

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

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Part 1

Rules and Regulation of Public Sewers

A. Definitions.

§101. Specific Definitions. Unless the context of usage indicates otherwise, the meaning of specific terms in this Part shall be as follows:

ACT - the Federal Clean Water Act, as amended.

ASTM - the American Society for Testing and Materials.

BOD (denoting Biochemical Oxygen Demand) - the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius (C), expressed in milligrams per liter.

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

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

COMMERCIAL USER - any property occupied by a nonresidential establishment not within the definition of an "industrial user," and which is connected to the wastewater facilities.

DAY - the twenty-four (24) hour period beginning at 12:01 a.m.

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

EPA - the United States Environmental Protection Agency.

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

GROUNDWATER - water within the earth.

INDUSTRIAL USER - any nonresidential user identified in Division A, B, D, E or I of the Standard Industrial Classification Manual. Industrial users shall also include any user which discharges wastewater containing toxic or poisonous substances, or any substance(s) which cause(s) interference in the wastewater facilities.

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

MANAGER - the manger of the Borough's wastewater system or an authorized designee.

MAY - is permissible; SHALL is mandatory.

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

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

NONRESIDENTIAL USER - all premises within the Borough which are connected with wastewater facilities and which are not used as or occupied for human residency.

OWNER - the person or persons who legally own, lease or occupy private property with wastewater facilities which discharge, or will discharge, to the Borough's wastewater facilities.

pH - the logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution as determined by standard methods.

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

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 discharge to the Borough of Beaver wastewater facilities.

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

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

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

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

SHALL - is mandatory; MAY - is permissible.

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

STATE - the State or Commonwealth of Pennsylvania.

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

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

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

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

WASTEWATER - a combination of liquid and water carried wastes from residences, commercial buildings, industries and institutions together with any groundwater, surface water or stormwater that may be present and which is intended to be connected to a treatment facility.

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

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

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

WPCF - the Water Pollution Control Federation.

(Ordinance 627A, February 12, 1985, Art. I, §1)

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

(Ordinance 627A, February 12, 1985, Art. I, §2)



B. General Provisions.

§111. Purpose. The purpose of this Part is to provide for the maximum possible beneficial public use of the Borough's wastewater facilities through regulation of sewer construction, sewer use and wastewater discharges; to provide for equitable distribution of the costs of the Borough's wastewater facilities; and to provide procedures for complying with the requirements contained herein. (Ordinance 627A, February 12, 1985, Art. II, §1)

§112. Scope.

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

2. This Part shall apply to the Borough of Beaver and to persons outside the Borough who are, by contract or agreement with the Borough, users of the Borough's wastewater sewers or wastewater treatment facilities.

(Ordinance 627A, February 12, 1985, Art. II, §2)

§113. Administration. Except as otherwise provided herein, the Manager of the Borough's wastewater systems shall administer, implement and enforce the provisions of this Part. (Ordinance 627A, February 12, 1985, Art. II, §3)

§114. Notice of Violation. Any person found in violation of this Part or any requirement of a permit issued hereunder may be served with a written notice stating the nature of the violation and providing a reasonable time limit for compliance. Any such notice given shall be in writing and served in person or by registered or certified mail. The notice shall be sent to the last address of the violator known to the Manager. Where the address is unknown, service may be made upon the owner of record of the property involved. If satisfactory action is not taken in the time allotted by the notice, §115 of this Part shall be implemented. (Ordinance 627A, February 12, 1985, Art. II, §4)

§115. Criminal Penalties.

1. Offense Defined.

A. Any person who continues to violate the discharge provisions of the Part beyond the time limited provided for in §114 of this Part is guilty of a summary offense.

B. Each day or portion thereof a violation continues shall constitute a separate offense.

2. Penalties. A person convicted of an offense under this Section shall be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), plus all costs of prosecution, or in default of payment to undergo imprisonment for not less than ten (10) nor more than thirty (30) days.

(Ordinance 627A, February 12, 1985, Art. II, §5; as amended by Ordinance 707, June 12, 2001, §1)

§116. Fees and Charges.

1. 40 CFR 35.928.

A. All fees and charges payable under the provisions of this Part shall be paid to the Borough. Such fees and charges shall be as set forth herein or as established in the latest edition of the fee schedules adopted by the Borough or the Beaver Borough Municipal Authority.

B. All fees, penalties and charges collected under this Part shall be used for the sole purpose of constructing, operating or maintaining the wastewater facilities of the Borough, or the retirement of debt incurred for same or payment of industrial cost recovery if required pursuant to Federal law.

C. All fees and charges payable under the provisions of this Part are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as provided for in the latest edition of the fee schedules adopted by the Borough or the Beaver Borough Municipal Authority.

2. Sewer rentals or charges for sanitary sewer service shall be billed and payable for each calendar quarter at the base or minimum fee of twenty-four dollars and fifty cents (\$24.50) plus the usage rate of three dollars and thirty-five cents (\$3.35) per one thousand (1,000) gallons of water supplied. [Ordinance 801]

(Ordinance 627A, February 12, 1985, Art. II, §6; as amended by Ordinance 784, 12/11/2012, §1; and by Ordinance 801, 1/13/2015, §1)

§117. Inspections.

1. The Manager, or his designee, bearing proper credentials and identification, shall be permitted to enter properties at any reasonable time for the purposes of inspection, observation, measurement and sampling of the wastewater discharge to ensure that discharge to the Borough's wastewater facilities is in accordance with the provisions of this Part.

2. The Manager, or his designee, bearing proper credentials and identification, shall be permitted to enter all private property through which the Borough holds an easement for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any of the Borough's wastewater facilities lying within the easement. All entry and any subsequent work on the easement shall be done in full accordance with



the terms of the easement pertaining to the private property involved.

3. While performing the necessary work on private properties referred to in subsections (1) and (2), above, the Manager, or his designee, shall observe all safety rules established by the owner or occupant of the property and applicable to the premises.

4. During the performance on private properties of inspections, wastewater sampling or other similar operations referred to in subsections (1) and (2), above, the owner and occupant shall be (i) held harmless for personal injury or death of the Manager or designee and the loss of or damage to Borough supplies or equipment; (ii) indemnified against loss of or damage to property of the owner or occupant by the Manager or his designees; and (iii) indemnified against liability claims asserted against the owner or occupant for personal injury or death of the Manager or his designee or for loss or damage to property of the Borough except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions as required by subpart G of this Part.

(Ordinance 627A, February 12, 1985, Art. II, §7)

§118. Vandalism.

1. Offense Defined.

A. Any person who intentionally or recklessly damages, destroys, defaces, uncovers or tampers with any structure, appurtenance or equipment which is part of the Borough's wastewater facilities is guilty of a summary offense.

B. Each day or portion thereof a violation continues shall constitute a separate offense.

2. Penalties. A person convicted of an offense under this Section shall be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), plus all costs of prosecution, or in default of payment to undergo imprisonment for not less than ten (10) nor more than thirty (30) days.

(Ordinance 627A, February 12, 1985, Art. II, §8; as amended by Ordinance 707, June 12, 2001, §1)

§119. Amendments of This Part. Public notice shall be given in accordance with applicable provisions of the Borough, State and Federal law prior to adoption of any amendments of this Part. (Ordinance 627A, February 12, 1985, Art. II, §10)

§120. Liability of Owner. The owner of any property which is connected to the wastewater facilities shall be liable, jointly and severally, with his, her, their or its tenant(s) or lessee(s) for payment of all charges or fees and any interest, delinquency assessments, penalties

or the like imposed for sanitary sewer service furnished to the subject property. (Ordinance 627A, February 12, 1985; as added by Ordinance 707, June 12, 2001, §1)

C. Use of City's Wastewater Facilities.

§121. Waste Disposal. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Borough of Beaver, or in any area under the jurisdiction of said Borough, any human or animal excrement, garbage or other objectionable waste. (Ordinance 627A, February 12, 1985, Art. III, §1)

§122. Wastewater Discharges. It shall be unlawful to discharge without an NPDES permit to any natural outlet within the Borough of Beaver, or in any area under its jurisdiction. Wastewater discharges to the Borough's wastewater facilities are not authorized unless approved by Manager in accordance with provisions of this Part. (Ordinance 627A, February 12, 1985, Art. III, §2)

§123. Wastewater Disposal. Except as provided in this Part, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater. (Ordinance 627A, February 12, 1985, Art. III, §3)

§124. Connection to Wastewater Sewer Required. The owner of any house, building or property which is used for human occupancy, employment, recreation or other purposes, under the jurisdiction of this Part, and abutting on any street, alley or right-of-way in which there is or may be located a wastewater sewer connected to the treatment facility of the Borough is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly to the proper sewer in accordance with the provisions of this Part, within thirty (30) days after date of official notice. This Section shall not apply to any person served by a privately constructed, owned, operated and maintained wastewater sewer and wastewater treatment facility which discharges directly to a natural outlet in accordance with the provisions of this Part and applicable State and Federal laws. (Ordinance 627A, February 12, 1985, Art. III, §4)



D. Private Wastewater Disposal.

§131. Exclusions. This Subpart D shall not apply to any private system which discharges to wastewater facilities of the Borough or which discharges directly to a natural outlet by authority of a separate NPDES permit and in compliance with applicable State and Federal Laws. (Ordinance 627A, February 12, 1985, Art. IV, §1)

§132. Private System Required. All houses, buildings or properties which are required by other authority to have sanitary or industrial wastewater facilities are subject to the jurisdiction of this Part and are located where a proper wastewater sewer is not available as specified by the provisions of subpart C, §124, of this Part, shall be equipped at the owner's expense with suitable wastewater facilities connected to a private wastewater disposal system which complies with the provisions of this Part. (Ordinance 627A, February 12, 1985, Art. IV, §2)

§133. Construction Permit; Building Permit. Before commencement of construction of a private wastewater disposal system required under §132, above, the owner shall first obtain a written construction permit signed by the Manager. The application for such permit shall be made on a form furnished by the Borough, which the applicant shall supplement by any plans, specifications and other information relevant to wastewater discharges as are deemed necessary by the Manager. A permit and inspection fee of five hundred dollars (\$500.00) shall be paid to the Borough at the time the application is filed. (Ordinance 627A, February 12, 1985, Art. IV, §3)

§134. Design Requirements.

1. Safe Drinking Water Act Sections 1421 Through 1424. The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of the Department of Public Health of the State of Pennsylvania, or applicable Federal law. No permit shall be issued for any private wastewater disposal system employing subsurface soil disposal facilities where the area does not meet the square feet standard required by the Municipal Authority which will be determined by our engineers on a case-by-case basis. This requirements excludes deep well disposal as defined by State and Federal laws.

(Ordinance 627A, February 12, 1985, Art. IV, §4)

§135. Operating Permit. Before commencement of operation of a private wastewater disposal system, the owner shall first obtain a written operating permit signed by the Manager. The operating permit shall not become effective until the installation is completed to the satisfaction of the Manager. The Manager shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the operating permit shall notify the Manager when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within the normal business hours after receipt of notice by the Manager. (Ordinance 627A, February 12, 1985, Art. IV, §5)

§136. Connection to Borough's System When Available. At such time as a wastewater sewer becomes available as defined in subpart C, §124, to a

property served by a private wastewater disposal system, a direct connection shall be made to the wastewater sewer within ninety (90) days, and any septic tanks, cesspools and similar wastewater disposal facilities shall be emptied and filled with suitable material. (Ordinance 627A, February 12, 1985, Art. IV, §6)

§137. Sanitary Operation Required. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times in accordance with the conditions of the operation permit, and at no expense to the Borough. Such facilities shall be subject to inspection by the Manager at reasonable times. (Ordinance 627A, February 12, 1985, Art. IV, §7)

§138. Further Requirements. No statement contained in this Part shall be construed to interfere with any additional requirements that may be imposed by the Borough Health Officer or other applicable authority. (Ordinance 627A, February 12, 1985, Art. IV, §8)

E. Building Sewers and Connections.

§141. Connection Permit.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any wastewater sewer or a storm sewer without first obtaining a written permit from the Manager.

2. The owner shall make application for a permit to connect to the Borough's wastewater facilities on a special form furnished by the Borough. The permit application shall be supplemented by wastewater information required to administer this Part. A permit and inspection fee of one hundred dollars (\$100.00) shall be paid to the Borough at the time the application is filed.

(Ordinance 627A, February 12, 1985, Art. V, §1)

§142. Connection Costs. The costs and expenses incidental to the building sewer installation and connection to the Borough's wastewater facilities shall be borne by the owner. The owner shall indemnify the Borough from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ordinance 627A, February 12, 1985, Art. V, §2)

§143. Separate Connections Required. A separate and independent building sewer shall be provided for every building, except where one (1) building stands at the rear of another on an interior lot and no sewer is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, the building sewer serving the front building may be extended to the rear building and the whole considered as one (1) building sewer. The Borough assumes no obligation or responsibility for damage caused by or resulting from any single building sewer which serves two (2) buildings. (Ordinance 627A, February 12, 1985, Art. V, §3)

§144. Existing Building Sewers. Existing building sewer may be used for connection of new buildings only when they are found, on examination and test by the Manager to meet the requirements of this Part. (Ordinance 627A, February 12, 1985, Art. V, §4)

§145. Building Sewer Design. The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a building sewer shall conform to the building and plumbing code or other applicable requirements of the Borough. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF shall apply. (Ordinance 627A, February 12, 1985, Art. V, §5)

§146. Building Sewer Elevation. Whenever practicable, the building sewer shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the Borough's wastewater sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building sewer draining to the Borough sewer. (Ordinance 627A, February 12, 1985, Art. V, §6)

§147. Surface Runoff and Groundwater Drains.

1. No person shall connect roof, foundation, areaway, parking lot, roadway or other surface runoff or groundwater drains to any sewer which is connected to a wastewater treatment facility unless such connection is authorized in writing by the Manager.

2. Except as provided in subsection (1), above, roof, foundation, areaway, parking lot, roadway or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers not connected to a wastewater facility.

(Ordinance 627A, February 12, 1985, Art. V, §7)

§148. Conformance to Applicable Codes.

1. The connection of a building sewer into a wastewater sewer shall conform to the requirements of the building and plumbing code or other applicable requirements of the Borough, or the procedures set forth in appropriate specifications of the ASTM or the WPCF. The connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Manager before installation.

2. The connection of surface runoff or groundwater drain to a storm sewer or natural outlet designed to transport surface runoff or groundwater drainage shall conform to the requirements of the applicable building code or other applicable requirements of the Borough. The connection of any such drain to a wastewater sewer under special permit as provided under §147(1) of this subpart shall conform to the requirements specified by the Manager as a condition of approval of such permit.

(Ordinance 627A, February 12, 1985, Art. V, §8)

§149. Connection Inspection. The applicant for a building sewer or other drainage connection permit shall notify the Manager when such sewer or drainage connection is ready for inspection prior to its connection to the Borough's facilities. Such connection and testing as deemed necessary by the Manager shall be made under the supervision of the Manager. (Ordinance 627A, February 12, 1985, Art. V, §9)

§150. Excavation Guards and Property Restoration. Excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Borough. (Ordinance 627A, February 12, 1985, Art. V, §10)

§151. Protection of Capacity for Existing Users. The Manager shall not issue a permit for any class of connection to the Borough's wastewater sewer or wastewater treatment facilities unless there is sufficient capacity, not legally committed to other users, in the wastewater sewers and treatment facilities to convey and adequately treat the quantity of wastewater which the requested connection will add to the system. The Manager may permit such a connection if there are legally binding commitments to provide the needed capacity. (Ordinance 627A, February 12, 1958, Art. V, §11)



F. Conditions to Use of the Borough's Wastewater Sewers.

§161. Special Uses of Wastewater Sewers. All discharges of storm-water, surface water, groundwater, roof runoff, subsurface drainage or other waters not intended to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for such discharges, except as authorized under subpart E, §147. Any connection, drain or arrangement which will permit any such waters to enter any other wastewater sewer shall be deemed to be a violation of this Section and this Part. (Ordinance 627A, February 12, 1985, Art. VI, §1)

§162. Restricted Discharges.

1. No person shall discharge or cause to be discharged to any of the Borough's wastewater facilities any substances, materials, waters or wastes in such quantities or concentrations which will:

A. 40 CFR 403.5.

(1) Create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) Cause corrosive damage or hazard to structures, equipment or personnel of the wastewater facilities, but in no case discharges with the following properties:

(a) 40 CFR 403.5(b)(2).

(i) Having a pH lower than five (5.0) or greater than ten (10.0) for more than ten (10) percent of the time in a twenty-four (24) hour period.

(ii) Having a pH lower than three and one-half (3.5) or greater than twelve (12.0) for any period exceeding fifteen (15) minutes.

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

(3) Cause obstruction to the flow in sewers, or other interference with the operation of wastewater facilities due to accumulation of solid or viscous materials.

(4) Constitute a rate of discharge or substantial deviation from normal rates of discharge ("sludge discharge") sufficient to cause interference in the operation and performance of the wastewater facilities.

(5) Contain heat in amounts which will accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the wastewater sewer or inhibit biological activity in the wastewater treatment facilities, but in no case shall the discharge of heat cause the temperature in the Borough wastewater sewer to exceed fifty-eight (58) degrees C (150 degrees F) or the temperature of the influent to the treatment facilities to exceed fifty (50) degrees C (104 degrees F) unless the facilities can accommodate such heat.

(6) Contain more than one hundred (100) milligrams per liter of nonbiodegradable oils of mineral or petroleum origin.

(7) Contain floatable oils, fats or grease.

(8) Contain noxious, malodorous gas or substance which is present in quantities that create a public nuisance or a hazard to life.

(9) Contain radioactive wastes in harmful quantities as defined by applicable State and Federal regulations.

(10) Contain any garbage that has not been properly shredded.

(11) Contain any odor or color producing substances exceeding concentration limits which may be established by the Manager for purposes of meeting the Borough's NPDES permit.

2. If, in establishing discharge restrictions, discharge limits or pretreatment standards pursuant to this Part, the Manager establishes concentration limits to be met by an industrial user, the Manager in lieu of concentration limits, shall establish mass limits of comparable stringency for an individual industrial user at the request of such user.

A. 40 CFR 403.6

(Ordinance 627A, February 12, 1985, Art. VI, §2)

§163. Federal Categorical Pretreatment Standards.

1. No person shall discharge or cause to be discharged to any wastewater facilities, wastewaters containing substances subject to an applicable Federal Categorical Pretreatment Standard promulgated by EPA in excess of the quantity prescribed in such applicable pretreatment standard except as otherwise provided in this Section. Compliance with such applicable pretreatment standard shall be within three (3) years of the date the standard is promulgated; provided, however, compliance with a categorical pretreatment standard for new sources shall be required upon promulgation.

A. 40 CFR 403.7.

2. Upon application by an industrial user, the Manager shall review any limitations on substances specified in the applicable pretreatment standards to reflect removal of the substances by the wastewater treatment facility. The revised discharge limit for specified substances shall be derived in accordance with Federal law.

A. 40 CFR 403.11

B. 40 CFR 403.13

3. Upon application by an industrial user, the Manager shall adjust any limitation on substances specified in the applicable pretreatment standards to consider factors relating to such person which are fundamentally different from the factors considered by EPA during the development of the pretreatment standard. Requests for any determinations of a fundamentally different adjustment shall be in accordance with Federal law.

4. The Manager shall notify any industrial user affected by the provisions of this Section and establish an enforceable compliance schedule for each.

(Ordinance 627A, February 12, 1985, Art. VI, §3)

§164. Special Agreements. Nothing in this Part shall be construed as preventing any special agreement or arrangement between the Borough and any user of the wastewater facilities whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. (Ordinance 627A, February 12, 1985, Art. VI, §4)

§165. Water and Energy Conservation. The conservation of water and energy shall be encouraged by the Manager. In establishing discharge restrictions upon industrial users, he shall take into account already implemented or planned conservation steps revealed by the industrial user. Upon request of the Manager, each industrial user will provide the Manger with pertinent information showing that the quantities of substances or pollutants have not been nor will be increased as a result of the conservation steps. Upon such a showing to the satisfaction of the Manager, he shall make adjustments to discharge restrictions, which have been based on concentrations, to reflect the conservation steps. (Ordinance 627A, February 12, 1985, Art. VI, §5)



G. Class III - Industrial Dischargers.

§171. Information Requirements.

1. All industrial dischargers shall file with the Borough wastewater information deemed necessary by the Manager for determination of compliance with this Part, the Borough's NPDES permit conditions, and State and Federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the Manager and by supplements thereto as may be necessary. Information requested in the questionnaire and designated by the discharger as confidential is subject to the conditions of confidentiality as set out in subsection (3) of this Section.

A. 40 CFR 403.8.

B. 40 CFR 403.14.

2. Where a person owns, operates or occupies properties designated as an industrial discharger at more than one (1) location, separate information submittals shall be made for each location as may be required by the Manager.

A. 40 CFR 2.

3. The Manager shall implement measures to ensure the confidentiality of information provided by a discharger pursuant to this Part. In no event shall the Manager delegate this responsibility or disclose any claimed confidential information to any person without prior notice in writing to the owner and without providing the owner with the opportunity to protect such confidential information, including the right to seek judicial relief.

(Ordinance 627A, February 12, 1985, Art. VII, §1)

§172. Provision for Monitoring.

1. 40 CFR 403.12.

A. When required by the Manager, the owner of any property serviced by a building sewer carrying industrial wastewater discharges shall provide suitable access and such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the manager. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at reasonable times.

B. The Manager shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, wastewater treatment facility removal capabilities and cost effectiveness in determining whether or not access and equipment for monitoring industrial wastewater discharges shall be required.

C. Where the Manager determines access and equipment for monitoring or measuring industrial wastewater discharges is not practicable, reliable or cost effective, the Manager may specify alternative methods of determining the characteristics of the wastewater discharge which will, in the Manager's judgment, provide an equitable

measurement of such characteristics.

(Ordinance 627A, February 12, 1985, Art. VII, §2)

§173. Determination of Wastewater Characteristics.

1. Measurements, tests and analyses of the characteristics of wastewater to which reference is made in this Part shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association or such alternate methods approved by the Manager and which comply with State and Federal law. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to approval by the Manager. The discharger shall have the option to use, at his own expense, more complete sampling methods, locations, times, durations and frequencies than specified by the Manager.

2. Measurements, tests and analyses of the characteristics of wastewater required by this Part shall be performed by a qualified laboratory. When such analyses are required of a discharger, the discharger may, in lieu of using the Borough's laboratory, make arrangement with any qualified laboratory, including that of the discharger, to perform such analyses.

A. 40 CFR 403.12.

3. Monitoring of wastewater characteristics necessary for determination of compliance with applicable pretreatment standards shall be conducted on the basis of the following schedule, unless more frequent monitoring is required by authority other than this Part, or if the Manager, in his judgment, determines that the characteristics of the specific discharge warrant a different frequency monitoring:

<u>Average Actual Daily User Discharge</u>	<u>Monitoring Frequency</u>
Less than 100,000 gpd	semi-annually
100,000 - 999,999 gpd	quarterly
more than 999,000 gpd	monthly

4. Monitoring of wastewater characteristics for any purpose other than the determination of compliance with pretreatment standards shall be conducted on a frequency deemed necessary by the Manager.

5. Upon demonstration by any person that the characteristics of the wastewater discharged by that person are consistent, the Manager may reduce the frequency as may be required by authority other than this Part, except in no case shall the frequency of monitoring be less than semi-annual for the determination of compliance with pretreatment standards.

6. In determining the discharge characteristics factors such as continuous or batch operation, and seasonal operation and the information requirements of other provisions of this Part shall be considered by the Manager. The Manager may obtain wastewater samples as required to verify the consistency of discharge characteristics.

7. Fees for any given measurement, test or analysis of wastewater required by this Part and performed by the Borough shall be the same for

all classes of dischargers, regardless of the quantity of the discharge and shall reflect only direct cost. Costs of analyses performed by an independent laboratory at the option of discharger shall be borne directly by the discharger.

(Ordinance 627A, February 12, 1985, Art. VII, §3)

§174. Costs of Damage. If the drainage or discharge from any establishment causes a deposit, obstruction or damage to any of the Borough's wastewater facilities, the Manager shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor and supervision, shall be borne by the person causing such deposit, obstruction or damage. (Ordinance 627A, February 12, 1985, Art. VII, §4)





## H. Pretreatment.

### §181. Wastewater With Special Characteristics (40 CFR 403.8).

1. While the Manager should initially rely upon the Federal Categorical Pretreatment Standards of §163 of Subpart F to protect wastewater facilities or receiving waters, if any wastewater which contains substances or possesses characteristics shown to have deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or constitutes a public nuisance or hazard is discharged or is proposed for discharge to the wastewater sewers, the Manager may:

A. Require pretreatment to a condition acceptable for discharge to the wastewater sewers.

B. Require control over the quantities and rates of discharge.

C. Require payment to cover added costs of handling and treating the wastewaters not covered by existing fees or charges.

D. Require the development of compliance schedules to meet any applicable pretreatment requirements.

E. Require the submission of reports necessary to assure compliance with applicable pretreatment requirements.

F. Carry out all inspection, surveillance and monitoring necessary to determine compliance with applicable pretreatment requirements.

G. Obtain remedies for noncompliance by any user. Such remedies may include injunctive relief, the penalties specified in subpart B of this Part or appropriate criminal penalties.

H. Reject the wastewater if scientific evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the wastewater facilities.

2. When considering the above alternatives, the Manager shall assure that conditions of the Borough's NPDES permit are met. The Manager shall also take into consideration cost effectiveness and the economic impact of the alternatives on the discharger. If the Manager allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The Manager shall review and recommend any appropriate changes to the program within thirty (30) days of submittal.

3. Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

(Ordinance 627A, February 12, 1985, Art. VIII, §1)

§182. Compliance with Pretreatment Requirements (40 CFR 403.12, 40 CFR 403.12(b)(7)). Persons required to pretreat wastewater in accordance with §181, above, shall provide a statement, reviewed by an authorized representative of the user and certified to by a qualified person indicating whether applicable pretreatment requirements are being met on a consistent basis and, if not, describe the additional operation and maintenance or additional pretreatment required for the user to meet the pretreat-

ment requirements. If additional pretreatment or operation and maintenance will be required to meet the pretreatment requirements the user shall submit a plan (including schedules) to the Manager. The plan (including schedules) shall be consistent with applicable conditions of the Beaver Borough Municipal Authority's NPDES permit or other local, State or Federal laws. (Ordinance 627A, February 12, 1985, Art. VIII, §2)

§183. Monitoring Requirements. Discharges of wastewater to the Borough's wastewater facilities from the facilities of any user shall be monitored in accordance with the provisions of Subpart G, §§162 and 163 of this Part. (Ordinance 627A, February 12, 1985, Art. VIII, §3)

§184. Effect of Federal Law (40 CFR 403.7, 403.9). In the event that the Federal government promulgates a regulations for a given new or existing user in a specific industrial subcategory that establishes pretreatment standards or establishes that such a user is exempt from pretreatment standards, such Federal regulations shall immediately supersedes §181(1) of this Part. (Ordinance 627A, February 12, 1985, Art. VIII, §4)

§185. Revision of Pretreatment Standards. The Manager shall promptly apply for and obtain authorization from the EPA to review discharge limitations for those substances listed in the Federal Categorical Pretreatment Standards for which consistent removal occurs in the wastewater treatment facilities of the Borough. The Manager shall not adopt or enforce discharge limitations more stringent than the requested limitations until the State or EPA acts on the application. (Ord. 627A, February 12, 1985, Art. VIII, §5)

I. Wastewater Service Charges and Industrial Cost Recovery.

§191. Wastewater Service Charges (40 CFR 35.929, 40 CFR 403.12(e)). Charges and fees for the use of the public wastewater facilities shall be based upon the actual use of such system as set forth in the fee schedule adopted by the Borough or the Beaver Borough Municipal Authority then in effect. (Ordinance 627A, February 12, 1985, Art. IX, §1; as amended by Ordinance 784, 12/11/2012, §1)

§192. Industrial Cost Recovery.

1. Users of the Borough's wastewater facilities shall be based upon actual measurements and analysis of each user's wastewater discharge, in accordance with provisions of Subpart G, §§162 and 163, to the extent such measurement and analysis is considered by the Manager to be feasible and cost effective.

2. Where measurement and analysis is considered not feasible, determination of each user's use of the facilities shall be based upon the quantity of water used whether purchased from a public water utility or obtained from a private source, or an alternative means as provided by subsection (3), below.

3. The Manager, when determining actual use of the Borough's wastewater facilities based on water use, shall consider consumptive, evaporative or other use of water which results in a significant difference between a discharger's water use and wastewater discharge. Where appropriate, such consumptive water use may be metered to aid in determining actual use of the wastewater facilities. The meters used to measure such water uses shall be of a type and installed in a manner approved by the Manager. The actual average water use by each residential user during the three (3) months of January, February and March shall be used as the measure of each respective residential user's actual use of the sewer system throughout the year.

(Ordinance 627A, February 12, 1985, Art. IX, §2)



Part 2  
Sanitary Sewers

§201. Unlawful to Discharge or Introduce Into Sewers Certain Harmful Waste.

1. It shall be unlawful for any person, partnership, corporation or any other association, to introduce into or discharge into any public sewers of the Borough any industrial wastes which shall be harmful to the system or any of the other wastes or materials which shall be prohibited as provided in this Part.

2. As used in this Part 1, the word "Authority" shall mean the Beaver Borough Municipal Authority.

(Ordinance 568, June 12, 1974, §1)

§202. Characteristics of Harmful Industrial Wastes. Industrial wastes will be considered harmful in general if their discharge into the system may cause any of the following:

A. Chemical reaction, either directly or indirectly, with the materials of construction of the public sewage system in such a manner as to impair the strength or durability of the sewer structure.

B. Mechanical action that will result in damage to the sewer structure.

C. Prevention or interference in the normal inspection or maintenance of the sewer structure.

D. Reduction of the hydraulic capacity of the sewer structure.

E. Danger to public health and safety.

F. Obnoxious conditions inimical to public interest.

(Ordinance 568, June 12, 1974, §2)

§203. Prohibited Uses of Sewer. The following uses of the sewer are prohibited:

A. Prohibited Uses. Except as otherwise provided in this Part 1, no person shall discharge or cause to be discharged any of the following water or wastes to any public sewer:

(1) Any liquid or vapor having a temperature of higher than 150° F or less the 32° F.

(2) Wastes containing liquids, solids or gases which, by reason of their nature or quality, may cause fire, explosion or be in any other way injurious to persons, the structures of the sewage system or its operation.

(3) Any waters having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works. The Authority may require installation and maintenance where necessary of suitable equipment to continuously measure and record the pH of wastes discharged.

(4) Wastes containing any noxious or malodorous gas or substance which, either singly or by interaction with sewage or other wastes, is, in the opinion of the Authority, likely to create a public nuisance or hazard to life, or prevent entry to sewers for their maintenance and repair.

(5) Any ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, woods, paunch manure, hair, chemical paints or residues, greases, lime slurry or any other solid or viscous substances capable of causing obstruction to the flow in sewers or any interference with the proper operation of the sewage works. Maximum permissible concentration will vary throughout the system, depending on size of the sewer and flows.

(6) Wastes containing insoluble, nonflocculent substances having a specific gravity in excess of 2.65.

(7) Wastes containing soluble substances in such concentrations as to cause to specific gravity of the wastes to be greater than 1.1.

(8) Any water or waste which may contain more than one hundred (100) parts per million, by weight, or fat, oil or grease.

(9) Wastes containing more than ten (10) ppm of any of the following gases: hydrogen sulfide, sulfur dioxide, nitrous oxide or any of the halogens.

(10) Wastes containing gases or vapors, either free or included, in concentrations toxic or dangerous to humans or animals.

(11) Any waste containing toxic substances in quantities sufficient to interfere with the biochemical processes of sewage treatment works or that will pass through the sewage treatment works and exceed the State or interstate requirements for the receiving stream.

(12) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle those materials at the sewage treatment plant.

(13) Any toxic radioactive isotopes without a special permit.

(14) Wastes containing any of the following substances in solution in concentrations exceeding those shown in the following table:

<u>Substance</u>	<u>Maximum Permissible Concentration PPM</u>
Phenolic compounds as $C_6H_5OH$	1
Cyanides as Cn	2
Cyanates as Cno	10
Iron as Fe	17
Trivalent Chromium as Cr	3
Hexavalent Chromium as Cr	1

<u>Substance</u>	<u>Maximum Permissible Concentration PPM</u>
Nickel as Ni	3
Copper as Cu	2
Lead as Pb	2
Tin as Sn	2
Zinc as Zn	2
Cadmium as Cd	2

(15) Any garbage that has not been properly shredded.

(Ordinance 568, June 12, 1974, §3)

§204. Manholes to be Installed Where Required by Authority. Subject to requirement by the Authority, a suitable manhole or manholes shall be constructed on the building or connecting sewer to facilitate observation, sampling and management of flow from the "premises" when the discharge from those "premises," including industrial wastes or industrial wastes and sanitary sewage combined, is in excess of five hundred thousand (500,000) gallons per quarter. Such structures shall be constructed in accordance with plans approved by the Authority and shall be accessible, properly designed and in a safe location. The structures shall be constructed and maintained by the owner at his expense, and shall be maintained to be safely accessible at all times. The providing of those structures is mandatory. (Ordinance 568, June 12, 1974, §4)

§205. Grease, Oil and Sand Interceptors May be Required.

1. Grease, oil and sand interceptors shall be provided when, in the opinion of the Authority and/or Borough, or authorized agency, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that those interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Authority and/or authorized agency, and shall be located so as to be readily and easily accessible for cleaning and inspection.

2. Grease and oil interceptors shall be constructed of imperious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

3. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(Ordinance 568, June 12, 1974, §5)

§206. Responsibility for Continuous Maintenance of Preliminary Treatment Facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense. (Ordinance 568, June 12, 1974, §6)

§207. Control Manhole May be Required. When required, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. That manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans as approved. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ordinance 568, June 12, 1974, §7)

§208. Basis for Determination of Measurements, Tests and Analyses. All measurements, tests and analyses of the characteristics of waters and wastes shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole provided for, or upon suitable samples taken at the control manhole. In the event that no special manholes have been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. (Ordinance 568, June 12, 1974, §8)

§209. Devices for Equalization of Waste Flow Rates May be Required. The Authority reserves the right to require industries having large variations in rates of waste discharge to install suitable regulating devices for equalization of waste flow rates. (Ordinance 568, June 12, 1974, §9)

§210. Access to Industrial Establishments and Meters to be Granted to Representatives of Authority. Duly appointed representatives of the Authority shall have access during all reasonable times to industrial establishments and any meters used for determining water consumption, water excluded from the sewer system and sewage and/or waste waters discharged to the sewer system. (Ordinance 568, June 12, 1974, §10)

§211. Installation of Pretreatment Facilities Required. Industries shall install suitable/pretreatment facilities to meet the requirements set forth herein. (Ordinance 568, June 12, 1974; as added by Ordinance 621, December 14, 1983)

§212. Penalties.

1. 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 five hundred dollars (\$500.00); and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate offense. In the case of firms or associations, the penalty may be imposed upon the partners or members thereof, and in the case of corporations upon the officers thereof.

2. All prosecutions for violation of this Part shall be by summary proceedings brought in the name and for the use of the Borough of Beaver before a district magistrate. All fines and penalties shall be paid to the Treasurer of the Borough and be deposited by him to the benefit of Beaver Borough Municipal Authority Sewer System. In addition to such prosecution, the Borough may in the enforcement of this Part apply to the Court of Common Pleas for injunctive relief against any violation.

(Ordinance 568, June 12, 1974; as amended by Ordinance 621, December 14, 1983)