

CHAPTER 18
SEWERS AND SEWAGE DISPOSAL

PART 1
SEWER CONNECTIONS AND USES

- A. Short Title; Purpose.**
 - § 18-101. Short Title.**
 - § 18-102. Purpose.**

- B. Definitions.**
 - § 18-111. Specific Definitions.**

- C. Methods of Sewage Disposal.**
 - § 18-121. Certain Deposits Unlawful.**
 - § 18-122. Discharge to Natural Outlets Restricted.**
 - § 18-123. Sewage Receptacle Use Restricted.**
 - § 18-124. Connections Required.**

- D. Private Sewage Disposal Systems.**
 - § 18-131. Public Sewer Not Available.**
 - § 18-132. Permit to Construct Private System.**
 - § 18-133. Compliance With Certain Regulations.**
 - § 18-134. Connection When Public Sewer Available.**
 - § 18-135. Maintenance.**

- E. Building Sewers.**
 - § 18-141. Building Sewer Permit Classes.**
 - § 18-142. Permit Application.**
 - § 18-143. Responsibility of Owner.**
 - § 18-144. Independent Installation; Exception.**
 - § 18-145. Old Building Sewer Usage.**
 - § 18-146. Construction Requirements.**
 - § 18-147. Elevation.**
 - § 18-148. Surface Runoff or Groundwater.**
 - § 18-149. Lateral Connections.**
 - § 18-150. Inspection.**
 - § 18-151. Excavations to be Guarded; Restoration of Property.**

- F. Sanitary Sewer Use.**
- § 18-161. Unlawful Discharge.**
- § 18-162. Discharge of Unpolluted Drainage or Water.**
- § 18-163. Prohibited Types of Waste.**
- § 18-164. Acceptable Waste Determination.**
- § 18-165. Right to Reject or Require Pretreatment of Waste.**
- § 18-166. Interceptors.**
- § 18-167. Maintenance of Facilities.**
- § 18-168. Control Manholes.**
- § 18-169. Examination of Water and Waste.**
- § 18-170. Special Agreement or Arrangement.**

- G. Access to Property.**
- § 18-171. Tampering With Sewage Works.**
- § 18-172. Right of Entry and Inquiry.**
- § 18-173. Safety Rules to be Observed.**

- H. Violations.**
- § 18-181. Notice of Violation.**
- § 18-182. Penalty for Violation.**
- § 18-183. Additional Penalties.**

PART 2
SEWER INSTALLATIONS

- § 18-201. Specifications.**
- § 18-202. Pipes Under Footers, Basements and Foundations.**
- § 18-203. Clean Out Plugs.**
- § 18-204. Fall of Installation.**
- § 18-205. Curve of Pipe.**
- § 18-206. Permit; Fee.**
- § 18-207. Inspections.**
- § 18-208. Penalty for Violation.**

PART 3
SEWER CHARGES AND RENTALS

- § 18-301. Definitions.**
- § 18-302. Connections to City Sewer System.**

- § 18-303. Sewer Connection Fees.
- § 18-304. Rental Rates.
- § 18-305. Extraordinary Waste Procedures.
- § 18-306. Private Water Supplies.
- § 18-307. Vacation of Premises.
- § 18-308. Reduction in Sewer Charges For Water Excluded From Sewers.
- § 18-309. Rental Payments.
- § 18-310. Responsibility For Rentals.
- § 18-311. Sewer Service During Portion of Quarter.
- § 18-312. Penalty.

PART 4

INDIVIDUAL SYSTEMS

- A. Individual Sewage System or Community Sewerage System.
 - § 18-401. Sewage Facilities Act Implemented.
 - § 18-402. Permit Required for Installation.
 - § 18-403. Application; Issuance of Permit.
 - § 18-404. Fee Schedule.
 - § 18-405. Applicable Regulations.
 - § 18-406. Enforcement.
 - § 18-407. Penalty for Violation.
- B. Holding Tanks.
 - § 18-411. Definitions.
 - § 18-412. Restrictions.
 - § 18-413. Responsibilities and Duties of Improved Property Owner.
 - § 18-414. Violations.
 - § 18-415. Abatement of Nuisances.

PART 5

JOINT SEWER SYSTEM

- § 18-501. Connections to Joint Sewer System or Collector Sewers.
- § 18-502. Rental Rates.
- § 18-503. Time and Method of Rental Payments.
- § 18-504. Responsibility for Rentals.
- § 18-505. Penalty.

- § 18-506. Industrial Waste.
- § 18-507. Municipal Sewer Rental Receipts.
- § 18-508. Municipal Rental Payment to Joint Authority.
- § 18-509. Effective Date of Rate Schedule and Charges.

PART 6

BUILDING SANITATION

- § 18-601. Permits, Licensing, Inspection and Certification.
- § 18-602. Permit Procedure and Fee.
- § 18-603. Inspection and Certification.
- § 18-604. Licensing.
- § 18-605. Bonding.
- § 18-606. Disposal System Required.
- § 18-607. Vents and Cross-Connections.
- § 18-608. Elevations of Drains and Sewers.
- § 18-609. Wells.
- § 18-610. Administration.
- § 18-611. Penalty.

PART 7

PRETREATMENT REGULATIONS

- A. General Provisions.
 - § 18-701. Purpose and Policy.
 - § 18-702. Definitions.
 - § 18-703. Abbreviations.
- B. General Discharge Prohibitions.
 - § 18-711. General Discharge Prohibitions.
 - § 18-712. Federal Categorical Pretreatment Standards.
 - § 18-713. Modification of Federal Categorical Pretreatment Standards.
 - § 18-714. State Requirements.
 - § 18-715. The City's Right of Revision.
 - § 18-716. Excessive Discharge.
 - § 18-717. Accidental Discharge or Operational Malfunction.
 - § 18-718. Notice to Employees.
 - § 18-719. Affirmative Defense.

- § 18-720. Sharon User General Discharge Prohibition.

- C. Administration.
 - § 18-721. Wastewater Discharge.
 - § 18-721A. Wastewater Pretreatment Program Manual.
 - § 18-722. Wastewater Questionnaire.
 - § 18-723. Wastewater Discharge Permit Required.
 - § 18-724. Wastewater Discharge Permit.
 - § 18-725. Hauled Wastewater.
 - § 18-726. Reporting Requirements for Permittee.
 - § 18-727. Monitoring Facilities.
 - § 18-728. Inspection and Sampling.
 - § 18-729. Pretreatment.
 - § 18-730. Bypass of Pretreatment System.
 - § 18-731. Records.
 - § 18-732. False Information.
 - § 18-733. Accidental Discharge/Slug Control Plans.
 - § 18-734. Confidential Information.
 - § 18-735. Application Signatories and Certification.

- D. Wastewater Discharge Permit and Surcharge Fee.
 - § 18-741. Purpose.
 - § 18-742. Wastewater Discharge Permit Charges and Fees.
 - § 18-743. Pollutant Surcharge.

- E. Enforcement.
 - § 18-751. Harmful Contributions.
 - § 18-752. Termination of Service.
 - § 18-753. Notification of Violations.
 - § 18-754. Show Cause Hearing.
 - § 18-755. Legal Action.
 - § 18-756. Enforcement Response Plan.

- F. Penalties.
 - § 18-761. Civil Penalties.
 - § 18-762. Injunctive Relief.
 - § 18-763. Falsifying Information.

PART 8
SEWAGE MANAGEMENT PROGRAM

- § 18-801. Short Title, Introduction and Purpose.**
- § 18-802. Definitions.**
- § 18-803. Applicability.**
- § 18-804. Permit Requirements.**
- § 18-805. Replacement Areas.**
- § 18-806. Inspections.**
- § 18-807. Operation.**
- § 18-808. Maintenance.**
- § 18-809. System Rehabilitation.**
- § 18-810. Liens.**
- § 18-811. Disposal of Septage.**
- § 18-812. Licensing of Septage Pumper/Hauler.**
- § 18-813. Administration.**
- § 18-814. Appeals.**
- § 18-815. Penalties.**

PART 9
CERTIFICATE OF COMPLIANCE

- § 18-901. Certificate of Compliance.**
- § 18-902. Application for Certificate.**
- § 18-903. Issuance of Certificate of Compliance.**
- § 18-904. Noncompliance and Remedial Action.**
- § 18-905. Appeal.**
- § 18-906. Penalty.**

PART 1

SEWER CONNECTIONS AND USES

A. Short Title; Purpose.**§ 18-101. Short Title. [Ord. 6-68, 4/10/1968, Art. I, § 1]**

This Part shall be known and may be cited as the "Sewer Use Ordinance."

§ 18-102. Purpose. [Ord. 6-68, 4/10/1968, Art. I, § 2]

The purpose of this Part is to provide for the safety, health and public welfare through proper regulation of the sewage collection and treatment system and types of discharge into the public water system and to further protect life and property from hazards incident to the design, construction and alteration of public sewers and all connections thereto.

B. Definitions.**§ 18-111. Specific Definitions. [Ord. 6-68, 4/10/1968, Art. II; as amended by Ord. 38-75, 12/17/1975, §§ 2, 3; and by Ord. 18-83, 12/22/1983]**

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

BOD — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed mg/l.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

CITY — The word "City," wherever used herein, shall mean the City of Hermitage, Mercer County, Pennsylvania.

COD — Chemical oxygen demand.

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

GARBAGE — Solid wastes from the domestic and commercial preparation or cooking and dispensing of food and from the handling, storage, and sale of produce.

INDUSTRIAL WASTES — The liquid wastes from industrial manufacturing processes, trade, or business as distinguished from sanitary sewage.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

PERSON — Any individual, partnership, firm, company, association, society, corporation or group.

pH — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POLLUTED WATERS — Any waters containing waste products or excrement or other discharge from the bodies of human beings or animals or any harmful, noxious or deleterious substances inimical to the public health, to animal or aquatic life or to the user of said waters for domestic water supply or for recreation.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch in any dimension.

PUBLIC SEWER — The sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

PUBLIC WORKS DEPARTMENT — The City of Hermitage Public Works Department.

SANITARY SEWAGE — Normal human and domestic household wastes.

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

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

SEWAGE TREATMENT PLANT — Any arrangement of devices and structures for treating sewage.

SEWAGE WORKS — All facilities for collecting, pumping, treating and disposing of sewage.

SEWER — A pipe or conduit for carrying sewage.

SLUG — Any discharge of water, sewage or industrial wastes which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during normal operation.

STORM DRAIN (also referred to as "storm sewer") — A sewer which carries storm and surface waters and drainage but excludes a sewage and industrial wastes other than unpolluted cooling water.

SUSPENDED SOLIDS — That either float on the surface of or in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

WATERCOURSE — A channel in which a flow of water occurs either continuously or intermittently.

C. Methods of Sewage Disposal.

§ 18-121. Certain Deposits Unlawful. [Ord. 6-68, 4/10/1968, Art. III, § 1; as amended by Ord. 18-83, 12/22/1983]

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

§ 18-122. Discharge to Natural Outlets Restricted. [Ord. 6-68, 4/10/1968, Art. III, § 2; as amended by Ord. 18-83, 12/22/1983]

It shall be unlawful to discharge to any natural outlet within the City of Hermitage or in any area under the jurisdiction of said City any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this Part.

§ 18-123. Sewage Receptacle Use Restricted. [Ord. 6-68, 4/10/1968, Art. III, § 3]

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended for use for the disposal of sewage.

§ 18-124. Connections Required. [Ord. 6-68, 4/10/1968, Art. III, § 4; as amended by Ord. 4-75, 3/12/1975, § 2; and by Ord. 18-83, 12/22/1983]

The owner or tenant of any real estate in the City on which is located any house, building, structure or part of a structure or property used for human occupancy, employment, recreation or other purposes (herein referred to as the owner) and abutting on any street, alley or right-of-way on which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at his

expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this and all other applicable ordinances of the City regulating such connections, now in effect or hereafter enacted or amended.

D. Private Sewage Disposal Systems.

§ 18-131. Public Sewer Not Available. [Ord. 6-68, 4/10/1968, Art. IV, § 1; as amended by Ord. 38-75, 12/17/1975, § 1; by Ord. 18-83, 12/22/1983; and by Ord. 11-98, 9/23/1998]

Where a public sanitary sewer is not available under the provisions of § 18-124, the building sewer shall be connected to an approved private sewage disposal system, which shall comply with the provisions of this Part and with the requirements of the Pennsylvania Department of Environmental Protection, and all other applicable ordinances of the City now in effect or hereafter enacted or amended.

§ 18-132. Permit to Construct Private System. [Ord. 6-68, 4/10/1968, Art. IV, § 2]

Before commencement of construction of a private sewage disposal system, a permit shall be required in accordance with the then existing State and local regulations and ordinances.

§ 18-133. Compliance With Certain Regulations. [Ord. 6-68, 4/10/1968, Art. IV, § 3; as amended by Ord. 38-75, 12/17/1975, § 1; by Ord. 18-83, 12/22/1983; and by Ord. 11-98, 9/23/1998]

The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the Pennsylvania Department of Environmental Protection, this Part and all applicable ordinances of the City.

§ 18-134. Connection When Public Sewer Available. [Ord. 6-68, 4/10/1968, Art. IV, § 4]

At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in § 18-133, the building sewer shall be connected to the public sewer in compliance with the then existing State and local regulations and ordinances. Within 90 days from the date of connection to the public sewer, the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

§ 18-135. Maintenance. [Ord. 6-68, 4/10/1968, Art. IV, § 5]

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City and in accordance with all other State and City regulations and ordinances.

E. Building Sewers.

§ 18-141. Building Sewer Permit Classes. [Ord. 6-68, 4/10/1968, Art. V, § 1; as amended by Ord. 18-83, 12/22/1983]

There shall be two classes of building sewer permits:

- A. For industrial service.
- B. For all other service and establishments.

No unauthorized person shall uncover, make any connections with, or opening onto, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

§ 18-142. Permit Application. [Ord. 6-68, 4/10/1968, Art. V, § 2; as amended by Ord. 38-75, 12/17/1975, § 2; and by Ord. 18-83, 12/22/1983]

Permit applications shall be made on a form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Public Works Department. Permit and inspection fees shall be as set forth in other applicable City ordinances and shall be paid to the City at the time the application is filed.

§ 18-143. Responsibility of Owner. [Ord. 6-68, 4/10/1968, Art. V, § 3; as amended by Ord. 18-83, 12/22/1983]

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall be primarily responsible for and indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The owner shall be responsible for the entire building sewer to its point of connection with the public sewer. Indemnification guarantees may be required for all connections not otherwise specifically covered by other City ordinances.

§ 18-144. Independent Installation; Exception. [Ord. 6-68, 4/10/1968, Art. V, § 4; as amended by Ord. 38-75, 12/17/1975, § 2; and by Ord. 18-83, 12/22/1983]

1. A separate and independent building sewer shall be provided for every building except:
 - A. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway.
 - B. Where the situation involves special extenuating circumstances either specifically covered by other City ordinances or which in the opinion of the Public Works Department, do not justify a separate and independent building sewer.
2. Permits issued under the subsection (1)(B) must be accompanied by a written statement from the Public Works Department substantiating the

reasons for granting an exception under this Section and must be approved by the Board of Commissioners.

§ 18-145. Old Building Sewer Usage. [Ord. 6-68, 4/10/1968, Art. V, § 5; as amended by Ord. 38-75, 12/17/1975, § 2]

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Works Department, to meet all requirements of this Part.

§ 18-146. Construction Requirements. [Ord. 6-68, 4/10/1968, Art. V, § 6; as amended by Ord. 18-83, 12/22/1983]

The size, slope, alignment, materials of construction of the building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the City standard sewer specifications and all other applicable State and local regulations.

§ 18-147. Elevation. [Ord. 6-68, 4/10/1968, Art. V, § 7; as amended by Ord. 18-83, 12/22/1983]

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be discharged to the building sewer by an approved means and in accordance with other ordinances of the City.

§ 18-148. Surface Runoff or Groundwater. [Ord. 6-68, 4/10/1968, Art. V, § 8; as amended by Ord. 8-69, 8/13/1969, § 1; and by Ord. 18-83, 12/22/1983]

1. No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
2. Such drainage shall be discharged to a watercourse, waterway, dry well, ditch, gutter or storm sewer or other facilities acceptable to the City.

§ 18-149. Lateral Connections. [Ord. 6-68, 4/10/1968, Art. V, § 9; as amended by Ord. 38-75, 12/17/1975, § 2; and by Ord. 18-83, 12/22/1983]

The connection of the building sewer into the public sewer shall conform to the requirements of the City standard sewer specifications and to the procedures set forth in the appropriate Sections of this Part and all other applicable City ordinances. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Public Works Department before installation.

§ 18-150. Inspection. [Ord. 6-68, 4/10/1968, Art. V, § 10; as amended by Ord. 38-75, 12/22/1975, § 2]

The applicant for the building sewer permit shall notify the Public Works Department when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under observation and inspection of the Public Works Department or their representative.

§ 18-151. Excavations to be Guarded; Restoration of Property. [Ord. 6-68, 4/10/1968, Art. V, § 11; as amended by Ord. 18-83, 12/22/1983]

All excavations for building sewer installations 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 to a condition equal to that existing before disturbance and in a manner satisfactory to the City in accordance with other applicable City ordinances and regulations.

F. Sanitary Sewer Use.

§ 18-161. Unlawful Discharge. [Ord. 6-68, 4/10/1968, Art. VI, § 1]

No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.

§ 18-162. Discharge of Unpolluted Drainage or Water. [Ord. 6-68, 4/10/1968, Art. VI, § 2; as amended by Ord. 38-75, 12/17/1975, §§ 1 & 2; and by Ord. 11-98, 9/23/1998]

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or stormsewers, or to a natural outlet approved by the Public Works Department. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Public Works Department, to a storm sewer, combined sewer or natural outlet; provided, however, that no discharge of a nature described in this Section shall be permitted until the proper authorization and permission has been obtained by the owner from the Pennsylvania Department of Environmental Protection.

§ 18-163. Prohibited Types of Waste. [Ord. 6-68, 4/10/1968, Art. VI, § 3]

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- B. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to

humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.

- C. Any water or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, either whole or ground by garbage grinders.

§ 18-164. Acceptable Waste Determination. [Ord. 6-68, 4/10/1968, Art. VI, § 4; as amended by Ord. 38-75, 12/17/1975, § 2; and by Ord. 18-83, 12/22/1983]

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears reasonable in the opinion of the Public Works Department that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Public Works Department will give consideration to such factors as quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of the wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than 150° F.
- B. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F.
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Public Works Department.
- D. Any water or waste containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite

sewage at the sewage treatment works exceeds the limits established by the Public Works Department for such materials.

- F. Any waters or wastes containing concentration of phenols or other taste or odor producing substances which may not be adequately eliminated by the treatment process of the City's sewage treatment plant to enable compliance with the requirements of State or Federal agencies having jurisdiction over such discharge to the receiving waters.
- G. Any radioactive wastes or isotopes of such a half-life or concentration as may exceed limits established by the Public Works Department in compliance with applicable State or Federal regulations.
- H. Any waters or wastes having a pH in excess of 9.5.
- I. Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, COD or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are not sufficiently amenable to treatment in order to permit the sewage treatment plant effluent to meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

§ 18-165. Right to Reject or Require Pretreatment of Waste. [Ord. 6-68, 4/10/1968, Article VI, § 5; as amended by Ord. 38-75, § 2; and by Ord. 18-83, 12/22/1983]

- 1. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 18-164 of this Part, and which in the judgment of the Public Works Department may have deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Public Works Department may:
 - A. Reject the wastes.

- B. Require pretreatment to an acceptable condition for discharge to the public sewers.
 - C. Require control over the quantities and rates of discharge.
 - D. Require payment to cover the added cost of handling and treating the wastes as provided elsewhere in this Part and as detailed in other applicable City ordinances.
2. If the Public Works Department permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Public Works Department, and subject to the requirements of all applicable codes, ordinances and laws.

§ 18-166. Interceptors. [Ord. 6-68, 4/10/1968, Art. VI, § 6; as amended by Ord. 38-75, 12/17/1975, § 2]

Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Works Department, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients which may be introduced into the sanitary sewers by accident or otherwise; except that such interceptors shall not be required for private living quarters or dwellings units. All interceptors shall be of a type and capacity approved by the Public Works Department, and shall be located as to be readily and easily accessible for cleaning and inspection.

§ 18-167. Maintenance of Facilities. [Ord. 6-68, 4/10/1968, VI, § 7]

Where preliminary treatment or flow-equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§ 18-168. Control Manholes. [Ord. 6-68, 4/10/1968, Art. VI, § 8; as amended by Ord. 38-75, 12/17/1975, § 2]

When required by the Public Works Department, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be constructed by the owner at his expense in accordance with plans approved by the Public Works Department. The manhole shall be located and maintained at the expense of the owner so as to be reasonably accessible and safe at all times.

§ 18-169. Examination of Water and Waste. [Ord. 6-68, 4/10/1968, Art. VI, § 9; as amended by Ord. 38-75, 12/17/1975, § 4; and by Ord. 11-98, 9/23/1998]

All measurement, tests and analyses of the characteristics of waters and wastes to which reference is made in this Part shall be determined in accordance with the most recent edition of "Standards Methods for the Examination of Water and Wastewater," as published by the American Public Health Association, available at

the time or analysis or regulations of the Pennsylvania Department of Environmental Protection. Determination shall be at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life and property.

§ 18-170. Special Agreement or Arrangement. [Ord. 6-68, 4/10/1968, Art. VI, § 10; as amended by Ord. 18-83, 12/22/1983]

No statement contained in this Part shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern.

G. Access to Property.

§ 18-171. Tampering With Sewage Works. [Ord. 6-68, 4/10/1968, Art. VII, § 1]

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, open, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

§ 18-172. Right of Entry and Inquiry. [Ord. 6-68, 4/10/1968, Art. VIII, § 1; as amended by Ord. 38-75, 12/17/1975, § 2; and by Ord. 18-83, 12/22/1983]

The Public Works Department and other duly authorized employee of the City bearing proper credentials and identification shall be permitted to enter upon and into all property in the City for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Part at any reasonable hour. The Public Works Department or its representatives shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§ 18-173. Safety Rules to be Observed. [Ord. 6-68, 4/10/1968, Art. VIII, § 2; as amended by Ord. 38-75, 12/17/1975, § 2; and by Ord. 18-83, 12/22/1983]

While performing the necessary work on private properties referred to in § 18-172, above, the Public Works Department or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death caused to the City employees arising out of the performance of such necessary work. The City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence on the part of the company,

its agents or employees or failure of the company to maintain safe conditions as required in § 18-168.

H. Violations.

§ 18-181. Notice of Violation. [Ord. 6-68, 4/10/1968, Art. IX, § 1; as amended by Ord. 22-70, 9/9/1970, § 1; and by Ord. 18-83, 12/22/1983]

Any person found violating any provision of this Part shall be served by the City with notice of the violation. The offender shall, upon notice, permanently cease all violations.

§ 18-182. Penalty for Violation. [Ord. 6-68, 4/10/1968, Art. IX, § 2; as amended by Ord. 22-70, 9/9/1970, § 1; by Ord. 38-75, 12/17/1975, § 5; and by Ord. 11-98, 9/23/1998]

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 less than \$5 nor more than \$1,000 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 continues shall constitute a separate offense.

§ 18-183. Additional Penalties. [Ord. 6-68, 4/10/1968, Art. IX, § 3; as amended by Ord. 18-83, 12/22/1983]

In addition to the provisions set forth in § 18-182, any person violating any of the provisions of this Part shall become liable to the City for any expense, loss or damage sustained by the City by reason of such violation, which sum may be collected by suit brought in the name of the City in the manner provided by law.

PART 2

SEWER INSTALLATIONS

§ 18-201. Specifications. [Ord. 15-56, 9/10/1956, § 1; as amended by Ord. 1-60, 3/2/1960, § 1; by Ord. 2-74, 3/27/1974, § 1; by Ord. 29-75, 12/17/1975, § 3; and by Ord. 18-83, 12/22/1983]

All installations of building sewers to sewer laterals from the wye or stub lateral at the public sewer to the building effluent line at the footer or foundation of a residence, building or other structure being serviced by the City sewer system shall be a minimum of six inch inside diameter. Pipe shall be cast iron, ductile iron, cement asbestos, vitrified clay, rigid plastic or other suitable material, all being subject to conformance with the following requirements:

- A. No piping material shall be used without prior approval.
- B. All piping material shall conform to its current applicable ASTM requirements.
- C. Plastic pipe shall be ABS or PVC with a minimum wall thickness of 0.180 inches for six inch pipe.
- D. Vitrified clay shall be minimum Class C-200.
- E. Cement asbestos shall be minimum Class 2400.
- F. The piping material proposed shall have a jointing system capable of limiting infiltration to a maximum of 20 gallons per inch pipe diameter per 1,000 feet per 24 hours.
- G. No pipe will be approved if suitable infiltration-tight transition sections or adapters are not available to connect to the existing wye or stub lateral or to the building effluent pipe. Connectors or adapters must be of the compression or mechanical seal type. Connector seals shall be preformed elastomeric PVC conforming to ASTM specifications C-425, C-594, C-564, and D-1869. Mechanical couplings shall have clamping devices of stainless steel.
- H. No rigid mortar, concrete, mastic, or poured bituminous joints shall be permitted.
- I. No connections or transitions shall be made by inserting a smaller pipe into the bore of a larger diameter pipe regardless of the type of pipe or sealing method.
- J. An inspection stack shall be provided at an approved location on each lateral in accord with the standard City details.
- K. The City shall have the right to require preinstallation or installed infiltration tests at the installer's expense to determine compliance with the

infiltration limits contained herein. Tests, if required, shall be by means of a ten-foot water head test, low pressure air or other approved means. Materials or installations which fail to meet these infiltration requirements shall be unacceptable for installation; and if installed, shall be removed, replaced or corrected at the installer's expense.

- L. Approvals required shall be obtained from the Public Works Department or its designated representative.

§ 18-202. Pipes Under Footers, Basements and Foundations. [Ord. 15-56, 9/10/1956, § 2, as amended by Ord. 9-75, 7/9/1975, § 1]

All other sewer pipe necessary to said connection under footer, basement and foundation shall be of extra heavy four inch cast iron soil pipe or Schedule 40 ABS or PVC. Plastic pipe may also be used when materials and methods of installation conform to the current BOCA Basic Plumbing Code applicable thereto.

§ 18-203. Clean Out Plugs. [Ord. 15-56, 9/10/1956, § 3; as amended by Ord. 18-83, 12/22/1983]

All clean out plugs shall be installed as close to the outer walls of all buildings as physically possible on every future installation connecting with the City sewer system.

§ 18-204. Fall of Installation. [Ord. 15-56, 9/10/1956, § 4; as amended by Ord. 14-87, 10/14/1987]

The fall of all building sewer installations shall be no less than 0.6% (0.6 foot to 100 feet).

§ 18-205. Curve of Pipe. [Ord. 15-56, 9/10/1956, § 5]

No installation shall contain sewer pipe with a curve exceeding 45°.

§ 18-206. Permit; Fee. [Ord. 15-56, 9/10/1956, § 6; as amended by Ord. 29-75, 12/17/1975, § 1; and by Ord. 18-83, 12/22/1983]

Every property owner desiring to or required to connect to the City sewer system shall first pay the established fee and obtain a permit from the Manager before beginning the installation or connection of any sewer pipe to the City sewer system.

§ 18-207. Inspections. [Ord. 15-56, 9/10/1956, § 7; as amended by Ord. 29-75, 12/17/1975, § 2; and by Ord. 18-83, 12/22/1983]

All sewer installations connecting to the City sewer shall be inspected by the inspector before they are covered.

§ 18-208. Penalty for Violation. [Ord. 15-56, 9/10/1956, § 8; as added by Ord. 29-75, 12/17/1975, § 4; as amended by Ord. 11-98, 9/23/1998]

Any person, firm, partnership, association, corporation, or other legal entity violating any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$5 nor more than \$1,000 plus costs and, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days. Each violation of any provision of this Part, and each day the same continues, shall be deemed a separate offense.

PART 3

SEWER CHARGES AND RENTALS

§ 18-301. Definitions. [Ord. 11-70, 5/13/1970, § 1; as amended by Ord. 18-83, 12/22/1983; by Ord. 8-99, 3/24/1999, § 1; and by Ord. 12-2009, 7/22/2009]

Unless the context indicates otherwise or unless specifically defined herein, all words, phrases, and terms used in this Part shall have the same meaning ascribed to them in Ordinance No. 6-68 [Chapter 18, Part 1].

CITY SEWER SYSTEM — Shall consist of the public sewers, sewage system and public sewage collection and treatment plant of Hermitage City as it presently exists and any extensions that may be hereafter made to the sewers or facilities.

CONNECTION FEE — A fee which shall not exceed the amount based upon the actual cost of the connection of the property extending from the main sewage line to the property line or curb stop at the property so connected.

EQUIVALENT DWELLING UNIT (EDU) — A measure of volume or flow or expected flow of sanitary sewage or industrial waste from an improved property as determined by the consulting engineer of the City of Hermitage in accordance with sound engineering practices, each such equivalent being equal to 219.6 gallons per day, and further defined as follows:

- A. One EDU equals 219.6 gallons per day.
- B. Each residential unit, including single-family apartment units and mobile homes, but not limited thereto, shall be equivalent to one EDU and charged as such when connected to the sanitary sewage system.
- C. All Other Users.
 - (1) All other users, including commercial/industrial users, but not limited thereto, shall at a minimum be equivalent to one EDU and charged when connected to the sanitary sewer system as follows:
 - (a) Number of EDUs = average daily flow; or
 - (b) Estimated average daily flow divided by 219.6 gallons per day (EDU).
 - (2) Equivalent domestic units (EDUs) applicable to all users other than residential units shall be computed on the basis of average daily flow used during the calendar quarter preceding connection. Should there be no consumption figures available for the preceding quarter, the flows will be estimated by the consulting engineer, and the owner of such property will be billed accordingly. However, the City of Hermitage reserves the right to adjust the number of EDUs estimated based on the actual consumption figures obtained for such property at such time as

construction of the building is fully completed and the building is fully occupied and for a period of one year after the completion of the structure and full occupancy of the same.

EXTRAORDINARY WASTES — All other wastes which do not qualify as ordinary waste.

INSPECTION FEE — A fee owners required to tap into the sewer system shall be required to pay at the time of the permit application.

ORDINARY WASTES — Shall be wastes composed of less than 350 parts per million of suspended solids and/or 300 parts per million BOD and shall not contain any additional characteristics or pollutants such as detailed in Ordinance 6-68, Article VI, [Chapter 18, Part 1, subpart F] of amounts or types as may, in the opinion of the City, cause the subject sewage to be unacceptable as "ordinary waste."

PREMISES — The property or area, including the improvements thereon, to which sewage service is or will be furnished and as used herein shall be taken to designate:

- A. A building under one roof, owned or leased by one customer, and occupied as one residence or one place of business.
- B. A building or a group or combination of buildings owned by one customer, in one common enclosure, occupied by one family, or one organization, corporation or firm, as a residence, or place of business, or for manufacturing or industrial purposes, or as a hotel, motel, hospital, church, parochial school or similar institution, except as otherwise noted herein.
- C. The one side of a double house having a solid vertical partition wall.
- D. Each side or each part of a house or building occupied by one family even though the closet and/or other fixtures be used in common.
- E. Each apartment, office or suite of offices, and/or place of business located in a building or a group of buildings even though such buildings in a group are interconnected by a tunnel or passageway, covered areaway, or patio or by some similar means or structure.
- F. A public building devoted entirely to public use, such as a town hall, school house, fire engine house.
- G. A single lot, or park or playground.
- H. Each house in a row of houses.
- I. Each dwelling unit in a house or row of houses, a "dwelling unit" being defined as "a building or portion thereof with exclusive culinary and/or sanitary facilities designed for occupancy and used by one person or one family (household), including house trailers and mobile homes."

- J. Each individual and separate place of business and/or occupancy located in one building or group of buildings commonly designated as shopping centers, supermarket areas and by such other terms.
- K. Each dwelling unit in a public housing development owned and operated by the United States of America, a municipal subdivision of the Commonwealth of Pennsylvania, or an agency or instrumentality of the United States or the Commonwealth of Pennsylvania; by a philanthropic foundation or organization, or some such similar body or organization; or operated under private ownership.

SHALL — Is mandatory; MAY — Is permissive.

TAPPING FEE — A fee which shall not exceed an amount based upon the entire sum of the components described in Act 57.

§ 18-302. Connections to City Sewer System. [Ord. 11-70, 5/13/1970, § 2; as amended by Ord. 18-83, 12/22/1983; and by Ord. 11-98, 9/23/1998]

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

- A. He shall notify the City of his desire and intention to make such connection and shall obtain a permit from the City permitting such connection to be made.
- B. He shall pay a sewer connection fee as set forth in § 18-303 hereof.
- C. If street excavation is required to make such connection, he shall apply for and obtain a permit to excavate in the street in accordance with the City ordinances regulating the same.
- D. He shall give the City at least 24 hours notice of the time when such connection shall be made in order that the City Public Works Department can be present to inspect the work of the connection.
- E. All work of making connections to any City sewer shall be done in conformity with applicable City ordinances and subject to inspection and approval of the City Public Works Department.

§ 18-303. Sewer Connection Fees. [Ord. 11-70, 5/13/1970, § 3; as amended by Ord. 23-78, 12/21/1978, § 1; by Ord. 7-83, 8/10/1983, § 4; by Ord. 8-99, 3/24/1999, § 2; and by Ord. 12-2009, 7/22/2009]

- 1. When a person responsible for making a connection to a public sanitary sewer shall be notified to connect or desires to connect to a public sanitary sewer as provided by this Part, such person shall file with the City, or its authorized representative, an application for a permit to connect to the public sanitary sewer, with such application to include full payment of the

connection fee as may fixed by subsequent resolution of the Board of Commissioners of the City Hermitage.

2. Before making a connection with the sewer system, and at the time the property owner shall file a written application pursuant to Subsection (1) above, the owner shall pay such fees as are set forth and established by resolution of the Board of Commissioners of the City of Hermitage. The fees which the City is authorized to charge and collect are as follows:
 - A. **Connection Fee.** A fee which shall not exceed an amount based upon the actual cost of the connection of the property extending from the main to the property line or curb stop of the property so connected. The City may also base such fee upon an average cost of previously installed connections of similar type and size.
 - B. **Customer Facilities Fees.** A fee which shall not exceed an amount based upon the actual cost of facilities serving the connected property from the property line or curb stop to the proposed dwellings or buildings to be served. This fee shall be chargeable only in the event the City and not the property owner or owners install the customer facilities. In lieu of payment of the customer facilities fee, the City may require the construction of those facilities by the property owner or owners requesting customer facilities.
 - C. **Tapping Fee.**
 - (1) A fee which shall not exceed an amount based upon some or all of the following fee components, which shall be separately set forth in the appropriate resolution adopted by the Board of Commissioners of the City of Hermitage establishing the fee. In lieu of the payment of the fee, the City may require the construction dedication of only such capacity, distribution, collection or special purposes facilities necessary to supply a service to the property owner or owners. The components for the tapping fee are as follows:
 - (a) **Capacity Part.** A fee for a capacity related facilities which may not exceed an amount that is based upon the cost of such facilities including, but not limited to, treatment, pumping, interceptor and outfall mains, storage, sludge treatment or disposal or other general system facilities. The fee shall not include outstanding debt, grant or capital contributions or facilities contributed to the City by any person, government or agency.
 - (b) **Collection Part.** A fee which may not exceed an amount based upon the cost of collection facilities required to provide service, such as pumping stations. The fee shall

not include facilities contributed to the Authority by any person, government or agency and outstanding debt, grants or capital contributions.

- (c) Special Purpose Part. Fees for special purpose facilities applicable only to a particular group of customers or serving a particular purpose or serving a particular area based upon cost.
 - (d) Reimbursement Component. An amount necessary to recapture the allocable portion of facilities to reimburse the property owner or owners at whose expense such facilities were constructed, not to exceed the actual cost of such facilities.
- (2) In addition to the connection fees as set forth by appropriate resolution of the Board of Commissioners of the City of Hermitage, where any property owner connects to the public sewer system a property which for any reason in law or fact has not been previously assessed the normal assessment charge levied against other properties in that area or district, or if assessed, has not paid said assessment, then and in any such event there shall be charged an additional connection fee equal to the amount of the assessment that should or would otherwise have been made or paid. Said additional connection fee shall be payable at the same time as the connection fees previously provided in this Part and no connection shall be made until such fees are paid.
- D. In the event that it be determined that the additional connection fee imposed by Subsection (C) is invalid, then and in such event the amount of the same shall be paid as an additional sewer rental charge over the first five-year period of the use of said sewer, said charge to be in addition to the existing sanitary sewer rental charge set forth in § 18-304 of this Part.
- E. The connection fees imposed by the appropriate resolution adopted by the Board of Commissioners of the City of Hermitage shall not be applicable in the event the City of Hermitage Municipal Authority shall impose and collect a connection fee against any premises connecting into the City sewer system, it being the intention of the Board of Commissioners that any premises connecting into the City sewer system shall be subject only to one connection fee except that a reconnection fee shall be charged as detailed in § 18-307 of this Part.
- F. Whenever the Hermitage Municipal Authority shall enter into an agreement with any private person or corporation providing for the construction of extensions to the City sewer system, and further providing that upon completion of construction said sewers or facilities

shall become a part of the City sewer system and that the person or corporation constructing such facilities shall be reimbursed for the cost or any portion of costs incurred in the construction thereof through a surcharge imposed by the Authority on the connection fees or rentals charged by the City which surcharge is thereafter imposed by official action of the Hermitage Municipal Authority wherein the City of Hermitage is designated as collection agent for such surcharges, and a certified copy of such action by the Hermitage Municipal Authority is furnished to the City, the City shall collect such surcharge at the time of payment of the City imposed connection fee or rental and shall distribute such surcharges in accordance with directions by the Hermitage Municipal Authority.

G. Amount of Tapping Fee. The amount of the tapping fee payable with respect to each connection of each improved property to the sewer system shall be determined in accordance with the following:

(1) Background. Act 57 requires a tapping fee to be based upon certain specified parts or components. The City of Hermitage has researched its historical costs and its estimated costs and concludes, based upon the Wastewater Collection and Treatment Facilities Capital Charges Study Pursuant of Act 57 of 2003 of Herbert, Rowland & Grubic, Inc. (HRG), Consulting Engineers, dated April 2003, that the applicable parts or components in the maximum amounts to be used in determining such tapping fee on a per-equivalent-domestic-unit basis are as follows:

Component	Maximum Component Amount
Capacity part	\$2,176.24
Collection part	\$432.61
Special purpose part	As applicable
Reimbursement part	As applicable
Maximum permissible tapping fee	\$2,608.85 per EDU plus any applicable reimbursement component and any special purpose part

(2) The City of Hermitage hereby imposes a tapping fee of \$2,500 per EDU of which amount the sum of \$2,100 shall be applied to the capacity component and the sum of \$400 to the collection component.

H. Inspection Fee.

(1) The City of Hermitage does hereby impose an inspection fee against owners connecting to the sewer system of the City of

Hermitage who have previously had a lateral run to the edge of the City's right-of-way at the owner/developer's expense in the amount of \$100, which shall be payable at the time of the permit application.

§ 18-304. Rental Rates. [Ord. 11-70, 5/13/1970, § 4; as amended by Ord. 5-74, 4/10/1974, § A; by Ord. 3-81, 2/11/1981; by Ord. 18-83, 12/22/1983; by Ord. 12-85, 7/10/1985, § 1; by Ord. 13-90, 12/27/1990, § 1; by Ord. 11-93, 9/14/1993, § 1; by Ord. 3-95, 3/16/1995, § 1; by Ord. 4-2002, 9/25/2002, § 1; by Ord. 8-2010, 8/25/2010; and by Ord. 9-2011, 12/21/2011]

Beginning July 1, 1970, all properties connecting to and having use of the City sewer system shall, in addition to the connection charges hereinbefore set forth, pay to the City of Hermitage an annual rental and service charge, payable quarterly, for the use of, whether directly or indirectly, such sewage facilities in accordance with the following schedule:

- A. Single-Family Dwellings.
 - \$105 per quarter Effective January 1, 2011
 - \$42 per month Effective January 1, 2012
 - \$47.50 per month Effective January 1, 2013

- B. Apartment Units and Duplexes. Same as Subsection A single-family dwelling per quarter/month, per apartment or single-family dwelling unit.

- C. Industrial, Commercial and Personal Care Boarding Homes.
 - (1) Ordinary Waste. A quarterly base charge as set forth in Table A, calculated upon the size of the water meter serving the premises, plus a flow charge as set forth in Table B, except that in no event shall any premises pay less than the rates established for single-family dwellings.

Table A — Ordinary Waste Rental Rates
Monthly Base Charge

Meter Size (inches)	Effective 01/01/12	Effective 01/01/13	Allowable Monthly Usage Without Charge (cubic feet)
5/8	\$12.99	\$14.70	33
3/4	\$25.98	\$29.39	67
1	\$44.41	\$50.23	100
1 1/2	\$111.03	\$125.58	250
2	\$249.68	\$282.41	500
3	\$456.28	\$516.08	1,000
4	\$758.25	\$857.62	1,500

**Table A — Ordinary Waste Rental Rates
Monthly Base Charge**

Meter Size (inches)	Effective 01/01/12	Effective 01/01/13	Allowable Monthly Usage Without Charge (cubic feet)
6	\$1,498.06	\$1,694.39	3,000
8	\$2,829.60	\$3,200.42	5,667

Table B — Flow Chart

Flow Charge per Hundred Cubic Feet

Total Water Consumption Per Month	Effective 01/01/12	Effective 01/01/13
Up to 8,333 cubic feet	\$6.88	\$7.79
Over 8,333 cubic feet	\$5.04	\$5.70

- (2) Extraordinary Waste. In addition to the rental for "ordinary waste" indicated in Table A, an additional surcharge will be made for "extraordinary waste." The surcharge shall be computed by use of the following formula:

$$D_s = CFV [(SS-350) + (BOD-300)]$$

- D_s = the surcharge amount in dollars
- C = cost per pound of removing pollutants (in dollars expressed to the nearest tenth of a cent)
- F = 6.24 — factor for converting parts per million to 1,000,000 pounds per million cubic feet
- V = volume of waste discharged to the sewer system in cubic feet.
- SS = parts per million of suspended solids
- 350 = allowable parts per million of suspended solids below which there is no surcharge
- BOD = parts per billion biochemical oxygen demand
- 300 = allowable parts per million BOD below which there is no surcharge

In the event either SS or BOD is less than the allowable limit while the other exceeds the allowable limit, the surcharge shall be computed only for the pollutant which exceeds the allowable limit. It shall be added to the real amount based on meter size and flow, and no reduction shall be made for the pollutant which is within the allowable limit. The C factor shall be calculated annually by dividing the annual cost of operating and maintaining the pollution control plants by the pounds of pollutants (SS and BOD) removed. Such calendar shall be made immediately following the end of the calendar year, and the resulting C utilized for all billing for the succeeding calendar year.

- (3) In the event any user of the City sewer system desires to discharge extraordinary waste into the City sewer system, which waste requires treatment not contemplated in the formula set forth in Subsection C(2) above, the City reserves the right to impose a surcharge on such wastes based on its formula relating to the costs incurred to the quarterly rental indicated in Table A.
- D. Trailer Parks. Charge on the same as Subsection C — Industrial Commercial and Personal Care Boarding Homes, except that in no case shall a trailer park be billed less than the total of the existing single family dwelling rate times the number of trailers.
- E. All other classifications. Charged on the same basis as Subsection C — Industrial, Commercial and Personal Care Boarding Homes.

§ 18-305. Extraordinary Waste Procedures. [Ord. 11-70, 5/13/1970, § 5; as amended by Ord. 41-75, 12/17/1975, § 1; by Ord. 18-83, 12/22/1983; and by Ord. 11-98, 9/23/1998]

1. Permits. Property classified Industrial as detailed in § 18-305.3 and/or property producing extraordinary waste shall be required to obtain a permit to discharge to the City sewer system unless exempted by the City. The permit and/or exemption shall be issued by the City and shall be predicated upon an evaluation of the premises by the City together with information submitted by the applicant. Application forms, permit forms, and exemption forms shall be as established by the City and shall include, but not necessarily be limited to, the following information:
 - A. Name and address of applicants.
 - B. Address of facility generating extraordinary waste.
 - C. Point of proposed discharge.
 - D. Plans and specifications for building sewer together with proposed facilities for control, monitoring and gauging if required.

- E. Any other relative essential data as may be determined by the City as necessary to determine the acceptability and suitability of permitting such waste discharge into the public system.

No person, firm or corporation shall discharge, cause to be discharged or attempt to discharge any extraordinary waste as defined in this Part or Ordinance 6-68 [18, Part 1] to any public sewer in the City of Hermitage until they shall have obtained a proper permit for such action as outlined herein.

2. Industrial Classifications. Users shall be classified as Industrial according to the current issue of the Standard Industrial Classification Manual employed by the U.S. Bureau of the Census in their periodic "Census of Manufacturers," a copy of which shall be available to the public for examination in the City of Hermitage Municipal Building offices during normal office hours.
3. Sewage Strength Determination for Surcharge. The strength of sewage discharged to the public sewer shall be determined in one of the following ways, at the option of the City:
- A. Sampling; Average Characteristics. Samples of the sewage discharge shall be taken at a sampling point provided by the property owner and acceptable to the City, in accord with this Part and Ordinance 6-68 [Part 1]. Sufficient samplings shall be made to enable the determination of a reasonable average value for the quality and characteristics of the sewage discharge satisfactory to the City. Samplings and laboratory evaluation shall be made by the City in accord with the current edition of "Standard Methods for Examination of Water and Wastewater" as published by the American Public Health Association or regulations of the Pennsylvania Department of Environmental Protection. The average characteristics thus determined shall be used as the basis for extraordinary waste surcharge calculations. The City shall review such average characteristics as often as it deems necessary to maintain an average characteristic with reasonable accuracy and at least once yearly.
- B. Sampling; Individual Characteristics. When in the opinion of the City a reasonable average sewage characteristic cannot be obtained as outlined in Subsection (3)(A), installation of a device capable of automatic sampling may be required. Such device shall be of a type acceptable to the City, shall be installed in accordance with plans and specifications having prior City approval, shall be installed in a control manhole as indicated in Ordinance 6-68 [Part 1], and shall be installed, maintained and repaired by the owner at his expense. Sampling by means of this instrument shall be at times and in the manner directed by the City in order to secure a reasonable and

representative sample satisfactory to the City. The results of this sampling shall be used in the computation of surcharges.

§ 18-306. Private Water Supplies. [Ord. 11-70, 5/13/1970, § 6; as amended by Ord. 18-83, 12/22/1983]

1. **Meters Required.** If any person, firm or corporation, except flat rate premises, discharging sanitary sewage, industrial wastes, water or other liquids into the City sewer system either directly or indirectly obtains part or all of the water used by him from a source other than the Shenango Valley Water Company, then such water supply or source shall be metered in a manner acceptable to the City. If the water from such water supply is not measured by a water meter or is measured by a water meter not acceptable to the City of Hermitage, then in such case the City shall install a suitable meter or have such a meter installed so as to properly measure all water consumption on the premises. The meter size shall be determined by the Township according to standard engineering procedures for sizing water meters.

2. **Meter Installation Costs.** All costs for water meter installation including the cost of the meter shall be paid by the City. The property owner shall be required to provide access for meter placement and for subsequent readings. The property owner shall also be required to pay a deposit for the meter according to the meter size as shown in Subsection (4). This deposit will be refunded in full by the City upon presentation of the receipt for deposit payment together with return of the meter to the City in acceptable working condition. The City reserves the right to withhold from any meter deposit any sums necessary to cover unpaid sewer rentals or charges as of the date of removal of the meter and any damage done to the meter while in the possession of the property owner.

3. **Notice of Intention to Remove Meter.** Any property owner having a City-installed meter on his premises who sells or vacates the premises or for any other reason desires to have the meter removed and a refund of his deposit made to him shall give the Township written notice of his intention to sell or vacate the premises or to install or have installed a meter supplied by the Shenango Valley Water Company if such Company makes water available to the premises. This notice shall be given to the City at least 24 hours in advance of the time for removal of the meter in order that the Township may have a final reading made, establish a final billing for the premises and make arrangements to have the meter removed.

4. **Meter Deposit Schedule.** Meter deposits required in accord with Subsection 2 shall be as follows:

Standard Meters

5/8"	\$50
3/4"	\$72

Standard Meters

1"	\$100
1 1/2"	\$150
2"	\$240
3"	\$500
4"	\$800
6"	\$1,200

Compound Meters

3"	\$600
4"	\$1,000
6"	\$2,000

§ 18-307. Vacation of Premises. [Ord. 1-70, 5/13/1970, § 7; as amended by Ord. 18-83, 12/22/1983]

1. The procedure described herein shall apply to all premises utilizing the City sewer system either directly or indirectly, all premises connected thereto, and all premises paying sewer rental to the City either on a flat-rate basis or a water consumption basis. When any such premises becomes vacant, the sewer rental shall continue so long as the building sewer or sewer lateral is connected to the City public sewer.
2. Flat-rate premises shall continue to pay at the applicable flat rate. Premises paying sewer rental on a water-consumption basis shall continue to pay the base quarterly charge plus flow charge in the event of water usage. If no water is used, the sewer rental shall be continued predicated upon the size of the remaining water meter. If the water meter is removed, the sewer rental shall be continued predicated upon the size of the water meter removed. Such rental shall be the applicable base quarterly charge in Table A.
3. If the premises is disconnected from the sewer by proper disconnection of the sewer lateral, the rental charge shall be discontinued at the beginning of the next billing period. If at a later date it is desired to reconnect said premises to the public sewers standard connection procedures as detailed in § 18-302 for the new sewer connections shall be followed including the obtaining of a permit and the payment of a connection fee. The connection fee charged for reconnection shall be based on the new type of occupancy intended. Any lateral to be reconnected shall be subject to inspection and/or test before reconnection as may be required by the City at its discretion to determine the acceptability of the existing lateral in compliance with Ordinance 6-68 [Part 1] and other applicable City ordinances.

**§ 18-308. Reduction in Sewer Charges For Water Excluded From Sewers.
[Ord. 11-70, 5/13/1970, § 8; as amended by Ord. 18-83, 12/22/1983]**

1. Request for Reduction. Any user of the City sewer system paying sewer rentals or charges on the basis of metered water who discharges less than his total water usage into the sewer system may make written application to the City for a reduction in his sewer rental because of water excluded from the City sewer system. Such application shall be in a form acceptable to the City and shall contain the applicant's name, address, and supporting data fully describing other sources of water (if any) as well as disposition of water alleged to be excluded from the City sewer system. The application shall be accompanied by a sketch to approximate scale showing the plan of the property, water distribution systems, sewer layout, existing meters and proposed meters in the scheme proposed for determining the quantity of water excluded from the City sewer system.
2. Metering Required. If it is established to the satisfaction of the City that a portion of the water utilized by the premises does not and cannot enter the City sewer system, then the City may require or may permit the installation of additional meters at the owner's or interested party's expense in such a manner as to measure either the quantity of water actually excluded from the City sewer system or the actual quantity of water discharged thereto. Meters shall be of a type suitable for the service they are to perform, shall meet with the approval of the City, and shall be installed and maintained in a manner satisfactory to the City. If it is desired to meter the water excluded or diverted from the City sewer system, then all outlets for such water shall be consolidated and measured by one single meter. If it is desired to meter the actual flow to the City sewer system, a City-approved flow measuring device shall be installed in a suitable manhole similar to that set forth in Ordinance 6-68, Article VII, Section 8 [18, § 18-168]. All such meters or measuring devices shall be under the control of the City, and they shall be accessible to the City at any reasonable hour for inspection. If the City has sufficient reason to believe that any such meter or measuring device is inaccurate or in need of repair, the owner at his expense shall have it tested and/or repaired and restored to accuracy to the satisfaction of the City. Such testing or restoration to accuracy shall be completed within 60 days of notice from the City of necessity for such action. A reasonable interim sewer rental rate may be established by the City for that period during which suitable metering is not provided by the owner, or the owner may be required to establish suitable interim metering subject to City approval.
3. Sewer Rental When Reduction Allowed. Persons complying with the provisions of Subsections (1) and (2), above, may be granted a reduction in their sewer bills. The amount of the reduction shall be based on the volume of the water excluded from the City sewer system. The rental rates shall then be based on the net amount of the discharge to the City sewer system plus any surcharges or other rental modifications, but in no event shall any user pay less than the minimum rate for his classification as set forth in § 18-304.

4. Exception to Meter Requirements. If the City finds it is not practical to measure either the actual sewage or the flow of diverted water, it may in its discretion approve some other manner of computing or estimating the amount of water diverted from the City sewer system.

§ 18-309. Rental Payments. [Ord. 11-70, 5/13/1970, § 9; as amended by Ord. 3-81, 2/11/1981; and by Ord. 18-83, 12/22/1983]

1. Charges and Penalties. Bills for sewer rentals and charges hereby imposed shall be rendered quarterly by the City on the first day of January, April, July and October of each year for the calendar quarter immediately preceding the date of the bill. Such bills shall be due when rendered and shall be subject to a 5% penalty if not paid within 30 days from the date thereof. If not paid within 60 days after becoming due, the bill plus the penalty shall bear interest at the rate of 0.5% per month or fraction thereof until paid in full. If any person refuses or neglects to pay charges for sewer service or the connection fee as herein before provided within 60 days after the same shall become due, the City Solicitor shall collect the same as provided by law, by an action of assumpsit, or by distress of personal property on the premises, or by a lien filed in the nature of a municipal lien. In addition to the foregoing, the City shall have the right to discontinue sewer service to the delinquent premises and to refuse to restore the same until all delinquent bills and the costs of cutting off and restoring such service shall have been paid. In addition if the owner or occupant of premises served by the Shenango Valley Water Company shall neglect or fail to pay any bill rendered to him for sewer rental or charge for use of the City sewer system, the Shenango Valley Water Company is hereby directed, upon request of the City, to shut off the supply of water to such premises until such overdue rentals, rates and charges, together with any penalties and interest thereon and the costs of cutting off and restoring such service shall have been paid; provided, 10 days written notice of an intention so to do has been mailed to the person liable for payment of the rentals or charges and there has been posted a written notice at the main entrance to the premises.
2. Records. The City shall maintain such records as are necessary to document compliance with all applicable EPA regulations as set forth in 40 CFR § 35.929-3 and as may otherwise be required by Federal statutes and regulations. Said record system shall be maintained so as to enable review of the user rental charge system at least every two years.
3. Inconsistent Agreements. The user rental charge system established by the ordinances of the City shall take precedent over any terms or conditions of agreements or contracts between the City and users (including industrial users, special districts, other municipalities, or Federal agencies or installations) which are inconsistent with the requirements of all applicable Federal acts and regulations of the Environmental Protection Agency.

§ 18-310. Responsibility For Rentals. [Ord. 11-70, 5/13/1970, § 10]

The owner or owners of property are responsible for all the above sewer rentals or charges for sewer services rendered to any tenant or occupant of said property.

§ 18-311. Sewer Service During Portion of Quarter. [Ord. 11-70, 5/13/1970, § 11; as amended by Ord. 5-74, 4/10/1974, § B]

1. Premises on Flat Rate. Whenever sewer service begins after the first day or terminates before the last day of any calendar quarter, the sewer rental for such period shall be a pro-rata amount for that portion of the period during which said property is served; provided, however, that in making any such apportionment a fraction of the calendar month amounting to 1/2 or more of a calendar month shall be counted as a full month, and a fraction of a calendar month amounting to less than 1/2 of a calendar month shall be disregarded.
2. Premises on Water-Consumption Rate.
 - A. Whenever sewer service begins after the first day or terminates before the last day of any calendar quarter and less water is used than the amount designated in Table A as the "Allowable Quarterly Usage Without Flow Charge," the rental charged shall be prorated based on the ratio of water actually used to the "Allowable Quarterly Usage Without Flow Charge" for the size of water meter installed. The ratio thus obtained shall be applied to the "Quarterly Base Charge" except that the minimum base charge of \$22.25 shall be used for premises with meters one inch in size or smaller. Any surcharges applicable shall be applied prior to prorating. If no water has been used, the rental shall be prorated on the basis of calendar months as detailed in Subsection (1) with the ratio thus obtained applied to the "Quarterly Base Charge" or the "Minimum Base Charge," whichever is applicable as previously detailed herein.
 - B. Whenever sewer service begins after the first day or terminates before the last of any calendar quarter and the cubic feet of water used exceeds the cubic feet designated in Table A as the "Allowable Quarterly Usage Without Flow Charge," the rental shall be the "Base Quarterly Charge" plus the flow charge for the excess over the allowable quarterly usage as designated in Table A and including any applicable surcharges notwithstanding that the property is served for less than the full quarter.

§ 18-312. Penalty. [Ord. 11-70, 5/13/1970, § 13; as amended by Ord. 41-75, 12/17/1975 § 2; and by Ord. 11-98, 9/23/1998]

Any person violating any provision of this Part or any owner, lessee, tenant or agent who knowingly permits, takes part in, or assists in any such violation shall, upon conviction thereof, be sentenced to pay a fine of not less than \$5 nor more than

\$1,000 plus costs and, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days. Each violation of any provision of this Part, and each day the same continues, shall be deemed a separate offense.

PART 4

INDIVIDUAL SYSTEMS

A. Individual Sewage System or Community Sewerage System.**§ 18-401. Sewage Facilities Act Implemented. [Ord. 3-68, 3/13/1968, § 1; as amended by Ord. 18-83, 12/22/1983]**

This Part shall be construed as implementing for City of Hermitage, the provisions of the Pennsylvania Sewage Facilities Act, Act No. 537, approved January 24, 1966, hereinafter referred to as the Sewage Facilities Act. 78.

§ 18-402. Permit Required for Installation. [Ord. 3-68, 3/13/1968, § 2; as amended by Ord. 37-75, 12/17/1975, § 1; and by Ord. 11-98, 9/23/1998]

Permits shall be required for the installation of a new individual sewage system or community sewerage system prior to the construction of any buildings for which such a system or systems will be installed, and prior to the alteration, replacement, repair or extension of any existing sewage disposal system, unless such system is subject to approval by the Pennsylvania Department of Environmental Protection.

§ 18-403. Application; Issuance of Permit. [Ord. 3-68, 3/13/1968, § 3; as amended by Ord. 37-75, 12/17/1975, § 2]

Applications for such permit to install an individual sewage disposal system or community sewerage system shall be made prior to the expected date of commencement of construction of such facilities and on forms provided by the Manager. Permits shall be granted or denied within seven days after receiving an application for permit or as soon thereafter as practical. No person shall commence any construction requiring a written permit until such permit has been issued and the fee for issuing such permits has been paid in full to the Township. Such permit shall be valid for a period not exceeding 90 days, during which period thereafter, permits may be reissued for an additional ninety-day period or periods at a renewal fee; provided; however, that such permit shall be valid only for facilities constructed according to the plans originally approved with the issuance of the permit. If subsequent to the issuance of the permit but prior to the construction of the facilities approved thereby substantial changes are made in the original plans so approved in size, type or location of the facilities to be constructed or if the enforcement officer of this Part in accordance with the provisions of the Sewage Facilities Act determines that any change has occurred in the physical condition of any land of a realty improvement which will materially affect the operation of the community or individual sewage disposal system covered by any permit issued hereunder, the permit shall be revoked and a new permit shall be obtained before construction shall proceed.

§ 18-404. Fee Schedule. [Ord. 3-68, 3/13/1968, § 4; as amended by Ord. 37-75, 12/17/1975, § 3]

1. The fee schedule for sewage disposal system permits shall be set by the Board of Commissioners.
2. The above permit fees shall include the one required final inspection. If additional inspections, re-inspections or visits to the site are required, they shall be paid for by the applicant. Each such inspection, re-inspection or visit which requires a separate trip to the site shall incur an additional fee to be set by the Board of Commissioners.
3. All required permit and inspection fees shall be paid before final approval is granted.

§ 18-405. Applicable Regulations. [Ord. 3-68, 3/13/1968, § 5; as amended by Ord. 37-75, 12/17/1975, § 1; by Ord. 18-83, 12/22/1983; and by Ord. 11-98, 9/23/1998]

The provisions of the Sewage Facilities Act as presently enacted, or subsequently amended, and all rules, regulations, standards and procedures adopted by the Pennsylvania Department of Environmental Protection pursuant thereto, shall apply to all individual sewage systems or community sewage systems hereafter constructed within the City of Hermitage, whether or not the same would be otherwise exempt from the provisions of the Sewage Facilities Act because of lot size.

§ 18-406. Enforcement. [Ord. 3-68, 3/13/1968, § 6; as amended by Ord. 18-83, 12/22/1983]

The administration and enforcement of this Part and the Sewage Facilities Act shall be vested in the City Engineer or his delegated representative, which person may be jointly employed with other municipalities for such purposes.

§ 18-407. Penalty for Violation. [Ord. 3-68, 3/13/1968, § 7; as amended by Ord. 11-98, 9/23/1998]

Any person, firm or corporation who shall violate any provision of this Part and who is not subject to the penalty provisions of the Sewage Facilities Act shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$1,000 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 continues shall constitute a separate offense.

B. Holding Tanks.

§ 18-411. Definitions. [Ord. 8-2008, 10/16/2008]

Unless the context specifically and clearly indicates otherwise, the meanings of the terms used in this Part 4B shall be as follows:

HOLDING TANK — A watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water-carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

IMPROVED PROPERTY — Any property within the City of Hermitage upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any property located in the City of Hermitage.

PERSON — Any individual, partnership, company, association, corporation or other group or entity.

SEWAGE — Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any 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, or any substance which constitutes pollution under the Clean Streams Law (35 P.S. §§ 691. 1-691.1001).

§ 18-412. Restrictions. [Ord. 8-2008, 10/16/2008]

The use of holding tanks, as defined in this Part 4B, shall be permitted only to provide for the temporary holding of sewage until such time a permanent on-lot small-flow sewage treatment system is installed or connection to a public sewage system can be made.

§ 18-413. Responsibilities and Duties of Improved Property Owner. [Ord. 8-2008, 10/16/2008]

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this Part 4B or any ordinance, including Ordinance 6-68, as amended, of the City of Hermitage, the provisions of any applicable law, and the rules and regulations of any administrative agency of the Commonwealth of Pennsylvania.
- B. Be responsible for the collection and transportation of all sewage from the improved property and that the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- C. Permit only the City of Hermitage or its agent to inspect holding tanks on an annual basis.
- D. Provide to the City of Hermitage or its agent for review and maintenance all pumping reports for each permitted holding tank.

§ 18-414. Violations. [Ord. 8-2008, 10/16/2008]

Any person who violates any provisions of this Part 4B shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than \$500 and not more than \$5,000 and, in default of said fine and costs, of undergoing imprisonment in the county prison for a period not in excess of 90 days.

§ 18-415. Abatement of Nuisances. [Ord. 8-2008, 10/16/2008]

In addition to any other remedies provided in this Part 4B, any violation of this Part 4B shall constitute a nuisance and shall be abated by the City of Hermitage by seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

PART 5

JOINT SEWER SYSTEM

§ 18-501. Connections to Joint Sewer System or Collector Sewers. [Ord. 1-77, 1/3/1977, § 1]

The Joint Authority shall have charge and management of the joint sewer system (although it shall be operated on behalf of the Joint Authority by the City of Sharon Agreement, dated as of October 1, 1971), and said Joint Authority shall issue from time to time rules and regulations governing the use, operation and maintenance of the joint sewer system, the City of Hermitage shall have charge and management of its own collector sewers and the City of Hermitage shall issue from time to time its rules and regulations governing the use, operation and maintenance of said collector sewers. The Joint Authority and the City of Hermitage each reserves the right to refuse permission to connect directly or indirectly to the collector sewers and/or the joint sewer system, to compel discontinuance of use of the collector sewers and/or the joint sewer system or to compel pretreatment of sewage and industrial wastes by an establishment in order to prevent discharges deemed harmful or to have a deleterious effect upon any portion of the collector sewers and/or joint sewer system. Nonresidential establishments having large variations in rates of waste discharge may be required to install such devices at their own expense as may be required and approved by the Joint Authority and the City of Hermitage for equalizing waste discharge rates. The Joint Authority's and/or the City's representatives shall have access at all reasonable times to both residential and nonresidential establishments for the purpose of establishing, determining or checking water consumption and the number of employees' waste waters discharged to or excluded from the joint sewer system, and the character of discharges to the joint sewer system.

§ 18-502. Rental Rates. [Ord. 1-77, 1/3/1977, § 1; as amended by Ord. 18-83, 12/22/1983]

The schedule of sanitary sewage transportation and treatment charges for sewer service provided by the joint sewer system as well as the charges for the operation and maintenance of that portion of the collector sewer system of the City that will discharge sewage into the joint sewer system of the Joint Authority is set forth in Schedule "A" attached hereto and made a part hereof, and said Schedule be and is hereby adopted by the City of Hermitage. The provisions for industrial cost recovery charges to be imposed against industrial users of the joint sewer system within the City of Hermitage that is set forth in Schedule "B" attached hereto and made a part hereof and that has been recommended by the Joint Authority's Consulting Engineers, be and they hereby are also adopted and approved by the City of Hermitage.

SCHEDULE "A"

The sewer service rates to be charged for sanitary sewage transportation and treatment service furnished by the joint sewer system of Upper Shenango Valley Water Pollution Control Authority to customers in the City of Hermitage (a service municipality of said Joint Authority, together with the Borough of Sharpsville and South Pymatuning Township) and to cover collector sewer costs of operation and maintenance and the cost of administering the provisions of this Part, shall be as follows:

- A. Residential.
- (1) For each equivalent domestic unit (EDU) — \$22.25 per quarter.
 - (2) An "equivalent domestic unit (EDU)" with regard to residential customers within the City of Hermitage shall be defined as any room, group of rooms or enclosure, occupied or intended for occupancy as separate living quarters for a family or other group of persons living together or by persons living alone.
- B. Commercial.
- (1) For each equivalent domestic unit (EDU) — \$22.25 per quarter.
 - (2) Each of the following shall be defined as one equivalent domestic unit (EDU) provided that each establishment shall constitute at least one EDU:
 - (a) Motels and Hotels. Each four motel rooms where laundry is not done on the premises; and/or each three motel rooms where laundry is done on the premises.
 - (b) Restaurants, Clubs, Taverns or Bars. The sum of the number of employees plus the seating capacity of the establishments divided by 10 and rounded off to the nearest whole number.
 - (c) Offices, Stores or Shops. The number of employees divided by 10 and rounded off to the nearest whole number.
 - (d) Laundromat. Each washing machine.
 - (e) Barber and/or Beauty Shops Service Station and Funeral Home. Each such establishment.
- C. Industrial.
- (1) For each equivalent domestic unit (EDU) — \$22.25 per quarter.
 - (2) An equivalent domestic unit (EDU) with regard to industrial customers within the City of Hermitage shall be defined as each group of six employees (or portion thereof in the first if there is only one, or last groupings thereof) employed at any industrial enterprise.
- D. Religious, Fraternal, Governmental and Other Establishments not Identified Above. To be determined by analysis of the use of the premises with respect to quantity and/or other characteristics of waste water discharged to the public sewer system.
- E. Annual Rate Review. In order to comply with Federal regulations regarding sewer use charges, the City specifically covenants and provides herein that it shall review the user charges provided for in this Schedule A annually and revise them periodically to reflect actual sanitary sewage transportation and treatment service operation and maintenance costs and debt service costs.

SCHEDULE "B"

The following industrial cost recovery charges are hereby also imposed upon all industrial users of the joint sewer system of Upper Shenango Valley Water Pollution Control Authority in that portion of the City of Hermitage connected to the joint sewer system either directly or by connection to the Sharpsville collector sewer system and shall be calculated and collected by the City as follows:

- A. In providing the joint sewer system, a waste treatment system which includes the treatment of industrial wastes, either independently or in conjunction with other wastes, the City for and on behalf of the Joint Authority shall have the authority and shall collect from such industrial users to which these regulations are applicable, all or any part of the construction costs of such waste treatment system reasonably attributed to such industrial wastes. The apportionment of such costs shall be equitable as among industrial users, and such costs shall be collected by periodic charges in conjunction with the sanitary sewage transportation and treatment charges imposed hereunder or in such other manner or combinations thereof as in the judgment of the Joint Authority is equitable and will assure such industrial cost recovery.
- B. An "industrial user" hereunder is any nongovernmental user of the joint sewer system of the Joint Authority located in said portion or portions of the City of Hermitage as identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:
- (1) Division A. Agriculture, Forestry and Fishing.
 - (2) Division B. Mining.
 - (3) Division D. Manufacturing.
 - (4) Division E. Transportation, Communications, Electric, Gas and Sanitary Services.
 - (5) Division F. Services.
- Any industrial user may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.
- C. The annual amount to be recovered from each industrial user shall be predicated on the following formula:
 $(A \times G) + (B \times H) + (C \times I) - J = \text{Annual Payment (\$/year)}$ where: (D) (E) (F)
- (1) A — Eligible Federal grant allocable to flow (Q), in dollars.
 - (2) B — Eligible Federal grant allocable to go BOD in dollars.
 - (3) C — Eligible Federal grant allocable to S.S., in dollars.
 - (4) D — Total design flow (Q), in 100 gal./day.
 - (5) E — Total design BOD, in lbs./day.
 - (6) F — Total design S.S., in lbs./day.
 - (7) G — Industrial users' flow discharge to joint sewer system, in (1) 1,000 gal/day.
 - (8) H — Industrial users BOD discharge to joint sewer system, in lbs./day.
 - (9) I — Industrial users' S.S. discharge to joint sewer system, in lbs./day.
 - (10) J — Amortization period = 30 years.
- D. For the purpose of computing hereunder the industrial users' annual payment, a cost recovery period of 30 years is hereby established.

- E. The rules and regulations of the Joint Authority for its joint sewer system relating to industrial waste water discharges shall be applicable. Each industrial user shall be billed monthly or quarterly by the City on the basis of his computed annual industrial cost recovery payment divided by 12 or 3, depending on whether the billing is done monthly or quarterly.
- F. Moneys collected by the City under the industrial cost recovery charges hereunder shall be paid to the Joint Authority by the City for deposit by the Joint Authority into a special fund of the Joint Authority entitled "Industrial Cost Recovery Account," which was heretofore established by the Joint Authority. On an annual basis, 50% of the amounts recovered, together with interest earned thereon, shall be returned by the Joint Authority to the U.S. Treasury. Of the 50% remaining together with interest earned thereon, 80% shall be used for eligible costs for reconstruction and expansion pursuant to 40 CFR § 35.928-2(b), and 20% used as the Joint Authority sees fit.
- G. Pending use, retained amounts in said Industrial Cost Recovery Account shall be invested by the Joint Authority in:
 - (1) Obligations of the U.S. Government;
 - (2) Obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or,
 - (3) Shall deposit such amounts in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.
- H. Industrial users, if any, within the City shall be reviewed annually by the City and by the Joint Authority for quantity and strength of waste, and the industrial cost recovery charges imposed hereunder adjusted accordingly.
- I. The Joint Authority and/or the City shall maintain records and submit reports and financial statements to the Environmental Protection Agency in conformance with the latest applicable Federal regulations.
- J. This Schedule "B" shall be amended as necessary in order to comply with new or amended Federal regulations.

§ 18-503. Time and Method of Rental Payments. [Ord. 1-77, 1/3/1977, § 1; as amended by Ord. 18-83, 12/22/1983]

Bills for sewer rentals and charges hereby imposed shall be rendered quarterly by the City on the first day of January, April, July and October of each year for the calendar quarter immediately preceding the date of the bill. Such bills shall be due when rendered and shall be subject to a 5% penalty if not paid within 30 days from the date thereof. If not paid within 30 days after becoming due, the bills plus the penalty shall bear interest at the rate of 1/2% per month or fraction thereof until paid in full. If any person refuses or neglects to pay charges for sewer service or the connection fee as herein before provided within 30 days after the same shall become due, the City Solicitor shall collect the same as provided by law by an action of assumpsit or by distress of personal property on the premises, or by a lien filed in the nature of a municipal lien. In addition to the foregoing, the City shall have the right to discontinue sewer service to the delinquent premises and to refuse to

restore the same until all delinquent bills and the costs of cutting off and restoring such service shall have been paid. In addition if the owner or occupant of premises served by the Shenango Valley Water Company shall neglect or fail to pay any bill rendered to him for sewer rental or charge for use of the municipal sewer system the Shenango Valley Water Company is hereby directed, upon request of the City, to shut off the supply of water to such premises until such overdue rentals, rates and charges, together with any penalties and interest thereon and the costs of cutting off and restoring such service shall have been paid; provided, 10 days written notice of an intention so to do has been mailed to the person liable for payment of the rentals or charges and there has been posted a written notice at the main entrance to the premises.

§ 18-504. Responsibility for Rentals. [Ord. 1-77, 1/3/1977, § 1]

The owner or owners of property are responsible for all the above sewer rentals or charges for sewer services rendered to any tenant or occupant of said property.

§ 18-505. Penalty. [Ord. 1-77, 1/3/1977, § 1; as amended by Ord. 11-98, 9/23/1998]

Any person, firm or corporation violating any provision of this Part or any owner, lessees, tenant, or agent who knowingly permits, takes part in or assists in any such violation shall, upon conviction thereof, be sentenced to pay a fine of not less than \$5 nor more than \$1,000 plus costs and, in default of payment of such fines and costs, to undergo imprisonment for a term not to exceed 30 days. Each violation of any provision of this Part, and each day the same continues, shall be deemed a separate offense.

§ 18-506. Industrial Waste. [Ord. 1-77, 1/3/1977, § 1; as amended by Ord. 18-83, 12/22/1983]

Industrial waste shall not be discharged into the joint sewer system or the collector sewer system of the City of Hermitage except in accordance with the regulations of the Joint Authority presently in effect or as hereafter amended. The surcharge schedule for certain types of industrial waste as fixed by regulation of the Joint Authority, which appears on Schedule "C," hereto attached, is hereby adopted. Charges under this surcharge schedule shall be billed monthly or quarterly by the City of Hermitage on behalf of the Joint Authority at the same time as other rates or charges are billed with all amounts collected paid to the Joint Authority by the City of Hermitage either monthly or quarterly.

SCHEDULE "C"

Surcharge Schedule for Certain Types of Industrial Waste

1. Although the sewage treatment works will be capable of treating certain abnormal industrial wastes, the actual treatment of such wastes may increase the cost of operating and maintaining the public sanitary sewage system. Therefore, there will be imposed by the City 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 collection, transportation and treatment charges set forth in the Joint Sewer Rate resolution of the Authority, and shall be payable as other rates and charges are payable.
2. 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 Joint Authority and the City shall determine, from samples taken either at the manhole or metering chamber or at any other sampling point mutually agreed upon by the Joint Authority and the City and the producer of such waste. The frequency and duration of the sampling period shall be such as, in the opinion of the Joint Authority and the City, will permit a reasonably reliable determination of the average composition of such waste, exclusive of stormwater runoff. Samples shall be collected or their collection supervised by a representative of the Joint Authority and shall be in proportion to the flow of waste, exclusive of stormwater runoff, and composited for analysis in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater." Except as hereinafter provided, the strength of the waste so found by analysis shall be used for establishing the surcharge or surcharges. However, the Joint Authority, if it so elects, may accept the results of routine sampling and analyses by the producer of such wastes in lieu of making its own samplings and analyses.
3. In the event any industrial waste is found by the Joint Authority, to have a BOD in excess of 300 milligrams per liter, the producer of said waste shall be surcharged an amount equal to the product of the actual volume of wastes in thousand gallons per billing period, exclusive of stormwater runoff, discharged to the public sanitary sewage system and the BOD surcharge rate. The BOD surcharge rate shall be determined by the following formula:

$$RC = 0.00834 P (C - 300)$$

Where

- RC = the BOD surcharge rate in cents per 1,000 gallons of waste discharged.
- P = the average annual fixed, operating and maintenance cost of secondary treatment process per pound of BOD received at the treatment works. (Prior to completion of the first year of operation the value of "P" shall be assumed to be \$0.04.
- C = the average BOD of the industrial waste expressed in milligrams per liter as determined in accordance with subsection (2) of this schedule.

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

4. In the event any industrial waste is found by the Joint Authority, to have an average suspended solids concentration in excess of 350 milligrams per liter, the producer of such waste shall be surcharged an amount equal to the product of the actual volume of wastes in thousand gallons per billing period, exclusive of storm runoff, discharged to the public sanitary sewage system and the "suspended solids surcharge rate." The "suspended solids surcharge rate" shall be determined by the following formula:

$$Rs = 0.00834 \times B (S - 350)$$

Where

- Rs = the suspended solids surcharge rate in cents per 1,000 gallons of waste discharged.
- B = the average annual fixed, operating and maintenance cost of the sludge digestion, sludge drying and sludge disposal operations per pound of suspended solids received at the treatment works. (Prior to completion of the first year of operation the value of "B" shall be assumed to be \$0.04)
- S = the average suspended solids concentration of the abnormal industrial waste expressed in milligrams per liter as determined in subsection (2) above.

The figure "350" appearing in the above formula corresponds to the maximum suspended solids concentration permissible without surcharge. The figure "0.00834" is the factor to convert milligrams per liter to pounds per 1,000 gallons. No discount will be permitted for sewage or industrial wastes having a suspended solids concentration less than 350 milligrams per liter.

5. The surcharges provided for in this schedule shall be added to the sewage collection, transportation and treatment charges imposed by the City.

§ 18-507. Municipal Sewer Rental Receipts. [Ord. 1-77, 1/3/1977, § 1]

All sewer rates and charges received by the City hereunder shall be promptly deposited to the appropriate municipal account and shall be used to the extent required to meet the obligations of the City of Hermitage to the Joint Authority under and pursuant to the provisions of the Service Agreement between the Joint Authority and its service municipalities.

§ 18-508. Municipal Rental Payment to Joint Authority. [Ord. 1-77, 1/3/1977, § 1]

The City shall pay monthly or quarterly as it may determine to the Joint Authority the sum of \$6.30 per month for each EDU that is furnished with sewer service by the joint sewer system of the Joint Authority.

§ 18-509. Effective Date of Rate Schedule and Charges. [Ord. 1-77, 1/3/1977, § 1]

The rate schedule and charges imposed by this Part shall become effective after the City of Hermitage is connected to the joint sewer system and on the date set forth in a written notice to be given to the City of Hermitage by the Joint Authority fixing the date when the rate schedule and charges become effective for the City.

PART 6

BUILDING SANITATION**§ 18-601. Permits, Licensing, Inspection and Certification. [Ord. 19-54, 7/19/1954, Article I, Section 11; as amended by Ord. 18-83, 12/22/1983]**

The following actions shall not be undertaken in City of Hermitage unless a permit has been obtained from the City:

- A. Erection of a new building excepting buildings for agricultural purposes and private garages, tool sheds, and similar accessory buildings.
- B. Movement of a building to a new site if intended for use or occupancy.
- C. Alteration of an existing building so as to create a greater need for sewage disposal facilities.
- D. Construction or reconstruction of facilities for the disposal of sewage or the tapping into an existing sewer.
- E. Original installation of a running water supply in buildings where water from sewage will originate.

§ 18-602. Permit Procedure and Fee. [Ord. 19-54, 7/19/1954, Art. I, § 12; as amended by Ord. 25-75, 12/17/1975, § 1; and by Ord. 18-83, 12/22/1983]

1. Application for a permit shall be made to the Manager on a form provided by the City, accompanied by sketch plans and elevations at a scale not less than 20 feet to the inch showing existing and proposed buildings, location and nature of sources of water supply, location of existing or proposed sewage facilities, pertinent boundary lines, and proposed depth of onlot sewage disposal facilities as related to finished grade; provided, additional information or more accurate drawings may be required by the Manager when necessary. A fee to be set by the Board of Commissioners shall accompany the application.
2. Applications for permits shall be examined within three days of filing and if found in compliance with all applicable laws and regulations, a permit shall be issued; permits rejected shall be returned to applicant together with a statement of the reasons for rejection attached thereto. The issuance of such permit shall not be construed as approval or waiver of any violation of any applicable law or regulation. All work performed under such permit shall conform to the approved application and sketch plans or amendments which may be filed thereto. The Manager may revoke any permit where there has been any misrepresentation of any kind or where the proposed action is determined to be in violation of any applicable law or regulation, or where the action is not one authorized by the permit. Permits shall be effective for a period of one year from issuance; provided, after expiration or upon request

a new permit with or without further requirements may be issued in the discretion of the Manager.

§ 18-603. Inspection and Certification. [Ord. 19-54, 7/19/1954, Art. I, § 13; as amended by Ord. 25-75, 12/17/1975, § 2; and by Ord. 18-83, 12/22/1983]

No action for which a permit is required shall be followed by use or occupancy until there has been inspection and certification by the inspector, and in no case shall facilities for disposal of sewage be buried prior to inspection. Upon completion of the action authorized by permit, the applicant shall inform the inspector who shall make prompt inspection of the completed project, and if satisfied as to conformity with applicable laws and regulations, shall promptly so certify on his copy and the builder's copy of the permit.

§ 18-604. Licensing. [Ord. 19-54, 7/19/1954, Art. I, § 14; as amended by Ord. 25-75, 12/17/1975, § 3]

Installation, repair, or cleaning of on-lot sewage disposal facilities or of any connection to the municipal sewer system shall be performed only on the obtaining of a license issued upon application by the Manager for a fee to be set by the Board of Commissioners. Licenses shall be for a one-year period and may be renewed for a fee. Licenses may be revoked or suspended for cause by the Board of Commissioners.

§ 18-605. Bonding. [Ord. 19-54, 7/19/1954, Art. I, § 15; as added by Ord. 4-55, 5/6/1955, § 1; and as amended by Ord. 25-75, 12/17/1975, § 4; as amended by Ord. 18-83, 12/22/1983]

1. Before a license shall be issued or re-issued pursuant to § 604, the licensee shall furnish to the City a surety bond with a surety company or other company authorized by law to act as surety, to be approved by the Board of Commissioners, in the sum of \$5,000 for the use of the City.
2. Should the City be of the opinion at any time, because of the number of installations or repairs undertaken by the licensee, that the bond given is not sufficient, additional security may be required to be given; provided, no licensee shall be required to give security in an amount in excess of \$10,000.
3. The bond shall be conditioned upon proper installation and repair of onlot sewage disposal facilities according to City regulations and rendering harmless the City from all loss and damage that may be caused, in any way, by the want of care, skill or attention on his, the licensee's part, or on the part of anyone in his employ, in the prosecution, protection, or completion of such work.
4. The licensee and his sureties shall be discharged from further liability on any bond for any particular installation or repair after a period of 12 months from the date of completion of the installation or repair.

5. Persons, partnerships or corporations presently licensed shall, within 30 days from the effective date of this Part, furnish such surety bond as aforesaid, and failure to do so shall result in the revocation of the license presently issued.

§ 18-606. Disposal System Required. [Ord. 19-54, 7/19/1954, Art. II, § 21]

No automatic or public water system shall be installed unless adequate means for disposal of sewage have been provided according to the terms of this Part.

§ 18-607. Vents and Cross-Connections. [Ord. 19-54, 7/19/1954, Art. II, § 22]

All plumbing fixtures except bathtub and shower stalls shall be vented. Water closets shall be connected with soil stacks not less than three inches in diameter. Other vents extending through the roof shall be not less than two inches in diameter; all other vents shall be not less than 1 1/2 inches in diameter. Cross-connections between water and sewer systems are not permitted.

§ 18-608. Elevations of Drains and Sewers. [Ord. 19-54, 7/19/54, Art. II, § 23]

When a septic tank is to be used, the building drain and house sewer shall be held to an elevation that will permit the septic tank and drainage field to be installed without excessive cover as provided by the terms of this Part. Plumbing fixtures shall not be installed in basements where such installation would not permit proper installation of septic tank and tile fields unless a sump pump is installed. A clean out plug shall be provided where feasible in the building drain.

§ 18-609. Wells. [Ord. 19-54, 7/19/54, Art. II, § 24]

Individual wells should be located at a point free from flooding at least 25 feet from property lines, 10 feet from all cast iron sewer lines, 50 feet from all other sewers, septic tanks, cesspools, seepage pits, dry wells, disposal fields or other sewage disposal facilities. Wells shall be drilled and grout sealed into rock.

§ 18-610. Administration. [Ord. 19-54, 7/19/54, Art. V; as amended by Ord. 25-75, 12/17/1975, § 6]

Any party aggrieved by a decision of the inspector or Manager may appeal in writing to the Board of Commissioners. Such appeal shall set forth the alleged grievance and the relief sought. Within 30 days thereafter, such appeal shall be heard at which time the applicant may be present to answer any questions which the Board may have concerning his application.

§ 18-611. Penalty. [Ord. 19-54, 7/19/54, Art. VI; as amended by Ord. 25-75, 12/17/1975, § 7; and by Ord. 11-98, 9/23/1998]

Any person, partnership, firm, corporation or other legal entity who shall violate any of the provisions of this Part shall, for every such violation, upon conviction thereof, be sentenced to pay a fine of not less than \$5 nor more than \$1,000 plus costs and, in default of payment of such fine and costs, to undergo imprisonment for

not more than 30 days. Each day on which a violation of this Part shall continue shall be deemed a separate offense.

PART 7

PRETREATMENT REGULATIONS

A. General Provisions.**§ 18-701. Purpose and Policy. [Ord. 2-1998, 2/25/1998, § 101; as amended by Ord. 1-2007, 3/28/2007, § 1]**

1. The purpose of this Part is to provide for the safety, health and public welfare through proper regulation of the water pollution control facility, types of discharge into the water pollution control system and to further protect life and property from hazards incident to the design, construction and alteration of municipal sewers and all connections thereto.
2. This Part establishes uniform requirements for direct and indirect contributors into the water pollution control collection and treatment system of the City of Hermitage and enables the City of Hermitage to comply with all applicable State and Federal laws.
3. The objectives of this Part are:
 - A. To provide for the collection and treatment of wastewaters generated within the services boundaries of the Hermitage Municipal Authority, City of Hermitage.
 - B. To prevent the introduction of pollutants into the water pollution control facilities which will interfere with the operation of the system or contaminate the resulting sludge.
 - C. To prevent the introduction of pollutants into the water pollution control facility which will pass through the system inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.
 - D. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
4. This Part provides for the regulation of direct and indirect contributors to the water pollution control facility through the issuance approval of connections of permits to certain nondomestic users, and through enforcement of general requirements for the other users; authorizes monitoring and enforcement activities; requires users reporting; assumes that existing customer's capacity will not be permitted and provides for the equitable distribution of costs resulting from the program established herein.

5. This Part provides for the development of the City of Hermitage's Wastewater Pretreatment Program Manual, its implementation and annual review and revision.¹

§ 18-702. Definitions. [Ord. 2-1998, 2/25/1998, § 102; as amended by Ord. 13-2006, 12/20/2006, § 1; by Ord. 1-2007, 3/28/2007, §§ 2, 3, 4; and by Ord. 9-2010, 8/25/2010, § 1, 2]

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

ACCIDENTAL SPILL PREVENTION PROGRAM — The user and all significant industrial users shall provide an Accidental Spill Prevention Program to control the discharge of a slug load and slug as defined by Section 201, 202, and 304 of this Part.

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

APPROVAL AUTHORITY — The director in an NPDES State with an approved State pretreatment program, and the regional administrator of the USEPA for a nonNPDES State or NPDES State without an approved State pretreatment program.

AUTHORIZED AGENT — The Environmental Operations Coordinator, the WPCF Superintendent or such other officer, as designated or appointed by the City of Hermitage to function within specified limits as the agent of the City to carry out the provisions of this Part.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER — An authorized representative of an industrial user may be:

- (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation.
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.
- (3) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facility from which the indirect discharge originates.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C., expressed in terms of weight and concentration (milligrams per liter — mg/l).

¹Editor's Note: The Wastewater Pretreatment Program Manual and its amendments are on file in the office of the City Manager. Resolutions amending the manual are listed in Appendix G of this Code.

CATEGORICAL STANDARDS — National Categorical Pretreatment Standards or pretreatment standards.

CONTROL AUTHORITY — Shall refer to the approval authority as defined hereinabove; or the superintendent if the City of Hermitage has an approved pretreatment program under the provisions of 40 CFR § 403.11.

COOLING WATER — The water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DIRECT DISCHARGE — The discharge of treated or untreated wastewater directly to the waters of the State of Pennsylvania.

DEPARTMENT (PADEP) — The Department of Environmental Protection, Commonwealth of Pennsylvania, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

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

GRAB SAMPLE — A sample which is taken from a waste stream on a one time basis, with no regard to flow in the waste stream over a period of time not to exceed 15 minutes.

HOLDING TANK WASTE — Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

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

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

INTERFERENCE — The inhibition or disruption of the water pollution control facility processes or operations which contributes to a violation of any requirement of the Municipal Authority's NPDES permit. The term includes prevention of sewage sludge use or disposal by the water pollution control facility in accordance with § 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to and 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 Substance Control Act and the Marine Protection, Research and Sanctuaries Act.

NATIONAL CATEGORICAL PRETREATMENT STANDARD — Any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with § 307(b) and (C) of the Act (33 U.S.C. § 1347) and 40 CFR, Subchapter N, Parts 401-471, which applies to a specific category of industrial users.

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

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD — Any regulation developed under the authority of § 307(b) of the Act and 40 CFR § 403.5 and listed in § 711 of this Part.

NEW SOURCE — 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(a) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

- (1) The building, structure, facility or installation is constructed at a site at which no other source is located.
- (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.
- (3) The production of wastewater generating processes of the building, structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

NONSIGNIFICANT CATEGORICAL INDUSTRIAL USER — An industrial user subject to categorical pretreatment standards as a nonsignificant categorical industrial user rather than a significant categorical industrial user on the finding that the industrial user never discharges more than 100 gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow down wastewater unless specifically included in the pretreatment standard) and the following conditions are met:

- (1) The industrial user, prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards.

- (2) The industrial user annually submits the certification statement required in 40 CFR 403.12(q), together with any additional information necessary to support the certification statement.
- (3) The industrial user never discharges any untreated concentrated wastewater.
- (4) Upon a finding that an industrial user meeting the criteria of nonsignificant industrial user has no reasonable potential for adversely affecting the WPCF's operation or for violating the pretreatment standards or requirements, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user or WPCF, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

PASS THROUGH — A discharge which exits the water pollution control facility into the waters of the United States in quantities or concentrations which alone or in concentration with a discharge or discharges from other sources, is a cause of a violation of any requirement of the water pollution control facility NPDES permit, including an increase in the magnitude or duration of a violation.

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

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

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

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

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

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment other than a pretreatment standard imposed on an industrial user.

PRETREATMENT STANDARD — Prohibited discharge standards, categorical pretreatment standards, any national categorical pretreatment standard as defined in this Part and also includes any local limits and prohibited standards.

PUBLIC SEWAGE (SEWERAGE) SYSTEM — Sewer system and the treatment facility owned, operated or maintained by the Municipal Authority and/or the City approved by the PADEP under a permit issued pursuant to the Clean Streams Law, Act of June 22, 1937, P.L. 1987, No. 394, 35 P.S. § 691.1 et seq., as hereafter amended, supplemented, modified or re-enacted by the General Assembly.

PUBLIC WORKS DEPARTMENT — The City of Hermitage Public Works Department.

SHALL/MAY — Is mandatory; may is permissive.

SHARON USER — Any person who contributes, causes or permits the contribution of wastewater into the publicly owned treatment works located in the City of Sharon, Mercer County, Pennsylvania.

SIGNIFICANT INDUSTRIAL USER — Any industrial user of the water pollution control facility system who:

- (1) Has a discharge process wastewater flow of 25,000 gallons or more per average work day.
- (2) Has a process wastewater flow greater than 5% of the flow in the water pollution control facility wastewater treatment system.
- (3) Has in his wastes toxic pollutants as defined pursuant to § 307 of the Act or Pennsylvania statutes rules.
- (4) Is found by the City, PADEP or the USEPA to have significant impact, either singly or in combination with other contributing users, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

SIGNIFICANT NONCOMPLIANCE — For purposes of meeting the requirements of annual public notification of violators, and as defined in 40 CFR § 403.8(f)(2)(vii), an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits are defined here as those in which 66% or more of all of the measurements taken for the same pollutants parameter during a six-month period exceeded (by the magnitude) a numeric pretreatment standard or requirement, including instantaneous limits or any other violations of a pretreatment standard or requirement as defined by 40 CFR 403.3(i) (daily maximum, long-term average, instantaneous limit, or narrative standards), that the WPCF determines has caused, along or in

combination with other discharges, interference or pass through, including endangering the health of WPCF personnel or the general public [40 CFR 403.8(f)(2)(viii)(A)(C)].

- (2) Technical review criteria (TRC) violations are defined here as those in which 33% or more of wastewater measurements taken for the same pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard requirement, including instantaneous limits as defined by 40 CFR 403.3(I), multiplied by the applicable criteria (0.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WPCF personnel or the general public).
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.
- (6) Failure to provide within 45 days after the due date any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitor reports and reports on compliance with compliance schedule.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation or group of violations which the City determines will adversely affect the operation or implementation of the local pretreatment program.

SLUG LOAD or SLUG — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow that adversely affects the collection system, the treatment facility, the treatment process, sludge disposal or causes a violation of the prohibited discharge standards in §§ 18-711 and 18-712 of this Part.

STATE — The Commonwealth of Pennsylvania.

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

STORMWATER — Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUPERINTENDENT — The person designated by the City of Hermitage to supervise the operation of the water pollution control facility and who is charged with certain duties and responsibilities by this Part or his duly authorized representative.

SUSPENDED SOLIDS — Solids that either float on the surface of or are suspended in water or other liquids and which are removable by laboratory filtering.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the USEPA under the provisions of CWA § 307(a) or other acts.

USER — Any person who contributes, causes or permits the contribution of wastewater into the City of Hermitage's water pollution control facility.

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

WASTEWATER DISCHARGE PERMIT — As set forth in § 18-723 of this Part.

WASTEWATER PRETREATMENT PROGRAM MANUAL (WPPM) — The Wastewater Pretreatment Program Manual shall provide for the implementation of the City of Hermitage Pretreatment Ordinance, Ordinance No. 2-1998, and any subsequent revisions and modifications; the Manual shall define the pretreatment program requirements, procedures of implementation, permit development, and enforcement procedures.

WATER POLLUTION CONTROL FACILITY (WPCF) — The collection and treatment works which is owned by the Municipal Authority and operated by the City. This definition shall include all sewers and pump stations that convey wastewater to the WPCF treatment plant. For the purposes of this Part, WPCF shall also include any sewers that convey wastewaters to the WPCF from persons outside the City who are, by contract or agreement with the City, users of the WPCF.

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

§ 18-703. Abbreviations. [Ord. 2-1998, 2/25/1998, § 103]

The following abbreviations shall have the designated meanings:

- A. BOD — Biochemical oxygen demand.
- B. CFR — Code of Federal Regulations.
- C. USEPA — United States Environmental Protection Agency.
- D. l — Liter.
- E. mg — Milligrams.
- F. mg/l — Milligrams per liter.
- G. NPDES — National pollutant discharge elimination system.
- H. PADEP — Pennsylvania Department of Environmental Protection.
- I. WPCF — Water pollution control facility, Hermitage Municipal Authority, City of Hermitage.
- J. SIC — Standard industrial classification.
- K. SWDA — Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq.
- L. USC — United States Code.
- M. TSS — Total suspended solids.

B. General Discharge Prohibitions.**§ 18-711. General Discharge Prohibitions. [Ord. 2-1998, 2/25/1998, § 201; as amended by Ord. 1-2007, 3/28/2007, § 5; and by Ord. 9-2010, 8/25/2010, § 3]**

1. No user shall contribute or cause to be contributed, directly or indirectly, nonpolluted waters, any pollutant or wastewater, including pass through as defined in this Part, which will interfere with the operation or performance or pass through of the WPCF. These general prohibitions apply to all such users of a WPCF, whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State or local pretreatment standards or requirements. A user may not contribute the following substances to the WPCF unless otherwise approved in the wastewater discharge permit:
 - A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances, including waste streams with a closed-cup flashpoint of less than 140° F. (60° C.) using the test method specified

in 40 CFR § 262.21, to cause fire or explosion, or be injurious in any other way to the WPCF or to the operation of the WPCF. At no time shall two successive readings on an explosion hazard meter at the point of a user's discharge into the system (or at any point in the system) be more than 5%, nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, fuel oil, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, per chlorates, bromates, carbides, hydrides and sulfides including petroleum/nonbiodegradable cuttings/mineral oils.

- (1) If the authorized agent makes an inspection and reading with an explosion hazard meter, the results thereof shall be recorded in writing and forwarded to the user; and,
 - (2) If any such reading is over 10% of the lower explosion limit set on the meter, the authorized agent conducting the test shall immediately notify the user and the police and fire officials of the City who shall take such precautions as are deemed necessary.
- B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the WPCF, such as, but not limited to, grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass, clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding, polishing wastes, grease, medical waste or infectious waste.
- C. Any wastewater having a pH less than 6.0 or more than 9.0, unless the WPCF is specifically designed or modified to accommodate such wastewater or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the WPCF.
- D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure, to interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect on the receiving waters of the WPCF, or to exceed the limitation set forth in a categorical pretreatment standard or in a City issued wastewater discharge permit. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to § 307(a) of the Act.
- E. Any toxic, noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a

public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair, including toxic gases, vapors or fumes which adversely affect the POTW workers' health and safety.

- F. Any substance which may cause the WPCF's effluent or any other product of the WPCF such as residues, sludges or scums to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the WPCF cause the WPCF to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under § 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or State criteria applicable to the sludge management method being used.
- G. Any substance which will cause the WPCF to violate its NPDES permit and/or State permit or the receiving water quality.
- H. Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
- I. Any wastewater having a temperature which will inhibit biological activity in the WPCF treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction exceed 40° C. (104° F.) unless the receiving facility are designed and constructed to accommodate such temperature.
- J. Any pollutants including, but not limited to, oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration, either singly or by interaction with other pollutants which a user knows or has reason to know will cause interference to the WPCF.
- K. Any petroleum oil, nonbiodegradable cutting oil or products of mineral oil, origin, in amounts that will cause interference or pass through.
- L. Any water or wastewater containing strong acid waste or concentrated plating solutions.
- M. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State or Federal regulations.
- N. Any unpolluted water including, but not limited to, noncontact cooling water.
- O. Any discharge causing a pass through or interference at the WPCF.

- P. Any waste which would exceed the limitations granted to the user in their wastewater discharge permit or different limitations required of the discharger based upon USEPA categorical pretreatment standards, as delineated in the user's discharge permit.
 - Q. Any material which is classified as hazardous waste under 40 CFR, Part 261.
2. Cadmium, chromium, copper, nickel, cyanide, silver, mercury, zinc, arsenic, BOD5, TSS, pH, ammonium nitrogen are identified as the primary pollutants for local limits. The local limits have been technically based, have been reviewed and accepted by the approval agency and are contained in the City's wastewater permit guidelines. In addition to these pollutants, the user's permit shall contain limits for pollutants regulated through the National Categorical Pretreatment Standards and others which may cause pass through or interference with the WPCF. All pollutants contained in the user's permit shall be technically based.

A. The following are the maximum pollutant loadings which may be revised through resolution by the City of Hermitage as determined necessary to maintain compliance with the USEPA industrial pretreatment standards: **[Amended by Ord. 5-2016, 7/27/2016]**

Arsenic	0.204 mg/l
Cadmium	0.12 mg/l
Chromium	18.23 mg/l
Copper	0.77 mg/l
Cyanide	2.77 mg/l
Lead	1.78 mg/l
Mercury	0.04 mg/l
Molybdenum	1.24 mg/l
Nickel	2.64 mg/l
Selenium	0.43 mg/l
Silver	0.54 mg/l
Zinc	7.19 mg/l

Compatible Pollutant Limitations. No user shall discharge wastes to the WPCF containing pollutant concentrations in excess of the following without it stated in an approved permit issued by the City:

pH	6.0 to 9.0 SU
Fats, Oil and Grease	100 mg/l (subject to high strength surcharge)
NH ₃ -N	18 mg/l (subject to high strength surcharge)
BOD ₅	200 mg/l (subject high strength surcharge)

TSS

250 mg/l (subject to high strength surcharge)

- B. The City may authorize the industrial users, subject to Categorical Pretreatment Standards, to forgo sampling of pollutants regulated under the Categorical Pretreatment Standards if the industrial user has demonstrated, through sampling or other technical factors, that the pollutant is neither present nor expected to be present in the industrial user's discharge, or is present only at background levels from intake water and without an increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions: (1) the waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility, provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise included no process wastewater; (2) the monitor waiver is valid only for the duration of the effective period of the industrial user's wastewater discharge permit, but in no case longer than five years. The industrial user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit; (3) in making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling point of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes; (4) the request for a monitoring waiver must be signed by an authorized or duly authorized representative of the industrial user and include their certification statement in 40 CFR 403.6(a)(2)(ii); (5) nondetectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used for analysis; (6) any authorization by the City of a monitoring waiver must be included as a condition in the industrial user's permit. The reasons supporting the waiver and any information submitted by the industrial user in its request for the waiver must be maintained by the City for three (3) years after the expiration date; (7) upon authorization of the monitoring waiver and revision of the industrial user's permit by the City, the industrial user must certify on each report with the requirements and statement in 40 CFR 403.12 9(e)(2)(v) that there has been no increase in the pollutant in its wastewater discharge stream due to activities of the industrial user; (8) in the event that a waiver pollutant is found to be present or is expected to be present because of changes that occur in the industrial user's operations, the industrial user must immediately comply with monitoring requirement of 40 CFR 403.12(3)(e); and (9) this provision does not supersede certification processes and requirements established in the Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standards.

3. When the City determines that a user is contributing to the WPCF any of the above enumerated substances in such amounts as to interfere with the operation of the WPCF, the City shall:
 - A. Advise the user(s) of the impact of the contribution on the WPCF.
 - B. Develop effluent limitations for such user(s) to correct the interference with the WPCF.

§ 18-712. Federal Categorical Pretreatment Standards. [Ord. 2-1998, 2/25/1998, § 202]

Upon promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed under this Part for sources in that subcategory, shall immediately supersede the limitations imposed by this Part. The affected user shall immediately implement procedures to achieve compliance with the more stringent limitation and shall notify the City in accordance with the requirements set forth in this Part.

§ 18-713. Modification of Federal Categorical Pretreatment Standards. [Ord. 2-1998, 2/25/1998, § 203]

Where the City local water pollution control system achieves consistent removal of pollutants limited by Federal pretreatment standards, the City may apply to the approval authority for modifications of specific limits in the Federal pretreatment standards. "Consistent removal" shall mean the reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in § 403.7(c)(2) of Title 40 of the Code of Federal Regulations, "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the Federal pretreatment standards if the requirements contained in 40 CFR, § 403.7 are fulfilled and prior approval from the approval authority is obtained.

§ 18-714. State Requirements. [Ord. 2-1998, 2/25/1998, § 204]

State requirements on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Part.

§ 18-715. The City's Right of Revision. [Ord. 2-1998, 2/25/1998, § 205]

The City reserve the right to establish by issuance of a wastewater discharge permit more stringent limitations or requirements on discharges to wastewater disposal system if deemed necessary to comply with the objectives presented in § 18-701 of this Part.

§ 18-716. Excessive Discharge. [Ord. 2-1998, 2/25/1998, § 206]

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal categorical pretreatment standards or with any other pollutant specific limitations developed by the City or State.

§ 18-717. Accidental Discharge or Operational Malfunction. [Ord. 2-1998, 2/25/1998, § 207]

Each user shall provide protection from the discharge of prohibited materials or other substances regulated by this Part. Facilities to prevent discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and shall be approved by the City before construction of the facility. All existing users shall complete such a plan by the date identified in the wastewater discharge permit. No user who commences contribution to the WPCF after the effective date of this Part shall be permitted to introduce pollutants into the system until the discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the user from any responsibility to modify the user's facility as necessary to meet the requirements of this Part.

- A. Initial Reporting. In the case of a discharge, it is the responsibility of the user to immediately telephone and notify the WPCF of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.
- B. Written Report. Within five days following a discharge, the user shall submit to the City a detailed written report describing the cause of the discharge, the duration of the discharge, the exact dates and times of noncompliance and in the event the noncompliance continues, the time by which the compliance is reasonably expected to be restored, and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the WPCF, fish kills or any damage to person(s) or property(ies); nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this Part or other applicable law.

§ 18-718. Notice to Employees. [Ord. 2-1998, 2/25/1998, § 208]

A notice shall be permanently posted on the user's bulletin board or other prominent place advertising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur, are advised of the emergency notification procedures.

§ 18-719. Affirmative Defense. [Ord. 2-1998, 2/25/1998, § 209]

It shall be an affirmative defense to violations of this Section if, as a result of an investigation by the City, it is determined that the discharge is not the result of operational error, improper design, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

§ 18-720. Sharon User General Discharge Prohibition. [Ord. 13-2006, 12/20/2006, § 1]

No Sharon User, as defined by this Part 7, shall contribute or cause to be contributed, directly or indirectly, non-polluted waters, any pollutant or wastewater, including pass through, as defined in this Part, which will interfere with the operation or performance or pass through of the publicly owned treatment works (POTW) located in the City of Sharon. All such Sharon Users shall be specifically subject to all the provisions, including enforcement, of the City of Sharon Ordinance 11-06, and any amendments thereto, which ordinance shall be incorporated herewith and shall be fully enforceable under the provisions of this Part 7.

C. Administration.**§ 18-721. Wastewater Discharge. [Ord. 2-1998, 2/25/1998, § 301]**

It shall be unlawful to discharge without a permit to any natural outlet within the City or in any area under the jurisdiction of said City, and/or to the WPCF any wastewater except as authorized by the City of Hermitage in accordance with the provisions of this Part. It shall be unlawful for any existing user of the WPCF to change the character or volume of its discharge where such contributions do not meet applicable pretreatment standards and/or requirements of their wastewater discharge permit or where such contributions would cause the WPCF to violate its NPDES permit.

§ 18-721A. Wastewater Pretreatment Program Manual. [Ord. 1-2007, 3/28/2007, § 6]

The City of Hermitage adopts the City of Hermitage Wastewater Pretreatment Program Manual which identifies the responsibilities and requirements of the City of Hermitage and the commercial/industrial community to comply with the National Pretreatment Program and federal, state and local regulations affecting the reclamation and recycling and the disposal of wastewater sludge. The provisions of the City of Hermitage Wastewater Pretreatment Program Manual as set forth therein shall be fully enforceable pursuant to the provisions of this Part and may be modified or amended from time to time by duly adopted resolution of the Hermitage Board of Commissioners.²

²Editor's Note: The Wastewater Pretreatment Program Manual and its amendments are on file in the office of the City Manager. Resolutions amending the manual are listed in Appendix G of this Code.

§ 18-722. Wastewater Questionnaire. [Ord. 2-1998, 2/25/1998, § 302]

All nonresidential users shall be required to complete and submit a short form wastewater questionnaire on a form prescribed by the City.

§ 18-723. Wastewater Discharge Permit Required. [Ord. 2-1998, 2/25/1998, § 303]

If, upon the submission and review of the wastewater questionnaire as required under § 18-723 of this Part, it is determined that the nonresidential user is a significant user under the provision of this Part, then such significant user proposing to connect to or contribute to the WPCF, shall obtain a wastewater discharge permit before connecting to or contributing to the WPCF. All existing significant users connected to or contributing to the WPCF, shall obtain a wastewater discharge permit within 60 days after the effective date of this Part.

§ 18-724. Wastewater Discharge Permit. [Ord. 2-1998, 2/25/1998, § 304; as amended by Ord. 1-2007, 3/28/2007, § 7; and by Ord. 9-2010, 8/25/2010, § 4, 5]

Any users identified through § 18-722 herein will be required to obtain a wastewater discharge permit shall complete and file with the City an application on the form prescribed by the City and such application shall be accompanied by a fee prescribed by resolution of the Board of Commissioners of the City of Hermitage.

- A. Permit Application. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
- (1) Name, address and location.
 - (2) SIC number, according to the Standard Industrial Classification Manual, Bureau of the Budget 1972, as amended.
 - (3) Wastewater constitutes and characteristics, time and duration of contribution.
 - (4) A list of the environmental control permits held by the user.
 - (5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variation, if any.
 - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.
 - (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged to the sewers or works of the City.
 - (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by the City, State or Federal pretreatment standards; and a statement regarding whether or not

the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards.

- (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule.
 - (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (b) No increment referred in Subsection (a) above shall exceed three months.
 - (c) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the City including, as a minimum, whether or not it complied with the increment of progress to be met on such date and if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than three months elapse between such progress reports to the City.
- (10) Each product produced by type, amount, process or processes and rate of production.
- (11) Type and amount of raw materials processed (average and maximum per day).
- (12) Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- (13) Any other information as may be deemed by the City to be necessary to evaluate the permit application.
- (14) Plans, specifications and any other permit information relating to treatment or pretreatment facilities, holding tanks, control or neutralization equipment and/or other facilities to be utilized in the

treatment or control of waters and wastes, shall be submitted for acceptance by the WPCF and no construction of such facilities shall be commenced until such acceptance is obtained in writing. All plans shall be subject to the requirements of all applicable codes, ordinances and laws.

- (15) Acceptance by the City of existing facilities shall not be construed as a guarantee that these facilities will function in the manner described by the user; nor shall it relieve any user of the responsibility of revamping, enlarging or otherwise modifying such facilities to accomplish the intended purpose.

The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance to the data furnished, the City may issue a wastewater discharge permit subject to terms and conditions provided herein.

B. Permit Modifications.

- (1) Within three months of the promulgation of a National categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to include with such standard within the time frame prescribed by such standard. The delay in issuance of the revised permit shall not preclude the user from implementing all necessary operations to achieve compliance with the new standard promulgated by the Federal or State governments).
- (2) Where a user is subject to a National categorical pretreatment standard has not previously submitted an application for a wastewater discharge permit as required herein, the user shall apply for a wastewater discharge permit within 90 days after the promulgation of the applicable National categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the City within 90 days after the promulgation of an applicable Federal categorical pretreatment standard the information required by paragraphs (H) and (I) of § 402(2) of the Act, which shall include but not be limited to the following:
- (a) A list of environmental permits held by the user.
 - (b) A description of the user's operation, information on flow and amount of regulated pollutants discharged to the WPCF.
 - (c) A certification of whether the user is currently in compliance with the applicable categorical standards. For new sources, the user may provide estimates for the information on production, flow and the presence and quantity of regulated pollutants in its wastewater stream.

- C. Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this Part and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:
- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the WPCF.
 - (2) Limits on the average and maximum wastewater constituents, characteristics and loadings.
 - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalizations.
 - (4) Requirements for installation and maintenance of inspection and sampling facilities.
 - (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.
 - (6) Compliance schedules.
 - (7) Requirements for submission of technical reports or discharge reports (see § 18-726).
 - (8) Requirements for maintaining and retaining facility records relating to wastewater discharge as specified by the City and affording the City access thereto.
 - (9) Requirements for notification and approval of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
 - (10) Requirements for notification of slug discharges.
 - (11) Civil and criminal penalties for permit/ordinance violations.
 - (12) Other conditions as deemed necessary by the City to ensure compliance with this Part.
 - (13) Requirement for an accidental spill prevention and slug control program plan.
 - (14) If the City determines that a slug control plan is needed, the requirement to control slug discharges shall be incorporated into the significant industrial user's permit and the plan shall comply at a minimum with § 18-733, Accidental Discharge/Slug Control Plans.
- D. Permit Duration. Permits shall be issued for a specific time period not to exceed two years. A wastewater discharge permit may be issued for a period

less than two years or may be stated to expire on a specific date. The user shall apply for a permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any change or new conditions in the permit shall include a reasonable time schedule for compliance.

- E. **Permit Transfer.** Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

§ 18-725. Hauled Wastewater. [Ord. 2-1998, 2/25/1998, § 305]

1. Septic tank waste may be introduced into the WPCF only at locations designated by the authorized agent, and at such times as are established by the authorized agent. Such waste shall not violate any Section of this Part or any other requirements established by the City. The City may require septic tank waste haulers to obtain wastewater discharge permits.
2. The City may require generators of hauled industrial waste to obtain wastewater discharge permits. The City 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 authorized agent. No load may be discharged without prior consent of the authorized agent. The City may collect samples of each hauled load to ensure compliance with applicable standards. The City may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
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 wastes and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents.

§ 18-726. Reporting Requirements for Permittee. [Ord. 2-1998, 2/25/1998, § 306; as amended by Ord. 1-2007, 3/28/2007, § 8; and by Ord. 9-2010, 8/25/2010, § 6, 7]

1. **Compliance Report.** Within 30 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source,

following commencement of the introduction of wastewater into WPCF, any user subject to pretreatment standards and requirements shall submit to the City a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements and the average and, maximum daily flow for these process units in the user facility which are limited by such pretreatment standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance by the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified professional.

2. Periodic Compliance Reports.

A. Any user subject to pretreatment requirements shall submit periodic compliance reports indicating the nature and concentration of pollutants in their discharge. The frequency of monitoring and reporting shall be as prescribed in the wastewater discharge permit. Results of sampling above the minimum required shall also be reported if analyses were conducted according to methodology herein.

(1) All significant users shall, at a frequency specified in their wastewater discharge permit, 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 measured or estimated average maximum daily flows for the reporting period.

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

(3) If a user subject to the reporting requirement in this Section monitors any pollutant more frequently than required herein, the results of this monitoring shall be included in the report.

B. The City may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subsection ((2)(A) of this Section shall indicate the mass of pollutants regulated. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature of the concentration or production and mass where requested by the City, of pollutants contained therein which are limited by the

applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit. All analyses shall be performed with the procedures set forth in the USEPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator.

- (1) The City may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419 and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the City. When converting such limits to concentration limits, the City will use the concentration listed in the applicable subparts of 40 CFR Parts 414, 419 and 455 and document that dilution is not being substituted for treatment as prohibited by 40 CFR 403.6(c)(6). In addition, the City will document how the equivalent limits were derived for any changes from concentration to mass limits or vice versa and make this information publicly available.
3. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the authorized agent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the authorized agent within 30 days after becoming aware of the violation. The user is not required to resample if the authorized agent monitors at the user's facility at least once a month, or if the authorized agent samples between the user's initial sampling and when the user receives the results of this sampling.
4. Reports of Changed Conditions. Each user must notify the authorized agent of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 90 days before the change.
 - A. The authorized agent may require the 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 § 18-723 of this Part.
 - B. The authorized agent may issue a wastewater discharge permit under § 18-724 of this Part or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.
 - C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20%, or greater, and the discharge of any previously unreported pollutants.

5. Reports of Potential Problems.
 - A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the WPCF, the user shall immediately telephone and notify the authorized agent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
 - B. Within five days following such discharge, the user shall, unless waived by the authorized agent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the WPCF, natural resources, or any other damage to person or property, nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Part.
6. Analytical Requirements. All pollutants analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR, Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR, Part 136, does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by USEPA.
7. A categorical industrial user or noncategorical industrial user may request a decrease in monitoring if its flow or loading is (1) the smaller of 5,000 GPD or 0.01% of the WPCF's dry weather hydraulic capacity as measured by a continuous flow monitoring device unless the IU discharges in batches; (2) 0.01% of the WPCF's design organic capacity; (3) 0.01% of the WPCF's maximum allowable head works loading; (4) the industrial user has not been in significant noncompliance for any time in the past two years; and (5) the industrial user does not have daily flow rates, production rates or pollutant levels that vary so significantly that decreasing the reporting requirement for the industrial user would result in data that is not representative of conditions occurring during the reporting period. When all of the conditions are met, the reporting frequency may be reduced to at least once per year or more frequently if required by the applicable standard or require notification of changes and resumption of full monitoring. The industrial user shall notify the City immediately of any changes at its facility causing it to no longer meet the conditions as stated herein. Upon notification, the industrial user shall immediately begin complying with the minimum reporting as indicated in 40 CFR 403.12(e)(1). The City shall retain all documentation to support the City's determination that a specific industrial user qualifies for a

reduced reporting requirement for a period of three years after the expiration of the term of the industrial user's permit.

§ 18-727. Monitoring Facilities. [Ord. 2-1998, 2/25/1998, § 307]

1. The significant user shall provide and operate at the significant user's sole expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public right-of-way and located so that it will not be obstructed by landscaping, parked vehicles or pedestrian or vehicular traffic.
2. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating conditions at the expense of the users.
3. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City or as specified in the user's wastewater discharge permit.

§ 18-728. Inspection and Sampling. [Ord. 2-1998, 2/25/1998, § 308]

The City may inspect the facilities of any user to ascertain whether the purposes of this Part are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The City, the PADEP and the USEPA shall have the right to set up, on the user's property, such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations and shall have the right to copy records and reports of industrial users. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, the PADEP and the USEPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

- A. **Sampling Procedure.** All measurements, tests and analyses of the characteristics of water and waste to which reference is made in this Part, shall be determined at the monitoring manhole. In the event that no special manhole has been required, the monitoring manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Compliance determinations with

respect to the prohibitions and limitations as stated in this Part shall be made as determined by the City or as stated in the wastewater discharge permit.

- B. **Cost of Sampling Operations.** The cost of sampling, when completed by the City, shall be borne by the user or owner as the City shall determine. However, the City shall look to the owner of the property for any amount which remains unpaid and which may be placed on the property as a lien to be collected in the same manner as other fees. Normal operations of gauging and sampling of any manhole or any point of discharge shall be the time required, as determined by the City, to obtain representative samples of the effluent discharged. Cost shall be based on an hourly rate for the person sampling and any other cost that might be necessary to procure a representative sample.
- C. **Cost of Analytical Work Performed.** All costs for analytical tests which are performed by the City, or by any other testing facility at the discretion of the WPCF, and performed for an industry because of its discharge to a public sewer and to determine compliance, shall be borne by the owner or user being tested.
- D. **Cost of Installation Involving Overtime.** Where a user discharges its effluent to a manhole or manholes used as gauging and sampling points and the effluent is of such volume and duration that the installation of hydraulic equipment cannot be made until the user ceases operation by close down, the costs of making the installation, involving overtime pay, shall be at the expense of the owner or user. If the plant or premises elects to make the hydraulic installations with their own personnel, the installations shall be set up in a manner approved by the City. In the event that a period in excess of five day, forty-hour week is required for City personnel to properly gauge, sample and analyze the discharge effluent, the extra costs shall be at expense of the owner or user.
- E. **Sampling by Users.** If sampling by a user indicates a violation, the user shall notify the City within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation.
- F. **Supplemental Report Requirement for Users.** If a user subject to reporting requirements monitors any pollutants more frequently than required by the City using the procedures prescribed herein, the results of this monitoring shall be included in the report.
- G. **Conflict of Laboratory Results.** In the event that analysis of wastes, as determined by the sampling and gauging of wastes from the user by the City personnel, does not agree with an analysis of wastes submitted by the industry or user to the City, a program of resampling and regauging with subsequent chemical determination may be instituted as follows:

- (1) The interested user must submit a request for resampling and regauging and for subsequent chemical determination of the wastes.
- (2) The chemist or engineer employed by the user responsible for the analysis to be submitted to the City shall first confer with the City to establish the length of resampling and the mediums to be used to determine the flow and to sample the flow.
- (3) The chemist or engineer engaged by the user may be present during the resampling and regauging operation and also in the WPCF laboratory during the chemical determination of the analysis.
- (4) The results of the analysis, determined from the quantity and quality of the flow, shall be considered the analysis of the wastes discharged to the WPCF, or to a watercourse, by the user and the surcharge, if applicable, or penalties shall be determined from the strength of the wastes as reported in the analysis.
- (5) In the event an analysis of wastes determined from the routinely scheduled sampling and gauging of wastes from the user is not considered representative because of breakdown or manufacturing processes, or of treatment or pretreatment facilities during the operation, and such breakdown or conditions are accepted by the City as legitimate reasons, the user can request resampling or regauging of the wastes after the breakdowns are remedied. However, the user shall agree to bear all costs of the resampling and regauging operation, plus the costs of analytical determinations. In such cases, the City shall schedule the operation as soon as possible but not to interfere with the rescheduled operations. All analytical results so found shall be current and no retroactive refunds shall be made for any differential in concentration established.
- (6) It shall be assumed by the City that any user that has treatment or pretreatment facilities and any routinely scheduled sampling and gauging operations conducted that all test results shall be considered representative of the user's discharge. If in the course of routinely scheduled sampling and gauging operations the user claims that the results of such sampling and gauging are not representative because of breakdown or other interruption of the treatment or pretreatment facilities, the City shall assume that such facilities are, in fact, not being properly maintained and the results of the sampling and gauging operations shall be used for purposes of determining the penalty at the full discretion of the City until such time as another routinely scheduled sampling and gauging operation shall be conducted.

§ 18-729. Pretreatment. [Ord. 2-1998, 2/25/1998, § 309; as amended by Ord. 1-2007, 3/28/2007, § 9; and by Ord. 9-2010, 8/25/2010, § 8]

1. Review of Plans.
 - A. Users shall provide necessary wastewater treatment as required to comply with this Part and shall achieve compliance with all Federal categorical pretreatment standards and the user's wastewater discharge permit within the time limitations as specified by the Federal pretreatment regulations and the user's wastewater discharge permit. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review and shall be acceptable to the City before construction of the facility.
 - B. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Part. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the charges.
2. The City shall publish annually in the newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the Hermitage Water Pollution Control Plant a list of users which at any time during the previous 12 months, were in significant noncompliance with the applicable pretreatment standards and requirements. The term "significant noncompliance" shall be applicable to all significant industrial users.
3. All records relating to compliance with pretreatment standards shall be made available to officials of the USEPA or PADEP upon request.
4. The pretreatment facility shall be subject to inspection by the City every 12 months, or more often if necessary. The user shall maintain operation records and shall submit to the WPCF a report of the character of the influent and effluent as may be prescribed by the City to show performance of the treatment facilities in accordance with requirements of the wastewater discharge permit, but in no case shall the report be submitted less than annually on or before January 31 of the following year.
5. Best Management Practices (BMP) USEPA means a schedule of activities, prohibitions of practices, maintenance procedures and other management practices and also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or water disposal or drainage from raw materials storage. The use of BMP's does not preclude the user from complying with all other provisions of the categorical standards and the City's ordinances. The City may develop BMP's through

ordinance or individual wastewater discharge permits, to implement applicable pretreatment standards and local limits.

§ 18-730. Bypass of Pretreatment System. [Ord. 2-1998, 2/25/1998, § 310]

1. A bypass of the pretreatment system is prohibited unless all of the following conditions are met:
 - A. The bypass is unavoidable to prevent loss of life, personal injury or severe property damage.
 - B. There is no feasible alternative to the bypass, including the use of auxiliary treatment of the wastewater.
 - C. The industrial user properly notified and obtained the approval of the Environmental Operations Coordinator or in the event a bona fide emergency exists and the user is unable to contact the City.
2. In the event of a bypass of the pretreatment system, the significant user shall provide immediate notice to the City upon discovery of the bypass.
3. The City may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, if it is for essential maintenance to ensure efficient operation of the significant user's pretreatment system. Users anticipating a bypass shall submit notice to and obtain the approval of the City at least 10 days in advance of such bypass.
4. A written report shall be submitted within 45 days of the time the significant user becomes aware of the bypass, which report shall include exact dates and times and if the bypass has not been corrected, the anticipated time it is expected to continue, and the steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The City may waive the written report on a case by case basis if the oral report has been received within 24 hours.

§ 18-731. Records. [Ord. 2-1998, 2/25/1998, § 311]

All users shall retain and preserve for no less than three years, any records, book documents, memoranda, reports, correspondence and any and all summaries, thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of, the significant user in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or another enforcement or litigation activity brought by the City pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

§ 18-732. False Information. [Ord. 2-1998, 2/25/1998, § 312]

No person, industry or user shall knowingly make false statements, representations or certifications in any application, record or report, plan or other document filed or

required to be maintained, pursuant to this Part or falsify, tamper with or knowingly render inaccurate information of any monitoring device or method required under this Part.

§ 18-733. Accidental Discharge/Slug Control Plans. [Ord. 2-1998, 2/25/1998, § 313]

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

- A. Description of discharge practices, including nonroutine batch discharges.
- B. Description of stored chemicals.
- C. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but 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.

§ 18-734. Confidential Information. [Ord. 2-1998, 2/25/1998, § 314]

1. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring program and from inspections shall be available to the public or other governmental agency without restrictions. If the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of certain portions of a report might disclose trade secrets or secret processes, those sections shall not be available for inspection by the public. However, all information and data provided by the user shall be made available to the USEPA and PADEP as provided by § 308 of the Clean Water Act, U.S.C. § 1317.
2. When requested by the person furnishing a report, the portions of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Part, the NPDES permit, PADEP permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
3. Information accepted by the City as confidential shall not be transmitted to any governmental agency or to the general public by the City until and unless a 10 day notification is given to the user.

§ 18-735. Application Signatories and Certification. [Ord. 2-1998, 2/25/1998, § 315]

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

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

D. Wastewater Discharge Permit and Surcharge Fee.**§ 18-741. Purpose. [Ord. 2-1998, 2/25/1998, § 401]**

It is the purpose of this Part 7D to provide for the recovery of costs from users of the City's WPCF for the implementation of the wastewater discharge permit program established herein through this Part and to provide for the allowance of a pollutant surcharge for wastewater where pretreatment may not be applicable by Federal and State standards and where pretreatment may not be practical or warranted as identified by the City and Municipal Authority. The applicable charges or fees shall be set forth by the City's schedule of charges and fees as received and revised annually.

§ 18-742. Wastewater Discharge Permit Charges and Fees. [Ord. 2-1998, 2/25/1998, § 402]

1. The City may, by resolution, adopt charges and fees which may include:
 - A. Fees for reimbursement of costs of setting up and operating the City pretreatment program.
 - B. Fees for construction inspections, monitoring and surveillance procedures.
 - C. Fees for reviewing accidental discharge procedures and construction.
 - D. Fees for permit application.
 - E. Fees for filing appeals.
 - F. Other fees as the City may deem necessary to carry out the requirements contained herein.
2. These fees relate solely to the matters covered by the user's wastewater discharge permit and are separate from all other fees chargeable by the City.

3. These fee(s) for the wastewater discharge permit shall be as follows and shall be the minimum fee for each user and may be amended by resolution of the Board.
4. Permit application fee:

Daily Wastewater Discharge	Permit Application
GPD	Fee ³
0 to 2,500	\$50
2,501 to 5,000	\$100
5,001 to 10,000	\$250
10,001 to 50,000	\$500
50,000 to 750,000	To be determined for each discharge

§ 18-743. Pollutant Surcharge. [Ord. 2-1998, 2/25/1998, § 403]

1. The Board may, by resolution, adopt a surcharge fee to provide for the transport and treatment of a wastewater containing pollutant loadings in excessive of the background domestic wastewater for which the WPCF was designed and constructed to process. The daily surcharge shall be completed by the following formula; a surcharge may be applied to multiple pollutants as may be required to reflect the total cost to process the wastewater:

$$DS = CFV (\text{pollutant} - \text{normal background concentration})$$

Pollutant = the pollutant concentration for the users discharge determined by historical data or the monitored value as outlined in the users wastewater discharge permit.

Normal Background Concentration = for the WPC, the annual average concentration for background pollutants of concerns shall be based on actual influent analysis and/or historical data for domestic wastewaters. The minimum concentration for the base pollutant parameters for which the WPCF was designed to tract are:

- BOD₅ — 200 mg/l
- TSS — 250 mg/l
- NH₃ N — 18mg/l

³Each user shall pay an annual permit renewal fee for the wastewater discharge permit equal to 50% of the initial permit application fee but in no case shall the fee be less than \$50

Other pollutants may be added as necessary to insure the operating efficiencies and compliance with the system's most current NPDES permit, the regulations of the PADEP and USEPA.

- DS = the daily surcharge amount in dollars.
 C = cost per pound of removing pollutants (in dollars expressed to the nearest tenth of a cent).
 F = 8.34 — factor for converting parts per million to pounds per day.
 V = daily volume of waste discharged in million gallons per day.

2. In the event the pollutant concentration is less than the allowable limit while the other exceeds the allowable limit, the surcharge shall be computed only for the pollutant which exceeds the allowable limit. It shall be added to the quarterly rental amount and no reduction shall be made for the pollutant which is within the allowable limit. The C factor shall be calculated annually by dividing the annual cost of operating and maintaining the pollution control plants by the pounds of pollutants removed. Such calculation shall be made immediately following the end of the calendar year and the resulting C utilized for all billing for the succeeding calendar year.
3. In the event any user of the WPCF desires to discharge a wastewater into the WPCF which requires treatment not contemplated in the formula set forth above, the City reserves the right to impose a surcharge on such wastewater based on its formula relating to the costs incurred in treatment of such wastewater. Such surcharge shall be in addition to the quarterly rental fee.

E. Enforcement.

§ 18-751. Harmful Contributions. [Ord. 2-1998, 2/25/1998, § 501]

1. The City may suspend the wastewater service and/or a wastewater discharge permit, when such suspension is necessary in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present, an imminent or substantial endangerment to the health or welfare of persons or the environment, causes interference to the WPCF or causes the City to violate any condition of its NPDES permit.
2. Any person notified of a suspension of the wastewater collection and treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the building sewer connection, to prevent or minimize damage to the WPCF system or endangerment to any individuals. The City shall reinstate the wastewater

service and/or the waste-water discharge permit upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within 15 days of the date of the occurrence.

§ 18-752. Termination of Service. [Ord. 2-1998, 2/25/1998, § 502]

Any user who violates the following conditions of this Part or applicable State or Federal regulations is subject to termination of wastewater collection and treatment service in accordance with the procedures of this Part:

- A. Failure of the user to report factually the wastewater constituents and characteristics of his discharge.
- B. Failure of the user to report significant changes in operations or wastewater constituents and characteristics.
- C. Refusal of reasonable access to the user's premises for the purposes of inspection or monitoring.
- D. Violations of the conditions of the user's wastewater discharge permit.
- E. Violation of the provisions of this Part.

§ 18-753. Notification of Violations. [Ord. 2-1998, 2/25/1998, § 503]

Whenever the City finds that any user has violated or is violating ordinances, the wastewater discharge permit or any prohibition and/or limitation of requirements contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

§ 18-754. Show Cause Hearing. [Ord. 2-1998, 2/25/1998, § 504]

- 1. The City may order any user who causes or allows an unauthorized discharge to enter the WPCF to show cause before the Board why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.
- 2. The Board may itself conduct the hearing and take the evidence or may designate any of its members or any other officer or employee of the City or Municipal Authority to:

- A. Issue in the name of the Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 - B. Take the evidence.
 - C. Transmit a report of evidence and hearing, including transcripts and other evidence, together with recommendations to the Board for action thereon.
3. At any hearing held pursuant to this Part, testimony taken must be under oath and recorded stenographically. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
 4. After the Board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that following a specified time period, the sewer service to be discontinued unless adequate treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives, as are necessary and appropriate, may be issued.

§ 18-755. Legal Action. [Ord. 2-1998, 2/25/1998, § 505]

If any user discharges wastewater, industrial wastes or other wastes into the WPCF contrary to the provisions of this Part, Federal or State pretreatment requirements or the user's wastewater discharge permits issued by the City; or, if any user fails to submit required monitoring or compliance reports; or, refuses to allow any authorized representative of the WPCF to enter and inspect the premises of the industrial user, the City may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas.

§ 18-756. Enforcement Response Plan. [Ord. 1-2007, 3/28/2007, § 10; as amended by Ord. 9-2010, 8/25/2010, § 9]

The City shall identify all violations of the industrial user's permit or local ordinance. The City shall also investigate all such instances of industrial user noncompliance and shall take all necessary steps to return users to compliance. The City's enforcement shall follow its approved legal authorities (i.e., ordinances) and Enforcement Response Plan developed in accordance with 40 CFR 403.8(f)(5).

F. Penalties.

§ 18-761. Civil Penalties. [Ord. 2-1998, 2/25/1998, § 601]

Any user who is found to have violated an order of the Board or who willfully or negligently failed to comply with any provision of this Part and the orders, rules, regulations and permits issued hereunder, shall pay a fine not less than \$1,000 per day for each offense following conviction by a district magistrate, and in default of payment, to imprisonment for a term not exceeding 30 days. Each day that a

violation shall occur or continue to occur shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover penalties, damages, costs, reasonable attorney's fees, court costs, court reporter fees, and other expenses of litigation by appropriate suit of law against the person or user found to have violated this Part or the orders, rules, regulations and permits issued hereunder.

§ 18-762. Injunctive Relief. [Ord. 2-1998, 2/25/1998, § 602]

When the authorized agent finds that a user has violated, or continues to violate any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City may petition the [insert name of appropriate court] through the City's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order or other requirement imposed by this Part on activities of the user. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

§ 18-763. Falsifying Information. [Ord. 2-1998, 2/25/1998, § 603]

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part or wastewater contribution permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part, shall, upon conviction, be punished by a fine of not more than \$1,000 and, in default of payment, by imprisonment for not more than 30 days.

PART 8

SEWAGE MANAGEMENT PROGRAM**§ 18-801. Short Title, Introduction and Purpose. [Ord. 2-2000, 3/22/2000, § I]**

1. This Part shall be known and may be cited as the "Sewage Management Program for the City of Hermitage."
2. As mandated by the municipal codes, the Clean Streams Law (35 P.S. §§ 691.1 to 691.1001) and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. § 750.1 et seq., known as Act 537), municipalities have the power and the duty to provide for adequate sewage treatment facilities and for the protection of public health by preventing the discharge of untreated or inadequately treated sewage.
3. The purpose of this Part is to provide for the inspection maintenance and rehabilitation of individual and community sewage disposal systems; to further permit the municipality to intervene in situations which are public nuisances or hazards to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

§ 18-802. Definitions. [Ord. 2-2000, 3/22/2000, § II]

ACT 657 — The Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. § 750.1 et seq., known as the "Pennsylvania Sewage Facilities Act."

AUTHORIZED AGENT — A certified sewage enforcement officer, code enforcement officer, professional engineer, plumbing inspector, municipal secretary or any other qualified or licensed person who is delegated by the City to function within specified limits as an agent of the City to carry out the provisions of this Part.

BOARD — The Board of Commissioners of the City of Hermitage, Mercer County, Pennsylvania.

CODES ENFORCEMENT OFFICER (CEO) — An individual employed by the City to administer and enforce other ordinances in the City.

COMMUNITY SEWAGE SYSTEM — Any system, whether publicly or privately owned, for the collection of sewage from two or more lots and the collecting, treatment and/or disposal of the sewage on one or more lots or at any other site in whole or in part into the soils or into a surface watercourse of the Commonwealth.

DEPARTMENT — The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).

INDIVIDUAL SEWAGE DISPOSAL SYSTEM — A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth.

MALFUNCTION — The condition which occurs when a sewage disposal system improperly discharges sewage onto the surface of the ground, into ground water of this Commonwealth, into surface waters of this Commonwealth, backs up in to the building connected to the system or otherwise causes a nuisance hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any of the conditions noted above occur for any length of time during any period of the year.

MUNICIPALITY — City of Hermitage, Mercer County, Pennsylvania.

MUNICIPAL AUTHORITY — The Hermitage Municipal Authority of the City of Hermitage, Mercer County, Pennsylvania (hereinafter sometimes referred to as HMA) and sometimes the Upper Shenango Valley Water Pollution Control Authority (hereinafter sometimes referred to as USWPCA).

OFFICIAL SEWAGE FACILITIES PLAN — A comprehensive plan for the provision of adequate sewage disposal systems adopted by the City and approved by the Pennsylvania Department of Environmental Protection as described in and required by the Pennsylvania Sewage Facilities Act.

ONLOT SEWAGE DISPOSAL SYSTEM — Any system for disposal of sewage involving pretreatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal; including both individual sewage systems and community sewage systems.

PERSON — Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty of imposing a fine or imprisonment, the term shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

PERMIT — A permit issued by the City and/or the Pennsylvania Department of Environmental Protection for the development, construction and operation of any onlot, individual or community sewage disposal systems shall be obtained by any person requiring sewage disposal in areas not currently served by the municipal system.

REHABILITATION — Work done to modify, alter, repair, enlarge or replace an existing sewage disposal system.

REPLACEMENT AREA — A portion of a lot or a developed property, sized to allow the installation of a sewage disposal area, which is reserved to allow that installation in the event of the malfunction of the originally installed sewage disposal system.

SEWAGE — Any substance that contains any of the waste products of excrement or other discharge from the bodies of human beings or animals, or waste water produced from normal domestic water usage and any noxious or deleterious substances 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 or which constitutes pollution under the Act of June 22, 1987 (P.L. 1987, No. 394), known as the "Clean Streams Law," as amended.

SEWAGE DISPOSAL SYSTEM — Any onlot, individual or community sewage disposal system to be developed, constructed and/or operated within the City.

SEWAGE ENFORCEMENT OFFICER (SEO) — The official of the City who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement Act 537 and the rules and regulations promulgated thereunder.

SEWAGE MANAGEMENT DISTRICT — Any area or areas of a municipality for which a sewage management program is recommended by the City's adopted Act 537 official sewage facilities plan. A sewage management district may encompass the entire municipality.

SEWAGE MANAGEMENT PROGRAM — A comprehensive set of legal and administrative requirements encompassing the requirements of this Part and other administrative requirements adopted by the City to effectively enforce and administer this Part.

SINGLE RESIDENCE TREATMENT SYSTEM — Any sewage disposal system requiring the discharge of treated sewage to the surface of the ground or the waters of the Commonwealth.

SUBDIVISION — The division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

§ 18-803. Applicability. [Ord. 2-2000, 3/22/2000, § III]

From the effective date of this Part, its provisions shall apply in any portion of the City not served by public sewers as identified in the City's Act 537 Official Sewage Facilities Plan as a sewage management district. Within such an area or areas, the provisions of this Part shall apply to all persons owning any property serviced by a sewage disposal system and to all persons installing or rehabilitating a sewage disposal system. If necessary, the entire municipality may be identified as a sewage management district.

§ 18-804. Permit Requirements. [Ord. 2-2000, 3/22/2000, § IV]

1. No person shall install, construct or request bid proposals for the construction or alteration of any sewage disposal system or construct or request bid proposals for the construction or installation or occupation of any building or structure for which a sewage disposal system is to be installed without first obtaining a permit certifying that the site and the plans and specifications of said system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act, the standards adopted pursuant to that Act, and the requirements of City ordinances and those of the Municipal Authority.
2. Any person required to install a sewage disposal system shall submit a completed permit application, as may be revised from time to time to insure compliance with the City sewage management program. No person shall proceed with the construction or operation of said sewage disposal system until said application has been approved by the City and by the Municipal Authority or their designated agent. The applicant shall pay all fees required by the City and/or the Municipal Authority or its designated agent for the review of said application.
3. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by the authorized agent. If 72 hours have elapsed, excepting Sundays and holidays, since the authorized agent issuing the permit received notification of completion of construction, the applicant may cover said system or structure unless permission has been specifically refused by the authorized agent.
4. The City may require applicants for sewage permits to notify the authorized agent of the schedule for the construction of the permitted onlot sewage disposal system so that inspection(s) in addition to the final inspection required by Act 537 may be scheduled and performed by the City's authorized agent.
5. No building or occupancy permit shall be issued by the City or its code enforcement officer for a new building which will contain sewage generating facilities until a valid sewage permit has been approved by the City's authorized agent.
6. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of an existing structure if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure until the structure's owner receives from the authorized agent either a permit for alteration or replacement of the existing sewage disposal system or written notification that such a permit will not be required. The authorized agent shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

7. Sewage permits may be issued only by the authorized agent employed by the City for that express purpose. The Department of Environmental Protection shall be notified by the City as to the identity of their authorized agent.

§ 18-805. Replacement Areas. [Ord. 2-2000, 3/22/2000, § V]

1. Any revisions to the City's official sewage facilities plan which are prepared pursuant to the applicable regulations of the Pennsylvania Department of Environmental Protection for subdivision or development of land within an identified sewage management district shall provide for the testing, identification and reservation of an area of each lot or developed property suitable for the installation of a replacement sewage disposal system. This requirement is in addition to the testing, identification and reservation of an area for the primary sewage disposal.
2. No permit shall be issued for any proposed new onlot sewage disposal system on any newly created or subdivided property in any sewage management district unless and until a replacement area is tested, identified and reserved.

§ 18-806. Inspections. [Ord. 2-2000, 3/22/2000, § VI]

1. Any sewage disposal system may be inspected by the City's authorized agent at any reasonable time as of the effective date of this Part.
2. The inspection may include a physical tour of the property, the taking of samples from surface water, wells or ground water sources, the sampling of contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and the ultimate destination of wastewater generated in the structure.
3. The City's authorized agent shall have the right to enter upon land for the purposes of inspections described above.
4. An initial inspection shall be conducted by the City's authorized agent within two years of the effective date of this Part for the purpose of determining the type and functional status of each sewage disposal system in the City. A written report shall be furnished to the owner of each property inspected and a copy of said report shall be maintained in the City records.
5. A schedule of routine inspections may be established by the City if necessary to assure the proper function of the systems in the sewage management district.
6. The City and its authorized agent shall inspect systems known to be, or alleged to be malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the City and its authorized agent shall take action to require the correction of the malfunction. If total correction is not

technically or financially feasible in the opinion of the authorized agent and a representative of the Pennsylvania Department of Environmental Protection, then action by the property owner to mitigate the malfunction shall be required.

7. There may arise geographic areas within the City where numerous, onlot sewage disposal systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a City sponsored revision to that area's Act 537 Official Sewage Facilities Plan. When a DEP authorized Official Sewage Facilities Plan revision has been undertaken by the City, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the study area may be delayed at the discretion of the City pending the outcome of the plan revision process. However, the City may compel immediate corrective action whenever a malfunction, as determined by City officials and the Pennsylvania DEP, represents a serious public health or environmental threat.

§ 18-807. Operation. [Ord. 2-2000, 3/22/2000, § VII]

Only normal domestic wastes shall be discharged into any sewage disposal system. The following shall not be discharged into the system:

- A. Industrial waste.
- B. Automobile oil and other nondomestic oil.
- C. Toxic or hazardous substances or chemicals including, but not limited to, pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
- D. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and french drains.

§ 18-808. Maintenance. [Ord. 2-2000, 3/22/2000, § VIII]

1. Any person owning a building served by an onlot sewage disposal system which contains a septic tank shall have the septic tank pumped by a licensed pumper/hauler within six months of the effective date of this Part or documentation that the septic tank has been pumped within the last three years. Thereafter, that person shall have the tank pumped at least once every three years and shall, upon completion, provide the City of Hermitage with a letter of certification from a licensed pumper/hauler as evidence of compliance with the provisions of this Section.
2. The required pumping frequency may be increased at the discretion of the authorized agent if the septic tank is undersized, if solids build up and the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown. If any person can

prove that their system tank had been pumped within three years of the six month anniversary of the effective date of this Part, then the City may delay that person's initial required pumping to conform to the general three year frequency requirement.

3. Any person owning a building served by a sewage disposal system which contains an aerobic treatment tank followed by onsite disposal or a discharge of treated effluent to a receiving water course of the Commonwealth as approved by the Pennsylvania DEP through the issuance of a NPDES permit, shall follow the operation and maintenance recommendations of the equipment manufacturer and/or the design engineer. A copy of those recommendations and a copy of any service agreement shall be submitted to the City within six months of the effective date of this Part. Thereafter, service receipts shall be submitted to the City at the intervals specified by said recommendations.
4. Cesspools or drywells shall not be permitted for use as sewage disposal systems.
5. The City may require additional maintenance activity as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.

§ 18-809. System Rehabilitation. [Ord. 2-2000, 3/22/2000, § IX]

1. No person shall operate and maintain a sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash shall be discharged into the system. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit to discharge has been obtained from the Pennsylvania Department of Environmental Protection.
2. The City shall issue a written notice of violation to any person who is the owner of a property in the City which is found to be served by a malfunction in a sewage disposal system.
3. The City's authorized agent shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank and/or other alternatives as appropriate for specific site.
4. In the event that the rehabilitation measures in this section are not feasible or do not prove effective for onlot sewage disposal systems, the City may

- require the owner(s) to apply to the Pennsylvania Department of Environmental Protection for a permit to install an individual spray irrigation treatment system or a single residence treatment system. Upon receipt of said permit, the owner shall complete construction of the system within 30 days.
5. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The City may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it feels necessary.

§ 18-810. Liens. [Ord. 2-2000, 3/22/2000, § X]

The City, upon written notice from the City's authorized agent that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an onlot sewage disposal system as provided under the terms of this Part, shall have the authority to perform or contract to have performed, the work required by the authorized agent. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with law.

§ 18-811. Disposal of Septage. [Ord. 2-2000, 3/22/2000, § IX]

1. All septage originating within the City shall be disposed of at sites or facilities approved by the Pennsylvania DEP. Examples of approved sites or facilities shall include the following: septage treatment facilities, water pollution control plants, approved composting sites and approved farm lands.
2. Septage pumper/haulers operating within the City shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101-6018.1003) and any other applicable Federal or State laws or regulations.

§ 18-812. Licensing of Septage Pumper/Hauler. [Ord. 2-2000, 3/22/2000, § XII]

1. Any septage pumper/hauler operating within the City of Hermitage must first obtain a license to operate from the City. The license may be revoked at any time when, in the opinion of the City of Hermitage, the septage pumper/hauler is not operating in compliance with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101-6018.1003), any other applicable Federal or State law or regulation, or any applicable provision of this Part.
2. Application for the license shall be made on a form provided by the City of Hermitage. The license will be issued for a period of one year, renewable annually at a fee set by resolution of the Hermitage Board of Commissioners. In addition, prior to the issuance of the license, the septage pumper/hauler

must post a bond in the amount of \$5,000 in the name of the City of Hermitage.

3. Licenses will be issued by and kept on file at the offices of the City of Hermitage Water Pollution Control Plant.

§ 18-813. Administration. [Ord. 2-2000, 3/22/2000, § XIII]

1. The City shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Part.
2. The City shall employ qualified individuals to carry out the provisions of this Part. Those employees shall include a certified sewage enforcement officer, a professional or consulting engineer and may include a codes enforcement officer, secretary, administrator or other persons as required. The City may also contract with private qualified persons or firms as necessary to carry out the provisions of this Part.
3. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of sewage disposal systems in the City shall become the property of the City. Existing and future records shall be available for public inspection during required business hours at the official municipal office. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the City's sewage management program shall be made available upon request for inspection by representatives of the Pennsylvania DEP.
4. The Board of Commissioners of the City of Hermitage shall establish by resolution all administrative procedures necessary to properly carry out the provisions of this Part.
5. The Board of Commissioners of the City of Hermitage may establish by resolution a fee schedule, and subsequently assess and collect fees to cover the cost to the City of administering this program.

§ 18-814. Appeals. [Ord. 2-2000, 3/22/2000, § XIV]

1. Appeals from decisions of the City and/or its authorized agents under this Part shall be made to the City of Hermitage Appeals Board, said appeals to be in writing and made within 30 days from the date of the determination or decision. Upon the filing of said appeal, the Hermitage Appeals Board shall administer and hear the appeal in accordance with its established procedures.
2. A decision shall be rendered in writing by the Hermitage Appeals Board within 45 days of the date of the hearing. If a decision is not rendered within 45 days, the relief sought by the appellant shall be deemed granted.

§ 18-815. Penalties. [Ord. 2-2000, 3/22/2000, § XV]

Any person failing to comply with any provisions of this Part shall be subject to a fine of not less than \$100 and costs, and not more than \$1,000 and costs, or in default thereof shall be confined in the county jail for a period of not more than 30 days. Each day of noncompliance shall constitute a separate offense.

PART 9

CERTIFICATE OF COMPLIANCE

§ 18-901. Certificate of Compliance. [Ord. 3-2004, 3/24/2004, § 1; amended by Ord. 3-2015, 2/25/2015]

It shall be unlawful for any owner of real property in the City of Hermitage, Mercer County, Pennsylvania, on which a building is connected to a public sanitary sewer system, to sell, convey, assign or transfer any real property, or for any person to facilitate the sale, conveyance, assignment or transfer of any real property, by deed, agreement of sale, or otherwise, or for any person not already an owner thereof, to acquire an interest in any such real estate, without first securing a certificate of compliance issued by the City, with respect to the real property being transferred, certifying compliance with all laws, ordinances, rules, and regulations of the City and the Commonwealth of Pennsylvania relative to the tapping into, discharging into, or connection with a public sanitary sewer system.

§ 18-902. Application for Certificate. [Ord. 3-3004, 3/24/2004, § 2]

An application for a certificate of compliance shall be made to the City's Water Pollution Control Inspector, or his designee, on forms furnished by the City and shall be accompanied by a fee in such amount as set by the Board of Commissioners, from time to time, by resolution. The fee will be for the application and initial inspection. Should an additional inspection or inspections be required of the Water Pollution Control Inspector, an additional fee, also set by the Board of Commissioners, from time to time, by resolution, shall be required.

§ 18-903. Issuance of Certificate of Compliance. [Ord. 3-2004, 3/24/2004, § 3]

Upon receipt of a properly completed application for a certificate of compliance, the City's Water Pollution Control Inspector, or his designee, shall, within 10 calendar days, physically inspect the real property proposed to be transferred and shall determine its compliance with the laws, ordinances, rules and regulations of the City and Commonwealth of Pennsylvania relative to its connections to the public sanitary sewer system. If the inspector, as aforementioned, determines compliance, he shall within 24 hours issue a certificate of compliance authorizing the transfer of the real estate.

§ 18-904. Noncompliance and Remedial Action. [Ord. 3-2004, 3/24/2004, § 4]

If the officer determines there is noncompliance, he shall separately set forth each violation and the required remedial action in order for a certificate of compliance to be issued and shall promptly forward a copy of his findings to all parties in interest. Upon notification of the remedial action having been completed, the officer shall, within two working days, re-inspect the real estate to be transferred and, if in compliance, shall within 24 hours issue a certificate of compliance. If upon re-inspection the officer determines that all necessary remedial action has not occurred, he shall identify that remedial action still required and shall promptly forward a copy of his findings to all parties in interest. No certificate of compliance shall be issued until all remedial action shall have been completed in a manner

satisfactory to the Water Pollution Control Inspector and all required fees have been paid.

§ 18-905. Appeal. [Ord. 3-2004, 3/24/2004, § 5]

Any person or persons aggrieved by a decision of the Water Pollution Control Inspector may, within 30 days of being so aggrieved, file a written appeal from said decision to the Board of Appeals of the City of Hermitage. Said appeal shall be in writing and shall set forth, in reasonable detail, the proportionate decision by the Water Pollution Control Inspector to which exception is taken; the reason for the exception being taken; and the proposed remedy. Upon receipt of an appeal the Board of Appeals shall schedule a hearing within 30 calendar days of receipt and shall conduct a hearing in the manner otherwise prescribed by ordinances for hearings by said body.

§ 18-906. Penalty. [Ord. 3-2004, 3/24/2004, § 6]

Any person violating any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days. Provided, each violation of any provision of this ordinance, and each day the same continues, shall be deemed a separate offense.