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PART 1

SEWER REGULATIONS AND CHARGES

§13-101. Definitions

Unless the context of usage indicates otherwise, the meaning of specific terms in this Part shall be as follows:

ACT – the Federal Water Act, as amended.

ASTM – the American Society for Testing and Materials.

BOD (BIOCHEMICAL OXYGEN DEMAND) – the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BOROUGH – the Borough of Ebensburg, Cambria County, Pennsylvania.

BUILDING SEWER – the extension from a building wastewater plumbing facility to the public wastewater facility.

COMBINED SEWER – a sewer intended to receive both wastewater and storm or surface water.

COMMERCIAL USER (CLASS II) – any property occupied by a nonresidential establishment not within the definition of an "Industrial User (Class III)," and which is connected to the wastewater facilities.

DAY – the twenty-four-hour period beginning at 12:01 a.m.

EASEMENT – an acquired legal right for the specific use of land owned by others.

EPA – the United States Environmental Protection Agency.

GARBAGE – the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking and serving of foods.

GROUNDWATER – water within the earth.

INDUSTRIAL USER (CLASS III) – any nonresidential user identified in Division , B, C, D, E or 1 of the Standard Industrial Classification Manual. Class III shall also include any user which discharges wastewater containing toxic or poisonous substances or any substance(s) which cause(s) interference in the wastewater facilities.

INTERFERENCE – inhibition or disruption of any sewer system, wastewater treatment process, sludge disposal system or their operation, which substantially contributes to a violation of applicable discharge permits.

"MAY" – is permissible; "shall" is mandatory.

NATURAL OUTLET – any outlet into a watercourse, pond, ditch, lake or any other body of surface or groundwater.

NPDES – National Pollutant Discharge Elimination System permit program, whether administered by the EPA or by the Commonwealth of Pennsylvania.

OWNER – the person or persons who legally own, lease or occupy private property with wastewater facilities which discharge or will discharge to the owner's wastewater facilities. The Borough may at times create a funding authority, known as the Municipal Authority of the Borough of Ebensburg. The Municipal Authority would then be the owner and the Borough the operator.

PERSON – any individual, firm, company, association, society, partnership, corporation, municipality or other similar organization, agency or group.

pH – the logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution as determined by Standard Methods.

PRESIDENT – the President of the Borough Council of the Borough of Ebensburg or an authorized designee.

PRETREATMENT STANDARD – any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §307(b) and (c) of the Act, which applies to industrial users.

PROPERLY SHREDDED GARBAGE – garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the wastewater sewers with no particle greater than 1/2 inch in dimension.

RIGHT-OF-WAY – an acquired legal right for the specific use of land owned by others.

RESIDENTIAL USER (CLASS I) – all premises used only for human residency and which is connected to the wastewater facilities.

SANITARY WASTEWATER – wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants or institutions.

"SHALL" is mandatory; "may" is permissible.

STANDARD METHODS – the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.

STATE – Commonwealth of Pennsylvania.

STORM SEWER – a sewer for conveying storm, surface and other waters, which is not intended to be transported to a treatment facility.

SURFACE WATER – water which occurs when the rate of precipitation exceeds the rate at which water may infiltrate into the soil.

SUSPENDED SOLIDS – the total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater as determined by standard methods.

TOWNSHIP – the Township of Cambria, Cambria County, Pennsylvania.

TOXICS – any of the pollutants designated by Federal regulations pursuant to §307(a)(1) of the Act.

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.

WASTEWATER FACILITY – the combination of the wastewater sewers and treatment facilities.

WASTEWATER SEWER – the structures, processes, equipment and arrangements necessary to collect and transport wastewater to the treatment facility.

WASTEWATER TREATMENT FACILITY – the structures, processes, equipment and arrangements necessary to treat and discharge wastewaters.

WPCF – the Water Pollution Control Federation.

(Ord. 412, 11/27/1989, Art. I, §I; as amended by Ord. 494, 11/27/2000)

§13-102. General Definitions

Unless the context of usage indicates otherwise, the meaning of terms in this Part and not defined in §13-101 above shall be as defined in the glossary, "Water and Wastewater Control Engineering, " prepared by the Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association and Water Pollution Control Federation, copyright 1969.

(Ord. 412, 11/27/1989, Art. I, §2)

§13-103. Purpose

The purpose of this Part is to provide for the maximum possible beneficial public use of the Borough's wastewater facilities through regulation of sewer construction, sewer use and wastewater discharges; to provide for equitable distribution of the costs of the Borough's wastewater facilities; and to provide procedures for complying with the requirements contained herein.

(Ord. 412, 11/27/1989, Art. II, §1)

§13-104. Scope

- A. The definitions of terms used in this Part are found in Part 1A. The provisions of this Part shall apply to the discharge of all wastewater to facilities of the Borough. This Part provides for use of the Borough's wastewater facilities, regulation of sewer construction, control of the quantity and quality of wastewater discharges, wastewater pretreatment, equitable distribution costs, assurance that existing customers capacity will not be preempted, approval of sewer construction plans, issuance of wastewater discharge permits, minimum sewer connection standards and conditions and penalties and other procedures in cases of violation of this Part.
- B. The Part shall apply to the Borough and to persons outside who are, by contract or agreement with the Borough, users of the Borough's wastewater sewers or wastewater treatment facilities.

(Ord. 412, 11/27/1987, Art. II, §2)

§13-105. Administration

Except as otherwise provided herein, the Borough and its agents shall administer, implement and enforce the provisions of the Part.

(Ord. 412, 11/27/1987, Art. II, §3)

§13-106. Notice of Violation

Any person found in violation of this Part or any requirement of a permit issued hereunder, may be served with a written notice stating the nature of the violation and providing a reasonable time limit for compliance. Any such notice given shall be in writing and served in person or by registered or certified mail. The notice shall be sent to the last address of the violator known to the Borough. Where the address is unknown, service may be made upon the owner of record of the property involved. If satisfactory action is not taken in the time allotted by notice, §13-107 of this Part shall be implemented.

(Ord. 412, 11/27/1989, Art. II, §4)

§13-107. Penalties

Any person, firm or corporation who shall violate the discharge provisions of this Part beyond the time limit provided for in §13-106 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days, or may be subject to disconnection from the Borough's wastewater facilities. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 412, 11/27/1989, Art. II, §5; as amended by Ord. 494, 11/27/2000)

§13-108. Fees and Charges

- A. All fees and charges payable under the provisions of this Part shall be paid to the Borough. Such fees and charges shall be as set forth herein or as established in the latest edition of the Municipal Authority's wastewater service and user charge resolution.
- B. All fees, penalties and user charges collected under this Part and the wastewater service charge ordinance shall be used for the sole purpose of construction, operating or maintaining the wastewater facilities of the Borough, or the retirement of debt incurred for same or payment of industrial cost recovery if required pursuant to Federal law.
- C. All fees and charges payable under the provisions of this Part are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as provided for in the latest edition of the Borough's wastewater service and user charge ordinance.

(Ord. 412, 11/27/1989, Art. II, §6; as amended by Ord. 494, 11/27/2000)

§13-109. Inspections

- A. Borough personnel, bearing proper credentials and identification, shall be permitted to enter properties at any reasonable time for purposes of inspection, observation, measurement and

sampling of the wastewater discharge to ensure that discharge to the Borough's wastewater facilities is in accordance with the provisions of this Part.

- B. Borough personnel, bearing proper credentials and identification, shall be permitted to enter all private property through which the Borough holds an easement for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any of the Borough's wastewater facilities lying within the easement. All entry and any subsequent work on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.
- C. While performing the necessary work on private properties referred to in §13-117(1) and (2), Borough personnel shall observe all safety rules established by the owner or occupant of the property and applicable to the premises.
- D. During the performance on private properties of inspections, wastewater sampling or other similar operations referred to in §13-109(1) and (2), the owner and occupant shall be:
 - 1. Held harmless for personal injury or death of Borough personnel and the loss of or damage to Authority supplies or equipment.
 - 2. Indemnified against loss of or damage to property of the owner or occupant by Borough personnel.
 - 3. Indemnified against liability claims asserted against the owner or occupant for personal injury or death of Borough personnel or for the loss of or damage to property of the Borough, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions as required by Part 1G of this Part.

(Ord. 412, 11/27/1989, Art. II, §7)

§13-110. Vandalism

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Borough's wastewater facilities. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 412, 11/27/1989, Art. II, §8; as amended by Ord. 494, 11/27/2000)

§13-111. Waste Disposal

It shall be unlawful for any person to place, deposit in any unsanitary manner on public or private property within which the Borough, or in any area under the jurisdiction of said Borough, any human or animal excrement, garbage or other objectionable waste.

(Ord. 412, 11/27/1989, Art. III, §1)

§13-112. Wastewater Discharges

It shall be unlawful to discharge without an NPDES permit to any natural outlet within the Borough, or in any area under its jurisdiction. Wastewater discharges to the Borough's wastewater facilities are not authorized unless approved by the Borough in accordance with provisions of this Part.

(Ord. 412, 11/27/1989, Art. III, §2)

§13-113. Connection To Wastewater Sewer Required

The owner of any house, building or property which is used for human occupancy, employment, recreation or other purposes, under the jurisdiction of this Part, and abutting on any street, alley or rights-of-way in which there is or may be located a wastewater sewer connected to the treatment facility of the Borough is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly to the proper sewer in accordance with the provisions of this Part, within 60 days after official notice to do so, provided the property is accessible to the proper wastewater sewer and the principal building is within 150 feet from said sewer.

(Ord. 412, 11/27/1989, Art. III, §3)

§13-114. Wastewater Disposal

- A. Except as provided in this Part, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
- B. Except as provided in this Part, after 60 days have lapsed since such owner received notice to connect to wastewater sewer as above provided, such owner shall forthwith abandon all privies, cesspools, sinkholes, septic tanks and other receptacles on the premises for receiving wastewater and shall not at any time thereafter erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of wastewater except into the wastewater facility and all privy vaults or cesspools or similar receptacles for human excrement shall be cleansed and filled under the direction of the Borough or its agent for the Borough; and no connection shall be permitted from any privy vault or cesspool to the sewer system.

(Ord. 412, 11/27/1989, Art. III, §4)

§13-115. Failure to Connect

In case said owner of any house, building or property shall neglect or refuse to connect with the proper wastewater sewer within the sixty-day period immediately following service of the notice to connect with the sewer system, the Borough or its agent, may enter upon such property and construct such sewer connection. Upon construction of such sewer connection by the Borough or its agent, the Borough shall send an itemized bill of costs of the construction of such sewer connection plus a charge of 10% of the cost of construction for administrative overheads to the owner or owners of such property which bill shall be payable forthwith. In case such owner or owners neglect or refuse to pay such bill of costs, the Borough may file a municipal lien for the costs of said construction within six months after the completion of the construction of such sewer connection, as provided by law, or the Borough may pursue any other legal or equitable remedy available to them to collect such bill of costs. This paragraph is not intended to restrict or limit any legal or equitable remedy that the Borough or its agent may have with respect to the failure of an owner to connect to the proper wastewater sewer. Any owner or lessee or occupier of a structure who cannot comply with the provisions of this Section as to connection within the

sixty-day period stipulated above due to causes beyond his control shall apply to the Borough within said sixty-day period for time of extension of up to six months in duration. Said application shall be made on a form to be furnished by the Borough and shall contain a voluntary agreement on the part of the applicant under which the applicant shall agree to commence paying the regular monthly sewer rates upon connection to the proper wastewater sewer.

(Ord. 412, 11/27/1989, Art. III, §5)

§13-116. Connection Permit

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disrupt any wastewater sewer or storm sewer without first obtaining a written permit from the Borough.
- B. There shall be three classes of permits for connection to the Borough's wastewater facilities: Class I – Residential, Class II – Commercial and Class III – Industrial. In all cases, the owner shall make application for a permit to connect to the Borough's wastewater facilities on special forms furnished by the Borough. The permit application shall be supplemented by wastewater information required to administer this Part. A permit and inspection fee in an amount as established by resolution of Borough Council shall be paid to the Borough at the time the application is filed, along with the sewer connection charges as established by the latest edition of the Borough wastewater sewer and user charge ordinance.

(Ord. 412, 11/27/1989, Art. III, §6; as amended by Ord. 494, 11/27/2000)

§13-117. Connection Costs

The costs and expenses incidental to the building sewer installation and connection to the Borough's wastewater facilities shall be borne by the owner. The owner shall indemnify the Borough from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. 412, 11/27/1989, Art. III, §7)

§13-118. Separate Connections Required

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be connected to the rear building through an adjoining alley, courtyard or driveway, the building sewer serving the front building may be extended to the rear building and the whole considered as one building sewer. The Borough assumes no obligation or responsibility for damage caused by or resulting from any single building sewer which serves two buildings.

(Ord. 412, 11/27/1989, Art. III, §8)

§13-119. Existing Building Sewers

Existing building sewers may be used for connection of new buildings only when they are found on examination and test by the Borough to meet the requirements of this Part.

(Ord. 412, 11/27/1989, Art. III, §9)

§13-120. Building Sewer Design

The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placements, jointing and testing methods used in the construction and installation of a building sewer shall conform to the building and plumbing code or other applicable requirements of the Borough. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and the Water Pollution Control Federation (WPCF) shall apply.

(Ord. 412, 11/27/1989, Art. III, §10)

§13-121. Building Sewer Elevation

Whenever practicable, the building sewer shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the Borough's wastewater sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building gravity sewer draining to the Borough's sewer.

(Ord. 412, 11/27/1989, Art. III, §11)

§13-122. Surface Runoff and Groundwater Drains

- A. No person shall connect roof, foundation, areaway, parking lot, roadway or other surface runoff or groundwater drains to any sewer which is connected to a wastewater treatment facility unless such connection is authorized in writing by the Borough.
- B. Except as provided in §13-122(A), roof, foundation, areaway, parking lot, roadway or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers.
- C. Upon notification that an illegal connection or illegal discharge exists, the person shall immediately disconnect said illegal connection or discharge. If said disconnection is not made within seven days, the Borough or its agent may enter upon such property and disconnect such illegal sewer connection. Upon disconnection of such sewer connection by the Borough or its agent, the Borough shall send an itemized bill of costs of disconnecting said illegal connections plus a charge of 10% of the cost of construction for administrative overhead to the same person which the bill shall be payable forthwith.

(Ord. 412, 11/27/1989, Art. III, §12)

§13-123. Conformance to Applicable Codes

- A. The connection of a building sewer into a wastewater sewer shall conform to the requirements or the building and plumbing code or other applicable requirements of the Borough, or the procedures set forth in appropriate specifications of the ASTM or the WPCF. The connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Borough before installation.
- B. The connection of a surface runoff or groundwater drain to a storm sewer or natural outlet designed to transport surface runoff or groundwater drainage shall conform to the requirements of the Borough. The connection of any such drain to a wastewater sewer under special permit as

provided under §13-122(A) shall conform to the requirements specified by the Borough as a condition of approval of such permit.

(Ord. 412, 11/27/1989, Art. III, §13)

§13-124. Connection Inspection

The applicant for a building sewer or other drainage connection permit shall notify the Borough when such sewer or drainage connection is ready for inspection 24 hours prior to its connection to the Borough's facilities. Such connection and testing as deemed necessary by the Borough shall be made under the supervision of the Borough. At the time of inspection of the connection, the applicant shall permit the inspector full and complete access to all sanitary and drainage arrangements and facilities in each building and in and about all parts of the property. No building sewer line shall be covered over, or in any manner concealed, until after it is inspected and approved by said inspector.

(Ord. 412, 11/27/1989, Art. III, §14)

§13-125. Excavation Guards and Property Restoration

Excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Borough.

(Ord. 412, 11/27/1989, Art. III, §15)

§13-126. Protection of Capacity for Existing Users

The Borough shall not issue a permit for any class of connection to the Borough's wastewater sewers or wastewater treatment facilities unless there is sufficient capacity, not legally committed to other users, in the wastewater sewers and treatment facilities to convey and adequately treat the quantity of wastewater which the requested connection will add to the system. The Borough may permit such a connection if there are legally binding commitments to provide the needed capacity.

(Ord. 412, 11/27/1989, Art. III, §16)

§13-127. Special Uses of Wastewater Sewers

All discharges of stormwater, surface water, groundwater, roof runoff, subsurface drainage or other waters not intended to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for such discharges, except as authorized under §13-117. Any such connection, drain or arrangement shall be deemed to be a violation of this Section and this Part.

(Ord. 412, 11/27/1989, Art. IV, §1; as amended by Ord. 494, 11/27/2000)

§13-128. Restricted Discharges

- A. No person shall discharge or cause to be discharged to any of the Borough's wastewater facilities any substances, materials, waters or wastes in such quantities or concentrations which will:
 - 1. Create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil or other flammable explosive liquid, solid or gas.

2. Cause corrosive damage or hazard to structures, equipment or personnel of the wastewater facilities, but in no case discharge with the following properties:
 - a. Having a pH lower than 5.0 or greater than 10.0 for more than 10% of the time in a twenty-four-hour period.
 - b. Having a pH lower than 3.5 or greater than 12.0 for any period exceeding 15 minutes.

These requirements may be modified for facilities designed to accommodate greater ranges.

3. Cause obstruction to the flow in sewers or other interference with the operation of wastewater facilities due to accumulation of solid or viscous materials.
 4. Constitute a rate of discharge or substantial deviation from normal rates of discharge, ("slug discharge"), sufficient to cause interference in the operation and performance of the wastewater facilities.
 5. Contain heat in amounts which will accelerate the biogradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the wastewater sewer or inhibit biological activity in the wastewater treatment facilities, but in no case shall the discharge of heat cause the temperature in the Borough's wastewater sewer to exceed 58° C. (150° F.) or the temperature of the influent to the treatment facilities to exceed 40° C. (104° F.) unless the facilities can accommodate such heat.
 6. Contain more than 100 milligrams per liter of non-biodegradable oils or minerals of petroleum origin.
 7. Contain floatable oils, fat or grease.
 8. Contain noxious, malodorous gas or substance which is present in quantities that create a public nuisance or a hazard to life.
 9. Contain radioactive wastes in harmful quantities as defined by applicable State and Federal regulations.
 10. Contain any garbage that has not been properly shredded.
 11. Contain any odor- or color-producing substances exceeding concentration limits which may be established by the Authority for purposes of meeting the Borough's NPDES permit.
- B. If, in establishing discharge restriction, discharge limits or pretreatment standards pursuant to this Part, the Borough establishes concentration limits to be met by an industrial user, the Borough in lieu of concentration limits, shall establish mass limits of comparable stringency for an individual user at the request of such users.

§13-129. Federal Categorical Pretreatment Standards

- A. No person shall discharge or cause to be discharged to any wastewater facilities, wastewater containing substances subject to an applicable Federal categorical pretreatment standard promulgated by EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this Part. Compliance with such applicable pretreatment standards shall be within 3 years of the date the standard is promulgated; provided, however, compliance with a categorical pretreatment standard for new sources shall be required upon promulgation.
- B. Upon application by a Class III user, the Borough shall revise any limitations on substances specified in the applicable pretreatment standards to reflect removal of the substances by the wastewater treatment facility. The revised discharge limit for specified substances shall be derived in accordance with Federal law.
- C. Upon application by a Class III user, the Borough shall adjust any limitation on substances specified in the applicable pretreatment standards to consider factors relating to such person which are fundamentally different from the factors considered by EPA during the development of the pretreatment standard. Request for and determinations of the fundamentally different adjustment shall be in accordance with Federal law.
- D. The Borough shall notify any Class III user affected by the provisions of this Part and establish an enforceable compliance schedule for each.

(Ord. 412, 11/27/1989, Art. IV, §3)

§13-130. Special Agreements

Nothing in this Part shall be construed as preventing any special agreement or arrangement between the Borough and any user of the wastewater facilities whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable.

(Ord. 412, 11/27/1989, Art. IV, §4)

§13-131. Water and Energy Conservation

- A. The conservation of water and energy shall be encouraged by the Borough establishing discharge restrictions upon industrial users, which shall take into account already implemented or planned conservation steps revealed by the Class III user.
- B. Upon request of the Borough each industrial user will provide the Borough with pertinent information showing that the quantities of substances or pollutants have not been nor will be increased as a result of the conservation steps. Upon such a showing to the satisfaction of the Borough, adjustment shall be made to discharge restrictions, which have been based on concentrations to reflect the conservation steps.

(Ord. 412, 11/27/1989, Art. IV, §5)

§13-132. Information Requirements

- A. All Class III discharges shall file with the Borough wastewater information deemed necessary by the Borough for determination of compliance with this Part, the Borough's NPDES permit conditions and State and Federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the Borough and by supplements thereto as may be necessary. Information requested in the questionnaire and provided by the discharger as confidential is subject to the conditions of confidentiality as set out in §13-132(C).
- B. Where a person owns, operates or occupies properties designated as Class III discharger at more than one location separate information submittals shall be made for each location as may be required by the Borough.
- C. The Borough shall implement measures to ensure the confidentiality of information provided by a Class III discharger pursuant to this Part. In no event shall the Borough delegate this responsibility or disclose any claimed confidential information to any person without prior notice in writing to the owner and without providing the owner with the opportunity to protect such confidential information, including the right to seek judicial relief.

(Ord. 412, 11/27/1989, Art. V, §1; as amended by Ord. 494, 11/27/2000)

§13-133. Provision for Monitoring

- A. When required by the Borough, the owner of any property serviced by a building sewer carrying Class III wastewater discharges shall provide suitable access and such necessary meters and other appurtenances in the building's sewer facilities for observation, sampling and measurement of the wastewater. Such access shall be in accordance with plans approved by the Borough. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at reasonable times.
- B. The Borough shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, rate of discharge, quantities of toxic materials in the discharge, wastewater treatment facility removal capabilities and costs effectiveness in determining whether or not access and equipment for monitoring Class III wastewater discharge shall be required.
- C. Where the Borough determines access and equipment for monitoring or measuring Class III wastewater discharges is not practicable, reliable or cost effective, the Borough may specify alternative methods of determining the characteristics of the wastewater discharge which will, in the Borough's judgment, provide an equitable measurement of such characteristics.

(Ord. 412, 11/27/1989, Art. V, §2; as amended by Ord. 494, 11/27/2000)

§13-134. Determination of Wastewater Characteristics

- A. Measurements, tests and analysis of the characteristics of wastewater to which reference is made in the Part shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association of such alternative methods approved by the Borough and which comply with State and Federal law. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Borough. The discharger shall have the option to use,

at his own expense, more complete sampling methods, location, times, durations and frequencies than specified by the Borough.

- B. Measurements, tests and analysis of the characteristics of wastewater required by this Part shall be performed by a qualified laboratory. When such analysis is required of a discharger the discharger may, in lieu of using the Borough's laboratory, make arrangements with any qualified laboratory, including that of the discharger, to perform such analysis.
- C. Monitoring of wastewater characteristics necessary for the determination of compliance with applicable pretreatment standards shall be conducted on the basis of the following schedule, unless more frequent monitoring is required by the Borough other than this Part, or if the Borough, in its judgment, determines that the characteristics of the specific discharge warrant a different frequency monitoring:

Actual Average Daily User Discharge Monitoring Frequency

Less than 100,000 gpd semiannually

100,000 – 999,999 gpd quarterly

More than 999,999 gpd monthly

- D. Monitoring of wastewater characteristics for any purpose other than the determination of compliance with pretreatment standards shall be conducted on a frequency deemed necessary by the Borough.
- E. Upon demonstration by any person that the characteristics of the wastewater discharge by that person are consistent, the Borough may reduce the frequency as may be required by authority other than this Part, except in no case shall the frequency of monitoring be less than semi-annual for the determination of compliance with pretreatment standards.
- F. In determining the discharge characteristics factors such as continuous or batch operation and seasonal operation and the information requirements of other provisions of this Part shall be considered by the Borough. The Borough may obtain wastewater samples as required to verify the consistency of discharge characteristics.
- G. Fees for any given measurement, test or analysis of wastewater required by this Part and performed by the Borough shall be the same for all classes of dischargers, regardless of the quantity or quality of the discharge and shall reflect only direct costs. Cost of analyses performed by an independent laboratory at the option of discharger shall be borne directly by the discharger.

(Ord. 412, 11/27/1989, Art. V, §3)

§13-135. Cost of Damage

If the drainage or discharge from any establishment causes a deposit, obstruction or damage to any of the Borough's wastewater facilities, the Borough shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost of such work, including materials, labor and supervision shall be borne by the person causing such deposit, obstruction or damage.

(Ord. 412, 11/27/1989, Art. V, §4)

§13-136. Wastewaters with Special Characteristics

- A. While the Borough should initially rely upon the Federal categorical pretreatment standards of §13-136(3) to protect wastewater facilities or receiving waters, if any wastewater which contains substances or possesses characteristics shown to have deleterious effect upon the wastewater facilities, processes, equipment or receiving water or constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers, the Borough may:
1. Require pretreatment to a condition acceptable for discharge to the wastewater sewers.
 2. Require payment to cover added cost of handling and treating the wastewaters not covered by existing fees or charges.
 3. Require control over the quantities and rates of discharge.
 4. Require the development of compliance schedules to meet any applicable pretreatment requirements.
 5. Require the submission of reports necessary to assure compliance with applicable pretreatment requirements.
 6. Carry out all inspection, surveillance and monitoring necessary to determine compliance with applicable pretreatment requirements.
 7. Obtain remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in Part 1B or appropriate criminal penalties.
 8. Reject the wastewater if scientific evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the wastewater facilities.
- B. When considering the above alternatives, the Borough shall assure that conditions of the Borough's NPDES permit are met. The Borough shall also take into consideration cost effectiveness and the economic impact of the alternatives on the discharger. If the Borough allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The Borough shall review and recommend any appropriate changes to the program within 60 days of submittal.
- C. Where pretreatment of flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

(Ord. 412, 11/27/1989, Art. VI §1)

§13-137. Compliance with Pretreatment Requirements

Persons required to pretreat wastewater in accordance with §13-136 shall provide a statement, reviewed by an authorized representative of the user and certified to be a qualified person indicating whether applicable pretreatment requirements are being met on a consistent basis, and if not, describe the additional operation and maintenance or additional pretreatment required for the user to meet the pretreatment requirements. If additional pretreatment or operation and maintenance will be required to meet the pretreatment requirements the user shall submit a plan (including schedules) to the Borough. The

plan (including schedules) shall be consistent with applicable conditions of the Borough's NPDES permit or other local, State or Federal laws.

(Ord. 412, 11/27/1989, Art. VI §2)

§13-138. Monitoring Requirements

Discharges of wastewater to the Borough's wastewater facilities from the facilities of any user shall be monitored in accordance with the provisions of §§13-141 and 13-142 of this Part.

(Ord. 412, 11/27/1989, Art. VI §3)

§13-139. Effect of Federal Law

In the event the Federal government promulgates a regulation for a given new or existing user in a specific industrial subcategory that establishes pretreatment standards or establishes that such a user is exempt from pretreatment standards, such Federal regulations shall immediately supersede §13-136(1).

(Ord. 412, 11/27/1989, Art. VI §4)

§13-140. Revision of Pretreatment Standards

The Borough shall promptly apply for and obtain authorization from the EPA to revise discharge limitations for those substances listed in the Federal categorical pretreatment standards for which consistent removal occurs in the wastewater treatment facilities of the Borough. The Borough shall not adopt or enforce discharge limitations more stringent than the requested limitations until the State or EPA acts on the application.

(Ord. 412, 11/27/1989, Art. VI, §5)

§13-141. Wastewater Service Charges

Charges and fees for the user on the public wastewater facilities shall be based upon the actual use of such system or contractual obligations for a level of use in excess of current actual use. Property value may be used to collect the amount due as permitted by Federal law.

(Ord. 412, 11/27/1989, Art. VII, §1)

§13-142. Industrial Cost Recovery

Users of the Borough's wastewater facilities will also be assessed industrial cost recovery charges as required by Federal law.

(Ord. 412, 11/27/1989, Art. VII, §2)

§13-143. Determination of System Use

- A. The use of the Borough's wastewater facilities shall be based upon actual measurements and analysis of each user's wastewater discharge, in accordance with provisions of §13-142 and §13-143, to the extent such measurements and analysis is considered by the Borough to be feasible and cost effective.

- B. Where measurement and analysis is considered not feasible, determination of each user's use of the facilities shall be based upon the quantity of water used whether purchased from a public water utility or obtained from a private source or an alternative means as proposed by Subsection C below.
- C. The Borough, when determining actual use of the Borough's wastewater facilities based on water use, shall consider consumptive, evaporative or other use of water which results in a significant difference between a discharger's water use and wastewater discharge. Where appropriate, such consumptive water use may be metered to aid in determining actual use of the wastewater facilities. The meters used to measure such water uses shall be a type and installed in a manner approved by the Borough. Where no significant difference exists the actual water use by each user during each three-month period shall be used as the measure of each respective user's actual use of the sewer system for that period.

(Ord. 412, 11/27/1989, Art. VII, §3)

§13-144. Reason for Surcharge

Although the sewage treatment works will be capable of treating certain abnormal industrial wastes as defined in Part 1A, the actual treatment of such wastes may increase the cost of operating and maintaining the public sanitary sewage system. Therefore, there will be imposed upon each person discharging such industrial waste into the public sanitary sewage system a surcharge, or surcharges, which are intended to cover such additional cost. Such surcharges shall be in addition to the regular sewage service charges set forth in the Sewer Rate Ordinance of the Borough, and shall be payable as provided.

(Ord. 412, 11/27/1989, Art. VIII, §1)

§13-145. Surcharge Rate Determination

- A. The strength of any industrial waste, the discharge of which is to be subject to surcharge, shall be determined monthly, or more frequently as the Borough shall determine, from sampling points or at any other sampling point mutually agreed upon by the Borough and the producer of such waste. The frequency and duration of the sampling period shall be determined by the Borough and will permit a reasonably reliable determination of the average composition of such waste. Samples shall be collected or their collection supervised by a representative of the Borough and shall be in proportion to the flow of waste and composited for analysis in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," as cited above. Except as provided below, the strength of the waste so found by analysis shall be used for establishing the surcharge or surcharges. The Borough may, if it so elects, accept the results of routine sampling and analyses by the producer of such wastes in lieu of making its own samplings and analyses. The producer shall be responsible for all costs incurred in sampling and analyses and related work.
- B. In the event any industrial waste is found, by the Borough, to have a BOD in excess of 300 milligrams per liter and/or total suspended solids (TSS) concentration in excess of 350 milligrams per liter, and/or total phosphorus (P) in excess of 20 milligrams per liter and/or ammonia nitrogen (NH₃N) in excess of 50 milligrams per liter, the producer of said waste shall pay a strength of waste surcharge in addition to the volume charge set forth in the Borough's Sewer Rate Ordinance. The surcharge shall be computed by using the following formula:

1. Surcharge Factor.

$$(\%) = \left[60 + 10 \left(\frac{\text{BOD}_5}{300 \text{ mg/l}} \right) + 10 \left(\frac{\text{TSS}}{350 \text{ mg/l}} \right) + 10 \left(\frac{\text{P}}{20 \text{ mg/l}} \right) + 10 \left(\frac{\text{NH}_3\text{N}}{50 \text{ mg/l}} \right) \right] - 100\%$$

2. Where the concentration of the waste is less than the values in parentheses for the various parameters as applicable, the values in parenthesis shall be equal to one. The amount of the industrial waste surcharge shall be computed by multiplying the flat rate or volume charge, as set forth in the Sewer Rate Ordinance, by the surcharge factor derived above.
3. The waste surcharge amount determined in this Part shall be added to the flat rate service charges imposed by the Borough under the Sewer Rate Ordinance.

(Ord. 412, 11/27/1989, Art. VIII, §2)

PART 2

SANITARY SEWER CONNETIONS

§13-201. General Requirements

- A. From and after the effective date of this Part, it shall be unlawful for any person to construct, install, maintain, repair, operate, use, or allow an illegal storm- or surface water connection on real estate that he or she owns. This prohibition expressly includes, without limitation, illegal storm- or surface water connections made prior to the effective date of this Part, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- B. After the effective date of this Part, it shall be unlawful for any person to sell or otherwise transfer real estate within the Borough of Ebensburg on which a building or improvement exists without first delivering unto the purchaser a document of certification or temporary document of certification from the Borough Manager of the Borough of Ebensburg.

(Ord. 558, 10/27/2008)

§13-202. Definitions

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

DOCUMENT OF CERTIFICATION – an official statement from the Borough Manager of the Borough of Ebensburg or his designee stating that there are no known illegal storm- or surface water connections into the sanitary sewer connections on the specific property which is being sold.

ILLEGAL STORM- OR SURFACE WATER CONNECTIONS – the discharge of ground- or surface water or the connection of downspouts, roof drainage, surface areaway drainage, or foundation or basement drainage into the sanitary sewer system.

MUNICIPAL LIEN AND PROPERTY TAX VERIFICATION LETTER – a written letter from the proper official of the Borough of Ebensburg concerning municipal liens and property taxes.

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

SALE – when used in this Part, the “sale” of property shall apply to any sale and/or any type of transfer of ownership of real estate for any purpose whatsoever, including but not limited to transfers within a family, inheritance, corporate transfers, transfers from joint ownership to individuals such as in a divorce settlement, and to or from financial institutions in cases of foreclosure.

TEMPORARY DOCUMENT OF CERTIFICATION – a temporary statement of certification from the Borough Manager of the Borough of Ebensburg, issued pursuant to the terms of §13-204 of this Part.

(Ord. 558, 10/27/2008)

§13-203. Document of Certification Application

- A. Any person selling or otherwise transferring real estate located within the Borough of Ebensburg (hereinafter "Applicant") shall make application on a form furnished by the Borough of Ebensburg at least seven (7) days before the date of sale or transfer. The application fee shall be established from time to time by Resolution of the Borough Council. The Borough shall then perform a dye test, smoke test or air test of the sewer drainage system on the property to be sold, said smoke test to involve the use of nontoxic, non-staining smoke, which is forced through the sewer system by the use of air blowers. The Borough shall also have the right to rely on the results of any internal televising of the main sewer completed by the Borough or its contractor. In the event that there are no illegal storm or surface water connections and the existing drainage system is sound, the Borough Manager or his designate shall issue a Document of Certification upon the payment of any established fee. When an illegal storm or surface water connection or malfunctioning drainage system is discovered by the means of the above-mentioned testing, no Document of Certification will be issued until the illegal connections/malfunctioning drainage system are removed/repared, and/or the entire sewer line is replaced from the home to the connection at the public sewer line. The system must be retested certifying such removal/repair.
- B. A document of certification shall expire three years following the date of issuance of the document of certification. If any additions are made to the property within the three-year period, certification for said addition shall be provided by a registered and licensed plumber.

(Ord. 558, 10/27/2008; as amended by Ord. 618, 01/26/2015)

§13-204. Temporary Document of Certification

A temporary document of certification may be issued at the Borough's sole discretion when either:

- A. The applicant proves that such testing cannot be performed because of weather conditions; and when such is the case, the applicant shall provide the Borough with security in the amount of \$2,000 to guarantee that the appropriate test will be performed. The applicant will cause to have performed the appropriate test within 14 days of subsequent written notification from the Borough, which will be given at such time as weather conditions make such testing possible. In addition, the applicant shall provide a signed written acknowledgement from the purchaser of the real estate, agreeing to correct, at the said purchaser's sole expense, any violations/defects that may be discovered as the result of subsequent tests. Nothing in this subsection shall prohibit any purchaser from requiring the applicant to reimburse the purchaser for any costs incurred; provided, nevertheless, that primary liability shall run with the land, and no such agreement shall affect the Borough's enforcement powers or excuse the then-current owner from performance.
- B. When an illegal storm or surface water connection or malfunctioning drainage system has been discovered and the necessary remedial activities to correct such connection would require a length of time such as to create a practical hardship for the applicant, the applicant may apply to the Borough for a temporary document of certification, which may only be issued when the applicant provides the Borough with all of the following:
 - 1. A bona fide executed contract between the applicant and a registered, licensed plumber to complete the necessary remedial work, with the Borough listed therein as a third-party beneficiary;
 - 2. Cash security in the amount of said contract as posted with the Borough; and

3. An agreement by the purchaser to be responsible for all cost overruns related to the remedial work, together with a license to the Borough to enter upon the property to complete work in case of default by the contractor. The Building Inspector shall determine, by regulation, when such temporary document of certification shall expire, at which time the security shall be forfeited, and the Borough may use the security to have the necessary remedial work completed.

(Ord. 558, 10/27/2008)

§13-205. Authority for Rules and Regulations

The Borough Manager is hereby authorized, empowered and directed to do the following:

- A. Establish acceptable forms of security or guarantees.
- B. Provide acceptable testing methods.
- C. Establish the forms of applications, purchaser acknowledgements and plumber certifications.
- D. Limit the times of year in which temporary documents of certification are available for reasons of weather.

(Ord. 558, 10/27/2008)

§13-206. Ownership of Service Lines

The sewer service line is the property of the property owner from the structure to the connection at the public sewer line. Any separation, break, root infiltration, crack, breach, or any other such defect noted by the Borough during testing or other examination will require the replacement of the entire service line from the structure to the connection at the public sewer line. The owner has up to 90 days from the test or until date of transfer to correct the deficiency.

(Ord. 558, 10/27/2008)

§13-207. Testing by Borough

The Borough is authorized to initiate dye testing or other testing or inspection within the municipality for purposes of discovering or locating the inflow of surface storm water to the sanitary sewer system. The Borough Manager is authorized to retain the services of a qualified contractor to perform the dye testing or other testing or inspection. Persons owning property within the Borough are required to grant access to employees of the Borough and/or the dye-testing contractor and to permit dye testing or other testing or inspection. It is unlawful for any person to refuse access to property for purposes of dye testing or other testing or inspection.

(Ord. 558, 10/27/2008)

§13-208. Notice to Property Owners

In the event that the Borough identifies any illegal connections or leaking, deteriorating or poorly constructed private sanitary sewer lateral and/or sanitary sewer service connections, the Borough

Manager shall give written notice of same to the property owner that such illegal connections be eliminated and/or that said connections be repaired, replaced, or rehabilitated, at the property owner's expense, within 90 days of the date of the notice.

(Ord. 558, 10/27/2008)

§13-209. Disconnection of Connections

Illegal storm- or surface water connections must be disconnected from the Borough's sanitary sewers, and that access to the sanitary sewers at that location shall be permanently capped and sealed. Connection of the illegal storm- or surface water connection to the Borough's separate storm sewer system is subject to the prior approval of the Borough. Prior to the commencement of any work on the disconnection of an illegal storm or surface water connection, all necessary and required building permits, street-opening permits, sidewalk-opening permits, tap-in permits and fees and other approvals and permits that may be necessary to accomplish the disconnection shall be acquired. In no event is water to be discharged upon or across public or private sidewalks and public or private streets or discharged onto adjacent property.

(Ord. 558, 10/27/2008)

§13-210. Authority to Remedy Noncompliance

If the owner of property does not comply with the notice to abate said illegal or leaking lateral or service connection within the time limit prescribed, the Borough of Ebensburg shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Borough of Ebensburg, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(Ord. 558, 10/27/2008)

§13-211. Right to Enforce

Nothing in this Part shall limit, in any fashion whatsoever, the Borough's right to enforce any ordinance or law of the Borough of Ebensburg, County of Cambria or Commonwealth of Pennsylvania. Nothing in this Part shall be a defense of any citation issued by any municipal corporation or the commonwealth pursuant to any other law or ordinance.

(Ord. 558, 10/27/2008)

§13-212. Penalties

Any person who shall fail, neglect or refuse to comply with any of the terms or provisions of this Part or of any regulation or requirement pursuant thereto and authorized thereby shall, upon conviction before any District Justice, be sentenced to pay a fine of \$600 and costs of prosecution, and in default of payment thereof, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 558, 10/27/2008)