the opinion of the Authority, will permit a reasonably reliable determination of the average composition of such waste, exclusive of stormwater runoff. Samples shall be collected by a representative of the Authority or its representative in proportion to the flow of waste, exclusive of stormwater runoff, and composited for analysis in accordance with the latest edition of Standard Methods for the Examination of Water and Sewage, as published by the American Public Health Association. Except as hereinafter provided, the strength of the waste so found by analysis shall be used for establishing the surcharge or surcharges. However, the Authority may, if it so elects, accept the results of routine sampling and analysis by the producer of such wastes in lieu of making its own sampling and analysis.

§ 135-40. Formula for surcharge.

- A. In the event that any industrial waste is found by the Authority or its authorized representative to have a BOD in excess of 250 parts per million, the producer of said waste shall be surcharged an amount equal to the product of the actual volume of waste in thousand gallons per billing period, exclusive of stormwater runoff, discharge to the public sanitary sewerage system, and the BOD surcharge rate shall be determined by the following formula:

$$Rc = 0.0083P(C-250)$$

Where:

Rc = The BOD surcharge rate in cents per 1,000 gallons of waste discharged.
= The average annual fixed, operating and maintenance cost of secondary treatment processes per pound of BOD received at the treatment works. Such secondary processes shall include chlorination as well as the activated sludge processes. [Prior to completion of the first year of operation, the value of P shall be assumed to be four cents (\$0.04).]

C = The average BOD of the industrial waste expressed in parts per million as determined in accordance with § 135-39.

- B. The figure "250" appearing in the above formula corresponds to the maximum BOD permissible without surcharge. The figure "0.0083" is the factor to convert parts per million to pounds per one thousand (1,000) gallons. No discount will be permitted for sewage or industrial wastes having a BOD less than two hundred fifty (250) parts per million.

§ 135-41. Alternate formula.

- A. In the event that any industrial waste is found by the Authority to have an average suspended solid concentration in excess of two hundred seventy-five (275) parts per million, the producer of such waste shall be surcharged an amount equal to the product of the actual volume of waste in thousand gallons per billing period, exclusive of storm runoff discharged to the public sanitary sewerage system and the suspended solids surcharge rate. The suspended solids surcharge rate shall be determined by the following formula:

$$Rs = 0.00834 \times B (S-275)$$

Where:

- Rs = The suspended solids surcharge rate in cents per one thousand (1,000) gallons of waste discharged.
- B = The average annual fixed, operating and maintenance cost of the sludge digestion, sludge drying and sludge disposal operations per pound of suspended solids received at the treatment works. [Prior to completion of the first year of operation, the value of B shall be assumed to be four cents (\$0.04).]
- S = The average suspended solids concentration of the abnormal industrial waste expressed in parts per million as determined in accordance with § 135-39.
- B. The figure "275" appearing in the above formula corresponds to the maximum solid's concentration permissible without surcharge. The figure "0.00834" is the factor to convert parts per million to pounds per one thousand (1,000) gallons. No discount will be permitted for sewage or industrial wastes having a suspended solids concentration less than two hundred seventy-five (275) parts per million.

§ 135-42. Surcharge to be added to service charge.

The surcharge provided for in this Article will be added to the service charge set forth in § 135-27. They will be billed monthly and shall be due at the same time and shall be subject to the same penalty as set forth in § 135-37. Notwithstanding the foregoing provisions, no surcharges will begin to accrue until after the sewage treatment works are put into operation.

§ 135-43. Method of payment.

The service charge, additional charges and the surcharges, where applicable, provided for in this Article shall be payable in four (4) quarterly payments each year. The billing for the first two (2) months of each quarter may be an estimate equal to one-third ($\frac{1}{3}$) of the service charge computed on the actual water usage for the quarter, minus the estimated billings for the first two (2) months of the quarter.

§ 135-44. Agreement for billing.

The Authority, either directly or through any person whom it may by resolution appoint or with whom it may contract, will render such bills for the service charges, additional charges and surcharges imposed by

this Article and will make collections thereof, in accordance with this Article and any agreement or agreements entered into between the water company and the Authority relating to such billing and collection.

§ 135-45. Delivery of charges.

Bills and notices relating to the service charges, additional charges and surcharges will be mailed or delivered to the property owner's or user's last address as shown on the books of the water company, and neither the Authority nor the water company shall be otherwise responsible for delivery. No change of address will be honored unless and until such change shall have been furnished, in writing, to the Authority and the water company.

§ 135-46. Lien for charges.

Each service charge, additional charge, surcharge and penalty imposed by this Article shall be a debt due the city or borough and shall be a lien on the property served; if not paid within thirty (30) days after the date of the bill, it shall be deemed delinquent. In such event, the city or borough may proceed to file the lien in the office of the Prothonotary of Westmoreland County, Pennsylvania, and collect the same in the manner provided by law for the filing and collection of municipal claims. In the event of failure to pay the service charge, additional charge, surcharge or penalty after they become delinquent as herein provided, the city, borough or Authority shall be authorized to remove or close the sewer connection and shall have the right to enter upon the property served for such purpose and to take such steps as may be necessary to accomplish such removal or closing, as well as the expense of restoring any such service shall likewise be a debt due the city or borough and a lien on the property served and may be filed and collected as hereinabove provided or such sewer connection shall not again be turned on or the sewage service restored until all service charges, additional charges, surcharges and penalties, including the expense of removal, closing and restoration, shall have been paid.

§ 135-47. Notice of Violation.

All persons violating any provision of this Article shall be deemed in violation of this Article. Notice of such violation shall be given personally or by means of the United States Mail, and if no action to correct the violation is taken within thirty (30) days of the date of such notice, the sewer connection may be removed or closed and reconnection will not be made until after correction of the violation has been accomplished. The expense of such removal or closing and the expense of restoring the sewage service shall be a debt due the city or borough and a lien upon the property served and may be filed and collected as provided in §135-46 hereof.

§ 135-48. Rights of borough.

Change of ownership or occupancy of any property served by the public sanitary sewerage system as to which the service charge, additional charge, surcharge or penalty imposed by this Article is delinquent, as provided in § 135-46 hereof, shall not be cause for reducing or eliminating the rights and remedies of the city or borough set forth.

ARTICLE III

Sewer Connections

§ 135-49. Definitions and usage.

As used in this Article, the following terms shall have the meanings indicated:

PERSON — Any natural person, association, partnership, firm or corporation.

B. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 135-50. Required connections.

Every property in the Borough of South Greensburg adjoining or abutting upon any street or alley in which a public sanitary sewer is now or shall hereafter be located shall be connected with such sewer in such manner and within such time as the Borough of South Greensburg may order for the purpose of the discharge of all fecal matter, human excrement, kitchen and laundry waste and other sewage from such premises. All such sewage shall, after such connection, be conducted into such sanitary sewer. Such sewage shall not be conducted into any storm sewers. Every such property shall be connected separately and independently with the sewer through the house connection branch directly opposite the building or nearest in a downstream direction. Grouping of buildings upon one (1) house sewer shall not be permitted, except under special circumstances and for good sanitary reasons with special permission granted by the Borough Council upon recommendation of the Borough Engineer.

§ 135-51. Time limit; connection by borough.

If the owner of any property, after forty-five (45) days' notice from the borough to make connection of such property with a borough sewer, shall fail to make such connection, the borough may make such connection and may collect the cost thereof from such owner by a municipal claim or in an action of assumpsit, as is provided by law.

§ 135-52. Connection procedure; fees. [Amended 2-13-1984 by Ord. No. 84-7]

No person shall make or cause to be made any connection of his property with any of the borough sewers until he has fulfilled all of the following conditions:

- A. He shall notify the Borough Council of his desire and intention to make such connection.
- B. He shall pay a sewer connection charge or tap fee, said sewer connection charge or tap fee to be based upon equivalent dwelling units (E.D.U.), and before any permit shall be issued, the applicant shall pay to the borough the fee as designated by Council pursuant to §1-16 herein, for each equivalent dwelling unit (E.D.U.).

(1) Definitions and fee schedule:

NONRESIDENTIAL PROPERTY — Any office, store, shop, motel, hotel, restaurant or other establishment selling a product or rendering a service and any religious, fraternal or government

establishment and any industrial, warehousing or wholesale distributing establishment. Each nonresidential establishment in a building or complex of buildings shall be billed as a separate entity.

RESIDENTIAL PROPERTY — Any single-family dwelling, multiple-family dwelling, trailer or mobile home, apartment, townhouse or structure utilized solely for dwelling purposes. Each "residential property shall pay based upon the following schedule for equivalent dwelling units as set forth in this section.

(2) Owners of residential and nonresidential property shall pay based upon the following schedule of equivalent dwelling units as set forth in this section:

Property Classification	E.D.U.	
Single Family Dwelling	1	
Two-family dwelling	2	
Trailer on individual lot or in trailer court (which is defined as consisting of 2 or more trailers)	1 per trailer	
Apartment building	1 per rental unit	
Motel and hotel	1 per 2 rental units	
Restaurant, club or tavern; supermarket	1 for each 1,000 square feet or part	thereof
under roof		
Church	1 ^{1/2}	
Service station, auto repairs, auto service or commercial garage, 2 bays or less	1 ^{1/2}	
Each additional bay over 2	1 ^{1/2}	
Barber and beauty shop:		
Attached to or forming part of owner's residence	1/2	
Not attached to owner's residence	1 ^{1/2}	
Commercial laundromat, per each 4 washing machines	1	
Retail store, office, business or industry providing public or private toilet facilities	1 for each 4,000 square feet or part	thereof under roof
each 4,000 distribution	square feet or part thereof	under roof
Retail store, office business or industry employing use or processing water or showers	1 for each 2,000 square feet or part thereof under roof	
Property Classification	E.D.U.	
Funeral home, attached to or forming a part of owner's residence	1/2	
Not attached to owner's residence	1 ^{1/2}	
School (public/private)	1 for each 4,000 square feet or part thereof under roof	

User having a commercial (³ / ₄ horsepower or larger) garbage grinder	1 per each
Doctors and dentists' offices:	
Attached to or forming a part of owner's residence	1/2
Not attached to owner's residence	1 1/2
Car wash business, 2 stalls or less	3
Each additional stall over 2	1 1/2
Dairy or milk processing plant	8

- C. He shall have applied for and obtained from the Zoning Officer a permit to excavate in the street, in accordance with the borough ordinance regulating the same.
- D. He shall have given the Street Commissioner at least twenty-four (24) hours' notice of the time when such connection shall be made, in order that the Borough Engineer or Street Commissioner or his authorized agent can be present to supervise the work of connection.

§ 135-53. Performance of work.

All work of making connections to any of the borough sewers shall be done under the personal supervision of the Borough Engineer or Street Commissioner or his authorized agent. All joints shall be sealed and made airtight and shall be made smooth and clean inside with all sewers in straight alignment and of proper grade so as to provide free flow of sewage matter without any obstructions and to be made in accordance with the borough's specification for its sanitary sewers. All work pertaining to the connection with the borough's sewers shall be, financially and otherwise, the responsibility of the owner of the property with which connection is made, subject to the right of supervision hereby reserved by the borough.

§ 136-54. Restrictions.

No person shall connect or cause to be connected with any of the public sanitary sewers in the borough, directly or indirectly, any stormwater sewers, stream exhaust, boiler blow off, sediment drip or any pipe carrying or constructed to carry hot water or acid, germicide, grease, brewery mash, gasoline, naphtha, benzine, oil or any other substance detrimental to the sewers or to the operation of the sewerage system of the sewage disposal works of the borough. Any other restrictions imposed by the Greater Greensburg Sewage Authority relating to the transporting, treating and disposing of sanitary sewage which affects the sanitary sewerage system herein described are incorporated herewith and made a part of this Article.

§ 135-55. Prohibited connections.

No privy vault, cesspool or similar receptacle for human excrement shall at any time, now or hereafter, be connected with any of the borough sewers.

§ 135-56. Cleaning of cesspools.

No privy vault, cesspool or similar receptacle for human excrement shall hereafter be maintained upon any premises from which connection with any of the borough sewers shall have been made. Every such privy vault, cesspool or other receptacle shall, within thirty (30) days after final enactment of this Article in the case of premises now connected with a sewer and within thirty (30) days after connection with a sewer in the case of premises hereafter so connected, be abandoned, cleansed and filled under the direction

and supervision of the Borough Engineer or Street Commissioner. Any such privy vault, cesspool or other receptacle not abandoned, cleansed and filled as required by this section shall constitute a nuisance, and such nuisance may be abated as provided by law at the expense of the owner of such property.

§ 135-57. Violations and penalties.

Any person who shall violate or fail to conform to any of the provisions of this Article shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.) and costs of prosecution, and in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. Each day's continuance of a violation, after notice thereof by Borough Council, shall constitute a separate offense.

ARTICLE IV
Cost of Installations

§ 135-58. Cost of installation on owner's property.

The entire cost of installation of a new line or repair or maintenance of an existing line up to its connection with the sewer line shall be absorbed entirely by the property owner. The Street Commissioner shall designate the point on the edge of public roadway or street to which said sewer line shall be placed.

§ 135-59. Connection regulations.

No person shall make or cause to be made any connection of his property with any of the borough sewers or cause or make any repairs or maintenance affecting the borough sewer until he has fulfilled all of the following conditions:

- A. He shall notify the Borough Council of his desire and intention to make such connection or to make such repairs and/or maintenance.
- B. He shall pay the sewer connection fee in accordance with ordinances of the Borough of South Greensburg, which shall be payable to the Borough Secretary for the use of the borough.
- C. He shall have applied for and obtained a permit to excavate in the street, in accordance with the borough ordinances regulating the same.
- D. He shall have given the Borough Secretary at least twenty-four (24) hours' notice of the time when such connection shall be made or repairs or maintenance shall be made, in order that the Street Commissioner or his authorized agent can be present to supervise the work of connection or repair or maintenance.

§ 135-60. Assessment of costs.

The cost of said construction and/or maintenance or repair shall be assessed to and collected from the owners of property adjacent to or abutting upon said improvement or from owners of property receiving benefits of said improvements in accordance with the formula herein established, by an equal assessment of the feet-front to be estimated by the Street Commissioner on the foot-front rule, and he shall certify the same, in writing, showing the date of completion of said improvement, the names of the abutting landowners and the benefiting landowners, the assessable feet frontage of each and the amount of the assessment against each parcel of land and shall file the same with the Borough Secretary; and the Secretary

shall present the same for approval at the next meeting of Council; and upon approval of Council, the same shall be certified by the Mayor or President and Secretary under the Borough Seal.

§ 135-61. Method of installation.

All work of making connections to any of the borough sewers or any repairs and/or maintenance affecting the borough sewers shall be done under the supervision of the Street Commissioner or his authorized agent and shall conform to the following requirements:

- A. All sewer connections shall be made at the place where the "Y" in the borough sewer is provided, but if no "Y" is provided in the borough sewer, then the property owner making such connection shall, at his expense, put in the "Y" in making such connection.
- B. All joints shall be sealed and made airtight and shall be made smooth and clean inside with all sewers in straight alignment and of proper grade so as to provide free flow of sewage matter without any obstructions and to be made in accordance with the borough's specification for its sanitary sewers.
- C. All work pertaining to the connection with the borough's sewers shall be, financially and otherwise, the responsibility of the owner of the property with which connection is made, subject to the right of supervision hereby reserved by the borough, except that the borough agrees to pay fifty percent (50%) of the cost of construction or maintenance of the sewer line from any location under a public street or roadway to the edge of said public street or roadway as provided herein.

Part 2

**Wastewater Pretreatment Standards
[Adopted 3-8-1993 as Ord. No. 93-2]**

ARTICLE V

General Provisions

§ 135-62. Purpose and policy; objectives.

- A. This Part 2 sets forth uniform requirements for users of the publicly owned treatment works operated by the Greater Greensburg Sewage Authority and enables the Greater Greensburg Sewage Authority to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. 1251 et seq.) and the General Pretreatment Regulations (40 CFR 403).
- B. The objectives of this Part 2 are to:
 - (1) Prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation.
 - (2) 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.
 - (3) 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.
 - (4) Promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works.
 - (5) Provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the publicly owned treatment works.

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

§ 135-63. Administration.

Except as otherwise provided herein, the manager of the Greater Greensburg Sewage Authority shall administer, implement and enforce the provisions of this Part 2. Any powers granted to or duties imposed upon the manager may be delegated by the manager to other Greater Greensburg Sewage Authority personnel.

§ 135-64. Abbreviations.

The following abbreviations, when used in this Part 2, shall have the designated meanings:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	United States Environmental Protection Agency
gpd	Gallons per day
mg/l	Milligrams per liter
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

§ 135-65. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Part 2, shall have the meanings hereinafter designated:

ACT or THE ACT— The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. 1251 et seq.

APPROVAL AUTHORITY — The Department of Environmental Resources of the Commonwealth of Pennsylvania.

AUTHORIZED REPRESENTATIVE OF THE USER:

A. If the user is a corporation:

- (1) 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

- (2) The manager of one (1) or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.
- C. 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 his designee.
- D. The individuals described in Subsections A through C 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 Greater Greensburg Sewage Authority.

BIOCHEMICAL OXYGEN DEMAND or BOD— The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees centigrade (20⁰ C.), usually expressed as a concentration (e.g., mg/l).

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD — Any regulation containing pollutant discharge limits promulgated by the 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.

ENVIRONMENTAL PROTECTION AGENCY or EPA — The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency.

EXISTING SOURCE— Any source of discharge, the construction or operation of which commenced prior to the publication by the 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 without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

GREATER GREENSBURG SEWAGE AUTHORITY — See Chapter 42, Sewage Authority.

INDIRECT DISCHARGE or DISCHARGE — The introduction of pollutants into the POTW from any nondomestic sources regulated under Section 307(b), (c) or (d) 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 of the Greater Greensburg Sewage Authority's 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 thereunder 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; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

MANAGER — The person designated by the Greater Greensburg Sewage Authority to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Part 2, or a duly authorized representative.

MEDICAL WASTE Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

NEW SOURCE:

- A. 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:
 - (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (3) The production or 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.
- B. 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 Subsection A (2) or (3) above but otherwise alters, replaces or adds to existing process or production equipment.
- C. Construction of a "new source," as defined under this subsection has commenced if the owner or operator has:
 - (1) Begun or caused to begin, as part of a continuous on-site construction program:
 - (a) Any placement, assembly or installation of facilities or equipment; or
 - (b) 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
 - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

NONCONTACT COOLING WATER— Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

PASS-THROUGH — A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Greater Greensburg Sewage Authority's NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON — Any individual, partnership, copartner ship, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. This definition includes all federal, state and local governmental entities.

pH — A measure of the acidity or alkalinity of a solution, expressed in standard units.

POLLUTANT — Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, 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 — 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 § 135-66 of this Part 2.

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 the Greater Greensburg Sewage Authority. 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:

- A. A user subject to Categorical Pretreatment Standards; or
- B. A user that:
 - (1) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (2) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (3) Is designated as such by the Greater Greensburg Sewage Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- C. Upon a finding that a user meeting the criteria in Subsection B has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Greater Greensburg Sewage Authority 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 at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 135-66 of this Part 2.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE — A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

STORMWATER— Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including 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.

USER or INDUSTRIAL USER— A source of indirect discharge.

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

WASTEWATER TREATMENT PLANT or TREATMENT PLANT — That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

ARTICLE VI

General Sewer Use Requirements

§ 135-66. Prohibited discharge standards.

- A. General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to Categorical Pretreatment Standards or another national, state or local pretreatment standards or requirements.
- B. Specific prohibitions.
 - (1) No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:
 - (a) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140⁰ F.) [sixty degrees centigrade (60⁰ C.)] using the test methods specified in 40 CFR 261.21.
 - (b) Wastewater having a pH less than five point zero (5.0) or otherwise causing corrosive structural damage to the POTW or equipment.
 - (c) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference.
 - (d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
 - (e) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at

the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104⁰F.) [forty degrees centigrade (40⁰C.)].

- (f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.
 - (g) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 - (h) Trucked or hauled pollutants, except at discharge points designated by the manager in accordance with § 135-73.
 - (i) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
 - (j) Wastewater which imparts color which cannot be removed by the treatment process, such as but not limited to dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Greater Greensburg Sewage Authority's NPDES permit.
 - (k) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
 - (l) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by the manager.
 - (m) Sludges, screenings or other residues from the pretreatment of industrial wastes.
 - (n) Medical wastes, except as specifically authorized by the manager in a wastewater discharge permit.
 - (o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
 - (p) Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW.
- (2) 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

C. Local limits. [Added 9-11-1995 by Ord. No. 95-4]

- (1) The following pollutant limits are established to protect against pass-through and interference. No person shall discharge wastewater containing in excess of the following (twenty-four-hour average discharge):
- 0.1097 mg/l arsenic
 - 0.0148 mg/l cadmium
 - 1.9242 mg/l chromium
 - 0.7559 mg/l copper
 - 1.3434 mg/l cyanide
 - 0.0319 mg/l lead
 - <0.0000 mg/l mercury
 - 0.3583 mg/l nickel

0.1887 mg/l silver

0.4327 mg/l total phenols

1.5564 mg/l zinc

(2) The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Authority Manager may impose mass limitations in addition to or in place of the concentration-based limitations above.

D. The Authority reserves the right to establish in wastewater discharge permits more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in § 135-62 of this Part 2 or the general and specific prohibitions in § 135-66 of this Part 2.

§ 135-67. National Categorical Pretreatment Standards.

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated.

- A. Where a Categorical Pretreatment Standard is expressed in terms of either the mass or the concentration of a pollutant in wastewater, the manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the manager 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.

§ 135-68. Borough's right of revision.

The borough reserves the right to establish, by ordinance, and Greater Greensburg Sewage Authority reserves the right to establish by wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

§ 135-69. 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 limitation unless expressly authorized by an applicable pretreatment standard or requirement. The manager may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

ARTICLE VII Pretreatment of Wastewater

§ 135-70. Pretreatment required.

Users shall provide wastewater treatment as necessary to comply with this Part 2 and shall achieve compliance with all Categorical Pretreatment Standards, local limits and the prohibitions set out in § 135-66 of this Part 2 within the time limitations specified by the EPA, the state or the manager, 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 the manager for review and shall be acceptable to the manager 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 the Greater Greensburg Sewage Authority under the provisions of this Part 2.

§ 135-71. Additional pretreatment measures.

- A. Whenever deemed necessary, the manager may require users to restrict their discharge during 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 Part 2.
- B. The manager 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 the manager, 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 the manager 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.

§ 135-72. Accidental discharge/slug control plans.

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

- A. Description of discharge practices, including nonroutine batch discharges.
- B. Description of stored chemicals.
- C. Procedures for immediately notifying the manager of any accidental or slug discharge, as required by § 135-94 of this Part 2.
- 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.

§ 135-73. Hauled wastewater.

- A. Septic tank waste may be introduced into the POTW only at locations designated by the manager and at such times as are established by the manager. Such waste shall not violate Article VI of this

Part 2 or any other requirements established by the Greater Greensburg Sewage Authority. The manager may require septic tank waste haulers to obtain wastewater discharge permits.

- B. The manager shall require haulers of industrial waste to obtain wastewater discharge permits. The manager may require generators of hauled industrial waste to obtain wastewater discharge permits. The manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Part 2.
- C. Industrial waste haulers may discharge loads only at locations designated by the manager. No load may be discharged without prior consent of the manager. The manager may collect samples of each hauled load to ensure compliance with applicable standards. The manager 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.

ARTICLE VIII

Wastewater Discharge Permit

§ 135-74. Wastewater analysis.

When requested by the manager, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The manager is authorized to prepare a form for this purpose and may periodically require users to update this information.

§ 135-75. Wastewater discharge permit required.

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the manager, except that a significant industrial user that has filed a timely application pursuant to § 135-76 of this Part 2 may continue to discharge for the time period specified therein.
- B. The manager may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Part 2.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Part 2 and subjects the wastewater discharge permittee to the sanctions set out in Articles XIV through XVI of this Part 2. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or requirements or with any other requirements of federal, state and local law.

§ 135-76. Existing connections.

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Part 2 and who wishes to continue such discharges in the future shall, within sixty (60) days after said date, apply to the manager for a wastewater discharge permit in accordance with § 135-78 of this Part 2 and shall not cause or allow discharges to the POTW to continue after sixty (60) days of the effective date of this Part 2 except in accordance with a wastewater discharge permit issued by the manager.

§ 135-77. New connections.

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with § 135-78 of this Part 2 must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

§ 135-78. Application contents.

- A. All users required to obtain a wastewater discharge permit must submit a permit application. The manager may require all users to submit as part of an application the following information:
 - (1) All information required by § 135-89B of this Part 2.
 - (2) Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW.
 - (3) Number and type of employees, hours of operation and proposed or actual hours of operation.
 - (4) Each product produced by type, amount, process or processes and rate of production.
 - (5) Type and amount of raw materials processed (average and maximum per day).
 - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation, and all points of discharge.
 - (7) Time and duration of discharges.
 - (8) Any other information as may be deemed necessary by the manager to evaluate the wastewater discharge permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

§ 135-79. Application signatories and certification.

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

§ 135-80. Wastewater discharge permit decisions.

The manager will evaluate the data furnished by the user and may require additional information. Within twenty (20) days of receipt of a complete wastewater discharge permit application, the manager will determine whether or not to issue a wastewater discharge permit. The manager may deny any application for a wastewater discharge permit.

ARTICLE IX
Wastewater Discharge Permit Issuance Process

§ 135-81. Duration of permit.

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

§ 135-82. Permit contents.

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

A. Wastewater discharge permits must contain the following:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed two (2) years.
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Greater Greensburg Sewage Authority in accordance with § 135-85 of this Part 2, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
- (3) Effluent limits based on applicable pretreatment standards.
- (4) Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law.
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.

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

- (1) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization.
- (2) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works.
- (3) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges.
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit.

- (8) Other conditions as deemed appropriate by the manager to ensure compliance with this Part 2 and state and federal laws, rules and regulations.

§ 135-83. Appeals.

The manager shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the manager to reconsider the terms of a wastewater discharge permit within ten (10) days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the manager fails to act within ten (10) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Court of Common Pleas for Westmoreland County, Pennsylvania, within thirty (30) days.

§ 135-84. Permit modification.

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

- A. To incorporate any new or revised Federal, State or Local Pretreatment Standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance.
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- D. Information indicating that the permitted discharge poses a threat to the Greater Greensburg Sewage Authority's POTW, personnel of the city or the Greater Greensburg Sewage Authority, or the receiving waters.
- E. Violation of any terms or conditions of the wastewater discharge permit.
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
- G. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13.
- H. To correct typographical or other errors in the wastewater discharge permit.
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

§ 135-85. Permit transfer.

- A. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days' advance notice to the manager and the manager approves the

wastewater discharge permit transfer. The notice to the manager must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

B. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

§ 135-86. Revocation.

A. The manager may revoke a wastewater discharge permit for good cause, including but not limited to the following reasons:

- (1) Failure to notify the manager of significant changes to the wastewater prior to the changed discharge.
- (2) Failure to provide prior notification to the manager of changed conditions pursuant to § 135-93 of this Part 2.
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- (4) Falsifying self-monitoring reports.
- (5) Tampering with monitoring equipment.
- (6) Refusing to allow the manager timely access to the facility premises and records.
- (7) Failure to meet effluent limitations.
- (8) Failure to pay fines.
- (9) Failure to pay sewer charges.
- (10) Failure to meet compliance schedules.
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application.
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility.
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Part 2.

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

§ 135-87. Permit reissuance.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 135-78 of this Part 2, a minimum of thirty (30) days prior to the expiration of the user's existing wastewater discharge permit.

§ 135-88. Regulation of waste received from other jurisdictions.

It is the intention of the Borough of South Greensburg to enter into an intermunicipal agreement with the City of Greensburg, the Borough of Southwest Greensburg and Hempfield Township and the Hempfield Township Municipal Authority and the Greater Greensburg Sewage Authority for the proper regulation and enforcement of discharges to the POTW of the Greater Greensburg Sewage Authority.

ARTICLE X

Reporting Requirements

§ 135-89. Baseline monitoring reports.

- A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the manager a report which contains the information listed in Subsection B below. At least ninety (90) days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the manager a report which contains the information listed in Subsection B below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
 - (1) Identifying information. The name and address of the facility, including the name of the operator and owner.
 - (2) Environmental permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of operations. A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (4) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 - (5) Measurement of pollutants.
 - (a) The Categorical Pretreatment Standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the manager, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 135-98 of this Part 2.
 - (c) Sampling must be performed in accordance with procedures set out in § 135-99 of this Part 2.
 - (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

- (7) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 135-90 of this Part 2.
- (8) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with § 135-79 of this Part 2.

§ 135-90. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by § 135-89B (7) of this Part 2:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include but are not limited to hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction and beginning and conducting routine operation).
- B. No increment referred to above shall exceed nine (9) months.
- C. The user shall submit a progress report to the manager no later than fourteen (14) days following each date in the schedule and the final date of compliance, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the user to return to the established schedule.
- D. In no event shall more than nine (9) months elapse between such progress reports to the manager.

§ 135-91. Reports on compliance with Categorical Pretreatment Standard deadline.

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the manager a report containing the information described in § 135-89B (4) through (6) of this Part 2. For user's subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other user's subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 135-79 of this Part 2.

§ 135-92. Periodic compliance reports.

- A. All significant industrial users shall, at a frequency determined by the manager but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 135-79 of this Part 2.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the manager, using the procedures prescribed in § 135-99 of this Part 2, the results of this monitoring shall be included in the report.

§ 135-93. Reports of changed conditions.

Each user must notify the manager of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change.

- A. The manager may require the user to submit such information as may be deemed necessary to evaluate the change condition, including the submission of a wastewater discharge permit application under § 135-78 of this Part 2.
- B. The manager may issue a wastewater discharge permit under § 135-80 of this Part 2 or modify an existing wastewater discharge permit under § 135-84 of this Part 2 in response to changed conditions or anticipated change conditions.
- C. For purposes of this requirement, significant changes include but are not limited to flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

§ 135-94. Reports of potential problems.

- A. In the case of any discharge, including but not limited to accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW or natural resources or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Part 2.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection A above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

§ 135-95. Reports from unpermitted users.

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

§ 135-96. Notice of violation/repeat sampling and reporting.

If sampling performed by a user indicates a violation, the user must notify the manager within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the manager within thirty (30) days after becoming aware of the violation. The user is not required to resample if the manager monitors at the user's facility at least once a month or if the manager samples between the user's initial sampling and when the user receives the results of this sampling.

§ 135-97. Notification of the discharge of hazardous waste.

- A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 135-93 of this Part 2. The notification requirement in this section does not apply to pollutants already reported by user's subject to Categorical Pretreatment Standards under the self-monitoring requirements of §§ 135-89, 135-91 and 135-92 of this Part 2.
- B. Dischargers are exempt from the requirements of Subsection A above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of the RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the manager, the EPA Regional Waste Management Waste Division Director and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Part 2, a permit issued thereunder or any applicable federal or state law.

§ 135-98. Analytical requirements.

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

§ 135-99. Sample collection.

- A. Except as indicated in Subsection B below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event that flow proportional sampling is infeasible, the manager may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the

effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

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

§ 135-100. Timing.

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

§ 135-101. Recordkeeping.

Users subject to the reporting requirements of this Part 2 shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this Part 2 and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Greater Greensburg Sewage Authority or where the user has been specifically notified of a longer retention period by the manager.

ARTICLE XI Compliance Monitoring

§ 135-102. Right of entry.

The manager shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Part 2 and any wastewater discharge permit or order issued hereunder. Users shall allow the manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copy, and the performance of any additional duties.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the manager will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The manager shall have the right to set up on the user's property or require installation of such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The manager may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least every six (6) months to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or samples shall be promptly removed by the user at the written or verbal request of the manager and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the manager access to the user's premises shall be a violation of this Part 2.

§ 135-103. Search warrants.

If the manager has been refused access to a building, structure or property or any part thereof and is able to demonstrate probable cause to believe that there may be a violation of this Part 2 or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Greater Greensburg Sewage Authority designed to verify compliance with this Part 2 or any permit or order issued hereunder or to protect the overall public health, safety and welfare of the community, then the manager may seek issuance of a search warrant from the Justice of the Peace having jurisdiction of the City of Greensburg or from the Court of Common Pleas of Westmoreland County, Pennsylvania.

ARTICLE XII Confidential Information

§ 135-104. Trade secrets.

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

ARTICLE XIII Publication of Users in Significant Noncompliance

§ 135-105. Annual publication.

The manager 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 with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria [one and four-tenths (1.4) for BOD, TSS, fats, oils and grease, and one and two-tenths (1.2) for all other pollutants except pH].

- C. Any other discharge violation that the manager believes has caused, along or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public.
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the manager'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 thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.
- H. Any other violation(s) which the manager determines will adversely affect the operation or implementation of the local pretreatment program.

ARTICLE XIV

Administrative Enforcement Remedies

§ 135-106. Notification of violation.

When the manager finds that a user has violated or continues to violate any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the manager may serve upon that user a written notice of violation. Within three (3) 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 the manager. 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 the manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

§ 135-107. Consent orders.

The manager may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§ 135-109 and 135-110 of this Part 2 and shall be judicially enforceable.

§ 135-108. Show cause hearing.

The manager may order a user which has violated or continues to violate any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement to appear before the manager 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 five (5) 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.

§ 135-109. Compliance orders.

When the manager finds that a user has violated or continues to violate any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the manager 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.

§ 135-110. Cease and desist orders.

- A. If the manager finds that a user has violated or continues to violate any provision of this Part 2, 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, the manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:
- (1) Immediately comply with all requirements; and
 - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- B. Issuance of a cease and desist order shall not be a bar against or a prerequisite for taking any other action against the user.

§ 135-111. Administrative fines.

- A. When the manager finds that a user has violated or continues to violate any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the manager may fine such user in an amount not to exceed twenty-five thousand dollars (\$25,000.). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the user's property will be sought for unpaid charges, fines and penalties.
- C. Users desiring to dispute such fines must file a written request for the manager to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the manager may convene a hearing on the matter. In the event that the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

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

§ 135-112. Emergency suspensions.

- A. The manager 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. The manager 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.
 - (1) 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, the manager 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. The manager may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the manager that the period of endangerment has passed, unless the termination proceedings in § 135-113 of this Part 2 are initiated against the user.
 - (2) 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 the manager prior to the date of any show cause or termination hearing under §§ 135-108 or 135-113 of this Part 2.
- B. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

§ 135-113. Termination of discharge.

- A. In addition to the provisions in § 135-86 of this Part 2, any user who violates the following conditions is subject to discharge termination:
 - (1) Violation of wastewater discharge permit conditions.
 - (2) Failure to accurately report the wastewater constituents and characteristics of its discharge.
 - (3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
 - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
 - (5) Violation of the pretreatment standards in Article VI of this Part 2.
- B. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 135-108 of this Part 2 why the proposed action should not be taken. Exercise of this option by the manager shall not be a bar to or a prerequisite for taking any other action against the user.

ARTICLE XV
Judicial Enforcement Remedies

§ 135-114. Injunctive relief.

When the manager finds that a user has violated or continues to violate any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the manager may petition the Court of Common Pleas of Westmoreland County, Pennsylvania, through the Solicitor of the Greater Greensburg Sewage Authority, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order or other requirement imposed by this Part 2 on activities of the user. The manager 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 a user.

§ 135-115. Civil penalties.

- A. A user who has violated or continues to violate any provisions of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement may be liable to the Greater Greensburg Sewage Authority for a maximum civil penalty of twenty-five thousand dollars (\$25,000.) for a 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 the violation.
- B. The manager may recover reasonable attorneys' fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Greater Greensburg Sewage Authority.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including but not limited to the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, 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 for taking any other action against a user.

§ 135-116. Criminal prosecution; violations and penalties.

- A. A user who willfully or negligently violates any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than twenty-five thousand dollars (\$25,000.) per violation, per day, or imprisonment for not more than two (2) years, or both.
- B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than five thousand dollars (\$5,000.), or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
- C. A user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to this Part 2 wastewater discharge permit or order issued hereunder, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part 2 shall, upon conviction, be punished by a fine of not more than three hundred dollars (\$300.) per violation, per day.
- D. In the event of a second conviction, a user shall be punished by a fine or imprisonment up to the maximum allowable by the laws of the Commonwealth of Pennsylvania based on the sentencing guidelines adopted by the Commonwealth of Pennsylvania.

§ 135-117. Remedies nonexclusive.

The remedies provided for in this Part 2 are not exclusive. The manager may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Greater Greensburg Sewage Authority's enforcement response plan. However, the manager may take other action against any use when the circumstances warrant. Further, the manager is empowered to take more than one (1) enforcement action against any noncompliant user.

ARTICLE XVI
Supplemental Enforcement Action

§ 135-118. Performance bonds.

The manager may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part 2, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement unless such user first files a satisfactory bond, payable to the Greater Greensburg Sewage Authority, in a sum not to exceed a value determined by the manager to be necessary to achieve consistent compliance.

§ 135-119. Liability insurance.

The manager may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part 2, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

§ 135-120. Water supply severance.

Whenever a user has violated or continues to violate any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

§ 135-121. Public nuisances.

A violation of any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the manager. Any person(s) creating a public nuisance shall be subject to the provisions of the laws of the Commonwealth of Pennsylvania governing such nuisances.

ARTICLE XVII
Affirmative Defenses to Discharge Violations

§ 135-122. Upset.

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of Subsection 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 the manager within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - (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.
 - (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.

§ 135-123. Prohibited discharge standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 135-66A of this Part 2 or the specific prohibitions in § 135-66B(1)(c) through (p) of this Part 2 if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to and during the pass-through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Greater Greensburg Sewage Authority was regularly in compliance with its NPDES permit and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.

§ 135-124. Bypass.

- A. For the purposes of this section:
- (1) "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsections C and D of this section.
- C. Notice requirements.
- (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the manager at least ten (10) days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the manager of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. Exceptions.
- (1) Bypass is prohibited, and the manager may take an enforcement action against a user for a bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime (this condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.); and
 - (c) The user submitted notices as required under Subsection C of this section.
 - (2) The manager may approve an anticipated bypass, after considering its adverse effects, if the manager determines that it will meet the three (3) conditions listed in Subsection D(1) of this section.

ARTICLE XVIII

Miscellaneous Provisions

§ 135-125. Pretreatment charges and fees.

The Greater Greensburg Sewage Authority may adopt reasonable fees for reimbursement of costs of setting up and operating the Greater Greensburg Sewage Authority's Pretreatment Program, which may include the following:

- A. Fees for wastewater discharge permit applications, including the cost of processing such applications.
- B. Fees for monitoring, inspection and surveillance procedures, including the cost of collection and analyzing a user's discharge and reviewing monitoring reports submitted by users.
- C. Fees for reviewing and responding to accidental discharge procedures and construction.
- D. Fees for filing appeals.
- E. Other fees as the Greater Greensburg Sewage Authority may deem necessary to carry out the requirements contained herein. These fees are related solely to the matters covered by this Part 2 and are separate from all other fees, fines and penalties chargeable by the Greater Greensburg Sewage Authority.