

Chapter 18

Sewers and Sewage Disposal

Part 1 Sewer Charges

- §18-101. Schedule of Sewer System Charges
- §18-102. Date of Payment
- §18-103. Charges May Be Lien
- §18-104. Sewer System Connection Charges; Annual Maintenance and Billing Charge
- §18-105. Separate Connections Required
- §18-106. Permit for Connection; Annual Maintenance and Billing Charge Date
- §18-107. Annual Treatment Maintenance and Billing Charges a Lien on Property
- §18-108. Notices

Part 2 Connection Requirements; Industrial Waste Standards

- §18-201. Definitions
- §18-202. Building Sewers and Connections
- §18-203. Prohibited Wastes
- §18-204. Industrial Wastes
- §18-205. Use of Sewers Required for Certain Wastes
- §18-206. Access
- §18-207. Inspections
- §18-208. Sewage Waste and Spilled Matter Not to Be Discharged into Watercourses
- §18-209. Garages
- §18-210. Interceptors Required
- §18-211. Hotels and Restaurants
- §18-212. Violations
- §18-213. Sewer Rental Surcharges; Determination and Measuring Volume
- §18-214. Suspension and Termination of Service
- §18-215. Public Notice of Significant Violators
- §18-216. Public Access to Information
- §18-217. Hazardous Waste
- §18-218. Penalty

Part 1

Sewer Charges

§18-101. Schedule of Sewer System Charges.

All owners of property served by the sewer system in the Borough of North York, York County, Pennsylvania, and the sewage treatment works of the City of York, and all owners of property who may hereafter be served by said sewer system and said sewage treatment works shall pay the following charges for the use, whether directly or indirectly of such sewage facilities, based upon the following schedule and in accordance with the following classifications:

A. Annual Minimum Non-Metered Sewage Treatment Charges.

Customer Classification	Annual Sewer Charges (Payable Quarterly)
(1) Private Dwelling	\$100
(2) Apartment House	\$100 for each apartment
(3) Beauty Salon	\$20 for each five employees or fraction thereof \$17 for each beautician's chair
(4) Garage	\$20 for each five employees or fraction thereof plus \$200 for each car wash stand
(5) Hotel, Rooming House or Nursing Home	\$50 for each room plus \$20 for each five employees or fraction thereof
(6) Restaurants, Private Clubs	\$50 for each 10 customer seats or fraction thereof plus \$20 for each five employees or fraction thereof
(7) Professional Offices and all other commercial businesses discharging only	\$20 for each five employees or fraction thereof
(8) Industrial Plants discharging no industrial wastes	\$20 for each five employees or fraction thereof

The minimum treatment charge for connections having more than one of the above classifications shall be computed as the sum of the individual charges for each

classification.

B. *Annual Minimum Metered Sewage Treatment Charges.*

**Customer
Classification**

All metered connections regard- \$1.21/1,000 Gallon
less of type (Minimum: \$100 per connection)

C. *Industrial Waste Charges.*

(1) *Sewer Treatment Charge for Industrial Waste.* The sewer treatment charge for the collection and treatment of industrial waste discharged into the Sewer System by industrial users, shall be a quarterly charge based upon the water consumption as evidenced by meter readings of water meters installed and maintained by the York Water Company for the purpose of measuring water purchased from said water company and shall be computed at the following metered rates: \$1.21/1000 Gal.

(2) *Treatment Surcharge for Industrial Waste.* In addition to the sewer rent for collection and treatment of waste discharged into the sewer system by industrial users in accordance with paragraph .1 above, further charges shall be made for all sewage discharged into the sewer system having suspended solids, biochemical oxygen demand and chlorine demand in excess of the following concentrations:

- (a) Suspended Solids - 350 parts per million
- (b) BOD - 300 parts per million
- (c) Chlorine Demand - 15 parts per million

The additional charge for sewage having concentrations in excess of the foregoing shall be determined in accordance with the following formula:

$$AC = F (BOD - 300 \times CF, bod) + F \times (S - 350 \times CF, s) + F \times (CD - 15 \times CF, cd).$$

AC=Additional Charge.

F=Flow in Cubic Feet per Quarter x .0000625.

BOD-Biochemical Oxygen Demand of Industrial Wastes from the particular industry in parts per million.

S=Suspended Solids of Industrial Wastes from the particular industry in parts per million.

CD=Chlorine Demand of Industrial Waste from the particular industry in parts per million.

CF, BOD-Cost Factor Per Pound of BOD.

CF, s = Cost Factor Per Pound of Suspended Solids.

CF, cd=Cost Factor Per Pound of Chlorine.

If BOD exceeds 1800 ppm an additional surcharge shall be assessed for BOD equal to $F (BOD - 1800) \times F, BOD$. All cost factors shall be the same as those imposed upon the Borough of North York by the City of York for treatment of such

industrial waste.

(3) *Methods of Measuring Volume for Surcharge Purposes.*

(a) Whenever a person purchasing all water used from the water company discharges all sewage at one point to the sewer system, the volume of water purchased shall be used as a measure of the quantity of sewage discharged.

(b) Whenever a person obtains water from other sources or claims that alternate means of disposal reduce the volume of sewage discharged, or whenever sewage is discharged at more than one point in the sewage works, the Borough, as required by its agreement with the City of York, shall require the person to install at his expense a meter or meters, as may be required to measure the volume or volumes of sewage discharged to the sewage works at the point or points of entry. No meter for measurement either of water or sewage shall be installed until a plan for such installation is submitted to the Borough and the City or its designated representative, and approved satisfactory. All meters or other measuring devices installed or required to be used under any provision of this Part shall be under the control of the Borough and the City, and may be tested, inspected or repaired by City or by its designee whenever deemed necessary by City. The owner of the property upon which such measuring device is installed shall be responsible for its testing, maintenance, and safekeeping, and all repairs thereto shall be made at the property owner's expense, whether such repairs are made necessary by ordinary wear and tear or other causes. Owner shall test meters in a manner and at a frequency satisfactory to the City. Bills for repairs and calibrations, if made by the City, shall be due and payable to the City of York as directed under the terms of their invoice. [*Ord. 88-1*]

D. *Other Classifications.* Buildings or structures connected to the sewer system of the Borough not falling within any of the above classifications shall be at such rates as shall be agreed upon by the parties hereto, provided, however, that such rate for each such building or structure shall be not less than \$25 per quarter.

The minimum treatment charge for any connection regardless of classification shall be not less than \$25 per quarter plus industrial waste surcharges.

(*Ord. 8/3/1981*, §3-3001; as amended by *Ord. 88-1*, 2/1/1988)

§18-102. Date of Payment.

The above charges shall commence on the date the connection is made to the sewer system. All bills shall be rendered in calendar quarters in advance and shall be subject to a 10 percent penalty if not paid on or before the last day of the quarter for which they are rendered. Any owner of property connected or disconnected during any calendar quarter shall pay a pro rata rental and charge for the portion of the quarter during which said property is served.

(*Ord. 8/3/1981*, §3-3002; as amended by *Ord. 10/7/2002*, §1)

§18-103. Charges May Be Lien.

The charges hereby imposed shall be a lien on the property served, and all

delinquent bills for charges hereby imposed shall be entered as a lien against the property served, and such lien shall be filed in the Office of the Prothonotary of York County and collected in the manner provided by law for the filing and collection of Municipal claims.

(*Ord. 8/3/1981, §3-3003*)

§18-104. Sewer System Connection Charges; Annual Maintenance and Billing Charge.

All owners of property connecting with the sewer system and all owners of property who may hereafter connect with said sewer system shall pay connection charges and an annual maintenance charge based on the following:

A. *Connection Charges.* The connection charge shall be \$1500 or actual cost of the lateral to the curb, whichever is greater. [*Ord. 12/21/2000*]

B. The annual charge for cost of sewer maintenance and billing:

(1) Private dwellings, apartment houses, hotels, and office buildings. The annual sewer maintenance charge shall be \$25 per annum for each connection regardless of the number of fixtures presently installed or hereafter to be installed.

(2) Industrial plants and commercial businesses. A flat rate of \$1.10 per employee per quarter based on the average number of persons employed per day during the quarter immediately preceding the billing, but in no event shall the sewer maintenance for any industrial plant or commercial business be less than \$25 per annum.

(3) Schools. A flat rate of \$.55 per pupil and \$1.10 per employee for each of the four quarters in each year, but not less than \$25 per annum.

(*Ord. 8/3/1981, §3-3004; as amended by Ord. 12/21/2000, §19*)

§18-105. Separate Connections Required.

Each property which can be used as a separate unit shall have a separate connection.

(*Ord. 8/3/1981, §3-3005*)

§18-106. Permit for Connection; Annual Maintenance and Billing Charge Date.

The above connection charge shall be payable upon application for a permit to make such connection. The above maintenance and billing charge shall commence on the date the connection is made. All bills shall be rendered in calendar quarters in advance and shall be subject to a 5 percent penalty if not paid within 30 days after the date of the bill and to a further 1 percent penalty per month on any balance remaining unpaid after 90 days from the date of the bill.

(*Ord. 8/3/1981, §3-3006*)

§18-107. Annual Treatment Maintenance and Billing Charges a Lien on Property.

The annual treatment, maintenance and billing charges hereby imposed shall be a lien on the property served and all delinquent bills hereby imposed shall be entered as a lien against the property served and such lien shall be filed in the Office of the Prothonotary of York County, Pennsylvania, and be collected in the manner provided by law for the filing and collection of municipal claims.

(Ord. 8/3/1981, §3-3007)

§18-108. Notices.

Each user must give the Borough written notice of any change of address, ownership or use of any improved property within 30 days of such change.

(Ord. 8/3/1981, §3-3008)

Part 2**Connection Requirements; Industrial Waste Standards****§18-201. Definitions.**

The following words and terms, when used in this Part, shall have the following meanings, unless the context clearly indicates otherwise:

Act - Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 *et seq.*

BOD (biochemical oxygen demand) - the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in terms of weight and concentration (milligrams per liter (mg/l)).

Borough - North York Borough.

Building sewer - the extension from the sewage drainage system of any structure to the lateral of a sewer.

Categorical pretreatment standards - any regulation containing pollutant discharge limits set forth by the EPA.

Commercial wastes - the wastes generated from a commercial operation as distinct from domestic and industrial sewage.

Composite sample - a combination of individual samples obtained at regular intervals over a specified time period not to exceed 2 hours.

Connection unit - each individual building or house whether constructed as a detached unit or as one of a pair or row which is designed or adaptable to separate ownership for use as a family dwelling unit or for office building or other multiple unit structure of which the individual apartments or units are connected to a common internal sewage system and which are not commonly subject to separate ownership shall be considered as one connection unit.

Daily average concentration - the concentration as determined by a 24-hour composite sample.

Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants expressed in other units of measurement (i.e., mg/l.), the "daily discharge" is calculated as the arithmetic average measurement of the pollutant over the day. [Ord. 3/1/2004]

Domestic sewage - the water-borne waste derived from ordinary living process.

Garbage - solid waste from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Garbage grinders - a mechanical device which shreds or grinds food for the purpose of sewage disposal.

General manager - the general manager of the York City wastewater treatment

plant or his duly authorized representative. [Ord. 3/1/2004]

Grab sample - an individual sample collected in less than 15 minutes.

Ground garbage - the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles shall be carried freely in suspension under the normal flow conditions prevailing in the sewer conduit to which they are contributory and those prevailing in public sewers with no particle greater than ½ inch in any dimension.

Improved property - any property within the Borough 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 sanitary sewage and/or industrial waste shall be or may be discharged.

Industrial wastes - the wastes from industrial processes as distinct from domestic and commercial sewage.

Instantaneous maximum concentration - the concentration not to be exceeded at any time in any grab sample.

Interceptor - a device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes, while permitting normal sewage or wastes to discharge into the drainage system by gravity.

Interference - a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal.

(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations 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, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR §403.3(i)).

Lateral - that part of the sewer system extending from a sewer to the curb line or, if there shall be no curb line, extending 15 feet from the center line of the street.

Maximum daily limit - the highest allowable "daily discharge" of a pollutant. [Ord. 3/1/2004]

mg/l - milligrams per liter.

New source - any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under §307(c) of the Clean Water Act if such standards are thereafter promulgated in accordance with that section (provided that certain conditions dealing with the construction and siting of that source vis-a-vis other sources are met) (40 CFR §403.3(k)).

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

Pass through - a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) (40 CFR 403.3(n)).

pH - the logarithm (base 10) of reciprocal of the weight of hydrogen ions in grams per liter of solution.

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

Plumbing Code - the International Plumbing Code prepared by the International Building Code Conference currently in effect and as from time to time is revised, amended, or superseded, pursuant to the Uniform Construction Code, [Chapter 5, Part 1]. [Ord. 2006-3]

Publicly owned treatment works or POTW - a treatment works as defined by §212 of the Act, which is owned by a State or municipality (as defined by §502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in §502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment work (40 CFR 403.3(o)).

Sanitary sewer - a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Sewage - a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

Sewage works - all facilities for collection, pumping, treating and disposing of sewage (see "Publicly owned treatment works - POTW").

Sewer - any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

Sewer system - all facilities, as of any particular time, for collecting, pumping and disposing of sanitary sewage and industrial waste, situate in the Borough and owned and/or operated by the Borough.

Stormwater - stormwater runoff, snow melt runoff, and surface runoff and drainage.

Storm sewer or storm drain - a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Suspended solids - the total non-filterable residue retained on a glass fiber

filter, .45 micron, and dried at a temperature of 103°C - 105°C to a constant weight.

Street - includes any street, road, lane, court, alley and public square.

Toxic pollutant - any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of the Clean Water Act, §307(a), or other acts.

Treatment plant - the York City Wastewater Treatment Plant, 1701 Black Bridge Road, York, PA 17402.

Upset - 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 (40 CFR §403.16(a)).

(*Ord. 83-1*, 6/6/1983, Art. 1; as amended by *Ord. 92-11*, 12/7/1992, Art. 1; and by *Ord. 3/11/2004*, §2; and by *Ord. 2006-3*, 7/10/2006)

§18-202. Building Sewers and Connections.

1. All persons owning any improved property within the Borough accessible to the sanitary sewer system shall, at their own expense, make connection with the sanitary sewer system in accordance with the provisions of this Part.

2. All persons owning any property within the Borough which is hereafter improved and which is accessible to the sanitary sewer system shall, at their own expense at the time of making such improvements, make connection with sanitary sewer system in accordance with the provisions of this Part.

3. No person shall uncover, connect with, make any opening into, or use, alter or disturb, in any manner any lateral of the sewer system without first obtaining approval of the Borough and a permit, in writing, from the City of York.

4. Application for a permit required under subsection .3 shall be made by the owner of the improved property to be served.

5. No person shall make or cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:

A. Such person shall have applied for and obtained approval and a permit as required by subsection .3

B. Such person shall have complied with the City of York's requirements regarding notice of the time when such connection will be made so that the City may inspect the work of connection and perform necessary testing.

6. Except as otherwise provided in this Section, each Connection Unit on each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping more than one connection unit on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of the Borough, in writing, shall have been secured.

7. All costs and expenses of construction of a building sewer and all costs and

expenses of connection of a building sewer to a lateral shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save harmless the Borough from all loss or damages that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a lateral.

8. Materials for a building sewer, jointing materials and methods of installation shall be in accordance with requirements of the Plumbing Code.

9. The permit required by subsection .3 shall be displayed prominently upon the improved property to be connected to a sewer at all times during construction of the building sewer and connection of the building sewer to a lateral.

10. A building sewer shall be connected to a sewer at the lateral. No person shall make a connection directly to or tamper with a sewer in any manner. The invert of a building sewer at the point of connection to a lateral shall be at the same or a higher elevation than the invert of the lateral. A smooth, neat joint shall be made and the connection of a building sewer to a lateral shall be made secure and watertight. Special fittings for connection of a building sewer to a lateral may be used only after approval of the Borough has been secured.

11. The construction of building sewers and the connection thereof to a lateral shall be done in accordance with the provisions of the Plumbing Code.

12. Whenever the Borough has reason to believe any building sewer has become defective, such building sewer shall be subject to test and inspection. Defects found upon such test and inspection, if any, shall be corrected as required by the borough in writing, at the cost and expense of the owner of the improved property served through such building sewer. If any person shall fail for 60 days after written notice from the Borough to remedy any unsatisfactory conditions with respect to a building sewer, the Borough may refuse to permit such person to use the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of the Borough.

13. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

14. Traps, catch basins, screens or other devices shall be installed on all building sewers serving uses such as automotive service garages, where vehicles are washed, cleaned, repaired or serviced; hotels, restaurants, boarding houses or other public eating places; places storing or using flammable or hazardous materials; or any other use discharging matter likely to obstruct any part of the sewer system or sewage treatment works, or injure same or cause a nuisance or disrupt treatment processes. These devices shall be of adequate size and so arranged that they can be properly inspected and will intercept all oils, gasoline, grease, sand, silt and other hazardous or objectionable materials and prevent them from entering the sewer system. They shall be maintained and cleaned periodically so that they function properly at all times.

15. Every excavation for a building sewer shall be guarded adequately to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Borough.

(Ord. 83-1, 6/6/1983)

§18-203. Prohibited Wastes.

1. No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof run-off or substance drainage except around basement walls into any sanitary sewer. The addition of cooling water or unpolluted water or an increase in the use of process water for the purpose of reducing the concentrations of substances that are limited or prohibited by this Part shall be prohibited.

2. Except as hereinafter provided, no person shall discharge or cause to be discharged at any time any of the following described wastes or waters into any sanitary sewer or drain connected therewith:

A. Any liquid or vapor having temperature which shall inhibit biological activity in the treatment plant resulting in an inhibition or disruption of the treatment plant process, but in no case wastewater with a temperature upon reaching the treatment plant which exceeds 40°C (104°F) or upon reaching the public sewer of 82°C (180°F).

B. Any water or waste containing more than 100 mg/l by weight of recoverable oil and grease, as per 40 CFR. §136.3 [Ord. 3/1/2004]

C. Any garbage that is not ground garbage.

D. Any ashes, cinders, sand, mud, straw, hay scraps, rags, shavings, metal, glass, bones, feathers, rubber, tires, plastic, wood, paunch manure, butchers' offal, grease or solid fat, floating oil or any other solids or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

E. Any water or waste having a pH lower than 5.5 or higher than 11 or having any corrosive property capable of causing damage or hazards to structures, equipment or personnel or the sewage works or affecting the biological treatment of the waste.

F. Any water or waste containing any substances in concentrations in excess of the following limits:

Substance	Maximum Daily Limit (mg/l)
Arsenic	0.2
Cadmium	0.16
Chromium	0.9
Copper	1.6
Cyanide	0.005 or 0.9 by permit
Lead	0.5
Mercury	0.05
Molybdenum	3.0
Nickel	1.5
Selenium	0.5

Substance	Maximum Daily Limit (mg/l)
Silver	1.3
Zinc	5.0

[*Ord. 3/1/2004*]

G. Any toxic substance that shall pass through the sewage works and exceed State or Federal environmental quality standards or cause an adverse effect on the POTW treatment processes or the quality of the wastewater treatment plant effluent.

H. Any water or waste containing pollutants of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant, without a permit obtained in accordance with §18-204.4.

I. Any water or waste containing any pollutant at a flow rate and/or concentration which causes interference.

J. Any toxic radioactive isotopes, without special permit. Biomedical waste disposal in accordance with 10 CFR, Part 20, "Standards for Protection Against Radiation," is permitted.

K. Any fuel or flammable material.

L. Any substance which may form a deposit tending to cause a stoppage or injure, in any way, the sewage works.

M. Any tar or by-products from any gas works or similar establishment.

N. Any pathological matter.

O. Any water or waste by any person having any average daily discharge to the sewage works of more than 5,000 gallons per day containing more than 3,000 mg/l of BOD. [*Ord. 3/1/2004*]

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

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

R. 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.

S. Any trucked or hauled pollutants, except at discharge points designated in writing by the general manager of the POTW. [*Ord. 3/1/2004*]

3. The Federal pretreatment regulations do not allow a waiver of pretreatment standards, or local limits, for categorical industrial users.

(*Ord. 83-1, 6/6/1983, Art. 3; as amended by Ord. 88-1, 2/1/1988; by Ord. 92-11, 12/7/1992, Art. 2; and by Ord. 3/1/2004, §§3, 5*)

§18-204. Industrial Wastes.

1. *Treatment of Industrial Wastes.* The economy and desirability of the combined

treatment of industrial wastes and sanitary sewage is recognized. However, not all types and quantities of industrial wastes can be so treated. Hence it shall be the established policy of North York Borough and the City of York to admit those types and quantities of industrial wastes that are not harmful or damaging to the structures, or operation of the sewage works or are not specifically prohibited by this Section. It is also recognized that to provide this service, additional facilities are required, the cost of which shall be borne by those persons receiving benefits. Additionally, the Borough, City of York and industry shall abide by Federal pretreatment regulations.

2. *Approval Required for Industrial Wastes.* In order to control the admission of industrial waste, the discharge into any sanitary sewer of any industrial waste having:

- A. A 5 day 20°C BOD greater than 300 mg/l; or,
- B. A suspended solids content greater than 350 mg/l; or,
- C. An average daily flow greater than 25,000 gallons per day; or,

D. Any toxic pollutant as defined pursuant to §307 of the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq.*, or any hazardous wastes as defined pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. §6901 *et seq.*

E. Any wastes which are considered by the general manager to offer possibilities of harm to structures, processes, or operation of the sewage works or to have significant impact, either singly or in combination with other contributing industries, on the treatment process, the quality of sludge, the system's effluent quality or air emissions generated by the system.

Shall be prohibited unless a permit is obtained for that purpose in the manner hereinafter described. Such permit shall be granted by the City of York upon the review and approval of the general manager. The City of York reserves the right to deny new or existing contributions to the system if, because of the volume or characteristics, such wastes are determined by the City of York to be detrimental to the operation of the sewage works or shall cause the City of York to be in violation of any laws or regulations affecting the Borough or the City of York. [Ord. 3-1/04]

3. *Survey Data Required.* All persons who are now discharging industrial wastes into any sanitary sewer shall upon the request of the general manager, fill in and file with the general manager, a questionnaire which furnishes pertinent data, inclusive of quantity of flow and analysis of the industrial wastes discharged, as set forth in subsection .10 hereof. Any person desiring to make a new connection or a significant change in the quality of an existing connection to the sewage works for the purpose of discharging, shall fill in and file with the general manager an industrial waste questionnaire which furnishes pertinent or predicted data inclusive of quantity of flow and an analysis of the industrial waste to be discharged into the sewage works as set forth in subsection .10, hereof. [Ord. 3/1/2004]

4. *Industrial Wastewater Contribution Permits.*

A. In order to receive a permit to discharge wastes requiring approval under subsection .2, a written application shall be filed with the general manager. Information required for industrial users includes, but is not limited to, a baseline monitoring report containing identifying information, a compliance report concerning categorical pretreatment standard deadlines, compliance schedule reports, and periodic reports on continued compliance. Any person discharging

industrial wastes into any sanitary sewer at the time of passage of this Part and requiring a permit shall apply within 90 days after the effective date of this Part. All such persons are considered to have a valid permit until such time as the City shall act upon the permit application. It shall be the duty of the industrial and commercial user to maintain operations in compliance with Federal and State regulations. [Ord. 3/1/2004]

B. Prior to the issuance or renewal of a permit, the applicant shall pay to the City of York Treasurer the non-refundable sum of \$45 and shall exhibit to the general manager a receipt for the amount paid. [Ord. 3/1/2004]

C. No permit shall be granted to any person unless he agrees to indemnify and to save the Borough and City, its officers, employees and agents harmless from any and all claims, costs, damages and liabilities which may accrue or be claimed to accrue by reason of the permitted waste disposal activity.

D. Permit holders shall abide by the conditions of the permit and failure to do so constitutes a violation of this Part.

E. Should a permit holder significantly change the volume of its discharge or change its character for any reason, he shall notify the general manager of such changes and the general manager may require application for a new permit. [Ord. 3/1/2004]

F. A permit may be suspended or revoked in whole or in part by the general manager for cause including, but not limited to, the following: [Ord. 3/1/2004]

(1) Violation of any terms or conditions of the permit.

(2) Obtaining the permit by misrepresentation or failure to disclose fully all relevant facts.

(3) A change in any condition including, but not limited to, changes in State or Federal regulations or changes in the treatment process that require either a temporary or permanent reduction or elimination of the permitted discharge.

G. All categorical industrial users are required to obtain a permit.

5. *Permit Conditions.* Industrial wastewater contributions permits shall be expressly subject to all provisions of this Part and all other applicable State and Federal and local regulations, user charges and fees established by the Borough or the City of York. Where Federal or State pretreatment regulations impose additional requirements or more stringent limits than those stated in the permit, these requirements and limits become part of the permit whether or not they are stated in the permit. Permits may contain the following:

A. Limits on the average and maximum wastewater constituents and characteristics.

B. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization.

C. Requirements for the installation and maintenance of inspection and sampling facilities.

D. Specifications for self-monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and

reporting schedule.

E. Compliance schedule.

F. Requirements for submission of technical reports or discharge reports.

G. Requirements for maintaining and retaining plant records relating to wastewater discharge for a period of not less than 3 years, and affording the Borough and City of York access thereto.

H. Requirements for notification to the Borough and City of York of any new introduction of industrial wastes or any substantial change in the volume or character of the industrial wastes being introduced into any sanitary sewer.

I. Requirements for submission of spill prevention plans.

J. Requirements for installation of means to prevent spills of hazardous materials, untreated waste, raw materials or product into the sewage works.

K. Other conditions as deemed appropriate by the Borough or City of York to ensure compliance with this Part.

6. *Permit Duration.* An industrial wastewater contribution permit shall be issued for a specified time period not to exceed 3 years. A permit holder shall apply for permit reissuance a minimum of 120 days prior to the expiration of the existing permit. The terms and conditions of the permit may be subject to modification by the Borough or City of York during the term of the permit should changes in Federal or State pretreatment regulations occur or other just cause exist. The permit holder shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

7. *Permit Transfer.* Industrial wastewater contribution permits are issued to a specific person for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold or applied to different premises or a new or changed operation without the written approval of the general manager. [Ord. 3/1/2004]

8. *Pretreatment.* All persons using sewage works shall provide wastewater treatment as required to comply with this Part and with all Federal pretreatment standards within the time limitations specified by Federal regulation or other limits that may from time to time be set by regulatory agencies.

9. *Certification of Reports.* Any person signing the application statement, baseline monitoring report, period of self-monitoring reports, and questionnaire shall make the following certification:

“I have personally examined and am familiar with the information submitted in the attached document, and I hereby certify under penalty of law that this information was obtained in accordance with the requirements of Article 931 of the Codified Ordinances of the City of York, Pennsylvania. Moreover, based upon my inquiry of those individuals immediately responsible for obtaining the information herein, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

10. *Sampling and Analysis.* The holder of an industrial wastewater contribution permit shall furnish the general manager with written and signed reports of sample analysis at a frequency specified in the industrial wastewater contribution permit.

Samples to be used for surcharge purposes shall be composites collected over a 24-hour period so as to be truly representative of the quality of the wastes. Samples shall be collected, preserved and analyzed promptly, in accordance to 40 CFR, Part 136, to insure accurate results. An analysis shall be made by a qualified chemist in a testing laboratory approved by the general manager to perform the required analysis using the laboratory methods as specified in 40 CFR, Part 136. The Borough or City representatives may sample and inspect the waste by composite sample or by grab sample in order to verify the analysis being submitted by the industry. If the analysis being made by the Borough or City of York determines that the waste is not in substantial accordance with the analysis furnished and not in conformance with the anticipated determinations of the wastes in the wastewater contribution permits, the industry shall be declared in violation of its wastewater contribution permit by the general manager, and shall be subject to the provisions of §18-218. [Ord. 3/1/2004]

11. *Control Manhole.* Any person discharging industrial wastes into any sanitary sewer shall construct and maintain at his expense a suitable control manhole, or manholes, downstream from any treatment storage, or other approved works, to facilitate observation, measurement and sampling of all wastes, including domestic sewage, from the establishment. The control manhole or manholes shall be constructed at suitable and satisfactory locations and built in a manner approved by the general manager. The control manhole shall be accessible to the general manager or his representative at all times for sampling. [Ord. 3/1/2004]

12. *Slug Loading.* Any person shall notify the general manager immediately of any planned or unplanned discharge of waste of a strength or character unusual for the person or in violation of the person's wastewater contribution permit, or upset. A written follow-up report thereof shall be filed by the person with the City within 5 days. The report shall specify: [Ord. 3/1/2004]

A. Description of the upset, the cause thereof and the upset's impact on a user's compliance status.

B. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.

C. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

13. *Fees for Analyses and Inspections.* The Borough, City of York or its designated agent shall inspect properties discharging waste other than domestic wastewater into the sewage works and obtain and analyze samples therefrom to enforce provisions of this Part, to comply with State and Federal requirements, and to determine applicable surcharges. Fees for such services shall be assessed in accordance with a schedule established by administrative order based on costs.

14. *Spill Prevention Plans.* Any person using or storing flowable materials in excess of 50 gallons of liquid or 500 pounds of solid shall be required to submit a spill prevention control plan if so ordered by the general manager. [Ord. 3/1/2004]

15. *Signatory Requirements.* Industrial user reports and submissions, to include but not limited to (permit applications, industrial questionnaires, baseline monitoring reports, final compliance reports and periodic compliance reports), requiring signature and certification shall be signed by the following persons:

A. By a responsible corporate officer, if the industrial user submitting the report is a corporation. For the purposes of this subsection a responsible corporate officer means:

(1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principle 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 50 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980), if the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. By a general partner or proprietor if the industrial user submitting the report is a partnership or sole proprietorship respectively.

C. The principal executive officer or director having responsibility for the overall operation of the discharging facility if the industrial user submitting the report is a Federal, State or local governmental entity or their agents.

D. By a duly authorized representative of the individual designated in paragraphs .A, .B or .C of this subsection if:

(1) The authorization is made in writing by the individual described in subsections .A, .B or .C.

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or a well file general manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company. [*Ord. 3/1/2004*]

(3) The written authorization is submitted to the Borough and City of York.

E. If an authorization under paragraph .D of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph .D of this subsection must be submitted to the Borough and City of York prior to or together with any reports to be signed by an authorized representative.

(*Ord. 83-1, 6/6/1983, Art. 4; as amended by Ord. 92-11, 12/7/1992, Art. 3; and by Ord. 3/1/2004, §4*)

§18-205. Use of Sewers Required for Certain Wastes.

1. It is unlawful for any person or persons, co-partnership, association or corporation, to discharge or permit to be discharged, any type of waste water, or other sewage into and on the sidewalks, gutters, storm sewers, streets and alleys of the Borough of North York.

2. The discharge of such surface water or any type of sewage as hereinabove set forth in subsection .1 of this Section, is herewith declared to be a public nuisance and abatable as such.

(Ord. 11/2/1953)

§18-206. Access.

1. The Borough shall have the right of access at reasonable times to any part of any improved property served by the sewer system as shall be required for purposes of inspection, measurement, sampling and testing and for performance of other functions relating to service rendered by the Borough through the sewer system

2. *Additional Rules and Regulations.* The Borough reserves the right to amend this Part or to adopt additional rules and regulations from time to time as it shall deem necessary and proper in connection with the use and operation of the sewer system or as may be required to meet necessary costs and expenses. To that end, the Borough does hereby direct that any costs incurred by the Borough in utilizing the collection of sewer charges through a water utility company shall be added as a cost, expense and penalty to be paid by the owner or occupant of any premises served by any water utility and who shall fail or neglect to pay for a period of 30 days from the due date thereof, any rental, rate or charge for sewer, sewage or sewage treatment service imposed by the North York Borough. The charges of the utility company which are billed to the Borough shall be noted by the Borough Secretary or other concerned Borough official and be added as a cost of collection to the owner or occupant's account. [Ord. 92-8]

3. *Variance from Rules.* No officer or employee of the Borough is authorized to vary these rules without action of the Borough Council.

4. *Control of Service.* The Borough shall not be liable for a deficiency or failure of service when occasioned by an emergency, required repairs, or failure from any cause beyond control. The Borough reserves the right to restrict the use of sewer service whenever the public welfare may require it.

5. *Notices.* Each owner must give the Borough written notice of his address, any change of address, any change of ownership, and of the use or uses of any improved property or any part thereof or any change in such use or uses.

6. *Enforcement.* The Borough may by default, or by agreement, delegate the enforcement of any or all of the provisions of this Part to the City of York, its officials or agents and the City shall have the same powers and rights as the Borough regarding access to and inspection of sewer connections, including sampling, in order to determine compliance with the provisions of this Part that would affect the City's interests in their sewage system and treatment plant and the operation and processes thereof.

7. *Violations and Penalty.* Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentence to 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 of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 2006-3]

8. *Construction and Severability.* In the event that any provision, Section, sentence, clause or part of this Part shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, Section, sentence, clause or part of this Part, it being the intent of the Borough that such remainder shall be and shall remain in full force and effect.

(Ord. 83-1, 6/6/1983, Art. 5; as amended by Ord. 88-1, 2/1/1988; by Ord. 91-6, 6/10/1991;

by *Ord. 92-8*, 12/7/1992, Art. 1; and by *Ord. 2006-3*, 7/10/2006)

§18-207. Inspections.

The general manager and other duly authorized employees of the Borough of City of York bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, and to examine and copy records of operation required by the Borough, City of York, Federal or State agencies in accordance with the provisions of this Part.

(*Ord. 83-1*, 6/6/1983; as added by *Ord. 92-11*, 12/7/1992, Art. 4; and by *Ord. 3/1/2004*, §5)

§18-208. Sewage Waste and Spilled Matter Not to Be Discharged into Watercourses.

1. All owners or users of private sewers which, either directly or through an intervening public or private storm sewer, drain domestic sewage into any natural watercourse within the Borough limits, shall discontinue the discharge of such sewage into such watercourse within 3 months after notice to do so from the Borough Department of Public Works served upon such owner or user, or, if nonresident in the Borough, upon the agent thereof or upon the party in possession, and if there is no agent or party in possession, then by notice posted upon the most public part of the property. Such owner shall, within such time, and at his own expense, connect his house drain with the sanitary sewer system. Provided, however, that if the sanitary sewer system is not laid along any property, then the owner of such property shall be exempted from the requirements of this Section until such time as the system shall be available for use, or until the Borough otherwise makes provision for the disposition of such sewage. Nothing herein contained shall forbid the continuation of the drainage through such private or public stormwater sewers of roof, surface or ground water.

2. The discharge or spilling of industrial waste or waste water or of any hazardous, toxic, colored or oil-bearing matter into a natural watercourse either directly or indirectly via public or private storm sewer, ditch or culvert is prohibited unless such discharge is in accordance with the permit issued by the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection or consists of unpolluted cooling, boiler or distilled water. [*Ord. 2006-3*]

(*Ord. 83-1*, 6/6/1983; as added by *Ord. 92-11*, 12/7/1992, Art. 5; as amended by *Ord. 2006-3*, 7/10/2006)

§18-209. Garages.

1. Every garage or other structure for the housing, sale or repair of vehicles in which vehicles are washed, cleaned or repaired shall, before being connected with the sewage works, be provided with proper means for draining the floors and repair pits, as hereinafter provided.

2. Any drain in the floor or repair pit of any garage or other structure for the housing, sale or repair of vehicles, shall have a special connection discharging through an interceptor, which shall be located under the direction of the Plumbing Inspector, before being connected to the house drain. The interceptor shall be so arranged as to intercept all oils, gasoline or other flammable fluids, as well as sand, silt and other

solids, for the purpose of excluding the same from the sewage works. It shall be water-tight, so located as to be provided a suitable approved manhole frame and cover, and shall be of design and capacity approved by the Plumbing Inspector. The oils and other flammable fluids which accumulate in such interceptors shall be pumped or otherwise removed, and the interceptors shall be so maintained as to insure the exclusion of the same from the sewage works. They shall be kept free from sand, silt or other solids and shall be subject to regular inspection by the Borough, or the City of York. The contents of the same shall be promptly disposed of after removal to the satisfaction of the Borough or the City of York.

3. Every garage or other structure used for the housing, sale or repair of vehicles connected with any public or private sewer shall be provided with a floor drain and interceptor in accordance with this Section within 60 days after notice from the Borough or the City of York.

(*Ord. 83-1, 6/6/1983; as added by Ord. 92-11, 12/7/1992, Art. 6*)

§18-210. Interceptors Required.

All persons storing or using flammable or hazardous materials or discharging matter likely to obstruct any part of the sewage works or injure same or cause a nuisance, shall not connect to any sanitary sewer except through interceptors, catch basins or screens as may be prescribed by the Plumbing Inspector, Borough or the City of York.

(*Ord. 83-1, 6/6/1983; as added by Ord. 92-11, 12/7/1992, Art. 7*)

§18-211. Hotels and Restaurants.

1. All hotels, restaurants, boarding houses and public eating places before draining into the sewage system shall install grease interceptors on fixtures as required by the Plumbing Code Inspector, Borough or the City of York.

2. The grease, oils and solid materials which accumulate in such interceptors shall be pumped or otherwise removed, and the interceptors shall be so maintained as to insure the exclusion of the same from the sewage works. They shall be subject to regular inspection by the Borough or City of York. The contents of same shall be promptly disposed of after removal to the satisfaction of the Borough or City of York.

(*Ord. 83-1, 6/6/1983; as added by Ord. 92-11, 12/7/1992, Art. 8*)

§18-212. Violations.

1. Upon failure of any owner to comply with any of the terms and requirements of this Section after notice to do so, the same may be done or caused to be done by the Borough and the cost thereof shall be levied and collected from such owner, together with penalty of 10 percent of such costs and all charges and expenses. Such amount shall be a lien upon such premises from the time of the completion of the work, which date shall be fixed by the certificate of the Plumbing Inspector, filed with the Borough Solicitor, and may be collected by action in assumpsit or such lien may be filed and proceeded in as provided by law in the case of municipal liens.

2. In addition thereto any owner or other person who violates or refuses to comply with any provision of this Section or any notice given under the authority of the same, or who obstructs or interferes with any person in the execution of any of the provisions

hereof, shall be subject to the penalty provided in §18-218.

(Ord. 83-1, 6/6/1983; as added by Ord. 92-11, 12/7/1992, Art. 9)

§18-213. Sewer Rental Surcharges; Determination and Measuring Volume.

1. *Sewer Rental Surcharges for Non-Domestic Wastes.* In addition to sewer rent for collection and treatment of sewage discharged into the sewage works by commercial and industrial users, further charges shall be made for all sewage discharged into the sewage works having values for certain parameters in excess of certain concentrations limits as listed below:

Parameters Concentrations in mg/l	Concentration Limits in mg/l
Ammonia (as Nitrogen)	15
Arsenic	0.004
BOD	300
Cadmium	0.004
Chromium	0.06
Copper	0.1
Cyanide	0.05
Lead	0.06
Nickel	0.03
Phosphate (as Phosphorus)	9.0
Mercury	0.0004
Silver	0.0006
Suspended Solids	350.
Zinc	0.3

A. The total surcharge shall equal the sum of each of the surcharges applicable to waste in accordance with the formula below:

$$SC = 8.34 \times Q \times (\text{Value of Parameter} - \text{Concentration Limit}) \times K/1,000,000$$

SC = Surcharge for parameter

Q = Volume in gallons

K = Cost factor for parameter

B. Cost factors shall be established by administrative order based on toxicity, impact on sludge disposal and on costs. The strength of any sewage subject to surcharge shall be determined quarterly, or more frequently as the Borough or the City of York shall determine, based upon sampling and analysis by the Borough, City of York or its designees. However, the Borough or the City of York may, if it so elects, determine the strength of the sewage based upon the results of routine sampling and analysis from previous quarters or from the results of analysis of sewage from similar customers.

2. *Methods of Measuring Volume for Surcharge Purposes.*

A. Whenever a person purchasing all water used from the Water Company discharges all sewage to the sewage works at one point, the volume of water purchased shall be used as a measure of the quantity of sewage discharged.

B. Whenever a person obtains water from other sources or claims that alternate means of disposal reduce the volume of sewage discharged, or whenever sewage is discharged at more than one point in the sewage works, the Borough or the City of York shall require the person to install at his expense a meter or meters, as may be required to measure the volume or volumes of sewage discharged to the sewage works at the point or points of entry. No meter for measurement either of water or sewage shall be installed until a plan for such installation is submitted to the Borough and the City of York or its designated representative, and approved satisfactory. All meters or other measuring devices installed or required to be used under any provision of this Section shall be under the control of the Borough and the City of York, and may be tested, inspected or repaired by the Borough, the City of York, or by its designee whenever deemed necessary by the Borough or the City of York. The owner of the property upon which such measuring device is installed shall be responsible for its testing, maintenance and safekeeping, and all repairs thereto shall be made at the property owner's expense, whether such repairs are made necessary by ordinary wear and tear or other causes. Owners shall test meters in a manner and at a frequency satisfactory to the Borough and the City of York. Bills for repairs and calibrations, if made by the Borough or the City of York, shall be due and payable at the same time, and collected in the same manner as are the bills for sewage treatment.

(Ord. 83-1, 6/6/1983; as added by Ord. 92-11, 12/7/1992, Art. 10)

§18-214. Suspension and Termination of Service.

1. *Emergency Suspension of Service.* The Borough or the City of York may for good cause shown suspend the wastewater treatment service to any person when it appears to the Borough or the City of York that an actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons or to the environment, interferes with the operation of the sewage works, or violates any pretreatment limits imposed by this Section. In the event of failure to comply voluntarily with a suspension order within the specified time, the Borough or the City of York may commence judicial proceedings to compel compliance with such order.

2. *Revocation of Treatment Services.* The Borough or the City of York may seek to terminate the wastewater treatment services to any person who fails to:

A. Factually report the wastewater constituents and characteristics of its discharge.

B. Report significant changes in wastewater constituents or characteristics.

C. Permit reasonable access to the person's premises by a representative of the Borough or the City for the purpose of inspection or monitoring.

D. Violates the conditions of this Section or any order entered with respect thereto.

3. *Notification of Violation.* Administrative adjustment whenever the Borough or

the City of York finds that any person has engaged in conduct which justifies termination of wastewater treatment services, pursuant to subsection .2 hereof, the Borough or the City of York may serve or cause to be served upon such person, a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation within 30 days of the date of receipt of the notice, the person shall respond personally or in writing to the Borough or the City of York, advising of its position with respect to the allegations. Thereafter the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof.

4. *Show Cause Hearing.* Where the violation which justifies termination of wastewater treatment service pursuant to subsection .2 hereof, is not corrected by timely compliance by means of administration adjustment, the Borough or the City of York may order any person to show cause before the Borough or the City of York or its duly authorized representative, why the proposed service termination action should not be taken. A written notice shall be served on the person either personally or by certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the Borough, City of York or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the person to show cause before the Borough, City of York, or its designee, why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than 7 days before the hearing. Service may be made of any agent, officer or authorized representative of a person. The proceedings at the hearing shall be considered by the Borough and the City of York which shall then enter appropriate orders with respect to the alleged improper activities of the person.

5. *Judicial Proceedings.* Following the entry of any order by the Borough or the City of York with respect to the conduct of a person contrary to the provisions of this Section, the Solicitor for the Borough or the City of York may commence an action for appropriate legal and/or equitable relief in the appropriate court.

(Ord. 83-1, 6/6/1983; as added by Ord. 92-11, 12/7/1992, Art. 11)

§18-215. Public Notice of Significant Violators.

The Borough or the City of York shall annually provide public notification in the largest daily newspaper published in the municipality in which the POTW is located, of industrial users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

A. *Violations of Wastewater Discharge Limits.*

(1) *Chronic Violations.* 66 percent or more of the measurement exceed the same daily maximum limit or the same average limit in a 6-month period (any magnitude of exceedance).

(2) *Technical Review Criteria (TRC) Violations.* 33 percent or more of the measurements exceed the daily maximum limit or the same average limit by more than the TRC in a 6-month period. There are two groups of TRCs:

(a) Group I for conventional pollutants (BOD, TSS, fats, oil and grease) TRC = 1.4.

(b) Group II for all other pollutants TRC = 1.2

(3) Any other violation(s) of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through; or endangered the health of the sewage treatment personnel or the public.

(4) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

B. Violations of compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

C. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90 days or more after the schedule date.

D. Failure to accurately report noncompliance.

E. Any other violation or group of violations that the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

(*Ord. 83-1, 6/6/1983; as added by Ord. 92-11, 12/7/1992, Art. 12*)

§18-216. Public Access to Information.

Effluent data, as defined by 40 CFR, Part 2, will be available to the public for review upon request. The effluent data, as defined in 40 CFR §2.302(a)(2), will not be considered confidential under any circumstances. Proprietary information and trade secrets will be entitled to consideration by the control authority for possible confidential treatment, provided this information is not effluent data, if the industrial user stamps confidential business information over all parts for which protection is sought.

(*Ord. 83-1, 6/6/1983; as added by Ord. 92-11, 12/7/1992, Art. 13*)

§18-217. Hazardous Waste.

1. All users shall notify the Borough, general manager, the EPA Regional Waste Management Division Director, and Pennsylvania hazardous waste authorities in writing of any discharge in the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR §261. Such notification must include the name of the hazardous waste as set forth in 40 CFR §261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is readily available to the 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 that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. Any notification under this Section need be submitted only once for each hazardous waste discharged. This notification requirement does not

apply to pollutants already reported under the self-monitoring requirements of this Part.

2. Users making notification under this Section 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.

3. Users shall permit the Borough, general manager, or duly authorized representatives to inspect hazardous waste generation, treatment, storage, and disposal procedures, and the records generated from the management of hazardous waste. [*Ord. 3/1/2004*]

(*Ord. 83-1, 6/6/1983; as added by Ord. 92-11, 12/7/1992, Art. 14; as amended by Ord. 3/1/2004, §5*)

§18-218. Penalty.

1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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 of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 2006-3*]

2. Any person violating any of the provisions of this Part shall become liable to the Borough and the City of York for any expenses, loss or damage occasioned by the Borough or the City of York by reason of such violation.

3. For the violation of any of the provisions of this Part, the Borough or the City of York shall have the right and power to disconnect all connecting pipe lines conveying sewage or industrial waste from the buildings of the users of the Borough's sewers to the Borough's sewer system from such sewer system. The cost of disconnection and reconnection shall be paid by the user. The right and power of disconnection shall be in addition to any fine or penalty imposed for the violation.

(*Ord. 83-1, 6/6/1983; as added by Ord. 92-11, 12/7/1992, Art. 15; as amended by Ord. 2006-3, 7/10/2006*)