

CODIFIED ORDINANCES OF WHITE OAK

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Streets and Sidewalk Areas

Art. 905. Streets.

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TITLE ONE - Streets and Sidewalk Area
Art. 905. Streets.
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ARTICLE 905
Streets

905.01 Damaging streets prohibited. **905.99 Penalty.**

CROSS REFERENCES
Authority to regulate streets generally - see Borough Code Sec.
1202(17) (53 P.S. Sec. 46202(17))
Excavations - see S.U. & P.S. Art. 909

905.01 DAMAGING STREETS PROHIBITED.

No person, firm or corporation, either directly or indirectly, or by its agents shall aid or abet any of the following described regulations or restrictions intended to promote the general safety, comfort and convenience of the Borough:

- (a) To injure, remove, or destroy any property either owned by the Borough or by any other person, firm or corporation, in, upon, or along any public street, road, highway, lane or alley in the Borough.
- (b) To damage, remove, molest, upset, change position of, or mar or destroy any notices, barriers, red lanterns or other warning devices placed along, or upon, any public road, highway, street, lane or alley, whether the highway or roadway be improved, or is being repaired, or is under construction.
- (c) To walk upon, or to drive upon with any wagon, automobile, truck, motorcycle, or any vehicle whatsoever on any public highway, road, street, lane or alley in the Borough which is in the process of being repaired, improved, or being constructed, whereby the roadway or roadbed or surface of such road may be damaged, marred or destroyed.
(Ord. 3. Passed 7-19-48.)

905.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this article, shall be subject to a fine of three hundred dollars (\$300.00), and in default of the payment of the fine imposed and costs, may be sentenced and committed to the Borough lockup for a period not exceeding five days, or to the Allegheny County Jail for a period not exceeding thirty days. (Ord. 3452. Passed 11-20-06.)

ARTICLE 909
Excavations

909.01	Definitions.	909.08	One call.
909.02	Permit required and emergency openings.	909.09	Gutters, lights and identification.
909.03	Issuance of permit; bond.	909.10	Additional work.
909.04	Insurance.	909.11	Guarantee of work.
909.05	Fees.	909.12	Specifications and regulations.
909.06	Refilling excavations.	909.13	Enforcement.
909.07	Test holes.	909.99	Penalty.

CROSS REFERENCES

Streets generally - see S.U. & P.S. Art. 905

909.01 DEFINITIONS.

The following words and phrases, when used in this article shall have the meanings ascribed to them in this section, except on those instances where the context clearly indicates otherwise:

- (a) "Applicant" means any person who makes application for a permit.
- (b) "Borough" means the Borough of White Oak, Pa.
- (c) "Permittee" means any person who has been issued a permit and has agreed to fulfill all of the provisions of this article.
- (d) "Person" means any natural person, partnership, firm, association, utility or corporation.
- (e) "Street" means the entire right of way of a public street, public highway, public alley, public avenue, public road or public easement within the Borough limits, including the designated curb and sidewalk area.
- (f) "Emergency" means any condition constituting a clear and present danger to life or property by reason of escaping gas, exposed wires, or other breaks or defects in the user's line.
- (g) "Inspection fee" means a fee paid by the permittee to the Borough to defray street opening inspection costs.
- (h) "Degradation fee" means a fee paid by the permittee to the Borough to defray a percentage of the costs for resurfacing and reconstructing Borough streets resulting from the depreciation of streets associated with street openings.
- (i) "Permit fee" means a fee paid by the permittee to the Borough to cover the costs of issuing, processing and filing the street opening permit.

- (j) "Concrete" means soil cement, plain cement concrete or reinforced cement concrete and material contained in the base course of some Borough streets.
- (k) "Department" means the public works department of the Borough of White Oak.
- (l) "Work day" means normal business hours for Borough Government including Monday through Friday, except designated holidays.
- (m) "Public utility" means any utility company, excluding corporate authorities of the Borough.
- (n) "Calendar year" means January 1 through December 31, inclusive.
- (o) "Corporate authority" means any governmental corporation initiated by Borough Council under the Municipal Authorities Act of 1945.
- (p) "Sidewalk area" means that portion of the street right of way reserved for sidewalks.
- (q) "Cost" means actual expenditures incurred by the Borough for labor, equipment and materials, which include all fringe benefits and overhead.
- (r) "User" means the public utility, municipal corporation, municipal authority, or any other person who, or which uses a line to provide service to one or more customers.
- (s) "Resurface" means a process which provides a new wearing surface in a certain paved street area, with the same material that was existing prior to excavation. (Ord. 2943. Passed 6-21-93.)

909.02 PERMIT REQUIRED AND EMERGENCY OPENINGS.

(a) The opening of the surface of any street within the Borough other than by the corporate authorities of the Borough is hereby prohibited, unless a permit is obtained for that purpose in the manner hereinafter described. Such permit shall be granted by the Borough Manager when the person applying for such permit files an application with the Borough Manager in compliance with the provisions of this article, and pays the fee hereinafter stated. Provided, however, that nothing herein contained shall be construed to permit the issuing of a permit for the making of a tunnel under any street within the Borough.

(b) If street openings are necessitated by emergencies, street opening permits shall be obtained on the first regular business day on which the Borough Office is open for business and such permit shall be retroactive to the date when the work was begun.

(c) A person performing street openings for an emergency shall verify the emergency nature of the circumstance in writing to the Borough Manager within five days after such an emergency on the street opening application. (Ord. 2943. Passed 6-21-93.)

909.03 ISSUANCE OF PERMIT; BOND.

Permits for the opening of any street shall only be granted upon compliance with the following express provisions.

- (a) A written application shall be filed for each and every opening and signed by the person desiring such permit. The application shall set forth the purpose of the opening, extent, size, location of same, date or dates and time such opening is to be permitted, and the date and time

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such opening shall be refilled and temporarily resurfaced in the manner hereinafter provided and shall provide that the applicant shall faithfully comply with every provision of this article. All applications shall be accompanied by a plan or sketch showing the exact location, character and dimensions of the proposed opening for the installation of new work or the location of the alteration involving changes in the location of pipes, conduit, wires, or structures incidental thereto.

- (b) Prior to the issuing of such permit, every applicant shall pay to the Borough the amount hereinafter required and for the purposes provided. No permit shall be granted to any applicant unless the applicant has paid all moneys then due the Borough for prior excavations made or for any loss, damages or expense in any manner occasioned by or arising from the work done by the applicant under the provisions of this article.
- (c) No permits shall be granted in any case until the applicant shall have executed and delivered to the Borough a bond in the amount hereinafter fixed, with good surety shall be either an approved surety or trust company or an individual who shall be the owner of real estate in Allegheny County, reasonably worth over and above all debts and encumbrances at least double the amount of such bond. The amount of the bond shall be viz: one thousand dollars (\$1000) for each opening; ten thousand dollars (\$10,000) for an indefinite number of openings; and bond shall be given up to the condition that the principal will indemnify and save harmless the Borough from any loss, damage or expense whatsoever, in any manner occasioned by or arising from the opening of any street, or work done in consequence thereof, or the manner of doing such work; and the bond shall remain in force for a period of twenty-four months after the permanent resurfacing of each opening.
(Ord. 2943. Passed 6-21-93.)

909.04 INSURANCE.

An applicant shall file a properly executed certificate of insurance with the Borough and verify that the applicant is insured against claims for personal injury as well as against claims for property damages which may arise from or out of the performance of the excavation work, whether such performance be by the applicant or by anyone directly or indirectly employed by him. Such insurance shall include protection against liability arising from completed operations, underground utility damage and collapse of any property. Liability insurance for bodily injury shall be in an amount not less than three hundred thousand dollars (\$300,000) for each person and three hundred thousand dollars (\$300,000) for each accident and for property damages an amount not less than one hundred thousand dollars (\$100,000). Failure of an applicant to file a certificate of insurance shall be sufficient reason for denying such permit. The applicant shall save harmless the Borough from any and all damages and liability by reason of personal injury or property damage arising from work done by the applicant under the provisions of this article.
(Ord. 2943. Passed 6-21-93.)

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909.05 FEES.

(a) A permit fee, inspection fee, and degradation fee for Borough streets shall be paid to the Borough prior to the issuance of the permit. The Borough shall have the right to waive fees for contractors performing work under contract with the Borough.

(b) The charges for a permit for a street opening three square yards or less shall be fifty dollars (\$50.00). The charge for a permit for a street opening of more than three square yards shall be the sum of the charge for a permit for three square yards or less and five dollars (\$5.00) for each additional square yard or portion thereof.

(c) The degradation fee will be as follows:

Rate of fee is in dollars per square yard for streets constructed, reconstructed or resurfaced within the following numbers of years prior to the issue date of the permit.

less than 1 year	\$15.00/sq. yd.
1 to two years	\$12.00/sq. yd.
three to five years	\$10.00/sq. yd.
over five years	\$ 8.00/sq. yd.

The number of square yards used in the computation of fees will be based on the next highest whole square yard figure. Minimum fee will be equal to the rate for one square yard.

(Example:) Degradation fee for street 3 years old; 10 square yards 10 square yards @ \$10.00 / square yard = \$100.00

(d) Where permission is granted to make an opening or openings within the lines of a sidewalk, whether improved or unimproved, or upon the dirt roadway of any street, the applicant shall pay to the Borough ten dollars (\$10.00) for an opening of ten lineal feet or less for the purpose of paying for the cost or issuing such permit and the necessary inspection, and an additional charge of one dollar (\$1.00) for each additional lineal foot over ten. The applicant shall restore the sidewalk or dirt roadway to its original condition and see that the same is in a reasonably safe and proper condition.

(Ord. 2943. Passed 6-21-93.)

909.06 REFILLING EXCAVATIONS.

All openings shall be refilled and resurfaced on or before the time specified in the permit according to the following methods:

(a) The work is to be done by cutting and removing a section of the improved roadway.

(b) The trench shall be backfilled in accordance with the specifications regulating street excavations within the Borough of White Oak.

(Ord. 2943. Passed 6-21-93.)

909.07 TEST HOLES.

A street opening permit shall be obtained for any test hole work. No test holes shall be made in or upon a greater surface of the highway than as specified in such permit, and no excavation may interfere with any water pipes, sewers, or drains of the Borough, or any other underground utility service. Test holes shall be promptly backfilled in accordance with provisions set by the Borough.

(Ord. 2943. Passed 6-21-93.)

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909.08 ONE CALL.

It is the responsibility of each and every contractor to register the proposed excavation by registering with the "Pennsylvania One Call" System.
(Ord. 2943. Passed 6-21-93.)

909.09 GUTTERS, LIGHTS AND IDENTIFICATION.

(a) All gutters shall be left open so as not to obstruct the free passage of water, and the sidewalks and foot ways must be kept in a safe and passable condition. All excavations or material from them shall have placed on them sufficient lights and barricades to identify them from all directions during the day and after dark.

(b) If for safety purposes, the Department deems it necessary to install additional warning devices such as lights, barricades or signs, the permittee shall be notified of the decision and shall receive instruction on the installation. In case of emergencies the Borough may install all additional warning devices deemed necessary by the Department. The Borough shall invoice the permittee for rental and installation costs incurred from the date of installation until the permittee installs warning devices.

(c) If the permittee fails to install such devices, the Borough shall invoice the permittee for rentals and installation costs incurred from the date of installation until the date of removal. Payment not made by the permittee within thirty days of the invoice date will be chargeable against the posted bond including all fees and costs involved in the collection of this payment.
(Ord. 2943. Passed 6-21-93.)

909.10 ADDITIONAL WORK.

In no case shall a permittee open or remove a greater area of street surface than specified in the original application. The permittee shall not open any street area at any location not specified in the original application. If the permittee determines during construction that an additional area of the street will have to be opened, he shall notify and secure permission from the department for the additional opening. Upon receipt of permission, the permittee shall file a supplementary application for the work no later than the next day. Fee amounts as specified in this article shall be followed for any subsequent fees associated with the supplementary applications.
(Ord. 2943. Passed 6-21-93.)

909.11 GUARANTEE OF WORK.

The permittee shall guarantee and maintain his work for a period of twenty-four months from the completion of the restoration and replacement work, within this twenty-four hour period. Upon notification from the Borough of necessary correction work required, the permittee shall correct or cause to be corrected all restoration work required within five working days of receipt of the notification. The Department shall determine the extent of restoration required and method of correction. Any and all work not completed within this five day period may be completed by the Borough at the discretion of the Borough Manager. The Borough shall invoice the permittee for all costs incurred by the Borough in the performance of this work. Payment not made within thirty days of the invoice date will be chargeable against the posted bond including all fees involved in the collection of this payment.
(Ord. 2943. Passed 6-21-93.)

909.12 SPECIFICATIONS AND REGULATIONS.

The Borough Manager with the assistance of the Borough Engineer shall have the right from time to time to promulgate and issue specifications and regulations covering the work provided for in this article.

(Ord. 2943. Passed 6-21-93.)

909.13 ENFORCEMENT.

The Borough Manager or his representative shall have the right to inspect and supervise all work done under street opening permits and shall see that all terms and provisions of this article are enforced and shall have the power and is hereby directed to prosecute every person who violates any of the provisions herein.

(Ord. 2943. Passed 6-21-93.)

909.99 PENALTY.

(a) Any person violating any provision of this article shall be subject to a fine of three hundred dollars (\$300.00) for each and every offense together with costs and in default of the payment of the fine or penalty imposed and costs the defendant may be sentenced and committed to the Borough lockup for a period not exceeding five days or the County Jail for a period not exceeding thirty days. Each failure to obtain a permit to comply with any requirements of this article and each and every day during which such violation shall continue shall constitute a separate offense.

(Ord. 3452. Passed 11-20-06.)

(b) The Borough reserves the right to deny the issuance of future street opening permits to any person who violates the provisions of this article. This provision in no way shall prohibit or limit the right of the Borough to bring legal action against the permittee.

(Ord. 2943. Passed 6-21-93.)

TITLE THREE - Utilities

Art. 931. Sewers.

Art. 941. Stormwater Management.

ARTICLE 931

Sewers

<p>931.01 General provisions.</p> <p>931.02 General sewer use requirements.</p> <p>931.03 Pretreatment of wastewater.</p> <p>931.04 Wastewater discharge permit application.</p> <p>931.05 Wastewater discharge permit issuance process.</p> <p>931.06 Reporting requirements.</p> <p>931.07 Compliance monitoring.</p> <p>931.08 Confidential information.</p> <p>931.09 Publication of users in significant non-compliance.</p>	<p>931.10 Administrative enforcement remedies.</p> <p>931.11 Judicial enforcement remedies.</p> <p>931.12 Supplemental enforcement action. (Reserved)</p> <p>931.13 Affirmative defenses to discharge violations.</p> <p>931.14 Wastewater treatment rates. (Reserved)</p> <p>931.15 Miscellaneous provisions.</p>
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CROSS REFERENCES

Sanitary sewers - see Borough Code Art. XX (53 P.S. Sec. 47001 et seq.)

Collection of sewer rentals - see Borough Code Sec. 2061 et seq.
(53 P.S. 47061 et seq.)

Storm sewers - see Borough Code Art. XX (53 P.S. Sec. 47201 et seq.)

931.01 GENERAL PROVISIONS.

(a) Purpose and Policy. This article sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of McKeesport and enables the Municipal Authority of the City of McKeesport to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code §1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this article are:

- (1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

- (3) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- (6) To enable the Municipal Authority of the City of McKeesport to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

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

(b) Administration. Except as otherwise provided herein, the Municipal Authority of the City of McKeesport shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the Municipal Authority of the City of McKeesport may be delegated by the Authority to other Authority personnel.

(c) Abbreviations. The following abbreviations, when used in this article, shall have the designated meaning:

BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EPA	-	U.S. Environmental Protection Agency
gpd	-	gallons per day
mg/l	-	milligrams per liter
MACM	-	Municipal Authority of the City of McKeesport
NPDES	-	National Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource Conservation and Recovery Act
SIC	-	Standard Industrial Classification
TSS	-	Total Suspended Solids
U.S.C.	-	United States Code

(d) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

- (1) Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq.
- (2) Approval Authority. The Regional Administrator of EPA- Region III is designated as the Approval Authority.
- (3) Authorized Representative of the User.

- A. If the user is a corporation:
 - 1. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - 2. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - C. If the user is a Federal, State or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - D. The individuals described in Paragraphs (3)A. through C., above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Municipal Authority of the City of McKeesport.
- (4) Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).
 - (5) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
 - (6) City. The City of McKeesport or the City Council of McKeesport or MACM.
 - (7) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
 - (8) Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
 - (9) Grab Sample. A sample, which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

- (10) Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Act.
- (11) Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (12) Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation the MACM NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.
- (13) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (14) New Source.
 - A. Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section; provided that:
 1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

- B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection A.2. or 3. above but otherwise alters, replaces, or adds to existing process or production equipment.
 - C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - 1. Begun, or caused to begin, as part of a continuous onsite construction program:
 - a. Any placement, assembly, or installation of facilities or equipment; or
 - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
 - 2. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (15) Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (16) 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 violation of any requirement of MACM NPDES permit, including an increase in the magnitude or duration of a violation.
- (17) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- (18) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (19) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (20) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

- (21) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- (22) Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- (23) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 931.02(a).
- (24) Publicly Owned Treatment Works or POTW. A “treatment works” as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by McKeesport or MACM. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- (25) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (26) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- (27) Significant Industrial User.
 - A. A user subject to categorical pretreatment standards; or
 - B. A user that:
 - 1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
 - 2. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - 3. Is designated as such by MACM on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirements.
 - C. Upon finding that a user meeting the criteria in subsection (27) B. hereof has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, MACM may, at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8 (f) (6), determine that such user should not be considered a significant industrial user.
- (28) Slug Load or Slug. Any discharge of a non-routine episodic nature or a flow-rate or concentration, which would cause a violation of the prohibited standards in Section 931.02(a).
- (29) Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- (30) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

- (31) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (32) User or Industrial User. A source of indirect discharge.
- (33) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (34) Wastewater Treatment Plan or Treatment Plant. That portion of the POTW, which is designed to provide treatment of municipal sewage and industrial waste. (Ord. 3214. Passed 4-16-01.)

931.02 GENERAL SEWER REQUIREMENTS.

(a) Prohibited Discharge Standards.

- (1) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- (2) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - A. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - B. Wastewater having a pH less than 5.0 or otherwise causing corrosive structural damage to the POTW or equipment;
 - C. Solid or viscous substances in amounts, which will cause obstruction of the flow in the POTW resulting in interference.
 - D. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - E. Wastewater with a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
 - F. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 - G. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - H. Trucked or hauled pollutants, except at discharge points designated by MACM in accordance with Section 931.03.
 - I. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

- J. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating MACM NPDES permit;
- K. Wastewater containing any radioactive waste or isotopes except in compliance with applicable State or Federal regulations;
- L. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by MACM.
- M. Sludges, screening, or other residues from the pretreatment of industrial wastes;
- N. Medical wastes, except as specifically authorized by MACM in a wastewater discharge permit;
- O. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- P. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- Q. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(b) National Categorical Pretreatment Standards. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, MACM may impose equivalent concentration of mass limits in accordance with 40 CFR 403.6 (c).
- (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, MACM shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6 (e).
- (3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(c) State Pretreatment Standards (RESERVED).

(d) Local Limits.

- (1) No industrial user shall discharge wastewater containing a mass of any pollutant which, when taken together with the mass of that pollutant discharged by all other industrial users will cause the mass of the pollutant to exceed the mass of that pollutant specified in the Headworks Industrial Allowance which has been approved by the Approval Authority for the POTW into which the industrial user discharges.
- (2) MACM may establish local limits regulating the discharge of specific pollutants by industrial users. Discharging any pollutant in excess of a local limit or an industrial user's permit shall constitute a violation of this article.

(e) MACM's Right of Revision. MACM reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(f) Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. MACM may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Ord. 3214. Passed 4-16-01.)

931.03 PRETREATMENT OF WASTEWATER.

(a) Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 931.02(a) within the time limitations specified by EPA, the State, or MACM, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to MACM for review, and shall be acceptable to MACM before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to MACM under the provisions of this article.

(b) Additional Pretreatment Measures.

- (1) Whenever deemed necessary, MACM may require users to restrict their discharge peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.
- (2) MACM may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of MACM, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by MACM and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(c) Accidental Discharge/Slug Control Plans. At least once every two (2) years, MACM shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. MACM may require any user to develop, submit for approval, and implement such a plan. Alternatively, MACM may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying MACM of any accidental or slug discharge as required by Section 931.06(f); and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(d) Hauled Wastewater.

- (1) Septic tank waste or municipal digested sewage sludge may be introduced into the POTW only at locations designated by MACM, and at such times as are established by MACM. Such waste shall not violate Section 931.02 or any other requirements established by MACM. MACM may require waste haulers to obtain wastewater discharge permits.
- (2) MACM shall require haulers of industrial waste to obtain wastewater discharge permits. MACM may require generators of hauled industrial waste to obtain wastewater discharge permits. MACM also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this article.
- (3) Industrial waste haulers may discharge loads only at locations designated by MACM. No load may be discharged without prior consent of MACM. MACM may collect samples of each hauled load to ensure compliance with applicable standards. MACM may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

- (4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. (Ord. 3214. Passed 4-16-01.)

931.04 WASTEWATER DISCHARGE PERMIT APPLICATION.

(a) Wastewater Analysis. When requested by MACM, a user must submit information on the nature and characteristics of its wastewater within sixty (60) days of the request. MACM is authorized to prepare a form for this purpose and may periodically require users to update this information.

(b) Wastewater Discharge Permit Requirement.

- (1) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from MACM, except that a significant industrial user that has filed a timely application pursuant to subsection (c) hereof may continue to discharge for the time period specified herein.
- (2) MACM may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.
- (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in Sections 931.10 through 931.12. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

(c) Wastewater Discharge Permitting: Existing Connections. Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this article and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to MACM for a wastewater discharge permit in accordance with subsection (e) hereof, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this article except in accordance with a wastewater discharge permit issued by MACM.

(d) Wastewater Discharge Permitting: New Connections. Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with subsection (e) hereof, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

(e) Wastewater Discharge Permit Application Contents. All users required to obtain a wastewater discharge permit must submit a permit application. MACM may require all users to submit as part of an application the following information:

- (1) All information required by Section 931.06(a)(2);
- (2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and amount of raw materials processed (average and maximum per day);
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (7) Time and duration of discharges; and
- (8) Any other information as may be deemed necessary by MACM to evaluate the wastewater discharge permit application.

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

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

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

(g) Wastewater Discharge Permit Decisions. MACM will evaluate the data furnished by the user and may require additional information. Within sixty (60) days of receipt of a complete wastewater discharge permit application, MACM will determine whether or not to issue a wastewater discharge permit. MACM may deny any application for a wastewater discharge permit. (Ord. 3214. Passed 4-16-01.)

931.05 WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS.

(a) Wastewater Discharge Permit Duration. A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of MACM. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(b) Wastewater Discharge Permit Contents. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by MACM to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- (1) Wastewater discharge permits must contain:
 - A. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
 - B. A statement that the wastewater discharge permit is non-transferable without prior notification to MACM in accordance with subsection (e) hereof, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - C. Effluent limits based on applicable pretreatment standards;
 - D. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
 - E. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
 - A. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulations and equalization;
 - B. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - C. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 - D. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - E. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - F. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - G. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

H. Other conditions as deemed appropriate by MACM to ensure compliance with this article, and State and Federal laws, rules and regulations.

(c) Wastewater Discharge Permit Appeals. MACM shall issue industrial wastewater discharge permits. Any person, including the user, may petition MACM to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reason for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (4) If MACM fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- (5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Allegheny County Court of Common Pleas.

(d) Wastewater Discharge Permit Modification. MACM may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State or local pretreatment standards or requirements;
- (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to MACM's POTW, MACM personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or any required reporting;
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the wastewater discharge permit;
or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

(e) Wastewater Discharge Permit Transfer. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to MACM and MACM approves the wastewater discharge permit transfer. The notice to MACM must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

(f) Wastewater Discharge Permit Revocation. MACM may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify MACM of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to MACM of changed conditions pursuant to Section 931.06(e);
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow MACM timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(g) Wastewater Discharge Permit Reissuance. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 931.04(e), a minimum of one hundred eighty (180) days prior to the expiration of the user's existing wastewater discharge permit.

(h) Regulation of Waste Received from Other Jurisdictions.

- (1) If another municipality, or user located within another municipality, contributes wastewater to the POTW, MACM shall enter into an intermunicipal agreement with the contributing municipality.

- (2) Prior to entering into an agreement required by subsection (h)(1), MACM shall request the following information from the contributing municipality:
 - A. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - B. An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - C. Such other information as MACM may deem necessary.
- (3) An intermunicipal agreement, as required by subsection (h)(1), shall contain the following conditions:
 - A. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this article and local limits, which are at least as stringent as those set out in Section 931.02(d). The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to MACM's ordinance or local limits;
 - B. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 - C. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by MACM; and which of these activities will be conducted jointly by the contributing municipality and MACM;
 - D. A requirement for the contributing municipality to provide MACM with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 - E. A provision ensuring MACM access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by MACM. (Ord. 3214. Passed 4-16-01.)

931.06 REPORTING REQUIREMENTS.

(a) Baseline Monitoring Reports.

- (1) Within either one hundred eighty (180) days after the effective date of the categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6 (a) (4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to MACM a report which contains the information listed in subsection (a)(2). At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to MACM a report which contains the information listed in subsection (a)(2) hereof. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- (2) Users described above shall submit the information set forth below.
- A. Identifying information. The name and address of the facility, including the name of the operator and owner.
 - B. Environmental permits. A list of any environmental control permits held by or for the facility.
 - C. Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - D. Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6 (e).
 - E. Measurement of pollutants.
 - 1. The categorical pretreatment standards applicable to each regulated process.
 - 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by MACM, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in subsection (j) hereof.
 - 3. Sampling must be performed in accordance with procedures set out in subsection (j) hereof.
 - F. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 - G. Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsection (b) hereof.
 - H. Signature and certification. All baseline monitoring reports must be signed and certified in accordance with Section 931.04(f).

(b) Compliance Schedule Progress Report. The following conditions shall apply to the compliance schedule required by subsection (a)(2)G. hereof:

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operations);
- (2) No increment referred to above shall exceed nine (9) months;
- (3) The user shall submit a progress report to MACM no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (4) In no event shall more than nine (9) months elapse between such progress reports to MACM.

(c) Reports on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to MACM a report containing the information described in subsection (a)(2)D. to F. hereof. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 931.04(f).

(d) Periodic Compliance Reports.

- (1) All significant industrial users shall, at a frequency determined by MACM but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 931.04(f) .
- (2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by MACM, using the procedures prescribed in subsection (k) hereof, the results of this monitoring shall be included in the report.

(e) Reports of Changed Conditions. Each user must notify MACM of any planned significant changes to the user's operations or system, which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

- (1) MACM may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 931.04(e).
- (2) MACM may issue a wastewater discharge permit under Section 931.04(g) or modify an existing wastewater discharge permit under Section 931.04(e) in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

(f) Reports of Potential Problems.

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify MACM of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (2) Within five (5) days following such discharge, the user shall, unless waived by MACM, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fees, penalties, or other liability which may be imposed pursuant to this article.
- (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (f)(1), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(g) Reports from Unpermitted Users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to MACM as MACM may require.

(h) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify MACM within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to MACM within thirty (30) days after becoming aware of the violation. The user is not required to resample if MACM monitors at the user's facility at least once a month, or if MACM samples between user's initial sampling and when the user receives the results of this sampling.

(i) Notification of the Discharge of Hazardous Waste.

- (1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and 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 wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subsection (e) hereof. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsections (a), (c) and (d) hereof.
- (2) Dischargers are exempt from the requirements of subsection (i)(1) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify MACM, the EPA Regional Waste Management Division Director, the State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable Federal or State law.

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

(k) Sample Collection.

- (1) Except as indicated in subsection (k)(2) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, MACM may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- (2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(l) Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(m) Record Keeping. Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the date analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or MACM, or where the user has been specifically notified of a longer retention period by MACM.
(Ord. 3214. Passed 4-16-01.)

931.07 COMPLIANCE MONITORING.

(a) Right of Entry: Inspection and Sampling. MACM shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. User shall allow MACM ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1) Where a user has security measures in force, which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, MACM will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) MACM shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

- (3) MACM may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of MACM and shall not be replaced. The costs of clearing such access shall be borne by the user.
- (5) Unreasonable delays in allowing MACM access to the user's premises shall be a violation of this article. (Ord. 3214. Passed 4-16-01.)

931.08 CONFIDENTIAL INFORMATION.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from MACM's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of MACM, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. 3214. Passed 4-16-01.)

931.09 PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE.

MACM shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other discharge violation that MACM believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in MACM's exercise of its emergency authority to halt or prevent such a discharge;

- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report non-compliance; or
- (h) Any other violation(s), which MACM determines, will adversely affect the operation or implementation of the local pretreatment program.
(Ord. 3214. Passed 4-16-01.)

931.10 ADMINISTRATIVE ENFORCEMENT REMEDIES.

(a) Notification of Violation. When MACM finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, MACM may serve upon that user a written Notice of Violation. Within five (5) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to MACM. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of MACM to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(b) Consent Orders. MACM may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsection (d) and(e) hereof and shall be judicially enforceable.

(c) Show Cause Hearing. MACM may order a user which has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before MACM and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

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

(e) Cease and Desist Orders. When MACM finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, MACM may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(f) Administrative Fines.

- (1) When MACM finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, MACM may assess a civil penalty in an amount not to exceed twenty-five thousand dollars (\$25,000.00) per day for each violation. Each violation for each separate day shall constitute a separate and distinct offense. MACM may recover its costs for re-establishing the operating of the POTW in addition to any civil penalty imposed hereunder. In addition, MACM may recover attorney's fees, all court costs, and all other expenses of litigation to the extent permitted by law.
- (2) Users desiring to dispute such fines must file a written request for MACM to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, MACM may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. MACM may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (3) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

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

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, MACM may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. MACM may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of MACM that the period of endangerment has passed, unless the termination proceedings in subsection (c) or (h) hereof are initiated against the user.
- (2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to MACM prior to the date of any show cause or termination hearing under subsection (c) or (h) hereof.

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

(h) Termination of Discharge. In addition to the provisions in Section 931.05(f), any user who violates the following conditions is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the use's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards in Section 931.02.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (c) hereof why the proposed action should not be taken. Exercise of this option by MACM shall not be a bar to, or prerequisite for, taking any other action against the user. (Ord. 3214. Passed 4-16-01.)

931.11 JUDICIAL ENFORCEMENT REMEDIES.

(a) Injunctive Relief. When MACM finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, MACM may petition the Court of Common Pleas of Allegheny County through MACM's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. MACM may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the user.

(b) Civil Penalties.

- (1) A user who has violated, or continues to violate any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to MACM for a maximum civil penalty not to exceed twenty-five thousand dollars (\$25,000.00) per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.
- (2) MACM may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by MACM.
- (3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against the user.

(c) Criminal Penalties.

- (1) Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, or Pretreatment Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall upon conviction be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than thirty (30) days, or both.
- (2) Each occurrence shall be a separate offense. This section shall not preclude prosecution under the Pennsylvania Crimes Code.

(d) Remedies Nonexclusive. The remedies provided for in this article are not exclusive. MACM may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with MACM's enforcement response plan. However, MACM may take other action against any user when the circumstances warrant. Further, MACM is empowered to take more than one enforcement action against non-compliant user. (Ord. 3214. Passed 4-16-01.)

931.12 SUPPLEMENTAL ENFORCEMENT ACTION. (RESERVED)

931.13 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

(a) Upset.

- (1) For the purposes of this section, "upset," means an exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- (2) An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of subsection (a)(3), below, are met.
- (3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - A. An upset occurred and the user can identify the cause(s) of the upset;
 - B. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
 - C. The user has submitted the following information to MACM within twenty-four (24) hours of becoming aware of the upset.
 1. A description of the indirect discharge and cause of non-compliance;
 2. The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
 3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
- (4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (6) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(b) Prohibited Discharge Standards. A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the general provisions in Section 931.02(a)(1) or the specific prohibitions in Section 931.02(a)(2)C. through Q. excluding H., if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when MACM was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

- (c) Bypass.
- (1) For the purposes of this section,
 - A. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
 - B. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - (2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraph (c)(3) and (4) of this section.
 - (3)
 - A. If a user knows in advance of the need for a bypass, it shall submit prior notice to MACM, at least ten (10) days before the date of the bypass, if possible.
 - B. A user shall submit oral notice to MACM of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. MACM may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
 - (4)
 - A. Bypass is prohibited, and MACM may take enforcement action against the user for a bypass, unless:
 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The user submitted notices as required under paragraph (c)(3) hereof.
 - B. MACM may approve an anticipated bypass, after considering its adverse effects, if MACM determines that it will meet the three conditions listed in paragraph (c)(4)A. hereof.
- (Ord. 3214. Passed 4-16-01.)

931.14 WASTEWATER TREATMENT RATES. (RESERVED)**931.15 MISCELLANEOUS PROVISIONS.**

(a) Pretreatment Charges and Fees. MACM may adopt reasonable fees for reimbursement of costs of setting up and operating MACM's Pretreatment Program, which may include:

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (3) Costs for reviewing and responding to accidental discharge procedures and construction;
- (4) Costs for filing appeals; and
- (5) Other fees and costs as MACM may deem necessary to carry out the requirements contained herein. These relate solely to the matters covered by this article and are separate from all other fees, fines, and penalties chargeable by the Federal or State governmental agencies.

(b) Severability. If any provision of this article is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect. (Ord. 3214. Passed 4-16-01.)

ARTICLE 941
Stormwater Management

941.01	General provisions.	941.05	Inspections and right of entry.
941.02	Definitions.	941.06	Fees and expenses.
941.03	Stormwater Management for water quality.	941.07	Prohibitions.
941.04	Stormwater BMP operations and maintenance plan requirements.	941.08	Enforcement and penalties.
			Appendix A
			Appendix B

941.01 GENERAL PROVISIONS.

(a) Short Title. This article shall be known and may be cited as the “White Oak Borough Stormwater Management Ordinance.

(b) Statement of Findings. The governing body of the Borough of White Oak finds that:

- (1) Stormwater runoff from lands modified by human activities threatens public health and safety by causing decreased infiltration of rainwater and increased runoff flows and velocities, which overtax the carrying capacity of existing streams and storm sewers, and greatly increases the cost of the public to manage stormwater.
- (2) Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating streams flows (which increase scour and erosion of stream-beds and stream-banks thereby elevating sedimentation), destroying aquatic habitat and elevating aquatic pollutant concentrations and loading such as sediments, nutrients, heavy metal and pathogens. Groundwater resources are also impacted through loss of recharge.

- (3) A program of stormwater management, including reasonable regulations of land development and redevelopment causing loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of the Borough of White Oak and all the people of the Commonwealth of Pennsylvania, their resources, and the environment.
- (4) Stormwater can be an important water resources by providing groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- (5) Public addressing stormwater. education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
- (6) Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination Systems (NPDES).
- (7) Non-stormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth by the Borough of White Oak.

(c) Purpose. The purpose of this article is to promote the health, safety, and welfare within the Borough of White Oak and its watershed by minimizing the harms and maximizing the benefits described in subsection (b) hereof, through provisions designed to:

- (1) Manage stormwater runoff impacts at their source by regulating activities that cause the problem.
- (2) Provide review procedures and performance standards for stormwater planning and management.
- (3) Utilize and preserve the existing natural drainage systems as much as possible.
- (4) Manage stormwater impacts close to the runoff source, which requires a minimum of structures and relies on natural processes.
- (5) Focus on infiltration of stormwater, to maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- (6) Maintain existing flows and quality of streams and watercourses.
- (7) Meet legal water quality requirements under state law, including regulations at 25 Pa Code Chapter 93.4a to protect and maintain “existing uses” and maintain the level of water quality to support those uses in all streams, and to protect and maintain water quality in “special protection” streams.
- (8) Prevent scour and erosion of streambanks and streambeds.
- (9) Provide for proper operations and maintenance of all permanent stormwater management BMPs that are implemented in the Borough of White Oak.
- (10) Provide a mechanism to identify controls necessary to meet the NPDES permit requirements.
- (11) Implement an illegal discharge detection and elimination program to address non-stormwater discharges into the Borough of White Oak’s separate storm sewer system.

(d) Statutory Authority. The Borough of White Oak is empowered to regulate land use activities that affect stormwater impacts by the authority of the Borough Code, Act of February 1, 1966 as amended 53 P.S. §5101 et seq. and/or the Pennsylvania Planning Code 53 P.S. §10101 et seq.

(e) Applicability.

- (1) This article applies to any Regulated Earth Disturbance activities within the Borough of White Oak, and all stormwater runoff entering into the Borough's separate storm sewer system from lands within the boundaries of the Borough of White Oak.
- (2) Earth Disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This article shall operate in coordination with those parallel requirements; and requirements of this article shall be no less restrictive in meeting the purposes of this article than state law.

(f) Repealer. Any other ordinance provision(s) or regulations of the Borough of White oak inconsistent with any of the provisions of this article is hereby repealed to the extent of the inconsistency only.

(g) Severability. In the event that any section or provision of this article is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this article.

(h) Compatibility with Other Requirements.

- (1) Approvals issued and actions taken under this article do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by and other code, law, regulation or ordinance. To the extent that this article imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this article shall be followed.
- (2) Nothing in this article shall be construed to affect any of the Municipality's requirements regarding stormwater matters which do not conflict with the provisions of this article, such as local stormwater management design criteria (e.g. inlet spacing, inlet type, collection system, design and details, outlet structure design, etc.). Conflicting provisions in other municipal ordinances or regulations shall be construed to retain the requirements of this article addressing State Water Quality Requirements.
(Ord. 3346. Passed 3-15-04.)

941.02 DEFINITIONS.

(a) For the purposes of this article, certain terms and words used herein shall be interpreted as follows:

- (1) Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.

- (2) The word “includes” or “including” shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- (3) The words “shall” and “must” are mandatory; and words “may” and “should” are permissive.

(b) Accelerated Erosion – The removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

(c) Applicant – A landowner, developer or other person who has filed an application for approval to engage in any Regulated Earth Disturbance activity at a project site in the Borough of White Oak.

(d) BMP (Best Management Practice) – Activities, facilities, designs, measures or procedures used to manage stormwater impacts from Regulated Earth Disturbance activities, to meet State Water Quality Requirements, to promote ground water recharge and to otherwise meet the purposes of this Ordinance.

(e) Conservation District – The Allegheny County Conservation District.

(f) DEP – The Pennsylvania Department of Environmental Protection.

(g) Developer – A person that seeks to undertake any Regulated Earth Disturbance activities at a project site in the Borough of White Oak.

(h) Development – See “Earth Disturbance Activity.” The term includes redevelopment.

(i) Development Site – The specific tract of land where any Earth Disturbance activities in the Borough of White Oak are planned, conducted or maintained.

(j) Earth Disturbance Activity – A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavation, embankments, road maintenance, building construction and the moving, depositing, stockpiling, or storage of soil, rock or earth materials.

(k) Erosion – The process by which the surface of the land, including channels, is worn away by water, wind, or chemical action.

(l) Erosion and Sediment Control Plan – A plan for a project site, which identifies BMPs to minimize accelerated erosion and sedimentation.

(m) Groundwater Recharge – Replenishment of existing natural underground water supplies.

(n) Impervious Surface – A surface that prevents the infiltration of water into the ground. Impervious surface includes, but is not limited to, and roof, parking or driveway areas, and any new streets and sidewalks. Any surface areas designed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.

(o) Municipality - Borough of White Oak, Allegheny County, Pennsylvania.

(p) NPDES – National Pollutant Discharge Elimination System, the federal government’s system for issuance of permits under the Clean Water Act, which is delegated to DEP in Pennsylvania.

(q) Outfall – “Point source” as described in 40 CFR § 122.2 at the point where the Municipality’s storm sewer system discharges to surface waters of the Commonwealth.

(r) Person – An individual, partnership, public or private association or corporation, or a governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(s) Point Source – any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in State regulations at 25 Pa. Code §92.1.

(t) Project Site – The specific area of land where any Regulated Earth Disturbance activities in the Municipality are planned, conducted or maintained.

(u) Redevelopment – Earth Disturbance activities on land, which has previously been disturbed or developed.

(v) Regulated Earth Disturbance Activity – Earth disturbance activity one (1) acre or more with a point source discharge to surface waters or the Municipality’s storm sewer system, or five (5) acres or more regardless of the planned runoff. This includes earth disturbance on any portion or, part, or during any stage of, a larger common plan of development. This only includes road maintenance activities involving twenty-five (25) acres or more of earth disturbance.

(w) Road Maintenance – earth disturbance activities within the existing road cross-section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities.

(x) Separate Storm Sewer System – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) primarily used for collecting and conveying stormwater runoff.

(y) State Water Quality Requirements – As defined under state regulations – protection of designated and existing uses (See 25 Pa Code Chapters 93 and 96) – including:

- A. Each stream segment in Pennsylvania has a “designated use,” such as “cold water fishery” or “potable water supply,” which are listed in Chapter 93. These uses must be protected and maintained, under state regulations.
- B. “Existing uses” are those attained as of November 1975, regardless whether they have been designated in Chapter 93. Regulated Earth Disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protections streams.
- C. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After Regulated Earth Disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed and structural integrity of the waterway, to prevent these impacts.

(z) Stormwater – The surface runoff generated by precipitation reaching the ground surface.

(aa) Surface Waters of the Commonwealth - Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

(bb) Watercourse – A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

(cc) Watershed – Region or area drained by a river, watercourse or other body of water, whether natural or artificial.
(Ord. 3346. Passed 3-15-04.)

941.03 STORMWATER MANAGEMENT FOR WATER QUALITY.

(a) General Requirements for Stormwater Management.

- (1) All Regulated Earth Disturbance activities within the Municipality shall be designed, implemented, operated and maintained to meet the purposes of this article, through these two elements:
 - A. Erosion and Sediment control during the earth disturbance activities (e.g., during construction), and
 - B. Water quality protection measures after completion of earth disturbance activities (e.g., after construction), including operations and maintenance.
- (2) No Regulated Earth Disturbance activities within the Municipality shall commence until the requirements of this article are met.

- (3) Erosion and sediment control during Regulated Earth Disturbance activities shall be addressed as required by subsection (c) hereof.
- (4) Post-construction water quality protection shall be addressed as required by subsection (d) hereof. Operations and maintenance of permanent stormwater BMPs shall be addressed as required by Section 941.04.
- (5) All Best Management Practices (BMPs) used to meet the requirements of this article shall conform to the State Water Quality Requirements, and any more stringent requirements as determined by the Municipality.
- (6) Techniques described in Appendix A (Low Impact Development) of this article are encouraged, because they reduce the costs of complying with the requirements of this Ordinance and the State Water Quality Requirements.

(b) Permit Requirements by Other Government Entities. The following permit requirements may apply to certain Regulated Earth Disturbance activities, and must be met prior to commencement of Regulated Earth Disturbance activities, as applicable:

- (1) All regulated earth disturbance activities subject to permit requirements by DEP under regulations at 25 Pa. Code Chapter 102.
- (2) Work within natural drainage ways subject to permit by DEP under 25 Pa. Code Chapter 105.
- (3) Any stormwater management facility that would be located in or adjacent to surface waters of the Commonwealth, including wetlands, subject to permit by DEP under 25 Pa. Code Chapter 105.
- (4) Any stormwater management facility that would be located on a State highway right-of-way, or require access from a state highway, shall be subject to approval by the Pennsylvania Department of Transportation (PENNDOT).
- (5) Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under 25 Pa. Code Chapter 105.

(c) Erosion and Sediment Control During Regulated Earth Disturbance Activities.

- (1) No Regulated Earth Disturbance activities within the Borough of White Oak shall commence until approval by the Borough of an Erosion and Sediment Control Plan for construction activities.
- (2) DEP has regulations that require an Erosion and Sediment Control Plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code §102.4(b).
- (3) In addition, under 25 Pa. Code Chapter 92, a DEP “NPDES Construction Activities” permit is required for Regulated Earth Disturbance activities.
- (4) Evidence of any necessary permit(s) for Regulated Earth Disturbance activities from the appropriate DEP regional office or County Conservation District must be provided to the Borough. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2) satisfies the requirements subsection (c)(1) hereof.
- (5) A copy of the Erosion and Sediment Control plan and any required permit, as required by DEP regulations, shall be available at the project site at all times.

(d) Water Quality Requirements After Regulated Earth Disturbance Activities Are Complete.

- (1) No Regulated Earth Disturbance activities within the Borough shall commence until approval by the Borough of a plan which demonstrates compliance with State Water Quality Requirements after construction is complete.
- (2) The BMPs must be designed, implemented and maintained to meet State Water Quality Requirements, and any other more stringent requirements as determined by the Borough.
- (3) To control post-construction stormwater impacts from Regulated Earth Disturbance activities, State Water Quality Requirements can be met by BMPs, including site design, which provide for replication of pre-construction stormwater Infiltration and runoff conditions, so that post-construction stormwater discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in the DEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28, 20024), this may be achieved by the following:
 - A. Infiltration: Replication of pre-construction stormwater infiltration conditions.
 - B. Treatment: Use of water quality treatment BMPs to ensure filtering out of the chemical and physical pollutants from the stormwater runoff, and
 - C. Streambank and Streambed Protection: Management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring).
- (4) DEP has regulations that require municipalities to ensure design, implementation and maintenance of Best Management Practices (“BMPs”) that control runoff from new development and redevelopment after Regulated Earth Disturbance activities are complete. These requirements include the need to implement post-construction stormwater BMPs with assurance of long-term operations and maintenance of those BMPS.
- (5) Evidence of any necessary permit(s) for Regulated Earth Disturbance activities from the appropriate DEP regional office must be provided to the Borough of White Oak.
- (6) BMP operations and maintenance requirements are described in Section 941.04. (Ord. 3346. Passed 3-15-04.)

941.04 STORMWATER BMP OPERATIONS AND MAINTENANCE PLAN REQUIREMENTS.

(a) General Requirements.

- (1) No Regulated Earth Disturbance activities within the Borough of White Oak shall commence until approval by the Borough of BMP Operations and Maintenance plan which describes how the permanent (e.g., post-construction) stormwater BMPs will be properly operated and maintained.

- (2) The following items shall be included in the BMP Operations and Maintenance Plan:
- A. Map(s) of the project area, in a form that meets the requirements for recoding at the offices of the Recorder of Deeds of Allegheny County, and shall be submitted on 24-inch x 36-inch or 30-inch or 42-inch sheets. The contents of the map(s) shall include, but not be limited to:
 - 1. Clear identification of the location and nature of permanent stormwater BMPs.
 - 2. The location of the project site relative to highways, municipal boundaries or other identifiable landmarks.
 - 3. Existing and final contours at intervals of two (2) feet, or other as appropriate.
 - 4. Existing streams, lakes, ponds, or other bodies of water within the project site area.
 - 5. Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, and areas of natural vegetation to be preserved.
 - 6. The locations of all existing and proposed utilities, sanitary sewers and water lines within fifty (50) feet of property lines of the project site.
 - 7. Proposed final changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added.
 - 8. Proposed final structures, roads, paved areas, and building, and
 - 9. A fifteen (15) foot wide access easement around all stormwater BMPs that would provide ingress to and egress from a public right-of-way.
 - B. A description of how each permanent stormwater BMP will be operated and maintained, and the identity of the person(s) responsible for operations and maintenance.
 - C. The names of the project site, the name and address of the owner of the property, and the name of the individual or firm preparing the Plan, and
 - D. A statement, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that can be altered or removed only after approval by the Borough.
- (b) Responsibilities for Operations and Maintenance of BMPs.
- (1) The BMP Operations and maintenance plan for the project site shall establish responsibilities for the continuing operation and maintenance of all permanent stormwater BMPs as follows:
 - A. If a Plan includes structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the Borough of White Oak, stormwater BMPs may also be dedicated to and maintained by the Borough;

- B. If a Plan includes operations and maintenance by a single ownership and in which streets, sewers and other public improvements are to be privately owned and maintained, then the operation and maintenance of stormwater BMPs shall be the responsibility of the owner or private management entity.
- (2) The Borough of White Oak shall make the final determination on the continuing operations and maintenance responsibilities. The Borough reserves the right to accept or reject the operations and maintenance responsibility for any or all the stormwater BMPs.
- (c) Municipality Review of BMP Operations and Maintenance Plan.
- (1) The Borough of White Oak shall review the BMP Operations and Maintenance Plan for consistency with the purposes and requirements of this article, and any permits issued by DEP.
- (2) The Borough shall notify the Applicant in writing whether the BMP Operations and Maintenance Plan is approved.
- (3) The Borough may require an "As Built Survey" of all stormwater BMPs and an explanation of any discrepancies with the Operations and Maintenance Plan.
- (d) Adherence to Approved BMP Operations and Maintenance Plan. It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved BMP Operations and Maintenance Plan, or to allow the property to remain in a condition, which does not conform to an approved BMP Operations and Maintenance Plan, unless an exception is granted in writing by the Borough.
- (e) Operations and Maintenance Agreement for Privately Owned Stormwater BMPs.
- (1) The property owner shall sign an operations and maintenance agreement with the Borough covering all stormwater BMPs that are to be privately owned. The agreement shall be substantially the same as the agreement in Appendix B of this article.
- (2) Other items may be included in the agreement where determined necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater BMPs. The agreement shall be subject to the review and approval of the Borough of White Oak.
- (f) Stormwater Management Easements.
- (1) Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Borough Engineer.
- (2) Stormwater management easement shall be provided by the property owner if necessary for access for inspections and maintenance, or preservation of stormwater runoff conveyance, infiltration, and detention areas and other BMPs, by persons other than the property owner. The purpose of the easement shall be specified in any agreement under subsection (e) hereof.

(g) Recording of Approved BMP Operations and Maintenance Plan and Related Agreements.

- (1) The owner of any land upon which permanent BMPs will be placed, constructed or implemented, as described in the BMP Operations and Maintenance Plan, shall record the following documents in the Office of the Recorder of Deeds for Allegheny County, within fifteen (15) days of approval of the BMP Operations Plan by the Borough of White Oak:
 - A. The Operations and maintenance Plan, or a summary thereof,
 - B. Operations and Maintenance Agreement under subsection (c) hereof, and
 - C. Easements under subsection (f) hereof.
- (2) The Borough of White Oak may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this section.

(h) Municipal Stormwater BMP Operation and Maintenance Fund.

- (1) If stormwater BMPS are accepted by the Borough of White Oak for dedication, the Borough may require persons installing stormwater BMPs to pay a specified amount to the Borough Stormwater BMP Operation and Maintenance Fund, to help defray costs of operations and maintenance activities. The amount may be determined as follows:
 - A. If the BMP is to be owned and maintained by the Borough of White Oak, the amount shall cover the estimated costs for operations and maintenance for ten (10) years, as determined by the Borough.
 - B. The amount shall then be converted to present worth of the annual series value.
- (2) If a BMP is proposed that also serves as a recreation facility (e.g. ball field, lake), the Borough may adjust the amount due accordingly.
(Ord. 3346. Passed 3-15-04.)

941.05 INSPECTIONS AND RIGHT TO ENTRY.

(a) Inspections.

- (1) DEP or its designees (e.g., County Conservation Districts) normally ensure compliance with any permits issued, including those for stormwater management. In addition to DEP compliance programs, the Borough or its designee may inspect all phases of the construction, operations, maintenance and any other implementation of stormwater BMPs.
- (2) During any state of the Regulated Earth Disturbance activities, if the Borough or its designee determines that any BMPs are not being implemented in accordance with this article, the Borough may suspend or revoke any existing permits or other approvals until the deficiencies are corrected.

(b) Right of Entry.

- (1) Upon presentation of proper credentials, duly authorized representatives of the Borough of White Oak may enter at reasonable times upon any property within the Borough to inspect the implementation, condition, or operation and maintenance of the stormwater BMPs in regard to any aspect governed by this article.

- (2) BMP owners and operators shall allow persons working on behalf of the Borough ready access to all parts of the premises for the purposes of determining compliance with this article.
- (3) Persons working on behalf of the Borough of White Oak shall have the right to temporarily locate on any BMP in the Borough such devices as are necessary to conduct monitoring and/or sampling of the discharges from such BMP.
- (4) Unreasonable delays in allowing the Borough access to a BMP is a violation of this article. (Ord. 3346. Passed 3-15-04.)

941.06 FEES AND EXPENSES.

(a) General. The Borough of White Oak may charge a reasonable fee for review of BMP Operations and Maintenance Plans to defray review costs incurred by the Borough. The applicant shall pay all such fees.

- (b) Expenses Covered by Fees. The fees required by this article may cover:
- (1) Administrative/clerical Costs.
 - (2) The review of the BMP Operations and Maintenance Plan by the Borough Engineer.
 - (3) The site inspections including, but not limited to, pre-construction meetings, inspections during construction of stormwater BMPs, and final inspection upon completion of the stormwater BMPs.
 - (4) Any additional work required to monitor and enforce any provisions of this article, correct violations, and assure proper completion of stipulated remedial actions. (Ord. 3346. Passed 3-15-04.)

941.07 PROHIBITIONS.

(a) Prohibited Discharges.

- (1) No person in the Borough of White Oak shall allow, or cause to allow, stormwater discharges into the Borough's separate storm sewer system which are not composed entirely of stormwater, except as provided in subsection (a)(2) below, and discharges allowed under a state or federal permit.
- (2) Discharges which may be allowed, based on a finding by the Borough that the discharge(s) do not significantly contribute to pollution of surface waters of the Commonwealth, are:

Discharges from fire fighting activities	Uncontaminated water from foundation or from footing drains
Potable water sources dechlorinated water line and fire hydrant flushings	Flows from riparian habitats and wetlands
Irrigation drainage	Lawn watering
Routine external building washdown (which does not use detergents or other compounds)	Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used
Air conditioning condensate	Dechlorinated swimming pool discharges
Water from individual residential car washing	Uncontaminated groundwater
Springs	
Water from crawl space pumps	

- (3) In the event the Borough of White Oak determines that any of the discharges identified in subsection (a)(2) significantly contribute to pollution of waters of the Commonwealth, or is so notified by DEP, the Borough will notify the responsible person to cease the discharge.
- (4) Upon notice provided by the Borough of White Oak under subsection (a)(3), the discharger will have a reasonable time, as determined by the Borough, to cease the discharge consistent with the degree of pollution caused by the discharge.
- (5) Nothing in this section shall affect a discharger's responsibilities under State law.

(b) Prohibited Connections. The following connections are prohibited, except as provided in subsection (a)(2) hereof.

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater, and wash water, to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks; and
- (2) Any drain or conveyance connected from a commercial or industrial and use of the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the Borough.

(c) Roof Drains.

- (1) Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches, except as provided in subsection (c)(2).
- (2) When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the Borough of White Oak.
- (3) Roof drains shall discharge to infiltration areas or vegetative BMPS to the maximum extent practicable.

(d) Alteration of BMPs.

- (1) No person shall modify, remove, fill, landscape or alter any existing stormwater BMP, unless it is part of an approved maintenance program, without the written approval of the Borough.
- (2) No person shall place any structure, fill, landscaping or vegetation into a stormwater BMP or within a drainage easement, which would limit or alter the functioning of the BMP, without the written approval of the Borough. (Ord. 3346. Passed 3-15-04.)

941.08 ENFORCEMENT AND PENALTIES.

(a) Public Nuisance.

- (1) The violation of any provision of this article is hereby deemed a Public Nuisance.
- (2) Each day that a violation continues shall constitute a separate violation.

(b) Enforcement Generally.

- (1) Whenever the Borough of White Oak finds that a person has violated a prohibition or failed to meet a requirement of this article the Borough may order compliance by written notice to the Responsible person. Such notice may require without limitation:
 - A. The performance of monitoring, analyses, and reporting;
 - B. The elimination of prohibited connections or discharges;
 - C. Cessation of any violating discharges, practices, or operations;
 - D. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.
 - E. Payment of a fine to cover administrative and remediation costs;
 - F. The implementation of stormwater BMPs; and
 - G. Operation and maintenance of stormwater BMPs.
- (2) Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations(s). Such notice may further advise that, if applicable, should the violator fail to take the required action with the established deadline, the work will be done by the Borough of White oak or designee and the expenses thereof shall be charged to the violator.
- (3) Failure to comply within the time specified shall also subject such person to the penalty provisions of this article. All such penalties shall be deemed cumulative and shall not prevent the Borough of White Oak from pursuing any and all other remedies available in law or equity.

(c) Suspension and Revocation of Permits and Approvals.

- (1) Any building, land development or other permit or approval issued by the Borough of White Oak may be suspended or revoked by the Borough for:
 - A. Non-compliance with or failure to implement any provision of the permit;
 - B. A violation of any provision of this article; or
 - C. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.
- (2) A suspended permit or approval shall be reinstated by the Borough of White Oak when:
 - A. The Borough Engineer or designee has inspected and approved the corrections to the stormwater BMPs, or the elimination of the hazard or nuisance, and/or:
 - B. The Borough of White Oak is satisfied that the violation of the article, law, or rule and regulation has been corrected.
- (3) A permit or approval which has been revoked by the Borough of White Oak can not be reinstated. The applicant may apply for a new permit under the procedures outlined in this article.

(d) Penalties.

- (1) Any person violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than one thousand (\$1,000.00) dollars for each violation, recoverable with costs, or imprisonment of not more than two (2) years, or both. Each day that the violation continues shall be a separate offense.
- (2) In addition, the Borough of White Oak, through its solicitor, may institute injunctive, mandamus or any other appropriate action or proceedings at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

(e) Appeals. Any person aggrieved by any action of the Borough of White Oak or its designee, relevant the provisions of this ordinance, may appeal to the relevant judicial or administrative body according to law, within the time period allowed.
(Ord. 3346. Passed 3-15-04.)

APPENDIX A

LOW IMPACT DEVELOPMENT PRACTICES

ALTERNATIVE APPROACH FOR MANAGING STORMWATER RUNOFF

Natural hydrologic conditions may be altered radically by poorly planned development practices, such as introducing unneeded impervious surfaces, destroying existing drainage swales, constructing unnecessary storm sewers, and changing local topography. A traditional drainage approach of development has been to remove runoff from a site as quickly as possible and capture it in a detention basin. This approach leads ultimately to the degradation of water quality as well as expenditure of additional resources for detaining and managing concentrated runoff at some downstream locations.

The recommended alternative approach is to promote practices that will minimize post-development runoff rates and volumes, which will minimize needs for artificial conveyance and storage facilities. To simulate pre-development hydrologic conditions, forced infiltration is often necessary to offset the loss of infiltration by creation of impervious surfaces. The ability of the ground to infiltrate depends upon the soil types and its conditions.

Preserving natural hydrologic conditions requires careful alternative site design considerations. Site design practices include preserving natural drainage features, minimizing impervious surface area, reducing the hydraulic connectivity of impervious surfaces, and protecting natural depression storage. A well-designed site will contain a mix of all those features. The following describes various techniques to achieve the alternative approach.

Preserving Natural Drainage Features. Protecting natural drainage features, particularly vegetated drainage swales and channels, is desirable because of their ability to infiltrate and attenuate flows and to filter pollutants. However, this objective is often not accomplished in land development. In fact, commonly held drainage philosophy encourages just the opposite pattern – streets and adjacent storm sewers typically are located in the natural headwater alleys and swales, thereby replacing natural drainage functions with a completely impervious system. As a result, runoff and pollutants generated from impervious surfaces flow directly into storm sewers with no opportunity for attenuation, infiltration, or filtration. Developments designed to fit site topography also minimize the amount of grading on site.

Protecting Natural Depression Storage Areas. Depressional storage areas have no surface outlet, or drain very slowly following a storm event. They can be commonly seen as ponded areas in farm fields during the wet season or after large runoff events. Traditional development practices eliminate these depressions by filling or draining, thereby obliterating their ability to reduce surface runoff volumes and trap pollutants. The volume and release-rate characteristics of depressions should be protected in the design of the development site. The depressions can be protected by simply avoiding the depression or by incorporating its storage as additional capacity in required detention facilities.

Avoiding introduction of impervious areas. Careful site planning should consider reducing impervious coverage to the maximum extent possible. Building footprints, sidewalks, driveways and other features producing impervious surfaces should be evaluated to minimize impacts on runoff.

Reducing the Hydraulic Connectivity of Impervious Surfaces. Impervious surfaces are significantly less of a problem if they are not directly connected to an impervious conveyance system (such as storm sewer). Two basic ways to reduce hydraulic connectivity are routing of roof runoff over lawns and reducing the use of storm sewers. Site grading should promote increasing travel times of stormwater runoff, and should help reduce concentration of runoff to a single point in the development.

Routing Roof Runoff Over Lawns. Roof runoff can be easily routed over lawns in most site designs. The practice discourages direct connections of downspouts to storm sewers or parking lots. The practice also discourages sloping driveways and parking lots to the street. By routing roof drains and crowing the driveway to run off to the lawn, the lawn is essentially used as a filter strip.

Reducing the Use of Storm Sewers. By reducing use of storm sewers for draining streets, parking lots, and back yards, the potential for accelerating runoff from the development can be greatly reduced. The practice requires greater use of swales and may not be practical for some development sites, especially if there are concerns for areas that do not drain in a “reasonable” time. The practice requires educating local citizens and public works officials, who expect runoff to disappear shortly after a rainfall event.

Reducing Street Widths. Street widths can be reduced by either eliminating on-street parking or by reducing roadway widths. Municipal planners and traffic designers should encourage narrower neighborhood streets which ultimately could lower maintenance.

Limiting Sidewalks to One Side of the Street. A sidewalk on one side of the street may suffice in low-traffic neighborhoods. The lost sidewalk could be replaced with bicycle/recreational trails that follow back-of-lot lines. Where appropriate, backyard trails should be constructed using pervious materials.

Using Permeable Paving Materials. These materials include permeable interlocking concrete paving blocks or porous bituminous concrete. Such materials should be considered as alternatives as conventional pavement surfaces, especially for low use surfaces such as driveways, overflow parking lots, and emergency access roads.

Reducing Building Setbacks. Reducing building setbacks reduces driveway and entry walks and is most readily accomplished along low-traffic streets where traffic noise is not a problem.

Constructing Cluster Developments. Cluster developments can also reduce the amount of impervious area for a given number of lots. The biggest savings is in street length, which also will reduce costs of the development. Cluster development clusters the construction activity onto less-sensitive areas without substantially affecting the gross density of development.

In summary, a careful consideration of the existing topography and implementation of a combination of the above mentioned techniques may avoid construction of costly stormwater control measures. Other benefits include reduced potential of downstream flooding, water quality, degradation of receiving streams/water bodies and enhancement of aesthetics and reduction of development costs. Beneficial results include more stable baseflows in receiving streams, improved groundwater recharge, reduced flood flows, reduced pollutant loads, and reduces costs for conveyance and storage.

APPENDIX B

STORMWATER BEST MANAGEMENT PRACTICES OPERATIONS AND MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 200__, by and between _____, (hereinafter the “Landowner”) and the Borough of White Oak, Allegheny County, Pennsylvania, (hereinafter “Borough”):

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of Allegheny County, Pennsylvania, Deed Book Volume _____ at Page _____, (hereinafter “Property”).

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the stormwater management BMP Operations and Maintenance Plan approved by the Borough (hereinafter referred to as the “Plan”) for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Borough, provides for management of stormwater within the confines of the Property through the use of Best Management Practices (BMPs;) and

WHEREAS, the Borough, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the Borough of White Oak and the protection and maintenance of water quality require that on-site stormwater Best Management Practices be constructed and maintained on the Property; and

WHEREAS, for the purposes of this agreement, the following definitions shall apply:

BMP – “Best Management Practices;” activities, facilities, designs, measures or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of the Municipal Stormwater Management Ordinance, including but not limited to infiltration trenches, seepage pits, filter strips, bioretention, wet ponds, permeable paving, rain gardens, grassed swales, forested buffers, sand filters and detention basins.

Infiltration Trench – A BMP surface structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer,

Seepage Pit – An underground BMP structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer,

Rain Garden – A BMP overlain with appropriate mulch and suitable vegetation designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or underground aquifer, and

WHEREAS, the Borough requires, through the implementation of the Plan, the stormwater management BMPs as required by said Plan and the Municipal stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, his successors and assigns, and

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The BMPs shall be constructed by the Landowner in accordance with the plans and specifications identified in the Plan.
2. The Landowner shall operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the Borough and in accordance with the specific maintenance requirements noted on the Plan.
3. The Landowner hereby grants permission to the Borough, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper identification, to inspect the BMP(s) whenever it deems necessary. Whenever possible, the Borough shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the Borough, the Borough or its representative may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). This provision shall not be construed to allow the Borough to erect any permanent structure on the land of the Landowner. It is expressly understood and agreed that the Borough is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Borough.
5. In the event the Borough, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Borough for all expenses (direct and indirect) incurred within ten (10) days of receipt of invoice from the Borough.
6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMP(s) by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the Borough's employees and designated representatives from all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMP(s) by the Landowner of Borough. In the event that a claim is asserted against the Borough, its designated representatives or employees, the Borough shall promptly notify the Landowner and the Landowner shall defend, at his own expense, any suit based on the claim. If any judgment or claims against the Borough's employees or designated representatives shall be allowed, the Landowner shall pay all costs and expenses regarding said judgment or claim.
8. The Borough shall inspect the BMP(s) at a minimum of once every three (3) years to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of Allegheny County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and nay other successors in interest, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For the Municipality:

(SEAL)

For the Landowner:

ATTEST:

BOROUGH OF WHITE OAK
COUNTY OF ALLEGHENY,
PENNSYLVANIA

I, _____, A notary Public in and for the County and Sate aforesaid, whose commission expires on the ____ day of _____, 20____, do hereby certify that _____ whose names(s) is/are signed to the foregoing Agreement bearing date of the _____ day of _____, 20____, has acknowledged the same before me in may said County and State.

GIVEN UNDER MY HAND THIS _____ day of _____, 200____ .

Notary Public

(Seal)

TITLE FIVE - Other Public Services
Art. 951. Parks.

ARTICLE 951
Parks

951.01 Regulations established. 951.02 Hours. 951.03 Prohibited conduct. 951.04 Reservation of park facilities.	951.05 Powers of Recreation Board. 951.06 Motor vehicles prohibited; exceptions. 951.99 Penalty.
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CROSS REFERENCES

Power to prohibit and remove nuisances - see Borough Code Sec. 1202(4) (53 P.S. Sec. 46202(4))
 Disorderly conduct ordinances - see Borough Code Sec. 1202(20)

951.01 REGULATIONS ESTABLISHED.

The following regulations are hereby established for the management, use and protection of any Parks that may hereafter be acquired or established by the Borough, which are all hereafter designated as Park.
 (Ord. 821. Passed 2-15-65.)

951.02 HOURS.

The Park shall be opened daily to the public at such hours as the Recreation Board may from time to time designate, but in no event, shall any person or group of persons, authorized employees excepted, be permitted to remain after 11:00 p.m. unless special permission is granted by the Recreation Board.
 (Ord. 821. Passed 2-15-65.)

951.03 PROHIBITED CONDUCT.

No person or group of persons in attendance at the Park shall:

- (a) Injure, deface, remove, cut or damage any of the trees, plants, shrubs, turf, buildings, structures, signs or fixtures or any other property of the Borough located within the Park;

- (b) Litter any area of the Park with garbage, paper, bottles, cans or other waste material; nor shall they dispose of the same in any manner except in receptacles designated for such respective purposes;
- (c) Kindle or maintain any fire in the Park except in fireplaces, or areas specially designated for that purpose and located by authority of the Recreation Board;
- (d) Remove any bench, seat, table or other appliance from the Park or change the location thereof without permission of the Recreation Board;
- (e) Injure, deface, destroy or remove any notice, rule or regulation posted at any place within the Park by authority of the Recreation Board or other proper authority of the Borough, nor shall any notice or placard be posted within the Park other than by authority of the Board or other proper authority;
- (f) Set up any booth, table or stand for the sale of any article or service whatsoever within the limits of the Park without permission of the Recreation Board;
- (g) Operate, stop or park any motor vehicle, bicycle or other means of conveyance except in the areas where permitted or designated by authority of the Recreation Board or operate the same in a reckless or negligent manner or in excess of any posted speed limit;
- (h) Bring onto the premises, possess or consume any spirituous, malt, vinous or other alcoholic beverage within the area of the Park;
- (i) Carry or discharge any firearm within the limits of the Park, excepting officers of the law in the performance of their duty;
- (j) Play ball, swim, golf, pitch horseshoes, or quoits, engage in archery, launch, dock or land any boat, or participate in any other form of recreation, sporting endeavor or pastime, except in those areas which may be designated from time to time for that purpose by the Recreation Board;
- (k) Bring into the Park any dog, pet or other animal unless specially permitted by the Recreation Board for exhibition, contest or show purposes; and when so specially permitted, shall be on leash, in cage or subject to other proper restraint and be accompanied by owner or other agent properly chargeable with its custody or possession;
- (l) Disrobe or change clothing except in buildings or facilities made available for that purpose by the Recreation Board;
- (m) Conduct himself in an indecent or boisterous manner within the Park so as to annoy any other person using the Park for recreational purposes;
- (n) Use or attempt to use any facility or area of the Park without first having paid the permit or activity fee where required.
(Ord. 821. Passed 2-15-65.)

951.04 RESERVATION OF PARK FACILITIES.

- (a) The use of all Park facilities, including specifically the athletic fields, courts, picnic areas and camping sites shall be on a first-come-first-served basis unless otherwise reserved:
 - (1) By order of the Park Superintendent, or, in the absence of such, the Recreation Board.

- (2) By annual permit issued by the Recreation Board for the scheduling of league games or contests.
- (3) For High School or school athletic games, contests or exhibitions.
- (4) By permit issued as hereinafter provided in Section 951.05, the holder of such permit to be accorded preference.

(b) The use of any Park facility, athletic field, court, picnic area or camping site by any group in excess of twenty persons shall be by permit; and no permit shall be issued to any group of whom less than fifty percent (50%) are White Oak residents.

(c) No person or group of persons shall hold any meeting or gathering assembled by advertisement or public notice or any other gathering however assembled and composed of twenty or more individuals unless specifically authorized by permit. The permit shall be issued in an individual name and that person shall arrange to comply with all Park regulations and shall be liable for all breaches of the regulations herein contained and damages.
(Ord. 821. Passed 2-15-65.)

951.05 POWERS OF RECREATION BOARD.

The Recreation Board is hereby authorized:

- (a) To designate the areas and the time during which the various recreational activities and uses of the Park shall be conducted.
- (b) To prescribe regulations for the granting of permits or reservations for the use of the various athletic fields, courts, recreational areas and picnic sites which shall be issued on a first-come-first-served basis upon payment of the permit fee and limited to the area for which the application shall be made.
- (c) To establish and set from time to time such schedule of permit and activity fees as it may reasonably determine to be necessary to defray the costs of issuing permits and monitoring the particular activity involved.
(Ord. 821. Passed 2-15-65.)

951.06 MOTOR VEHICLES PROHIBITED; EXCEPTIONS.

(a) The riding and/or use of motor-bikes, mini-bikes, motorcycles, and similar propelled vehicles in the White Oak Borough Community Park shall be prohibited.

(b) The use of automobiles, trucks and other similar vehicles in the White Oak Borough Community Park shall be prohibited; provided that, automobiles shall be permitted in the areas specifically designated for their use and parking and trucks shall be permitted for delivery purposes only as designated.

(c) Littering and/or the dumping of trash, garbage or any refuse in the White Oak Borough Community Park shall be prohibited.

(d) Any person violating any of the provisions of this section shall, pay a fine of not less than ten dollars (\$10.00), or more than one hundred dollars (\$100.00) and costs of prosecution and, in default of payment of such fine and costs, to be imprisoned in the Allegheny County Jail for not more than ten days.
(Ord. 1328. Passed 5-21-73.)

951.99 PENALTY.

Any person who shall violate or cause to be violated the regulations or permit requirements of Sections 951.01 to 951.04 hereof, shall pay a fine not exceeding one hundred dollars (\$100.00) and costs of prosecution for each and every offense and in default of payment of such fine and costs to be sentenced and committed to the Allegheny County Jail for a period not less than five days nor more that thirty days.
(Ord. 821. Passed 2-15-65.)