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PART 1

CONNECTION REQUIREMENTS

§ 101. Definitions. [Ord. 163, 11/18/2002, § 1]

Certain words and phrases shall have the meanings ascribed to them, as follows:

AUTHORITY — The St. Marys Municipal Sewer Authority, its successors and assigns.

CITY — The City of St. Marys, Elk County, Pennsylvania.

CITY LATERAL — The sewer pipeline from the right-or-way or inspection port to the main sewer pipeline.

DEVELOPER SEWER EXTENSION — Any extension to the wastewater collection system by a developer in accordance with rules and regulations adopted by the Authority or the City.

INSPECTION PORT — A "T" connection and vertical riser installed to allow inspection of sewer lateral.

OWNER LATERAL — The sewer pipeline from a building to the right-of-way or inspection port.

SEWER SYSTEM — Any wastewater collection pipe or facility operated by the City.

TAP — The point of connection of a sewer lateral to main sewer system.

§ 102. General Regulations. [Ord. 163, 11/18/2002, § 1]

1. Laterals connected to the City's sewer system shall be made only at a tap installed by or under the supervision of the City or Authority representative.

2. All laterals and developer sewer extensions shall be constructed in strict compliance with specifications supplied by the City or the Authority.

3. A separate tap shall be provided for every principal building. The City may permit the connection of two principal buildings to one tap, provided that the lateral running from the tap to point of intersection of the sewer lines serving each principal building is at least six inches in inside diameter, and further provided that such a connection will not be in any way detrimental to operation of sewer system.

4. No tap shall be constructed and no lateral shall be connected to a tap without first obtaining a permit from the City.

5. All lateral connections shall be inspected and approved by the City or Authority representative prior to covering or backfilling trench.

6. Where the wastewater collection system is extended by a project of the Authority:

   A. Every property owner shall connect each principal building to the sewer system wherever such principal building is accessible to and within 150 feet of the sewer system.

   B. The property owner may request to connect to sewer system if feasible and agreeable by City and party from any distance to correct or abate the malfunctioning septic system.

   C. Whenever a tap is installed during construction of any extension of the sewer system by the City or Authority, each lateral shall be connected to the sewer system within 60 days from the date of certified written notice to connect, unless an extension of time is granted for good cause.

   D. When a tap is installed in a developer's sewer extension, the connection shall be made by the developer or the property owner before the principal building is occupied or used.

   E. An inspection port shall be required at property line, or at the discretion of City or Authority inspector. The inspection port shall be a six-inch straight "T" and riser to finished grade, capped with a secure (glued) fitting and screw-type plug. Piping and fittings shall conform to City and or Authority standards.

§ 103. Permits and Fees. [Ord. 163, 11/18/2002, § 1]

1. Before any lateral is constructed or connected to the sewer system, an application for permit shall be paid for and approved by City and or Authority.

2. The fees for connection during construction of sewer system extension shall be fixed and collected by the Authority.

3. The fees for connection in all other circumstances shall be fixed and collected by the City.

4. The City and the Authority are each authorized by resolution from time to time to establish appropriate tapping, connection and inspection fees.

§ 104. Maintenance. [Ord. 163, 11/18/2002, § 1; as amended by Ord. 218, 5/15/2006]

1. Whenever a sanitary sewer line is replaced, all laterals connected to the existing sanitary sewer line and reconnected to the replacement sanitary sewer line must be inspected for inflow and infiltration. If any inflow and infiltration is detected, the property owner shall be responsible for all necessary repairs to his/her sanitary sewer lateral up to the inspection port. The work shall be completed within 60 days of notification from the City. The work shall be inspected by a City representative prior to the sanitary sewer line being buried.

2. The property owner shall be responsible for the maintenance and repair of the sewer lateral from the building to the inspection port. The lateral shall at all times be free of infiltration and inflow of all waters other than the wastewater generated by the building.

3. The City shall be responsible for the maintenance of sewer lateral from the right-of-way line or inspection port to the main sewer line.

4. The property owner shall, within 60 days after receipt of written notice by certified mail from the City, repair any defects in the lateral identified by the City. In the event that the property owner fails to make such repairs within the time allotted, the City shall have the authority to enter onto the property and make the required repairs. In the event that the City performs such repairs, it shall be entitled to collect the reasonable cost of said repairs, plus a municipal claim penalty of 10% and costs, in a municipal claim proceeding.

§ 104.1. New Installations. [Added by Ord. 250, 3/16/2009]

1. All costs associated with the installation of new sanitary sewer laterals or new sanitary sewer extensions shall be the responsibility of the property owner.

2. The City, the Authority, or an approved private contractor by either entity, shall install the sanitary sewer lateral or the sanitary sewer extension from the sanitary sewer main to the property line. All work shall be under the direction and approval of the City or the Authority. The property owner shall be responsible for all costs.

§ 105. Prohibition. [Ord. 163, 11/18/2002, § 1]

1. No person shall at any time cause or permit any waters other than wastewater to enter into any sewer lateral.

2. No person shall cause or permit any roof drains, sump pumps or any other device for the collection and transportation of surface or underground waters to be connected to any sewer lateral.

§ 106. Inspection of Sanitary Sewer System. [Ord. 163, 11/18/2002, § 1]

When the chief operating officer of the wastewater treatment plan is inspecting the main sewer line and finds any illegal connections as defined in § 105 of this Part, he shall notify the property owner(s) of said violation by certified mail. The property owner(s) will have 60 days from receipt of notification to correct said violation. The property owner(s) shall be required to notify the chief operator when violation has been corrected. If violation has not been corrected to City requirements, a second notice shall be issued by certified mail to the owner(s), and the procedure for correction and certification shall be same as for original inspection. Should property owner(s) fail to comply, the penalties as provided by § 107 of this Part apply.

§ 107. Penalties and Enforcement. [Ord. 163, 11/18/2002, § 1]

1. Any person who violates any provision of this Part shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than $1,000, plus costs, and in default of payment of said fine and costs, to undergo a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

2. If any person neglects or refuses to comply with any notice or order from the City or from the Authority to disconnect any lateral or other facility in violation of this Part within the time allotted in the certified written notice of violation to such person, the City shall be entitled to obtain injunctive relief to abate such violation in addition to any other remedies which may be available under law.

§ 108. Sewage System Reserve Fund. [Ord. 163, 11/18/2002, § 1; as amended by Ord. 200, 5/2/2005]

City Council is authorized to create a sewage system reserve fund. All tapping fees, after deduction of any reimbursement component, shall be deposited into the sewage system reserve fund. The monies so deposited, together with any income earned on the fund, shall be used solely for the wastewater treatment plant, or the replacement/repair of existing interceptor or collection sewers, or for the purchase of maintenance equipment, to the extent that such projects are necessary to maintain existing systems, and/or to accommodate future development within the City.

PART 2

WASTEWATER TREATMENT

§ 201. General Provisions. [Ord. 4, 1/31/1994; as amended by Ord. 15, 6/6/1994, § 1; and by Ord. 66, 7/21/1997, § 1]

1. Purpose and Policy. This Part sets forth uniform requirements for users of the wastewater collection system of the City of St. Marys and the publicly owned treatment works (hereinafter referred to as "POTW") of the St. Marys Municipal Authority, and enables the City of St. Marys and the St. Marys Municipal Authority to comply with all applicable state and federal laws including the Clean Water Act (33 U.S.C. § 1251 et seq.), and the General Pretreatment Regulations (40 CFR, Part 403). The objectives of this Part are:

   A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW.

   B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW.

   C. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations.

   D. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public.

   E. To improve the opportunity to recycle and reclaim wastewater and sludge from POTW.

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

   G. To enable the City of St. Marys and the St. Marys Municipal Authority to comply with NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws to which the POTW is subject.

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

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

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

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

APPROVAL AUTHORITY — The appropriate Regional Administrator of the United States Environmental Protection Agency, or his designee.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER —

A. If the industrial user is a corporation, authorized representative shall mean:

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

(2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000 (in second-quarter $1,980), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively.

C. If the industrial user is a federal, state or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

D. The individuals described in Subsections (1) and (2) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of St. Marys.

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 mass and concentration [milligrams per liter (mg/l)].

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

CITY — The City of St. Marys, or the City Council of the City of St. Marys, or any successor municipality or successor governing body thereto.

COLOR — The optical density at the visual wavelength of maximum absorption, relative to distilled water. One 5% transmittance is equivalent to zero optical density.

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

ENVIRONMENTAL PROTECTION AGENCY or EPA — The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.

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

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

INDIRECT DISCHARGE or DISCHARGE — The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

INDUSTRIAL USER or USER — A source of indirect discharge.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT — The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE — A discharge which, alone or in conjunction with a discharge or discharges from other sources: 1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and 2) therefore is a case of a violation of the Municipal Authority's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): § 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), 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 SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act; and 40 CFR, Part 503.

MANAGER — The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Part or his duly authorized representative.

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

MUNICIPAL AUTHORITY — The St. Marys Municipal Authority, or its successor agency.

NEW SOURCE —

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

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

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

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

C. Construction of a new source as defined under this subsection has commenced if the owner or operator has:

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

(a) Any placement, assembly, or installation of facilities or equipment; or

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

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

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

PASS THROUGH — A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

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

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

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes,

industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, odor).

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

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

PRETREATMENT STANDARDS or STANDARDS — Prohibitive discharge standards, categorical pretreatment standards, and local limits.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES — Absolute prohibitions against the discharge of certain substances, these prohibitions appear in § 202(1) of this Part.

PUBLICLY OWNED TREATMENT WORKS or POTW — A treatment works, as defined by § 212 of the Act (33 U.S.C. § 1292), which is owned by the state, a municipality, or a municipal subdivision. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

SEPTIC TANK WASTE — Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE — Human excrement and gray water (household showers, dishwashing operations, etc.)

SIGNIFICANT INDUSTRIAL USER — Shall apply to:

A. Industrial users subject to categorical pretreatment standards; and

B. Any other industrial user that:

(1) Discharges an average of 25,000 gpd or more of process wastewater;

(2) Contributes a process waste stream which makes up 5% of more of the average dry weather hydraulic or organic capacity of the treatment plant; or

(3) Is designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

SLUG LOAD — Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 202(1) of this Part or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

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

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

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

TOXIC POLLUTANT — One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of § 307 (33 U.S.C. § 1317) of the Act.

TREATMENT PLANT EFFLUENT — Any discharge of pollutants from the POTW into waters of the state.

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

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

Shall is mandatory; may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use. For the purpose of computing time periods involving the passing of "days," all calendar days shall be counted, including holidays and weekends.

4. Abbreviations. The following abbreviations shall have the designated meanings:

   A. BOD — Biochemical oxygen demand.

   B. CFR — Code of Federal Regulations.

   C. COD — Chemical oxygen demand.

   D. EPA — U.S. Environmental Protection Agency.

   E. gpd — Gallons per day.

   F. l — Liter.

   G. mg — Milligrams.

   H. mg/l — Milligrams per liter.

   I. NPDES — National Pollutant Discharge Elimination System.

   J. NWDP — Nondomestic Wastewater Discharge Permit.

   K. O&M — Operation and Maintenance.

   L. POTW — Publicly Owned Treatment Works.

   M. RCRA — Resource Conservation and Recovery Act.

   N. SIC — Standard Industrial Classifications.

   O. SWDA — Solid Waste Disposal Act (42 U.S.C. § 6901 et seq.)

   P. TSS — Total Suspended Solids.

   Q. USC — United States Code.

§ 202. General Sewer Use Requirements. [Ord. 4, 1/31/1994; as amended by Ord. 15, 6/6/1994, § 2; by Ord. 66, 7/21/1997, § 2; and by Ord. 134, 4/16/2002]

1. Prohibited Discharge Standards. No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirement. Furthermore, no industrial user may contribute the following substances to the POTW:

   A. Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW including, but not limited to, waste

streams with a closed-cup flashpoint of less than 140° F. (60°C.) using the test methods specified in 40 CFR § 261.21.

B. Any wastewater having a pH of less than 5.0 or more than 10.0 or otherwise causing corrosive structural damage to the POTW or equipment or endangering City personnel.

C. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than three inches in any dimension.

D. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed, for any time period longer than 15 minutes, more than two times the average twenty-four-hour concentration, quantities or flow rate during normal operation period.

E. Any wastewater having a temperature greater than 104° F. (40° C.) or which will inhibit biological activity in the treatment plant resulting in interference.

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

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

H. Any trucked or hauled pollutants, except at discharge points designated by the City in accordance with § 203(5).

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

J. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the City's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonably established norm for aquatic life.

K. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Manager in compliance with applicable state or federal regulations.

L. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Manager.

M. Any sludges, screening, or other residues from the pretreatment of industrial wastes.

N. Any medical wastes, except as specifically authorized by the Manager in a wastewater discharge permit.

O. Any wastewater causing the treatment plant's effluent to fail a toxicity test.

P. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

Q. Any discharge of fats, oils, or greases of animal or vegetable origin in amounts that will cause interference or pass through.

R. Wastewater that will cause two readings on an explosion hazard meter at the point of discharge into the POTW or at any point in the POTW to be more than 5% or any single reading to be over 10% of the lower explosive limit (LEL) of the meter.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

2. Federal Categorical Pretreatment Standards. The national categorical pretreatment standards found at 40 CFR, Chapter I, Subchapter N, Parts 405-471, are incorporated herein as fully as if set forth in their entirety.

3. Specific Pollutant Limitations.

A. Specific pollutant limitations shall be controlled by each individual user's nondomestic wastewater discharge permit.

B. Concentrations as set forth in the permits shall apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise.

4. City's Right of Revision. The City reserves the right to establish by ordinance and reserves the right to establish by wastewater discharge permits more

stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in § 201(1) of this Part or the general and specific prohibitions in § 202(1) of this Part.

5. Special Agreement. The City reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR § 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR § 403.13.

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

7. Net/Gross Determination. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with 40 CFR § 403.15.

§ 203. Pretreatment of Wastewater. [Ord. 4, 1/31/1994; as amended by Ord. 232, 6/4/2007]

1. Pretreatment Facilities. Industrial users shall provide necessary wastewater treatment as required to comply with this Part and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in § 202(1), above, within the time limitations specified by the EPA, the state, or the Manager — whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the industrial 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. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this Part.

2. Additional Pretreatment Measures.

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

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

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

D. At no time shall two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, be more than 5% nor shall any single reading be over 10% of the lower explosive limit (LEL) of the meter.

3. Accidental Discharge/Slug Control Plans. The Manager may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years, the Manager shall evaluate whether each significant industrial user needs such a plan. An industrial user will be evaluated by the manager within one year of being identified as a significant industrial user.

Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges.

B. Description of stored chemicals.

C. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in § 202(1) of this Part.

D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection

and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

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

5. Hauled Wastewater.

   A. Septic tank waste may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the Manager, provided such wastes do not violate § 202 of this Part or any other requirements established or adopted by the City. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by the Manager.

   B. The discharge of hauled industrial wastes as "industrial septage" requires prior approval and a wastewater discharge permit from the City. The Manager shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. Waste haulers are subject to all sections of this Part.

   C. Fees for dumping septage will be established as part of the industrial user fee system as authorized in § 215.

6. Vandalism. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in §§ 210-212 below.

7. Maximum Allowable Industrial Loadings. **[Added by Ord. 304, 6/19/2017]**

   A. No industrial user shall introduce or cause to be introduced into the publicly owned treatment works (POTW) any of the following pollutants which will cause the loading of the POTW to exceed any of the following described local limits:

Pollutant of Concern	**Local Limit (lbs/day)**
Arsenic	0.3643
Beryllium	0.3232
Bis (2-Ethylhexyl) Phthalate	0.2530

Pollutant of Concern	Local Limit (lbs/day)
Cadmium	0.0816
Chromium	5.9820
Copper	8.1601
Cyanide	0.1034
Lead	0.3332
Mercury	0.0016
Molybdenum	97.2819
Nickel	2.3004
Selenium	0.0771
Silver	0.6750
Zinc	20.4433
Sulfate	3210.4984
Sulfide	26.5207

B. The City reserves the right to allocate individual pollutants in an individual industrial user permit as necessary to ensure that the local limit loadings of the specific pollutants are not exceeded within the POTW.

C. Allocations to individual industrial user permit holders will be made on an as-needed basis while maintaining appropriate local limit reserves for each pollutant.

D. The City also reserves the right to revise the amount of individual pollutants allowed under any industrial user permit as may be necessary to maintain the local limit loadings set by this subsection.

E. The limits appearing in an individual industrial user permit shall be the enforceable limits for that individual user.

F. Any violation of a permit limit shall be considered a violation of these regulations.

§ 204. Wastewater Discharge Permit Eligibility. [Ord. 4, 1/31/1994]

1. Wastewater Survey. When requested by the Manager, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their

discharge. The Manager is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable ground for terminating service to the industrial user and shall be considered a violation of this Part.

2. Wastewater Discharge Permit Requirement.

   A. It shall be unlawful for any significant industrial user to discharge wastewater into the City's POTW without first obtaining a wastewater discharge permit from the Manager. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Part and subjects the wastewater discharge permittee to the sanctions set out in §§ 210-212. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.

   B. The Manager may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purpose of this Part.

3. Wastewater Discharge Permitting Existing Connections. Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this Part, who wishes to continue such discharges in the future and who does not have currently an existing nondomestic wastewater discharge permit, shall, within 30 days after said date, apply to the City for a wastewater discharge permit in accordance with Subsection 6 below and shall not cause or allow discharges to the POTW to continue after 90 days from the effective date of this Part except in accordance with a wastewater discharge permit issued by the Manager.

4. Wastewater Discharge Permitting New Connections. Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for the wastewater discharge permit must be filed at least 90 days prior to the date upon which any discharge will begin.

5. Wastewater Discharge Permitting Extra-Jurisdictional Industrial Users.

   A. Any existing significant industrial user located beyond the City limit, excepting those with current NWDP, shall submit a wastewater discharge permit application, in accordance with Subsection 6 below, within 90 days of the effective date of this Part. New significant industrial users located beyond the City of St. Marys limits shall submit such applications to the Manager 90 days prior to any proposed discharge into the POTW.

B. Alternately, the Manager may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

6. Wastewater Discharge Permit Application Contents. In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit to the City the information required by § 206(1)(B) of this Part. The Manager shall approve

a form to be used as a permit application. In addition, the following information may be requested:

A. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.

B. Number and type of employees, hours of operation, and proposed or actual hours of operation.

C. Each product produced by type, amount, process or processes, and rate of production.

D. Type and amount of raw materials processed (average and maximum per day).

E. The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

F. Time and duration of the discharge.

G. Any other information as may be deemed necessary by the Manager to evaluate the wastewater discharge permit application.

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

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

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

8. Wastewater Discharge Permit Decisions. The Manager will evaluate the data furnished by the industrial user and may require additional information. Within 10 days of receipt of a complete wastewater discharge permit application, the Manager will determine in writing whether to issue or deny the permit or to refer the application to other appropriate officials for further

investigation; provided that a final determination regarding the application shall be made within 60 days of receipt of the completed application. If no determination is made within 60 days, the application will be deemed denied. The Manager may deny any application for a wastewater discharge permit for cause.

§ 205. Wastewater Discharge Permit Issuance Process. [Ord. 4, 1/31/1994; as amended by Ord. 15, 6/6/1994, § 3; and by Ord. 232, 6/4/2007]

1. Wastewater Discharge Permit Duration. Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A wastewater discharge permit may be issued for a period less than five years at the discretion of Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

2. Wastewater Discharge Permit Contents. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

   A. Wastewater discharge permits must contain the following conditions:

      (1) A statement that indicates the wastewater discharge permit's duration, which in no event shall exceed five years.

      (2) A statement that the wastewater discharge permit is nontransferable without prior notification to and approval of the City of St. Marys, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

      (3) Effluent limits applicable to the user based on applicable standards in federal, state and local law.

      (4) Self-monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law.

      (5) Statement of applicable civil, criminal and administrative penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.

(6) Requirement to control slug discharges, if determined by the POTW to be necessary.

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

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

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

(3) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or routine discharges.

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

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

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

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

(9) Requirements for the submission of the data necessary for use in the combined waste stream formula as provided by 40 CFR Part 403.6(e).

3. Wastewater Discharge Permit Appeals. Any person, including the industrial user, may petition the City of St. Marys to reconsider the terms of a wastewater discharge permit within 10 days of its issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for the objections, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

D. If the City of St. Marys fails to act within 10 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.

E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Court of Common Pleas of the 59th Judicial District of Pennsylvania, Elk County Branch, within 30 days of the date of the City's decision or, if the City fails to act on the petition for reconsideration within 10 days of the filing of the petition, then within 30 days of the day upon which it is deemed denied. (See 42 Pa.C.S.A. § 933, and 42 Pa.C.S.A. § 5571(b).)

4. Wastewater Discharge Permit Modification. The Manager may modify the wastewater discharge permit for good cause including, but not limited to, the following:

A. To incorporate any new or revised federal, state or local pretreatment standards or requirements.

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

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

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

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

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

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

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

I. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

5. Wastewater Discharge Permit Transfer. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 30 days' advance notice to the Manager and the Manager approves the wastewater discharge permit transfer. The notice to the Manager must include a written certification by the new owner and/or operator which:

A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.

B. Identifies the specific date on which the transfer is to occur.

C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

6. Wastewater Discharge Permit Revocation. Wastewater discharge permits may be revoked for the following reasons:

A. Failure to notify the City of St. Marys of significant changes to the wastewater prior to the changed discharge.

B. Failure to provide prior notification to the City of St. Marys of changed condition pursuant to § 206(5).

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.

D. Falsifying self-monitoring reports.

E. Tampering with monitoring equipment.

F. Refusing to allow the City of St. Marys timely access to the facility premises and records.

G. Failure to meet effluent limitations.

H. Failure to pay fines.

I. Failure to pay sewage charges.

J. Failure to meet compliance schedules.

K. Failure to complete a wastewater survey or the wastewater discharge permit application.

L. Failure to provide advance notice of the transfer of a permitted facility.

M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Part.

Wastewater discharge permits shall be voidable upon nonuse, cessation of operations or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

7. Wastewater Discharge Permit Reissuance. A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with § 204(6) a minimum of 90 days prior to the expiration of the industrial user's existing wastewater discharge permit.

8. Municipal Wastewater Discharge Permits. In the event another municipality contributes all or a portion of its wastewater to the POTW, the POTW may require such municipality to apply for and obtain a municipal wastewater discharge permit.

A. A municipal wastewater discharge permit application shall include:

(1) A description of the quality and volume of the wastewater at the point(s) where it enters the POTW.

(2) An inventory of all industrial users discharging to the municipality.

(3) Such other information as may be required by the Manager.

B. Municipal wastewater discharge permits shall contain the following conditions:

(1) A requirement for the municipal user to adopt a sewer use ordinance which is at least as stringent as this Part and local limits which are at least as stringent as those set out in § 202(4).

(2) A requirement for the municipal user to submit a revised industrial user inventory on at least an annual basis.

(3) A requirement for the municipal user to a) conduct pretreatment implementation activities including industrial user permit issuance, inspection and sampling, and enforcement; or b) authorize the POTW to take or conduct such activities on its behalf.

(4) A requirement for the municipal user to provide the City of St. Marys with access to all information that the municipal user obtains as part of its pretreatment activities.

(5) Limits on the nature, quality and volume of the municipal user's wastewater at the point where it discharges to the POTW.

(6) Requirements for monitoring the municipal user's discharge.

C. Violation of the terms and conditions of the municipal user's wastewater discharge permit subjects the municipal user to the sanctions set out in §§ 210 and 212.

§ 206. Reporting Requirements. [Ord. 4, 1/31/1994; as amended by Ord. 232, 6/4/2007]

1. Baseline Monitoring Reports.

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

B. The industrial user shall submit the information required by this section, including:

(1) Identifying Information. The name and address of the facility including the name of the operator and owners.

(2) Wastewater Discharge Permits. A list of any environmental control wastewater discharge permits held by or for the facility.

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

(4) Flow Measurement. Information showing the measured average daily maximum flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR § 403-6(e).

(5) Measurement of Pollutants.

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

(b) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City of St. Marys) of regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Subsection 10.

(c) Sampling must be performed in accordance with procedures set out in Subsection 11.

(d) Where process effluent is mixed, prior to treatment, with wastewaters other than those generated by the regulated process, the industrial user is to provide sufficient data for use in the combined waste stream formula consistent with 40 CFR Part 403.6(e).

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

(7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date

established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 204(6)(N) of this Part.

(8) All baseline monitoring must be signed and certified in accordance with § 204(7).

2. Compliance Schedule Progress Report. The following conditions shall apply to the schedule required by § 206(1)(B)(7). The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred above shall exceed nine months. The industrial user shall submit a progress report to the Manager no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the Manager.

3. Report on Compliance with Categorical Pretreatment Standard Deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the City of St. Marys a report containing the information described in § 20(6)(1)(B)(4-6). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures of 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 204(7).

4. Periodic Compliance Reports.

A. Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the Manager but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting

period. All periodic compliance reports must be signed and certified in accordance with § 204(7).

B. In cases where the pretreatment standard requires compliance with a best management practice (or pollution prevention alternative), the industrial user shall submit documentation required by the control authority or the pretreatment standard necessary to determine compliance status for the industrial user. At the discretion of the control authority, the months which the above reports are to be submitted may be modified.

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

D. If an industrial user subject to the reporting requirement in and of this section monitors any regulated pollutant more frequently than required by the POTW, using the procedures prescribed in Subsection 11 of this section, the results of this monitoring shall be included in the report.

5. Report of Changed Conditions. Each industrial user is required to notify the Manager of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 90 days before the change.

A. The Manager may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 204(6).

B. The Manager may issue a wastewater discharge permit under § 204(8) or modify an existing wastewater discharge permit under § 205(4).

C. No industrial user shall implement the planned changed condition(s) until and unless the Manager has responded to the industrial user's notice.

D. A change in the listed or characteristic hazardous waste for which the industrial user has submitted initial notification is subject to this requirement.

E. For purposes of this requirement, flow increases of 10% or greater and the discharge of any previously unreported pollutant shall be deemed significant.

6. Reports of Potential Problems.

   A. In the case of any discharge including, but not limited to, accidental discharges, discharges of nonroutine, episodic nature, a noncustomary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in § 202(1) of this Part), it is the responsibility of the industrial user to immediately telephone and notify the City of St. Marys of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

   B. Within five days following such discharge, the industrial user shall, unless waived by the Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties or other liability which may be imposed by this Part.

   C. Failure to notify the City of St. Marys of potential problem discharges shall be deemed a separate violation of this Part.

   D. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection 6A above. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

7. Reports from Nonsignificant Industrial Users. All industrial users not subject to a categorical pretreatment standard and not required to obtain a wastewater discharge permit shall provide appropriate reports to the City of St. Marys as the Manager may require. In cases where a local limit requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation as required by the control authority to determine the compliance status of the industrial user.

8. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by an industrial user indicates a violation, the industrial user must notify the control authority within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's at least

once a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

9. Notification of the Discharge of Hazardous Waste.

A. Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR, Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information available to the industrial user; an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Subsection 5 above. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Subsections 1, 3 and 4 above.

B. Dischargers are exempt from the requirements of Subsection 1 of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR §§ 201.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

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

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

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

11. Sampling Collection.

A. Except as indicated in Subsection 11B below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Manager may authorize the use of time proportional sampling or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

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

12. Determination of Noncompliance. The Manager may use a grab sample(s) to determine noncompliance with pretreatment standards.

13. Timing. Written reports will be deemed to have been submitted on the date post marked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.

14. Recordkeeping. Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this Part. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this Part, or where the industrial user has been specifically notified of a longer retention period by the Manager.

§ 207. Compliance Monitoring. [Ord. 4, 1/31/1994; as amended by Ord. 15, 6/6/1994, § 4]

1. Inspection and Sampling. The City of St. Marys shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this Part, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the Manager or his representatives ready access to all parts of the premises for the purposes of inspecting, sampling, records examination and copying, and the performance of any additional duties.

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

   B. The City of St. Marys, state and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

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

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

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

2. Search Warrants. If the Manager has been refused access to a building, structure or property, or any part thereof, and if the Manager has demonstrated probable cause to believe that there may be a violation of this Part or that there is need to inspect as part of a routine inspection program of the City of St. Marys designed to verify compliance with this Part or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City's Attorney, the District Justice having jurisdiction shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched

and/or seized on the property described. Such warrant shall be served at reasonable hours by the Manager in the company of a uniformed police officer of the City of St. Marys. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

§ 208. Confidential Information. [Ord. 4, 1/31/1994; as amended by Ord. 15, 6/6/1994, § 5]

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

§ 209. Publication of Industrial Users in Significant Noncompliance. [Ord. 4, 1/31/1994; as amended by Ord. 232, 6/4/2007]

The City shall publish annually, in the largest daily newspaper published in the City of St. Marys, or in The Daily Press, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed the instantaneous limits.

B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement (including instantaneous limits) multiplied by the applicable TRC: (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

C. Any other violation(s) of a pretreatment standard or requirement that the City determines has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass through or endangered the health of City personnel or the general public.

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.

E. Failure to provide, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

F. Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, ninety-day compliance reports, and reports on compliance within compliance schedules.

G. Failure to accurately report noncompliance.

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

§ 210. Administrative Enforcement Remedies. [Ord. 4, 1/31/1994]

1. Notification of Violation. Whenever the Manager finds that any user has violated or is violating this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the Manager or his agent may serve upon said user a written notice of violation. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the City to take any action, including emergency action or any other enforcement action, without first issuing a notice of violation.

2. Consent Orders. The Manager is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such order will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as the administrative orders issued pursuant to Subsections 4 and 5 below and shall be judicially enforceable.

3. Show-Cause Hearing. The Manager may order an user which causes or contributes to violation(s) of this Part, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the Manager and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause

why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

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

5. Cease-and-Desist Orders. When the Manager finds that a user is violating this Part, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

   A. Immediately comply with all requirements.

   B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operating and/or terminating the discharge. Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

6. Administrative Fines.

   A. Notwithstanding any other section of this Part, any user that is found to have violated any provision of this Part, its wastewater discharge permit, and/or orders issued hereunder, or any other pretreatment standard or requirement shall be fined in an amount not to exceed $1,000 per day. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average

discharge limits, fines shall be assessed for each day during the period of violation.

B. Assessments may be added to the user's next scheduled sewer service charge, and the Manager shall have such other collection remedies as may be available for other service charges and fees.

C. Unpaid charges, fines, and penalties, after 30 calendar days, shall be assessed an additional penalty of 10% of the unpaid balance, and interest shall accrue thereafter at a rate of 1.5% per month. A lien against the individual user's property will be sought for unpaid charges, fines and penalties.

D. Users desiring to dispute such fines must file a written request for the Manager to reconsider the fine along with full payment of the fine amount within five days of being notified of the fine. Where a request has merit, the Manager shall convene a hearing on the matter within 10 days of receiving the request from the industrial user. In the event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user. The City may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

E. Issuance of an administrative fine shall not be prerequisite for taking any other action against the user.

7. Emergency Suspension. The Manager may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Manager may immediately suspend a user's discharge (after notice and also opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Manager shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in Subsection 8 are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the Manager prior

to the date of any show cause or termination hearing under Subsections 3 and 8, a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

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

8. Termination of Discharge. In addition to those provisions in § 205(6) of this Part, any user that violates the following conditions of this Part, wastewater discharge permit, or order issued hereunder is subject to discharge termination.

   A. Violation of wastewater discharge permit conditions.

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

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

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

   E. Violation of the pretreatment standards in § 202 of this Part.

   Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Subsection 3 of this section why the proposed action should not be taken.

§ 211. Judicial Enforcement Remedies. [Ord. 4, 1/31/1994; as amended by Ord. 15, 6/6/1994, §§ 6, 7, 8]

1. Injunctive Relief. Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this Part, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the Manager may petition the Court of Common Pleas of the 59th Judicial District of Pennsylvania, Elk County Branch, 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 the Part on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the City. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

2. Civil Penalties.

A. Any user which has violated or continues to violate this Part, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of $1,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The City may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

3. Criminal Prosecution.

A. Any user that willfully or negligently violates any provision of this Part, any order or wastewater discharge permit issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of an offense, punishable by a fine of not 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 on which an offense occurs and each offense which occurs on each day shall be deemed a separate offense.

B. Any user that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of an offense punishable by a fine of not more than $1,000 per violation per day plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

C. Any user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this Part, wastewater discharge permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part shall, upon conviction, be guilty of an offense punishable by a fine of not more than $1,000 per violation per

day plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

4. Remedies Nonexclusive. The provisions in §§ 209-212 are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

§ 212. Supplemental Enforcement Action. [Ord. 4, 1/31/1994]

1. Performance Bonds. The Manager may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Part, any order, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Manager to be necessary to achieve consistent compliance.

2. Liability Insurance. The Manager may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Part, any order, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

3. Water Supply Severance. Whenever a user has violated or continues to violate the provisions of this Part, order, or wastewater discharge permit issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after the user has satisfactorily demonstrated its ability to comply.

4. Contractor Listing. Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a user found to be in significant noncompliance with pretreatment standards may be terminated at the discretion of the City.

§ 213. Affirmative Defenses to Discharge Violations. [Ord. 4, 1/31/1994; as amended by Ord. 15, 6/6/1994, § 9]

1. Upset.

   A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with

categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Subsection 1C are met.

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

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

(2) The facility was at the time being operated in a prudent and work-manlike manner and in compliance with applicable operation and maintenance procedures.

(3) The industrial user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days thereafter):

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

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

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

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

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

F. The industrial user shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the

situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

2. General/Specific Prohibitions. An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in § 202(1) of this Part if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference, or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

3. Bypass.

A. Definitions.

(1) BYPASS — The intentional diversion of waste streams from any portion of an industrial user's treatment facility.

(2) SEVERE PROPERTY DAMAGE — Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Subsections 3C and D of this section.

C. Advance Need.

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

(2) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time it becomes aware of the bypass. The written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of

the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D. Bypass Prohibited.

(1) Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless;

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

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

(c) The industrial user submitted notices as required under Subsection 3C of this section.

(2) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in Subsection 3D(1) of this section.

§ 214. Surcharge Costs. [Ord. 4, 1/31/1994]

An industrial user will be surcharged at the then-current rate for BOD for all concentrations in excess of 300 mg/l; for TSS for all concentrations in excess of 350 mg/l; and for NH_3-N for all concentrations in excess of 30 mg/l.

§ 215. Miscellaneous Provisions. [Ord. 4, 1/31/1994]

1. Pretreatment Charges and Fees. The City may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the City's pretreatment program, which may include:

A. Fees for wastewater discharge permit applications, including the cost of processing such applications.

B. Fees or monitoring, inspection and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users.

C. Fees for reviewing and responding to accidental discharge procedures and construction.

D. Fees for filing appeals.

E. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Part and are separate from all other fees, fines and penalties chargeable by the City.

2. Conflicts. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Part are hereby repealed to the extent of the inconsistency or conflict.

PART 3

SEWER RENTALS

§ 301. Definitions. [Ord. 4, 1/31/1994; as amended by Ord. 170, 1/6/2003; as amended by Ord. 172, 3/3/2003, § 1]

All words and phrases used in this Part shall have the following meanings:

CITY — The City of St. Marys.

CITY FORM — A form provided by the City.

CUSTOMER — The owner, tenant or occupant of any property served by the sewer system.

NONDOMESTIC WASTE — Any waste except the ordinary and customary sewage waste resulting from the human habitation of residential property.

NONRESIDENTIAL — Any property not primarily used for residential purposes, excluding only private garage buildings.

OCCUPIED PROPERTY — Every property, whether residential or nonresidential connected to the City's public sanitary sewer system. This definition also includes properties for which the City has issued a notice to connect to the sanitary sewer system even though such connection has not yet been made.

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

RESIDENTIAL — Any property used primarily for residential purposes, including a private garage.

SEWER SYSTEM — The sanitary sewer system operated by the City.

TREATMENT PLANT — The sewage treatment plant operated by the City to which the sewer system flows.

§ 302. Sewer Rental Rates. [Ord. 4, 1/31/1994; as amended by Ord. 50. 6/7/1996; by Ord. 86, 10/19/1998, § 1; by Ord. 98, 6/21/1999, §§ 1, 2; by Ord. 170, 1/6/2003; by Ord. 172, 3/3/2003, §§ 2, 3; by Ord. 190, 12/20/2004; and by Ord. 195, 1/24/2005]

1. Sewer rental rates for each occupied property shall be a combination of the base rate plus a consumption charge and shall be established from time to time by the City of St. Marys via resolution.

2. In any case where water is not provided to the occupied property by the St. Marys Area Water Authority, the sewer rental rate shall be based upon the metered water usage quarterly on said property, if metered, at the same rate as specified above, or, if not metered, then at the flat rate of $60 per quarter.

3. Sewer rental accounts not paid when due shall be subject to surcharge, penalties and interest as provided in § 303.

4. Where water consumption is the basis for determining sewer rental rates, the quantity of water shall be measured by a water meter installed either by St. Marys Water Authority or by the customer at its own expense.

5. In the case of rates determined by water consumption, where consumed water does not enter the sanitary sewer system, the nonresidential customer may request a reduction of sewer rental rates by making written application to the City setting forth all necessary data accompanied by a plan of the property showing water distribution and location of water meters. Upon satisfactory proof that a portion of the water used on the nonresidential property does not and cannot enter the sewer system, and that the total water used on the premises exceeds 30,000 gallons per quarter, the City may adopt any reasonable method to determine the amount of water entering the sanitary sewer system, including installation of additional meters at the cost of the customer, and the City may, in its sole discretion, exempt the customer from sewer rental rates for the water not entering the sewer system.

6. All records and meter readings of water consumption shall be made available to the City.

§ 303. Surcharges and Penalties on Sewer Rentals. [Ord. 4, 1/31/1994; as amended by Ord. 86, 10/19/1998, § 2; by Ord. 170, 1/6/2003; and by Ord. 172, 3/3/2004, § 4]

1. A late payment penalty in the amount of 1 1/2% per month shall be charged to each sewer rental account not paid in full on or before the 15th day after the billing date.

2. A surcharge may be made at such rates as may be fixed by the City with the advice of its consulting engineer for the discharge of nondomestic waste which exceed the standards for discharge set forth in § 306.

3. A penalty of 5% may be charged and added to any sewer rental account for which suit or municipal lien is filed, in addition to interest, costs and other charges authorized by law.

§ 304. Billing and Collection. [Ord. 4, 1/31/1994; as amended by Ord. 54, 8/19/1996; by Ord. 86, 10/19/1998, § 3; by Ord. 170, 1/6/2003; and by Ord. 172, 3/3/2004, § 5]

1. All sewer rentals accounts shall be billed annually, quarterly or monthly and on such billing dates as the City may from time to time determine.

2. All sewer rental accounts shall be paid in full on or before the 15th day after the billing date.

3. Sewer rental accounts covering a period less than the full billing period shall be charged on a per diem basis; provided, however, that the City may use its discretion in billing for sewer service commencing on the first day of the calendar month following the first use or reuse of the sewer system.

4. The property owner shall be billed as the customer unless otherwise permitted by the City for good cause shown.

5. The City may from time to time by resolution adopt a schedule of charges and penalties for the various activities involved in collection of delinquent sewer rentals.

§ 305. Liability for Payment and Exoneration. [Ord. 4, 1/31/1994]

1. Any sewer rental account which is delinquent for more than 30 days may be collected as provided by law, including an action of assumpsit or by filing a municipal lien against the customer's property.

2. Any customer whose property is disconnected from the sanitary sewer system for at least one calendar month may apply to the City on a City form for an exoneration, but no application shall be approved for more than one month at a time.

3. Immediately upon the use or occupancy of a property having no sewer account number, the owner thereof shall notify the City upon a City form as to the date of such occupancy.

4. Immediately upon the change of ownership of any property having a sewer account number, the new owner shall immediately notify the City on a City form.

5. Failure to give notice of new occupancy or a change of ownership shall not relieve any owner or property of liability for current or delinquent sewer rentals.

§ 306. General Regulations. [Ord. 4, 1/31/1994; as amended by Ord. 170, 1/6/2003; and by Ord. 172, 3/3/2004, § 6]

1. The City's authorized representatives shall have access at all reasonable times to any property for which sewer service is supplied, for the purpose of inspecting meters, plumbing and the sewage or waste discharged into the sewer system.

2. The City may refuse connection to any sewer, or may compel the discontinuance of use of any sewer, in order to prevent the discharge of any sewage or waste matter deemed to be harmful to the sewer system or the treatment plant.

3. The City may request the termination of water service by the St. Marys Area Water Authority where the customer is delinquent in the payment of sewer rentals for more than 30 days. When service is terminated for failure to timely pay, a shutoff fee of $40 shall be charged to the customer's account for each letter sent and each notice posted. **[Amended by Res. 14-5, 3/17/2014]**

4. The City may from time to time by resolution adopt further rules and regulations governing the use of the sewer system.

PART 4

INDIVIDUAL AND COMMUNITY DISPOSAL SYSTEMS

§ 401. Short Title. [Ord. 4, 1/31/1994]

This Part shall be known as "The City of St. Marys Sewage Enforcement Ordinance."

§ 402. Purpose and Authority. [Ord. 4, 1/31/1994]

The purpose of this Part is to regulate the construction of sewage facilities and the control of sewage flow within the City of St. Marys. This Part is enacted pursuant to the provisions of the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, as amended, and the regulations of the Department of Environmental Resources issued pursuant to said Act.

§ 403. Definitions. [Ord. 4, 1/31/1994]

As used in this Part, in the Pennsylvania Sewage Facilities Act, and in the rules and regulations of the Department of Environmental Resources issued pursuant to said Act, the terms hereinafter set forth shall have the following meanings:

LOCAL AGENCY — The City of St. Marys and its City Council.

SEWAGE ENFORCEMENT OFFICER — The person or persons appointed by the City Council and charged with the responsibility for enforcement and administration of this Part.

§ 404. Sewage Enforcement. [Ord. 4, 1/31/1994]

1. The provisions of the Pennsylvania Sewage Facilities Act, as amended, and the rules and regulations of the Department of Environmental Resources issued pursuant to said Act are hereby adopted as the rules and regulations of the City of St. Marys with regard to individual and community sewage facilities.

2. No permit for an individual or community sewage facility shall be granted unless such facility is in complete accordance with the provisions of this Part.

3. No permit shall be issued for an off-site sewage disposal facility where the lot or parcel of land upon which said facility is to be installed contains less than 40,000 square feet in area.

§ 405. Authority of Sewage Enforcement Officer. [Ord. 4, 1/31/1994]

The Sewage Enforcement Officer shall have the power to issue or deny permits for the installation of individual or community sewage facilities on any lot or parcel of land in the City in accordance with the rules and regulations of this Part.

§ 406. Permit. [Ord. 4, 1/31/1994]

No individual or community sewage disposal facility shall be installed or constructed on any lot or parcel of land in the City of St. Marys until a permit for such installation or construction has been granted by the Sewage Enforcement Officer. Application for such permit shall be made to the Sewage Enforcement Officer upon a form provided by the Department of Environmental Resources. A permit shall be required for all sewage disposal facilities, including a facility serving a rural residence as defined in the Pennsylvania Sewage Facilities Act. All sewage disposal facilities shall comply with the design and performance standards established from time to time by the Department of Environmental Resources for each type of facility.

§ 407. Appeals. [Ord. 4, 1/31/1994]

In the event the Sewage Enforcement Officer denies a permit, the applicant may appeal the decision of the Sewage Enforcement Officer to the City Council. Such appeals shall be governed by the provisions of the Pennsylvania Sewage Facilities Act and § 7 thereof.

§ 408. Fees. [Ord. 4, 1/31/1994]

An application for a permit for any individual or community sewage facility, except a holding tank, chemical toilet, retention tank, vault pit privy or other similar facility for holding sewage shall be accompanied by an inspection fee in an amount as established by resolution by the City Council. An application for a permit for a holding tank, chemical toilet, retention tank, vault pit privy or any other similar type facility for holding sewage shall be accompanied by an inspection fee in an amount established by resolution.

§ 409. Penalties. [Ord. 4, 1/31/1994]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $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.

PART 5

USE OF RETAINING TANKS

§ 501. Purpose. [Ord. 4, 1/31/1994]

The purpose of this Part is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage, whether from residential or commercial uses; and, it is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this City.

§ 502. Definitions. [Ord. 4, 1/31/1994]

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

CITY — The City of St. Marys.

DEPARTMENT — The Pennsylvania Department of Environmental Resources, or such other agency as may from time to time have jurisdiction over the disposition of sewage within the City.

HOLDING TANK — A water-tight 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 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.

PERMANENT USE — The installation, operation, maintenance or use of a holding tank for a period in excess of two years.

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

SEWAGE — Any substance which 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.

SEWAGE ENFORCEMENT OFFICER — The person or persons appointed by the City, from time to time, to administer the provisions of this Part and other ordinances relating to the disposition of sewage.

§ 503. Prohibitions. [Ord. 4, 1/31/1994]

1. No person shall permit or cause the installation, operation, maintenance or use of a holding tank within the City except in strict accordance with the provisions of this Part and the regulations of the Department.

2. No permit shall be issued for the installation, operation, maintenance or use of a holding tank within the City for permanent use.

3. No holding tank shall be installed on any property within the City without first obtaining a permit pursuant to this Part.

4. No permit shall be issued by the City for a holding tank until an appropriate amendment to the City's sewage facilities plan has been approved by the Department.

§ 504. Application for Permit. [Ord. 4, 1/31/1994]

1. An application for a holding tank permit shall be made to the Sewage Enforcement Officer.

2. The application shall be on a form provided by the City and shall contain the following minimum information:

   A. Full name and address of the applicant and of the owner of the property.

   B. A site plan showing the proposed location of the holding tank.

   C. Specifications for the holding tank to be installed.

   D. Name and address of the person who is proposed to be periodically cleaning out and transporting the contents of the holding tank.

   E. A plan for permanent disposition of sewage when the holding tank permit expires.

   F. All documents required by the Department in order to submit a request for approval of the approval amendment to the City's sewage facilities plan.

3. At the time of making application, the applicant shall also pay an application fee in an amount as established, from time to time, by resolution of City Council, which is non-refundable.

4. A Sewage Enforcement Officer shall issue or deny the permit in writing within seven days after receiving a complete application the plan amendment approval from the Department. No permit shall be deemed approved by reason of the failure of the Sewage Enforcement Officer to issue the permit.

5. The procedure for handling of a permit application and for appeals shall be in accordance with the regulations for issuance of permits from time to time adopted by the Department.

§ 505. Minimum Requirements. [Ord. 4, 1/31/1994]

Every holding tank permitted under this Part shall have a minimum capacity of 1,000 gallons and shall be buried below ground. No holding tank shall be covered until the Sewage Enforcement Officer has inspected and approved the installation thereof. The Sewage Enforcement Officer or the City may impose such additional requirements for or condition on the issuance of a permit as may be necessary to the health and welfare of the residents of the City.

§ 506. Denial or Revocation of Permits. [Ord. 4, 1/31/1994]

1. The City shall have the right to deny any permit where the City finds that the issuance of such permit, or the continued use of the holding tank, would by contrary or inimical to the health and welfare of the inhabitants of the City.

2. If a person is in violation of any of the provisions of this Part, after notice as herein provided, the City shall have the right to revoke the permit and order termination of the use of the holding tank. Unless a violation threatens immediate harm to the health or welfare of the inhabitants of the City, the violator shall be given 10 days notice in which to correct the violation. If a person fails to cease and desist in the use of a holding tank after notice of revocation of the permit, the City shall have the power to enter onto the property and physically disconnect the holding tank.

§ 507. Grant of Rights. [Ord. 4, 1/31/1994]

1. By making application for a permit, the applicant and the owner of the property on which the holding tank is to be located grant to the City the right at all reasonable times to enter onto the property for the purpose of inspection, maintenance or disconnection of the holding tank.

2. The applicant also indemnifies and saves the City harmless from any and all claims for personal injury, property damage or nuisance which may arise by reason of the installation, maintenance, operation or use of the holding tank, as well as for all costs incurred by the City to assure compliance with all regulations of the Department and all provisions of this Part.

§ 508. Renewal. [Ord. 4, 1/31/1994]

There shall be no vested right to renewal of any permit issued under this Part.

§ 509. Penalties. [Ord. 4, 1/31/1994]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $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.

§ 510. City Responsibility. [Ord. 4, 1/31/1994]

1. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the City; and the disposal thereof shall be made only at such site or sites as may be approved by the Department.

2. The City shall receive, review and retain pumping receipts from permitted holding tanks.

3. The City will complete and retain annual inspection reports for each permitted tank.

4. The City shall have the right and power to fix, alter, charge and collect rates, assessments and other charges at reasonable and uniform rates as authorized by applicable law for any and all services performed by the City under this Part.

§ 511. Owners Responsibilities. [Ord. 4, 1/31/1994]

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

1. Maintain the holding tank in conformance with this or any ordinance of this City, the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.

2. Permit only the City or its agent to inspect holding tanks on an annual basis.

3. Permit only the City or its agent to collect, transport and dispose of the contents therein.

4. Promptly pay to the City all charges and expenses incurred by the City for performing its responsibilities under this Part.

§ 512. Abatement of Nuisances. [Ord. 4, 1/31/1994]

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

PART 6

PROPERTY INSPECTION

§ 601. Title. [Ord. 174, 6/2/2003, § 601]

This Part shall be known as the "St. Marys Property Inspection Ordinance."

§ 602. Authority and Purpose. [Ord. 174, 6/2/2003, § 602]

This Part is adopted under authority of the Pennsylvania Sewage Facilities Act, Act No. 537 of 1966, adopted January 24, 1966, P.L. (1965) 1535, as amended, as well as §§ 201 and 1301 of the St. Marys City Charter.

§ 603. Definitions. [Ord. 174, 6/2/2003, § 603]

AUTHORIZED AGENT — A sewage enforcement officer, employee of the City, professional engineer, plumbing inspector or any other qualified or licensed person who is authorized to function within specified limits as an agent of the City of St. Marys to administer or enforce the provisions of this Part.

CERTIFICATE OF COMPLIANCE — A certificate issued by the City Manager stating that the occupied real property has been inspected and found to be in compliance with this Part.

CITY — City of St. Marys, Elk County, Pennsylvania.

CITY MANAGER — The duly appointed Manager of the City of St. Marys or any person designated by the City Manager as the person authorized to take applications or conduct inspections under this Part.

COMMUNITY SEWAGE SYSTEM — Any system, whether publicly or privately owned, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other site.

COUNCIL — The City Council, City of St. Marys, Elk County, Pennsylvania.

DEPARTMENT — The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP), or its successors.

ILLEGAL CONNECTION — Any condition on any occupied real property which permits the introduction into the public wastewater treatment system of any surface water or groundwater not otherwise required to be treated as wastewater. This definition includes, but is not limited to, downspouts, roof drains, sump pumps and surface water drains.

INDIVIDUAL SEWAGE 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 — A condition which occurs when any sewage facilities discharges sewage onto the surface of the ground, into groundwaters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or 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 condition noted above occurs for any length of time during any period of the year.

OCCUPIED REAL PROPERTY — Any real property on which is situated any building which has facilities connected to the public wastewater treatment system operated by the City of St. Marys.

OFFICIAL SEWAGE FACILITIES PLAN — A comprehensive plan for the provision of adequate sewage disposal facilities, adopted by Council and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.

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 subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term "person" shall include the members of an association, partnership, firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

PUMPING DATA SHEET — A form provided by the SEO and completed by the property owner certifying the size of the septic tank, number of occupants/users of the facility and other information necessary to determine the required pumping frequency.

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

RETAINING TANK — A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage to another site. The term includes the following:

A. Chemical Toilet. A permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.

B. Holding Tank. A tank, whether permanent or temporary, to which sewage is conveyed by a water-carrying system.

C. Privy. A tank designed to receive sewage where water under pressure is not available.

D. Incinerating Toilet. A device capable of reducing waste materials to ashes.

E. Composting Toilet. A device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.

F. Recycling Toilet. A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

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 substances being harmless 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, 1937 (P.L. 1987, No. 394), known as the "Clean Streams Law," as amended.

SEWAGE ENFORCEMENT OFFICER (SEO) — A person certified by DEP who is employed by the City. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other Part adopted by the City.

SEWAGE FACILITIES — A system of sewage collection, conveyances, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the same and sanitary treatment and disposal of sewage or other waste. The term includes:

A. Individual Sewage System. A system of piping, tanks or other facilities serving a single lot and collection and disposing of sewage in whole or in part into the soil or into the waters of this Commonwealth or by means of conveyance to another disposal site for final disposal.

(1) Individual onlot sewage system which uses a system of piping, tanks or other facilities for collection, treating or disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.

(2) Individual Sewage System. An individual sewage system which uses a method of sewage collection, conveyances, treatment or disposal other than renovation in a soil absorption area or retention in a retaining tank.

B. Community Sewage System. A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or

two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.

(1) Community Onlot Sewage System. A community sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into an oil absorption area or retaining tank.

(2) Community Sewage System. A publicly or privately owned community sewage system which uses a method of sewage collection, conveyances, treatment and disposal other than renovation in soil absorption area or retention in a retaining tank.

SEWAGE MANAGEMENT AREA — Any lot, or subdivision of lots or areas of the City for which a sewage management program is recommended or required by the City. A sewage management area may encompass the entire City.

SEWAGE MANAGEMENT PROGRAM — A comprehensive set of legal and administrative requirements encompassing the requirements of this Part, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by Council to effectively enforce and administer this Part.

SUBDIVISION — The division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other division 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.

TRANSFER — The conveyance of any interest in occupied real property, with or without consideration, whether by deed, lease, assignment or any other form of transaction and whether or not the transfer is to a person related by blood or marriage to the transferor.

TREATMENT TANK — A watertight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place. The term includes the following:

A. Septic Tank. A treatment tank that provides for the anaerobic decomposition of sewage prior to its discharge to an absorption tank.

B. Aerobic Sewage Treatment Tank. A mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to discharge to an absorption area.

For the purpose of this Part, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and regulations promulgated thereto.

§ 604. Application Procedure. [Ord. 174, 6/2/2003, § 604]

1. Any person intending to transfer any interest in any occupied real property within the City of St. Marys shall, prior to making such transfer, apply to the City Manager for a certificate of compliance on a form provided by the City.

2. Within 14 days after an application is filed with the City Manager, the City Manager shall cause the occupied real property to be inspected for compliance with this Part. Failure of the City Manager to conduct an inspection of the premises or to issue a certificate of compliance within the fourteen-day period shall not be deemed as an approval of the application.

3. Within five days after inspection, the City Manager shall issue a certificate of compliance under this Part unless the inspection of the premises demonstrates the existence of an illegal connection on the property.

4. If the inspection demonstrates that the property is not in compliance, the City Manager shall issue a denial which identifies the nature of the violation and the action required by the applicant to correct the violation.

§ 605. Correction of Violation. [Ord. 174, 6/2/2003, § 605]

1. Where the applicant is notified, by certified mail, of a violation, the applicant shall have 60 days to correct the violation before any transfer of occupied real property or until the applicant has entered into an escrow arrangement as provided under § 606 of this Part.

2. When the applicant has corrected the violation, the applicant shall notify the City Manager of the correction on a form provided by the City. Within 14 days after receipt of the notice of correction, the City Manager shall cause the occupied real property to be reinspected. If the inspection demonstrates that the violation has been corrected, the City Manager shall issue a certificate of compliance within five days after completion of the inspection.

3. Where the reinspection demonstrates that the violation has not been corrected to the requirements of the City, a second notice of violation shall be issued, by certified mail, to the applicant, and the procedure for correction and certification of correction shall be the same as for an original inspection. No escrow created under § 606 shall be distributed until a certificate of compliance is issued by the City Manager.

§ 606. Escrow Arrangement. [Ord. 174, 6/2/2003, § 606]

1. Where the applicant desires to transfer occupied real property prior to correction of a violation, the applicant shall make an arrangement with the person in charge of closing the real property transfer to hold in escrow an amount sufficient to cover the cost of making the required corrections.

2. An applicant who proposes to proceed under this section shall first submit to the City Manager a detailed and reliable estimate from a qualified plumber of the cost to make such corrections and a statement from the closing agent for the real estate transaction that 110% of the cost of making such corrections will be held in an escrow account until the City Manager issues a certificate of compliance.

3. Upon approval of the documents described in Subsection 2 above, the City Manager shall give the applicant written authority to proceed with the transfer of the occupied real property.

4. Upon completion of the corrections, the applicant or the new property owner shall notify the City Manager that repairs have been completed. Within 14 days after receipt of such notice, the City Manager shall cause the occupied real property to be inspected for compliance with this Part, and the procedure thereafter shall be conducted in the same manner as provided in § 604 above.

5. Where an authorization to proceed is granted under this section, all violations shall be corrected within 60 days after the authorization by the City Manager.

§ 607. Prohibitions. [Ord. 174, 6/2/2003, § 607]

1. No person shall cause or permit the introduction of surface water or groundwater into the public wastewater treatment system operated by the City of St. Marys in violation of this Part.

2. No person shall cause or permit the transfer of any occupied real property without first obtaining a certificate of compliance under § 604 or an authorization to proceed under § 606 of this Part.

3. No person shall accept or receive the conveyance of any interest in occupied real property unless a certificate of compliance under § 604 above, or an authorization to proceed under § 606 above, has been issued.

4. No person shall distribute any monies held in escrow arrangement authorized under § 606 above unless a certificate of compliance has been issued by the City Manager.

§ 608. Inspection Procedures. [Ord. 174, 6/2/2003, § 608]

1. By making an application, the applicant grants to the City the right of entry onto the applicant's property for the purpose of making the necessary inspection required under this Part. Entry shall not occur except upon prior notice to the applicant and only during regular business hours or at another reasonable time acceptable to the applicant.

2. The inspection shall consist of one or more of the following procedures, as deemed applicable by the City Manager:

   A. Visual inspection of all piping inside and outside of the building.

   B. Smoke testing by any commonly accepted method.

   C. Dye testing by any commonly accepted method.

3. With specific regard to onlot sewage systems, this inspection shall consist of one or more of the following:

   A. Pumping of septic tanks by certified pumper/hauler and inspection by SEO or authorized City agent.

   B. Visual inspection of septic field.

   C. Dye testing by any commonly accepted method.

§ 609. Fees. [Ord. 174, 6/2/2003, § 609]

A nonrefundable application fee in accordance with the current City of St. Marys Fee Schedule shall accompany each application under this Part.

§ 610. Penalties. [Ord. 174, 6/2/2003, § 610]

Any person who violates any of the provisions of this Part shall be subject to a penalty in a summary proceeding or civil collection proceeding in an amount not exceeding $600 for each violation. Each day that a violation continues after notice thereof has been provided to the violator shall be considered a separate violation.

§ 611. Failure to Receive a Certificate of Compliance. [Ord. 174, 6/2/2003, § 611]

1. Any person that has transferred any occupied real property or receives any occupied real property without having received a certificate of compliance from the City is in violation of this Part. This person, upon being notified by certified mail, shall have five days to file an application with the City Manager.

2. Within 14 days after an application is filed with the City Manager, the City Manager shall cause the occupied real property to be inspected for compliance with this Part. Failure of the City Manager to conduct an inspection of the premises or to issue a certificate of compliance within the fourteen-day period shall not be deemed as an approval of the application.

3. Within five days after inspection, the City Manager shall issue a certificate of compliance under this Part unless the inspection of the premises demonstrates the existence of an illegal connection on the property.

4. If the inspection demonstrates that the property is not in compliance, the City Manager shall issue a denial, which identifies the nature of the violation and the action required by the applicant to correct the violation.

5. Where the applicant is notified, by certified mail, of a violation, the applicant shall have 20 days to correct the violation.

6. When the applicant has corrected the violation, the applicant shall notify the City Manager of the correction on a form provided by the City. Within 14 days after receipt of the notice of correction, the City Manager shall cause the occupied real property to be reinspected. If the inspection demonstrates that the violation has been corrected, the City Manager shall issue a certificate of compliance within five days after completion of the inspection.

7. Where the reinspection demonstrates that the violation has not been corrected to the requirements of the City, the person shall be subject to the penalties under § 610. Day 1 of the penalty period shall be the day the person is notified by certified mail in Subsection 1 above.

8. Where a person fails to file an application in accordance with Subsection 1 above or fails to correct the violation in accordance with Subsection 5 above, the person shall be subject to the penalties under § 610. Day 1 of the penalty period shall be the day the person is notified by certified mail in Subsection 1 above.