

**Application of Pennsylvania-American Water Company for Acquisition of
Substantially All of the Assets, Properties and Rights Related to the Wastewater
System Owned and Operated by the City of Pittston**

66 Pa. C.S. §1329

Application Filing Checklist – Water/Wastewater

Docket No. A-2025-3056419

18. Rates

- b. Provide a copy of the seller's current rules and regulations for service.

RESPONSE:

- b. Please see **Appendix A-18-b.1** for Rules and Regulations

Chapter 386

SEWERS AND SEWAGE DISPOSAL

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[HISTORY: Adopted by the City Council of the City of Pittston as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 191.

Stormwater management — See Ch. 419.

Floodplain management — See Ch. 270.

Wastewater collection and treatment — See Ch. 464.

ARTICLE I

Connections by Other Municipalities
[Adopted 1-13-1966 by Ord. No. 1966-1]

§ 386-1. Connection permitted; approval required.

Any municipality which desires to connect its sewage collection system to the similar system of this municipality for the purpose of making an indirect connection to the Authority facilities shall be permitted to do so, provided that the Authority has consented thereto, and provided further that the flow from the facilities of such other municipality shall always be limited to such volume as will not interfere with the use by this municipality of its facilities and that the place and manner of connection shall be subject to the approval of this municipality, which approval will not be unreasonably withheld.

§ 386-2. Authorization to execute agreements.

The officers of this municipality are hereby authorized to execute and deliver, on behalf of this municipality, agreements with any such other municipality evidencing the permission granted by § 386-1 hereof.

ARTICLE II

Sewer Connections**[Adopted 4-12-1967 by Ord. No. 1967-3]****§ 386-3. Definitions.**

As used herein, the following terms shall have the meanings stated:

BUILDING CODE OFFICIAL — The duly appointed Building Code Official (BCO) for the City of Pittston in accordance with § 7-2B of the Pittston City Code.**[Added 9-20-2023 by Ord. No. 5-2023]**

OCCUPIED BUILDING — Each structure for continuous or periodic human occupancy from which sanitary sewage is or may be discharged and includes, without limiting the generality of the foregoing, dwellings, flats, apartments, stores, shops, offices and business or industrial establishments.

PERSON — Any individual, firm, company, association, society, partnership or corporation.

PLUMBING CODE — The current plumbing code prescribed by the Commonwealth of Pennsylvania Uniform Construction Code in accordance with Pittston City Code Chapter 191.**[Added 9-20-2023 by Ord. No. 5-2023]**

PROPERTY ACCESSIBLE TO A PUBLIC SEWER — Property which adjoins, abuts on, or is adjacent to a public sewer or a street or highway in which a public sewer is located, but shall not include any property on which the principal occupied building is located more than 150 feet from a public sewer.

PUBLIC SEWER — Facilities (including any part of, but not necessarily the entirety of a system of, such facilities) operated by a sewer authority for the collection of sanitary sewage within this municipality. Such term includes lateral lines from a main street to the curb or right-of-way line where such lateral lines are constructed by a sewer authority.

PUBLIC SEWER/SEWER MAIN — A conveyance pipe owned by the municipality or sewer authority located in a public right of way or easement for the purpose of collecting and conveying sewage received from sewer laterals.**[Added 9-20-2023 by Ord. No. 5-2023]**

SANITARY SEWAGE — The normal, water-carried household and toilet wastes resulting from human occupancy.

SEWAGE ENFORCEMENT OFFICER — The duly appointed Sewage Enforcement Officer (SEO) for the City of Pittston in accordance with § 7-2L of the Pittston City Code.**[Added 9-20-2023 by Ord. No. 5-2023]**

SEWER AUTHORITY — Any sewer committee or department of the municipality or any other agency operating public sewers for or at the request of the governing body of the municipality.

SEWER LATERAL — A pipe from the point of connection to a City sewer main to a structure for the purpose of conveying sanitary sewage from the structure to the public sewer/sewer main, which is the responsibility of the structure owner to install and maintain. The structure owner is responsible to ensure all discharges into their sewer lateral are in compliance with Pittston City Code Chapter 464, Wastewater Collection and Treatment, and Chapter 419, Stormwater Management.**[Added 9-20-2023 by Ord. No. 5-2023]**

§ 386-4. Notice of completion of public sewer.

Upon the completion of any public sewer, the sewer authority charged with the operation thereof shall cause notice of that fact to be published once in a newspaper of general circulation in the municipality,

such notice to state that owners of property accessible to such sewer and upon which there is an occupied building are compelled to make connection therewith pursuant to this article. A copy of such notice, together with a copy of this article and any ordinance then in effect imposing sewer connection fees and sewer rents, shall be mailed to each person known to the sewer authority to own property accessible to such sewer, but failure to mail such copies or defect in the mailed copies or defect in the mailing thereof shall not affect the validity of the notice.

§ 386-5. Connection required.

- A. Any person owning property accessible to a public sewer on which there is an occupied building shall, at his own expense, install sanitary facilities in such building and connect the same to the public sewer within 60 days after publication of the notice of completion of the sewer specified in § 386-4.
- B. Any person owning property accessible to a public sewer on which an occupied building is hereafter erected shall, at the time of erection and at his expense, install sanitary facilities in such building and connect the same to the public sewer.
- C. Persons owning properties accessible to a public sewer on which there are occupied buildings more than 150 feet from such sewer and persons owning properties not accessible to a public sewer who are nevertheless able to arrange for connections thereto through intermediate properties shall be permitted to make such connections.
- D. The Building Code Official and or Sewage Enforcement Officer shall give written notice to the owner of any sewer lateral that is damaged, collapsed or blocked, to repair the same in accordance with applicable provisions of Pittston City Code Chapter 370, Property Maintenance, including information on permits required to be obtained for the said work. **[Added 9-20-2023 by Ord. No. 5-2023]**
- E. No zoning or building permit for a new commercial or residential structure shall be issued by the City until a permit for adequate sewage conveyance as required under this chapter shall be issued. New industrial "significant users" shall demonstrate compliance with § 386-14B(1) of this chapter before the permit is issued. **[Added 9-20-2023 by Ord. No. 5-2023]**

§ 386-6. Privies, privy vaults, cesspools, septic tanks or other devices.

- A. It shall be unlawful for any person owning or occupying a property on which there is a building required to be connected to a public sewer under the provisions of § 386-5 hereof to construct or use on such property any privy, privy vault, cesspool, septic tank or other device for the disposal of sanitary sewage, and any such prohibited devices shall be cleaned and filled in with clean bankrun gravel or dirt within 30 days following the date on which the aforesaid connection is required to be made. Any such privy, privy vault, cesspool, septic tank or other device constructed or used in violation hereof is hereby declared to be a nuisance, which shall be abated as provided by law.
- B. The owner of any existing privy, privy vault, cesspool or septic tank shall be required to maintain the same in accordance with all applicable provisions of Pittston City Code Chapter 370, Property Maintenance, and Chapter 191, Uniform Construction Code. **[Added 9-20-2023 by Ord. No. 5-2023]**
- C. For situations not provided for in Pittston City Code Chapter 370 and Chapter 191, the City hereby adopts the 2021 International Private Sewage Disposal Code published by the International Codes Council as the standards that will be used by the City and enforced by the Building Code Official and Sewage Enforcement Officer for the management of existing privies, cesspools, and or septic tanks. **[Added 9-20-2023 by Ord. No. 5-2023]**

- D. Any existing privy, cesspool, or septic tank that is accessible within 150 feet of a public sewer main as specified in this chapter shall not be replaced in the event of damage or failure and the owner of the structure shall be required to connect to the municipal sewer main as provided in this chapter. **[Added 9-20-2023 by Ord. No. 5-2023]**
- E. For lots lacking access to a public sewer as defined in this chapter, a permit may be issued for private on-lot sewage systems subject to the following conditions: **[Added 9-20-2023 by Ord. No. 5-2023]**
- (1) Minimum lot size of one acre or as required by applicable state law or the 2021 International Private Sewage Disposal Code;
 - (2) A satisfactory sanitary septic sewer perc test approved by the City Sewage Enforcement Officer;
 - (3) Compliance with all City zoning, land development, building code and property maintenance ordinances, codes and regulations as well as all applicable laws and regulations of the Commonwealth of Pennsylvania;
 - (4) Any additional requirements imposed by the City Sewage Enforcement Officer at the time of the issuance of the permit.
 - (5) The strictest provisions of applicable state law and City building codes shall be applied to on-lot sewerage systems and proposed such systems.

§ 386-7. Connection fee; permits. [Amended 9-20-2023 by Ord. No. 5-2023]

- A. Sewer laterals. No installation of connection or connection to a City sewer main of a new sewer lateral or replacement of an existing sewer lateral shall be installed or connected to a City sewer main without the property owner first obtaining a sewer tap permit from the City Building Code Official who may consult the City Sewage Enforcement Officer to ensure compliance with all applicable ordinances, laws and regulations. The fee for said permit shall be set by resolution of the City Council.
- B. Private on-lot sewage system. No property owner shall install or cause to be installed a private on-lot sewage system without obtaining a permit from the City Building Code Official who may consult the City Sewage Enforcement Officer to ensure compliance with all applicable ordinances, laws and regulations. The fee for said permit shall be set by resolution of the City Council.
- C. Other permits required. In addition to the sewer tap or on-lot permit, the Building Code Official may determine additional permits are required pursuant to Chapter 191, Uniform Construction Code, and Chapter 424, Streets and Sidewalks.

§ 386-8. Failure to comply.

If any person required to make a connection to a public sewer by § 386-5 hereof fails to do so after reasonable notice and opportunity, the sewer authority shall report such failure to the governing body of the municipality, who may proceed as permitted by law to enter upon the property, make such connection and collect the cost thereof by municipal lien or otherwise.

§ 386-9. Tampering with sewer equipment prohibited.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§ 386-10. Notice of violation; violations and penalties; means of appeal. [Amended 9-20-2023 by Ord. No. 5-2023]

- A. Notice of violation. In the event of a violation under any provision of this article, the Building Code Official or Sewage Enforcement Officer shall issue a written notice of violation to the owner of the property stating the nature of the violation and providing a reasonable time for correction given the severity of the violation, and information on the means of appeal.
- B. Penalty. In the event the violation is not corrected, the Code Enforcement Officer shall issue a nontraffic citation to the owner of the property. Upon conviction before the District Magisterial Court, a fine of not less than \$300 nor more than \$1,000 and all City-incurred legal court costs shall be imposed. Each day the offense continues shall be deemed a separate offense.
- C. Means of appeal. Any property owner issued a notice of violation or a denied permit under this article may file an appeal with the City of Pittston Joint Code Appeals Board (Pittston City Code Chapter 7, Article II) in accordance with the procedures set forth by that Board.

ARTICLE III
Industrial Wastewater Discharges
[Adopted 5-14-1986 by Ord. No. 1986-1]

§ 386-11. Purpose and policy; definitions; abbreviations.

A. Purpose and policy.

- (1) This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Pittston and enables the City to comply with all applicable state and federal laws required by the Clean Water Act of 1977¹ and the general pretreatment regulations (40 CFR Part 403) and the rules and regulations of the Wyoming Valley Sanitary Authority, a POTW, with which the City has a service agreement for the collection and treatment of domestic and industrial wastewater flowing from the sewer system of the City of Pittston.
- (2) The objectives of this article are:
 - (a) To prevent the introduction of pollutants into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 - (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 - (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
 - (d) To provide for equitable distribution of the cost of the municipal wastewater system; and
 - (e) To provide for civil penalties and costs for the willful and negligent violation of the provisions of this article, or the falsifying of information required by this article.
- (3) This article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- (4) This article shall apply to the City of Pittston and to persons outside the City who are, by contract or agreement with the City, users of the City POTW. This article is a supplement to Ordinance No. 2 (1965), as amended. Except as otherwise provided herein, the Executive Director of the Wyoming Valley Sanitary Authority shall administer, implement, and enforce the provisions of this article.

B. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

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

1. Editor's Note: See 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY — The registered administrator of EPA, Region III, until such time as the Department of Environmental Protection is authorized by EPA to administer the pretreatment program, and, thereafter, the Secretary of DEP.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER — An authorized representative of an industrial user may be:

- (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C., expressed in terms of weight and concentration [milligrams per liter (mg/l)].

BUILDING SEWER — A sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL STANDARDS — National Categorical Pretreatment Standards or pretreatment standards.

CITY — The City of Pittston or the City Council of Pittston.

CONTROL AUTHORITY — Shall refer to the Executive Director of the Wyoming Valley Sanitary Authority, the publicly owned treatment works, obliged to collect and treat the wastewater discharged from the City of Pittston's sewer system.

COOLING WATER — The water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DIRECT DISCHARGE — The discharge of treated or untreated wastewater directly to the waters of the State of Pennsylvania.

ENVIRONMENTAL PROTECTION AGENCY or EPA — The United States Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

EXECUTIVE DIRECTOR — The person designated by the Wyoming Valley Sanitary Authority to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

GRAB SAMPLE — A sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and without consideration of time.

HOLDING TANK WASTE — Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

INDIRECT DISCHARGE — The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. § 1317) into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER — A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

INTERFERENCE — The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA),² the Clean Air Act,³ the Toxic Substances Control Act,⁴ or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of industrial users.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT — A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD — Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR 403.5.

NEW SOURCE — Any pretreatment standard under Section 307(c) of the Act which will be applicable if such standard is thereafter promulgated in accordance with that section.

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

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

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

POTW TREATMENT PLANT — The collection and treatment facilities of the Wyoming Valley Sanitary Authority, consisting of a treatment plant, interceptor lines and pump stations.

PRETREATMENT or TREATMENT — The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR 403.6(d).

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

PUBLICLY OWNED TREATMENT WORKS (POTW) — The Wyoming Valley Sanitary

2. Editor's Note: See 42 U.S.C. § 6901 et seq.

3. Editor's Note: See 42 U.S.C. § 7401 et seq.

4. Editor's Note: See 15 U.S.C. § 2601 et seq.

Authority, a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania under the Municipality Authorities Act of 1945, as amended,⁵ with which the City of Pittston has a service agreement providing for the collection and treatment of domestic and industrial wastewater flowing from the sewer system of the City of Pittston.

SHALL — Is mandatory; "may" is permissive.

SIGNIFICANT INDUSTRIAL USER — Any industrial user of the City's wastewater disposal system who:

- (1) Has a discharge flow of 25,000 gallons or more per average workday; or
- (2) Has a flow greater than 5% of the flow in the City's wastewater treatment system; or
- (3) Has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or state statutes and rules; or
- (4) Is found by the City, state control agency or the United States Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

STATE — State of Pennsylvania.

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

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

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Act or other acts.

USER — Any person, including corporations or other legal entities, who contributes, causes or permits the contribution of wastewater into the Wyoming Valley Sanitary Authority's POTW.

WASTEWATER — The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WASTEWATER CONTRIBUTION PERMIT — As set forth in § 386-14B of this article.

WATERS OF THE STATE — All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all 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 state or any portion thereof.

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

5. Editor's Note: The Municipality Authorities Act of 1945 (53 P.S. § 301 et seq.) was repealed by Act 22 of 2001 (June 19, 2001, P.L. 287, No. 22). See now the Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq.

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly owned treatment works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq.
USC	United States Code
TSS	Total suspended solids

§ 386-12. Regulations and standards.

A. General discharge prohibitions.

- (1) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW, whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:
 - (a) Any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5%, nor any single reading over 10%, of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the City, the state or EPA has notified the user is a fire hazard or a hazard to the system.
 - (b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to, grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw,

shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubrication oil, mud, or glass grinding or polishing wastes.

- (c) Any wastewater having a pH less than 6.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- (e) Any noxious or malodorous liquids, gases, or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (f) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act,⁶ the Clean Air Act,⁷ the Toxic Substances Control Act,⁸ or state criteria applicable to the sludge management method being used.
- (g) Any substance which will cause the POTW to violate its NPDES and/or residual disposal permit or the receiving water quality standards.
- (h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40° C. (104° F.).
- (j) Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a sludge load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than 15 minutes more than five times the average twenty-four-hour concentration, quantities, or flow during normal operation.
- (k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Executive Director in compliance with applicable state and federal regulations.

6. Editor's Note: See 42 U.S.C. § 6901 et seq.

7. Editor's Note: See 42 U.S.C. § 7401 et seq.

8. Editor's Note: See 15 U.S.C. § 2601 et seq.

- (1) Any wastewater which causes a hazard to human life or creates a public nuisance.
 - (2) When the Executive Director determines that a user(s) is contributing to the POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the Executive Director shall advise the user(s) of the impact of the contribution on the POTW and develop effluent limitation(s) for such user to correct the interference with the POTW.
- B. Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The Executive Director shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.
- C. Modification of federal categorical pretreatment standards. Where the City's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the City may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in Section 403.7(b)(2) of Title 40 of the Code of Federal Regulations, Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR Part 403, Section 403.7, are fulfilled and prior approval from the approval authority is obtained.
- D. State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.
- E. City's right of revision. The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 386-11A of this article.
- F. Excessive discharge. 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 the limitations contained in the federal categorical pretreatment standards or in any other pollutant-specific limitation developed by the City or state. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in § 386-12A, e.g., the pH prohibition.)
- G. Accidental discharges.
- (1) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the WWSA for review and shall be approved by the WWSA before construction of the facility. All existing users shall complete such a plan by January 1, 1985. No user who commences contribution to the POTW after the effective date of this article shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the WWSA. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall

include the location of the discharge, type of waste, concentration and volume, and corrective actions.

- (2) Written notice. Within five days following an accidental discharge, the user shall submit to the Executive Director a detailed written report describing the cause 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, fish kills, or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- (3) Notice to employees. 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 dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

§ 386-13. Fees.

- A. Purpose. It is the purpose of this article to provide for the recovery of costs from users of the WVSA's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the WVSA's schedule of charges and fees.
- B. Charges and fees.
 - (1) The City may adopt charges and fees, which may include:
 - (a) Fees for reimbursement of costs of setting up and operating the City's pretreatment program;
 - (b) Fees for monitoring, inspections and surveillance procedures;
 - (c) Fees for reviewing accidental discharge procedures and construction;
 - (d) Fees for permit applications;
 - (e) Fees for filing appeals;
 - (f) Fees for consistent removal (by the WVSA) of pollutants otherwise subject to federal pretreatment standards;
 - (g) Other fees as the City may deem necessary to carry out the requirements contained herein.
 - (2) These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the City.

§ 386-14. Administration.

- A. Wastewater dischargers. It shall be unlawful to discharge without a permit to any natural outlet within the City of Pittston, to the sewer system of the City of Pittston, or on any area under the jurisdiction of said City and/or to the Wyoming Valley Sanitary Authority any wastewater, except as authorized by the Executive Director in accordance with the provisions of this article or the rules and regulations of the Wyoming Valley Sanitary Authority, as amended.
- B. Wastewater contribution permits.

- (1) General permits. All significant users proposing to connect to or to contribute to the WVSA shall obtain a wastewater discharge permit from the WVSA pursuant to its rules and regulations governing the issuance of wastewater permits, before connecting to or contributing to the WVSA. All existing significant users connected to or contributing to the WVSA shall obtain a wastewater contribution permit within 180 days after the effective date of this article.

C. Pretreatment.

- (1) Users shall provide necessary wastewater treatment as required to comply with this article and the rules and regulations of the WVSA, as amended, and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the WVSA shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the WVSA for review and shall be acceptable to the WVSA before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the WVSA under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the WVSA prior to the user's initiation of the changes.
- (2) The City shall annually publish in one newspaper of general circulation a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.
- (3) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

D. Monitoring facilities. All the user's facilities shall be monitored by the WVSA at the user's own expense. This monitoring shall be accomplished pursuant to the rules and regulations of the WVSA, as amended.

E. Inspection and sampling. All inspection and sampling of the users within the City of Pittston, or persons using the sewage facilities of the City of Pittston, shall be performed by the WVSA pursuant to its rules and regulations, as amended, and such reports of inspections and samplings shall be made available to the City at its request. The EPA shall have the right to set upon the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the WVSA, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

§ 386-15. Enforcement.

A. Harmful contributions.

- (1) The City, through WVSA, may suspend the wastewater treatment when such suspension is necessary, in the opinion of WVSA, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City to violate any

condition of its NPDES permit.

- (2) Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City or WWSA shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWSA treatment system or endangerment to any individuals. Reinstatement of the wastewater contribution permit which shall be issued by the WWSA shall be governed by the rules and regulations of the WWSA, as amended.
- B. Revocation of permit. An user who violates the following conditions of this article and/or the rules and regulations of the WWSA, as amended, or any applicable state and federal regulations is subject to having their permit revoked in accordance with the procedures of this section:
- (1) Failure of a user to factually report the wastewater constituents and characteristics of their discharge;
 - (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
 - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
or
 - (4) Violation of conditions of the permit.
- C. Notification of violation. Whenever the City finds that any user has violated or is violating this article, a wastewater contribution permit as issued by WWSA or any prohibition, limitation or requirements contained herein, the City shall notify the WWSA, which may serve upon such person a written notice stating the nature of the violation. Such notification shall be issued by the WWSA and/or the City pursuant to the provisions of this article or the rules and regulations of the WWSA, as amended. Within 30 days of the date of this notice, a plan for satisfactory correction thereof shall be submitted to the WWSA by the user.
- D. Show cause hearing. The City or the WWSA may order any user who causes or allows an unauthorized discharge to enter the WWSA facilities to show cause before the WWSA why the proposed enforcement action should not be taken. The procedure governing a show cause hearing as set forth in the rules and regulations of the WWSA shall be followed.
- E. Legal action. If any person discharges sewage, industrial wastes or other wastes into the City's sewer system contrary to the provisions of this article, the rules and regulations of the Wyoming Valley Sanitary Authority, as amended, federal or state pretreatment requirements, or any order of the City, the City or the WWSA may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Luzerne County.

§ 386-16. Violations and penalties.

- A. Civil penalties. Any user who is found to have violated an order of the City or the WWSA with regard to the violation of this article or the rules and regulations of WWSA, as amended, or who willfully or negligently fails to comply with any provisions of this article, the rules and regulations of the WWSA, as amended, regulations and permits issued under the aforesaid rules and regulations shall be fined not less than \$100 nor more than \$1,000 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided

herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations, and permits issued hereunder.

- B. Falsifying information. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, or wastewater contribution 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 \$1,000 or by imprisonment for not more than six months, or by both.

ARTICLE IV

Sewer Rents and Charges

[Adopted 12-27-1990 by Ord. No. 1990-6; amended in its entirety 7-10-1991 by Ord. No. 1991-3]

§ 386-17. Rental or charge required. [Amended 1-21-2015 by Ord. No. 2014-15; 12-27-2024 by Res. No. 13075]

- A. Any occupied building using the storm and sanitary services of the City of Pittston shall not be connected without a sewer permit issued by the City Administrator stating the name of the owner, location of the property by ward, street and number, kind of drainage allowed and the proper tappage fee required. The Administrator may designate the Building Code Official or Code Enforcement Officer to act on his behalf.
- B. Every owner of real property, whether for personal use, rental for profit or not for profit, located inside or outside the legal boundaries of the City of Pittston utilizing the storm and sanitary system which is operated and maintained by the City of Pittston shall pay an annual sewer usage and maintenance fee.
- C. Every structure and EDU within the City shall be required to pay the annual City Sewer Maintenance Fee as provided in this article unless that building or EDU is declared "condemned" by the Pittston City Building Code Official in accordance with the Pittston City building and property maintenance codes.

§ 386-18. Usage and maintenance fees. [Amended 9-30-2002 by Ord. No. 2002-2; 6-30-2010 by Ord. No. 2010-2; 1-21-2015 by Ord. No. 2014-15; 12-27-2024 by Res. No. 13075]

- A. Each and every person or municipality existing or located inside or outside the legal boundaries of the City of Pittston utilizing either a sanitary or storm service which discharges its flow through any storm or sewer line which is owned and operated by the City and which runs through, across, or under the legal boundaries of the City shall pay an annual fixed usage and maintenance fee and/or a fee for commercial structures in an amount as set by resolution of the City Council. Said assessment may be reduced by any discount allowed by the applicable rules and regulations of the entity responsible for collection of the same. The rental and maintenance fee shall be payable by such person or municipality where the property is located within 60 days of billing.
- B. For purposes of this section, the "year" or "current year" shall be intended to mean the twelve-month period commencing January 1 and ending December 31. It is further the intention of this article that, during the calendar year 2010, the said annual usage and maintenance fees be prorated and become effective immediately upon second and final reading.

§ 386-19. Delinquent accounts. [Amended 3-18-2015 by Res. No. 11694; 6-16-2021 by Res. No. 12582; 12-27-2024 by Res. No. 13075]

- A. The annual sewer usage and maintenance fee shall be a lien on the property charged with the payment thereof. If not paid after 60 days' notice, said delinquent fee may be collected by an action in assumpsit in the name of the City against the owner of the property charged and/or the municipality where the property is located. The City of Pittston may, by distress or writ of execution, levy on personal property on the premises and sell said property to satisfy the account or file a lien similar in nature to a municipal lien, all costs, including court fees, attorney fees, etc., of which will be paid by the property owner or municipality.

- B. Any person or entity who shall institute the use of the City sewer system, both sanitary and sewer, as described in this section during a part of the year shall pay according to § 386-20G(2).
- C. Water termination policy.
 - (1) Properties that are in arrears six billing quarters or greater will receive a lien notification from the collection agent, and a lien will be placed on the property. Liened properties remaining delinquent in the next billing cycle (the seventh billing quarter) will receive a water termination notice from the collection agent, and properties requiring water termination will have their service terminated in accordance with guidelines utilized by collection agent. A fee of \$100 will be added to all satisfied liens that have been filed by the City of Pittston, and the property owner will be required to pay all additional fees, penalty and interest due to the City of Pittston. Properties that are liened, have a lien pending or water termination pending can establish a payment plan approved by the City Administrator and will be subject to the following repayment schedule:

Amount Owed	Amount of Down Payment	Amount of Time to Pay Balance (months)
\$250 to \$1,500	60%	6
\$1,501 to \$2,500	40%	12
\$2,501 to \$4,000	30%	24
\$4,001 or greater	20%	36

- (a) Payment plans in accordance with this section shall be in writing on a standard form approved by the City Administrator and provided by the City Treasurer to the property owner seeking a payment plan in accordance with this section. This form shall set forth the terms and conditions of the payment plan. In extraordinary circumstances, the City Administrator may modify the down payment amount to meet particular circumstances but may not extend the duration of the time permitted for complete repayment beyond what is specified in this section. Such payment plans will not be deemed in effect until signed by both the property owner and by the City Administrator. The City Treasurer shall monitor all payment plans and will immediately report any defaults to the City Administrator. Failure to comply with the terms and conditions of the payment plan will immediately nullify the payment plan without further action by the City, and the regular delinquent process as set forth in this section shall then be implemented.
- (2) The City Council of the City of Pittston hereby adopts a water termination policy for delinquent sewer maintenance service fees and authorizes the City to enter into an agreement between the City of Pittston and the collection agent to initiate water service termination as per the terms of the attached agreement.⁹

§ 386-20. Operational policies for billing, payments, collections, delinquencies and additional fees. [Amended 12-27-2024 by Res. No. 13075]

- A. For the purpose of this section, the "year" or "current year" shall be intended to mean the twelve-

9. Editor's Note: Said agreement is on file in the City offices.

month period commencing January 1 and ending December 31.

- B. The annual sewer usage and maintenance fee, together with the penalty and interest thereon, if any, shall constitute a lien on the real property.
- C. The City of Pittston shall designate, by resolution, a collection agent who or which is authorized to collect such annual sewer rental or charge, together with any penalty and/or interest thereon. Effective January 1, 2025, "Berkheimer Tax Innovations, Inc.," has been so designated by the City Council, and a copy of the executed contract between the City and the same is on file in the office of the City Administrator.
- D. The contract designated in § 386-20C along with the requirements of this section shall be utilized as the operational policies for the collection of the sewer maintenance fee and for the compensation of the collection agent. The City Solicitor shall provide legal opinion and guidance to the City Administrator and Chief Financial Officer with regard to administration of the said contract.
- E. The collection agent shall provide all necessary financial and accounting reports to the City as required by the contract, and at any time shall provide any additional reporting upon request of the City Administrator, City Treasurer Chief Financial Officer, City Controller and/or City Comptroller and any and all information required by the independent auditor shall be provided by the collection agent within 30 days of the auditor's request.
- F. The collection agent shall deposit all funds received into an account designated by the City Treasurer and Chief Financial Officer for such purpose.
- G. Operational procedures and policies for collection.
 - (1) Non-metered accounts. The owner of the each EDU will be billed by the collection agent for the year (§ 386-20A) on a quarterly basis, at the rate set forth by resolution of the City Council in accordance with § 386-18A with the option to remit the full annual payment, with no discount, with the first yearly billing. Any past due amount on the account shall be added to the amount billed.
 - (2) Metered (commercial accounts). The owner of each structure that meets the criteria for metered billing, will be billed by the collection agent quarterly based on gallons of water utilized for the previous quarter, from billing information obtained from the PA American Water Company, at the rate set forth by resolution of the City Council in accordance with § 386-18A. Any past due amount on the account shall be added to the amount billed.
 - (3) Due dates. Quarterly Installment payments billed in Subsection G(1) and (2) are due to be paid in full within 60 calendar days of the date of issuance.
 - (4) Penalty and interest. A penalty of 10% shall be added to all past due accounts. Additionally, interest at the rate of 10% per annum shall be added to all past due balances.
 - (5) Pro-rating. An EDU not previously billed that comes online during the calendar year shall be billed on a pro-rated basis effective the date of commencement of service.
 - (6) Late notices. The collection agent will add to past due accounts the full cost of delinquent collection, including the fee for additional billing, postage, legal fees, court costs and any City-incurred additional costs including legal service by the City Solicitor. These charges shall also be a municipal lien on the billed property.

- (7) Credit card/electronic check/wire fees. The collection agent, in accordance with their policy, may add credit card processing fees to the amount due if the customer selects payment by credit card or electronic check or wire.
- (8) Water shut-offs and past due balance payment arrangements. The City Administrator may enter into water utility termination service and arrangements for past due accounts in accordance with § 386-19.

§ 386-21. Liability for damages.

The City shall not be liable for any damage or expense resulting from leaks, stoppages or defective plumbing work from any other cause occurring to any premises or within any house or building; and it is expressly stipulated by and between the City and the owner that no claims shall be made against the said City on account of the breaking or stoppage of or any damage or expenses to any lateral, building sewer or house connection when the cause thereof is found to be in the lateral, building sewer or house connection, except for the collection lines flowing through the City of Pittston.

ARTICLE V

**Compliance With Floodplain Regulations
[Adopted 2-15-2024 by Ord. No. 2-2024]**

§ 386-22. Compliance required.

Notwithstanding any and all provisions of this chapter, refer to Pittston City Code Chapter 270, Floodplain Management, prior to the issuance of any construction or approvals under this chapter. As set forth in Pittston City Code Chapter 270, Floodplain Management, the stricter of the requirements under this chapter or Chapter 270 shall be applicable in all instances.