

FILE OF THE COUNCIL NO. 19

2006

AN ORDINANCE

ESTABLISHING REGULATIONS FOR THE DISCHARGE OF STORM WATER INTO THE SEWER SYSTEM PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE DEFINING CERTAIN ITEMS AND IMPOSING PENALTIES.

WHEREAS, the Sewer Authority of the City of Scranton has taken steps to minimize the storm water received by the sanitary sewer system; and

WHEREAS, in order to comply with the Clean Water Act, municipalities must likewise minimize the intake of storm water into the sanitary sewers.

NOW, THEREFORE, BE IT ORDAINED that the Council of the City of Scranton hereby ENACTS the following:

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This Ordinance sets forth uniform requirements for contributions to the Sewer System within the City of Scranton and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this Ordinance are:

- 1 To prevent the introduction of storm water into the Sewer System which will interfere with the operation of the system or contaminate the resulting sludge;
- 2 To prevent the introduction of Pollutants into the Sewer System which will pass through the system, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system;
- 3 To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- 4 To provide for equitable distribution of the operating cost of the Sewer System.
- 5 To prohibit the connection of downspout gutters to the sewer system.

This ordinance shall apply to the City of Scranton and to persons outside the City who are, by contract or agreement with the City or its agents, Users of the City's Sewer System. Except as otherwise provided herein, the City of Scranton or its duly authorized representatives or agents shall administer, implement, and enforce the provisions of this ordinance.

Introduced in Council on above date and referred to Committee on February 16, 2006

Public Works

Kay Harvey
City Clerk

Scranton, Pa., March 9, 2006

John C. ...
CITY CLERK

Sixth Order:
February 23, 2006

REPRODUCED COPY
Kay Harvey
City Clerk

SECTION 2 - DEFINITIONS

2.1 Words, Terms and Phrases

The following words, terms and phrases when used in this Ordinance shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words, terms and phrases are as follows:

- 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 Storm water: Any flow occurring during or following any form of natural precipitation and resulting thereof.
- 3 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. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- 4 Owner: Any person vested with ownership, legal or equitable, sole or partial, of any improved property
- 5 User: Any person who contributes, causes or permits the contribution of wastewater into the Sewer System.

SECTION 3 - REGULATIONS

3.1 Use of Sewer System

- 1 All sewage and authorized Industrial Waste may be discharged to the Sewer System except those which are deemed harmful to the system or are specifically prohibited by this Ordinance.
- 2 No User shall discharge or cause to be discharged any Storm water, surface water, Groundwater, roof runoff, subsurface, drainage, non-contact Cooling Water, drainage from tile fields or unpolluted process waters to any Sanitary Sewer.
- 3 No User shall be permitted to have a downspout gutter empty into or be connected to any pipe leading to the sewer system.

SECTION 4 - FEES

4.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from Users of the Sewer Authority's Sewer System for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Sewer Authority's schedule of charges and fees.

4.2 Charges and Fees

The Sewer Authority may from time to time collect charges and fees to include:

- 1 Fees for reimbursement of costs of setting up and operating the Sewer Authority's Downspout Enforcement Program.
- 2 Fees for monitoring, inspections, and surveillance procedures.

- 3 Fees for reviewing accidental discharge procedures and construction.
4. Other fees as the Sewer Authority may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the Sewer Authority. These fees shall be payable by the User within forty-five (45) days of notification, or the User will be subject to such enforcement action deemed necessary.

SECTION 5 - ENFORCEMENT

When making determinations regarding the level of the enforcement, the Sewer Authority will consider the severity of the violation, the duration of the violation, and the fairness, equity, consistency, and integrity of the program.

5.1 Enforcement Designation

The City of Scranton hereby designates the Scranton Sewer Authority as the Enforcement agent in connection with any and all enforcement aspects of this ordinance.

5.2 Enforcement Response Criteria

1 Emergency Authority to Suspend or Terminate Service

- a. The Sewer Authority may suspend the Wastewater treatment service when such suspension is necessary, in the opinion of the Sewer Authority, 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, or causes interference to the Sewer System.
- b. Any Person notified of a suspension of the Wastewater treatment service shall immediately stop or eliminate the discharge. In the event of a failure of the Person to comply voluntarily with suspension order, the Sewer Authority shall take such steps as deemed necessary including immediately severance of the Sewer connection, to prevent or minimize damage to the Sewer System or endangerment to any individuals.

The Sewer Authority shall reinstate the Wastewater treatment service upon proof of the elimination of the non-complying discharge.

2. Enforcement Response Guide

For violations not requiring the Sewer Authority to invoke its emergency authority, certain guidelines shall be developed by the Sewer Authority and used to determine the appropriate enforcement action to be taken. In instances of continuing violations, enforcement actions, increasing in severity, shall be used until compliance is attained. These guidelines shall be made available for inspection upon request and may contain the following enforcement actions:

a. Notice of Violation

Whenever the Sewer Authority finds that any User has violated or is violating this Ordinance, an order issued hereunder or any prohibition, limitation of requirements contained herein, the Sewer Authority may serve upon said User a written notice stating the nature of the violation(s). Within ten (10) days of the date of the receipt, a plan for the satisfactory correction and prevention thereof shall be submitted to the Sewer Authority by the User. Submission of this plan in no way relieves the User of liability for any violation occurring before or after receipt of the Notice of Violation.

b. Consent Orders

The Sewer Authority is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or similar documents establishing an agreement with the User responsible for the noncompliance. Such orders will include specific action to be taken by the User to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as compliance orders issued pursuant to Section 5 2(d) below

c. Show Cause Hearing

The Sewer Authority may order any User which causes or contributes to violation of this Ordinance or to show cause why a proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Sewer Authority regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Sewer Authority why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Whether or not a duly notified User appears as noticed, immediate enforcement action may be pursued

(i) The Sewer Authority may itself conduct the hearing and take the evidence, or may designate any of its members or any officer, employee, or agent of the City to:

- a. Issue in the name of the Sewer Authority notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- b. Take the evidence;
- c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Sewer Authority for action thereon.

(ii) After the Sewer Authority has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the Sewer service be discontinued unless the

d. Compliance Order

When the Sewer Authority finds that a User has violated or continues to violate this Ordinance, an order may be issued to the User responsible for the discharge directing that, following a specific time period, sewer service shall be discontinued. Orders may also contain other requirements as might be reasonably necessary and appropriate to address the noncompliance.

e. Injunctive Relief

Whenever a Person has violated or continues to violate the provisions of this Ordinance, the Sewer Authority, through the Solicitor, may petition the court for issuance of preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of that Person.

If any User violates the provisions of this Ordinance, any order issued to that User by the Sewer Authority, or any other applicable State or National law, regulation law, regulation or rule the Sewer Authority Solicitor may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of

Lackawanna County

f. Criminal Proceedings

Any Person who willfully or negligently violates any provision of this Ordinance, or 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 Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, the Sewer Authority Solicitor may request the District Attorney of Lackawanna County to commence appropriate legal action.

SECTION 6 - PENALTIES - COSTS

6.1 Civil Penalties

Any User who is found to have violated an Order of the City Council or fails to comply with any provision of this Ordinance, or any orders, rules, regulations and permits issued hereunder, shall be fined not more than \$1,000.00 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 Sewer Authority 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 Ordinance or the orders, rules, regulations, and permits issued hereunder

6.2 Criminal Penalties

Any individual who knowingly, willfully, or intentionally 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 Ordinance, or who falsifies, tampers with, or knowingly, renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than \$1,000 and/or by imprisonment for not more than one year

6.3 Recovery of Costs Incurred

In addition to Civil and Criminal Penalties, the User violating any of the provisions of this Ordinance that causes damage to or otherwise inhibits the Sewer Authority's Sewer System and/or Sewage Treatment Plan, shall be liable to the Sewer Authority for any expenses, loss, or damage caused by such violation or discharge. The Sewer Authority shall bill the User for costs incurred by the Sewer Authority for any cleaning, repair, or replacement work caused by the violation or discharge.

SECTION 7 - SEVERABILITY

If any provision, paragraph, word, section or article of this Ordinance is invalidated by an court of competent jurisdiction, the remaining provisions, paragraph, words, sections, and chapter shall not be affected and shall continue in full force and effect.

SECTION 8 - CITY OF SCRANTON - SEWER AUTHORITY OF THE CITY OF SCRANTON - INTERRELATIONSHIP

The relationship between the City of Scranton and the Sewer Authority of the City of Scranton is governed by the provision of the 1968 Trust Indenture & Lease and the Operating Agreement of 1990 and other applicable ordinances.

SECTION 9 - CONFLICT AND HEADINGS

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

The headings in this Ordinance are solely for convenience and shall have no effect in the legal interpretation of any provision hereof.

SECTION 10 - EFFECTIVE DATE

The Sewer Authority reserves the right to make changes from time to time as, in its opinion, may be desirable or beneficial and to amend this Ordinance in such manner and at such times, as, in its opinion, may be advisable. This Ordinance becomes effective immediately upon approval by the Council of the City of Scranton.

SECTION 11 - HOME RULE CHARTER

This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Option Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by The Council

March 9, 2006
receiving the affirmative votes of Council Persons

Evans, Fanucci, McTiernan, Gourtright, Gatelli

Negative NONE

Judy Gatelli
President

Approved *[Signature]*
3-10-06 Mayor

Kay Harvey City Clerk
Certified Copy