

OFFICIAL  
BOROUGH OF AVALON  
ORDINANCE NO. 1221

AN ORDINANCE OF THE BOROUGH OF AVALON REGULATING THE DISCHARGE OF WASTE MATERIALS INTO SEWERS; PROHIBITING THE DISCHARGE THERE INTO OF WASTES WHICH MAY DAMAGE THE SEWERS OR OTHER FACILITIES OF THE BOROUGH OF AVALON OR OF THE ALLEGHENY COUNTY SANITARY AUTHORITY; WHICH MAY INTERFERE WITH OR PASS THROUGH THE ALLEGHENY COUNTY SANITARY AUTHORITY SEWAGE TREATMENT PROCESS, OR WHICH MAY ENDANGER LIFE, HEALTH OR SAFETY, OR MAY VIOLATE LAWS, RULES OR REGULATIONS CONTROLLING THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTE AS PROMULGATED BY THE FEDERAL GOVERNMENT, THE COMMONWEALTH OF PENNSYLVANIA, THE COUNTY OF ALLEGHENY, THE OHIO VALLEY WATER SANITATION COMMISSION OR BY THE ALLEGHENY COUNTY SANITARY AUTHORITY: AND PROVIDING OF PENALTIES FOR VIOLATION.

WHEREAS, the Borough of Avalon (hereinafter called "Borough") is a party to a long-term sewage service agreement with the Allegheny County Sanitary Authority (hereinafter called "ALCOSAN") whereby the sewers located in said Borough connect to ALCOSAN sewers and ALCOSAN operates and maintains a Sewage Disposal System providing sewage treatment service for the sewage coming from the Borough; and

WHEREAS, the discharge of certain wastes into Borough sewers could damage or clog not only the Borough/Township's sewers but also the structures and other facilities of the ALCOSAN Sewage Disposal System, could interfere with the proper operation thereof or pass through the ALCOSAN Sewage Disposal System untreated; and

WHEREAS, some of such wastes are dangerous to the health, life and safety of operating personnel and the public, and some create offensive nuisance conditions; and

WHEREAS, the said sewage service agreement requires the Borough to exercise its rights and powers to carry into effect the purposes and intent of such agreement and requires the Borough to enact an ordinance incorporating all or designated portions of ALCOSAN's Rules and Regulations and providing appropriate penalties for the violation thereof, to amend such ordinance from time to time as requested by ALCOSAN and to enforce the provisions thereof fully and prosecute all violators thereof diligently;

WHEREAS, pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1251, et seq., and the regulations promulgated pursuant thereto, 40 C.F.R. 403.1 et seq., ALCOSAN is required to develop a pretreatment program, regulating the discharge of pollutants by industrial users into the Sewage Disposal System;

NOW, THEREFORE, in order to safeguard health, safety and life and insure the proper collection, treatment and disposal of sewage as well as to protect the sewers and other facilities of the Borough and ALCOSAN, the following is hereby ordained and enacted:

Section 1 - For the purposes of this ordinance, the following terms shall have the meaning hereafter designated:

(a) ALCOSAN: Allegheny County Sanitary Authority including its treatment facility and any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature.

(b) Corrosive waste: A waste or substance which has any of the following properties:

1. It is aqueous and has a pH of less than or equal to 5 or greater than or equal to 10, as determined by pH meter.
2. It is liquid and corrodes steel (SAE1020) at a rate greater than 6.35 mm (0.250 in.) per year at a test temperature of 55 degrees C (130 degrees F).

(c) Reactive/explosive waste: A waste or substance which can create an explosion hazard in the sewage collection system or the ALCOSAN treatment facility; which has any of but is not limited to the following properties:

1. It is normally unstable and readily undergoes violent change without detonating.
2. It reacts violently with water.

3. It forms potentially explosive mixtures with water.
4. When mixed with water, it generates toxic gasses, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
5. It is a cyanide or sulfide bearing waste which can generate toxic gasses, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.
6. It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.
7. It is readily capable of detonation, explosive decomposition or reaction at standard temperature and pressure.
8. It is a forbidden explosive as defined in 40 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR 173.88.

(d) Hazardous Waste: All wastes that are defined as hazardous under the regulations enacted pursuant to the Resource Conservation and Recovery Act (RCRA) as specified in 40 CFR 261 or under the regulations promulgated pursuant to the Pennsylvania Solid Waste Management Act as specified in 25 PA Code 261.

(3) Ignitable Waste: A waste or substance which can create a fire hazard in the sewage collection system or the ALCOSAN

Treatment Facility which has any of but is not limited to the following properties:

1. It is liquid with a flash point less than 60 degrees C (140 degrees F) using the test methods specified in 40 CFR 261.21.
2. It is an oxidizer as defined in 49CFR 173.151.

(f) Interference: A discharge originating in the Borough which, alone or in conjunction with a discharge or discharges from other sources, both:

1. Inhibits or disrupts the ALCOSAN facilities, its treatment processes or operations or its sludge processes, use or disposal; and
2. Therefore is a cause of a violation of any requirement of ALCOSAN's National Pollutant Discharge Elimination System (hereinafter referred to as "NPDES") Permit (including an increase in magnitude of duration of a violation) or of the prevention of sewage sludge use or disposal by ALCOSAN in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (including Title 2 or more commonly referred to as the Resource Conservation and Recovery Act and including state regulations contained in and State Sludge Management Plan prepared pursuant to subtitle D of

the Solid Waste Disposal Act), the Clean Air Act, and the Toxic Substance Control Act.

(g) Pass Through: The term pass-through shall mean any discharge of a pollutant through ALCOSAN into the waters of the Commonwealth of Pennsylvania in quantities or concentrations which, alone or in conjunction with other discharges from other sources, is a cause of a violation of any requirement of the ALCOSAN's NPDES Permit (including and increase in the magnitude or duration of a violation).

(h) Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, Governmental Entity, or any other legal entity, or its legal representatives, agents, or assigns.

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

(j) Pollutant: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, emissions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or other industrial, municipal, or agricultural waste discharged into water.

(k) Pollution: The man made or man induced alteration of the chemical, physical, biological, and/or radiological integrity of water.

(l) The Act: The Federal Water Pollution Control Act also known as The Clean Water Act, as amended, 33 USC 1251 et. seq.

Section 3 - No person shall introduce, permit or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any piped sewer, pipe or other conveyance located in the Borough/Township and transmitting substances into the facilities of ALCOSAN any of the following:

(a) Any substance which will endanger the life, health or safety of the treatment plant sewer maintenance and plant operations personnel or which would preclude safe entry into the sewer system or any portion of the treatment plant.

(b) Any ignitable, reactive, explosive, corrosive, or hazardous waste, except as provided for by ALCOSAN's Rules and Regulations.

(c) Any wastewater with a temperature greater than 140 degrees F (60 degrees C).

(d) Any waste which exceeds that naturally occurring background levels for either Alpha, Beta, or Gamma radiation and/or any wastewater containing any radioactive wastes or isotopes of such half life or concentration not in compliance with applicable State or Federal regulations.

(e) Any solids or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operations of ALCOSAN's facility or facilities discharging into the ALCOSAN system.

(f) Any noxious or malodorous liquids, gasses or solids which either singly or by interaction with other wastes may create a public nuisance or adversely affect public health or safety.

(g) Pathological wastes from a hospital or other medical establishment.

(h) Garbage, whether ground or not, except properly shredded food waste garbage resulting from the proper use of a garbage grinder or disposer type approved by ALCOSAN and maintained in good operating condition.

(i) Sludges or other materials from septic tanks or similar facilities or from sewage or industrial waste treatment plants or from water treatment plants: unless the discharge of such sludges and other materials is specifically approved by ALCOSAN.

(j) Any pollutant including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the ALCOSAN facilities.

(k) Any substance which will cause ALCOSAN's effluent or any other product of the ALCOSAN facilities such as residues, sludges, or scums, to be unsuitable for reclamation processes, including any substance which will cause the ALCOSAN facility to be in non-compliance with sludge use or disposable criteria, guidelines, or regulations developed under Section 405 of the Act, any criteria, guidelines, or regulations promulgated pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State Laws or regulations applicable to the treatment or disposal of such effluent or such product.

(m) Toxic Pollutant: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA, pursuant to Section 307 (A) of the Act.

(n) Waste Water: The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed directly or indirectly into the facilities of ALCOSAN.

(o) Waters of the Commonwealth: All streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the Commonwealth of Pa or any portion thereof.

Section 2 - No person shall introduce or cause to be introduced directly or indirectly into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the Borough/Township and transmitting substances into the facilities of ALCOSAN, any toxic pollutant or other wastewater which will:

(a) Cause interference with the operation or performance of ALCOSAN's treatment plant or other facilities; or

(b) Pass through ALCOSAN's treatment plant or other facilities.

Section 4 - No person shall take any action or do or cause to be done anything in violation of any rule or regulation of ALCOSAN.

The Pretreatment Regulations of the Allegheny County Sanitary Authority are incorporated into this ordinance by reference as though fully set forth herein.

Section 5 - Any person violating any provision of this Ordinance shall, upon conviction, be punished by a fine not to exceed the sum of One Thousand Dollars (\$1,000.00), for each offense, recoverable with costs, and in default of payment of the fine and costs, shall be subject to imprisonment in the Allegheny County Jail for a period not exceeding 30 days. Each day a violation is continued shall constitute separate offense. In addition, any person violating any provision of the ALCOSAN Pretreatment Regulations may be subject to administrative and civil penalties as provided for by the Pretreatment Regulations and administered by ALCOSAN. Such penalties may include, but are not limited to, injunctive relief and penalties of up to \$25,000.00 per day, per violation as provided for by the Publicly Owned Treatment Works Penalty Law, 35 PS 752.1 et seq. Authority to so enforce the Pretreatment Regulations is granted to ALCOSAN, and is in addition to but not in place of any other remedy available to the Borough.

Section 6 - The provisions of this Ordinance are severable, and the invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect or impair the validity of any other part of the Ordinance which can be given affect without the invalid part or parts.

Section 7 - Any Ordinance or part of Ordinance conflicting with the provisions of this Ordinance is hereby repealed, so far as the same conflicts with this Ordinance.

THIS ORDINANCE ORDAINED AND ENACTED into law by the Council of the Borough of Avalon this 21<sup>st</sup> day of February, ~~1994.~~  
1995

ATTEST:

Jean A. Welsh  
Secretary

BOROUGH OF AVALON  
By Raymond How  
President of Council

THIS ORDINANCE examined and approved by me this 21<sup>st</sup> day of February, ~~1994.~~  
1995

Daniel Brumont  
Mayor