

OFFICIAL

**BOROUGH OF OAKMONT
County of Allegheny
Commonwealth of Pennsylvania**

ORDINANCE NO. O23-2010

AN ORDINANCE OF THE BOROUGH OF OAKMONT, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND SUPPLEMENTING CHAPTER 157 OF *THE CODE OF THE BOROUGH OF OAKMONT*, KNOWN AS “THE SEWER USE ORDINANCE” OF THE BOROUGH OF OAKMONT, APPROVED THE 14TH DAY OF JANUARY 1985, AND AS OF RECORD IN ORDINANCE BOOK VOLUME 21, PAGE 176, OF SAID BOROUGH, SO AS TO PROVIDE FOR COMPLIANCE ONCE AGAIN WITH RECENT REGULATIONS PROMULGATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) IN RELATION TO INDUSTRIAL PRETREATMENT PROGRAMS CARRIED OUT BY PUBLICLY-OWNED TREATMENT WORKS (POTWs).

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Borough Council of the Borough of Oakmont, regularly assembled, and **IT IS HEREBY ORDAINED AND ENACTED** by the authority of the same, that Chapter 156 of *The Code of the Borough of Oakmont*, known as “The Sewer Use Ordinance,” be amended and supplemented as follows:

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005 / PART II GENERAL LEGISLATION / Chapter 157, SEWER USE

County Department of Health •• See Ch. 21.
Floodplain management « See Ch. 109.
Subdivision and land development --Sec CII. 182.
Swimming pools --See CII. 186.
Zoning .-See Ch. 205.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005 / PART II GENERAL LEGISLATION / Chapter 157, SEWER USE

ARTICLE I, General Provisions

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005 / PART II GENERAL LEGISLATION I Chapter 157, SEWER USE

§ 157-1. Purpose and policy.

- A. This chapter consolidates and updates existing borough ordinances relative to the public sanitary sewerage system and sets forth uniform requirements for the discharge of sanitary sewage and industrial wastes to the public sanitary sewerage system, enabling the borough to comply with all applicable state and federal laws required by the Clean Water Act of 1977, as amended, and the General Pretreatment Regulations (40 CFR, Part 403).

B. The basic purpose of this chapter is to promote the health, safety and welfare of the people of the borough and to protect the substantial investment which the borough has made in the public sanitary sewerage system. This chapter meets this purpose by enacting provisions which:

- (1) Require mandatory sewer connection for all properties accessible to the public sanitary sewerage system;
- (2) Regulate the manner in which all sewer connections and sewer extensions shall be constructed;
- (3) Prohibit the discharge of stormwater runoff to separate sanitary sewers;
- (4) Prohibit the discharge of certain wastes into the public sanitary sewerage system;
- (5) Regulate the discharge of industrial wastes to the public sanitary sewerage system;
- (6) Impose sewer service charges, additional charges, special industrial user charges and surcharges for use of the public sanitary sewerage system;
- (7) Establish billing practices and collection procedures for all charges, including late payment penalties and the filing of liens for delinquent accounts; and
- (8) Establish enforcement procedures, penalties and remedies for handling violations of the regulations governing the use of the public sanitary sewerage system contained in this chapter.

C. The basic objectives of the industrial waste discharge provisions of this chapter are:

- (1) To prevent the introduction of pollutants into the public sanitary sewerage system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the public sanitary sewerage system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the industrial waste discharge control or pretreatment program established herein.

D. This chapter provides for the regulation of direct and indirect industrial waste contributors to the public sanitary sewerage system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted and provides for the setting of fees for the equitable distribution of costs resulting from the pretreatment program established herein.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART" GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE I, General Provisions

§ 157-2. Applicability.

This chapter shall apply to each person and any political subdivision who, by contract or agreement with the borough, avails himself of sanitary sewer service, and every such person or political subdivision, by availing himself of sanitary sewer service, agrees to be bound by the provisions of this chapter.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE

ARTICLE II, Definitions and Abbreviations

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE II, Definitions and Abbreviations

§ 157-3. Definitions.

A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

ABNORMAL INDUSTRIAL WASTE --Any industrial waste having a suspended solid, content or a five-day biochemical oxygen demand (BOD5) appreciably in excess of that normally found in municipal sewage. For the purposes of this chapter, any industrial waste containing more than 275 milligrams per liter of suspended solids or having a BOD5 in excess of 300 milligrams per liter 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.

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 Administrator of the USEPA Region III office until such time that the state's pretreatment program is approved, when the Director of the Pennsylvania DEP will become the approval authority.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER --Includes: [Amended 3-9-1992 by Ord. No. 016-92]

- (1) A responsible corporate officer (president, secretary, treasurer or vice president of the corporation) if the user is a corporation;
- (2) A general partner or proprietor if the user is a partnership or sole proprietorship, respectively; or
- (3) The manager of one or more manufacturing, production or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having explicit or implicit duty of making capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (4) A duly authorized representative of the individuals cited above provided that: (i) such authorization is made in writing by the individuals cited

above, (ii) the authorization specifies either the individual person or a position having responsibility for the overall operation of the facility from which the discharge originates, such as a plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company, and (iii) the written authorization is submitted to the Borough.

BEST MANAGEMENT PRACTICES OR BMPS-- Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 157-23 [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD) --The term "BOD", denoting biochemical oxygen demand, as used herein, shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° centigrade expressed in milligrams per liter (mg/L). It shall be determined by one of the acceptable methods described in the current edition of Standard Methods for the Examination of Water and Wastewater.

BOROUGH --The Borough of Oakmont, Allegheny County, Pennsylvania.

BOROUGH COUNCIL --The Council of the Borough of Oakmont, as now or hereafter constituted, and its duly authorized agent or representative.

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD – Any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405 – 471.

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

COOLING WATER (NONCONTACT COOLING WATER) --The water used for any air-conditioning, cooling or refrigeration purposes which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

CURRENT EDITION OF STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER PUBLISHED BY THE AMERICAN PUBLIC HEALTH ASSOCIATION ---The latest edition published and current at the time the determination of any analysis required is to be made.

CUSTOMER --The owner or tenant, as hereinafter defined, which is furnished sewage service by the borough.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) --The Pennsylvania Department of Environmental Protection or, where appropriate, the term may also be used as a designation for the Director or other duly authorized official of said agency.

DIRECT DISCHARGE --The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.

ENVIRONMENTAL PROTECTION AGENCY (EPA) --The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

EXPANSION --An increase in hydraulic capacity.

FEDERAL CATEGORICAL PRETREATMENT STANDARD OR NATIONAL PRETREATMENT STANDARD --Any regulation containing pollutant discharge limits

promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users.

This term includes national prohibitive discharge limits established pursuant to Section 403.5 of the General Pretreatment Regulations (40 CFR, Part 403) and pretreatment standards for specific industrial categories (e.g., 40 CFR Chapter I, Subpart N, Parts 405-471). [Amended 3-9-1992 by Ord. No. 016-92]

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

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.

INDIRECT DISCHARGE --The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. § 1317) into the POTW (including holding tank waste discharge into the system).

INDUSTRIAL SERVICE --Provision of sewage service for premises where the customer is engaged in manufacturing or process industries.

INDUSTRIAL WASTE PERMIT --A discharge permit issued to an industrial user by the borough pursuant to the requirements of Article IV of this chapter.

INDUSTRIAL USER --A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

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

INSTANTANEOUS 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 --Any discharge which, alone or in conjunction with a discharge or discharges from other sources, both: [Amended 3-9-1992 by Ord. No. 016-92]

- (1) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge process, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provision and regulations or permits issued there under (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) including Title II, more commonly referred to as the "Resource Conservation and Recovery Act (RCRA)," and including any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act.

LATERAL OR SERVICE LATERAL --The sewer pipe from the main sewer to the property line or edge of the right-of-way.

MANAGER OR SEWER MANAGER --The Borough Manager or the duly authorized person placed in charge of the public sanitary sewerage system by the Borough Council.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. -- A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD --Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

NEW SOURCE [Amended 3-9-1992 by Ord. No. 016-92]:

- (1) Any building, structure, facility or installation from which there is or may be a discharge or pollutants, the construction of which is commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source is such standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated.
- (2) Construction on a site at which an existing source is located results modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection (1)(a), (b) or (c) of this definition but otherwise alters, replaces or adds to an existing process or production equipment. Construction of a new source, as defined under this section, has commenced if the owner or operator has:
 - (a) Begun or caused to begin as part of a continuous on-site construction program any placement, assembly or installation of facilities or equipment; or significant site preparation work, including clearing, grubbing, excavation or removal of existing building, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which 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 definition.

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 discharged.

OWNER --The person, firm, corporation or association having an interest as owner or a person, firm, corporation or association representing itself to be the owner, whether legal or equitable, sole or only partial, in any premises which is or is about to be furnished sewage service by the borough; and the word "owners" means all so interested.

PASS-THROUGH --A discharge which exits the POTW into navigable 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 POTW's NPDES permit (including an increase in the magnitude or duration of a violation). [Amended 3-9-1992 by Ord. No. 016-92]

PERSON --Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.

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 of the acceptable methods described in the current edition of Standard Methods for the Examination of Water and Wastewater.

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

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

POTW TREATMENT PLANT --That portion of the POTW designed to provide treatment to wastewater.

PREMISES --The property or area, including the improvements thereon, to which sewage service is or will be furnished.

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

PRETREATMENT OR TREATMENT --The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes and other means, except as prohibited by 40 CFR 403.6(d).

PRETREATMENT REQUIREMENTS --Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

PRETREATMENT STANDARDS OR STANDARDS—Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

PROPERLY SHREDDED GARBAGE --The wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce that have 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 1/2 inch in any dimension.

PUBLICLY OWNED TREATMENT WORKS (POTW) OR PUBLIC SANITARY SEWERAGE SYSTEM --All separate sanitary sewers, all combined sewers, all sewage pumping stations, all sewage treatment works and all other sewerage facilities owned and operated by the Borough of Oakmont for the collection, transportation and treatment of sanitary sewage and industrial wastes, together with their appurtenances and any additions, extensions or improvements thereto. It shall also include sewers within the borough limits which serve one 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 stormwater and surface runoff, the discharge from which is not and does not become tributary to the borough's sewage treatment facilities.

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

SANITARY SEWER --A sewer intended to carry only sanitary sewage or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants and institutions and to which storm water, surface water and groundwater are not intentionally admitted.

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

SEWER --A pipe or conduit for carrying sewage or other waste liquids.

SEWER SERVICE CONNECTION OR CONNECTION --The sewer or pipe which connects the plumbing of an occupied building or premises to a borough sewer or lateral of the public sanitary sewerage system which conveys sewage to the POTW treatment plant.

SIGNIFICANT INDUSTRIAL USER (SIU) --Any industrial user who: [Amended 3-9-1992
b) Ord. No. 016-92]

- (1) Is subject to any federal categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or
- (2) Discharges an average flow of 25,000 gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or
- (3) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- (4) Is designated as such by the borough, the EPA or Pennsylvania Department of Environmental Protection (DEP) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

SLUG LOAD OR SLUG DISCHARGE-- Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in § 157-23 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) --A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

STATE --The Commonwealth of Pennsylvania.

STORM SEWER --A sewer which is intended to carry storm water runoff, surface waters, groundwater drainage, etc., but which is not intended to carry any sanitary sewage or industrial waste.

STORMWATER --Any flow occurring during or following any form of natural precipitation and resulting there from.

STORMWATER RUNOFF --That portion of the rainfall which reaches a channel, trench, sewer or sink.

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 of the acceptable methods

described in the current edition of Standard Methods for the Examination of Water and Wastewater.

TENANT --Anyone occupying premises, owned by another person, which are furnished sewage service.

TOXIC POLLUTANT --Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Clean Water Act 307(a) or other Acts.

TREATMENT WORKS --Any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature to implement Section 201 of Public Law Q2-500, 33 U.S.C., or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances; extension improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear water facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process or is used for ultimate disposal of residuals resulting from each treatment; or any other method or system for preventing, reducing, storing, treating, separating or disposing of municipal waste, including stormwater runoff or industrial waste, including waste in combined stormwater and sanitary sewer systems.

UNPOLLUTED WATER OR WASTE --Any water or waste containing none of the following: free or emulsified grease or oil; pH less than 6.0 or greater than 9.0; acid or alkali; phenols or other substances imparting taste and odor to receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; obnoxious or odorous gases. It shall contain not more than 1,000 milligrams per liter by weight of dissolved solids of which not more than 250 milligrams per liter shall be as chloride and not more than 10 milligrams per liter each of suspended solids and BOD5. The color shall not exceed 50 platinum-cobalt color units. Analyses for any of the above-mentioned substances shall be made in accordance with the current edition of Standard Methods for the Examination of Water and Wastewater.

UPGRADING --An increase in the level of treatment, provided to improve the quality of the effluent water.

UPSET --Any exceptional incident in which there is unintentional and temporary noncompliance with federal categorical pretreatment standards or local standards adopted pursuant to this chapter because of factors beyond the reasonable control of the industrial 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.

USER --Any person who contributes, causes or permits the contribution of wastewater into the borough's public sanitary sewerage system.

WASTEWATER --The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed to or permitted to enter the public sanitary sewerage system.

WATER AUTHORITY --The Municipal Authority of the Borough of Oakmont, Allegheny County, Pennsylvania or any publicly or privately owned duly authorized agency, corporation or organization which succeeds said public corporation as the approved purveyor of the public water supply within the corporate limits of the borough.

WATERCOURSE --Any channel in which a flow of water occurs, either continuously or intermittently.

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

B. "Shall" is mandatory; "may" is permissive.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE II, Definitions and Abbreviations

§ 157-4. Abbreviations.

The following abbreviations shall have these designated meanings:

BMP	Best Management Practice
BOD	Biochemical Oxygen Demand
CFR	Code of Federal requirements
COD	Chemical Oxygen Demand
DEP	Department of Environmental Protection
EPA	Environmental Protection Agency
L	Liter
mg	Milligrams
mg/L	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly owned treatment works
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SWDA	Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq.
U.S.C.	United States Code
TSS	Total suspended solids

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ARTICLE III, Discharge of Sanitary Sewage to Public Sanitary Sewerage System Required

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005 / PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE III, Discharge of Sanitary Sewage to Public Sanitary Sewerage System Required

§ 157-5. Mandatory connection.

- A. All persons owning any occupied building now erected within the corporate limits of the Borough of Oakmont upon premises accessible to the public sanitary sewerage

system shall, at their own expense, make a sewer service connection to the public sanitary sewerage system, in accordance with the provisions of this chapter, within three months after notice to do so from the borough, if they are not already connected.

- B. All persons owning any premises within the borough that are accessible to the public sanitary sewerage system and upon which an occupied building is subsequently erected shall, at their own expense, make a sewer service connection to the public sanitary sewerage system, in accordance with the provisions of this chapter, at the time of erection.
- C. All persons owning any occupied building within the borough upon premises which subsequently become accessible to the public sanitary sewerage system shall, at their own expense, make a sewer service connection to the public sanitary sewerage system, in accordance with the provisions of this chapter, within three months after notice to do so from the borough.
- D. All sewer service connections to the public sanitary sewerage system shall be made in accordance with the requirements of Article VIII of this chapter and other applicable borough ordinances.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005 / PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE III, Discharge of Sanitary Sewage to Public Sanitary Sewerage System Required

§ 157-6. Prohibited facilities.

- A. It shall be unlawful for any person owning any occupied building within the borough on premises accessible to the public sanitary sewerage system to erect, construct, use or maintain any privy, cesspool, sinkhole, septic tank or other receptacle for receiving sanitary sewage on such premises.
- B. The erection, construction or maintenance of any such privy, cesspool, sinkhole, septic tank or other receptacle for receiving sanitary sewage on premises within the borough that are accessible to the public sanitary sewerage system shall be deemed and is hereby declared to be a public nuisance which may be abated in the manner provided by law.

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§ 157-7. Exclusion of stormwater runoff.

- A. The discharge of stormwater runoff to separate sanitary sewers is hereby prohibited and any persons who connected to the public sewer system after 1958 who are presently discharging storm water runoff to separate sanitary sewers shall cease and desist such practice within three months after the effective date of this chapter.
- B. All persons proposing to connect to the public sanitary sewerage system shall provide adequate means for excluding stormwater runoff in the event that the connection is to be made to a sanitary sewer.
- C. No person connected to a sanitary sewer after 1958 shall connect any roof drain or foundation drain thereto or permit any such drains to remain connected thereto, nor shall he permit, allow or cause to enter into any sanitary sewer any spring water or surface water from any other source.

- D. The provisions of this chapter do not prohibit the present or future discharge of stormwater runoff to any combined sewers or directly to any natural watercourses within the borough.

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ARTICLE IV, Admission of Industrial Waste to Public Sanitary Sewerage System

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005 / PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE IV, Admission of Industrial Waste to Public Sanitary Sewerage System

§ 157-8. General.

- A. The economy and desirability of the combined treatment of industrial wastes and sanitary sewage is recognized. In general, any and all industrial wastes may be discharged to the public sanitary sewage system except those which are deemed harmful to the system or are specifically prohibited by Article V of this chapter. However, it is also recognized that the treatment of abnormal industrial wastes may add to the cost of operating and maintaining the public sanitary sewage system. Such additional cost must therefore be borne by the person or persons receiving the benefit of such treatment.
- B. The borough 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 and/or equalization of flow thereof in order to prevent harmful or adverse effects upon the system.

The design, construction and operation of such pretreatment and/or flow equalization facilities shall be made at the sole expense of the person discharging said wastes and shall be subject to the approval of the borough or its designated representative.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005 / PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE IV, Admission of Industrial Waste to Public Sanitary Sewerage System

§ 157-9. Permit requirements.

- A. It shall be unlawful for any existing or new commercial or industrial facility or any other nonresidential facility to discharge any type of wastewater to the public sanitary sewerage system without first obtaining a sewer connection permit from the Borough Manager in accordance with the provisions of Article VIII of this Chapter. 039-84. [Added 3-9-1992 by Ord. No. 016-92]
- B. Upon notification by the borough, all existing commercial and industrial users shall complete and submit to the borough within 30 days after such notification a completed industrial waste discharge survey questionnaire, using forms provided by the borough. All new industrial users shall complete and submit to the borough a completed industrial waste discharge survey questionnaire, using forms provided by the borough, prior to and as a condition of obtaining a sewer connection permit. [Added 3-9-1992 by Ord, No. 016-92]
- C. It shall be unlawful for any existing significant industrial user within the borough's sewer service area to discharge any wastewater to the public sanitary sewerage system without an industrial waste permit issued by the borough in accordance with the provisions of this chapter.

- D. All significant industrial users proposing to connect to or to contribute to the borough's public sanitary sewerage system must obtain an industrial waste permit from the borough before connecting to or contributing to the public sanitary sewerage system.

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§ 157-10. Industrial waste permit application.

- A. Users required to obtain an industrial waste permit must first complete and file with the borough an application to discharge industrial wastes, in the form prescribed by the borough and accompanied by an application fee according to the prevailing fee schedule adopted by the borough.

Under the provisions of Article VI of this chapter, the borough reserves the right to assess additional charges and fees to cover any reasonable costs incurred by the borough in reviewing and processing the application to discharge industrial wastes. Existing significant industrial users shall submit an application within 90 days after written notification from the borough that the user must obtain an industrial waste permit. Proposed new users shall submit an application at least 90 days prior to connecting to or contributing to the public sanitary sewerage system. In support of the application to discharge industrial wastes, the user shall submit, in units and terms appropriate for evaluation, the following information wherever possible:

- (1) Name, address and location of facility (if different from the mailing address).
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- (3) Wastewater constituents and characteristics, including but not limited to those mentioned in Article V of this chapter, as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended and hereafter amended.
- (4) Time and duration of contribution.
- (5) Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans or sketches to approximate scale and sufficient detail to show all sewers, sewer connections and appurtenances by the size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises, including a list of all toxic pollutants and pollutants prohibited or regulated by this chapter which are or could potentially be discharged to the public sanitary sewerage system.
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any borough, state or federal pretreatment standards and a statement regarding whether or not the 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 for the user to meet applicable pretreatment standards.

- (9) If additional pretreatment and/or operation and maintenance procedures will be required to meet the pretreatment standards, the user shall submit the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
- (a) The schedule shall contain increments of progress 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 (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (b) No increment referred to in Subsection A(9)(a) above shall exceed nine months,
 - (c) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the authority, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established, In no event shall more than nine months elapse between such progress reports to the borough,
- (10) Each product produced by type, amount, process or processes and rate of production.
- (11) Type and amount of raw materials processed (average and maximum per day),
- (12) Number of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system,
- (13) Any other information as may be deemed necessary by the borough to evaluate the application,
- B. The Manager or other authorized representative of the borough shall review the application for completeness within 60 days of its receipt and notify the applicant, in writing, as to whether the application is considered complete or incomplete. If the application is incomplete, the Manager shall specify the additional information that is required to complete the application and a date for submitting the necessary information. After an application is completed, the Manager may still request additional information but only to clarify, modify or supplement the previously submitted material. If the Manager deems it necessary, a site visit may be scheduled with the applicant to assist the Manager in evaluating the application, Failure or refusal to correct deficiencies in the application within a reasonable time schedule may be cause for permit denial and appropriate enforcement action as per Article X of this chapter.
- C. The Manager shall issue a draft industrial waste permit or notice of intent to deny a permit application within 60 days after receipt of the completed application, The applicant shall be given a minimum thirty-day period to review and comment on the proposed permit or permit denial action. Upon request, the Manager shall schedule an informal meeting with the applicant to review the draft permit or proposed permit denial action. In the event that the applicant and the Manager cannot come to an agreement on the draft permit or permit denial action, the applicant may request a formal meeting before the Borough Council to appeal the permit denial action or specific provisions of the draft permit. A request for an appeal must be submitted in

writing to the Manager within 30 days after the informal meeting with the Manager. The request shall clearly state the specific action or provisions being appealed and the grounds for the appeal. Within 30 days after the close of the applicant's review period or the appeal meeting, the borough shall issue a final industrial waste permit or a formal denial of permission to discharge the proposed industrial wastes.

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§ 157-11. Permit modifications. [Amended 3-9-1992 by Ord. No. 016-92]

As soon as possible after the promulgation of a federal categorical pretreatment standard, the industrial waste permit of any existing users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard.

Within 180 days after the effective date of the applicable federal categorical pretreatment standard, any user which has not previously submitted an application to discharge industrial wastes, as required by § 157-10A of this chapter, shall submit to the borough an application to discharge industrial wastes together with a baseline monitoring report as required by 40 CFR 403.12(b). Within 180 days after the effective date of the applicable federal categorical standard, any user with an existing industrial waste permit shall submit to the borough a baseline monitoring report including the information required by § 157-10A(8) and (9) of this chapter.

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§ 157-12. Permit conditions.

Industrial waste permits shall be expressly subject to all provisions of this chapter and any other applicable regulations, user charges and fees established by the borough. Permits may contain the following information and requirements:

- A. Permit issuance date, expiration date and effective date.
- B. Unit charges or a schedule of user charges and fees for the wastewater to be discharged to the public sanitary sewerage system.
- C. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards.
- D. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization.
- E. Requirements for installation and maintenance of inspection and sampling facilities.
- F. Specifications for monitoring programs which include sampling locations, frequency of sampling, number, sample types and standards for tests and reporting schedule.
- G. Compliance schedules; however, it must be noted that no such compliance schedule shall exempt an industrial user from further enforcement action for failure to meet a compliance date for any applicable federal pretreatment standards. [Amended 3-9-1992 by Ord. No. 016-92]

- H. Requirements for submission of technical reports or discharge reports (see § 157- 16A of this chapter).
- I. Requirements for maintaining and retaining plant records relating to the wastewater discharge and Best Management Practices as specified by the borough and affording the borough or any authorized borough representative access thereto.
- J. Requirements for prior notification of the borough of any new introduction of wastewater pollutants or any substantial change in the volume or character of the wastewater pollutants being introduced into the public sanitary sewerage system. [Amended 3-9-1992 by Ord. No. 016-92]
- K. Requirements for control and notification of slug or accidental discharges as per § 157-31B of this chapter and developing and implementing a Slug Discharge Control Plan in accordance with the requirements of 40 CFR 403.8(J)(1)(v). [Amended 3-9-1992 by Ord. No. 016-92]
- L. Requirements for compliance with all applicable federal categorical pretreatment standards and reporting requirements. [Added 3-9-1992 by Ord. No. 016-92]
- M. Requirements for submitting to the borough all available sampling and monitoring data conducted in accordance with 40 CFR, Part 136, procedures. [Added 3-9-1992 by Ord. No. 016-92]
- N. Requirements for developing and implementing a Spill Prevention and Control Plan and use of best management practices (BMP's) to prevent spills or accidental discharges from entering the public sanitary sewerage system. [Added 3-9-1992 by Ord. No. 016-92]
- O. Requirements for transfer of the industrial waste permit to new owners.
- P. Notice of applicable civil and criminal penalties for violation of Pretreatment Standard and Requirements or permit conditions.
- Q. Other conditions as deemed appropriate by the borough to ensure compliance with this chapter.

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§ 157-13. Permit duration.

Industrial waste permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The terms and conditions of a permit may be subject to modification by the borough during the term of the permit if the limitations or requirements identified in Article V of this chapter are modified or other just cause exists.

The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

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§ 157-14. Permit renewal.

A user with a currently effective permit shall submit a renewal application to the borough at least 180 days before the expiration date of the existing permit unless permission for a later date has been granted by the Manager. The terms and conditions of the existing permit shall remain fully effective and enforceable until the effective date of a new permit, provided that the industrial user has properly submitted a complete application for renewal of the permit within the specified time period and the borough has not terminated the existing permit or denied the renewal in accordance with the provisions of this chapter.

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§ 157-15. Nontransferability.

Industrial waste permits are issued to a specific user for a specific operation. A permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the prior written approval of the borough. The permittee shall notify the succeeding owner or controller of the existence of this permit by certified letter, a copy of which shall be forwarded to the borough, at least 30 days prior to completing any such transfer. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit until such time that a new permit is issued by the borough.

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§ 157-16. Reporting requirements. [Amended 3-9-1992 by Ord. No. 016-92]

- A. All categorical and noncategorical industrial users, whether permitted or not, shall notify the borough immediately of all discharges or change of discharge that could cause or potentially cause problems to the POTW, including any slug loadings or accidental spills by the industrial user.
- B. All industrial users shall notify the borough within 24 hours of becoming aware of a violation, based on the sampling performed by the industrial user. In addition, the industrial user shall also repeat the sampling and analysis for the pollutant parameter in noncompliance and submit the results of the repeat analysis to the borough within 30 days after becoming aware of the violation.
- C. All categorical and noncategorical industrial users, whether permitted or not, shall promptly notify the borough in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted an initial notification under 40 CFR 403.12(p). Formal written notification will be submitted to the borough at least 60 days prior to any anticipated changes that will result in increased pollutant contributions or the introduction of any new pollutants so that permit requirements can be established as necessary.
- D. All industrial users, whether permitted or not, shall notify the borough, the USEPA and the Pennsylvania DEP, in writing, of any discharge into the POTW of any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261, in accordance with the requirements of 40 CFR 403.12(p).

At a minimum, such notification must include the name of the listed or characteristic hazardous wastes, the EPA hazardous waste number and the type of discharge (i.e., continuous, batch or other). The industrial user shall also notify the borough, in writing, at least 60 days in advance of any substantial change in the volume or

character of any listed or characteristic hazardous wastes discharge for which the permittee has submitted initial notification under 40 CFR 403.12(p).

- E. Within 180 days after the effective date of any categorical pretreatment standard now or later promulgated by the USEPA or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, any industrial user subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the POTW shall be required to submit to the borough a baseline monitoring report (BMR) containing the information listed in paragraphs (b)(1) through (b)(7) of 40 CFR 403.12. At least 90 days prior to commencement of any discharge, new sources and any sources that become industrial users subsequent to the promulgation of an applicable categorical standard shall be required to submit to the borough a BMR which contains the information listed in paragraphs (b)(1) through (b)(5) of 40 CFR 403.12 and information on the method of pretreatment the source intends to use to meet the applicable pretreatment standards.
- F. Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to categorical pretreatment standards and requirements shall submit to the borough a ninety-day compliance report containing the CFR information described in paragraphs (b)(4) through (b)(6) of 40 CFR 403.12. For industrial users subject to equivalent mass or concentration limits established by the borough, this report shall contain reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.
- G. The BMR and ninety-day compliance report that must be submitted by categorical industrial users shall include a statement, reviewed and signed by an authorized representative of the industrial user, as defined in this chapter, and certified to 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 for the industrial user to comply with the applicable pretreatment standards and requirements.
- H. Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the borough during the months of March, June, September and December, unless required more frequently in the pretreatment standard or by the borough, a periodic compliance report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Borough or the pretreatment standard necessary to determine the compliance status of the user. In addition, this report shall include a record of measured or estimated average and maximum daily flows during the reporting period. At the discretion of the borough and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the borough may agree to alter the months during which the above reports must be submitted. For industrial users subject to equivalent mass or concentration limits established by the borough, this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sample period.
- I. All noncategorical significant industrial users (SIU's) shall submit to the borough at least once every six months (on dates specified by the Borough), unless required more frequently by the Borough, a periodic compliance report describing the nature, concentration and flow of the pollutants discharged to the POTW and any other information deemed appropriate by the Borough. In cases where the permit requires

compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Borough necessary to determine the compliance status of the user

- J. The BMR, ninety-day compliance reports and periodic compliance reports from both categorical and noncategorical industrial users shall be based upon sampling and analyses of the discharge, including the flow or production and mass where requested by the borough, performed during the period covered by the report. All sampling and analyses shall be representative of normal work cycles or production levels and the expected pollutant discharges to the POTW. All sampling techniques, methods of sample preservation and analytical techniques shall be in accordance with the procedures and standards described in 40 CFR, Part 136, and amendments thereto. Where 40 CFR, Part 136, does not include sampling or analytical techniques for the pollutant in question or where the EPA Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the borough or other persons, approved by the EPA Administrator.
- K. All BMR'S, ninety-day compliance reports and periodic compliance reports from both categorical and noncategorical industrial users shall be signed by an authorized representative of the industrial user as defined in this chapter and shall include 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 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.

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§ 157•17. Monitoring Facilities [Amended 3-9-1992 by Ord. No. 016-92]

- A. When required by the Borough as a condition of the permit, an industrial user 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. Alternate monitoring facilities or arrangements may be acceptable to the borough under certain conditions and will be considered on a case-by-case basis. Such manhole or manholes shall be accessible and safely located and shall be constructed in accordance with plans approved by the borough.

All wastewater samples must be representative of the users discharge. The monitoring facilities shall be installed by the user at his own expense and shall be maintained by user so as to be safe and accessible to the borough or its authorized representative at all times.

- B. There shall be ample room in or near such sampling manhole or monitoring facility to allow accurate sampling and preparation of samples for analysis. The monitoring facilities that the user is required to install shall be maintained at all times in a safe and proper operating condition at the expense of the user. The failure of the user to keep its monitoring in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

- (1) Except as indicated in Section 2 and 3 below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Borough.

Where time-proportional composite sampling or grab sampling is authorized by the Borough the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Borough, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

- (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- 3) For sampling required in support of baseline monitoring and 90-day compliance reports required in § 157-16 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Borough may authorize a lower minimum. For the reports required by § 157-16 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

- C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the borough's requirements and all applicable local construction standards and specifications. Construction shall be completed within 180 days following written notification by the borough.

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§ 157-18. Inspection and sampling. [Amended 3-9-1992 by Ord, No. 016-921

The borough shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the borough or its authorized representatives ready access at all reasonable times to all parts of the premises necessary for the purpose of inspection, sampling, records examination (including the right to inspect and copy records) or in the performance of any of their duties. The right of access for inspection shall extend to but not necessarily be limited to production areas or other premises where wastewater discharges are generated, chemical storage areas, hazardous waste storage areas, any pretreatment facilities and any sampling and monitoring equipment or facilities. The borough and the approval authority shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards such that upon presentation of suitable identification, personnel from the borough, designated representatives of the borough and/or the approval

authority will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

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§ 157-19. Pretreatment. [Amended 3-9-1992 by Ord. No. 016-92]

- A. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Existing sources shall comply with categorical pretreatment standards within three years of the date the standard is effective, unless a shorter compliance time is specified in the applicable standard. New sources shall install and have in operating condition and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge to the POTW. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.
- B. Any facilities required to pretreat wastewater to a level acceptable to the borough shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the borough for review and shall be acceptable to the borough before construction of the facility.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the borough under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the borough prior to the user's initiation of changes.

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§ 157-20. Significant noncompliance publication. [Added 3-9-1992 by Ord. No.
016-92]**

§ 157-20. Significant noncompliance publication. [Added 3-9-1992 by Ord. No. 016-92]

The borough shall annually publish in a news paper of general circulation that provides meaningful public notice within the jurisdiction served by the a list of the industrial users which, at any time during the previous. 12 months, were in significant noncompliance with applicable Pretreatment Standards and Requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here are those in which 66% or more of all of the measurements taken for the same pollutant parameter taken during a six-month period exceed by any magnitude a numeric Pretreatment Standard or Requirement, including the daily maximum limit or the average limit.
- B. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all measurements for each pollutant parameter taken during a six-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease; TRC = 1.2 for all other pollutants except pH).
- C. Any other violation of a Standard or Requirement as defined by § 157-12 and or § 157-24 (daily maximum or longer average) that the borough determines has

caused, alone or in combination with other discharges, interference or pass-through including endangering the health of POTW personnel or the general public.

- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the borough's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) or § 157-51A of Article X of this chapter to halt or prevent such discharge.
- E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.
- F. Failure to provide, within 30 days after the due date, any required reports such as BMR's, 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 or group of violations which may include a violation of Best Management Practices, which the borough determines will adversely affect the operation or implementation of the local pretreatment program.

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§ 157-21. Confidential information. [Amended 3-9-1992 by Ord. No. 016-92)

- A. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or Pennsylvania DEP upon request.
- B. Information and data on a user obtained from reports, questionnaires, applications, service agreements and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the borough that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- C. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the general public but shall be made available upon written request to governmental agencies for uses related to this chapter, the borough's National Pollutant Discharge Elimination System (NPDES) permit and/or the State Disposal System; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.^{EN(1)}

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§ 157-22. Records retention.

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

obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under § 157-12. 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 industrial user or the Borough, or where the industrial user has been specifically notified of a longer retention period by the Borough.

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ARTICLE V, Regulation of Sanitary Sewage and Industrial Waste Discharges

§ 157-23. General discharge prohibitions.

- A. The discharge of excessive amounts of unpolluted water or waste to the public sanitary sewerage system is expressly prohibited. However, such discharges to combined sewers or storm sewers will be permitted wherever such sewers have adequate capacity. The borough reserves the right to define the amount it deems excessive in each particular situation.
- B. The discharge of any garbage to the public sanitary sewerage system is expressly prohibited unless the garbage has first been properly shredded by a garbage grinder or garbage disposal device.
- C. No person or user shall contribute or cause to be contributed, directly or indirectly, any pollutants that will pass through the POTW or interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of the POTW, whether or not the user is subject to federal categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements. A user may not discharge any sanitary sewage or industrial wastes which will contribute the following substances to the POTW:
 - (1) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with any other substances, to create a fire or explosion hazard in the POTW, including, but not necessarily limited to, any waste streams with a closed-cup flashpoint of less than 140⁰ F. or 60⁰ C., using the test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the public sewer system (or at any point in the system) be more than 5%, nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Restricted materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the borough, the DEP or the EPA deem to pose a fire or explosion hazard. [Amended 3-9-1992 by Ord. No. 016-92]
 - (2) Any solid or viscous substances which may cause obstruction to the flow in a sewer, cause mechanical action which will destroy the sewer structures or in the opinion of the borough may cause other interference with the operation of the POTW, including but not limited to grease, wax, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, construction materials or debris, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

- (3) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- (4) Any noxious or malodorous liquid, gas or solid which, either singly or by interaction with other wastes, is, in the opinion of the borough, sufficient to create a public nuisance or hazard to life or is sufficient to prevent entry into the sewers for their maintenance and repair.
- (5) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.
- (6) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System permit or the receiving water quality standards for the Allegheny River.
- (7) Any wastewater containing dyes, paints, pigments, ink or other coloring agents which are not removed by the treatment process and which, in the opinion of the borough, will result in a discoloration or other undesirable physical change in the appearance of the receiving stream.
- (8) Any wastewater having a temperature in excess of 65⁰ C. (150⁰ F.) or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater that causes the temperature of the wastewater at the point of introduction into the POTW treatment plant to exceed 40⁰ C. (104⁰ F.).
- (9) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference to the POTW. Where the borough deems it advisable, it may require any person discharging industrial wastes to utilize flow equalization or restricted discharge rates to prevent potential slug loading problems, such as in the case of batch discharges. [Amended 3-9-1992 by Ord. No. 016-92]
- (10) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the borough in compliance with applicable state or federal regulations.
- (11) Any liquids or wastes containing suspended solids of such quality and/or quantity that there is interference with the POTW operation or that become burdensome to the operation and maintenance of the wastewater treatment plant facilities.
- (12) Any wastewater having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property which may cause damage or hazard to structures, equipment or personnel of the POTW. Where the borough deems it advisable, it may require any person discharging industrial wastes to install and maintain at his own expense, in a manner approved by the borough, a suitable device to continuously measure and record the pH of the wastes so discharged.

- (13) Any wastewater containing petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through or wastewater containing more than 100 mg/l of fat, oil or grease (hexane extractable) of animal or vegetable origin. [Amended 3-9-1992 by Ord. No. 016- 92]
- (14) Any wastewater containing insoluble, nonflocculent substances having a specific gravity in excess of 2.65 or soluble substances in such concentration as to cause the specific gravity of the waste to be greater than 1.1.
- (15) Any wastewater or pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems. [Amended 3-9-1992 by Ord. No. 016-92]
- (16) Any wastewater containing more than 10.0 parts per million of any of the following gases: hydrogen sulfide, sulfur dioxide, nitrous oxide or any of the halogens.
- (17) Any trucked or hauled wastewater or pollutants, except at a discharge point(s) designated by the borough. [Added 3-9-1992 by Ord. No. 016-92]

D. When the borough determines that a user is contributing any of the above- enumerated substances to the POTW in such amounts that will pass through or interfere with the operation of the POTW, the borough shall advise the user of the impact of the contribution on the POTW; develop specific effluent limitation(s) for such user to correct the interference with the POTW; and/or initiate appropriate enforcement action against the user pursuant to the provisions of Article X of this chapter. [Amended 3-9-1992 by Ord. No. 016-92]

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§ 157-24. Specific pollutant limitations. [Amended 3-9-1992 by Ord, No. 016-92; 12-14-1992 by Ord, No. 041-92; 7-11-1994 by Ord. No. 022-94]

No person shall discharge any wastewaters containing any of the following substances in solution in concentrations exceeding the following maximum permissible concentrations:

<i>Pollutant</i>	<i>Average Monthly Concentration Limit (mg/L)</i>
Arsenic (Total as Ar)	0.10
Cadmium (Total as Cd)	0.45
Chromium (Total as Cr)	17.7
Copper (Total as Cu)	1.48
Lead (Total as Pb)	0.68
Mercury (Total as Hg)	0.02
Molybdenum (Total as Mo)	0.23
Nickel (Total as Ni)	1.20
Selenium (Total as Se)	0.20
Silver (Total as Ag)	64.3
Zinc (Total as Zn)	0.85
Cyanide (Free)	0.95
Phenolic Compounds	0.89
Biochemical Oxygen Demand (BOD ₅)	1.237
Total Suspended Solids (TSS)	1.224

The limits set forth above may be amended from time to time as deemed necessary by the borough to protect the facilities and ensure the POTW's compliance with applicable NPDES permit conditions and water quality standards.

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§ 157-25. Special agreements.

No statement contained in this chapter shall be construed as prohibiting any special agreement or arrangement between the borough and any person or industrial user whereby an industrial waste of unusual strength or character may be discharged to the POTW by the user, provided the objectives of the general pretreatment regulations and the provisions of this chapter are fulfilled. Similar to any other requirements imposed under this chapter, the provisions of any such special agreement will be superseded by any more stringent requirements of any applicable federal categorical pretreatment standard.

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§ 157-26. Federal categorical pretreatment standards.

Upon the promulgation of the federal categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed by the borough under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed by the borough under this chapter. The borough shall notify all affected users of the applicable federal standards and the applicable reporting requirements under 40 CFR 403.12, such as the baseline monitoring report.

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§ 157-27. Modification of federal categorical pretreatment standards. [Amended 3-9-1992 by Ord. No. 016-92]

Where the borough's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the borough may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Removal" shall mean a reduction in the amount of a pollutant or an alteration of the nature of a pollutant in the influent to the POTW to a less toxic or harmless state in the effluent.

Consistent removal shall mean the average of the lowest 50% of the removals measured according to the procedures set forth in Section 403.7(b)(2) of Title 40 of the Code of Federal Regulations, Part 403, General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The borough may modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.

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§ 157-28. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those imposed by the borough under this chapter.

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§ 157-29. Right of revision.

The borough reserves the right to establish by supplemental ordinances more stringent limitations or requirements on discharges to the POTW if deemed necessary.

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§ 157-30. Excessive discharge or dilution.

No user shall ever increase the use of process water or cooling water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards or in any other specific pollutant limitation developed by the borough or state. The Borough may impose mass limitations on industrial users who are using dilution to meet federal categorical pretreatment standards or any other specific pollutant limitation developed by the borough or state or when the imposition of mass limitations are appropriate.

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§ 157-31. Accidental discharges.

A. The Borough shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Borough may require any industrial user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. Alternatively, the Borough may develop such a plan for any industrial user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

1. Description of discharge practices, including nonroutine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying [the Superintendent] of any accidental or Slug Discharge, as required by § 157-16 of this ordinance; and
4. 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,

- B. All industrial users, whether permitted or not, shall immediately telephone and notify the borough of all accidental spills, slug discharges or other discharges that could cause potential problems for the POTW. This notification shall include the location of the discharge, type of waste, concentration and volume of waste and any mitigating and/or corrective actions taken.

Upon request by the borough, the industrial user shall also prepare and submit to the borough within five days after such notice a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent any similar occurrences in the future.

Such notification shall not relieve the user of any expense, loss, damage, nor other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law. [Amended 3-9-1992 by Ord. No. 016-92]

- 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 dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

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ARTICLE VI, Sewerage Service Charges and Billing Practices

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§ 157-32. Basic sewerage service charge.

- A. 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 sewerage service charge for the use of said system. Said sewerage service charge shall be payable as hereinafter provided and in the amounts as provided in the prevailing Sewer Rate Ordinance adopted by the borough and as it is hereinafter amended and modified from time to time. ^{EN(2)} Sewerage service charges shall begin to accrue from and after April I, 1961, and said owners and users shall be jointly and severally liable for the payment of the service charges and any penalties herein prescribed for delinquent payment thereof.
- B. The service charge for any person discharging sewage or industrial wastes to the public sanitary sewerage system shall be based upon the quantity of water used in or on said property, as the same is measured by the Water Authority meter or meters there in use, and shall be charged at the rates prescribed in the borough prevailing Sewer Rate Ordinance.
- C. Owners and/or users will be billed quarterly or monthly, at the discretion of the borough, for the service charges on forms adopted and approved from time to time by the Borough Council. The billing for each three-month period or monthly period will be for the actual water used during that period, based and computed on the Water Authority's meter water service reading for that period and the sewer service rate

adopted by the borough's prevailing Sewer Rate Ordinance. Bills or statements shall be dated and mailed not later than the end of the month next succeeding each respective billing period.

- D. In the event that the water used in or on any property served by the public sanitary sewerage system is obtained from the Water Authority, but is not measured by a meter or meters there in use, the sewerage service charge shall be in an amount equal to 200% of the bill rendered by the Water Authority for the water used in or on such property.
- E. The measurement by two or more meters of the quantity of water used in or on one property by one 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 meter, if the borough so elects.
- F. 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 part or all of the water used in or on such property from sources other than the Water Authority, such owner or user shall, upon demand of the borough, at no expense to the borough or the Water Authority, install and maintain a water meter or meters satisfactory to the borough and to the Water Authority for measuring all water used other, than that obtained from the Water Authority, and the quantity of water used to determine the sewerage service charge shall be the quantity of water measured by all such meters plus the quantity of water obtained from the Water Authority.
- G. In the event that it is established to the satisfaction of the borough 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 100,000 gallons per quarter, the borough may determine, in such manner and by such method as it may deem practical, the percentage of the water entering the public sanitary sewerage system or the borough may require or permit the installation of additional meters, at the user's expense, in such manner as to determine either the quantity of water excluded from the public sanitary sewerage system or the quantity of water, 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 to be actually entering the public sanitary sewerage system, exclusive of stormwater runoff, subject to the minimum charges set forth in the borough's prevailing Sewer Rate Ordinance.

- H. 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 giving the name of such person, 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 sketch 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 Authority 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 the Water Authority.

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§ 157-33. Additional charge for garbage grinders.

- A. Although the sewage treatment works are capable of treating properly shredded garbage, the actual treatment of such waste will increase the cost of operating and maintaining the treatment plant and the public sewer system. Therefore, it is hereby imposed upon each person discharging properly shredded garbage into the public sewerage system an additional charge or surcharge which is intended to cover such additional cost. Such surcharge shall be in addition to the regular basic sewerage service charge set forth in this article and shall be payable as hereinafter provided.
- B. The additional surcharge for garbage grinders shall be charged at the rates prescribed in the borough's prevailing Sewer Rate Ordinance. The surcharge shall be added to the regular sewerage service charge and shall be due at the same time and subject to the same late payment penalties and delinquency remedies established by the borough for regular sewerage service charges.

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§ 157-34. Supplemental industrial user charges.

- A. The borough reserves the right to adopt special industrial user charges and fees, as deemed necessary by the borough, to recover the costs of implementing the pretreatment program established by this chapter from industrial users. The borough may adopt special industrial user charges and fees such as:
 - (1) Fees for reimbursement of the costs of setting up and operating the borough's pretreatment program;
 - (2) Fees for compliance monitoring, inspections and surveillance procedures;
 - (3) Fees for reviewing accidental discharge procedures and construction;
 - (4) Fees for applications to discharge industrial wastes;
 - (5) Fees for filing appeals;
 - (6) Fees for consistent removal (by the borough's POTW) of pollutants otherwise subject to federal pretreatment standards; and
 - (7) Other fees as the borough may deem necessary to carry out the requirements contained herein.
- B. The applicable charges and fees for these special industrial user charges shall be billed by the borough in accordance with the prevailing Sewer Rate Ordinance adopted by the borough. Such charges shall be in addition to the regular sewerage service charge and any applicable industrial surcharge provided under Article VII of this chapter. Such charges shall be due when rendered, and shall be subject to the same late payment penalties and delinquency remedies established by the borough for regular sewerage service charges.

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§ 157-35. Billing and collection.

- A. The basic sewerage service charge and any additional charges and surcharges, where applicable, provided for in this chapter shall be payable in four quarterly payments or 12 monthly payments each year.
- B. The borough, 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 chapter and will make collections thereof in accordance with this chapter and any agreement or agreements entered into between the Water Authority and the borough relating to such billing and collection.
- C. 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 Authority, and neither the borough nor the Water Authority 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 Water Authority.

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§ 157-36. Late payment penalty.

All bills for sewerage service charges, additional charges and surcharges shall be due when rendered and shall be subject to a late payment penalty of 5%, if not paid within 15 days from the date of the bill, until and unless otherwise provided by ordinance of the borough.

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§ 157-37. Service charge review.

- A. The borough reserves the right to revise by ordinance the service charges levied and assessed against all persons using the public sanitary sewerage system by the borough's prevailing Sewer Rate Ordinance. On at least a biennial basis, the Borough Council shall review all service charges, fees and surcharges and revise the charges accordingly to reflect the actual sewage collection and treatment costs and any applicable debt service costs.
- B. The borough shall notify all persons using the public sanitary sewerage system of the applicable service charges by publishing the prevailing service charge rate schedule in the area's largest daily newspaper on at least an annual basis.

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ARTICLE VII, Surcharge for Certain Industrial Wastes

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§ 157•38. General.

Although the sewage treatment works are capable of treating certain abnormal industrial wastes, as heretofore defined in Article II of this chapter, the actual treatment of such wastes will increase the cost of operating and maintaining the public sanitary sewerage system. Therefore, there is hereby imposed upon each person discharging such abnormal industrial waste into the public sanitary sewerage system a surcharge or surcharges, which are intended to cover such additional cost. Such surcharges shall be in addition to the regular sewage collection, transportation and treatment charges set forth in the prevailing Sewer Rate Ordinance of the borough and shall be payable as hereinafter provided in the amount hereinafter provided.

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ARTICLE VII, Surcharge for Certain Industrial Wastes**

§ 157-39. Surcharge sampling.

The strength of any industrial waste, the discharge of which is to be subject to surcharge, shall be determined monthly, or more frequently if the borough deems necessary, from samples taken either at the manhole or metering chamber referred to in § 157-16B hereof or at any other sampling point mutually agreed upon by the borough and the producer of such waste. The frequency and duration of the sampling period shall be such as, in the opinion of the borough, will permit a reasonably reliable determination of the average composition of such waste, exclusive of stormwater runoff. Samples shall be collected or their collection supervised by a representative of the borough and shall be in proportion to the flow of waste, exclusive of stormwater runoff and composited for analysis in accordance with the current edition of Standard Methods for the Examination of Water and Wastewater. Except as hereinafter provided, the strength of the waste so found by analysis shall be used for establishing the surcharge or surcharges. However, the borough may, if it so elects, accept the results of routine sampling and analyses by the producer of such wastes in lieu of making its own samplings and analyses.

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§ 157-40. BOD surcharge rate.

- A. In the event that any industrial waste is found, by the borough, to have a BOD₅ in excess of 300 milligrams per liter, the producer of said waste shall be surcharged an amount equal to the product of the actual volume of wastes in thousand gallons per billing period, exclusive of storm water runoff, discharged to the public sanitary sewerage system and the BOD surcharge rate. The BOD surcharge rate shall be determined by the following formula:

$$Rc = 0.00834 \times P \times (C - 300)$$

Where :

Rc = the BOD surcharge rate in cents per 1,000 gallons of waste discharged

P = the average fixed operating and maintenance cost of secondary treatment processes per pound of BOD received at the treatment works. (Prior to completion of the first year operation, the value of P shall be assumed to be \$0.04.)

C = the average BOD₅ of the industrial waste expressed in milligrams per liter as determined in accordance with § 157-39

- B. The figure "300" appearing in the above formula corresponds to the maximum BOD₅ permissible without surcharge. The figure "0.00834" is the factor to convert milligrams per liter to pounds per 1,000 gallons. No discount will be permitted for sewage or industrial wastes having a BOD₅ of less than 300 milligrams per liter.

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§ 157-41. Suspended solids surcharge rate.

- A. In the event that any industrial waste is found, by the borough, to have an average suspended solids concentration in excess of 275 milligrams per liter, the producer of such waste shall be surcharged an amount equal to the product of the actual volume of wastes in thousand gallons per billing period, exclusive of stormwater 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:

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

Where:

Rs = the suspended solids surcharge rate in cents per 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 \$0.04.)

S = the average suspended solids concentration of the abnormal industrial waste expressed in milligrams per liter as determined in accordance with § 157-39 of this article.

- B. The figure "275" appearing in the above formula corresponds to the maximum suspended solids concentration permissible without surcharge. The figure "0.00834" is the factor to convert milligrams per liter to pounds per 1,000 gallons. No discount will be permitted for sewage or industrial wastes having a suspended solids concentration of less than 275 milligrams per liter.
- C. The surcharges provided for in this article shall be added to the regular sewerage service charge and any other industrial user charges imposed by the borough under the prevailing Sewer Rate Ordinance. The surcharges shall be due at the same time and subject to the same late payment penalties and delinquency remedies established by the borough for regular sewerage service charges.

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ARTICLE VIII, Sewer Service Connection Requirements

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ARTICLE VIII, Sewer Service Connection Requirements**

§ 157-42. Application for sewer service.

- A. No new sewer service connection to the public sanitary sewerage system shall be installed unless and until a written permit has been obtained from the Manager in accordance with the provisions of this chapter.
- B. No repairs, alterations or additions to any existing sewer service connection to the public sanitary sewerage system shall be made unless and until a written permit has been obtained from the Manager in accordance with the provisions of this chapter.
- C. Sewer service connection permits must be obtained by filing a sewer service application with the Manager, on a form formulated and furnished by the Manager, at least one month before the connection or sewer service is desired. Applications are merely written requests for a sewer service connection and/or sewer service. All applications are subject to approval by the borough or Manager, to payment of all required connection and/or inspection fees and to compliance with all applicable regulations and requirements imposed by the Manager, prior to the commencement of any work or service requested in the application.
- D. All information requested on the application form and any other relevant information deemed necessary by the Manager shall be furnished by the applicant, including the character and use of each structure located upon the applicant's premises.
- E. Upon approval by the borough, the sewer service connection application shall be a binding contract between the customer (applicant) and the borough. In exchange for sewer service, the customer agrees to comply with the requirements' of this chapter and any other applicable borough ordinances, regulating and controlling sewer service to the premises and to pay all applicable sewer service fees and charges in accordance with the borough's prevailing rate schedule.

**CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-
2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE
VIII, Sewer Service Connection Requirements**

§ 157-43. Connection requirements.

- A. No street opening or sewer service connection work shall commence until all applicable connection and inspection fees have been paid, a connection permit has been issued and notice or permission to commence work has been given by the Manager.
- B. All sewer service connections, including any new system of house plumbing that will be connected to the public sanitary sewerage system, shall be made by qualified and approved persons, subject to approval by the Manager or other authorized borough representative. No person shall be permitted to open a portion of a street or to connect with any borough sewer or lateral until the persons doing the work have satisfied the Manager that they are capable of performing the work in accordance with required standards. The Manager may cause any piece of work to be stopped if the work is not being done in a skillful workmanlike manner and according to the Manager's requirements.
- C. The Manager shall have complete control over the size, slope, alignment, materials of construction and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench for any sewer service connection to the public sanitary sewerage system. The Manager shall also control the number of connections

where more than ordinary service is required, and he may require extra connections or larger size pipe where deemed necessary.

- D. Wherever possible, sewer service connections shall be made by a properly located wye branch in the public sewer. In the event that suitable wye branches are not available or in the opinion of the Manager cannot be economically installed, connection to the public sewer may be made by special cast iron or vitrified clay saddle type connectors meeting the approval of the Manager. In no event will connection be permitted by direct insertion of a sewer service pipe through a hole cut into the public sewer.
- E. All excavations for sewer service connections shall be adequately guarded with barricades and warning lights to protect the public from hazard. Any street, sidewalk, curbing, parkway or other public property disturbed in the course of installing the sewer service connection shall be permanently restored in a manner satisfactory to the Manager. The owner of the property and the installer shall be jointly and severally liable for any damages or injury to the borough's sewers, to any person or to any property that may directly or indirectly occur as a result of the connection work.
- F. All costs and expenses incidental to the installation of a sewer service connection to the public sanitary sewerage system shall be the responsibility of the property owner(s). The property owner(s) shall indemnify the borough from any loss or damages that may directly or indirectly be occasioned by the installation of the sewer service connection.

**CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated
04•01•2005/ PART II GENERAL LEGISLATION 1Chapter 157, SEWER USE /
ARTICLE VIII, Sewer Service Connection Requirements**

§ 157-44. Inspections.

- A. All sewer service connections, including any new system of house plumbing that will be connected to the public sanitary sewerage system, shall be subject to inspection and testing by the Manager or other authorized borough representative.
- B. The Manager shall be given at least 24 hours' notice of the time when the service connection is desired to be made, so that the Manager or other authorized representative can be present to inspect and approve the connection work. The Manager or other authorized representative shall signify his approval of the connection by endorsing his name and the date of approval on the connection permit issued to the applicant.
- C. At the time of inspection of the connection, the property owner(s) shall permit the Manager or other authorized representative full and complete access to all sanitary and drainage arrangements and facilities in each building and in and about all parts of the property. No building sewer line shall be covered over or in any manner concealed until after it has been inspected and approved by the Manager or other authorized representative.
- D. In the event that the Manager has reason to question the adequacy or tightness of construction of a sewer service connection, the connection may be subjected to infiltration, exfiltration or smoke tests, as deemed necessary by the Manager and the costs of such tests shall be borne by the property owner(s).
- E. It is the intention of this chapter that the entire sewer service connection, including any new system of house plumbing, be inspected at one time. If the property owner feels that special conditions warrant more than one inspection, he may request additional inspections by the Manager subject to additional inspection fees in accordance with the borough's prevailing rate schedule.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE VIII, Sewer Service Connection Requirements

§ 157-45. Maintenance responsibility.

The maintenance and repair of all sewer service connections and any costs associated with such maintenance or repair shall be the responsibility of the property owner(s).

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE

ARTICLE IX, Sewer Extensions by Developers

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION /Chapter 157, SEWER USE / ARTICLE IX, Sewer Extensions by Developers

§ 157-46. Application for sewer extension.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION /Chapter 157, SEWER USE / ARTICLE IX, Sewer Extensions by Developers

§ 157-47. Agreement.

Prior to approval of a sewer extension and the initiation of any construction, the applicant and the borough shall enter into an agreement covering relevant conditions pertaining to the proposed sewer extension such as the following:

- A. The cost of all work to be borne by the applicant unless specified otherwise.
- B. The materials and workmanship to be in accordance with the requirements of the borough.
- C. The highways, streets, alleys and lanes in which sewer extensions are to be located must be dedicated to public use, the lines and grades thereof established and the rough grading completed in accordance with borough requirements.
- D. Upon completion of construction and formal approval of the sewer extension by the borough, the ownership title to all installations to be conveyed to and vested in the borough, except as otherwise indicated.
- E. The borough to have the right to make further extensions beyond or laterally from the main extensions (such extensions not to be considered as connections subject to any refund) and to enlarge or improve sewage treatment facilities.
- F. The payment of refunds to the developer for additional new customers to be subject to such conditions as set forth herein or as agreed upon and to limiting number of years. No refunds are to be made unless from moneys received from other consumers for the privilege of obtaining service from the extension.
- G. Easements shall be recorded in the name of the borough for all sewers to be constructed outside of dedicated street rights-of-way.
- H. Any other special conditions as deemed necessary by the borough.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE IX, Sewer Extensions by Developers

§ 157-48. General requirements.

- A. The borough will not approve any report, plans or specifications, nor permit the construction of any sewer extensions to its sewerage system that have not been approved by the Pennsylvania DEP and any other regulatory agency which may have jurisdiction
- B. The borough reserves the right to impose such additional requirements as to arrangement, location, design, selection of materials or other methods of construction as it deems necessary to protect its interests.
- C. All sewers and appurtenances shall be designed, installed and tested in accordance with applicable Pennsylvania DEP design standards and any requirements imposed by the borough.
- D. Permission to proceed with the construction of a sewer extension will not be issued by the borough until all applicable permits, including the DEP Water Quality Management Permit, have been obtained.
- E. The entire cost of the sewer extension, including the costs of its inspection and testing by the borough, shall be borne entirely by the applicant, unless specified otherwise in the service agreement or contract between the applicant and the borough.
- F. Upon completion and acceptance of a sewer extension by the borough, the sewer facilities shall be conveyed at no cost to the borough and henceforth become the property and responsibility of the borough as part of the public sanitary sewerage system, unless specified otherwise in the agreement between the applicant and the borough.
- G. Prior to final acceptance of any sewer extension by the borough, the applicant must furnish the borough with a set of as-built plan drawings showing the location angle and distance between manholes, the top and invert elevation of each manhole and the exact location of all sewer service connections relative to the nearest upstream and downstream manholes.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION /Chapter 157, SEWER USE / ARTICLE IX, Sewer Extensions by Developers

§ 157-49. Inspection.

- A. The actual construction of the sewer extension and appurtenances shall be subject to inspection and testing by the borough or its authorized representative, and use of such extension shall not be permitted until said construction has been inspected, tested and approved by the borough or its authorized representative.
- B. The applicant or developer shall reimburse the borough in full for all costs associated with the borough's inspection and testing of the sewers and appurtenances during construction, including resident inspection services if deemed necessary. The amount and type of inspection and testing shall be determined by the borough during construction.
- C. No sewer extension shall be approved for use and conveyed to the borough until said sewers have been formally approved by the borough, all applicable connection and inspection fees have been paid for each building connected to the sewer extension and

the borough has been reimbursed in full for all inspection costs incurred during construction, testing and approval of the sewer extension.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION /Chapter 157, SEWER USE / ARTICLE IX, Sewer Extensions by Developers

§ 157-50. Exceptions.

The foregoing requirements of this article do not necessarily apply to applications for service from owners of properties abutting the existing public sanitary sewerage system. In such cases, the borough may, if it so desires, consider sketch plans as adequate to accompany applications for sewer service extensions.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE

ARTICLE X, Enforcement Procedures for Industrial Waste Discharge Requirements

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE X, Enforcement Procedures for Industrial Waste Discharge Requirements

§ 157-51. Emergency action powers.

- A. The Manager may, upon informal notice to an industrial user, order the user to immediately halt or prevent a discharge to the public sanitary sewerage system which, in the opinion of the Manager, reasonably appears to present an imminent endangerment to the health or welfare of persons. For the purpose of this section, informal notice to an industrial user may be issued by a telephone call, an on-site inspection/visit, a cease and desist order or any combination of these methods.
- B. In the event that an industrial user should fail to voluntarily comply with an emergency order to immediately halt or prevent a discharge to the public sanitary sewerage system, the Manager shall take whatever action is deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the public sanitary sewerage system or the endangerment of any individuals. The costs associated with any such emergency action shall be assessed to the industrial user, and the borough shall not be responsible for any damages, including loss of income, as a result of such emergency action.
- C. The borough shall authorize permission to resume a discharge that has been halted under the emergency action provisions of § 157-51A upon satisfactory proof that the imminent danger has been eliminated. Within 15 days after the date of any such emergency action, the industrial user shall submit to the borough a detailed written statement describing the cause or causes of the harmful contribution that necessitated the emergency action and the measures that will be taken to prevent any future occurrence of the incident.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE X, Enforcement Procedures for Industrial Waste Discharge Requirements

§ 157-52. Revocation of permit.

- A. The conditions and requirements of this chapter are applicable to all industrial users and shall be incorporated into the user's industrial waste permit either expressly or by reference. The industrial user has a duty to comply with all of the conditions of this chapter.

Any noncompliance constitutes a violation of this chapter and is subject to appropriate enforcement action, including but not limited to revocation of the user's industrial waste permit or denial of a permit renewal application in accordance with the provisions of this chapter.

- B. The borough may terminate an industrial user's permit and suspend wastewater treatment service or deny a permit renewal application for any of the following causes:
- (1) Determination by the borough that the discharge presents or may present an endangerment to the environment or which threatens to interfere with the operation of the public sanitary sewerage system.
 - (2) Failure of the user to disclose fully all relevant facts during the application process or the user's misrepresentation of any relevant facts at any time.
 - (3) Falsifying monitoring or compliance reports or tampering with or knowingly rendering inaccurate any monitoring device or method required to be maintained as a condition of the user's permit.
 - (4) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
 - (5) Willful and knowing failure to comply with any conditions of the user's permit or this chapter.
- C. In the event of a nonemergency situation, where the borough has determined that a user's discharge presents or may present a threat to the environment or the operation of the public sanitary sewerage system or where revocation of a user's permit is warranted as an enforcement action, the borough shall, after formal written notification to the affected user and provision of ample opportunity for the user to respond, require the user to halt or prevent the discharge.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE X, Enforcement Procedures for Industrial Waste Discharge Requirements

§ 157-53. Notification of violation.

- A. Except in cases of emergency situations subject to the provisions of §157-51A of this chapter, whenever the borough determines that an industrial user has violated or is violating any prohibitions, limitations or requirements of the user's permit or this chapter, the borough may issue by certified mail a formal written notification stating the nature of the violation. The user shall be afforded a minimum period of 30 days after the receipt of the notification of violation within which to correct the deficiency or violation or to submit to the borough a proposed corrective action plan and schedule for correcting the violation. However, all violations result in immediate liability, and the borough may seek such penalties and/or take other enforcement action as it deems necessary during this response period. [Amended 3-9-1992 by Ord. No. 016-92]
- B. In the case of procedural violations, an industrial user may correct the violation by fulfilling the duties or requirements that are deficient. The Manager shall review the corrective action taken by the user to determine whether or not the violation has been

adequately corrected. Failure to correct a violation within a reasonable time period may result in further enforcement action.

- C. In the case of discharge violations, the industrial user may correct the violation by process modifications or implementing appropriate pretreatment technology. The borough shall review the proposed corrective action plan and schedule submitted by the user to determine whether or not the plan is adequate to correct the violation and consistent with the objectives of any applicable federal pretreatment standards and the general pretreatment regulations. The borough may require modifications to the plan and schedule, including the submission of interim progress reports, to verify correction of the violation within an appropriate compliance schedule. The borough may modify the user's permit to incorporate a reasonable schedule of compliance to implement an acceptable corrective action plan. In no case will any such compliance schedule exempt a user from further enforcement action by the borough for the discharge violations or from enforcement action for failure to meet a compliance date in any applicable federal pretreatment standards. [Amended 3-9-1992 by Ord. No. 016-92]

**CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated
04•01•2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE /
ARTICLE X, Enforcement Procedures for Industrial Waste Discharge Requirements**

§ 157-54. Notification of enforcement action.

- A. Except in the case of emergency situations subject to the provisions of § 157-51A of this chapter, whenever the borough deems it necessary to take enforcement action, including revocation of the user's permit, under the provisions of this chapter, the borough may issue the affected user a formal written notification of the proposed enforcement action by certified mail. Such notice shall state the basis for the proposed action and the reasons for the borough's tentative action.
- B. The industrial user shall be afforded a minimum period of 30 days within which to comment on the proposed action and to submit to the borough a written request for a meeting with the Borough Council to appeal the proposed action. All requests for an appeal meeting shall clearly state the specific action or provision(s) of the proposed action that is being appealed and the grounds upon which the appeal is based. Any supporting evidence that is relevant to the appeal must also be submitted with the request for appeal. The Borough Council may deny the appeal request on the basis of insufficient grounds or may schedule a meeting for the user to present the appeal to the Borough Council. As soon as practicable after the conclusion of the review period or the appeal meeting, the Borough Council shall issue to the user a formal written notification of the intended enforcement action and their conclusions. It must also be noted that all violations result in immediate liability, and the borough may seek such penalties and/or take other enforcement action as it deems necessary during the thirty-day response period. [Amended 3-9-1992 by Ord, No. 016-92]

**CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04•01-
2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE X,
Enforcement Procedures for Industrial Waste Discharge Requirements**

§ 157•55. Upset provisions.

Under the conditions specified in Section 403.16 of the Federal General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR, Part 403), an upset shall constitute an affirmative defense to an enforcement action for noncompliance with either federal categorical standards or local standards adopted pursuant to this chapter. Any industrial user seeking to establish the occurrence of an upset shall have the burden of proof

to demonstrate that the conditions necessary for an upset according to the general pretreatment regulations have been met.

**CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated
04•01•2005/ PART II GENERAL LEGISLATION /Chapter 157, SEWER USE /
ARTICLE X, Enforcement Procedures for Industrial Waste Discharge Requirements**

§ 157-56. Consent orders. [Added 3-9-1992 by Ord. No. 016-92)

The Borough Manager is hereby empowered to enter into consent orders, assurance of voluntary compliance or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified in the order. In no case will any such order exempt a user from further enforcement action for failure to meet a compliance date in any applicable federal pretreatment standards.

**CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated
04-01•2005/ PART II GENERAL LEGISLATION /Chapter 157, SEWER USE /
ARTICLE X, Enforcement Procedures for Industrial Waste Discharge
Requirements**

§ 157-57. Show cause hearing.

- A. In certain cases, such as those involving revocation of a user's permit, the Borough Council may order a user to show cause before the Borough Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Borough Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Borough Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.
- B. The Borough Council may itself conduct the hearing and take evidence or may designate any of its members or, in conjunction with the affected user and the Borough Council, may designate an arbitrator or board of arbitration to:
 - (1) Issue in the name of the Borough Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 - (2) Take the evidence.
 - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Borough Council for action thereon.
- C. At any hearing held pursuant to this chapter testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- D. After the Borough Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities,

devices or other related appurtenances and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE X, Enforcement Procedures for Industrial Waste Discharge Requirements

§ 157-58. Legal action. [Amended 3-9-1992 by Ord. No. 016-92]

If any person discharges sewage, industrial wastes or other wastes into the public sanitary sewerage system contrary to the provisions of this chapter, federal or state pretreatment requirements or any order of the borough or is found to be in violation of any other pretreatment standards or requirements of this chapter or federal pretreatment requirements, the borough's solicitor may commence an action for appropriate injunctive and/or equitable relief in a court of competent jurisdiction.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE X, Enforcement Procedures for Industrial Waste Discharge Requirements

§ 157-59. Compliance orders. [Added 3-9-1992 by Ord, No. 016-92]

When the Borough Manager finds that an industrial user has violated or continues to violate this chapter or a permit or order issued thereunder, the Manager may issue a compliance order to the industrial user responsible for the discharge directing that following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE X, Enforcement Procedures for Industrial Waste Discharge Requirements

§ 157-60. Cease and desist orders. [Added 3-9-1992 by Ord. No. 016-92]

When the Borough Manager finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the Borough Manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- A. Comply forthwith.
- B. Take such appropriate remedial or preventive actions needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE

ARTICLE XI, Penalties, Delinquencies and Remedies

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION /Chapter 157, SEWER USE / ARTICLE XI, Penalties, Delinquencies and Remedies

§ 157-61. Violations and penalties. [Amended 3-9-1992 by Ord, No. 016-92]

- A. Any person who is found to have violated an order of the Borough Manager or Council or who fails to comply with any provision of this chapter or the orders, rules, regulations and permits issued hereunder by the Borough Manager or Council shall, upon conviction, be subject to pay a fine of at least \$1,000 and the costs of prosecution and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days for each and every offense. Each day's continuation of a violation shall constitute a separate offense. In addition to the penalties recommended herein, the borough shall be able to recover court costs, court reporters' fees and any other expense of litigation by appropriate suit of law against the person found to have violated the provision of this chapter.
- B. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained under the industrial waste discharge provisions of this chapter or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be subject to pay a fine of at least \$1,000 and costs of prosecution and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days for each and every offense. In addition to the penalties recommended herein, the borough shall be able to recover court costs, court reporters' fees and any other expense of litigation by appropriate suit of law against the person found to have violated the provisions of this chapter.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION /Chapter 157, SEWER USE / ARTICLE XI, Penalties, Delinquencies and Remedies

§ 157-62. Recovery of damages and/or costs.

Any person violating any of the provisions of this chapter or who discharges or causes a discharge which produces a deposit or obstruction or otherwise causes damage to or impairs the operation of the public sanitary sewerage system shall be liable to the borough for any expenses, losses or damages caused by such violation or discharge. The borough shall bill the user for the costs incurred by the borough for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this chapter and shall be subject to further enforcement action and penalties according to the provisions of this chapter.

CODE OF THE BOROUGH OF OAKMONT PENNSYLVANIA, v13 Updated 04-01-2005/ PART II GENERAL LEGISLATION / Chapter 157, SEWER USE / ARTICLE XI, Penalties, Delinquencies and Remedies

§ 157-63. Delinquencies and remedies.

- A. Each sewerage service charge, additional charge, surcharge and penalty imposed by this chapter, together with interest at a rate of 6% per annum from the expiration of 30 days after the date upon which it shall become due, shall be a debt due the borough and shall be a lien on the property served and, if not paid within 30 days after it shall become due, shall be deemed delinquent. In such event, the borough may proceed to file a lien in the office of the Prothonotary of Allegheny County, Pennsylvania, and collect the same in the manner provided by law for the filing and collection of municipal claims.

- B. In the event of failure to pay any sewerage service charge, additional charge, surcharge or penalty after they become delinquent, as herein provided, the borough shall be authorized to remove or close the sewer service 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. The expense of such removal or closing, as well as the expense of restoring any such service, shall likewise be a debt due the borough and a lien on the property served and may be filed and collected as hereinabove provided. Such sewage service connection shall not again be turned on or the sewage service restored until all sewage service charges, additional charges, surcharges and penalties, including the expense of removal, closing and restoration, shall have been paid or adequate provisions for their payment shall have been made.
- C. Change of ownership or occupancy of any property served by the public sanitary sewerage system as to which the sewer service charge, additional charge, surcharge or penalty imposed by this chapter is delinquent, as provided in Subsection A hereof, shall not be cause for reducing or eliminating the rights and remedies of the borough set forth in this chapter.

ORDAINED AND ENACTED this 12th day of April, A. D., 2010.

ATTEST:

President of Council

Borough Manager and Ex-Officio Borough Secretary

EXAMINED AND APPROVED this 12th day of April, A. D., 2010.

ATTEST:

Mayor

Borough Manager and Ex-Officio Borough Secretary

DULY RECORDED in Ordinance Book Volume 30, Page 119, this 12th day of April, A. D., 2010.

Borough Manager and Ex-Officio Borough Secretary