

Chapter 18

Sanitary Sewers and Sewage Disposal

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Part 1**General Provisions****§18-101. Title; Applicability.**

1. *Title.* This Chapter shall be known and may be cited as the “Sanitary Sewage Ordinance.”

2. *Applicability.* This Chapter shall be construed as the Township’s implementation of the provisions of the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, as amended. The enactment of this Chapter is necessary for the protection, benefit and preservation of the health, safety and welfare of the public and the residents of the Township.

(A.O.

§18-102. Definitions.¹

For purposes of this Part, the following words and terms shall have the meanings set forth below unless otherwise expressly stated.

Allegheny County Health Department (ACHD)—the Allegheny County Health Department or any agency successor thereto.

Department of Environmental Protection (DEP)—the Department of Environmental Protection of the Commonwealth of Pennsylvania or any agency successor thereto.

Moon Township Municipal Authority (MTMA)—the Moon Township Municipal Authority or any successor entity thereto.

MTMA Manager—the General Manager of the MTMA duly appointed by the MTMA Board of Directors, his authorized designee and/or the authorized designee of the MTMA Board of Directors.

Owner—any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

Sewage—a substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation. This term includes any substance which constitutes pollution under the Pennsylvania Clean Streams Law, 35 P.S. §§691.1 *et seq.*, as amended.

Sewage facilities—a system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

(A.O.

¹Editor’s Note: See also the general definitions contained in Chapter 1, Part 1 of this Code.

§18-103. Compatibility with Other Requirements.

Approvals issued pursuant to this Chapter shall not relieve the owner of the responsibility to comply with or to secure other required permits or approvals for activities regulated by any other applicable Federal, State, County, Township, ACHD, DEP or MTMA law, statute, ordinance, resolution or regulation. This Chapter shall not preclude the inclusion in such other permit of more stringent requirements concerning regulation of sewage systems within the Township. Where a conflict exists between a provision within this Chapter and that of the applicable DEP regulations, the more stringent requirements shall govern.

(A.O.)

§18-104. Compliance with Laws.

All sewage facilities within the Township shall comply with all applicable Federal, State, County, Township, ACHD, DEP and MTMA laws, statutes, ordinances, resolutions and regulations including, but not limited to, this Chapter and the regulations of the ACHD and DEP.

(A.O.)

§18-105. Permits and Approvals.

The owner shall apply for and obtain any and all necessary Federal, State, County, Township, ACHD and MTMA permits and approvals for sewage facilities in the Township. The owner and the construction, installation, operation, use and maintenance of any sewage facility in the Township shall comply with all such Federal, State, County, Township, ACHD, DEP and MTMA permits and approvals.

(A.O.)

§18-106. Operation and Maintenance Agreement.

1. Where Township, MTMA, ACHD and/or DEP ordinances, regulations, permits and/or approvals require that the owner of the lot on which a sewage facility is to be located execute an operation and maintenance agreement with the Township and/or MTMA, such agreement shall be in a form acceptable to the Township Solicitor and/or MTMA solicitor, as applicable. The Board of Supervisors and the MTMA Board of Directors may adopt, from time to time by resolution, a standard form operation and maintenance agreement.

2. The operation and maintenance agreement may contain conditions imposed on the owner by the Township and/or the MTMA with respect to construction, usage, payment of fees, operation and maintenance of the subject sewage facility provided that the ultimate responsibility for operation and maintenance of the subject sewage facility is that of the owner and further provided that such conditions are acceptable to the MTMA.

3. The operation and maintenance agreement shall contain:

A. The specific party responsible for the maintenance.

B. A continuing schedule of regular, specific maintenance.

C. Assurance of Township and/or MTMA, as appropriate, access to the control facilities for inspection and/or maintenance.

D. An understanding that if the party responsible fails to correct specific problems discovered by the Township and/or MTMA, as appropriate, during inspection and brought to the responsible party's attention, the Township and/or MTMA, as appropriate, may perform the required work and bill the owner for all costs incurred.

4. In connection with the execution of an operation and maintenance agreement, the Township and/or MTMA, as appropriate, may require the owner to post financial security in an amount acceptable to the Township and/or MTMA, as appropriate.

5. Any violation or breach of an operation and maintenance agreement shall be considered a violation of this Part.

(A.O.)

§18-107. Inspection.

The Code Official is hereby authorized to enforce this Part and to undertake any inspection of any properties in the Township to determine whether:

A. The construction, installation, use, operation and/or maintenance of any sewage facility within the Township is in conformity with the requirements of this Part.

B. There are any violations of this Part.

(A.O.)

§18-108. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof or the rules and regulations adopted hereunder, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$5,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violation of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation is hereby delegated to the Township Manager, the Police Department, the Code Official, the authorized designee of the Township Manager, and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate.

(A.O.)

§18-109. Failure to Comply; Costs.

If the owner of any real property in the Township neglects or refuses to maintain any sewage facility as required by this Part, the Township and/or the MTMA, as appropriate, may perform or cause to be performed such work as may be necessary to

bring it into compliance with the provisions of this Part and all applicable Federal, State, County, Township, ACHD, DEP and MTMA laws, statutes, ordinances and regulations, including but not limited to the repair, removal and/or replacement of the sewage facility at the cost and expense of the owner of the subject real property, together with all charges and expenses incidental thereto; which sum shall be collected from said owner for the use of the Township and/or the MTMA, as appropriate, as debts are by law collectible, or if not paid within 6 months of completion, the Township and/or the MTMA, as appropriate, may file municipal liens as provided by law.

(A.O.)

§18-110. Abatement of Nuisances.

In addition to any other remedies provided in this Part, any violation of this Part shall constitute a nuisance and may be abated by the Township, the MTMA, the ACHD, or the DEP by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

(A.O.)

Part 2**Sanitary Wastewater Discharge and Disposal Systems****A. General Provisions****§18-201. Purpose.**

This Part provides for the regulation of the installation and use of public and private sanitary wastewater transmission lines, drains and disposal systems within the Township. This Part is intended to prevent damage to the public wastewater collection system within the Township, to reduce maintenance costs and to enhance and maintain adequate flow capacity within the system. This Part and all the rules, regulations and requirements established therein shall apply to all residents of the Township, both private and commercial.

(Ord. 451, 6/19/1996; as amended by A.O.)

§18-202. Definitions; Word Usage.²

1. *Definitions.* As used in this Part, the following terms shall have the meanings indicated unless the context clearly indicates a different meaning: [A.O.]

ACHD—the Allegheny County Health Department or any agency successor thereto. [A.O.]

Community sanitary wastewater disposal system—all or part of a privately owned device or devices intended to treat and/or dispose of sanitary wastewater discharged from structures located on two or more parcels of land.

DEP—the Pennsylvania Department of Environmental Protection or any agency successor thereto. [A.O.]

Document of certification—an official statement from the MTMA Manager or his designee stating that there are no known illegal stormwater or surface water connections to the MTMA's sanitary wastewater collection system on the specific property which is being sold or transferred. [A.O.]

Grease interceptor—a tank mechanism with a flow rate greater than 35 gallons per minute which is installed underground outside the structure being served and which extracts grease content from sanitary wastewater prior to the discharge of said wastewater into the sanitary wastewater collection system owned and/or operated by the MTMA. [A.O.]

Grease trap—a tank mechanism with a flow rate of 35 gallons per minute or less which is installed in the sanitary wastewater drainage system of an individual premises, which mechanism extracts grease content from sanitary wastewater prior to the discharge of said wastewater into the sanitary wastewater collection system owned and/or operated by the MTMA. Grease traps shall be rated at a minimum of 22.5 gallons per minute. [A.O.]

²Editor's Note: See also the general definitions contained in Chapter 1, Part 1, of this Code.

Industrial discharger—an industry which discharges wastewater to the sanitary wastewater collection system owned and/or operated by the MTMA and which is identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented, under the category “Division D Manufacturing,” and such other classes of significant waste producers as deemed appropriate under the Federal Water Pollution Control Act, 33 USC §1251 *et seq.* [A.O.]

Industrial wastewater—liquid and water-carried industrial wastes from commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated.

MTMA—the Moon Township Municipal Authority or any successor thereto. [A.O.]

MTMA Manager—the General Manager of the Moon Township Municipal Authority or his designee. [A.O.]

Municipal lien letter—a writing from the proper official of the MTMA concerning outstanding municipal liens. [A.O.]

Nondomestic discharger—any owner and/or occupier of premises used for purposes other than residential and who discharges wastewater to the sanitary wastewater collection system owned and/or operated by the MTMA. This term shall include, but not be limited to, any and all commercial and/or manufacturing operations, commercial buildings and nursing and/or group homes with more than 10 residents. [A.O.]

Nondomestic preparation of food—any food preparation conducted for consumption by a person or persons other than those residing on the subject premises and/or their household guests. This includes all restaurants, whether eat-in or take-out, cafeterias, snack bars, church kitchens and halls, grocery store kitchens, banquet halls, nursing and/or group homes with more than 10 residents and food processing businesses.

Pass through—a discharge which exits the MTMA’s wastewater treatment facility into the waters of the Commonwealth of Pennsylvania 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 MTMA’s NPDES permit, including an increase in the magnitude or duration of a violation. [A.O.]

Person—any person, syndicate, association, partnership, firm, corporation, institution, agency, authority or other entity recognized by law as the subject of rights and duties.

Private sanitary wastewater disposal system—all or part of any privately owned device or devices located on an individual parcel of land and intended to treat and/or dispose of the sanitary wastewater discharged from any structure or structures located on that parcel of land.

Residential user—owner and/or occupier of premises used only for human residency and who discharges sanitary wastewater to the sanitary wastewater collection system owned and/or operated by the MTMA. [A.O.]

Sanitary wastewater—wastewater discharged from the sanitary conveniences of dwellings, commercial and/or industrial and/or institutional buildings or

structures.

Sanitary wastewater service line—a pipe extension from a structure’s sanitary wastewater plumbing system to the sanitary wastewater collection system owned and/or operated by the MTMA. [A.O.]

Surface water—water which occurs when the rate of precipitation exceeds the rate at which water may infiltrate into the soil.

Temporary document of certification—a temporary statement of certification from the proper officer of the MTMA issued pursuant to the terms of this Part. [A.O.]

Township—the Township of Moon.

Wastewater—a combination of liquid and water-carried wastes from residences, commercial buildings, industries and institutions, together with any groundwater, surface water or stormwater that may be present.

2. *Word Usage.* “Shall” is mandatory; “may” is permissive.

(Ord. 451, 6/19/1996; as amended by A.O.)

B. Connection Required**§18-211. Connection Required.**

1. Every owner of property in the Township on which exists an occupied building, any part of which is located within 150 feet of and is accessible to a sanitary wastewater collection line owned and/or operated by the MTMA, shall connect, at his own cost, the said occupied building to said MTMA sanitary wastewater collection line at the service line connection point for the purpose of disposing of all sanitary wastewater emanating from said property. [A.O.]

2. It shall be unlawful and in violation of this Part for any owner, lessee or occupier of any property in the Township on which exists an occupied building, any part of which is located within 150 feet of and is accessible to a sanitary wastewater collection line owned and/or operated by the MTMA, to employ any means, either by septic tank, cess pool, privy vault, mine hole or otherwise, for the disposal of wastewater other than into and through the sanitary wastewater collection system owned and/or operated by the MTMA. [A.O.]

(*Ord. 451, 6/19/1996; as amended by A.O.*)

§18-212. Connection Notice.

For any property not in compliance with the requirements of §18-211 of this Part, the MTMA Manager or his designee may notify the owner, lessee or occupier of such property, in writing, to make proper connection for the discharge of sanitary wastewater to the sanitary wastewater collection system owned and/or operated by the MTMA, as provided in this Part, within 60 days after receipt of such notice.

(*Ord. 451, 6/19/1996; as amended by A.O.*)

§18-213. Failure to Comply.

1. Should any owner of property required to connect to the MTMA's sanitary wastewater collection system pursuant to §18-211 of this Part neglect or refuse to so connect within a period of 60 days after service of the notice as set forth in §18-212, the MTMA or its agent may enter upon such property and construct such connection. [A.O.]

2. Should the MTMA or its agent construct said connection pursuant to this Section, the MTMA Manager or his designee shall forthwith, upon completion of the work, send an itemized bill of the cost of construction of such connection to the owner of the property to which connection has been so made, which bill shall be payable forthwith. [A.O.]

3. In the event of nonpayment of said itemized bill, a municipal lien in the amount set forth in the itemized bill, plus costs associated with the filing of the lien, shall be filed within 6 months of the date of completion of construction of the subject connection.

(*Ord. 451, 6/19/1996; as amended by A.O.*)

§18-214. Service Application and Inspection.

Any person required to or desiring to connect to the sanitary wastewater collection system owned and/or operated by the MTMA shall submit a service application to the

MTMA on a form furnished by the MTMA and shall set forth in such application the character of the structure to be connected, its use, the lot number and location and the name of the person who is to construct said connection and shall pay the required tap fee for such connection. After connection has been made in accordance with the rules, regulations, plans and specifications established by the MTMA and before the service line and connection point are covered, the MTMA shall be notified of said connection and shall conduct an inspection of the same as required by §18-241.

(*Ord. 451, 6/19/1996; as amended by A.O.*)

§18-215. Rules and Regulations for Service Connection.

1. The MTMA is hereby authorized, empowered and directed to make reasonable rules and regulations for the operation, administration and enforcement of this Part as it deems necessary, which shall include, but not be limited to: [A.O.]

A. Establishing the appropriate materials, procedures, plans and specifications for service line installation and connection.

B. Establishing the form of service application.

C. Establishing appropriate inspection and/or testing methods.

D. Establishing the appropriate fee for inspection of service line installation and connection.

2. All rules and regulations issued pursuant to this Section shall be in writing and shall be approved by the MTMA Board of Directors of the prior to such rules and regulations becoming effective. [A.O.]

(*Ord. 451, 6/19/1996; as amended by A.O.*)

§18-216. Septic Tank Remediation.

1. No privy vault, cesspool, septic tank, mine hole or other similar receptacle for sanitary wastewater solids shall at any time be connected with the sanitary wastewater collection system owned and/or operated by the MTMA. [A.O.]

2. After connection has been made to the sanitary wastewater collection system owned and/or operated by the MTMA from any premises pursuant to this Part, no privy vault, cesspool, septic tank, mine hole or similar receptacle for sanitary wastewater solids shall continue to be maintained on said premises, and any privy vault, cesspool, septic tank, mine hole or similar receptacle for sanitary wastewater solids shall be abandoned, cleansed and filled in accordance with ACHD rules, regulations and requirements. [A.O.]

(*Ord. 451, 6/19/1996; as amended by A.O.*)

C. Requirements and Prohibitions

§18-221. Unlawful Discharges.

1. It shall be unlawful for any person whose premises are connected to the sanitary wastewater collection system owned and/or operated by the MTMA to permit, allow or cause to enter into such system any wastewater from any property other than that for which service application was made. [A.O.]

2. It shall be unlawful for any person whose premises are connected to the sanitary wastewater collection system owned and/or operated by the MTMA to permit, allow or cause to enter into such system any of the following pollutants, substances or wastewater: [A.O.]

A. Pollutants which create a fire or explosive hazard in the sanitary wastewater collection system or the MTMA's wastewater treatment facility including, but not limited to, waste streams with a closed-cup flashpoint of less than 140° F. [A.O.]

B. Wastewater having a pH less than 5.0 or otherwise causing corrosive structural damage to the sanitary wastewater collection system or the MTMA's wastewater treatment facility or other equipment or endangering MTMA personnel. [A.O.]

C. Solid or viscous substances in amounts which will cause obstruction of the flow in the MTMA's sanitary wastewater collection system. [A.O.]

D. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts exceeding 100 milligrams per liter as oil and grease in discharge or in amounts that will cause obstruction of the flow in the sanitary wastewater collection system or the MTMA's wastewater treatment facilities or which will cause pass through at the treatment facility. [A.O.]

E. Pollutants which result in the presence of toxic gases, vapors or fumes within the MTMA's sanitary wastewater collection system or its wastewater treatment facilities in a quantity that may cause worker health and/or safety problems. [A.O.]

F. Stormwater, surface water, groundwater, artesian well water, roof runoff or subsurface drainage.

3. The MTMA Manager or his designee, bearing proper identification, shall be permitted to enter the premises of any nondomestic discharger at any reasonable time for the purpose of inspection of facilities to ensure compliance with the provisions of this Section. [A.O.]

(Ord. 451, 6/19/1996; as amended by A.O.)

§18-222. Industrial Dischargers.

All industrial dischargers of wastewater which are located within the Township and which discharge industrial wastewater into the MTMA's sanitary wastewater collection system must comply with the provisions of Part 3, "Industrial Waste Pretreatment," of this Chapter.

(Ord. 451, 6/19/1996; as amended by A.O.)

§18-223. Grease Trap or Interceptor Requirement.

1. It shall be unlawful for any person to engage in the nondomestic preparation of food or the washing of dishes used to serve food for nondomestic consumption without a properly installed, operational and regularly maintained grease interceptor or grease trap system to separate, remove, collect and contain grease content from wastewater prior to the discharge of said wastewater into the sanitary wastewater collection system owned and/or operated by the MTMA. The grease interceptor or grease trap system shall be installed and maintained in accordance with the requirements of the MTMA and the ACHD. [A.O.]

2. The type of installation (either grease trap interceptor or grease trap system) shall be determined by the total fixture flow-through rate of potential grease-laden fixtures discharging through the building sanitary wastewater lines as determined by the ACHD. [A.O.]

A. For flow-through rates of 35 gallons per minute or less, an internal grease trap system is required.

B. For flow-through rates in excess of 35 gallons per minute, an external underground grease interceptor is required.

3. A grease interceptor or grease trap system shall be installed at an appropriate location along the building sanitary wastewater discharge system before the point of connection between the sanitary wastewater service line and public collection system. Said grease interceptor or grease trap system and its installation shall be in compliance with the rules, regulations, plans and specifications as established by the MTMA. [A.O.]

4. The grease interceptor or grease trap shall limit the amount of grease discharged into the public collection system to a level not to exceed 100 milligrams per liter of oil and grease downstream of the interceptor or trap.

5. Where a grease interceptor is required, an inspection site tee shall be installed between the interceptor discharge point and the sanitary wastewater service line connection to the public collection system.

6. Grease interceptors and grease traps shall be maintained and kept in proper working order at all times in accordance with the rules, regulations and requirements as established by the MTMA. Records of all grease interceptor or grease trap system cleaning and/or maintenance shall be kept on the subject premises at all times and shall be available for review by the MTMA Manager or his designee. [A.O.]

7. No solid waste devices, such as waste grinders, disposals, potato peelers, etc., shall discharge through a grease trap or grease interceptor. Only potential grease laden fixtures may discharge through the trap or interceptor.

(Ord. 451, 6/19/1996; as amended by A.O.)

§18-224. Inspection; Fee.

1. The MTMA Manager or his designee, bearing proper identification, shall be permitted to enter any premises subject to §18-223 of this Part at any reasonable time for the purpose of inspection of facilities and/or records to ensure compliance with the provisions of this Part. [A.O.]

2. All grease interceptors and/or grease trap systems located on premises subject to §18-223 of this Part shall be inspected at least annually by the MTMA Manager or

his designee. All such interceptors and/or trap systems located on premises which maintain a dining seating capacity of 50 or more shall be inspected semiannually. A written record of all inspections shall be maintained by the MTMA. [A.O.]

3. All owners or occupiers of premises subject to §18-223 of this Part shall be required to pay the MTMA a fee for each annual or semiannual inspection conducted pursuant to subsection .2 above. The fee shall be established by the MTMA as reimbursement for costs incurred in conducting the required inspection. The fee shall be included in the MTMA's next regular billing invoice following the subject inspection. [A.O.]

(*Ord. 451, 6/19/1996; as amended by A.O.*)

§18-225. Rules and Regulations; Grease Trap and Interceptor Inspection.

1. The MTMA is hereby authorized, empowered and directed to make reasonable rules and regulations regarding the grease trap or interceptor requirement and inspection, as set forth in §§18-223 and 18-224 of this Part, as it deems necessary, which shall include, but not be limited to: [A.O.]

A. Establishing the appropriate materials, plans and specifications for the type of grease interceptor and/or grease trap system to be installed.

B. Establishing the appropriate materials, plans and specification for the installation of a grease interceptor and/or grease trap system.

C. Establishing the appropriate inspection and/or testing methods.

D. Establishing the appropriate maintenance activities and schedule required for grease interceptors and/or grease trap systems.

E. Establishing the appropriate fee for inspection of grease trap interceptors and/or grease trap systems.

2. All rules and regulations issued pursuant to this Section shall be in writing and shall be approved by the MTMA Board of Directors prior to such rules and regulations becoming effective. [A.O.]

(*Ord. 451, 6/19/1996; as amended by A.O.*)

D. Stormwater and Surface Water Discharge**§18-231. Stormwater and Surface Water Discharge Prohibited.**

1. It shall be unlawful for any property owner within the Township whose premises are connected to the sanitary wastewater collection system owned and/or operated by the MTMA to discharge or permit to be discharged any stormwater or surface water from the premises into the MTMA's sanitary wastewater collection system. [A.O.]

2. It shall be unlawful for any property owner within the Township to maintain any connection of a roof drain, downspout, french drain or other surface water or stormwater collection system to the MTMA's sanitary wastewater collection system. [A.O.]

3. The Township hereby authorizes and empowers the MTMA to undertake within the Township the control and methods of testing for the discharge of stormwater or surface water into the MTMA sanitary wastewater collection system pursuant to this Part 2D. [A.O.]

(Ord. 451, 6/19/1996; as amended by A.O.)

§18-232. Inspection.

The MTMA Manager or his designee, bearing proper identification, shall be permitted to enter any premises at any reasonable time for the purpose of inspecting and/or testing to ensure compliance with §18-231 of this Part.

(Ord. 451, 6/19/1996; as amended by A.O.)

§18-233. Requirement of Certification.

It shall be unlawful for any person to sell property located within the Township on which a building or improvement exists without first delivering to the purchaser or transferee a document of certification or temporary document of certification issued by the MTMA. The MTMA shall not issue a municipal lien letter for the subject property transaction unless and until a document of certification or temporary document of certification has been issued.

(Ord. 451, 6/19/1996; as amended by A.O.)

§18-234. Document of Certification Application; Fee.

1. Any person selling or transferring property located within the Township, upon which exists any building or improvement, shall make application for a document of certification to the MTMA at least 14 days prior to the date of sale or transfer of the subject property. [A.O.]

2. The application shall be submitted on a form furnished by the MTMA and shall be accompanied by payment of an established fee, set from time to time by the MTMA Board of Directors, which fee represents the costs incurred by the MTMA in performing the required test(s) and in processing the application. [A.O.]

3. The information set forth on the application form shall include, but not be limited to, the name and address of the seller, the location of the property being sold, the name and address of the purchaser or transferee and a description of the building

and/or improvement on the property. [A.O.]

4. The MTMA shall then have an inspector proceed to the subject property and perform a dye test, smoke test or air test of the stormwater and wastewater drainage systems on the subject property. The purpose of such test(s) is to determine whether any surface water and/or stormwater is being discharged into the MTMA's sanitary wastewater collection system in violation of this Part. [A.O.]

5. The MTMA's inspector shall have the right to conduct as many of the above-referenced tests as he deems necessary. The MTMA shall also have the right to rely on the results of any internal televising of the main sewer completed by the MTMA or its contractor. [A.O.]

(Ord. 451, 6/19/1996; as amended by A.O.)

§18-235. Document of Certification Issuance.

1. In the event that there are no illegal stormwater or surface water discharges and the existing drainage system is sound, the MTMA shall issue a document of certification. [A.O.]

2. When an illegal stormwater or surface water discharge or malfunctioning drainage system is discovered by means of the above-referenced testing, no document of certification will be issued until the illegal discharge and/or malfunctioning drainage system are removed and/or repaired and the system retested and certified by the MTMA. The established fee described in §18-234.2 of this Part must be paid to the MTMA prior to each retesting required. [A.O.]

3. In the event of discovery by the MTMA of an illegal discharge and/or a malfunctioning drainage system, a notice describing said violations and the required remediation will be sent by the MTMA to the applicant. [A.O.]

(Ord. 451, 6/19/1996; as amended by A.O.)

§18-236. Temporary Document of Certification.

A temporary document of certification may be issued at the sole discretion of the MTMA when either: [A.O.]

A. Weather Conditions.

(1) The MTMA determines that the required testing cannot be performed because of weather conditions and, when such is the case, the applicant shall provide the MTMA with a signed written acknowledgment from the purchaser/transferee of the subject property agreeing to correct, at said purchaser/transferee's sole expense, any unlawful discharges that may be discovered as a result of subsequent testing. [A.O.]

(2) The applicant shall also provide the MTMA with full payment of the MTMA's established fee for testing and processing costs. [A.O.]

(3) Within 30 days of the date of issuance of temporary document of certification, the MTMA will perform adequate testing of the subject property and will issue a document of certification if the testing reveals no unlawful discharges. If unlawful discharges are found during this testing, the purchaser/transferee of the property will be held responsible for immediate remediation. [A.O.]

(4) A failure to remediate within a reasonable time specified by the MTMA may result in the imposition of a fine for violation of this Part. [A.O.]

B. Remedial Activities.

(1) When an illegal discharge or malfunctioning drainage system has been discovered and the necessary remedial activities to correct such violation(s) would require a length of time such as to create a practical hardship for the applicant, the applicant may apply to the MTMA for a temporary document of certification which may only be issued when the applicant provides the MTMA with all of the following: [A.O.]

(a) A bona fide executed contract between the applicant and a registered, licensed plumber to complete the necessary remedial work.

(b) A deposit equal to the amount of said plumbing contract to be posted with the MTMA as surety for work completion. [A.O.]

(c) An agreement by the purchaser/transferee to be responsible for all cost overruns related to the remedial work, together with a license to the MTMA to enter upon the property to complete work in case of default by the contractor. The MTMA Manager or his designee shall determine when such temporary document of certification shall expire. At the expiration of such time period, if the remedial work has been completed on the subject property, the deposit shall be returned to the applicant. [A.O.]

(2) If the time period set forth on the temporary document of certification should expire prior to the completion of the required remediation work, the deposit will be forfeited in the amount required by the MTMA to complete the necessary remedial work. [A.O.]

(Ord. 451, 6/19/1996; as amended by A.O.)

§18-237. Rules and Regulations for Certification Requirement.

1. The MTMA is hereby authorized, empowered and directed to make reasonable rules and regulations for the application and/or issuance of the required document of certification as it deems necessary, which shall include, but not be limited to: [A.O.]

A. Establishing acceptable forms of security or guaranties.

B. Establishing the appropriate fee for the required testing and processing.

C. Establishing acceptable testing methods.

D. Establishing the forms of applications, purchaser acknowledgments, document of certification and temporary document of certification.

E. Limiting the times of year in which temporary documents of certification are available for weather-related reasons.

2. All rules and regulations issued pursuant to this Section shall be in writing and shall be approved by the MTMA Board of Directors prior to such rules and regulations becoming effective. [A.O.]

(Ord. 451, 6/19/1996; as amended by A.O.)

E. Service Lines**§18-241. Service Line Requirements.**

1. Sanitary wastewater service lines shall convey only sanitary wastewater and a nominal amount of infiltration and shall not be connected to any source of surface water or stormwater of any nature.

2. All sanitary wastewater service lines carrying wastewater from any structure within the Township into the sanitary wastewater collection system owned and/or operated by the MTMA shall be constructed of SDR 35 PVC pipe. [A.O.]

3. No sanitary wastewater service line shall be installed in a common trench with any other utility line.

4. All trenches or portions thereof created for the purpose of sanitary wastewater service line installation and which lie in areas of regular pedestrian travel shall be adequately marked and barricaded until they have been filled and the surface has been restored to its original elevation.

5. Prior to the construction and/or installation of a sanitary wastewater service line, the person to construct and/or install said service line must be either the property owner or be a plumber registered with the ACHD.

6. The erection, construction and/or installation of all sanitary wastewater service lines, including the trenching for the same, shall be in accordance and compliance with any and all applicable Federal, State and/or local regulations.

7. The erection, construction and/or installation of all sanitary wastewater service lines which are to be connected with the sanitary wastewater collection system owned and/or operated by the MTMA shall be so connected in accordance with the provisions of this Part and the rules, regulations, plans and specifications established by the MTMA pursuant to §18-215 of this Part, as the same may be from time to time amended. [A.O.]

(Ord. 451, 6/19/1996; as amended by A.O.)

§18-242. Inspection.

1. Every sanitary wastewater service line shall be inspected by the MTMA after connection to the MTMA's service line connection point has been made and before said line and connection point have been covered. The purpose of said inspection is to ensure compliance with the provisions of both this Part 1E and Part 1B as well as the rules, regulations, plans and specifications established by the MTMA pursuant to §18-215. An established fee, as set forth from time to time by the MTMA Board of Directors, shall be paid to the MTMA as reimbursement for costs incurred in conducting said inspection. [A.O.]

2. No water service will be permitted by the MTMA unless and until the sanitary wastewater service line has passed the required inspection. [A.O.]

(Ord. 451, 6/19/1996; as amended by A.O.)

F. Private and Community Disposal Systems**§18-251. Disposal System Required.**

Where a premises is not connected to the sanitary wastewater collection system owned and/or operated by the MTMA, it shall be unlawful for any person to cause or permit the flow of sanitary wastewater from any structure or place except into a septic tank or other private or community sanitary wastewater disposal system constructed in accordance with the requirements of this Part and those of ACHD and DEP.

(*Ord. 451, 6/19/1996; as amended by A.O.*)

§18-252. Compliance with ACHD Requirements.

1. No septic tank or other private or community sanitary wastewater disposal system or any part thereof shall be erected, constructed and/or installed within the Township until a permit for such erection, construction and/or installation shall have first been obtained from the ACHD or its agent. [A.O.]

2. Application for said ACHD permit shall be in accordance with all applicable rules, regulations and requirements established by ACHD and DEP. [A.O.]

3. All elements of the erection, construction, installation, maintenance and/or operation of a septic tank or other private or community sanitary wastewater disposal system including, but not limited to, design, materials, size, capacity, efficiency and effectiveness, must be in full and complete compliance with all applicable rules, regulations and requirements established by the ACHD and DEP. [A.O.]

4. No private or community sanitary wastewater disposal system which releases effluent to any receiving waters within the Commonwealth of Pennsylvania may be erected, constructed and/or installed without first obtaining permits from both the ACHD and the DEP. A copy of all such permit applications and permits, if and when issued, must be provided to the MTMA Manager. Erection, construction, installation, maintenance and operation of any such sanitary wastewater disposal system must be in compliance with the laws of the Commonwealth of Pennsylvania and the rules and regulations of the DEP and the ACHD. [A.O.]

(*Ord. 451, 6/19/1996; as amended by A.O.*)

G. Access to Easements**§18-261. Easement Ingress and Egress.**

The MTMA shall have the right to ingress and egress across all property within the Township that is subject to an easement granting the MTMA the right to install, operate and maintain sanitary wastewater collection lines, appurtenances and/or related facilities. Said right is limited to ingress and egress to and from the easement existing on the subject property to permit maintenance, repair and/or replacement of lines and/or facilities and is intended solely to promote the health, safety and welfare of the residents of the Township.

(Ord. 451, 6/19/1996; as added by A.O.

H. Violations and Penalties

§18-271. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof or the rules and regulations adopted hereunder, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$5,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violation of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation is hereby delegated to the Township Manager, the Police Department, the Code Official, the authorized designee of the Township Manager, and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate.

(Ord. 451, 6/19/1996; as amended by A.O.

Part 3**Industrial Waste Pretreatment****A. General Provisions****§18-301. Purpose and Policy.**

1. This Part sets forth uniform requirements for users of the wastewater collection and publicly owned treatment works (POTW) of the MTMA and enables the MTMA to comply with all applicable State and Federal laws, including the Clean Water Act, 33 USC §1251 *et seq.*, and the general pretreatment regulations, 40 CFR 403. The objectives of this Part are to: [A.O.]

A. Prevent the introduction of pollutants into the POTW that will interfere with its operation.

B. Prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters or otherwise incompatible with the POTW.

C. Protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public.

D. Ensure that the quality of the POTW wastewater and sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations.

E. Promote reuse and recycling of industrial wastewater and sludge from the POTW.

F. Provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW.

G. Enable the MTMA to comply with its NPDES permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the POTW is subject.

2. This Part and all the rules, regulations and requirements established therein shall apply to all dischargers of wastewater to the POTW. The Part authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(*Ord. 422, 10/12/1994; as amended by A.O.*)

§18-302. Administration.

Except as otherwise provided herein, the MTMA Manager shall administer, implement and enforce the provisions of this Part. Any powers granted to or duties imposed upon the MTMA Manager may be delegated by the MTMA Manager to other personnel of the MTMA.

(*Ord. 422, 10/12/1994; as amended by A.O.*)

§18-303. Abbreviations.

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

BOD–Biochemical oxygen demand.

CFR–Code of Federal Regulations.

COD–Chemical oxygen demand.

EPA–United States Environmental Protection Agency.

gpd–gallons per day.

mg/l–milligrams per liter.

NPDES–National Pollutant Discharge Elimination System.

POTW–Publicly owned treatment works.

RCRA–Resource Conservation and Recovery Act.

SIC–Standard industrial classification.

TSS–Total suspended solids.

USC–United States Code.

(Ord. 422, 10/12/1994)

§18-304. Definitions; Word Usage.³

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

Act or the Act–the Federal Water Pollution Control Act, also known as the “Clean Water Act,” 33 USC §1251 *et seq.*, as amended. [A.O.]

Approval authority–the Regional Administrator of the EPA, Region 3, or his designee.

Authorized representative of the industrial user–

(1) If the industrial user is a corporation:

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

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

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

(3) If the user is a Federal, State or local government facility, a director

³Editor’s Note: see also the general definitions contained in Chapter 1, Part 1 of this Code.

or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility or his designee.

(4) The individuals described in subparagraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the MTMA.

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

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

Composite sample—the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Environmental Protection Agency (EPA)—the United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency. [A.O.]

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

Grab sample—a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

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

Instantaneous maximum allowable discharge limit—the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

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

Medical waste—isolation wastes, infectious agents, human blood and blood

products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

MTMA—the Moon Township Municipal Authority, or any successor entity thereto, or the Board of Directors of the Moon Township Municipal Authority. [A.O.]

MTMA Manager—the duly appointed Manager of the MTMA who has been or will be appointed by the MTMA Board of Directors. [A.O.]

New source—

(1) Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under §307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located.

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.

(c) The production or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

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

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

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

1) Any placement, assembly or installation of facilities or equipment.

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

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

obligation under this subsection.

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

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

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

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

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

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

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

Pretreatment standards or *standards*—prohibited discharge standards, categorical pretreatment standards and local limits.

Prohibited discharge standards or *prohibited discharges*—absolute prohibitions against the discharge of certain substances; these prohibitions appear in §18-306 of this Part. [A.O.]

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

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

Sewage—human excrement and gray water (and wastes of a similar nature).

Significant industrial user—

- (1) A user subject to categorical pretreatment standards.

(2) A user that:

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

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

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

(3) Upon a finding that a user meeting the criteria in subparagraph (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the MTMA may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(t)(6), determine that such user should not be considered a "significant industrial user."

Slug load or *slug*—any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in §18-306 of this Part or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

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

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

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

Toxic pollutant—one of the 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of §307 of the Act, 33 USC §1317.

Treatment plant effluent—any discharge of pollutants from the POTW into waters of the commonwealth.

User or industrial user—a source of indirect discharge.

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

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

2. The use of the word "shall" indicates that the action is mandatory; the use of the word "may" indicates that the action is permissive or discretionary. The use of the singular shall be construed to include the plural, and the plural shall be construed to include the singular, as indicated by the context.

(Ord. 422, 10/12/1994; as amended by A.O.

B. General Sewer Use Requirements

§18-306. Prohibited Discharge Standards.

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

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

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

B. Wastewater having a pH less than 5.0 or otherwise causing corrosive structural damage to the POTW or equipment or endangering MTMA personnel. [A.O.]

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

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

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

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

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

H. Trucked or hauled pollutants, except at discharge points designated by the MTMA Manager in accordance with §18-314 of this Part. [A.O.]

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

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

K. Stormwater, surface water, groundwater, artesian well water, roof runoff or subsurface drainage.

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

3. Pollutants, substances or wastewater prohibited by this Section shall not be

processed or stored in such a manner that it could be discharged to the POTW.

(*Ord. 422, 10/12/1994; as amended by A.O.*)

§18-307. Federal Categorical Pretreatment Standards.

1. The categorical pretreatment standards found at 40 CFR, Chapter I, Subchapter N, Parts 405 to 471, are hereby incorporated as though the same were more fully set forth at length herein.

2. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the MTMA Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c). [A.O.]

3. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the MTMA Manager shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e). [A.O.]

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

5. A user may obtain a net gross adjustment to a Categorical Standard in accordance with 40 CFR 403.15.

6. Where the applicable categorical pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user shall submit documentation required by the MTMA or the categorical pretreatment standard necessary to determine the compliance status of the user to the MTMA. At the discretion of the MTMA, and in consideration of such factors as local high or low flow rates, holidays, etc., the MTMA may modify the months during which reports are to be submitted. [*Ord. 616*]

(*Ord. 422, 10/12/1994; as amended by Ord. 616, 2/7/2007, §1; and by A.O.*)

§18-308. Specific Pollutant Limitations.

1. Specific pollutant limitations shall be controlled by each significant industrial user’s nondomestic wastewater discharge permit. Concentrations or masses of each pollutant shall apply at the point designated as the discharge point in the user’s nondomestic wastewater permit. All concentrations for metallic substances are for “total metal” unless otherwise specified in the user’s nondomestic wastewater discharge permit.

2. Notwithstanding any pollutant limitations required in an SIU’s nondomestic wastewater discharge permit or required pursuant to an applicable categorical pretreatment standard, the MTMA shall not issue nondomestic wastewater permits, which in total aggregate exceed the following masses for each pollutant shown:

Pollutant	Maximum Allowable Mass
Arsenic	0.3561 lbs/day
Cadmium	0.1392 lbs/day

Pollutant	Maximum Allowable Mass
Chromium	32.7980 lbs/day
Copper	1.3583 lbs/day
Cyanide	1.5773 lbs/day
Lead	1.1912 lbs/day
Mercury	0.1100 lbs/day
Molybdenum	1.3371 lbs/day
Nickel	2.4599 lbs/day
Selenium	0.4500 lbs/day
Silver	3.7590 lbs/day
Zinc	10.4799 lbs/day

(Ord. 422, 10/12/1994; as amended by Ord. 616, 2/7/2007, §2)

§18-309. MTMA’s Right of Revision.

The MTMA reserves the right to establish in wastewater discharge permits more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in §18-301 of this Part or the general and specific prohibitions in §18-306 of this Part.

(Ord. 422, 10/12/1994; as amended by A.O.

§18-310. Dilution.

No industrial user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The MTMA Manager may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

(Ord. 422, 10/12/1994; as amended by A.O.

C. Pretreatment of Wastewater

§18-311. Pretreatment Required; Facilities.

Industrial users shall provide wastewater treatment as necessary to comply with this Part and shall achieve compliance with all categorical pretreatment standards, local limits established by the MTMA and the prohibitions set out in §18-306 of this Part within the time limitations specified by the EPA, the State or the MTMA, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the industrial user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the MTMA for review and shall be acceptable to the MTMA before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the MTMA under the provisions of this Part.

(Ord. 422, 10/12/1994; as amended by A.O.)

§18-312. Additional Pretreatment Measures.

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

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

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

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

(Ord. 422, 10/12/1994)

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

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

A. A description of discharge practices, including nonroutine batch

discharges.

B. A description of stored chemicals.

C. Procedures for immediately notifying the MTMA of any accidental or slug discharge, as required by §18-346 of this Part. [A.O.]

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

(*Ord. 422, 10/12/1994; as amended by A.O.*)

§18-314. Hauled Wastewater.

1. Septic tank waste may be introduced into the POTW only at locations designated by the MTMA and at such times as are established by the MTMA. Such waste shall not violate Part 3B or any other requirements established or adopted by the MTMA. The MTMA may require septic tank waste haulers to obtain wastewater discharge permits. [A.O.]

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

3. Industrial waste haulers may discharge loads only at locations designated by the MTMA. No load may be discharged without prior consent of the MTMA as to each location of discharge and specific time of discharge. The MTMA may collect samples of each hauled load to ensure compliance with applicable standards. The MTMA may require the industrial waste hauler to provide a waste analysis of any load prior to discharge, which analysis shall be conducted at the expense of the industrial waste hauler.

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

(*Ord. 422, 10/12/1994; as amended by A.O.*)

§18-315. Tenant Responsibility.

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this Part.

(*Ord. 422, 10/12/1994*)

D. Wastewater Discharge Permit**§18-321. Wastewater Analysis.**

When requested by the MTMA, an industrial user must submit information on the nature and characteristics of its wastewater within 60 days of the request. The MTMA is authorized to prepare a form for this purpose and may periodically require industrial users to update this information. Failure to submit the requested wastewater information within 60 days of the request shall be considered a violation of this Part, and the MTMA may terminate service to the industrial user for failure to comply with this provision.

(*Ord. 422, 10/12/1994*)

§18-322. Wastewater Discharge Permit Required.

1. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the MTMA, except that a significant industrial user that has filed a timely application pursuant to §18-323 of this Part may continue to discharge for the time period specified therein. [A.O.]

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

3. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Part and of the MTMA pretreatment standards and/or requirements and subjects the wastewater discharge permittee to the sanctions set forth in §§18-371 through 18-394 of this Part. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law. [A.O.]

(*Ord. 422, 10/12/1994; as amended by A.O.*)

§18-323. Existing Connections.

Any industrial user required to obtain a wastewater discharge permit which was discharging wastewater into the POTW prior to the effective date of this Part and which wishes to continue such discharges in the future shall, within 90 days after said date, apply to the MTMA for a wastewater discharge permit in accordance with §18-311 of this Part and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this Part except in accordance with a wastewater discharge permit issued by the MTMA.

(*Ord. 422, 10/12/1994; as amended by A.O.*)

§18-324. New Connections.

Any industrial user required to obtain a wastewater discharge permit which proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with §18-311 of this Part, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

(*Ord. 422, 10/12/1994; as amended by A.O.*)

§18-325. Application.

1. All industrial users required to obtain a wastewater discharge permit must submit a permit application. The MTMA may require all industrial users required to obtain a wastewater discharge permit to submit, as part of the permit application, the following information:

- A. All information required by §18-341.2 of this Part. [A.O.]
- B. Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- C. Number and type of employees, hours of operation and proposed or actual hours of operation.
- D. Each product produced by type, amount, process or processes and rate of production.
- E. Type and amount of raw materials processed (average and maximum per day).
- F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation and all points of discharge.
- G. Time and duration of discharges.
- H. Any other information as may be deemed necessary by the MTMA to evaluate the wastewater discharge permit application.

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

(Ord. 422, 10/12/1994; as amended by A.O.)

§18-326. Application Signatories and Certification.

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

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

(Ord. 422, 10/12/1994)

§18-327. Issuance.

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

permit.

(Ord. 422, 10/12/1994)

§18-328. Duration.

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

(Ord. 422, 10/12/1994)

§18-329. Contents.

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

2. Wastewater discharge permits must contain:

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

B. A statement that the wastewater discharge permit is nontransferable without prior notification to, and approval by, the MTMA in accordance with §18-333 of this Part and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit. [A.O.]

C. Effluent limits based on applicable pretreatment standards.

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

E. A statement of applicable civil, criminal and administrative penalties for the violation of pretreatment standards and/or requirements.

3. Wastewater discharge permits may contain, but need not be limited to:

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

B. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties.

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

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

E. Development and implementation of waste minimization plans to reduce

the amount of pollutants discharged to the POTW.

F. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.

G. Requirements for installation and maintenance of inspection and sampling facilities and equipment.

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

I. Other conditions as deemed appropriate by the MTMA to ensure compliance with this Part, the pretreatment standards and requirements established by the MTMA and State and Federal laws, rules and regulations.

(Ord. 422, 10/12/1994; as amended by A.O.)

§18-330. Reconsideration.

1. Any person, including the industrial user, may petition the MTMA to reconsider the terms of a wastewater discharge permit or the denial of issuance of a wastewater discharge permit within 30 days of notice of the issuance or denial.

2. Failure to submit a timely petition to reconsider shall be deemed to be a waiver of any right to further review and administrative appeal.

3. In its petition to reconsider, the petitioner must indicate the wastewater discharge permit provisions objected to, the reasons for the objection(s) and the alternative condition(s), if any, it seeks to place in the wastewater discharge permit.

4. The effectiveness of the wastewater discharge permit shall not be stayed pending the reconsideration.

5. If the MTMA fails to act within 60 days following the submission of a timely petition to reconsider, the request for reconsideration shall be deemed to be denied.

(Ord. 422, 10/12/1994)

§18-331. Appeals.

1. Any aggrieved person, including the industrial user, may, subsequent to petitioning for reconsideration as set forth in §18-330 of this Part, appeal from a denial of reconsideration to the MTMA and shall receive a hearing before the MTMA Board of Directors, at which hearing the appealing party shall have an opportunity to present evidence before the Board on its behalf. A notice of appeal requesting a hearing date must be submitted to the MTMA within 30 days of the issuance of a denial of reconsideration or within 30 days of an effective denial of reconsideration pursuant to §18-330.5 of this Part. [A.O.]

2. Failure to submit a timely notice of appeal shall be deemed to be a waiver of the administrative appeal.

3. The notice of appeal need only indicate that the appellant desires to appeal from the denial of reconsideration and that the appellant requests that a hearing date be set.

4. The effectiveness of the wastewater discharge permit shall not be stayed

pending the appeal.

5. A hearing date will subsequently be set by the MTMA, and the appealing party shall be provided with adequate notice of the hearing date.

6. All testimony at such hearing shall be stenographically recorded at the expense of the appealing party, and a full and complete record shall be kept of the proceedings.

7. Within 60 days following the hearing date, the MTMA Board of Directors shall issue its final adjudication of the matter. Such adjudication shall be in writing, shall contain findings and the reasons for the adjudication and shall be served upon all parties or their counsel personally or by mail pursuant to 2 Pa.C.S.A. §555. [A.O.]

8. Aggrieved parties seeking judicial review of the final administrative adjudication of the MTMA Board must do so by filing a petition for review in the Court of Common Pleas of Allegheny County, Pennsylvania, within 30 days of the issuance of the final adjudication of the MTMA Board of Directors pursuant to 2 Pa.C.S.A. §752, 42 Pa.C.S.A. §933 and Pa.R.A.P. 1512(a)(1). [A.O.]

(Ord. 422, 10/12/1994; as amended by A.O.)

§18-332. Modification.

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

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

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

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

D. Information indicating that the permitted discharge poses a threat to the MTMA's POTW, personnel or the receiving waters.

E. Violation of any terms or conditions of the wastewater discharge permit.

F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.

G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.

H. To correct typographical or other errors in the wastewater discharge permit.

I. To reflect a transfer by the permittee of the facility ownership or operation to a new owner or operator in accordance with the provisions of this Part.

(Ord. 422, 10/12/1994)

§18-333. Transfer of Permit.

1. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days advance notice to the MTMA and the MTMA approves the wastewater discharge permit transfer in writing. The notice to the MTMA

must include a written certification by the new owner or operator which:

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

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

(Ord. 422, 10/12/1994)

§18-334. Revocation.

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

- A. Failure to notify the MTMA of significant changes to the wastewater prior to the changed discharge.
- B. Failure to provide prior notification to the MTMA of changed conditions pursuant to §18-245 of this Part.
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- D. Falsifying self-monitoring reports.
- E. Tampering with monitoring equipment.
- F. Refusing to allow the MTMA timely access to the facility premises and records.
- G. Failure to meet effluent limitation.
- H. Failure to pay fines.
- I. Failure to pay sewer charges.
- J. Failure to meet compliance schedules.
- K. Failure to complete a wastewater survey of the wastewater discharge permit application.
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility.
- M. Violation of any pretreatment standard or requirement or any terms of the wastewater discharge permit or this Part.

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

(Ord. 422, 10/12/1994)

§18-335. Reissuance.

An industrial user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application,

in accordance with §18-325 of this Part, a minimum of 90 days prior to the expiration of the industrial user's existing wastewater discharge permit.

(*Ord. 422, 10/12/1994; as amended by A.O.*

E. Reporting Requirements

§18-341. Baseline Monitoring Reports.

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

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

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

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

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

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

E. *Measurement of Pollutants.*

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

(2) Submit the results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the MTMA, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in §18-350 of this Part. [A.O.]

(3) Sampling must be performed in accordance with procedures set out in §18-351 of this Part. [A.O.]

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

required to meet the pretreatment standards and requirements.

G. *Compliance Schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in §18-342 of this Part. [A.O.]

H. *Signature and Certification.* All baseline monitoring reports must be signed and certified in accordance with §18-326 of this Part. [A.O.]

(Ord. 422, 10/12/1994; as amended by A.O.)

§18-342. Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by §18-341.2.G of this Part: [A.O.]

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

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

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

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

(Ord. 422, 10/12/1994; as amended by A.O.)

§18-343. Reports on Compliance with Categorical Pretreatment Standard.

1. 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 such pretreatment standards and requirements shall submit to the MTMA a report containing the information described in §18-341.2.D through .F of this Part. [A.O.]

2. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial 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 industrial user's actual production during the appropriate

sampling period. All compliance reports must be signed and certified in accordance with §18-326 of this Part. [A.O.]

(*Ord. 422, 10/12/1994; as amended by A.O.*)

§18-344. Periodic Compliance Reports.

1. All significant industrial users shall, at a frequency determined by the MTMA, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with §18-326 of this Part. [A.O.]

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

3. Where the applicable categorical pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the User shall submit documentation required by the MTMA or the pretreatment standard necessary to determine the compliance status of the user. At the discretion of the MTMA and in consideration of such factors as local high or low flow rates, holidays, etc., the MTMA may modify the months during which reports are to be submitted. [*Ord. 616*]

4. If an industrial user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by MTMA using the procedures prescribed in §18-351 of this Part, the results of this monitoring shall be included in the report. [A.O.]

(*Ord. 422, 10/12/1994; as amended by Ord. 616, 2/7/2007, §3; and by A.O.*)

§18-345. Reports of Changed Conditions.

1. Each industrial user must notify the MTMA of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 60 days before the change.

2. The MTMA may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under §18-325 of this Part. [A.O.]

3. The MTMA may issue a wastewater discharge permit under §18-327 of this Part or modify an existing wastewater discharge permit under §18-332 of this Part in response to changed conditions or anticipated changed conditions. [A.O.]

4. For purposes of this requirement, significant changes include, but are not limited to, flow increases which are determined significant by the MTMA and the discharge of any previously unreported pollutants.

(*Ord. 422, 10/12/1994; as amended by A.O.*)

§18-346. Reports of Potential Problems.

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

2. Failure to notify the MTMA of potential problem discharges shall be deemed a separate violation of this Part and the rules, regulations and requirements established by the MTMA.

3. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection .1 above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.
(Ord. 422, 10/12/1994)

§18-347. Reports from Nonpermitted Users.

All industrial users not required to obtain a wastewater discharge permit shall provide appropriate reports to the MTMA as the MTMA may require.
(Ord. 422, 10/12/1994)

§18-348. Notice of Violation; Repeat Sampling and Reporting.

If sampling performed by an industrial user indicates a violation of this Part and/or pretreatment standards and/or requirements, the user must notify the MTMA within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the MTMA within 30 days after becoming aware of the violation. The industrial user is not required to resample if the MTMA monitors at the industrial user's facility at least once a month or if the MTMA samples between the industrial user's initial sampling and when the industrial user receives the results of this sampling.
(Ord. 422, 10/12/1994)

§18-349. Notification of Discharge of Hazardous Waste.

1. Any user which commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number and the type of discharge (continuous, batch, other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information, to the extent such information is known and readily available to the industrial user:

- A. An identification of the hazardous constituents contained in the wastes.
- B. An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month.
- C. An estimation of the mass of constituents in the waste stream expected to

be discharged during the following 12 months.

2. All notifications must take place no later than 180 days after the discharge commences. Any notification under subsection .1 need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under §18-345 of this Part. The notification requirement in this Section does not apply to pollutants already reported by industrial users subject to categorical pretreatment standards under the self-monitoring requirements of §§18-341, 18-343 and 18-344 of this Part. [A.O.]

3. Dischargers are exempt from the requirements of subsections .1 and .2 above during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(3). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

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

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

6. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Part and/or any pretreatment standards and/or requirements, a permit issued pursuant to this Part or any applicable Federal or State law.

(*Ord. 422, 10/12/1994; as amended by A.O.*)

§18-350. Analytical Requirements.

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

(*Ord. 422, 10/12/1994*)

§18-351. Sample Collection.

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

instantaneous discharge limits.

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

(*Ord. 422, 10/12/1994*)

§18-352. Submission Date.

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

(*Ord. 422, 10/12/1994*)

§18-353. Record Keeping.

1. Industrial users subject to the reporting requirements set forth in this Part shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this Part and any additional records of information obtained pursuant to monitoring activities undertaken by the industrial user independent of such requirements. Records shall include:

- A. The date, exact place, method and time of sampling and the name of the person(s) taking the samples.
- B. The dates analyses were performed.
- C. Who performed the analyses.
- D. The analytical techniques or methods used.
- E. The results of such analyses.

2. These records shall remain available for a period of at least 3 years. This period shall be automatically extended for the duration of any litigation concerning the industrial user or the MTMA or where the industrial user has been specifically notified of a longer retention period by the MTMA.

(*Ord. 422, 10/12/1994*)

F. Compliance Monitoring

§18-361. Right of Entry; Inspection and Sampling.

1. The MTMA shall have the right to enter the premises of any industrial user to determine whether the industrial user is complying with all pretreatment standards and/or requirements of this Part, including any wastewater discharge permit or order issued hereunder. Industrial users shall allow the MTMA ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties.

2. Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the MTMA personnel will be permitted to enter without delay for the purposes of performing specific responsibilities.

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

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

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

6. Unreasonable delays in allowing the MTMA access to the industrial user's premises shall be a violation of this Part.

(Ord. 422, 10/12/1994)

§18-362. Search Warrants.

If the MTMA has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Part and/or any pretreatment standard and/or requirement or that there is a need to inspect and/or sample as part of a routine inspection and/or sampling program of the MTMA designed to verify compliance with this Part and/or pretreatment standards and/or requirements or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then, upon application by the Solicitor for the MTMA to the appropriate magisterial district judge in the magisterial district where the property is located, a search warrant shall be sought by the MTMA requesting that a search be permitted and that a seizure be made of any pollutants or samples of the same which are necessary to verify whether there are any violations of this Part and/or any pretreatment standard and/or requirements.

(Ord. 422, 10/12/1994; as amended by A.O.)

§18-363. Confidential Information.

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

(Ord. 422, 10/12/1994)

§18-364. Publication of Industrial Users in Significant Noncompliance.

MTMA shall annually publish in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW a list of industrial users which at any time during the previous 12 months were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

A. Chronic violations of wastewater discharge limits, defined here as 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instantaneous maximum allowable discharge limits as defined at §18-304.1. [A.O.]

B. Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous maximum allowable discharge limits as defined at §18-304.1, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). [A.O.]

C. Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW 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 pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in MTMA's exercise of its emergency authority to halt or prevent such a discharge.

E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement

order for starting construction, completing construction, or attaining final compliance.

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

G. Failure to accurately report noncompliance.

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

(*Ord. 422, 10/12/1994; as amended by Ord. 616, 2/7/2007, §4; and by A.O.*

G. Administrative and Judicial Enforcement Remedies**§18-371. Notification of Violation.**

When the MTMA finds that an industrial user has violated or continues to violate any provision of this Part and/or any pretreatment standard and/or requirement, including the provisions of a wastewater discharge permit or order issued hereunder, the MTMA may serve upon that industrial user a written notice of violation. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the industrial user to the MTMA. Submission of this plan in no way relieves the industrial user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Section shall limit the authority of the MTMA to take any action, including emergency action or any other enforcement action, without first issuing a notice of violation.

(Ord. 422, 10/12/1994)

§18-372. Consent Orders.

The MTMA may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with any industrial user responsible for noncompliance. Such documents will include specific action to be taken by the industrial user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§18-374 and 18-375 of this Part and shall be judicially enforceable.

(Ord. 422, 10/12/1994; as amended by A.O.)

§18-373. Show Cause Hearing.

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

(Ord. 422, 10/12/1994)

§18-374. Compliance Orders.

When the MTMA finds that an industrial user has violated or continues to violate any provision of this Part and/or pretreatment standard and/or requirement, including the provisions of a wastewater discharge permit or order issued hereunder, the MTMA may issue an order to the industrial user responsible for the discharge directing that

the industrial user come into compliance within a specified time. If the industrial user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the industrial user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

(*Ord. 422, 10/12/1994*)

§18-375. Cease and Desist Orders.

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

A. Immediately comply with all provisions of this Part and all pretreatment standards and/or requirements.

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

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

(*Ord. 422, 10/12/1994*)

§18-376. Civil Penalties.

1. In addition to proceeding under any other remedy available at law or equity for violation of this Part and/or pretreatment standards and/or requirements, the MTMA may assess a civil penalty upon an industrial user for a violation of any provision of this Part and/or pretreatment standards and/or requirements, including the provisions of an industrial user's discharge permit. The penalty may be assessed whether or not the violation was willful or negligent. The civil penalty shall not exceed \$25,000 per day for each violation. Each violation for each separate day shall constitute a separate and distinct defense under this Section (35 P.S. §752.4).

2. In assessing a civil penalty upon an industrial user, the MTMA shall serve a notice of assessment, either personally or by registered or certified mail, within 30 days of the violation. The notice of assessment shall indicate which provision(s) of this Part and/or pretreatment standards and/or requirements, including provisions of a discharge permit or order, were violated, a description of the violation, the date(s) of the violation(s) and the amount of the civil penalty assessed. All civil penalties shall be calculated in accordance with the MTMA written civil penalty assessment policy. The notice of assessment shall also include a description of the applicable appeals process

to be followed, including the name, address and telephone number of the person responsible for accepting such appeal, pursuant to 35 P.S. §752.4.

3. The MTMA may recover, as part of its civil penalty assessment, reasonable attorneys' fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses and the cost of any actual damages sustained by the MTMA.

4. Unless an appeal is filed to a civil penalty assessment, the assessment must be paid in full to the MTMA within 30 days of the MTMA's issuance of the notice of assessment.

(Ord. 422, 10/12/1994)

§18-377. Civil Penalty Assessment Appeals.

1. Any industrial user which has been assessed a civil penalty by the MTMA for violation of this Part and/or pretreatment standards and/or requirements may appeal the assessment and receive a hearing before the MTMA Board of Directors, at which hearing the appealing party shall have an opportunity to present evidence before the MTMA Board of Directors on its behalf. A notice of appeal requesting a hearing date must be submitted to the MTMA within 30 days of the issuance of the notice of assessment by the MTMA. [A.O.]

2. Failure to submit a timely notice of appeal shall be deemed to be a waiver of the administrative appeal.

3. Notice of appeal must contain a description of the appellant's defenses to the assessment and must describe, generally, the evidence which it intends to present at the hearing. The notice of appeal must also indicate that the appellant requests that a hearing date be set.

4. A hearing date will subsequently be set by the MTMA, and the appealing party shall be provided with adequate notice of the hearing date.

5. All testimony at such hearings shall be stenographically recorded at the expense of the appealing party, and a full and complete record shall be kept of the proceedings.

6. Within 60 days following the hearing date, the MTMA Board of Directors shall issue its final adjudication of the matter. Such adjudication shall be in writing, shall contain findings and the reasons for the adjudication and shall be served upon all parties or their counsel personally or by mail pursuant to 2 Pa.C.S.A. §555. [A.O.]

7. Aggrieved parties seeking judicial review of the final administrative adjudication of the MTMA Board of Directors must do so by filing a petition for review in the Court of Common Pleas of Allegheny County, Pennsylvania, within 30 days of the issuance of the final adjudication of the MTMA Board of Directors pursuant to 2 Pa.C.S.A. §752, 42 Pa.C.S.A. §933 and Pa.R.A.P. 1512(a)(1). [A.O.]

(Ord. 422, 10/12/1994; as amended by A.O.)

§18-378. Criminal Prosecution.

In addition to proceeding under any other remedy available at law or equity for violation of this Part and/or pretreatment standards and/or requirements, if the violation also constitutes a violation of the Clean Streams Law, 35 P.S. §691.1 *et seq.*,

of the Commonwealth of Pennsylvania, the MTMA Manager may request the District Attorney of Allegheny County to file appropriate criminal charges under said law against the user.

(*Ord. 422, 10/12/1994; as amended by A.O.*)

§18-379. Emergency Suspensions.

1. The MTMA may immediately suspend an industrial user's discharge, after formal notice to the industrial user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The MTMA may also immediately suspend an industrial user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW or which presents, or may present, an endangerment to the environment.

2. Any industrial user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of an industrial user's failure to immediately comply voluntarily with the suspension order, the MTMA may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The MTMA may allow the industrial user to recommence its discharge when the user has demonstrated to the satisfaction of the MTMA that the period of endangerment has passed, unless the termination proceedings in §18-380 of this Part are initiated against the industrial user. [A.O.]

3. An industrial user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the MTMA prior to the date of any show cause or termination hearing under §§18-373 or 18-380 of this Part. [A.O.]

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

(*Ord. 422, 10/12/1994; as amended by A.O.*)

§18-380. Termination of Discharge.

1. In addition to the provisions in §18-334 of this Part, any industrial user which violates the following conditions is subject to discharge termination: [A.O.]

A. Violation of wastewater discharge permit conditions.

B. Failure to accurately report the wastewater constituents and characteristics of its discharge.

C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.

D. Refusal of reasonable access to the industrial user's premises for the purpose of inspection, monitoring or sampling.

E. Violation of applicable pretreatment standards and/or requirements as set forth in this Part.

2. Such industrial user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause as set forth in §18-373 of this

Part why the proposed action should not be taken. Exercise of this option by the MTMA shall not be a bar to, or a prerequisite for, taking any other action against the industrial user. [A.O.]

(*Ord. 422, 10/12/1994; as amended by A.O.*)

§18-381. Injunctive Relief.

When the MTMA finds that an industrial user has violated or continues to violate any provision of this Part and/or pretreatment standards and/or requirements, the MTMA may petition the Court of Common Pleas of Allegheny County, Pennsylvania, through the Authority's solicitor, for the issuance of a temporary or permanent injunction, or, both, as appropriate, which restrains or compels the adherence to the provisions of this Part and/or pretreatment standards and/or requirements. In addition to an injunction, the MTMA may request and the Court may grant in such proceedings the levying of civil penalties in accordance with 35 P.S. §752.4. Such other action as appropriate for legal and/or equitable relief may also be sought by the MTMA. A petition or complaint for injunctive relief need not be filed as a prerequisite to taking any other action against an industrial user.

(*Ord. 422, 10/12/1994; as amended by A.O.*)

§18-382. Remedies Nonexclusive.

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

(*Ord. 422, 10/12/1994*)

H. Supplemental Enforcement Action

§18-391. Performance Bonds.

The MTMA may decline to issue or reissue a wastewater discharge permit to any industrial user which has failed to comply with any provision of this Part and/or pretreatment standard and/or requirement, including the provisions of a previous wastewater discharge permit or order issued hereunder, unless such industrial user first files a satisfactory bond, payable to the MTMA, in a sum not to exceed a value determined by the MTMA to be necessary to achieve consistent compliance.

(Ord. 422, 10/12/1994)

§18-392. Liability Insurance.

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

(Ord. 422, 10/12/1994)

§18-393. Water Supply Severance.

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

(Ord. 422, 10/12/1994)

§18-394. Public Nuisances.

Any violation of a provision of this Part and/or pretreatment standard and/or requirement, including the provisions of a wastewater discharge permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the MTMA.

(Ord. 422, 10/12/1994)

I. Affirmative Defenses to Discharge Violations

§18-396. Upset.

1. For the purposes of this Part, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the 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.

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

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

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

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

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

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

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

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

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

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

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

(Ord. 422, 10/12/1994)

§18-397. Bypass.

1. For the purposes of this Section; the following terms shall have the meanings indicated:

A. *Bypass*. The intentional diversion of waste streams from any portion of an industrial user’s treatment facility.

B. *Severe Property Damage.* Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. “Severe property damage” does not mean economical loss caused by delays in production.

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

3. *Notice of Bypass.*

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

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

4. *When Permitted.*

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

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

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

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

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

(Ord. 422, 10/12/1994)

Part 4**Holding Tanks****§18-401. Purpose.**

The purpose of this Part is to establish procedures for the use, operation and maintenance of holding tanks designed to receive and retain sewage from the specific uses and facilities identified in this Part. It is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Township.

(Ord. 515, 10/11/2000; as amended by A.O.

§18-402. Definitions.⁴

For purposes of this Part, the following words and terms shall have the meanings set forth below unless otherwise expressly stated:

Allegheny County Health Department (ACHD)—the Allegheny County Health Department or any agency successor thereto.

Department of Environmental Protection (DEP)—the Department of Environmental Protection of the Commonwealth of Pennsylvania or any agency successor thereto.

Holding tank—a retaining tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.

Land development—see definition in §22-107 of the Subdivision and Land Development Ordinance [Chapter 22].

Lot—a tract of land in a plan of subdivision or any other parcel of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership.

Moon Township Municipal Authority (MTMA)—the Moon Township Municipal Authority or any successor entity thereto.

Owner—any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

Property—same as “lot.”

Public sewer system—sewage facilities approved and permitted by the DEP and owned by the Township or a municipal authority.

Retaining tank—a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of sewage at another site. This term includes a holding tank.

Sewage—a substance that contains any of the waste products or excrement or

⁴Editor’s Note: See also the general definitions contained in Chapter 1, Part 1 of this Code.

other discharge from the bodies of human beings or animals and noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation. This term includes any substance which constitutes pollution under the Pennsylvania Clean Streams Law, 35 P.S. §691.1 *et seq.*, as amended.

Sewage facilities—a system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

Subdivision—see definition in §22-107 of the Subdivision and Land Development Ordinance [Chapter 22].

(*Ord. 515*, 10/11/2000; as amended by A.O.)

§18-403. Rights and Privileges Granted.

The Township is hereby authorized and empowered to undertake, within the Township, the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

(*Ord. 515*, 10/11/2000; as amended by A.O.)

§18-404. Rules and Regulations.

The Township is hereby authorized and empowered to adopt by resolution such rules and regulations concerning holding tanks which it may deem necessary from time to time to effect the purposes of this Part.

(*Ord. 515*, 10/11/2000; as amended by A.O.)

§18-405. Fees, Rates and Charges.

1. *General.* The Township shall have the right and power to fix, alter, charge and collect fees, rates, assessments and other charges related to holding tanks within the Township; provided, that the amount of such fees, rates, assessments and charges are established from time to time by resolution of the Board of Supervisors.

2. *Review and Inspection Fees and Expenses.* The owner of the lot on which a holding tank is located shall reimburse the Township for all fees and expenses incurred by the Township related to the review and/or inspection of any matter under this Part including, but not limited to, the reasonable and necessary charges by the Township's professional consultants, the Township Engineer and/or the Township Solicitor for the review of and report on a holding tank under this Part.

(*Ord. 515*, 10/11/2000; as amended by A.O.)

§18-406. Approval Required.

1. No person shall install a holding tank in the Township or occupy any building or structure in the Township for which a holding tank is to be installed without first obtaining approval from the Township Manager.

2. A request for Township Manager approval of a holding tank shall be made in writing and in such format prescribed by the Township. This request shall include:

- A. A copy of the ACHD written approval of the subject holding tank.
 - B. A copy of the application materials filed with the ACHD for the subject holding tank.
 - C. Any other information or material deemed necessary by the Township Manager.
 - D. The applicable Township application fee and/or deposit.
3. The Township Manager shall revoke an approval granted under this Part at any time for one or more of the reasons provided in 25 Pa.Code §72.28(a). The revocation of any such approval shall comply with the notice and procedural requirements of 25 Pa.Code §72.28(b) and (c).
(*Ord. 515, 10/11/2000; as added by A.O.*)

§18-407. Restrictions on Holding Tank Use.

The use of holding tanks shall only be permitted in the Township if the following criteria are satisfied:

- A. No more than one holding tank shall be permitted on a lot.
- B. The construction, installation, use, operation and maintenance of any holding tank within the Township shall otherwise be in accordance with all applicable Federal, State and County laws, statutes, ordinances and regulations as amended from time to time, including but not limited to the regulations of the DEP and ACHD.
- C. Where a holding tank exists on a property that is the subject of a subdivision or land development application, the owner of the lot on which the holding tank is located shall obtain certification from the ACHD that the existing holding tank is functioning with no apparent malfunctions or, where the holding tank is found not to be acceptable, it shall be repaired or replaced, as a condition of the approval of the subdivision or land development plan by the Board of Supervisors. In the event the repair or replacement is not a timely option, adequate financial security may be provided in lieu of the completed repair, replacement or construction, in accordance with the Subdivision and Land Development Ordinance [Chapter 22].
- D. Each holding tank shall be located on the same lot as the use it will serve and shall comply with setback distances, isolation distances, etc., of the DEP regulations located in 25 Pa.Code, Chapter 73, "Standards for Onlot Sewage Systems," as amended, and any other regulation of the DEP and ACHD. If a holding tank is located on property that is the subject of a subdivision or land development plan, the location the holding tank shall be noted on the subdivision and/or land development plans and the purchaser of the lot on which the holding tank is located shall be provided with a copy of the plans.
- E. The restrictions of paragraphs .A through .D above shall not apply when the DEP or ACHD determine that the temporary use of a holding tank is necessary to abate a nuisance or public health hazard.
- F. The collection and transportation of all sewage from any lot utilizing a holding tank shall be done solely by and under the direction and control of the ACHD, and the sewage shall only be disposed of at a DEP-approved disposal site.

(Ord. 515, 10/11/2000; as added by A.O.)

§18-408. Duties of Owner.

1. The owner of a lot on which a holding tank is located shall be responsible for all activities associated with the holding tank and shall be responsible for ensuring that the construction, installation, use, operation and maintenance of the holding tank and the activities related thereto conform and comply with all applicable Federal, State, and County laws, statutes, ordinances, resolutions, regulations and permits including, but not limited to, the rules, regulations and permits of the DEP and ACHD.

2. The owner of a lot on which a holding tank is located shall also:

A. Apply for and obtain any and all necessary Federal, State, County, DEP and ACHD permits and approvals for holding tanks in the Township.

B. Provide the Township with a copy of all pumping receipts for the holding tank for the Township's review and retention.

C. Provide the Township with a copy of all written inspection reports related to the holding tank for the Township's review and retention.

D. Permit the DEP, ACHD, Township or their respective agent(s) to collect, transport, and dispose of the contents of the holding tank as necessary to protect the public health and environment.

E. Annually permit the Township and/or its designee to enter upon lands to inspect the holding tank for proper operation, maintenance and contents disposal. The Township may accept ACHD inspection results in lieu of conducting an independent inspection.

F. Pay the applicable rates and charges to the entity that collects and transports sewage from the holding tank.

G. Notify the person or entity that collects and transports sewage from the holding tank when the collection and transportation of said sewage shall become necessary at times other than scheduled times for collection.

H. Prevent any leakage of the contents of said holding tank into the environment, onto the soil or into any water body, and, should leakage occur, immediately cease using all toilet and sewage facilities voiding into the holding tank until said tank is repaired or replaced.

I. Upon construction of a public sewer system within 150 feet of the property utilizing a holding tank, the owner shall, within 60 days after notice by the entity that owns such public sewer system, tap-in all sewage facilities serving the property into such public sewer system and pay any and all fees or costs associated with or required in connection with said tap-in. Prior service of property by a holding tank shall not be construed to relieve the property or the owner from payment of any assessed benefits to the property benefitted by the construction of a public sewer system.

J. Upon completion of the tap-in of any property containing a holding tank into a public sewer system or upon the expiration of 60 days from the date of notice, whichever is sooner, the owner shall collect, transport and dispose of the contents of any holding tank, and shall remove the holding tank from the property. The ACHD may give written consent to the owner to fill the holding tank with sand in

lieu of removal, provided the same is consistent with the regulations promulgated by the DEP and ACHD.

K. Prior to installing a holding tank within the Township, the owner of the lot on which the holding tank is to be located shall execute an operation and maintenance agreement in accordance with §18-106 of this Chapter.

L. In connection with the execution of the operation and maintenance agreement, the owner shall provide the Township with financial security guaranteeing the owner's faithful performance of collection, transportation and disposal of the contents of the holding tank and removal of said tank, in such amounts as determined by the Township Manager. The amount of the financial security shall be determined by the Township based on the size of the holding tank in relationship to the anticipated use as indicated by the structure said holding tank shall service, the number of times the contents of said holding tank shall need to be collected, transported and disposed within a calendar year, the estimated cost of the collection, transportation and disposal of the contents and the cost of removal of said tank when no longer needed. All financial security shall be renewed annually and shall be required during the use of the holding tank. The Township may annually increase or decrease the principal amount of the financial security. This financial security shall conform to the restrictions set forth in the Financial Security Ordinance [Chapter 1, Part 7], and the requirements set forth in this Part.

(Ord. 515, 10/11/2000; as amended by A.O.)

§18-409. Designated Collector.

1. The ACHD may designate one or more persons who shall have the duty and authority to collect and transport all sewage from any property utilizing a holding tank, and the sewage from a holding tank shall only be disposed of by such collector at a DEP-approved disposal site.

2. If the ACHD designates a collector, the owner of the lot on which the holding tank is located shall use such designated collector for the collection and transportation of sewage from a holding tank unless the owner complies with §18-407.C of this Part.

3. The owner of a lot on which a holding tank is located may request the use of a collector not designated by the ACHD, provided that the ACHD agrees to permit the use of this alternate collector.

(Ord. 515, 10/11/2000; as added by A.O.)

§18-410. Compatibility with Other Requirements.

Compliance with this Part shall not relieve an owner of a lot on which a holding tank is located of the responsibility to comply with or to secure permits or approvals for activities regulated by any other applicable Federal, State, County, Township, DEP or ACHD law, statute, ordinance, resolution or regulation. This Part shall not preclude the inclusion in such other permit of more stringent requirements concerning regulation of holding tanks within the Township. Where a conflict exists between a provision within this Part and that of the applicable DEP or ACHD regulation, the more stringent requirement shall govern.

(Ord. 515, 10/11/2000; as added by A.O.)

§18-411. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof or the rules and regulations adopted hereunder, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$5,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violation of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation is hereby delegated to the Township Manager, the Police Department, the Code Official, the authorized designee of the Township Manager, and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate.

(Ord. 515, 10/11/2000; as amended by A.O.)

§18-412. Failure to Comply; Costs.

If the owner of any real property in the Township neglects or refuses to maintain a holding tank on his lot as required by this Part, the Township may perform or cause to be performed such work as may be necessary to bring the holding tank into compliance with the provisions of this Part and all applicable Federal, State, County, Township, DEP and ACHD laws, statutes, ordinances and regulations including, but not limited to, the repair, removal and/or replacement of the holding tank at the cost and expense of the owner of the subject real property, together with all charges and expenses incidental thereto; which sum shall be collected from said owner for the use of the Township as debts are by law collectible, or if not paid within 6 months of completion, the Township may file municipal liens as provided by law.

(Ord. 515, 10/11/2000; as added by A.O.)

§18-413. Abatement of Nuisances.

In addition to any other remedies provided in this Part, any violation of §18-408 shall constitute a nuisance and may be abated by the Township, DEP or ACHD by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

(Ord. 515, 10/11/2000; as amended by A.O.)