

# PHILADELPHIA WATER DEPARTMENT REGULATIONS

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# **CHAPTER 1 CUSTOMER RIGHTS AND OBLIGATIONS**

## **100.0 RESIDENTIAL CUSTOMERS**

### **100.1 Definitions**

(a) Customer: An owner, tenant or occupant who by operation of law or agreement is responsible for payment of the charges for water/sewer service at a residential property.

(b) Delinquent Bill: All water and sewer charges unpaid within the billing cycle in which they are due.

(c) Dwelling Unit: An individual housing unit, in a residential property such as a single family home or a single apartment within a multi-unit apartment building.

(d) Occupant: A person to whom an owner has yielded possession of a residential property or dwelling unit and who has a reasonable expectation of residing at such dwelling unit for six months.

(e) Owner: A person who has title to a residential property or dwelling unit or his agent, servant or employee acting on his behalf.

(f) Rental Agreement: An agreement between two parties, whether oral or in writing, by which the owner of the property agrees to lease a dwelling unit in that property.

(g) Residential Property: Any building containing one or more dwelling units occupied for residential purposes, but not including dormitories, nursing homes, hotels, or motels.

(h) Service Address: A property which receives or received water/sewer service pursuant to an agreement between a customer and the City of Philadelphia.

(i) Tenant: A person who leases a dwelling unit in a residential property pursuant to a current rental agreement.

(j) USTRA Tenant: A tenant, not a customer, whose dwelling unit had water/sewer service at the time of rental, and who would be adversely affected by a shut off of service. A person is not an USTRA tenant if he is or has agreed under the rental agreement to be a customer or if he took possession of the dwelling unit when it was without water/sewer service. "USTRA" refers to the Utility Service Tenants Rights Act, 68 Pa. C.S.A. §399.1 et seq.

### **100.2 Application for Service**

The Water Revenue Bureau ("WRB") will accept owners, tenants and occupants as Water Department customers and will direct the Water Department to provide water/sewer service in their names to their dwelling units under the terms and conditions set forth in these regulations.

#### **(a) Application to Become a Customer**

(1) An owner shall become a customer as of the date of title transfer established by the record deed or otherwise established by sufficient evidence to show title to the property.

(2) A tenant or occupant who wishes to become a customer of the WRB must submit:

(A) His or her name and current address. An applicant may be required to provide two pieces of personal identification

(B) Satisfactory evidence of owner's consent to possession of the dwelling unit or residential property by a tenant or occupant. Such evidence will usually be in writing, including, for example, a current rental agreement for the dwelling unit for which the applicant desires service, a lease, rent book, money order receipts, canceled checks, other utility bills in the applicant's name at that address, rent receipts, or other written evidence of tenancy or written evidence of the owner's consent to occupancy. Evidence of a prior determination by a court of competent jurisdiction of the existence of a current rental arrangement for the dwelling unit between the owner and the applicant or the acceptance of the applicant's complaint against the owner and the scheduling of a hearing thereon by the Philadelphia Fair Housing Commission shall be considered conclusive of this issue.

(C) A completed application and affidavit in such form as the WRB shall from time to time deem appropriate wherein the applicant agrees to pay for service supplied in his name and makes certain acknowledgements and certifications consistent with these regulations.

(3) All WRB determinations shall be made in writing upon the application form and a copy given or mailed to the applicant.

(4) Where one with a household income at or below 150% of the federal poverty level becomes the owner of a residential property with an existing delinquent balance, the Water Department and the WRB will not deprive or refuse the new owner of water/sewer service solely on

the basis of that pre-existing delinquent balance, where the owner is eligible to become a water/sewer service customer as defined in Sub-sections 100.2 (a) and (b) of these Regulations. The Water Department and the WRB may lien the property for any delinquent balance.

#### (b) Eligibility

An owner, tenant or occupant of a residential property is qualified to become a water/sewer service customer, UNLESS:

(1) The applicant is the agent of a current or previous delinquent customer at the residential property and is attempting on said delinquent customer's behalf to avoid shut off or restore service previously shut off without payment of said customer's past due charges for water/sewer service or any other miscellaneous charges related to water/sewer service which are due. Such agency will normally be found to exist where the property that would be receiving service is or will be occupied by the current or previous delinquent customer or where such customer would otherwise use or receive the benefit of the service;

(2) The applicant has not paid or arranged to pay for past due charges for water/sewer service for which the applicant is legally responsible at this or another service address, including charges for unauthorized usage;

(3) Water service to the dwelling unit is legally off and there exist uncorrected Water Department violation(s) at the residential property and service to the property would endanger health or safety;

(4) Service to a tenant or occupant cannot be accomplished without major revision of the Water Department's

distribution facilities or acquisition of additional rights-of-way.

(5) The tenant or occupant is a customer currently receiving service at another residential service address.

(6) Upon receipt of the evidence and documents required in Section 100.2(a)(2)(A) of these Regulations, the WRB shall determine whether the applicant is a qualifying owner, an occupant, a tenant or an USTRA-tenant and whether the applicant is eligible to become a Water Department customer.

(7) In determining whether uncorrected Water Department violations exist in a dwelling unit, the WRB shall request that the Water Department promptly review its files and provide the WRB with a listing of any violations. The applicant shall be given a written list of any violations and advised that it is his responsibility to correct the violations and provide a certification that the corrections have been made from a registered plumber before service will be provided. In no case will water service be turned on if the living unit is found at any time by the Water Department to be in a condition not suitable to receive water, or in a condition which would create an emergency or dangerous condition to itself or another residential property or dwelling unit.

(c) Additional Conditions

(1) If the dwelling unit is already separately metered, a meter reading must be taken before the applicant will be accepted as a customer. The reading may be taken by the applicant, but the WRB reserves the right to require a reading by the WRB or the Water Department before the applicant will be accepted. In such cases, the WRB will

promptly order a meter reading and advise the applicant to facilitate entry of the meter reader into the dwelling unit.

(2) If the applicant's dwelling unit is presently set up for individual metering but no meter is at the property, a meter will be installed before the applicant will be accepted as a customer. In such cases, the WRB will promptly order from the Water Department the installation of a meter and advise the applicant to facilitate entry of the necessary Water Department personnel into the property for this purpose. Meter charges must be paid or scheduled for payment as part of a payment agreement by the applicant before application approval.

(3) If the applicant's dwelling unit is not individually metered, the dwelling unit must be set up for individual metering by a registered plumber to the Water Department's satisfaction at the expense of the applicant or the owner and a water meter must be installed before an applicant will be accepted as a customer. Installation charges must be paid or must be scheduled for payment as part of a payment agreement before application approval.

(d) Notice to Owner

(1) Upon receipt of a customer application by one not the owner, the WRB shall mail to the owner or his agent, at his license address on file with the Department of Licenses and Inspections for the property in which an applicant's dwelling unit is located, or if no such license address is available, at such other address as the WRB reasonably believes is the valid current address of the owner or his agent, a "Notice to Owner of Application by Tenant or Occupant to Become a Water Service Customer or For Continued Service", in



such form as the WRB shall from time to time deem appropriate.

(2) The Notice shall advise the owner of the application for and the possible provision of the water/sewer service to the property for which the property owner will be responsible for payment if the applicant becomes delinquent. The Notice shall afford the owner or his agent ten (10) days from the date of the notice in which to provide the WRB with any comments regarding the applicant's eligibility and to indicate any objection to the application and to request a hearing to dispute the grant of an application over the owner's objection. The Notice shall also advise the owner to notify the WRB immediately if an emergency condition exists which makes the provision of water service a danger to the property or to the safety of others or their property. The Notice shall state that water service, if currently legally off, may be turned on if the owner fails to timely notify the WRB of his or her objections.

(3) Should the owner or his agent fail to object and request a hearing prior to such time as the WRB is otherwise prepared to accept the applicant as a customer, the owner shall be deemed to have no objection to provision of service in the applicant's name, and service will be provided to the applicant, unless the water is currently off and the applicant has no evidence of a current lease.

(4) If comments disputing an applicant's eligibility are received from an owner or his agent after the WRB accepts an application, the owner may request a hearing before the WRB. The WRB shall not consider an owner's objection and will not schedule a hearing on an owner's objection received ten (10) days after the date of the

notice of an application unless the WRB is satisfied that:

(A) The Philadelphia address to which the owner's notice was sent was incorrect, if not taken from a residential rental property license and

(B) The owner or his agent did not timely receive the notice originally mailed.

(e) Acceptance of Application

(1) An applicant otherwise eligible shall be entitled to become a customer for his dwelling unit only or to have service continued or restored to his unit only, upon fulfillment of the above conditions, unless:

(A) Water service is currently on, the applicant has not presented evidence of a current lease and the owner expressly objects to the application; or

(B) Water service is currently off, the applicant has not presented evidence of a current lease and the owner has not given his express written consent to the provision of service in the applicant's name.

(2) The WRB may determine in its sole discretion to temporarily continue or restore service to the applicant's dwelling unit at no cost to the applicant.

(3) If a tenant or occupant is accepted as a customer, the WRB shall so indicate on the application by signing it and giving or mailing the applicant a copy. After acceptance by the WRB, the tenant or occupant customer shall be entitled to the same rights and subject to the same obligations as any other residential customer of the WRB.

(f) Turn-on of Service

(1) The Water Department will visit the property to turn-on service for a new customer at no charge to the applicant where service can be provided by operation of the curb stop.

(2) Where service can only be provided by means other than the operation of the curb stop, such as restoration of the ferrule, service line or curb-stop to operable condition, such restoration must be made privately at the expense of the applicant or owner.

(3) Notwithstanding any other provision of these regulations, where service has previously been shut off by the Water Department or the WRB for any reason under these regulations, and the WRB has been notified that the Department of Licenses and Inspections has determined the premises to be in dangerous or imminently dangerous condition pursuant to the Building Code, Title 4 of the Philadelphia Code, service will be provided only upon the prior written consent of the Department of Licenses and Inspections.

(g) Rejection of Application

If the applicant is rejected as a customer, the WRB shall so indicate on the application and give its reasons therefor in writing in the appropriate space on the application. WRB will note any condition that must be met and itemize charges that must be paid in order to obtain service. A description of the process by which the applicant may dispute the WRB determination will be set forth. A copy of the rejected application shall be promptly mailed or hand-delivered to the applicant.

(h) Revocation of Acceptance

Should the WRB after issuance of a written acceptance of the application, receive a timely and valid objection from an owner or agent or determine that any of the certifications in the application are materially false or that the applicant may otherwise not be eligible to be a customer, the WRB may deny, revoke and rescind acceptance of the application. The revocation and rescission will be effective twenty (20) days after notice to the applicant of the intent to revoke and revocation will subject the property to immediate shut off unless a hearing is requested. The WRB will give its reasons for revocation in writing on the application. The WRB will note any condition that must be met and itemize any charge that must be paid in order to obtain service. A description of the manner in which the applicant may dispute revocation or rescission will be set forth.

(i) Termination of Customer Relationship

(1) After acceptance by the WRB of an application, tenants and occupants who are customers will remain responsible for paying all future charges for water/sewer service to their dwelling units until such time as there is:

(A) revocation of acceptance of the customer application;

(B) Shut off of service pursuant to written request being received from the customer to terminate customer status and shut off service (for which there is a charge);

(C) Acceptance of a new customer for the dwelling unit by the WRB and the taking of a final meter reading; or

(D) Issuance of a discontinuance permit and termination of service at the owner's request.

(2) The WRB will notify tenants and occupants who are customers of termination of their status as customers in writing by first class mail. Provided, however, where a customer requests the termination of his customer status, service to his dwelling unit may thereafter be shut off without prior notice.

(3) Owners, whether or not they are customers, remain responsible for paying water/sewer charges until the issuance of a discontinuance permit.

### **100.3 USTRA Tenant Rights**

(a) An USTRA tenant may apply to the WRB for continued service at any time, UNLESS:

(1) The tenant is the agent of a current or previous delinquent customer at the residential property and is attempting on the customer's behalf to avoid shut off or restore service previously shut off without payment of the customer's past due charges for water/sewer service. Such agency may be found to exist where the property that would be receiving service under a tenant customer arrangement is or will be occupied by the current or previous delinquent customer or where such delinquent customer would otherwise use or receive the benefit of the service;

(2) The tenant has not paid or arranged to pay delinquent charges for water/sewer service arising out of illegal, unauthorized or authorized usage for which he is responsible at this or another service address.

(b) Application for Continued Service Under USTRA

(1) A person who wishes continued service as an USTRA-tenant must submit:

(A) His or her name and current address.

(B) A completed Application and Affidavit in such form as the WRB shall from time to time deem appropriate and which provides information necessary to support the applicant's claim of tenancy.

(C) Satisfactory written evidence of the tenancy, such as a lease, rent book, money order receipts, canceled checks, or other utility bills in the applicant's name at that address, rent receipts, or other written evidence.

(D) Satisfactory evidence that the property had water/sewer service when the tenancy began.

(2) All USTRA determinations will be made by the WRB in writing upon the application form. If an applicant is entitled to continued service under USTRA, the WRB shall accept the application by signing it and giving or mailing the applicant a copy. The WRB may determine in its sole discretion that in lieu of continuing service under USTRA, the WRB will temporarily continue or restore service at no cost to the USTRA tenant.

### **100.4 Shut off of Service**

(a) Nothing in this regulation shall modify the Water Department's right to shut off service without prior notice to prevent or alleviate an emergency which presents a danger to life or property.

(b) In addition to shut offs caused by revocations of acceptance of applications, the WRB may cause the Water Department

to terminate water service at a residential property, after notice has been given and the opportunity for a hearing provided, on the following grounds:

(1) ten (10) days after a customer is delinquent for two billing periods;

(2) When the Water Department or the WRB is denied for two consecutive billing periods access to the residential property to read, or make changes or repairs to the meter.

(c) When the Water Department terminates water service to residential occupied properties, the service charge shall not be charged against the property during the period of any termination beginning with the date of any termination.

(d) The Water Department will suspend the termination of water service to residential occupied properties for nonpayment of a delinquent bill from December 1<sup>st</sup> to March 31<sup>st</sup> of the ensuing year. This suspension does not release any water customer of the obligation to pay for water service.

### **100.5 Notice of Shut off**

(a) Shut off Notice to Residential Customer

A shut off notice in English and Spanish will be mailed or delivered to a customer. The shut off notice to a customer shall include at least the following information, in such form, as the WRB shall from time to time deem appropriate.

(1) Account number,

(2) Date of notice,

(3) Address of property,

(4) Amount past due,

(5) Date on or after which water service will be shut off,

(6) To avoid shut off customer must:

(A) Pay the entire balance, including penalty, before the shut off date.

(B) Negotiate or renegotiate a payment agreement before the shut off date.

(C) Make an appointment for a meter reading or for access to the meter by the Water Department, such appointment to be scheduled within ten (10) days of the date of the notice.

(D) Request a hearing within ten (10) days If a dispute exists as to:

(i) Customer's responsibility for the bill,

(ii) amount due or other possible errors in the bill,

(iii) Whether the WRB has applied the standard payment agreement terms,

(iv) Whether the customer has unreasonably refused to take reading or to provide access to the meter.

(7) A timely hearing request will prevent shut off until a final decision is made.

(8) A hearing request must be made in person or in writing, and must be received within ten (10) days of the date of the notice.

(9) A telephone number to call for further information or explanation.

(10) A seriously ill recipient of service (customer in a household in which a member is seriously ill) may delay shut off by providing the WRB with a certificate of serious illness pursuant to Section 100.10 of these Regulations.

(b) Shut off Notice to Owner of Occupant or Tenant Inhabited Property

The shut off notice to the owner where the residential property is non-owner occupied shall include the same information set forth in Sub-sections 100.5 (c)(1-10) of these Regulations and the following information in such form as the WRB shall deem appropriate:

(1) The obligation of owners of tenant occupied property within seven days of receipt of the notice to provide the WRB with names and addresses of every tenant, unless the owner has paid the bill in full, entered into an agreement to pay the amount due, requested a hearing, or allowed access to the meter for a reading or changes or repairs, and the penalties for failure to provide such information.

(2) Should an owner within ten (10) days of the receipt of the notice fail to pay the bill, enter into a satisfactory payment agreement, request an appropriate hearing, or allow the WRB or Water Department access to the meter, the WRB will attempt to notify each tenant and occupant of the date of the proposed shut off and their rights. USTRA tenant(s) have the right to continue water service by paying the bill for the thirty (30) days preceding notice and each subsequent thirty (30) day period and to deduct the amount of such payment from any rental or other payment currently due the owner or that will become due in the future. Tenants and occupants may apply to become customers for water/sewer service.

(3) An owner may not retaliate against an USTRA tenant for the exercise of the above rights.

(4) An owner may stay notification to the tenants or occupants and the proposed shut off of service by petitioning the appropriate court.

(5) The date after which tenants or occupants will be notified of the proposed shut off of service.

(6) In addition to shutting off the water service, the WRB may sue the owner in court for nonpayment and file a lien against the residential property for the amount of the delinquency.

(c) Shut off Notice to Tenants and Occupants Who are Not Customers

The shut off notice to tenants and occupants shall include at least the following information, in such form as the WRB shall deem appropriate:

(1) Account Number

(2) Address of the property

(3) Date of the notice

(4) Amount due for water/sewer service for thirty (30) days preceding the date of the notice

(5) Reason for shut off

(6) Date on or after which water service will be shut off

(7) USTRA-tenant(s) may pay the amount due for the preceding thirty (30) days. The USTRA-tenant(s) will receive by mail or hand delivery, bills for subsequent

periods of 30 days, so long as there is an outstanding delinquent water service bill for the residential property for which the landlord has not arranged payment.

If the USTRA-tenant(s) fails to pay a thirty (30)-day bill within thirty (30) days of the date that the bill is mailed or delivered, service may be shut off after an appropriate shut off notice is mailed or delivered to the address of each USTRA-tenant;

(8) The manner in which service to tenants affected by non-payment may be continued and a notice explaining the process as provided by law in substantially the following form:

**NOTICE TO TENANTS: YOUR WATER SERVICE MAY BE SHUT OFF. PLEASE READ THIS NOTICE ABOUT YOUR RIGHTS.**

**THIS NOTICE DOES NOT APPLY TO ANY WATER SERVICE NOW IN YOUR NAME AND FOR WHICH YOU ALREADY PAY THE BILL. THE WATER BILL FOR YOUR BUILDING HAS NOT BEEN PAID. YOUR WATER SERVICE WILL BE SHUT OFF ON OR AFTER [DATE] UNLESS THIS BILL IS PAID.**

**AS A TENANT AFFECTED BY THIS SHUT OFF, YOU HAVE THE FOLLOWING RIGHTS:**

You can join with the other tenants to pay the bill for the last thirty (30) days preceding this notice, or you can pay the total bill yourself. If you pay either way, you do not have to pay a deposit or get credit granted in your name. You will not have to pay your landlord's other debts or the debts of prior tenants, and water service will remain in the name of the landlord.

If you join with other tenants to pay the bill, you must provide the WRB with the name of each tenant who paid part of the bill and the amount paid by each tenant. You must also designate an agent for the group of tenants with whom Water Revenue Bureau ("WRB") will deal on your group's billing.

You may deduct your payment for water service from your rent due now or from future rent. The WRB will tell your landlord how much you paid for that utility service.

If your building has one meter for more than one tenant, the water/sewer bill is for all tenants and must be paid in full. If you only pay part of the last 30-day billing, your water service will be shut off and the WRB will return your money. If service is shut off for sixty (60) consecutive days, the WRB will refund your money without request.

The law provides that your landlord cannot punish you if you pay the water/sewer bill. Your landlord cannot raise your rent, cannot evict you, and cannot take action against you in any other way for paying the bill and deducting it from the rent. You have a right to recover money damages from the landlord for any damages or injury he causes you for exercising your rights as a result of this Notice.

You can become a Water Department customer and get your water service billed in your name if your unit has its own meter, or you choose to pay to have your unit individually metered if in the Water Department's opinion it is technically feasible to do so. Please call the number below if you want further information.

Payments may be made by check or money order, or by bringing cash to the WRB.

You will be advised that the shut off is canceled if you or your landlord pays the bills.

**IF YOU HAVE ANY QUESTIONS ABOUT YOUR RIGHTS OR RESPONSIBILITIES, PLEASE TELEPHONE [     ]. YOU SHOULD CALL OR WRITE BEFORE THE SHUT OFF DATE.**

(9) A customer in a household in which a member is seriously ill, may delay shut off for thirty (30) days by providing the WRB with a certificate of serious illness pursuant to Section 100.10 of these Regulations.

(10) The City reserves the right in its sole discretion to continue service to USTRA tenants on terms more favorable to them than those set forth in the notice.

**(c) Shut off Notice to USTRA-Tenants**

A shut off notice to an USTRA tenant who has failed to pay a second or succeeding thirty (30)-day bill(s) shall include the following information:

(1) The date on or after service will be shut off which in no event will occur less than thirty (30) days following to the first written notification of the proposed shut off.

(2) The amount due on any thirty (30) day bill(s) or customer bill(s).

(3) A telephone number to call for information or explanation.

(4) A statement that the tenant has the right to sue in court to enforce any legal rights that he or she may have.

**(d) Shut off for Lack of Meter Access**

If shut off is due to lack of a meter reading or lack of access to the meter, the WRB will contact the customer, tenant or occupant by phone or send a reminder notice which states: "Your water service is subject to shut off unless [a meter reading] [access to your meter] is obtained within thirty (30) days. For further information, see the enclosed shut off notice."

**100.6 Notice Schedule**

**(a) Notice Schedule for Residential Customers**

(1) Customers subject to shut off for any of the reasons stated in these regulations will receive two prior written notices of the scheduled shut off date.

(2) A shut off notice scheduling shut off no earlier than ten (10) days after a customer has been delinquent for two billing cycles will be issued no earlier than the date of the first delinquent bill.

(3) A shut off notice scheduling shut off for a customer who has refused the City access to the meter pursuant to Section 100.4 of these Regulations will be mailed or hand delivered to the customer.

(4) A second shut off notice will be mailed or hand delivered to a customer, at least thirty (30) days after mailing or hand delivery of the first notice. This will be the final notice scheduling shut off.

(5) If the customer does not permit a reading or access to the meter, pay the delinquent bill in full, enter into a payment agreement, request a hearing or produce a certificate of serious illness pursuant to Section 100.10 of these Regulations, the water service to the residential property will

be subject to shut off any time on or after the shut off date set forth on the second notice.

(b) Notice Schedule for Non-Customers

(1) Where the customer of property inhabited by tenants or occupants is the owner, a shut off notice will be issued to the owner at the address which the WRB reasonably believes to be the owner's address scheduling shut off no earlier than ten (10) days after the customer has been delinquent for two billing cycles.

(2) If within fifteen (15) days after the mailing or delivery of a shut off notice to the owner, the owner has not permitted a meter reading or access to the meter, paid the delinquent bill in full, entered into a payment agreement, requested a hearing or petitioned the appropriate court to dispute shut off, a second shut off notice will be mailed or delivered to the owner. At the same time a shut off notice will be mailed or delivered to the tenants or occupants of the property advising them of the steps they may take to continue water service.

(3) Service shall be effective upon the owner or his agent by certified mail with a return receipt signed by the owner or agent, or hand delivery at the address(es) which the WRB reasonably believes to be the owner's address.

(4) After unsuccessful attempts at personal service on two (2) separate days at any address where the owner or agent might be reasonably found or, at the residential property, service may be effected by conspicuously posting the notice at the owner's principal place of business or billing address. If the owner has not otherwise designated a billing or business address, the WRB may consider the residential property

as the principal place of business of the owner for this purpose.

(5) Service shall be effective upon tenants and occupants by hand delivery to the service address or delivery by first class mail and, in the case of multi-unit dwellings, by posting notices in those common areas where it is reasonably likely to be seen by all tenants and occupants and may include a warning that any person who removes or tampers with the notice commits a criminal act punishable by fine.

(6) After mailing or delivery of the second notice, a WRB representative will visit the property to post a notice scheduling shut off no earlier than fifteen (15) days thereafter and, if possible, to make contact with tenants and occupants to inform them of their rights.

(7) A shut off notice to an USTRA-tenant who has failed to pay a second or succeeding thirty (30)-day bill(s) shall be mailed or otherwise delivered to the address of each tenant, scheduling shut off no earlier than thirty (30) days after delivery of the notice.

(8) Where water service to a tenant or occupant customer is to be shut off for reasons of his non-payment of charges for water/sewer service or failure to permit access to the meter, the tenant or occupant customer shall be afforded the same notice and hearing rights as any other residential customer under the shut off regulations. In such a case, the WRB shall promptly send to the owner or his agent by mail or hand delivery to his record address(es) a copy of the shut off notice mailed or delivered to the tenant or occupant customer.



## 100.7 Hearings

(a) In addition to the hearing provided in Section 100.2(d)(2) of these Regulations, and unless a hearing or an opportunity for a hearing has already been given on the same issue or charges (as determined by the Revenue Department), upon timely request, a customer may request an informal hearing before the WRB to:

(1) Dispute the customer's responsibility for the charges on the water and sewer bill;

(2) Dispute the amount due or any possible errors in computing charges on the water and sewer bill;

(3) Dispute whether the agreement terms have been properly applied;

(4) Dispute rejection or revocation of acceptance of an application;

(5) Dispute shut off for failure to take or permit a meter reading or to provide access to the meter;

(6) Dispute shut off for nonpayment or lack of access to the meter to change, repair or read;

(7) Denial of a request for continued service pursuant to Section 100.10 of these Regulations (Emergency Procedures)

(8) Denial of an application for continued water service under USTRA,

(b) To be timely, requests for hearings must be made

(1) within thirty (30) days of the date of the disputed bill; or

(2) Within ten (10) days from the date of the first shut off notice, or notice of rejection or revocation of an application for service.

Thereafter, the right to request a hearing is waived, except to dispute charges accruing and determinations made after the date of the first shut off notice.

(c) Hearing requests may be made in person to the WRB or by mail. If shut off has not occurred, the WRB may upon good cause shown grant a hearing request made after the scheduled shut off date, or more than ten (10) days after the first shut off notice.

(d) Where a hearing is requested and service to a property is on, the WRB shall give at least ten (10) days notice by regular mail or hand delivery to the customer and his or her specified representative, if any, setting forth the time, date and place of hearing and the customer's rights at the hearing as set forth in Sub-sections 100.7(e-1) of these Regulations, provided that an earlier hearing may be scheduled by mutual agreement. Where a hearing is requested and service to a property is off, the WRB shall schedule a hearing to be held within ten (10) days, unless a later time is requested.

(e) The customer or applicant or his or her designated representative who need not be an attorney, may request in writing or may visit the WRB in person to review and receive copies of any available documents at any time during regular working hours prior to the date of the hearing, including any computer printout relevant to the billings for water-sewer service to the residential property.

(f) Upon showing of good cause by the customer or applicant, such as illness, one continuance of the hearing shall be granted

for a total period not to exceed ten (10) days. Additional continuances may be granted within the discretion of the WRB.

(g) The hearing shall be conducted by an impartial hearing officer who shall be an employee of the City knowledgeable about water usage, billing practices and procedures, but who has not previously discussed or considered the dispute with the customer or applicant, except in his or her capacity as a hearing officer.

(h) At the hearing, the hearing officer shall consider all relevant evidence and shall permit the presentation and questioning of relevant witnesses and documents as determined by the hearing officer. The customer may bring a representative who need not be an attorney.

(i) The hearing officer may request a meter rereading or leak inspection at no charge to the customer and/or a meter test, the cost of which will be charged to the customer if the test shows that the meter is accurate within 2%. The hearing officer shall review such evidence in reaching a final decision on the dispute.

(j) If a customer or applicant demonstrates to the hearing officer's satisfaction that he or she is unable to attend a hearing in person because of disability or illness, the hearing officer shall conduct the hearing by telephone or take such other steps as the officer in his discretion deems appropriate under the circumstances to reasonably accommodate the customer applicant.

(k) After the hearing, the hearing officer shall send to the customer or applicant and to his specified representative, if any, by first class mail a written decision with a summary of the facts and reasoning which are the basis of the decision. A copy of any

meter rereading, inspection or meter test shall be attached to the hearing decision.

(l) Thereafter, any obligation of the customer or applicant affirmed by the hearing officer must be satisfied within thirty (30) days of the date of the decision. Upon the expiration of thirty (30) days, unpaid charges shall be delinquent.

### **100.8 Rights Pending Final Decision**

(a) A notice of a customer's rights of review, compromise, waiver and refund with the Tax Review Board and the Department of Revenue under Chapter 19-1700 of The Philadelphia Code and the stay procedures set forth below shall be included by the hearing officer in every hearing decision.

(b) If a customer timely files a petition for review with the Tax Review Board raising matters within the jurisdiction of the Tax Review Board and the matters were raised before the hearing officer, the WRB will stay further shut off action pending a final decision of the Tax Review Board, provided that the customer promptly notifies the hearing officer in writing of the petition and pays or arranges to pay any undisputed past charges, including penalties, and thereafter complies with any outstanding payment agreements and pays or arranges to pay all current charges when due in the future.

If a stay is revoked because of a customer's failure to comply with these conditions, the WRB shall give at least ten (10) days written notice by mail or hand delivery of its intention to shut off service. In no case will the filing of a petition for review require the WRB to restore service already shut off.

(c) After a final decision of the Tax Review Board, the WRB will mail a final bill to the customer with a notice that the customer

will have thirty (30) days from the date of the bill to pay or enter into payment agreement with the WRB to pay the original or modified charges or the residential property will be subject to shut off without further notice, unless the property is occupied by a tenant, in which case appropriate notice shall be provided to each dwelling unit.

(d) If the customer files a petition for compromise, waiver or refund, the customer may apply in writing to the WRB, which may in its discretion grant a stay of further shut off action pending final decision on the petition. If a stay is granted, the procedures in Sub-sections 100.8 (b) and (c) of these Regulations shall apply.

### **100.9 Payment Agreements**

(a) Customers with household incomes above 150% of the federal poverty level who demonstrate a financial need based on disposable household income may come to the WRB in person to negotiate a payment agreement. Such agreements will have the following standard terms:

(1) Initial Payment: 25% of the outstanding delinquency, including restoration charges, if any, or 15% of the combined gross monthly income of the customer's household, whichever is less.

(2) Subsequent Payment: The remainder of the outstanding delinquency shall be paid in equal monthly installments on an agreed upon day of each month until the balance of the delinquency is paid in full. In no event will the second installment be due less than twenty-eight (28) days from the date of the initial installment. Payout terms will not exceed eighteen (18) months.

(3) Current Charges: All subsequent undisputed charges, including penalties on the outstanding delinquency, must be paid when due in addition to the payments on the delinquency or the agreement will be breached.

(4) The WRB will require documentation of household income and expenses to demonstrate financial need before entering into a payment agreement.

(5) The WRB shall complete for each customer a payment agreement form and provide a copy to the customer.

(6) Customers with household incomes above 150% of the federal poverty level who cannot meet the foregoing payment agreement terms because of extraordinary expenses (e.g., a senior citizen with high medical expenses), may apply to the Conference Committee for extended payment agreements pursuant to the terms set forth at Section 100.9(p) of these Regulations.

(b) Customers with household incomes at or below 150% of the federal poverty level may come to the WRB in person to make a payment agreement. The initial and subsequent payments on the delinquency shall be determined as follows:

(1) The WRB will require documentation of household income and expenses before entering into a payment agreement.

(2) The value of any food stamps received by a household will not be considered by the WRB in determining monthly income.

(3) The WRB shall complete for each customer a payment agreement form and provide a copy to the customer.

(4) Initial Payment: 10% of the outstanding delinquency or 15% of gross monthly income whichever is less. The outstanding delinquency shall include the restoration fee and meter installation charges, if applicable.

(5) Subsequent Charges: 5% on arrearage balance plus current charges. All subsequent undisputed charges, including penalties on the outstanding delinquency, must be paid when due in addition to the payments on the delinquency or the agreement will be breached, except that customers at or below 150% of the federal poverty level will only be held responsible for payment of delinquent service charges for the first year following each period of time in which service was terminated.

(6) Penalty charges will continue to accrue on the outstanding delinquent balance throughout the term of the payment agreement. If the agreement is otherwise successfully completed, penalty charges on the original delinquency shall be waived.

(7) The customer must agree to apply for all available energy assistance funds as a condition of the payment agreement.

(8) If the standard payment agreement terms for customers at or below 150% of the federal poverty level exceed a low-income customer's ability to pay, the WRB will make every effort to establish more manageable terms by analyzing household income and expenses. Such payment terms shall be based on disposable income. In no event will the WRB accept less than an initial payment of 10% of the outstanding balance or 15% of gross monthly income or

payout terms which exceed thirty-six (36) months. For payment agreements under this Section, written approval of a WRB supervisor must be obtained.

(9) Customers with household incomes at or below 150% of the federal poverty level who cannot meet the foregoing payment agreement terms may apply to the Conference Committee for extended payment agreement pursuant to the terms set forth at Section 100.9(p) of these Regulations.

(c) Customers with household incomes at or below 100% of the federal poverty level may apply to the Conference Committee (the "Committee") for an extended payment agreement. Such payment agreements:

(1) Shall be based on household income, including available grants or subsidies and expenses.

(2) May have payout terms which exceed thirty-six (36) months.

(3) May defer collection of all or a portion of any initial arrearage existing at the time of first application.

(4) Shall include any applicable restoration fee and meter installation charges.

(5) Shall provide that penalty charges will not accrue on the outstanding balance for each month that the payment agreement is fully complied with.

(6) Shall require the payment of all charges when due or the payment agreement will be breached.

(7) Shall be completed for each customer by the Committee and the customer provided a copy thereof.

(8) Shall be subject to review at any time, but must be reviewed at least annually.

(9) Shall be subject to modifications, recession or revocation for failure to supply any household income or expense information requested by the Committee or because of a material change in household income or expenses.

(10) Shall require customers to apply for and accept all available energy assistance funds.

(11) May require customers to participate in the Water Department's Water Conservation Treatment Program.

(d) As a condition of the entry into a payment agreement, the initial payment under the agreement shall be due at the time of signing. The WRB in its discretion may delay the shut off up to five (5) days when an agreement has been negotiated and the WRB believes that the customer intends to sign the agreement and pay the initial payment during the extended five day period.

(e) Payment agreements shall be in writing and shall contain the customer's promise or acknowledgement that:

(1) In addition to monthly payments under the agreement, the customer must pay current charges on the account.

(2) Notwithstanding the payment agreement, a lien may be placed upon the customer's property for the amount of the outstanding account balance.

(3) The customer may request a renegotiation of a payment agreement in person or in writing. The customer must notify the WRB before defaulting on an agreement of circumstances which may warrant renegotiation of the payment agreement. If the customer presents satisfactory evidence to the WRB of a change in household income which would warrant a change in the payment terms of the agreement, the WRB may appropriately modify the payment agreement, provided the customer is not in default on the agreement. The original agreement shall remain in effect unless so modified. A customer whose request for renegotiation is denied may request a hearing to dispute whether standard payment agreement terms have been applied.

(4) Delinquencies which accrue during the course of a payment agreement will not be waived, suspended or deferred.

(f) The WRB shall consider the following household expenses in determining ability to pay: Rent or mortgage, utility bills, telephone, food, medical bills, transportation, laundry, clothing, toiletries, taxes, insurance, and other reasonable expenses. The WRB will also consider evidence from other low income programs in determining ability to pay.

(g) When a payment agreement is entered into, the WRB's representative will:

(1) Accept the initial payment.

(2) Advise the customer of the amount that the customer is required to pay each month, the dates when such monthly payments are due, the date the last payment is due, and the number of months the agreement will take to complete.

(3) Advise the customer how to read a bill in order to determine current charges.

(4) Provide the customer with a signed copy of the agreement.

(5) Advise the customer to inform WRB of change in household income before defaulting on an agreement, because in some circumstances the customer may be able to renegotiate his agreement.

(h) If a customer breaches a payment agreement entered into after receipt of a shut off notice relating to a property which is not tenant occupied, the WRB may mail or otherwise deliver an appropriate shut off notice to the customer scheduling shut off no less than ten (10) days thereafter. Shut off of water service may thereafter proceed without further notice or attempt at personal contact. If a customer breaches a payment agreement relating to a property which is inhabited by tenants or occupants the inhabitants will be sent an appropriate notice scheduling shut off in no less than thirty (30) days. Service of the notice to tenants or occupants will be in conformance with Section 100.6(b) of these regulations.

(i) "Breach" of a payment agreement means failure to make timely payment of the initial payment or subsequent payments, failure to pay current charges when due including penalties, tender of a "bad" check or a check returned for insufficient funds to the WRB, or failure to notify the WRB of a change in household income before defaulting on the agreement.

(j) If a customer requests a hearing pursuant to Section 100.7 of these Regulations, within the time period provided in the shut off notice after there has been a breach of payment agreement, the only issue which will be considered at the hearing will be the

customer's compliance with the terms of the payment agreement.

(k) Subsequent to the mailing or delivery of a shut off notice as a result of a breach of the payment agreement, and prior to actual shut off, a customer shall have a one-time right to cure the breach and resume making payments in accordance with the terms of the payment agreement. For good cause shown, the WRB may in its discretion allow a customer to cure additional breaches of a payment agreement.

(l) If a customer breaches a payment agreement and the same is not cured as provided herein, or gives the WRB a bad check after having received a shut off notice, the decision to modify or renegotiate any existing agreement, enter into any future agreements, or to otherwise extend further credit on any existing or future delinquency of the customer and the terms of such credit shall be within the sole discretion of the WRB.

(m) The Water Revenue Bureau Conference Committee has been formed to establish payment agreements for those customers who cannot afford the standard payment plans as stated at Section 100.9 of these Regulations. The Water Revenue Bureau Conference Committee is empowered to develop flexible payment plans based on a household's income and/or expenses and available grants or subsidies. The Water Revenue Bureau Conference Committee in its discretion may suspend all or a portion of any arrearages in the establishment of payment plans. The Water Revenue Bureau Conference Committee is also empowered to review payment plans at anytime, but at least on an annual basis. Based upon its review, the Water Revenue Bureau Conference Committee may modify, rescind

or revoke any payment plan previously established.

The Water Revenue Bureau Conference Committee is comprised of employees of the Revenue and Water Departments.

(n) Eligibility for establishment of payment agreement by the Water Revenue Bureau Conference Committee:

(1) All customers with household incomes at or below 150% of the federal poverty level who cannot afford the standard payment agreement described at Section 100.9(b) of these Regulations may apply to the Water Revenue Bureau Conference Committee for more affordable payment terms.

(2) All customers with household incomes at or below 100% of the federal poverty level will be referred by the WRB to the Water Revenue Bureau Conference Committee.

(3) A customer threatened with shut off, or whose service is already off, and who is known by the WRB to be at or below 100% of the federal poverty level, will be referred by the WRB to the Water Revenue Bureau Conference Committee.

(4) A customer threatened with shut off whom the WRB knows to be between 100% and 150% of the federal poverty level must furnish proof of income and expenses to the Water Revenue Bureau Conference Committee in order for it to determine whether the customer is a candidate for either the 10/5 payment agreement plans (see, Section 100.9(b) of these Regulations) or a payment agreement plan to be established by the Water Revenue Bureau Conference Committee.

(5) A customer above 150% of the Federal poverty level who cannot meet the standard payment agreement terms described at Section 100.9(a) of these Regulations because of extraordinary expenses (e.g., a senior citizen with high medical expenses), must be referred by the WRB for either the 10/5 payment agreement plan or a payment agreement plan to be established by the Water Revenue Bureau Conference Committee.

(o) Accepted Applicants:

(1) Accepted applicants must apply for all available energy assistance funds as a condition of the payment agreement plan established by the Water Revenue Bureau Conference Committee.

(2) Accepted applicant may be required to participate in the Water Department's Water Conservation Treatment Program as a condition of the payment agreement plan established by the Water Revenue Bureau Conference Committee.

(3) The accepted applicant whose water-sewer service has been terminated will only be held responsible for payment of the service charge for the first year following termination.

(4) Waiver of Penalty- The City will waive the normal penalty for late payment during the course of a payment agreement plan established for a low-income customer. The penalty, however, will be reimposed upon breach of the payment agreement plan, but not on the portion of the arrearage paid prior to the breach.

(5) "Breach" of a payment agreement plan established by the Water Revenue Bureau Conference Committee is consistent with the definition of "breach" stated at

Section 100.9(i) of these Regulations. In the case of a breach of a payment agreement plan established by the Water Revenue Bureau Conference Committee, the customer will be afforded the same rights as appear in Sub-sections 100.9(i)-(k) of these Regulations.

(p) Final decisions of the Water Revenue Bureau Conference Committee may be appealed and are subject to hearings consistent with Sections 100.7 and 100.8 of these Regulations and Chapter 19-1700 of the Philadelphia Code.

### **100.10 Emergency Procedures**

(a) The WRB shall delay shut off of water service where shut off will aggravate an existing serious illness of any person who is a resident of the residential property, if:

(1) A written certification on a physician's stationery and signed by a physician is submitted to the WRB which sets forth the name, address, and telephone number of the physician, the name and address of the resident who is ill, that the physician has examined the person, the nature, seriousness and expected duration of the illness; and

(2) The affected resident makes a written certification that the shut off will aggravate an existing serious illness and acknowledges in writing that if before the end of the delay period the customer has not paid the delinquency in full or exercised any rights that may exist to enter into a payment agreement or request a hearing, or, in the case of an USTRA tenant-occupied property, if a payment has not been made by one or more tenants of the charges incurred in the thirty (30) days preceding the notice of shut off, service will thereafter be subject to shut off without further notice.

(3) The certification of illness shall delay shut off for the length of the illness or thirty (30) days from the date that the certificate is submitted, whichever is less, and may be renewed for an additional thirty (30) days.

(4) The right to delay shut off under this Section may only be exercised once in any twelve month period.

### **100.11 Procedure at Shut Off**

(a) Provided that no action to avoid or delay a shut off has been taken as provided herein, a Water Department shut off crew will visit the residential property on or after the scheduled date to shut off service.

(b) For customers who have not previously identified themselves to the WRB as being below 150% of the federal poverty level within the preceding twelve months, shut off of service may only be avoided under the following circumstances:

(1) If no payment agreement has previously been entered into for the delinquency and the customer has not previously avoided shut off by making payment under this paragraph, tender of the appropriate visit fee and 50% of the outstanding account balance to the crew by check, cashier's check or money order payable to the WRB.

(2) The customer must thereafter come to the WRB in person and enter into a payment agreement in the next five (5) business days or service will automatically be shut off on the sixth (6<sup>th</sup>) business day following the initial visit by the shut off crew.

All subsequent undisputed charges, including penalties on the unpaid delinquency, must be paid when due in



addition to the installments under agreement, or the agreement will be considered breached.

(3) If service is to be shut off for breach of a payment agreement whether or not the customer has not previously availed himself of his right to cure, tender of the appropriate visit fee and 100% of the outstanding balance on the agreement to the crew, by check, cashier's check or money order payable to the WRB.

(c) For customers whose income has been determined within the preceding twelve (12) months to be at or below 150% of the federal poverty level pursuant to 100.9, shut off of service may only be avoided under the following circumstances:

(1) If service is to be shut off for breach of a payment agreement for which the customer has not availed himself or herself of his or her right to cure, tender of the appropriate visit fee and 25% of the outstanding balance on the agreement to the crew, by check, cashier's check or money order, payable to the WRB.

(2) If service is to be shut off for breach of a payment agreement for which the customer has not availed himself or herself of his or her right to cure, tender of the appropriate visit fee and 50% of the outstanding balance to the crew, by check, cashier's check or money order.

(3) The customer must thereafter come to the WRB in person to enter into a payment agreement or renegotiate an existing payment agreement in the next five (5) working days or service will automatically be shut off on the sixth (6<sup>th</sup>) day following the initial visit by the shut off crew.

(4) All subsequent undisputed charges, including penalties on the unpaid delinquency, must be paid when due in addition to the installments under agreement, or the agreement will be breached.

(d) If partial payment in an amount approved by a WRB supervisor is received where no payment agreement has previously been entered into for the delinquency or if a showing of serious illness is made, service will be shut off without further notice, unless within five (5) days, the customer pays the balance in full, enters into a payment agreement for the balance due on the terms set forth in Section 100.9 of these Regulations or submits a certification of illness as provided in Section 100.10 of these Regulations.

(e) If service is to be shut off for lack of a meter reading, shut off may be avoided by permitting the shut off crew to read the meter and by paying the appropriate visit fee.

(f) When water service is shut off, the crew shall leave at the property a notice informing the residents of the shut off and what steps can be taken to restore the water service.

(g) Where the customer has given the WRB a "bad" check such as a check returned for insufficient funds within the previous thirty-six (36) months, the WRB will require payment of the sums listed above by certified check, cashier's check or money order. Cash will not be accepted under any circumstances.

#### **100.12 Restoration of Service**

(a) Service shall be restored within one (1) day, if possible, when the following conditions are met:

(1) The customer permits a meter reading or access to the meter for inspection, changes or repairs; and/or

(2) The customer permits installation of a meter if the dwelling unit is not separately metered. The dwelling unit must be set up for individual metering by a registered plumber to the Water Department's satisfaction at the expense of the customer or the owner. Installation charges for the meter will be charged to the customer; and/or

(3) The customer makes payment in full of the outstanding account balance and appropriate restoration charges; or

(4) One or more USTRA tenants pays the water/sewer charges incurred in the thirty (30) day period preceding the notice of shut off.

(b) For customers above 150% of the federal poverty level, who have been determined to be eligible for a payment agreement pursuant to Section 100.9 of these Regulations, above, if no payment agreement has previously been entered into for the outstanding account balance, payment of appropriate restoration charges and entry into a payment agreement as follows:

(1) Initial Payment: 50% of the total bill presently due, such payment to be made prior to restoration of water service.

(2) Subsequent Payments: The remainder of the outstanding delinquency shall be paid in installments equal to 25% of the original bill due at the time of shut off or 15% of the combined gross monthly income of the customer's household, whichever is less.

(3) Current Charges: All subsequent undisputed charges, including penalties on the unpaid delinquency, must be paid when due in addition to the installments under the payment agreement, or the agreement will be breached.

(4) If a payment agreement has previously been entered into and service has been shut off because of a breach thereof, 100% of the outstanding delinquency must be paid.

(b) For customers which are determined to be at or below 150% of the federal poverty level pursuant to Section 100.9 of these Regulations, if no payment agreement has previously been entered into for the outstanding account balance, entry into a payment agreement as follows:

(1) Initial Payment: 10% of the total bill presently due, including the restoration fee or 15% of gross monthly income, such payment to be made prior to restoration of water service.

(2) Subsequent Payments: The remainder of the outstanding delinquency shall be paid in installments equal to 5% of the original bill due at the time of shut off including the restoration fee, except that the penalty will be waived if all the other terms of the payment agreement are satisfied.

(3) Current Charges: All subsequent undisputed charges, including interest and penalties on the unpaid delinquency, must be paid when due in addition to the installments under the payment agreement, or the agreement will be breached.

(4) If a payment agreement has previously been entered into and service has been shut off because of a breach thereof,

25% of the outstanding delinquency must be paid.

(d) Where the customer has given the WRB a "bad" check or a check returned for insufficient funds within the previous twelve (12) months, the WRB will require payment of the sums listed in Sub-sections 100.11(b) and (c) of these Regulations by certified check, cashier's check or money order. Cash will not be accepted under any circumstances, except at the WRB.

(e) Upon good cause shown, the WRB may in its discretion allow restoration of service upon terms more favorable to the customer than otherwise permitted herein.

### **100.13 Posting of Customer Rights**

The WRB shall post in several conspicuous places in its office easily understood posters to notify customers of their rights, including the right to dispute the WRB's decision.

### **100.14 Modifications**

These regulations shall be subject to and shall be modified by any amendments to the Pennsylvania Utility Service Tenants Rights Act ("USTRA"), 68 Pa. C.S.A. §399.1 et seq. without further notice.

## **101.0 COMMERCIAL CUSTOMERS**

### **101.1 Definitions**

(a) Business Use Property: Any property used for either profit or non-profit that can be classified in the following categories:

(1) Residential Rental Property: Any single family home or multi-unit building acquired with the intent of or actually renting all or part of the property to another for use as a residential dwelling. A property

does not qualify as Residential Rental Property if it meets all of the following criteria:

(A) it is the principal residence of the owner;

(B) it consists totally of residential units; and

(C) it consists of less than four (4) units.

(2) Commercial Property: Property acquired or leased for purposes of carrying on a trade, business, profession, vocation or any manufacturing, commercial, service, financial or utility business or activity including, but not limited to, hotels, office buildings, gas service stations, laundries, commercial establishments, stores, malls, car washes, parking lots or any other commercial use.

(3) Combined Use Property: Property used as both Residential Rental Property and Commercial Property.

(b) Commercial Tenant: An individual or entity that leases a business use property pursuant to a current lease agreement.

(c) Commercial Property Owner: An individual or entity that owns a business use property.

(d) Commercial Customer: An individual or entity with title to a business use property, his duly authorized agent or his guaranteed lessee who by operation of law or agreement is primarily responsible for the payment of charges for water/sewer service at a business use property.

(e) Delinquent Bill: All water and sewer charges unpaid within the billing cycle in which they are due.

(f) Guaranteed Lessee: A commercial tenant to whom a commercial property owner has made an assignment of ownership rights by agreement thereby making the commercial tenant primarily responsible for the payment of water/sewer charges.

(g) Guarantor: A commercial property owner who guarantees payment of water/sewer charges by a guaranteed lessee.

### 101.2 Application for Service

The Water Revenue Bureau (“WRB”) will accept commercial property owners, their duly authorized agents or guaranteed lessees as Water Department customers and will direct the Water Department to provide water/sewer service in their names to their business use properties under the terms and conditions set forth in these regulations.

(a) Application to Become a Customer:

(1) A commercial property owner shall become a commercial customer as of the date of title transfer established by the record deed subject to the eligibility requirements set forth below.

(2) A commercial tenant who wishes to become a commercial customer of the WRB may apply to become a guaranteed lessee. To apply for customer status the commercial tenant (“applicant”) must submit:

(A) Name(s) of principals, a current business address and a current business license;

(B) A completed application and affidavit in such form as the WRB shall

from time to time deem appropriate wherein the applicant provides:

(i) Satisfactory evidence of the commercial property owner's consent to possession of the business use property by the commercial tenant. Such evidence will usually be in writing, including, for example, a current lease agreement for the business use property for which the applicant desires service, or other written evidence of tenancy or written evidence of the owner’s consent to occupancy; and

(ii) A written guarantee from the commercial property owner assuring payment of any water/sewer charges billed to the commercial tenant.

(3) Upon receipt of the evidence and documents required in Section (b) above, the WRB shall determine whether the commercial tenant is eligible to become a Water Department customer.

(4) All WRB determinations shall be made in writing upon the application form and a copy given or mailed to the applicant. After acceptance by the WRB, the guaranteed lessee customer shall be entitled to the same rights and subject to the same obligations as any other commercial customer of the WRB.

(b) Eligibility

A commercial property owner or commercial tenant (either shall be known as "applicant") is qualified to become a commercial customer under these regulations, UNLESS:

(1) The applicant has not paid or arranged to pay for past due charges for water/sewer service for which he is legally responsible at this or another service

address, including charges for unauthorized usage.

(2) The guarantor has not paid outstanding water/sewer charges at time of application;

(3) Water service to the business use property is legally off, there exist uncorrected Water Department violation(s) at the property and/or service to the property would endanger health or safety.

In determining whether uncorrected Water Department violations exist in a business use property, the WRB shall request that the Water Department promptly review its files and/or the property and provide the WRB with a listing of any violations. The applicant shall be given a written list of any violations and advised that it is his responsibility to correct the violations and provide a certification that the corrections have been made from a registered plumber before service will be provided. In no case will water service be provided if the business use property is found at any time by the Water Department to be in a condition not suitable to receive water, or in a condition which would create an emergency or dangerous condition to itself or another property.

(4) Service to a business use property necessitates revision of the Water Department's distribution facilities or acquisition of additional rights-of-way or the quantity of water required or expected pattern of usage negatively impacts existing customers or does not comply with the regulations governing water service and sewer service.

(c) Additional Conditions

(1) If the business use property is already separately metered, a meter reading must be taken before the applicant will be accepted as a customer. The reading may be taken by the applicant, but the WRB reserves the right to require a reading by the WRB or the Water Department before the applicant will be accepted. In such cases, the WRB will promptly order a meter reading and advise the applicant to facilitate reading of the meter.

(2) If the applicant's property is presently set up for individual metering but no meter is at the property, a meter will be installed before the applicant will be accepted as a commercial customer. In such cases, the WRB will promptly order from the Water Department the installation of a meter and advise the applicant to facilitate entry of the necessary Water Department personnel into the property for this purpose. Meter charges must be paid before water services will be provided.

(3) If the applicant's property is not individually metered, the dwelling unit must be set up for individual metering by a registered plumber to the Water Department's satisfaction at the expense of the applicant and a water meter must be installed before an applicant will be accepted as a commercial customer. Installation charges must be paid before water service will be provided.

(d) Turn-on of Service  
Notwithstanding any other provision of these regulations, where service has previously been shut off by the Water Department or the WRB for any reason under these regulations, and the WRB has been notified that the Department of Licenses and Inspections has determined the premises to be in dangerous or imminently dangerous condition pursuant to the

Building Code, Title 4 of the Philadelphia Code, service will be provided only upon the prior written consent of the Department of Licenses and Inspections.

(e) Rejection of Application

If the applicant is rejected as a commercial customer, the WRB shall so indicate on the application and give its reasons therefore in writing in the appropriate space on the application. WRB will note any condition that must be met and itemize charges that must be paid in order to obtain service. A copy of the rejected application shall be promptly mailed to the applicant.

(f) Revocation of Acceptance of Guarantee

Should the WRB after issuance of a written acceptance of the application receive written notice, in a form acceptable to the WRB, that the payment guarantee by the commercial property owner has been withdrawn, revoked or rescinded, the WRB may deny, revoke and rescind customer status to the commercial tenant. The WRB will give its reasons for revocation or rescission in writing. The revocation and rescission will be effective ten (10) days after notice to the applicant unless the applicant requests a hearing to dispute withdrawal of the guarantee.

(g) Termination of Customer Relationship

(1) After acceptance by the WRB of an application, commercial customers will remain responsible for paying all future charges for water/sewer service to business use properties until such time as there is:

(A) a revocation of the payment guarantee by the guarantor;

(B) acceptance of a new commercial customer for the business use property by the WRB and the taking of a final meter reading; or

(C) Issuance of a discontinuance permit and termination of service at the commercial property owner's request provided there is no outstanding guarantee on the property.

(2) The Guarantor shall notify the guaranteed lessee of the termination of their status as customers in writing by first class mail.

(3) Commercial property owners remain responsible for paying water/sewer charges until the issuance of a discontinuance permit or replacement by a new commercial customer.

**101.3 Shut off of Service**

(a) Nothing in this regulation shall modify the Water Department's right to shut off service without prior notice to prevent or alleviate an emergency which presents a danger to life or property.

(b) The WRB may cause the Water Department to terminate water service at a business use property, after an appropriate shut off notice has been given on the following grounds:

(1) commercial customer delinquency for one thirty (30) day billing period;

(2) The Water Department or the WRB is denied for two consecutive billing periods access to the business use property to read, make changes or repair the meter or the commercial customer has unreasonably refused to take or permit a meter reading or to provide access to the meter.

## 101.4 Notice of Shut Off

### (a) Shut off Notice to Commercial Customer

A shut off notice will be mailed to a commercial customer. The shut off notice shall include at least the following information, in such form as the WRB shall from time to time deem appropriate.

- (1) Account number,
- (2) Address of property,
- (3) Amount past due,
- (4) Date on or after which water service will be shut off,
- (5) To avoid shut off customer must:
  - (A) Pay the entire balance, including penalty, before the shut off date; or
  - (B) Negotiate a payment agreement before the shut off date; or
  - (C) Make an appointment for a meter reading or for access to the meter by the Water Department, such appointment to be scheduled within ten (10) days of the shut off date.
  - (D) Request a hearing within ten (10) days if a dispute exists as to:
    - (i) commercial customer's responsibility for the bill,
    - (ii) amount due or other possible errors in the bill
    - (iii) Whether the WRB has properly applied payment agreement terms,

(iv) Whether the commercial customer has unreasonably refused to take or permit a meter reading or to provide access to the meter.

(6) A timely hearing request will prevent shut off until a final decision is made.

(7) A hearing request may be made by telephone, in person or in writing, and must be received within ten (10) business days prior to the date of shut off.

(8) A telephone number to call for further information or explanation.

### (b) Shut off for Lack of Meter Access

If shut off is due to lack of a meter reading or lack of access to the meter, the WRB will contact the commercial customer by telephone or send a reminder notice which states: "Your water service is subject to shut off unless [a meter reading] [access to your meter] is obtained within thirty (30) days. For further information, see the enclosed shut off notice."

## 101.5 Notice Schedule

(a) Commercial customers subject to shut off for any of the reasons stated in these regulations will receive one prior written notice of the scheduled shut off date.

(b) A shut off notice scheduling shut off no earlier than ten (10) days after a commercial customer has been delinquent for one billing cycle will be issued no earlier than the date of the first delinquent bill. This will be the final notice scheduling shut off.

(c) A shut off notice scheduling shut off for a commercial customer who has refused the

City access to the meter pursuant to Section 101.3 of these Regulations will be mailed to the commercial customer.

(d) If the commercial customer does not permit a reading or access to the meter, pay the delinquent bill in full, enter into a payment agreement, or request a hearing, water service to the business use property will be subject to shut off any time on or after the shut off date set forth on the notice, unless the property is occupied by a residential tenant, in which case appropriate notice shall be provided as specified in Section 100.5 of these Regulations.

### **101.6 Hearings**

(a) Upon timely request, a commercial customer may request an informal hearing before the WRB to:

(1) Dispute the commercial customer's responsibility for the charges on the water and sewer bill;

(2) Dispute the amount due or any possible errors in computing charges on the water and sewer bill

(3) Dispute whether payment agreement terms have been properly applied

(4) Dispute shut off for failure to take or permit a meter reading or to provide access to the meter

(5) Dispute shut off for non payment or lack of access to the meter to change repair or read.

(b) To be timely, requests for hearing must be made:

(1) within thirty (30) days of the due date of the disputed bill; or

(2) ten (10) days prior to the shut off date.

Thereafter, the right to request a hearing is waived, except to dispute charges accruing and determinations made after the date of the shut off notice.

(c) Hearing requests may be made in person to the WRB, or by telephone or mail. If shut off has not occurred, the WRB may upon good cause shown grant a hearing request made after the scheduled shut off date, or more than ten (10) days after the shut off notice.

(d) Where a hearing is requested and service to a property is on, the WRB shall give at least ten (10) days notice by regular mail to the customer and his or her specified representative, if any, setting forth the time, date and place of hearing and the customer's rights at the hearing as set forth in Sub-sections 101.6 (e) through (k) of these Regulations, provided that an earlier hearing may be scheduled by mutual agreement. Where a hearing is requested and service to a property is off, the WRB shall schedule a hearing to be held within ten (10) days, unless a later time is requested.

(e) The commercial customer or applicant or his or her designated representative who need not be an attorney, may request in writing or may visit the WRB in person to review and receive copies of any available documents at any time during regular working hours prior to the date of the hearing, including any computer printout relevant to the billings for water/sewer service to the business use property.

(f) Upon showing of good cause by the commercial customer or applicant, one continuance of the hearing shall be granted for a total period not to exceed ten (10) days.



Additional continuances may be granted within the discretion of the WRB.

(g) The hearing shall be continued by an impartial hearing officer who shall be an employee of the City knowledgeable about water usage, billing practices and procedures, but who has not previously discussed or considered the dispute with the commercial customer or applicant, except in his or her capacity as a hearing officer.

(h) At the hearing, the hearing officer shall consider all relevant evidence and shall permit the presentation and questioning of relevant witnesses and documents as determined by the hearing officer. The commercial customer may bring a representative who need not be an attorney.

(i) The hearing officer may request a meter rereading or leak inspection at no charge to the commercial customer and/or a meter test, the cost of which will be charged to the commercial customer if the test shows that the meter is accurate within 2%. The hearing officer shall review such evidence in reaching a final decision on the dispute.

(j) After the hearing, the hearing officer shall send to the commercial customer or applicant and to his specified representative, if any, by first class mail a written decision with a summary of the facts and reasoning, which is the basis of the decision. A copy of any meter rereading, inspection or meter test shall be attached to the hearing decision.

(k) Thereafter, any obligation of the commercial customer or applicant affirmed by the hearing officer must be satisfied within thirty (30) days of the date of the decision. Upon the expiration of the thirty (30) days, unpaid charges shall be delinquent.

### **101.7 Rights Pending Final Decision**

(a) A notice of a commercial customer's rights of review, compromise, waiver and refund with the Tax Review Board ("TRB") and the Department of Revenue under Chapter 19-1700 of the Philadelphia Code and the stay procedures set forth below shall be included by the hearing officer in every hearing decision.

(b) If a commercial customer timely files a petition for review with the TRB raising matters within the jurisdiction of the TRB and the matters were raised before the hearing officer, the WRB will stay further shut off action pending a final decision of the TRB, provided that the commercial customer promptly notifies the hearing officer in writing of the petition and pays or arranges to pay any undisputed past charges, including penalties, and thereafter complies with any outstanding payment agreements and pays or arranges to pay all current charges when due in the future.

If a stay is revoked because a commercial customer's failure to comply with these conditions, the WRB shall give at least ten (10) days written notice by mail of its intention to shut off service. In no case, will the filing of a petition for review require the WRB to restore service already shut off.

(c) After a final decision of the TRB, the WRB will mail a final bill to the commercial customer with a notice that the commercial customer will have thirty (30) days from the date of the bill to pay or enter into payment agreement with the WRB to pay the original or modified charges or the business use property will be subject to shut off without further notice, unless the property is occupied by a residential tenant, in which case appropriate notice shall be provided as specified in Section 100.5 of these Regulations.

(d) If the commercial customer files a petition for compromise, waiver or refund, the commercial customer may apply in writing to the WRB which may in its discretion grant a stay of further shut off action pending final decision on the petition. If a stay is granted, the procedures Sub-sections 101.7 (b) and (c) shall apply.

### **101.8 Payment Agreements**

(a) Commercial customers may negotiate a payment agreement with the WRB. Such agreements will have the following standard terms:

(1) To enter an agreement fifty percent (50%) of the outstanding balance must be paid at the signing of the agreement. The WRB may, with proof of personal and business financial condition as specified in Section 101.8 (a)(5) of these Regulations, accept thirty-three percent (33%) of the outstanding balance with supervisory review and twenty-five percent (25%) of the outstanding balance with management review.

(2) The balance outstanding must be paid in six (6) equal installments beginning thirty (30) days after the initial down payment.

(3) All current bill(s) must be paid when rendered.

(4) A three (3) month extension on the payout of the balance (nine (9) month payout) may be granted with supervisory review and approval. Any payout exceeding nine (9) months will require management review and approval.

(5) If a commercial customer requests a payout to exceed nine (9) months, proof of personal and business financial condition

must be presented. Proof of financial condition shall include:

(A) a statement by the commercial customer.

(B) one (1) full year of financial statements, i.e., tax returns, income statements: cashflow analysis (actual and projected), profit and loss statements.

(6) Payout may not exceed twelve (12) months. A payment agreement will be granted only once in a twelve (12) month period.

(7) Commercial accounts are not eligible for consideration for medical emergencies or utility grants.

(b) "Breach" of a payment agreement means failure to make timely payment of the initial payment or subsequent payments, failure to pay current charges when due including penalties and tender of a "bad" check or a check returned for insufficient funds to the WRB.

(c) If a commercial customer requests a hearing pursuant to Section 101.6 of these Regulations, within the time period provided in the shut off notice after a payment agreement has been breached, the only issue which will be considered at the hearing will be the commercial customer's compliance with the terms of the payment agreement.

(d) Subsequent to the mailing or delivery of a shut off notice as a result of a breach of the payment agreement, and prior to actual shut off, a commercial customer shall have a one-time right to cure the breach and resume payments in accordance with the terms of the payment agreement.

### **101.9 Procedure at Shut Off**

Provided that no action to avoid or delay a shut off has been taken as provided herein, a Water Department shut off crew will visit the property on or after the scheduled date to shut off service.

### **101.10 Restoration of Service**

(a) Service shall be restored within 24 hours, if possible, when the following conditions are met:

(1) The customer makes payment in full of the outstanding account balance and appropriate restoration charges; or

(2) The customer enters into a payment agreement; or

(3) The customer permits a meter reading or access to the meter for inspection, changes or repairs; and/or

(4) The customer permits installation of a meter if property is not separately metered. The property must be set up for individual metering by a registered plumber to the Water Department's satisfaction at the expense of the commercial customer or the commercial property owner. Installation charges for the meter will be charged to the customer.

**CHAPTER 2  
ASSISTANCE PROGRAMS**

**200.0 HOMEOWNER EMERGENCY  
LOAN PROGRAM**

**200.1 Purpose**

The Homeowner's Emergency Loan Program (HELP) loan is an interest free, installment payment loan, for water service line and/or sewer lateral repairs, administered by the City of Philadelphia Water Department (the "Department"). Approved applicants will enter into an agreement ("Agreement") with the Department, committing to repay the total costs of the repair work to the City of Philadelphia. A plumber will be selected by the Department who will complete the repairs.

**200.2 Eligibility**

Eligibility is subject to the availability of funds allocated for this program. To be eligible for the program, all of the following conditions must be met:

- (a) Applicant is the property owner(s) of record; and
- (b) Applicant resides on the property; and
- (c) The property does not contain more than four (4) units; and
- (d) The property is in need of emergency water service line and/or sewer lateral repair as evidenced by a Notice of Defect and/or Notice of Violation; and
- (e) There shall be no water/sewer arrearage on the property over seventy-five (\$75), except as may be covered by a current

payment agreement with the Water Revenue Bureau or its agent(s); and

(f) Applicant shall consent to the placement of a lien on the property for the amount of the total costs of the repair work.

**200.3 Loan Amounts and Payment  
Responsibilities:**

- (a) Applicant shall enter into the currently existing standard HELP Agreement;
- (b) The loan amount shall be determined by the Department, based upon the total costs of the repair work;
- (c) The property owner shall repay the loan amount to the Department in sixty (60) equal monthly installments.

**200.4 Delinquencies:**

(a) If the property owner fails to make two (2) consecutive payments, property owner will be in default of the Agreement, and the outstanding balance shall become immediately due and owing without further notice. Upon default, interest at the rate charged for water/sewer arrearages, a penalty fee of five percent of the total loan amount, and the cost of filing the lien will be added to the outstanding balance and as part of the lien. Should the property owner subsequently satisfy the missed payments, interest shall continue to accrue for the remaining term of the loan;

(b) Delinquencies are not subject to Section 100.9 of these Regulations.

## **201.0 BASEMENT BACKFLOW PREVENTION PROGRAM**

### **201.1 Definitions**

(a) Basement backflow prevention device shall mean any valve, mechanism or apparatus installed on any fixture, toilet or drain that prevents water from the City's sewers from backing up into a property's basement during rain events.

(b) Basement Backflow Prevention Program shall mean the program managed by the City pursuant to these regulations.

(c) City shall mean the City of Philadelphia acting through its Water Department or other City departments.

(d) City sewers and City sewer system shall mean only those pipes and infrastructure owned and maintained by the City and shall not include sewer laterals that are owned and maintained by property owners.

(e) Program Application shall mean the form created by the Water Department which must be completed by a property owner in order for the City to verify the property owner's eligibility for the Basement Backflow Prevention Program.

### **201.2 General Policy**

During certain very heavy rain events the City's sewer system can become surcharged. This excess water in the City's sewer system can then backup into basements through fixtures, toilets, or floor drains connected to the City's sewer system. The purpose of the Basement Backflow Prevention Program is to prevent water from surcharged City sewers from backing up into people's basements through fixtures connected to the City's sewers by installing basement

backflow prevention devices on these fixtures. The City shall pay all costs directly related to the purchase and installation of the basement backflow prevention devices that are installed pursuant to the Basement Backflow Prevention Program.

### **201.3 Eligibility**

(a) Any property that, during rain events, experiences water from the City's sewers backing up into its basement through basement fixtures, toilets or floor drains that are connected to the City's sewer is eligible to participate in the Basement Backflow Prevention Program as set forth in these regulations. The property owner must submit a Program Application and must comply with all requirements of the Application Process set forth in Section 201.4 of these Regulations. If eligible, the property owner may receive basement backflow prevention device(s) in accordance with the prioritization set forth in Section 201.3(b) of these Regulations.

(b) In order to efficiently use its resources the City may prioritize eligible properties for the installation of basement backflow prevention devices based on the City's review of the individual circumstances of each property. In prioritizing when the homeowner may receive the backflow prevention devices the City may consider the following factors:

(1) the schedule for the completion of the long term flooding solutions in the homeowner's area;

(2) the frequency of basement backups in the property;

(3) the severity of basement backups in the property;

(4) availability of sufficient funds and resources to implement the Basement Backflow Prevention Program; and

(5) any other factors the City deems reasonable and appropriate for the prioritization of installation of the basement backflow prevention devices.

(c) If for some reason a basement backflow prevention device can not be installed or is ineffective the City may consider protecting the basement from backflow through other means or devices.

#### **201.4 Application Process**

An eligible property owner must take the following actions in order to participate in the Basement Backflow Prevention Program:

(a) Complete and return the Program Application.

(b) Allow timely access to the City and/or its contractors for the purposes of inspecting the property and installing the basement backflow prevention devices.

(c) Remove any object or obstructions in the basement which restricts access to the fixture or prevents installation of the basement backflow prevention devices.

(d) Sign the Basement Backflow Prevention Agreement.

(e) Be current on the property's water and sewer bill such that there is no arrearage over seventy five dollars (\$75), except as may be covered by a current payment agreement with the Water Revenue Bureau or its agents.

#### **201.5 Basement Backflow Prevention Devices**

(a) The Basement Backflow Prevention Program provides fixture level protection in order to prevent backups into basements. Therefore, an eligible property whose owner completes the Application Process shall receive a basement backflow prevention device.

(b) Selection of the basement backflow prevention devices shall be at the City's discretion.

(c) The use of fixtures in which a basement backflow prevention device has been installed may be restricted during rain events. The Basement Backflow Prevention Agreement shall specify what restrictions, if any, may apply to the operation of the fixture.

(d) The City shall bear all costs directly related to the purchase and installation of the basement backflow prevention devices that are installed pursuant to the Basement Backflow Prevention Program.

#### **201.6 Ownership And Maintenance Of The Basement Backflow Prevention Devices**

Once installed, the property owner shall own and maintain the basement backflow prevention device. The property owner is solely responsible for the testing, maintenance, upkeep and replacement of the basement backflow prevention device. This provision shall be specifically included in the Basement Backflow Prevention Agreement.

### **201.7 Release Of Liability**

The City shall not be responsible for any damages or associated costs resulting from inoperable or malfunctioning basement backflow prevention devices and/or damages arising from the installation of the basement backflow prevention devices. This provision shall be specifically included in the Basement Backflow Prevention Agreement.

### **201.8 Basement Backflow Prevention Agreement**

The City shall create a Basement Backflow Prevention Agreement that every property owner must sign in order to participate in the Basement Backflow Prevention Program. The Agreement shall include, but not be limited to, the following provisions:

- (a) An explanation of what the basement backflow prevention device is and how it works;
- (b) An explanation regarding limitations on its use, if any, during rain events;
- (c) Maintenance requirements and an acknowledgment by the property owner that the property owner, once the basement backflow prevention device is installed, owns the device and is solely responsible for its maintenance, testing and upkeep;
- (d) A liability release from the damages related to any failure of the basement backflow prevention devices and/or the installation of the basement backflow prevention devices.

### **201.9 Reimbursement Policy**

Where an eligible property owner has installed a basement backflow prevention device within three (3) years prior to the effective date of this Regulation the property owner may be eligible for reimbursement for some or all of the expense incurred in the purchase and installation of the device. In order to be eligible for reimbursement the following conditions must be met:

- (a) The property owner would have been eligible to participate in the Basement Backflow Prevention Program had it been in effect; and
- (b) The property owner provides the City with the original documentation and receipts regarding the purchase and installation of the device and signs a notarized document attesting to the facts that they are the property owners, that the receipts presented are true and authentic, that the work has been completed and that they have already paid in full the amounts reflected on the receipts; and
- (c) The amount of reimbursement shall be no greater than what the City would have spent had the City installed a basement backflow prevention device pursuant to the Basement Backflow Prevention Program currently in effect; and
- (d) The property owner must be current in all water and sewer bills; and
- (e) Reimbursement shall be subject to the availability of funding.

## **CHAPTER 3 RATES AND CHARGES**

### **300.0 PROCESS FOR SETTING WATER AND SEWER RATES**

#### **300.1 Purpose**

The Water Department, as authorized by the Philadelphia Home Rule Charter Section 5-801, fixes and regulates rates and charges for supplying water and sewage disposal services, in accordance with standards set by the Philadelphia City Council. These standards are codified at Section 13-101 et seq. and 13-201 et seq. of the Philadelphia Code.

Pursuant to these standards and the Philadelphia Home Rule Charter, the Water Department promulgates the following regulations to obtain relevant comments and information from any affected person, corporation or entity, regarding proposed changes in rates and charges.

#### **300.2 Definitions**

For the purposes of these regulations, the following words and phrases shall mean and be interpreted pursuant to the below definitions. Whenever any of these words appear in these regulations in the singular or plural form, the opposite shall also hold if applicable.

(a) Close of Record: The last day of public input hearings or technical review hearings, whichever is later.

(b) Current Rates and Charges: The current rates and charges in the tariffs for water and/or sewer services provided by the Philadelphia Water Department.

(c) Hearing Officer: The person who shall preside over the Rate Change Proceeding

and shall have the powers and duties set forth in Section 300.3 of these Regulations

(d) Hearing Officer Report: The Hearing Officer's recommended findings of fact, recommended conclusions of law and recommended decision on any proposals concerning any rate, charge, rate structure and/or tariff.

(e) Home Rule Charter: The Philadelphia Home Rule Charter, as codified in Pennsylvania First Class City Home Rule Act, April 21, 1949 P.L. 665, 351 Pa. Code §1-100 et seq.

(f) Party: Any individual, corporation or entity affected by the Water Department's proposed rates and charges who notifies the Department of Records or the Hearing Officer of a desire to participate fully in the technical review hearings as a Party. A Party will participate on the same basis as the Water Department and the Public Advocate.

(g) Philadelphia City Council: The legislative branch of the government of the City of Philadelphia with the duties, powers and obligations set forth in the Home Rule Charter.

(h) Philadelphia Code: The body of laws and regulations enacted by the Philadelphia City Council.

(i) Philadelphia Department of Records: The operating department of the City of Philadelphia with the duties, powers and obligations set forth in the Home Rule Charter and the Philadelphia Code.

(j) Rate Change Proceeding: The process by which a change in rates, charges, rate structure and/or tariff is authorized.



(k) Rate Determination: The Water Commissioner's final decision as to the proposed changes in rates and charges.

(l) Water Commissioner: The Water Commissioner of the City of Philadelphia who performs the duties and obligations as set forth in the Philadelphia Home Rule Charter and the Philadelphia Code.

(m) Water Department: The operating department of the City of Philadelphia with the duties, powers and obligations set forth in the Home Rule Charter and the Philadelphia Code. For all purposes related to the Rate Change Proceeding, the Water Department shall be considered to include the Water Revenue Bureau of the Revenue Department. Nothing in these regulations shall be construed to change, alter, or modify the functions, powers, responsibilities or authority of the Water Revenue Bureau or the Water Department under the Home Rule Charter or the ordinances of the City of Philadelphia.

### **300.3 Hearing Officer**

(a) Appointment: The Hearing Officer shall be appointed by the Mayor, the President of City Council, and the City Controller within ninety (90) days of the submission of the Water Department's proposed change in rates and charges to the City Council pursuant to Sub-section 300.6(a)(1) of these Regulations.

(b) Compensation: The Hearing Officer shall receive compensation pursuant to the terms of the contract between the Hearing Officer and the City of Philadelphia.

(c) Duties: The Hearing Officer shall have the duty, power and authority to:

(1) Schedule all public input hearings and technical review hearings including time and locations

(2) Conduct and preside over all public input hearings and technical review hearings

(3) Make rulings on any requests for information and resolve any procedural disputes

(4) Prepare the Hearing Officer Report, which shall be based on the Hearing Record

(5) Submit the Hearing Officer Report to the Water Commissioner and all Parties

(6) Make all procedural rulings necessary to conduct a fair, impartial and expeditious hearing process.

(d) The Hearing Officer has no authority, power, or right to make any ruling which is contradictory to these regulations, the Philadelphia Code, the Home Rule Charter, or the existing laws of the Commonwealth of Pennsylvania.

### **300.4 Computation of Time**

(a) Computation of Time: In computing any time(s) set forth in these regulations, the following shall apply:

(1) Day(s): Unless otherwise stated, days shall mean calendar days. If the last day is a Saturday, Sunday or a legal holiday for the City of Philadelphia, the deadline shall be the next regularly scheduled business day.

(b) Regular business hours: This shall mean the business hours of the Philadelphia Water Department and generally, unless

specifically stated differently, means 9:00 a.m. to 4:45 p.m.

### **300.5 Public Advocate**

(a) Appointment:

(1) A Public Advocate shall be appointed jointly by the Mayor, the President of City Council and the City Controller upon receiving notice from the Water Commissioner that changes in the current rates and charges are proposed by the Water Department.

(2) If the City of Philadelphia establishes an Office of Consumer Advocate or a similarly designated office, that office may act as the Public Advocate.

(b) Duties:

(1) The Public Advocate shall have the responsibility of representing the class of residential customers in the Rate Change Proceedings.

(2) The Public Advocate shall be a Party in the Rate Change Proceedings.

(c) Compensation:

(1) The Public Advocate shall receive compensation pursuant to the terms of a contract between the Public Advocate and the City of Philadelphia.

(2) Any contract between the City of Philadelphia and the Public Advocate for the Rate Change Proceedings shall not cover any appeal of the Rate Change Determination.

### **300.6 Notification of Proposed Changes in Rates and Charges**

(a) Intragovernmental Notice:

(1) The Water Department's proposed change in rates and charges shall be submitted to the City Council at least thirty (30) days in advance of filing the proposed change in rates and charges with the Department of Records. The submission to Council shall include full documentation of the projected revenues and expenses of the Water Department and significant engineering, operating and financial issues which the Department proposes as justification of the proposed changes in rates and charges.

(b) Public Notice:

(1) After submitting notification of the proposed change in rates and charges to City Council notice of the proposed change in rates and charges shall be advertised one day per week, for three consecutive weeks, in prominent location, in at least two newspapers with daily editions, circulation of at least 10,000, and published in the City of Philadelphia. The advertisement shall state that the Water Department's proposed change in rates and charges may be examined at designated locations and shall state an estimate of the average percentage residential bill increase. Financial, engineering and other relevant data upon which the Water Department's proposed change in rates and charges are based shall be available for public inspection at locations and at times set forth in the public notice.

(2) Upon notice to City Council and thereafter until the close of the hearing record; notice of the Water Department's proposed changes in rates and charges,

estimating the average percentage residential bill increase, shall be posted in conspicuous locations in all Water Department and Water Revenue Bureau offices which accept customer payments or which provide direct customer services. The Notice shall include the name and telephone number of a Water Department representative, as well as that of the Hearing Officer and the Public Advocate.

No sooner than thirty (30) days after the Water Department's proposed change in rates and charges have been submitted to City Council the proposed change in rates and charges shall be filed with the Department of Records in accordance with the Home Rule Charter §8-407 and public notice shall be published in accordance with the regulations of the Department of Records.

(4) The times, dates and locations of the pre-hearing conference and all hearings on the Water Department's proposed change in rates and charges shall be advertised in at least two (2) newspapers with daily editions of at least 10,000, and published in the City of Philadelphia at least three (3) days before each hearing, except as permitted in Sub-section 300.7 (d) of these Regulations.

### **300.7 Public Input Hearings**

(a) The purpose of the public input hearings is:

(1) To permit any affected person, corporation or entity to provide relevant information, comments and documents to the Water Department; and

(2) To assist the Water Department in the collection of data relevant to its proposed changes in rates and charges; and

(3) To provide public access to Water Department personnel for explanations and/or answers to relevant inquiries regarding the reasons for the proposed changes in rates and charges.

(b) The public input hearings shall be held after the Water Department's proposed change in rates and charges has been filed with the Philadelphia Department of Records.

(c) The Hearing Officer shall schedule all public input hearings. A minimum of four (4) public input hearings shall be held. Additional public input hearings may be scheduled at the Hearing Officer's discretion. At least one of these four (4) public input hearings shall be scheduled on a day no sooner than thirty-one (31) days after the filing of the Water Department's proposed change in rates and charges with the Department of Records. The Hearing Officer shall make reasonable efforts to schedule public input hearings at locations and times that are accessible to the general public.

(d) Notice of public input hearings shall be advertised pursuant to Sub-section 300.6 (b)(4) of these Regulations, except that once a public input hearing has been convened by the Hearing Officer, the hearing may be continued to another time, date or location by the Hearing Officer without any additional notice under Sub-section 300.6 (b)(4) of these Regulations.

(e) Participation at Public Input Hearings

Any affected person, corporation or entity, hereinafter "Participant", may present relevant information and comments regarding the proposed change in rates and charges in public input hearings.

(1) In writing: The public is encouraged to submit its concerns and information in writing. Written submissions provide the Hearing Officer and the Water Department with clear documentation of the public's concern. No particular form is required, but submissions must be legible, signed and mailed to or delivered to the Hearing Officer at the public input hearing before or at which the document is entered into the record. The Hearing Officer shall make arrangements for all documents to be available to any participant.

(2) Orally: Participants may present concerns and information orally at the public input hearings. Time limits for presentations may be established by the Hearing Officer as necessary or desirable.

(3) Questions: Water Department representatives will be present at the public input hearings to respond to relevant questions regarding the proposed change in rates and charges.

(f) Information and comments provided in oral or written form accepted by the Hearing Officer shall be part of the record.

(g) A stenographic record shall be made of all public input hearings.

(h) Presentations at the public input hearings shall not be under oath or affirmation.

### **300.8 Technical Review Hearings and Reports**

(a) The purpose of this section is to permit the Water Department and other Parties to establish a record supporting their proposals and addressing other proposals submitted in the Rate Change Proceeding.

(b) Technical Review Hearing

(1) The Hearing Officer shall use best and most timely efforts to conform the technical review hearings and related process to the timeframes set forth herein to ensure that the Hearing Officer's Report, based upon a fully briefed record, is submitted 125 days from the submission of proposed changes in rates and charges to City Council.

(2) Within thirty (30) days of the submission of the Water Department's proposed changes in rates and charges to City Council, the Hearing Officer shall schedule a pre-hearing conference.

(3) Within forty-five (45) days of submitting its proposed changes in rates and charges to City Council, the Water Department shall present its representatives for questioning by counsel of the parties.

(4) After the conclusion of questioning of Water Department representatives by other Parties, such other Parties shall file their initial position papers with the Hearing Officer, including all supporting documents and work papers to the extent practicable. This filing shall be made within seventy-five (75) days of the Water Department's submission of proposed changes in rates and charges to City Council.

(5) Seven (7) days after the filing of post hearing briefs all Parties and the Water Department may file a reply brief.

(6) Rebuttal and surrebuttal positions may be submitted for the Hearing Record orally or in writing, and expeditiously questioned thereafter and before filing of post hearing briefs unless all Parties waive such rebuttals.

(7) All hearings shall be completed and the record shall close no later than

ninety (90) days after the Water Department's submission of proposed changes on rates and charges to City Council.

(8) Within fourteen (14) days of the close of the hearing record, all Parties and the Water Department may file a post hearing brief.

(9) Seven (7) days after the filing of post hearing briefs, all Parties and the Water Department may file a reply brief.

(10) A stenographic record shall be made of all technical review hearings.

(11) Presentations at the technical review hearings shall not be under oath or affirmation.

(c) Information Exchange

(1) Parties shall be granted reasonable information gathering rights so as to permit development of a complete hearing record. Requests shall be streamlined as much as practicable and be consistent with the need for timely decision making by the Hearing Officer.

(2) Information requests may be oral or in writing, and may include but are not limited to, requests for data or documents, requests for written answers to questions or informal meetings.

(3) Upon the request of a Party or the Water Department in the technical review hearings, responses to information requests shall be included in the Hearing Record upon acceptance by the Hearing Officer.

(4) Responses to information requests shall be provided as soon as available and not more than ten (10) days after requests

are made. Any objections to information requests shall be served on all active Parties and the Hearing Officer within five (5) days after receipt of the request.

(5) Information requests shall be ongoing until the commencement of technical review hearings provided, however, that after the beginning of the technical review hearing data requests not inconsistent with milestones herein described shall be permitted until the close of the Hearing Record.

(6) Promptly following the submission of the Parties' position papers, the Parties' technical experts shall be made available for informal questioning.

(7) The Hearing Officer shall not be bound by formal rules of procedure except as the Hearing Officer has determined and has ruled are appropriate for the purpose of compiling a full record.

(8) Notice of technical review hearings shall be advertised pursuant to Sub-section 300.6 (b)(4) of these Regulations, except that once a technical review hearing has been convened by the Hearing Officer, the hearing may be continued to another time, date or location by the Hearing Officer without any additional notice under Sub-section 300.6 (b)(4) of these Regulations.

### **300.9 Hearing Record**

(a) The Hearing Record shall consist of the following:

(1) The Water Department's proposed change in rates and charges.

(2) All financial, engineering and other related data submitted by the Water

Department to City Council and/or the Department of Records.

(3) All information accepted into the record by the Hearing Officer, from both the public input hearings and the technical review hearings.

(4) The stenographic record of the public hearings and technical review hearings.

### **300.10 Decision on Changes in Rates and Charges**

(a) Within fourteen (14) days of the due date for reply briefs, the Hearing Officer shall submit the Hearing Officer Report to the Water Commissioner. All Parties shall be sent a copy of the Hearing Officer Report.

(b) The Water Commissioner, in making the Rate Determination on the proposed changes in rates and charges, shall fully consider and give substantial weight to the Hearing Officer's Report and the Hearing Record. The Rate Determination shall make reference to sections of the Hearing Record supporting the conclusions contained in the Rate Determination. The Water Commissioner may accept, reject or modify all or any parts of the Hearing Officer's Report. Should the Water Commissioner have cause to reject or modify all or any parts of the Hearing Officer's Report, the Rate Determination shall state the reasons for the modification or rejection in the Rate Determination, making reference to those portions of the Hearing Record supporting the Rate Determination.

(c) The Rate Determination of the Water Commissioner shall include instructions to the Water Department to prepare a new tariff incorporating the new rates and charges and any changes in rate structure or

terms of service and other issues included in the Rate Determination. The new tariff shall conform to the Rate Determination.

(d) The Rate Determination of the Water Commissioner shall be filed with the Department of Records and shall be sent to all Parties.

(e) The effective date of the changes in the rates and charges shall be the date set in the Rate Determination but shall not be sooner than ten (10) days after the new rates and charges are filed with the Department of Records.

### **300.11 Conformity with Existing Law**

Nothing contained in these regulations shall be deemed to overrule or annul any existing provisions of the Home Rule Charter or the Philadelphia Code.

### **300.12 Severability**

If any provision, paragraph, word or sections of these regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words and sections shall not be affected and shall continue in full force and effect.

## **301.0 WATER CHARGES**

Pursuant to Section 5-801 of the Home Rule Charter and Chapter 13-100 of the Philadelphia Code, and in order to continue the Water Fund on a self-sustaining basis, charges for water service supplied by the City of Philadelphia shall be effective on August 1, 2005, as follows:

### **301.1 General Customers**

Charges for the supplying of water shall be determined and billed as follows.

(a) Charges and billing in general:

(1) Water charges shall consist of a service charge and quantity charge.

(2) A service charge shall be billed monthly.

(3) As set forth in Sub-section 301.1(b) of these Regulations, the size of the meter shall determine the service charge.

(4) In addition, there shall be a quantity charge as provided herein for water used in a billing cycle, either as metered or as estimated.

(5) Quantity charges shall be billed for monthly cycles as provided herein. The cycle shall be the period between the dates of scheduled metered readings, actual or estimated.

(b) Monthly service charges:

(1) For the eleven-month period from August 1, 2005, through June 30, 2006, the monthly service charge for the various sizes of meters shall be as follows.

Size of Water Meter in				
<u>Inches</u>	<u>Code</u>	<u>Water</u>	<u>Sewer</u>	<u>Combined</u>
5/8	R	\$ 4.12	\$ 15.13	\$ 19.25
3/4	Z	4.40	77.13	81.53
1	Q	5.32	125.17	130.49
1 -1/2	P	7.08	244.38	251.46
2	X	9.85	388.51	398.36
3	O	15.60	723.62	739.22
4	W	28.32	1,210.02	1,238.34
6	N	53.14	2,414.08	2,467.22
8	V	80.76	3,855.40	3,936.16
10	E	118.31	5,545.85	5,664.16
12	T	192.72	10,320.51	10,513.23

(2) For the one-year period from July 1, 2006, through June 30, 2007, the monthly service charge for the various sizes of meters shall be as follows.

Size of Water Meter in				
<u>Inches</u>	<u>Code</u>	<u>Water</u>	<u>Sewer</u>	<u>Combined</u>
5/8	R	\$ 4.61	\$ 16.03	\$ 20.64
3/4	Z	5.15	82.09	87.24
1	Q	6.60	133.22	139.82
1 -1/2	P	9.69	260.07	269.76
2	X	14.04	413.44	427.48
3	O	23.46	770.03	793.49
4	W	41.42	1,287.62	1,329.04
6	N	79.37	2,568.89	2,648.26
8	V	122.76	4,102.58	4,225.34
10	E	178.65	5,901.45	6,080.10
12	T	305.82	10,981.96	11,287.78

(3) Effective July 1, 2007, and thereafter, the monthly service charge for the various sizes of meters shall be as follows.

Size of Water Meter in				
<u>Inches</u>	<u>Code</u>	<u>Water</u>	<u>Sewer</u>	<u>Combined</u>
5/8	R	\$ 5.10	\$ 16.59	\$ 21.69
3/4	Z	5.91	86.24	92.15
1	Q	7.88	140.01	147.89
1 -1/2	P	12.29	273.41	285.70
2	X	18.22	434.70	452.92
3	O	31.33	809.69	841.02
4	W	54.53	1,353.88	1,408.41
6	N	105.58	2,701.17	2,806.75
8	V	164.76	4,313.96	4,478.72
10	E	239.01	6,205.43	6,444.44
12	T	418.94	11,548.42	11,967.36

(c) Quantity charges

(1) In addition to the service charge, the quantity charge portion of each bill is determined by applying the quantity charge set forth below to all water use.

1 Mcf = 1,000 cubic feet = 7,480 gallons.

(2) For the eleven-month period from August 1, 2005, through June 30, 2006, the quantity charge portion of each bill shall be as follows.

**A. Quantity Charges**

<u>Monthly Water Usage</u>	<u>Charge Per Mcf</u>
First 2 Mcf (0 to 2 Mcf)	\$ 19.91
Next 98 Mcf (2.1 to 100.0 Mcf)	15.77
Next 1,900 Mcf (100.1 to 2,000 Mcf)	14.03
Over 2,000 Mcf	10.50

(2) For the one-year period from July 1, 2006, through June 30, 2007, the quantity charge portion of each bill shall be as follows.

**Quantity Charges**

<u>Monthly Water Usage</u>	<u>Charge Per Mcf</u>
First 2 Mcf (0 to 2 Mcf)	\$ 21.14
Next 98 Mcf (2.1 to 100.0 Mcf)	16.75
Next 1,900 Mcf (100.1 to 2,000 Mcf)	14.90
Over 2,000 Mcf	11.15

(3) Effective July 1, 2007, and thereafter the quantity charge portion of each bill shall be as follows.

**Quantity Charges**

<u>Monthly Water Usage</u>	<u>Charge Per Mcf</u>
First 2 Mcf (0 to 2 Mcf)	\$ 21.80
Next 98 Mcf (2.1 to 100.0 Mcf)	17.27
Next 1,900 Mcf (100.1 to 2,000 Mcf)	15.36
Over 2,000 Mcf	11.50

**301.2 Billing**

(a) Billing of Advance Service Charge: A one (1) time three (3) month advance service charge will be assessed and collected on every property when the property is initially connected to the water and/or sewer system. Thereafter, the three (3) month advance service charge will be maintained by the payment of monthly service charges as required under Sub-paragraph 301.1 (b) of these Regulations. The remaining pro rata portion of the three (3) month advance service charge will be refunded to the property owner when he/she permanently disconnects service from the water and sewer system.

(b) Estimated Usage and Billing: When an accurate meter reading cannot be obtained at the time of a scheduled meter reading or when necessary for administrative purposes, the quantity of water used may be estimated for billing purposes. Estimated usage will be based upon actual meter readings from prior cycles or by such other fair and reasonable methods as shall be approved by the Water Commissioner. Where the water usage is estimated because of inability to read the meter, any necessary corrections shall be made at the time of the next actual meter reading, or when appropriate.

(c) Charges to be Combined: At the discretion of the Water Commissioner, each bill may combine in one amount the service charge and any quantity charges for water and sewer service, if applicable.

(d) Bills Due and Payable: All bills are due and payable when rendered.

(e) Penalties for Late Payments:

(1) If current water and/or sewer bills are not paid within thirty (30) days from the



date indicated on the bill, a penalty of five percent (5%) shall be imposed.

(2) Additional penalties shall be imposed and added to water and sewer bills, and their penalties, on the due date of the bill of each succeeding cycle, as follows:

- Semi-annual cycles – 3%
- Quarterly cycles – 1½ %
- Monthly cycles – ½ of 1%

Except that a period of thirty (30) days shall elapse before the first additional penalty shall be imposed.

(3) If any water or sewer bill remains unpaid for two cycles after the bill has been rendered, the Revenue Department shall serve a notice of termination upon the delinquent property owner and, if the charge, with penalties thereon, is not paid within ten (10) days after such service of notice, the Department, in its discretion, may deprive the premises of water until the charge with penalties is paid. Penalties for late payment are set by ordinance, not by regulation, and any amendments to the current ordinance shall apply as provided therein.

(f) Balance Due: Each bill shall include any balances due for bills issued from January 1, 1990, including penalties.

(g) Changes in Meter Size: When a change in meter size is made, the charge for the new meter size shall become effective on the date of such change.

(h) Unmetered or Scheduled Customers: Unmetered or scheduled customers shall be billed the same charges established for metered customers. The service charge will be determined by the size of the meter which would be installed for an equivalent service at a similar property. The Revenue

Department shall estimate the quantity of water used and bill accordingly using the applicable water quantity charges.

No bill shall be rendered where a ferrule connection exists at a vacant lot and does not now provide service. However, the billing of properties hereafter torn down shall be discontinued only on issuance of a Discontinuance of Water permit. Furthermore, nothing herein shall relieve a property owner of his responsibility for maintaining a service line unless he has secured a Discontinuance of Water permit.

(i) Extraordinary Uses or Appliances: In the event that extraordinary or peculiar uses or appliances, in the opinion of the Water Commissioner, warrant a special charge not provided herein, such charges shall be as fixed by the Water Commissioner in writing.

### **301.3 Special Customers**

The water charges established in Section 301.1 of these Regulations shall be applied to all general customers, excepting the following groups of special customers:

#### **(a) GROUP I**

(1) Public and private schools which provide instruction up to or below the twelfth grade but not beyond that grade, and excluding service to any separate or adjoining facilities or structures not used exclusively for educational or instructional purposes.

(2) Institutions of purely public charity, excepting universities and colleges and excluding service to any separate or adjoining facilities or structures not used exclusively for the principal purpose of the charity.

(3) Places used for actual religious worship.

(b) GROUP II

(1) Residences of eligible senior citizens provided that the senior citizen shall:

(A) Make application for such reduction to the Revenue Department within the first billing period for which reduction is sought; and

(B) Submit satisfactory proof that the applicant is 65 years of age or older and that he or she makes payment directly to the City for water service to his or her residence which is located in the City of Philadelphia; and

(C) Submit satisfactory proof to the Revenue Department that the applicant does not exceed the household income limitation of \$ 26,700 per year established by the Philadelphia Water Department. The above income limitation shall apply to those applying for this discount subsequent to June 30, 1982.

(c) GROUP III

(1) Universities and colleges, excluding service to any separate or adjoining facilities or structures not used exclusively for educational or instructional purposes.

(d) GROUP IV

(1) Public housing properties of the Philadelphia Housing Authority.

(e) As of the effective date of this Regulation the charges to Groups I, II, and III of special customers listed above shall be seventy-five percent (75%) of the water

charges as established by meter size for general customers in Section 301.1 of these Regulations including both the service and quantity charges. The charges to Group IV customers shall be ninety-five percent (95%) of the water charges as established by meter size for general customers in Section 301.1 of these Regulations, including both the service and quantity charges.

(f) All of these special customers shall meter all connections and they shall be subject to all provisions of this Regulation not inconsistent with Section 301.3 of these Regulations.

(g) All special customers are subject at any time to review as to their special charges by the Water Department and may be required to furnish adequate evidence supporting the continuance of such charges to the Department upon written notice to do so. Failure to furnish such evidence shall be sufficient ground for denial or termination of such special charges.

(h) Special charges may be granted subject to the Water Department's review and approval of the size of the meter installed.

(i) When the special use for which the special charge is granted ceases, the special charge ceases and the charges for general customers shall apply thereafter.

(j) Temporary Transitional Provisions: Some special customers whose charges are now based on meter size may find that they are in fact 'over-metered' - their metered service is too large for their actual requirements and results in excessive bills. They may apply for a downward revision in the size of their meters. After the approval of the Water Department, the revision of plumbing arrangements and the installation of smaller

meter, the lower charge by meter size shall apply thereafter.

### 302.0 SEWER CHARGES

Pursuant to Section 5-801 of the Home Rule Charter and Chapter 13-200 of the Philadelphia Code, and in order to continue the Water Fund on a self-sustaining basis, charges for sewer service supplied by the City of Philadelphia shall be effective August 1, 2005, as follows.

#### 302.1 General Customers

(a) All customers discharging wastewater into the City's wastewater system shall pay sewer charges as set forth in Section 302.3 of these Regulations. In addition to the charges set forth in Section 302.3 of these Regulations, all customers discharging wastewater whose pollutant content is greater than the pollutant content of normal wastewater, as defined below in Subsection 302.1(b) of these Regulations, shall pay an additional surcharge as set forth in Section 302.6 of these Regulations.

(b) Normal wastewater subject to the regular sewer charges set forth in Section 302.3 of these Regulations is that wastewater which contains 250 milligrams or less per liter of biochemical oxygen demand (BOD) and 350 milligrams or less per liter of suspended solids (SS). Wastewater subject to the regular sewer charges set forth in Section 302.3 of these Regulations and to the additional surcharge sewer charges set forth in Section 302.6 of these Regulations is that wastewater which contains either more than 250 milligrams per liter of 5-day biochemical oxygen demand or more than 350 milligrams per liter of suspended solids, or both.

### 302.2 Charges

(a) Sewer charges shall consist of a service charge and a quantity charge.

(b) A service charge shall be billed monthly.

(c) As set forth in Section 302.3 of these Regulations, the size of the meter shall determine the service charge.

(d) In addition, there shall be a quantity charge as provided herein for sewer service in a billing cycle, either as metered or as estimated.

(e) Quantity charges shall be billed for monthly cycles as provided herein. The cycle shall be between the dates of scheduled metered readings, actual or estimated. Quantity charges imposed shall be based upon the water consumption of the property served.

### 302.3 Regular Sewer Charges

(a) Monthly service charges shall be determined and billed as follows.

(1) For the eleven-month period from August 1, 2005, through June 30, 2006, the monthly service charge for the various sizes of meters shall be as follows:

Size of Water Meter in					
<u>Inches</u>	<u>Code</u>	<u>Water</u>	<u>Sewer</u>	<u>Combined</u>	
5/8	R	\$ 4.12	\$ 15.13	\$ 19.25	
3/4	Z	4.40	77.13	81.53	
1	Q	5.32	125.17	130.49	
1 -1/2	P	7.08	244.38	251.46	
2	X	9.85	388.51	398.36	
3	O	15.60	723.62	739.22	
4	W	28.32	1,210.02	1,238.34	

6	N	53.14	2,414.08	2,467.22
8	V	80.76	3,855.40	3,936.16
10	E	118.31	5,545.85	5,664.16
12	T	192.72	10,320.51	10,513.23

(2) For the one (1) year period from July 1, 2006, through June 30, 2007, the monthly service charge for the various sizes of meters shall be as follows.

Size of Water Meter in

<u>Inches</u>	<u>Code</u>	<u>Water</u>	<u>Sewer</u>	<u>Combined</u>
5/8	R	\$ 4.61	\$ 16.03	\$ 20.64
3/4	Z	5.15	82.09	87.24
1	Q	6.60	133.22	139.82
1 -1/2	P	9.69	260.07	269.76
2	X	14.04	413.44	427.48
3	O	23.46	770.03	793.49
4	W	41.42	1,287.62	1,329.04
6	N	79.37	2,568.89	2,648.26
8	V	122.76	4,102.58	4,225.34
10	E	178.65	5,901.45	6,080.10
12	T	305.82	10,981.96	11,287.78

(4) Effective July 1, 2007 and thereafter, the monthly service charge for the various sizes of meters shall be as follows.

Size of Water Meter in

<u>Inches</u>	<u>Code</u>	<u>Water</u>	<u>Sewer</u>	<u>Combined</u>
5/8	R	\$ 5.10	\$ 16.59	\$ 21.69
3/4	Z	5.91	86.24	92.15
1	Q	7.88	140.01	147.89
1 -1/2	P	12.29	273.41	285.70
2	X	18.22	434.70	452.92
3	O	31.33	809.69	841.02
4	W	54.53	1,353.88	1,408.41
6	N	105.58	2,701.17	2,806.75
8	V	164.76	4,313.96	4,478.72
10	E	239.01	6,205.43	6,444.44
12	T	418.94	11,548.42	11,967.36

(b) Quantity charge

In addition to the service charge, the quantity charge portion of each sewer bill is determined by applying the quantity charge rate shown below to all water use.

(1) For the eleven-month period from August 1, 2005 through June 30, 2006, the quantity charge shall be \$15.99 per 1,000 cubic feet (Mcf).

(2) For the one (1) year period from July 1, 2006 through June 30, 2007, the quantity charge shall be \$17.02 per 1,000 cubic feet (Mcf).

(3) Effective July 1, 2007, and thereafter, the quantity charge shall be \$17.72 per 1,000 cubic feet (Mcf).

1 Mcf = 1,000 Cubic Feet = 7,480 gallons

(c) Bills for these sewer charges shall be rendered at the same time and for the same billing cycles covered by the water bills. Provisions for payment of these sewer bills and for penalties for late payment shall be as prescribed by Regulation and The Philadelphia Code.

### 302.4 Estimated Usage

(a) When accurate meter readings cannot be obtained at the time of a scheduled meter reading, or where necessary for administrative purposes, the quantity of water used may be estimated for billing purposes. Estimated usage will be based upon actual meter readings from prior cycles or by such other fair and reasonable methods as shall be approved by the Water Commissioner.

(b) Where unmetered wastewater is discharged to the sewer system without adequate sewer metering, the Water Department reserves the right to bill the amount of flow based upon its engineering judgment of a reasonable estimate of unmetered usage.

(c) Where the usage is estimated because of inability to read the meter, any necessary corrections shall be made at the time of the next actual meter reading, or when appropriate.

### 302.5 Billing

(a) Charges to be Combined: At the discretion of the Water Commissioner, each bill may combine in one amount the service charge and any quantity charges for water and sewer service, if applicable.

(b) Bills Due and payable: All bills are due and payable when rendered.

(c) Billing of Advance Service Charge: A one (1) time three (3) month advance service charge will be assessed and collected on every property when the property is initially connected to the water and/or sewer system. Thereafter, the three (3) month advance service charge will be maintained by the payment of monthly service charges as required under Section 302.3 of these Regulations. The remaining pro rata portion of the three (3) month advance service charge will be refunded to the property owner when he/she permanently disconnects service from the water and sewer system.

(d) Penalties for Late Payment:

(1) If current water or sewer bills are not paid within thirty (30) days from the date indicated on the bill, a penalty of five percent (5%) shall be imposed.

(2) Additional penalties shall be imposed and added to water or sewer bills, and their penalties, on the due date of the bill of each succeeding cycle, as follows

(A) Semi-annual cycles 3 %

(B) Quarterly cycles 1½ %

(C) Monthly cycles 1/2 of 1%

Except that a period of thirty (30) days shall elapse before the first additional penalty shall be imposed.

(3) If any water or sewer charge remains unpaid for two (2) cycles after the bill has been rendered, the Department of Revenue shall serve a notice of termination upon the delinquent property owner. If the charge, with penalties thereon, is not paid within ten (10) days after such service of notice, the Department, in its discretion, may deprive the premises of water until the charge, with penalties, is paid.

(4) Penalties for late payment are set by ordinance, not by regulation, and any amendments to the current ordinance shall apply as provided therein.

(e) Balances Due: Each bill shall include any balances due for bills issued from January 1, 1990, including penalties.

(f) Changes in Meter Size: When a change in meter size is made, the charge for the new meter size shall become effective on the date of change.

(g) Unmetered or Scheduled Customers: Unmetered or scheduled customers shall be billed the same charges established for metered customers. The service charge will be determined by the size of the meter which would be installed for equivalent service at a similar property. The Revenue Department

shall estimate the quantity of water used, and bill accordingly using the applicable sewer quantity charges.

### **302.6 Surcharge**

(a) For the eleven month period from August 1, 2005, through June 30, 2006, the surcharge for wastewater by definition in excess of normal wastewater shall be fixed at twenty-four and seven-tenths cents (\$.247) per pound of pollutants received into the wastewater system in excess of 250 milligrams per liter of 5-day biochemical oxygen demand (BOD) and twenty-three and one-half cents (\$.235) per pound of pollutants received into the wastewater system in excess of 350 milligrams per liter of suspended solids (SS).

(b) For the one year period from July 1, 2006, through June 30, 2007, the surcharge rate for biochemical oxygen demand as described in Sub-section 302.6(a) of these Regulations will be increased to twenty six and one-tenth cents (\$.261) per pound and the rate for suspended solids, also described in Sub-section 302.6(a) of these Regulations will be increased to twenty four and two-tenths cents (\$.242) per pound.

(c) Effective July 1, 2007, and thereafter, the surcharge rate for biochemical oxygen demand as described in Sub-section 302.6(b) of these Regulations will be increased to twenty-seven cents (\$.270) per pound and the rate for suspended solids, also described in Sub-section 302.6(b) of these Regulations will be increased to twenty-four and seven-tenths cents (\$.247) per pound.

(e) The strength of wastes shall be determined from samples taken on the customer's property at any period or time and of such duration and in such manner as

the Department may prescribe or at any place mutually agreed upon between the customer and the Department. Only with prior written approval of the Department may the results of routine sampling and analyses by the customer be used in determining the amount of the surcharge.

(f) If, in the Water Department's judgment, sampling of wastewater is neither feasible nor practical, the Department for billing purposes, may base the strength of the wastes on sampling results for similar discharge and/or values obtained from technical literature.

(g) Customers discharging wastewater subject to the surcharge shall, as prescribed by the Water Department:

(1) Install and maintain such facilities for sampling and measuring the wastewater discharged from their properties; and

(2) Maintain such records and information deemed necessary for the determination of the surcharge.

(h) Customers, as required from time to time, shall file with the Water Department responses to a questionnaire establishing or revising pertinent information on the quantity of flow and the quality of wastewater and other data deemed necessary for the determination of the surcharge.

(i) Measurements, tests and analyses of the characteristics of wastewater subject to surcharge shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published jointly by the American Public Health Association, the American Water Works Association (AWWA) and the Water Environment Federation (WEF).

(j) The surcharge shall be applied to the total wastewater discharged less any portion excluded by the Department.

(k) Provisions for payment of sewer surcharge and penalties shall be as prescribed herein and in the Philadelphia Code.

### **302.7 Special Customers**

The sewer charges established herein shall be applied to sewer services provided to all general customers, excepting the following groups of special customers:

(a) GROUP I

(1) Public and private schools which provide instruction up to or below the twelfth grade but not beyond that grade, and excluding service to any separate or adjoining facilities or structures not used exclusively for educational or Instructional purposes.

(2) Institutions of purely public charity, excepting universities and colleges, and excluding service to any separate or adjoining facilities or structures not used exclusively for the principal purpose of the charity.

(3) Places used for actual religious worship.

(b) GROUP II

(1) Residences of senior citizens provided that the senior citizen shall:

(a) Make application for such reduction to the Revenue Department within the first billing period of which reduction is sought; and

(b) Submit satisfactory proof that the applicant is 65 years of age or older and that he or she makes payment directly to the City

for sewer services to his or her residence which is located in the City of Philadelphia; and

(c) Submit satisfactory proof to the Revenue Department that the applicant does not exceed the household income limitation of \$26,700 established by the Philadelphia Water Department. The above income limitation shall apply to those applying for this discount subsequent to June 30, 1982.

(c) GROUP III

(1) Universities and colleges, excluding service to any separate or adjoining facilities or structures not used exclusively for educational or instructional purposes.

(d) GROUP IV

(1) Public housing properties of the Philadelphia Housing Authority.

(e) As of the effective date of this Regulation the charges to Groups I, II, and III of special customers listed above shall be seventy-five percent (75%) of the regular sewer charges as established by meter size in Section 302.3 of these Regulations, including both the service and quantity charges. Charges to Group IV shall be ninety-five percent (95%) of the regular sewer charges as established by meter size in Section 302.3 of these Regulations, including both the service and quantity charges.

(f) All of these special customers shall meter all connections and they shall be subject to all provisions of this regulation not inconsistent with Section 302.7 of these Regulations.

(g) All special customers are subject at any time to review as to these special charges by the Water Department and may be required

to furnish adequate evidence supporting the continuance of such charges to the Department upon written notice to do so. Failure to furnish such evidence shall be sufficient ground for denial or termination of such special charges.

(h) Special charges may be granted subject to the Water Department's review and approval.

(i) When the special use for which the special charge is granted ceases, the special charge ceases and the regular charge(s) shall apply thereafter.

(j) Temporary Transitional Provisions: Some special customers whose charges are now based on meter size may find that they are in fact 'over-metered' - their metered service is too large for their actual requirements and results in excessive bills. They may apply for a downward revision in the size of their meters. After the approval of the Water Department, the revision of plumbing arrangements and the installation of smaller meter, the lower charge by meter size shall apply thereafter.

**303.0 MISCELLANEOUS WATER CHARGES**

Pursuant to Section 5-801 of the Home Rule Charter and Chapter 13-100 of the Philadelphia Code, and in order to continue the Water Fund on a self-sustaining basis, charges for miscellaneous water services supplied by the City of Philadelphia shall become effective August 1, 2005 as follows:

**303.1 Meter Test Charges**

(a) A customer may apply to the Revenue Department for a test of the accuracy of the registration of a water meter.

At the customer's request, the Water Department shall notify the customer of the time and place of the test so that the customer may be present.

(b) In testing, meters may be removed from the line and replaced by a tested meter. If removed, the meter shall be tested at the Water Department Meter Shop. Meters may also be tested and recalibrated in place without removal and replacement.

All meters shall be removed, replaced, tested or calibrated during the regular hours of business unless the customer will pay the overtime and added expenses, whether the meter passes or fails the test.

(c) If the register on the meter is found on test to be registering within two percent (2%) of the actual volume of water passing through the meter, or registering in favor of the customer, then the Revenue Department shall make a charge for the test payable by the customer, as follows:

<u>Meter Size</u>	<u>Charge</u>
5/8"	\$ 40.00
1", 1-1/2", 2"	\$135.00
3", 4", 6", 8", 10", 12"	\$515.00
Field Tests, 3" and above	\$255.00

plus charges for any expenses incurred for work performed outside the regular hours of business, if requested by the customer.

(d) If the meter is found on test to be registering in excess of 102% of the actual volume of water passing through the meter, then the Revenue Department shall not charge for the test and it shall review the billing history of the tested meter for a period not to exceed three years on the basis



of the corrected registration and revise it as necessary.

(e) The Water Department will, upon the request of a customer, test his/her meter at no charge according to the following intervals:

<u>Meter Size</u>	<u>Interval</u>
5/8"	Every 20 years
1", 1-1/2", 2"	Every 10 years
3", 4" 6"	Every 4 years
8", 10", 12"	Every 2 years

The replacement of a meter with a tested meter shall constitute a test as provided above. Subsequent meter tests within the stated time intervals shall be billed to the customer at the charges shown in section 303.1 (c) above.

**303.2 Charges for Furnishing and Installation of Water Meters**

The charges for furnishing and installing water meters are as follows:

(a) For work which involves only the furnishing and setting of a water meter, the following charges are hereby established:

<u>Meter Size</u>	<u>Charge</u>
5/8"	\$ 135.00
1"	275.00
1-1/2"	320.00
2"	420.00
3"	1,335.00
4"	1,850.00
6"	2,765.00
8"	3,460.00
10"	3,620.00
12"	5,485.00

(b) If extraordinary work is required in connection with the installation of a water meter or the replacement of a damaged meter, additional charges shall be computed using actual salaries and materials expended, plus applicable overhead costs.

(c) The property owner shall be responsible for safeguarding the meter and seals and shall pay for necessary repairs and replacements due to his/her failure to provide adequate protection to the meter and seals from theft, vandalism, freezing, etc. He/she shall also be responsible for the repair and maintenance of the plumbing accessory to the meter, such as inoperable valves, weakened service pipes and fittings, etc. and shall provide and pay for such plumbing, repair and maintenance as City metering needs may require.

**303.3 Tampering of Meter**

In the event that a tamper investigation indicates that a tamper occurred, the following charges to the customer shall be made:

<u>Meter Size</u>	<u>Charge</u>
5/8"	\$ 25.00
1", 1-1/2", 2"	100.00
3" and larger	470.00

**303.4 Shut-Off and Restoration of Water Service**

(a) A twenty-two dollar (\$22.00) charge will be made for the cost of visiting a property if a payment to satisfy the delinquency is made when the Water Department is at the property to shut off service for non-payment.

(b) After termination of water service for non-payment or violation of service requirements, restoration of water service

will not be made until the following charges have been paid in full or payment arrangements satisfactory to the Revenue Department have been made.

(1) Where the only work required is operating the service valve:

(i) service lines 2" and smaller.....\$ 45.00

(ii) service lines larger than 2".....\$ 75.00

(2) Where the curb stop is obstructed, the access box missing or otherwise requires excavation.....\$180.00

(3) Where the curb stop is inoperable and a new curb stop must be installed..... \$390.00

(4) Where the curb stop is obstructed, the access box missing, or otherwise requires excavation, and replacement of footway paving is required.....\$475.00

(5) Where the curb stop is inoperable and a new curb box must be installed and replacement of footway paving is required.....\$730.00

(6) Where excavation and shut-off of the ferrule at the water main is required the charge will be the actual labor, equipment and materials plus applicable overhead costs.

If the Water Department had to remove concrete footway paving in order to perform the shut-off and/or restoration, the footway will be replaced by the Water Department and the preceding charges applied unless proof has been provided to the Water Department that some other qualified person will replace the paving.

### **303.5 Pumping of Properties**

The following charges shall apply for the pumping of water from properties when the condition requiring such service is not caused by the Water Department.

#### **(a) Occupied Properties**

(1) Pumping of water from occupied properties will be done at the owner's request and expense.

(2) Pumping of other properties due to the failure of a customer's piping shall be performed by the Water Department and be charged to the owner of the property at which the failure occurred.

(3) Charges for pumping shall be calculated at actual salaries and materials expended, plus applicable overhead costs.

#### **(b) Vacant Properties**

Water will be pumped from vacant properties only when in the opinion of the Water Department such a condition is causing serious consequences in an adjoining property. The charges for pumping shall be as specified in section 303.5 (a) above.

### **303.6 Charges for Water Main Shutdown**

(a) The Department of Licenses and Inspections shall issue permits for the temporary shutdown of a water main to allow a registered plumber to make immediate repairs to a broken water service and to avoid the necessity of opening the street.

(b) Permits shall be issued after:

(1) Certification by the Water Department that the shutdown will not seriously inconvenience other customers; and

(2) The applicant has paid a \$200.00 service charge.

(c) In an emergency or when responsibility for a leak is in doubt, the Water Department may make the shutdown before the permit is obtained. If the Water Department determines that the leak was not the Department's responsibility, the owner shall obtain a permit and pay the above stated service charge.

**303.7 Water Connection Charges**

(a) Permits

The Department of Licenses and Inspections shall issue permits for connections to the City's water supply system.

(b) Ferrule Connections

Connections between 3/4 inch and 2 inches in diameter shall be made by a ferrule installed by the Water Department. The owner, at his own expense, shall excavate for the connection, install all piping and appurtenances after the ferrule and fill the excavation. The owner thereafter shall be responsible for maintaining this piping and appurtenance.

The charges for such ferrule connections shall be as follows:

<u>Size</u>	<u>Base Charge</u>	<u>Additional Hourly Overtime Charge</u>
3/4"	\$125.00	\$23.00
1"	130.00	23.00
1-1/2"	160.00	28.00
2"	185.00	33.00

The additional overtime charge shown above shall be added to the base charge for work performed at the customer's request, other than during normal working hours.

(c) Valve Connections

Connections three (3) inches and larger shall be made by a valve installed by the Water Department. This valve installation shall include, but shall not necessarily be limited to, the connection to the main, the valve, valve box, necessary piping after the valve from the main in the street to one foot inside the curb, backfill and repaving. The Water Department shall thereafter be responsible for maintaining this valve and piping.

The charges for valve connections shall consist of a base charge plus a charge per linear foot of pipe laid as follows:

<u>Size</u>	<u>Charges</u>
3" & 4"	\$6,520.00 plus \$225.00 per linear foot of pipe laid
6" & 8"	\$6,850.00 plus \$230.00 per linear foot of pipe laid
10" & 12"	\$8,165.00 plus \$270.00 per linear foot of pipe laid

(d) Additional-Charge

Where a connection is made to a water main larger than 12 inches in diameter, an additional charge representing the difference between the current cost of a 12-inch tapping sleeve and the cost of the larger sleeve, plus \$1,850.00, shall be assessed.

(e) Payment of the Charges

The base charge and the additional charge, if any, shall be paid at the time application is made. The charges per linear foot of pipe laid shall be paid as prescribed below in section 303.11.

### **303.8 Discontinuance of Water**

Except as otherwise provided, no customer shall be relieved of the obligation to pay water and sewer charges unless he or she has obtained a permit for the discontinuance of water from the Department of Licenses and Inspections. When a permit is granted to discontinue water service, charges shall terminate on the date of removal of the meter by the Water Department. The charge for a permit for discontinuance of water is one hundred dollars (\$100), regardless of service size.

### **303.9 Hydrant Permits**

(a) A permit shall be obtained from the Department before a hydrant can be used. The permit shall contain the terms and conditions that are required of the customer in order for the customer to use the hydrant.

(b) The costs for obtaining a permit shall be as follows:

(1) One Week Permit for use of standard pressure hydrant- \$185.00

(2) Six Month Permit for use of standard pressure hydrant- \$1,600.00

### **303.10 Flow Tests**

When a customer requests the Department to conduct a flow test on a fire hydrant to determine the volume and residual pressure available on a domestic or fire connection, or at a specific location, the charge shall be \$350 for each flow test.

### **303.11 General Provisions**

All billings for the above services are due and payable when rendered, unless stated otherwise herein, and are subject to such

penalties for late payment as is prescribed by current ordinance or as may be amended.

### **304.0 MISCELLANEOUS SEWER CHARGES**

Pursuant to Section 5-801 of the Home Rule Charter and Chapter 13-100 of the Philadelphia Code, and in order to continue the Water Fund on a self-sustaining basis, charges for miscellaneous sewer services supplied by the City of Philadelphia shall be effective August 1, 2005, as follows:

#### **304.1 Sewer Charges for Groundwater**

(a) Sewer charges for groundwater discharged to the City's sewer system shall be as follows:

(1) For the period August 1, 2005, through June 30, 2006, the rate shall be \$7.16 per 1,000 cubic feet.

(2) For the period July 1, 2006, through June 30, 2007, the rate shall be \$7.35 per 1,000 cubic feet.

(3) For the period July 1, 2007, and thereafter the rate shall be \$7.40 per 1,000 cubic feet.

(b) To determine the quantity of such discharged groundwater, the customer shall install a meter or measuring device satisfactory to the Water Department. If, in the opinion of the Water Department, it is not feasible to install a meter or measuring device, the Water Department may designate some other method of measuring or estimating the quantity of discharged groundwater.

### **304.2 Charges For Wastewater Service**

(a) The charge for sanitary type wastewater delivered to any of the City's Water Pollution Control Plants shall be as follows:

(1) For the period August 1, 2005, through June 30, 2006, the rate shall be \$34.47 per 1,000 gallons.

(2) For the period July 1, 2006, through June 30, 2007, the rate shall be \$35.87 per 1,000 gallons.

(3) For the period July 1, 2007, and thereafter, the rate shall be \$36.79 per 1,000 gallons.

(b) Where accurate quantities of wastewater delivered cannot be determined, such quantities shall be estimated for billing purposes by such fair and reasonable methods as shall be approved by the Water Commissioner.

(c) The locations, times, delivery procedures and exact nature of the pollution characteristics of the delivered wastewater shall be determined by the Water Department.

(d) From time to time, customers shall be required to file with the Water Department a questionnaire establishing or revising information on the quantity and quality of wastewater delivered and other pertinent data deemed necessary by the Water Department. Failure to furnish such information shall be sufficient grounds for denial or termination of delivery privileges.

(e) Measurements, tests and analyses of the characteristics of delivered wastewater shall be determined in accordance with the latest edition of Standard Methods for the

Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association (AWWA) and the Water Environment Federation (WEF).

(f) If any bill for the above services shall remain unpaid for more than sixty (60) days from date rendered, the Water Department may refuse acceptance of additional wastewater until all unpaid balances, with late charges, are paid in full.

### **304.3 Wastewater Discharge Permits**

All industrial users contributing wastewater to any of the City's Water pollution control plants must obtain a permit from the City pursuant to the City's Wastewater Control Regulations. The fee for each new permit or renewal thereof is five hundred dollars (\$500.00).

### **304.4 Groundwater Discharge Permits**

All industrial or commercial users contributing groundwater to any of the City's water pollution control plants must obtain a permit from the City pursuant to the City's Wastewater Control Regulations. The fee for each new permit or renewal thereof is five hundred dollars (\$500.00).

### **304.5 Penalties For Late Payment**

Penalties for late payment of the charges and fees stated above shall be as provided by the current ordinance, or as may be amended.

### **305.0 SEWER SERVICE BILLING**

Credits and credit factors for City water used but not discharged into the wastewater disposal system. Pursuant to Section 13-201(4) of the Philadelphia Code, the method of crediting water users' sewer bills for City

water used but not discharged into the wastewater disposal system shall be as follows.

### **305.1 Eligibility**

Where commercial and industrial facilities that use City water do not discharge all of such water into the wastewater disposal system, the quantity of such water may be excluded in determining the proper sewer charge, provided that:

(a) the regular minimum sewer service charge as fixed by the size of the meter is not reduced thereby; and that

(b) at least 5% of water used or 225,000 cubic feet per year, whichever is less, is not discharged into the wastewater disposal system.

### **305.2 Determination of the Amount of Exclusion**

To determine the amount of such exclusion the customer shall install a meter or measuring device satisfactory to the Water Department, provided, that, if, in the opinion of the Water Department, it is not feasible to install a meter or measuring device, some other satisfactory method of measuring (“credit factor”) may be designated by the Water Department on application of the customer.

### **305.3 Fee for Application**

When the customer applies to the Water Department for a determination on the quantity of water to be excluded by some method other than metering of the sewer, or re-applies for a revised method measuring a larger quantity of water to be excluded, there shall be charge of \$75.00 for the review of such application.

### **305.4 Effective Date of Credits and Approved Credit Factors**

Credits on water users’ sewer bills for quantities of water used but not discharged into the wastewater disposal system shall be effective from the submission date of an approved application. Applications shall be complete, submitted on forms provided by the Water Department and shall be accompanied by a check payable to the City of Philadelphia in the amount required in Section 305.3 of this Regulation. No credits shall be made retroactively.

### **305.5 Review of Approved Credit Factors**

The Water Department reserves the right to review approved credit factors. Customers may, from time to time, be required to submit current water use and sewer discharge information. Customers may also be required to submit new applications for the credit factor. Failure to comply with the Water Department’s requests for information or new applications may result in termination of the customer’s credit factor.

### **305.6 Duty to Notify Water Department**

Customers with credit factors are required to notify the Water Department of any change in the relative quantities of wastewater discharged into the wastewater collection system. Failure to so notify may result in the cancellation of such credit factor approved for that customer and imposition of the penalties in Section 305.7 of these Regulations.

### **305.7 Failure to Inform the Water Department of Increased Sewer Use**

Customers with credit factors who fail to inform the Water Department of increased

discharges to the wastewater collection system shall be subject to the imposition of the full charges for sewer use based on total water usage from the most recent application date, with applicable interest. In addition, the Water Department may impose a fine of \$300 for each billing period since the application date.

### **306.0 APPLICATIONS FOR CHARITY RATES AND CHARGES**

In accordance with Philadelphia Code Sections 13-101 and 13-201 the Water Department has established special rates and charges, designated “charity water rates and charges” and “charity sewer rates and charges” (hereinafter called “Charity Rates and Charges”)

#### **306.1 Application for Special Rates and Charges**

- (a) Organizations seeking the Charity Rates and Charges must submit an application to the Water Department. Applicants must use forms provided by the Water Department, and submitted applications must be complete to the satisfaction of the Water Department.
- (b) Applications must be made in the name of the organization seeking the Charity Rates and Charges. All accounts for which an organization is requesting the Charity Rates and Charges must be in the identical name as that on the application.
- (c) Any account for a property for which the Charity Rates and Charges are sought must be current. The property must not have any outstanding Water Department or Plumbing Code violations; the property must have a operating water meter that is in compliance with current Water Department

specifications, and the property must have a current water meter reading.

#### **306.2 Effective Date of Charity Rates and Charges**

Charity Rates and Charges shall be charged to the eligible organization from the application date of an approved application. No retroactive deductions from the General Customer rates and charges will be permitted.

#### **306.3 Account Review**

The Water Department, from time to time, may review the status of organizations receiving Charity Rates and Charges. During this review, eligible organizations may be required to submit new applications.

#### **306.4 Suspension of Charity Rates and Charges**

- (a) Organizations that have been approved for Charity Rates and Charges must make timely payments on accounts in order to remain eligible for the these rates and charges.
- (b) An organization that fails to make on-time payments for two (2) consecutive billing cycles shall be suspended from the Charity Rates and Charges, and shall be required to pay the same rate as the General Customer rates and charges for all services. The suspension period shall remain in effect for a minimum of one (1) year.
- (c) Reinstatement of the Charity Rates and Charges will not occur until a full year of on-time payments has been made. Suspended organizations must then submit an application as described in Section 306.1 of these Regulations. Charity Rates and Charges will not be retroactive for the period of suspension.

(d) Customers shall be informed by first class mail of the suspension of the Charity Rates and Charges.

### **306.5 Hearing**

Organizations that have been denied eligibility or have been suspended from the Charity Rates and Charges may request an informal hearing.

### **306.6 No Waiver**

Nothing in this regulation shall limit the Water Department on its own findings or at the request of another City agency from suspending Charity Rates and Charges from organizations which have violated City law or regulations and thereby under such City law or regulations have forfeited such privileges as the Charity Rates and Charges.

### **307.0 CONDUCTING FLOW TESTS**

Under authority of Section 5-801 of the home Rule Charter, the following shall be applicable to charges for conducting flow tests effective February 6, 1978.

#### **307.1 Customer Request**

When a customer requests the department to conduct a flow test on a fire hydrant to determine the volume and residual pressure available on a domestic or fire connection, or at a specific location, the charge shall be \$275.00 for each flow test.

### **308.0 FIRE SERVICE CONNECTIONS**

Fire service connection charges shall consist of a monthly service charge and a quantity charge and shall be effective August 1, 2005, as follows.

#### **308.1 Charges**

#### **(a) Monthly Service Charges**

(1) The monthly service charges for the furnishing of water for the purpose of fire protection for the eleven month period from August 1, 2005 through June 30, 2006 shall be as follows:

<u>Connection Size</u>	<u>Monthly Service Charge</u>
Up through 4-inch	\$19.04
6-inch	34.49
8-inch	50.92
10-inch	75.44
12-inch	112.50

(2) Effective July 1, 2006 through June 30, 2007, the service charges in Sub-section 308.1(a)(1) of these Regulations shall be increased to the following levels:

<u>Connection Size</u>	<u>Monthly Service Charge</u>
Up through 4-inch	\$19.07
6-inch	34.62
8-inch	51.17
10-inch	75.77
12-inch	113.62

(3) Effective July 1, 2007, and thereafter, the service charges in Sub-section 308.1(a) (2) of these Regulations shall be increased to the following levels:

<u>Connection Size</u>	<u>Monthly Service Charge</u>
Up through 4-inch	\$19.10
6-inch	34.76
8-inch	51.50
10-inch	76.14
12-inch	114.63

(b) The City may permit fire service connections to its water system outside the City of Philadelphia only in properties



contiguous to the City where in the opinion of the Water Commissioner water service for fire protection may be furnished without interference with water service to properties within the City.

(c) Pipe connections to the Philadelphia water system, meters and other service requirements shall be in accordance with the standard fire service requirements of the Philadelphia Water Department.

(d) No charge shall be made for water used through fire service connections in actually fighting fires. However, water and, if applicable, sewer service, used through a fire service connection for testing the fire protection system, fire drills or similar fire protection purposes shall be charged at the rate(s) for quantity charges to general customers as shown below. Water used through fire service connections for other purposes shall be charged at the current rates applicable to water used by general customers.

(e) Quantity Charges

(2) Effective August 1, 2005, through June 30, 2006:

<u>Monthly Water Usage</u>	<u>Charge per Mcf</u>
First 2 Mcf (0 to 2 Mcf)	\$19.91
Next 98 Mcf (2.1 to 100.0 Mcf)	15.77
Next 1,900 Mcf (100.1 to 2,000 Mcf)	14.03
Over 2,000 Mcf	10.50
(Mcf = 1,000 cubic feet)	

(3) Effective July 1, 2006, through June 30, 2007:

<u>Monthly Water Usage</u>	<u>Charge per Mcf</u>
First 2 Mcf (0 to 2 Mcf)	\$21.14
Next 98 Mcf (2.1 to 100 Mcf)	16.75

Next 1,900 Mcf (100.1 to 2,000 Mcf)	14.90
Over 2,000 Mcf	11.15

(4) Effective July 1, 2007, and thereafter:

<u>Monthly Water Usage</u>	<u>Charge per Mcf</u>
First 2 Mcf (0 to 2 Mcf)	\$21.80
Next 98 Mcf (2.1 to 100 Mcf)	17.27
Next 1,900 Mcf (100.1 to 2,000 Mcf)	15.36
Over 2,000 Mcf	11.50

(f) The City shall bill the fire connection charges on a monthly basis, and it may bill for water used through fire service connections on the same basis as bills rendered general customers. Bills for the connection charges and water used shall be subject to the same penalties as bills rendered general customers.

(g) Billing of Advance Service Charge

A one (1) time three (3) month advance service charge will be assessed and collected on every property when the property is initially connected to the water and/or sewer system. Thereafter, the three (3) month advance service charge will be maintained by the payment of monthly service charges as required under Sub-section 308.1(a) of these Regulations. The remaining pro rata portion of the three (3) month advance service charge will be refunded to the property owner when he/she permanently disconnects service from the water and sewer system.

(h) This regulation applies to all fire service connections.

## **CHAPTER 4 WATER**

### **400.0 SPECIFICATIONS FOR WATER SERVICE CONNECTIONS**

The following are the specifications required by the Water Department for water service connections.

#### **400.1 Water Connection Pipe**

Water Connection Pipe for all water service connections shall:

- (a) Be trench laid or bored so that the service pipe is not used in the boring process. Ferrules shall not be installed in tunnel;
- (b) be of the same size as the meter except as otherwise provided. Minimum size  $\frac{3}{4}$  inch;
- (c) be at all times accessible for inspection inside the property from the entrance point to the meter;
- (d) Be backfilled with neutral sand completely around the connection pipe and fittings except where bored. The sand backfill shall extend six (6) inches under and over the water main for the full width of the trench;
- (e) be laid at least four (4) feet below the confirmed grade or the existing grade when grade has not been confirmed;
- (f) include provision for meter installation by the Water Department;
- (g) be free of paint or joint compound at joints between the water main and the meter.

#### **400.2 Ferrule Connection Pipe**

Ferrule Type Connection Pipe (2 inches and smaller) from the ferrule to the curb-stop shall be installed, repaired or replaced by or under the direction of a licensed master plumber, and shall:

(a) be copper tubing, ASTM Spec. B-88, type K in soft temper with approved red brass fittings; or

(b) be polyethylene service pipe, Water Department Standard Spec. W-21:

(1) When the minimum distance from the curb-stop to the building line is eight (8) feet six (6) inches; or

(2) When the Department of Licenses and Inspections permits the use of polyethylene distributing pipe from the curb-stop to the building line.

(c) be at least five (5) feet in length with block supports where required, and include provision for expansion in accordance with Water Department standards;

(d) include Water Department approved curb-stop and box located:

(1) Eighteen (18) inches behind the face of adjacent curb when the water main is located in the cartway or in the opposite footway; or

(2) As directed by the Water Department when the water main is located in the abutting footway.

#### **400.3 Valve Connection Pipe**

Valve Type Connection Pipe (3 inches and larger) shall:

(a) include a meter by-pass of the same size as the meter;

(b) include approved by-pass valve, scaled closed by the Water Department.

#### **400.4 General Requirements**

(a) Distributing Pipe from the curb line (or the curb-stop where required) into the premises, shall be in accordance with “Rules and Regulations Relative to Construction of Plumbing...” of the Department of Licenses and Inspections.

(b) All Water-Supply Systems three (3) inches and larger shall be disinfected in accordance with procedure set for the in the latest Water Department Standard Specification for Disinfecting Water-Supply Systems.

(c) Whenever a service connection is repaired or replaced, it shall be in accordance with rules governing new service connections. When repair or replacement is between the main and the curb stop, such service connection shall be attached to the main by a ferrule not less than 3/4-inch in size.

#### **401.0 WATER METERING REQUIREMENTS**

##### **401.1 General Provisions**

(a) In general, service connections to the City's water mains shall be metered by a City water meter (hereinafter “meter”) for the purpose of recording usage, and for billing and collecting charges for services provided by the City. Fire service lines and domestic water lines shall be separate and separately metered. The following are exceptions to the general metering requirement:

(1) Certain fire service connections:

(A) serving closed fire control systems or

(B) serving open fire control systems under supervisory control; and

(2) Any service connections so situated that the Water Department may determine that metering is impracticable.

(b) Property owners and/or customers are required to notify the Water Department immediately if there is no functioning meter for recording usage at any premises served by City water mains.

(c) The City's meter includes the meter body, the register and any associated hardware, equipment and devices for remotely collecting meter data.

##### **401.2 City Water Metering**

(a) The meter is the property of the City, and except as provided in Section 401.3 of these Regulations, the City undertakes to test, maintain, repair and replace the meter so that it will operate in accordance with accepted utility standards for meter performance.

(1) Testing: All new meter deliveries shall be tested to establish performance within industry standards. All previously used meters shall be tested prior to reinstallation at a premises. A customer may apply to the Revenue Department for a test of the accuracy of a meter. The cost for testing shall be billed to customer except as provided in this Section. At the customer's request, the Water Department shall provide advance notice of the time and place of the test so that the customer may be present.

(A) During testing, the meter may be removed from the water line and

replaced by another meter. Generally, the customer's meter shall be tested at the Water Department Meter Shop. However, at the Water Department's discretion, meters of sizes three (3) inches and larger may be tested and recalibrated, if necessary, in place without removal and replacement.

(B) All meters shall be removed, replaced or calibrated during the regular hours of business. At a customer's request, the Water Department may provide meter testing-related services at other than regular business hours, provided that the customer has agreed in writing to pay for the additional costs, whether or not the meter is determined to be accurate.

(C) The Water Department shall, upon the request of a customer, test the customer's meter at no charge at the following intervals:

<u>Meter Size</u>	<u>Interval</u>
5/8"	Every 20 years
1" through 2"	Every 10 years
3" through 6"	Every 4 years
8" and larger	Every 2 years

The replacement of a meter with a new or tested meter shall constitute a test as provided above. Subsequent meter tests within the stated time intervals shall be billed to the customer at the applicable charges.

(D) If, upon testing, the meter is found not to be registering in accordance with the then-current American Water Works Association standard for that size and type meter, then the customer shall not be charged for the test, and the Water Revenue

Bureau shall review the billing history of the tested meter for a period not to exceed three (3) years on the basis of the corrected registration, and revise the bill as necessary.

(2) The Water Department shall maintain and repair meters, except as provided in Section 401.3 of these Regulations. Meters shall be replaced regularly in accordance with industry standards for meters of the types and sizes provided by the City.

### **401.3 Property Owner**

(a) The property owner shall set up the plumbing of the premises to provide for the installation of the meter by the City. The plumbing shall include both an inlet valve and an outlet valve which shall be located as close as practicable to the meter, but allowing clearance for the flange bolts and couplings. The meter location must provide ready accessibility for the City meter installation; if it does not, the Water Department may require the property owner to change the plumbing.

(b) All meters located inside a premises shall be set as close as possible to the point where the water service pipe enters the premises.

(1) When the building is set back more than 35 feet from the building line of the street in which the City's water distribution line is located, the property owner must provide the following facilities:

(A) If the meter is one (1) inch or smaller, the meter shall be installed in a meter box of a design approved by the Water Department; or

(B) If the meter is one and-a-half (1½) inch or larger, the meter shall be

installed in a meter pit of a design approved by the Water Department; and

(C) The meter box or meter pit shall be in a location approved by the Water Department.

(2) For the installation of meters three (3) inches or larger, the property owner shall submit a metering plan, and shall have secured the approval of the Water Department's Meter Unit of such metering plan before the service connection is made.

(c) The property owner shall choose a meter size that will insure accurate registration of use without excessive wear.

(1) If a meter shows excessive wear due to excessive rates of flow (as defined by the meter standards set by the American Water Works Association), the Water Department may require the property owner to increase the size of the service connection and meter, or provide an additional water service connection and meter.

(2) If a meter is registering low water use for the size of the chosen meter, such that the meter is inaccurately registering water use, the Water Department may require the property owner to decrease the size of the meter to improve meter accuracy.

(3) Any decrease in size from a meter three (3) inches or larger to a meter two (2) inches or smaller shall require a service line replacement. In such cases, the Water Department shall waive the discontinuance of water charge for the larger service line and the ferrule connection charge for the smaller service line.

(4) Any changes in meter size or water service lines whether at the choice of the property owner or as required by the Water

Department shall be at the expense of the property owner.

(d) As a condition of service, the property owner, tenants or other occupants shall permit the City or its authorized agent reasonable access to the premises for the purpose of:

(1) Installing a meter on any water service providing City water to the premises as provided herein

(2) Repairing or replacing a meter in accordance with City policies;

(3) Collecting water use data; and

(4) Investigating meter-related problems including remote meter data collection failures, meter accuracy, illegal conditions and meter tampering.

(e) The failure to provide reasonable access to the premises for the metering purposes in Sub-section 401.3(d) of these Regulations shall result in the suspension of water service until such access is provided, in accordance with Sub-section 401.8(a) of these Regulations.

(f) The property owner of a previously unmetered premises shall apply for a permit from the Department of Licenses and Inspections and pay the established permit charge. The permit charge includes the installation of the meter by the Water Department. Upon securing the permit and completing the plumbing required for the meter installation, the property owner shall request the Water Department to install the meter. The Water Department shall, by appointment with the property owner, install the meter and seal it on the line. Meter seals are used to detect unauthorized tampering or removal of the meter.

(g) Upon installation, the property owner shall be responsible for safeguarding the meter and the meter seals, and shall pay for necessary repairs and replacements due to any failure to provide adequate protection to the meter and seals from theft, vandalism, freezing and tampering. The costs of repair or replacement shall be in accordance with the established charges for meters and related services. The property owner shall also be responsible for the City's costs of investigating meter theft, vandalism, freezing or tampering incidents. City charges for such investigations shall be in accordance with the established charges.

(h) The property owner shall be responsible for the repair and maintenance of the plumbing that is accessory to the meter, such as inoperable or leaking valves and curb stops, weakened pipes and fittings, and shall provide and pay for such plumbing, repair and maintenance as City metering needs may require.

(i) The property owner, tenant or other occupant shall not obstruct the meter so as to deny ready accessibility to the City for meter reading (including remote meter data collection), inspection, maintenance, repair or replacement.

(j) Only City personnel and the City's authorized agents are permitted to move or remove the meter. In order to make plumbing repairs or alterations, a licensed plumber must obtain prior permission from the Water Department to break the meter seals and remove the meter from the water line. A meter may be removed in an emergency, but a licensed plumber must promptly notify the Water Department. The meter may not be removed from the premises. When the plumber's work is completed, the plumber shall notify the

Water Department to reinstall and reseal the meter.

#### **401.4 Illegal Conditions**

(a) The property owner and/or customer shall not arrange for, establish, or permit to continue, any plumbing arrangement that can be used to bypass the meter, or allow unmetered water to enter the premises, or in any way limit the meter's effectiveness in measuring water consumption. Such conditions may constitute a theft of water service, and the responsible parties may be fined or otherwise prosecuted under applicable law.

(b) The City may suspend water service to any property with an illegal condition until that condition has been corrected to the satisfaction of the Water Department.

(c) In addition to any other charge, fines or penalties for such conditions, the property owner and/or customer shall be responsible for investigation costs in accordance with the established charges.

#### **401.5 Metering by Property Owner**

(a) Private Meters: Property owners may install private meters that are secondary or submeters in their properties to measure water used for their own purposes. Such meters shall be purchased, maintained and repaired at the property owner's expense, and they may be installed only on the premises side of the City meter.

(b) Open Fire System Meters: When an open fire system is metered, the property owner is responsible for the cost of the testing, repair and maintenance of the meter, and for its replacement when required.

(1) The property owner may request the Water Department to test, repair, maintain or repair the meter, and such costs shall be billed to the property owner.

(2) If the property owner fails to pay for such maintenance, repair or replacement, the account shall be placed on full billing as a General Customer for water service and, if applicable, sewer service.

#### **401.6 Defective Conditions**

(a) Missing Meter: Where the City has supplied water service and there is no water meter to record use, the Revenue Department shall determine the quantity of water used based on the type of premises and meter size. The property owner or customer shall be provided with and billed for a new water meter. The customer shall also be billed the City's additional and reasonable costs of calculating the bills for the unmetered service.

(b) Tampering: Where the City determines that a water meter has been tampered with, and as a result, the meter reading is an inaccurate record of water consumption, the Revenue Department shall determine the quantity of water used, based on the type of premises and meter size. The customer shall also be billed the City's additional and reasonable costs of calculating the bills for tampered service. The customer may also be subject to Section 401.4 of these Regulations.

(c) Defective Meter: Where the Water Department has determined the water meter to be defective, the Revenue Department shall determine the quantity of water used based on the usage for the periods prior to the meter becoming defective or by the type of premises and meter size. If the meter was damaged due to vandalism, freezing or

tampering, the property owner or customer shall be provided with and billed for a new water meter. The customer shall also be billed the City's additional and reasonable costs of calculating the bills for the unmetered service.

(d) Illegal Condition Charges: Where the City determines that an illegal condition exists, and as a result of the illegal condition, the meter reading is an inaccurate record of water use, the Revenue Department shall determine the quantity of water used, based on the type of premises and meter size. The customer shall also be billed the City's additional cost of calculating the bills. The customer and/or property owner shall also be subject to Section 401.4 of these Regulations.

#### **401.7 Backflow Prevention**

(a) In setting up the plumbing of the premises, the property owner is required to comply with Water Department regulations and the Philadelphia Plumbing Code to protect the public water supply from backflow from the property owner's premises.

#### **401.8 Noncompliance**

(a) Failure to comply with the requirements of this Regulation shall result in the suspension of water service until such requirements are complied with. Proper notice of suspension procedures shall be provided as specified in the Water Department's current Commercial and Residential Service regulations.

(b) If the City is unable to suspend water service due to conditions at the premises that are in violation of law, the City may bring the property into compliance by itself or by employing plumbers or other tradesmen to

perform the work. The property owner shall be responsible for the costs of compliance and shall be billed for such costs by the City.

#### **402.0 USE OF FIRE HYDRANTS**

(a) Permits: The Water Main Section of the Water Department shall issue permits for use of standard fire hydrants when no other adequate source of water is available, and in the opinion of the Water Commissioner such use will not jeopardize the rights of the public.

(b) The charges for permits shall be:

(1) for use within a one week period, the current 3/4" minimum semiannual charge and allowance of water shall apply;

(2) for use within a six (6) month period, the current 1 1/2" minimum semiannual charge and allowance of water shall apply;

(3) for use in the hydrostatic test of tanks of large capacity, filling swimming pools other than domestic, or similar use, the charge for water shall be the current general service charge for water used above the cycle allowance. If the water is to be discharged into a sewer, the sewer charge shall be based on the current general service percentage charged for a 4" metered service;

(4) for excessive use or waste of water, additional charges may be assessed at the current rate for water used above the stated allowance;

(5) for use by a contractor in performing work under a contract with the City of Philadelphia, the permit shall be issued at no charge upon presentation of a statement signed by the engineer representing the City.

#### **402.1 Summertime Use**

A limited number of permits will be issued each summer for use of a fire hydrant with a sprinkler cap or similar device attached, to provide some measure of relief to children from the heat. A permit together with the device to be used will be issued by an agency designated by the Water Department, free of charge to responsible adults who submit the required application.

#### **402.2 Charities**

There shall be no charge for permits for use of fire hydrants by charitable, non-profit and governmental agencies when approved by the Water Department.

#### **402.3 Revocation**

Permits may be revoked for cause at any time.

#### **403.0 BACKFLOW PROTECTION**

In order to protect the public water supply from potential cross connection and backflow hazards, any connection to the City main, including both domestic and fire service connections within a property and connections to City fire hydrants, shall be provided with adequate backflow protection by the property owner or the water user.

#### **403.1 Requirements**

(a) With the exception of single family residences and multi-family buildings with four (4) units or fewer, the requirements of this Regulation shall generally apply to all water-using structures and systems, regardless of their sizes, plumbing types and water usage patterns. Where the Water Department has determined that backflow



prevention measures are needed at any specific single family residence or multi-family building with four (4) units or fewer in order to protect the public water supply, this Regulation shall also apply to that building. Backflow prevention measures include but are not limited to the following requirements.

(1) Any domestic and fire protection service line, including each line of a multiple service line, to any property, shall be equipped with an approved backflow prevention device or an approved air-gap separation on each line. Backflow prevention devices or air-gap separations must be installed where designated by the Water Department at the sole expense of the property owner. Backflow prevention devices or air-gap separations must be from an approved Water Department list or otherwise approved by the Water Department. Installers must refer to the latest edition of the *Water Department Cross Connection Control Manual*, for installation requirements and listings of approved backflow prevention devices. This manual is available upon request from the Water Department and the Department of Licenses and Inspection.

(2) All other connections to the City water main, including standpipes leading to elevated tanks, temporary ferrules and hose connections, shall be equipped with approved backflow prevention devices.

(3) Only persons certified by the City's designated certification organizations shall install, test and service backflow prevention or air-gap separation devices. Installers are subject to all requirements of the Philadelphia City Code and regulations of the Water Department and the Department of Licenses and Inspection.

(4) All required backflow prevention or air-gap separation devices shall be tested by certified service persons at least once every twelve (12) months. Any newly installed backflow prevention or air-gap separation device shall be tested prior to the initiation of service. The property owner shall be responsible for arranging for testing, for all costs of testing and related maintenance. Test results shall be submitted to:

Philadelphia Water Department  
Bureau of Laboratory Services  
1500 E. Hunting Park Avenue  
Philadelphia, PA 19124-4941.

Property owners shall be responsible for maintaining records of such tests and related maintenance for a period of three (3) years. Backflow prevention and air-gap separation devices shall be maintained and kept in operating condition at all times. Backflow prevention and air-gap separation devices shall be tested whenever failure is suspected.

(5) The service of water to any premises or at any connection may be shut off by the Water Department if it determines there is inadequate backflow protection at the service connection and/or any connection to the main, or a failure to maintain the backflow prevention or air-gap separation devices.

## **CHAPTER 5 SEWER**

### **500.0 CROSS CONNECTED SEWER LATERALS**

#### **500.1 Definitions**

(a) City shall mean the City of Philadelphia acting through its Water Department or other City departments.

(b) Cross Connection shall mean a connection of sewer lateral(s) to the sewer main(s) such that a Dye Test, as herein defined, has demonstrated that flow in the sanitary sewer lateral discharges only to the City's municipal separate storm sewer system.

(c) Dye Test shall mean a test utilizing water-soluble dyes conducted by the City for the purpose of investigating the discharge of sewage into the municipal separate storm sewer system.

(d) Internal Cross shall mean the connection of particular plumbing fixture(s) within the property such that a Dye Test, as herein defined, has demonstrated that the flow from these particular plumbing fixture(s) within the property discharges to the municipal separate storm sewer system while flow from the other plumbing fixture(s) within the property discharges to the sanitary sewer.

#### **500.2 General Policy**

Cross Connections and Internal Crosses result in the discharge of untreated sewage into rivers and streams. Cross Connections and Internal Crosses are public nuisances and are prohibited by the Philadelphia Code, the Pennsylvania Clean Streams Law and the federal Clean Water Act. The

investigation of Cross Connections and Internal Crosses is necessary for the health and safety of the public. The hindrance of Cross Connection investigations or Internal Cross investigations is prohibited. Cross Connections or Internal Crosses that are identified must be promptly abated.

#### **500.3 Investigation of Cross Connections**

As a condition of water and sewer service, the City shall be permitted access to all properties for the purpose of conducting Dye Tests and other investigations to identify Cross Connections.

#### **500.4 Abatement of Cross Connections**

(a) When a Cross Connection has been identified by a Dye Test, the Water Department shall notify the property owner, and the Water Department shall arrange for and bear the cost of the abatement of the Cross Connection.

(b) The property owner and any other occupant shall cooperate with the Water Department to abate the Cross Connection.

(1) The property owner and any other occupant shall provide the City, its agents or contractors with access to the property for testing, developing work orders, plumbing repair, inspections and other necessary or desirable work.

(2) Failure to comply with this Section may result in the suspension of water service and/or imposition of other penalties established by law.

#### **500.5 Investigation of Internal Crosses**

As a condition of water and sewer service, the City shall be permitted access to all properties for the purpose of conducting Dye

Tests and other investigations to identify Internal Crosses.

### **500.6 Abatement of Internal Crosses**

- (a) Except as provided in Sub-section 500.6(e) of these Regulations, when an Internal Cross has been identified at a property, the property owner shall arrange and bear the cost of the abatement of the Internal Cross.
- (b) Internal Crosses shall be abated within thirty (30) days from the date of notification by the City, or such shorter period as determined necessary by the City to protect public health and safety or the environment. The City's notification shall state the time period granted for abatement. Failure to promptly abate the Internal Cross may result in the suspension of water service and/or the imposition of other penalties established by law.
- (c) The property owner and any other occupant shall provide the City, its agents or contractors with access to the property for testing, developing work orders, plumbing repair, inspections and other necessary or desirable work.
- (d) Failure to comply with this Regulation may result in the suspension of water service and/or imposition of other penalties established by law.
- (e) Subject to the availability of funds, the owner of a property where an Internal Cross has been identified may be eligible for the Water Department assistance program if that property owner can satisfy the conditions set forth in Sub-sections 200.2(a)(c)(e) and (f), Section 200.3, and Section 200.4 of these Regulations.

## **501.0 WASTEWATER CONTROL**

Whereas, the Philadelphia Home Rule Charter, Section 5-800 at seq. mandates that the Philadelphia Water Department operate the City of Philadelphia water supply and wastewater collection systems; and

Whereas, the Philadelphia Water Department must insure sound and safe operation of the wastewater treatment plants and sewer collection system; and

Whereas, the federal Clean Water Act requires that the City prevent the introduction of pollutants into the City wastewater system which will interfere with the operation of the system or contaminate the resulting sludge; and

Whereas an objective of the federal Clean Water Act requires that the City prevent the introduction of pollutants into the City wastewater system which will pass through the system, inadequately treated, into receiving waters or atmosphere or otherwise be incompatible with the system; and

Whereas an objective of the federal Clean Water Act is to improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

Now therefore, the City of Philadelphia Water Department promulgates these Wastewater Control Regulations.

### **501.1 Purpose and Policy**

The purposes of these regulations are:

- (a) To set forth uniform requirements for direct and indirect contributors to the wastewater collection and treatment system ("wastewater system") owned and operated by the City of Philadelphia ("City") and to

enable the City to comply with all applicable state and federal laws required by the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403) and the National Categorical Pretreatment Standards (40 CFR Chapter I, Subchapter N).

(b) To prevent the introduction of pollutants into the City wastewater system which will:

(1) interfere with the operation of the system;

(2) contaminate the resulting sludge;

(3) cause the wastewater system to violate its NPDES discharge permit;

(4) Pass through the system, inadequately treated, into receiving waters or the atmosphere

(5) be otherwise incompatible with the system.

(c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system. These regulations provide for the regulation of direct and indirect contributors to the City wastewater system through the issuance of permits to certain nondomestic users and Industrial Users and through enforcement of general requirements for the other Users; authorize monitoring and enforcement activities; require User reporting and compliance schedule submissions.

## **501.2 Definitions**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these regulations, shall have the following meanings:

(a) Act or “the Act” or Clean Water Act: Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977 and the Water Quality Act of 1987, 33 U.S.C. 1251 et seq., and any subsequent amendments thereto.

(b) Approval Authority: The Director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

(c) Authorized Representative of Industrial User:

(1) In the case of a corporation, a president, secretary, treasurer or vice president of the corporation in charge of a principal business function

(2) In the case of a partnership or proprietorship, a general partner or proprietor; and

(3) A duly authorized representative of the individual designated above if

(A) Such representative is responsible for the overall operation of the facilities from which the indirect discharge into the POTW originates

(B) the authorization is in writing; and

(C) the written authorization is submitted to the POTW.

(d) Biochemical Oxygen Demand (BOD<sub>5</sub>): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 degrees Celsius expressed in

terms of weight and concentration (milligrams per liter (mg/l)).

(e) Building Sewer: A private sewer conveying wastewater from the premises of a User to the City wastewater system.

(f) Bypass: The intentional diversion of wastestreams from any portion of an Industrial User's pretreatment facility.

(g) Categorical Standards: National Categorical Pretreatment Standards.

(h) City: The City of Philadelphia.

(i) Collector System: All piping leading to a treatment plant, including those pipes connected to a combined sewer overflow which lead directly to a receiving stream.

(j) Commissioner: The Water Commissioner of the City of Philadelphia or his designee.

(k) Commonwealth: The Commonwealth of Pennsylvania.

(l) Composite Sample: A timed sequential collection of samples of equal volume or a collection of grab samples combined in a single reservoir to determine concentration(s) of pollutant(s).

(m) Cooling Water: The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat and which does not contain a level of contaminants detectably higher than that of the source of the water.

(n) Control Authority: The term "control authority" shall refer to the City of Philadelphia Water Department and/or the City Water Commissioner.

(o) Daily Maximum: The maximum allowable discharge of a pollutant during a

calendar day or other 24 hour period as allowed by the POTW. Where maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of a day. Where daily maximum limitations are expressed in terms of concentration, the daily discharge is the arithmetic average of all measurements taken that day.

(p) Department: Water Department of the City of Philadelphia.

(q) Direct Discharge: The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania which may occur through the City's stormwater conduits or combined sewer outfall structures.

(r) 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.

(s) Grab Sample: A sample which is taken from a wastestream on a one-time basis, in 15 minutes or less, and with no regard to the volume of flow of the wastestream.

(t) Holding tank waste: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(u) Indirect Discharge: The discharge or the introduction of pollutants, including holding tank waste, into the POTW.

(v) Industrial User or User: Any person that introduces an indirect discharge regulated under the Act, state or local law to the POTW.

(w) Interference: A discharge which, alone or in conjunction with a discharge or discharges from other sources:

(1) Inhibits or disrupts the POTW, 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 the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA)), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA) the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(3) In addition, Interference shall mean the following:

(A) The introduction of pollutants into the POTW which alone or in conjunction with other discharges, inhibits or disrupts the process, operations or maintenance of the POTW, or causes an evacuation of any POTW personnel, whether or not it causes or contributes to a violation of the POTW's NPDES Permit.

(B) The introduction of pollutants, either alone or in conjunction with other discharges, which when reaching the Treatment Plant, inhibits, disrupts or limits the Solid Waste Byproducts disposal options available to the POTW, whether or

not it causes or contributes to a violation of Section 405 of the Act, the Solid Waste Disposal Act or any other law or regulation regulating Solid Waste Byproducts.

(C) The introduction of pollutants into the City's Collector System, which alone or in conjunction with other discharges, inhibits, disrupts or adversely affects the operations or maintenance of the Collector System.

(x) Monthly Average: The arithmetic mean of the values for effluent samples collected over a calendar month.

(y) National Categorical Pretreatment Standards: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users and pretreatment standards as published in 40 CFR Chapter I, Sub Chapter N.

(z) National Pollutant Discharge Elimination System or NPDES Permit: A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

(aa) National Prohibitive Discharge Standard or Prohibitive Discharge Standard: Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR Section 403.5.

(bb) New Source: Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section.

(cc) Non-Domestic Users: Commercial, industrial or municipal users who discharge to the POTW.

(dd) Pass Through: A discharge which exits the POTW to the receiving stream or its atmosphere in quantities or concentrations which alone or in conjunction with other discharges is a cause of a violation of any requirement of the POTW's NPDES permit or a violation of any air emission standard set by the Clean Air Act, State or local rules and regulations governing emissions to the air (including an increase in the magnitude or duration of a violation).

(ee) 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.

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

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

(hh) 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, industrial, municipal, and agricultural waste or any other contaminant discharged into water.

(ii) 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 elimination or alteration can be obtained by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR Section 403.6(d).

(jj) Process wastewater: Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

(kk) Pretreatment Standards or Requirements: Any substantive or procedural requirement related to pretreatment, including, but not limited to, those requirements found in the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), the National Categorical Pretreatment Standards, the Resource Conservation and Recovery Act (42 U.S.C. §6901 et seq) and the Solid Waste Management Act (35 P.S. §6018.101 et seq) as they relate to the proper disposal of pretreatment sludges, the City of Philadelphia Wastewater Control Regulations and any Order issued under those Regulations, the Industrial User's Wastewater Discharge Permit and any other federal, state or local law or regulation which regulates discharges to the POTW.

(ll) Publicly Owned Treatment Works (POTW): A treatment works as defined by section 212 of the Act (33 U.S.C. 1292) which is owned by the City including any devices and systems used in the storage, treatment, recycling or reclamation of municipal sewage and industrial waste. This definition includes any sewers that convey

wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this regulation, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

(mm) POTW Treatment Plant or Treatment Plant: That portion of the POTW designed to provide treatment to wastewater.

(nn) Shall is mandatory; May is permissive.

(oo) Significant Industrial User: The term Significant Industrial User shall mean the following:

(1) Any Industrial User subject to any National Categorical Pretreatment Standard; or

(2) Any Industrial User that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater) or contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(3) Any Industrial User that is found by the City, DER or EPA to have a reasonable potential, either alone or in conjunction with other discharges, to adversely affect the POTW, the Collector System, the Solid Waste Byproducts of the POTW, or air emissions from the POTW.

(pp) Solid Waste Byproducts: Materials related to POTW operations which include, but are not limited to, grit, scum, screenings, incinerator ash, sludges and dredge spoils.

(qq) Spill or Slug Discharge: Any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or non-customary batch discharge, or any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards found in Section 501.3 of these Regulations.

(rr) State: The Commonwealth of Pennsylvania.

(ss) 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, as amended.

(tt) Storm Water: Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(uu) 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 expressed in terms of concentration (milligrams per liter (mg/l)).

(vv) Toxic Pollutant: Any pollutant or combination of pollutants listed as toxic pursuant to Pennsylvania Statutes and Rules, Section 307(a) of the Act or other Federal statutes.

(ww) Wastewater: The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated.

(xx) Waters of the Commonwealth: 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 Commonwealth or any portion thereof.

(yy) Wastewater Discharge Permit: As set forth in section 501.4 of these Regulations.

(zz) Abbreviations --The following abbreviations shall have the designated meanings:

(1) BOD: Biochemical Oxygen Demand.

(2) CERCLA: Comprehensive Environmental Response, Compensation and Liability Act. (42 U.S.C. §9601 et seq as amended).

(3) CFR: Code of Federal Regulations.

(4) COD: Chemical Oxygen Demand.

(5) DER: Pennsylvania Department of Environmental Resources

(6) EPA: United States Environmental Protection Agency

(7) l: Liter.

(8) Mg: Milligrams.

(9) mg/l: Milligrams per liter.

(10) NPDES: National Pollutant Discharge Elimination System.

(11) POTW: Publicly Owned Treatment Works.

(12) RCRA: Resource Conservation and Recovery Act

(13) SIC: Standard Industrial Classification.

(14) SIU: Significant Industrial User.

(15) SWDA: Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.

(16) TSS: Total Suspended Solids.

(17) USC: United States Code.

### **501.3 Regulations**

#### **(a) General Discharge Prohibitions**

(1) No User shall contribute or cause to be contributed, directly or indirectly, to the POTW any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of the POTW whether or not the User is subject to Federal Categorical Pretreatment Standards or any other Federal, State, or local Pretreatment Standards or Requirements.

(2) No User shall 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 the atmosphere in a private sewer leading to a POTW structure exceed 25% Lower Explosive Limit (LEL) unless the User can demonstrate that such a discharge does not create at the point of discharge into the POTW or at any other point in the POTW a reading over 10% LEL

as measured by an explosimeter. 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 can create a fire or explosion hazard to the POTW.

(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 one-half inch (1/2") 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, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes or any material which can be disposed of as trash.

(C) Any wastewater having a pH less than 5.5 or higher than 12.0 as measured by a grab sample or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

No Industrial User measuring pH continuously at the point of discharge shall discharge wastes having a pH lower than 5.5 or higher than 12.0 at any time except for a period not to exceed a total of 5 minutes in any one (1) hour period. In the event that a periodic discharge of a pH lower than 5.5, or higher than 12.0 for a period exceeding five minutes occurs, the Industrial User must demonstrate that the pH will not exceed the range of 5.5 to 10.0 at a down stream point

designated by the City. In no case may the Industrial User's discharge contain a pH less than 5.0 at the point of discharge into the POTW.

In the event that the influent wastewater flow arriving at a treatment plant is outside the pH range of 6.5 to 8.5 the City may limit the Industrial Users to that treatment plant to a pH range of 6.0 to 9.0, upon oral or written notice, for as long as the City deems necessary.

(D) Any wastewater containing pollutants which may, either singly or by interaction with other pollutants:

(i) Injure, adversely affect or interfere with any wastewater treatment process; or

(ii) Constitute a hazard to humans or other biota, or may create an adverse effect in the receiving waters of the POTW, as determined through biomonitoring conducted on the POTW's effluent or through in-stream monitoring; or

(iii) Violate any provision of the Federal Clean Air Act (42 U.S.C. 7401 et seq) as amended, or local air quality regulations.

(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 may result in toxic gases, vapor or fumes or are sufficient to prevent entry into the POTW for maintenance and repair without respiratory protection or other personal safety equipment.

(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 non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, nor any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management methods being used by City.

(G) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System 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 60°C (140°F) or which shall cause the wastewater entering the POTW Treatment Plant to exceed 40°C (104°F).

(J) Any pollutants, including oxygen demanding pollutants (BOD, etc.) and suspended solids released at a flow rate and/or pollutant concentration which a User knows or has reason to know will cause Interference or Passthrough to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24)

hour permitted concentration, quantities, or flow during normal operation.

(K) Any wastewater containing any radioactive wastes or isotopes of such half life or concentrations as may exceed limits established by the Commissioner in compliance with applicable State or Federal regulations.

(L) Any wastewater which causes a hazard to human life or creates a public nuisance.

(M) Any wastewater containing motor oils or lubricants removed from vehicles or other machinery.

(N) Any wastewater containing substances which may solidify or become viscous at temperatures between 32° and 15°F.

(O) Any sludges from septage or holding tanks without prior written approval of the Department.

(P) Any wastewater which because of its chemical nature or composition causes the sewer atmosphere to contain airborne chemical concentrations in exceedance of concentrations established by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR Section 1910, regardless of duration of exposure experienced by any individual, whether a Department or contractor's employee, unless written authorization is granted by the Commissioner.

(Q) Wastewater which may create a fire or explosive hazard in the POTW, including, but not limited to, wastewater with a closed-cup flashpoint of

less than 140°F using the test methods specified in 40 CFR 261.21.

(R) Any wastewater which, alone or in conjunction with any other discharges, causes foam anywhere in the treatment plant or its effluent.

(S) In addition, the following activities are prohibited:

(i) No person shall discharge wastewater, pollutants, chemicals or any other substance or contaminant into street inlets or through sewer manholes without the prior written approval of the POTW.

(ii) No person who generates wastewater at one property shall discharge it at another property without prior written approval from the POTW.

(iii) No person shall discharge wastewater in quantities or at rates of flow which may have an adverse or harmful effect on or overload the Department's sewerage system or wastewater treatment plants or cause excessive or additional treatment costs or render inaccurate or interfere with the function of sewer metering devices.

(iv) No person shall discharge a wastewater flow contributing greater than 2,500 pounds per day of five day biochemical oxygen demand, or contributing greater than 1,750 pounds per day of suspended solids or having a volume in excess of three (3) million gallons per day without prior written approval of the City.

(v) No person shall store or handle any material including hazardous substances defined by CERCLA, in any area draining to the city sewer system, because

discharge or leakage from such storage or handling may create an explosion hazard in the sewer system or treatment plant or may constitute a hazard to human beings or animals or the receiving stream, or in any other way may have a deleterious effect upon the wastewater treatment facilities. Such storage or handling shall be subject to review by the City, and shall require a spill control plan with reasonable safeguards to prevent discharge or leakage of such materials into the sewers.

(vi) Industrial Users processing regulated wastestreams through their pretreatment facilities shall not bypass such pretreatment facilities unless they notify the City in writing and obtain prior written approval from the City.

(vii) No person shall increase the use of potable water, groundwater, rainwater, river water or process water or in anyway attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with any Pretreatment Standards or Requirements.

(b) General Pretreatment Regulations and National Categorical Pretreatment Standards:

All users shall comply with all provisions contained in the General Pretreatment Regulations (40 CFR Part 403) as amended, and if applicable, National Categorical Pretreatment Standards (40 CFR Chapter I, Subchapter N) as amended. Any limitations imposed under the General Pretreatment Regulations or the National Categorical Pretreatment Standards which are more stringent than the limitations in these regulations shall supersede the limitations imposed under these regulations.

(1) 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 of an Industrial User or a whole category.

(2) Specific Pollutant Limitations: No person shall discharge the following substances in excess of the concentrations, in milligrams per liter, (mg/l), as expressed below:

<u>Substance</u>	<u>Daily Maximum</u>		<u>Monthly Average</u>
arsenic	0.01	mg/l	0.005
cadmium	0.2		0.1
copper	4.5		2.7
lead	0.69		0.43
mercury	0.01		0.005
nickel	4.1		2.6
silver	0.43		0.24
total chromium	7.0		4.0
zinc	4.2		2.6
selenium	0.2		0.1

(3) No person shall discharge any of the substances listed below to the POTW without obtaining prior written approval of the POTW.

Acrylonitrile  
Aldrin  
Alpha BHC  
Aluminum  
Barium

Benzene  
Benzo (a) pyrene  
Benzotrachloride  
Beryllium  
Bis(2-ethylhexyl)phthalate (DEHP)  
Bromobenzene  
Bromodichloromethane  
Bromoform  
Carbon tetrachloride  
Chlordane  
Chlorobenzene  
Chlorodibromomethane  
Chloroethane  
Chloroform  
Cumene (Isopropylbenzene)  
DDT/DDE/DDD  
Dibutylphthalate  
Dichlorobromomethane  
Dichloroethyl ether  
Dieldrin  
Dioxins  
Dusobutylenes  
Dimethyl Sulfoxide (DMSO)  
Dimethylnitrosamine  
Ethylbenzene  
Heptachlor  
Hexachlorobutadiene  
Hexachlorobenzene  
Iron  
Isopropylbenzene  
Lindane  
M-Dichlorobenzene  
Methyl chloride (Chloromethane)  
Methyl Ethyl Ketone  
Methyl Isobutyl Ketone  
Molybdenum  
o,m,p-Xylenes  
o-Chlorotoluene  
o-Dichlorobenzene  
p-Chlorotoluene  
para-Dichlorobenzene  
Polychlorinated Biphenyls (PCBs)  
Phenanthrene  
Phenols  
Pyrene  
Styrene

Tetrachloroethylene (Perchloroethylene)  
 Tin  
 Titanium  
 Toluene  
 Toxaphene (chlorinated camphene)  
 Trichloroethylene  
 Vinyl chloride  
 1,1,1,2-Tetrachloroethane  
 1,1,2,2-Tetrachloroethane  
 1,1,2-Trichloroethane  
 1,1 -Dichloroethane  
 1,1 -Dichloroethyene  
 1,1 -Dichloropropene  
 1,2 trans,dichloroethylene  
 1,2,3-Trichloropropane  
 1,2-cis,dichloroethylene  
 1,2-Dibromo-3-Chloropropane  
 1,2-Dichloroethane  
 1,2-Dichloropropane  
 1,3-Dichloropropane  
 1,3-Dichloropropene  
 1,4-Dichlorobenzene(p)  
 2-Chlorophenol  
 2,2-Dichloropropane  
 2,4-Dinitrophenol  
 2,4-Dinitrotoluene  
 3,3-Dichlorobenzidene  
 Volatile Organic Sulfides

(3) The City reserves the right to modify this list of materials prohibited from entering the POTW as may become necessary by virtue of new state or federal regulations.

(4) Chlorine and Ammonia:  
 The free chlorine and/or free ammonia content of the waste shall be limited to 5 mg/l at any time as shown by grab sample. In particular instances where a mist-free atmosphere, as needed during inspection and maintenance of a sewer, or to protect the POTW, is otherwise not attainable, the Department may direct the User to further reduce its discharge of chlorine and/or ammonia, either on a temporary or

permanent basis, so as to eliminate formation of mist, in order to permit such inspection and maintenance and protect the POTW

(5) Hydrogen Sulfide: The hydrogen sulfide content of the waste shall not exceed 2 mg/l at any time as shown by grab sample unless the POTW authorizes in writing an alternatives mass limit for total sulfides.

(6) Cyanide Content: The cyanide content of the waste shall not exceed 10 mg/l total cyanide and 2 mg/l of cyanide readily released at 150°F and pH 4.5. Cyanide content of wastewater must be measured by grab sample.

(7) Fats, Oils and Greases:  
 Wastewaters shall not contain in excess of 100 mg/l of fats, oils and greases of mineral or petroleum or unknown origin at any time as shown by grab sample. Wastewaters discharged to the POTW shall contain no floatable or nonemulsified fats, oils and greases of animal or vegetable origin. Specific numerical limits for these pollutants may be placed in an Industrial User's Wastewater Discharge Permit if found by the POTW to be necessary. Wastewaters shall in no case contain concentrations of these pollutants high enough to cause interference or pass through. The limits for both fats, oils and grease of mineral, petroleum or unknown origin and of animal or vegetable origin may be reduced by the Department without amending these regulations where the existing limits cause adverse impacts to the Collector System and/or POTW.

(c) 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 these regulations.

(d) City's Right of Revision

The City reserves the right to establish by regulation more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 501.1 of these Regulations.

(e) Accidental Discharges

(1) Spill Prevention Plan: Each User shall provide protection from accidental discharge of prohibited materials or other substances which may interfere with the POTW by developing a Spill Prevention Plan. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Department for review, and shall be approved by the Department before construction of the facility. The Spill Plan shall contain, at a minimum, the following:

(A) Description of discharge practices, including routine and non-routine batch discharges

(B) Description of stored chemicals;

(C) Procedures for promptly notifying City of spills or slug discharges, with procedures for follow-up written notification within five (5) working days;

(D) Any necessary procedures to prevent accidental spills, including inspection and maintenance of storage areas,

handling and transfer of materials, loading and unloading operations, control of plant site runoff and worker training;

(E) Any necessary measures for building containment structures or equipment

(F) Any necessary measures to assure the integrity of storage

(G) Any necessary measures for controlling toxic organic pollutants (including solvents)

(H) Any necessary procedures and equipment for emergency response;

(I) Any necessary follow-up practices to limit the damage suffered by the POTW or the environment.

(2) All existing Users shall complete such a plan within 3 months of notice to do so by the Department. No User who commences a new discharge to the POTW after the effective date of these regulations shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. 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 these regulations.

(3) Notification: In the case of an accidental discharge, it is the responsibility of the User to immediately notify the Department of the incident by telephone. The notification shall include date, time and location of discharge, type of waste including concentration and volume, duration of discharge, and any corrective actions taken by the User.

(4) Written Notice: Within five (5) business days, unless a different period is prescribed by the City, following an accidental discharge the User shall submit to the Department a detailed written report describing the cause of the discharge and the measures that will 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 these regulations or other applicable law.

(5) Notice to Employees: A notice shall be permanently posted on the User's bulletin board(s) or other prominent places advising employees whom to call in the event of a dangerous discharge. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure.

#### **501.4 Administration**

##### **(a) Wastewater Discharges**

All discharges to the POTW must be in compliance with these Regulations.

##### **(b) Wastewater Discharge Permits**

###### **(1) General Permits:**

All Significant Industrial Users proposing to connect to or contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing Significant Industrial Users connected to or contributing to the POTW shall obtain a wastewater discharge permit within 365 days after the effective date of these Regulations.

##### **(2) Permit Requirements for Trucked or Hauled Wastewater:**

Any person trucking or hauling wastewater to the POTW, must first obtain a septage discharge permit. The following prohibitions apply to all trucked or hauled wastewater:

(A) All wastes are to be discharged only at the designated location contained in the User's septage discharge permit.

(B) All loads are to be sampled and approved prior to discharge.

(C) Only sanitary septic wastes are to be discharged unless prior written approval is given.

(D) Sludges or grease trap wastes shall not be discharged.

(3) Permit Application: Users required to obtain a Wastewater Discharge Permit shall complete and file with the City a Baseline Monitoring Report or other report as may be required by the City. Existing Users shall apply for a wastewater discharge permit within 30 days after the effective date of these Regulations, unless the City has previously issued such a permit which has not expired. New Users shall apply at least 90 days prior to connecting to or contributing to the POTW. The City may waive the requirement for filing an application. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

(A) Name, address, and location (if different from the address);

(B) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended



(C) Wastewater constituents and characteristics including but not limited to those mentioned in Section 501.2 of these Regulations as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136, as amended; User shall follow the requirements of 40 CFR 403.12(b) (5), Measurement of Pollutants.

(D) Time and duration of contribution;

(E) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;

(F) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

(G) Description of activities, facilities and plant processes on the premises including all materials, which are or could be discharged

(H) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal Pretreatment Standards, and a statement regarding whether or not the 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 for the User to meet applicable Pretreatment Standards

(I) Where 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. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

(i) The schedule shall contain increments of progress 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 (e.g., completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(ii) No increment referred to in paragraph (i) shall exceed 9 months.

(iii) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Department including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Department.

(J) Each product produced by type, amount, process or processes and rate of production

(K) Type and amount of raw materials processed (average and maximum per day)

(L) Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(M) Any other information as may be deemed by the City to be necessary to evaluate the permit application.

(N) The User shall submit a list of any environmental control permits held by or for the facility.

(4) The City will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a wastewater discharge permit subject to terms and conditions provided herein.

(5) Promulgation of Additional National Categorical Pretreatment Standards: When additional and/or new National Categorical Pretreatment Standards are promulgated, any User subject to such additional or new Standards shall apply for a Wastewater Discharge Permit within 180 days of the promulgation of such Standard. In addition, any User with an existing Wastewater Discharge

Permit shall submit to the Department within 180 days of the promulgation of an applicable National Categorical Pretreatment Standard the information required by Sub-sections 501.4(b)(3)(H) and (I) of these Regulations.

(6) Permit Modifications: The Department may modify any existing permit for any of the following reasons.

(A) To incorporate any new or revised federal, state or local Pretreatment Standards or Requirements;

(B) Material or substantial alterations or additions to Industrial Users operation which were not covered in the effective permit;

(C) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(D) Information indicating that the permitted discharge could in any manner adversely affect the POTW, personnel or receiving waters

(E) Violation of any terms or conditions of this Permit;

(F) Obtaining the Permit by misrepresentation or failure to disclose fully all relevant facts; or

(G) Upon request of the Industrial User, provided such request does not create a violation of any existing applicable requirements, standards, laws or rules and regulations.

(7) Permit Conditions: Wastewater discharge permits shall be expressly subject to all provisions of these regulations and all other applicable regulations, User charges and fees established by the City. Permits may contain the following.

(A) Concentration and/or mass limits on the average and maximum wastewater constituents and characteristics;

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

(C) Requirements for installation and maintenance of inspection and sampling facilities;

(D) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule

(E) Compliance schedules. The Department may, at its discretion, issue interim effluent limits as part of a Compliance Schedule

(F) Requirements for submission of technical reports or discharge reports (see Section 501.5 of these Regulations)

(G) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;

(H) Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(I) Requirements for notification of slug discharges;

(J) Other conditions as deemed appropriate by the Department to ensure compliance with these Regulations.

#### (8) Public Notice of Permit Issuance

(A) Public notice of every proposed wastewater discharge permit ("permit") shall be published by the Water Department in a newspaper of daily circulation within the geographical area of

the discharge. The notice shall include at least the following:

(i) Name and address of each permittee.

(ii) Each permittee's activity or operation which results in the discharge described in the wastewater discharge permit.

(iii) Address and phone number of premises where a copy of the proposed permit may be requested.

(iv) Notice of the 30-day comment period required by Sub-section 501.4(b)(8)(B) of these Regulations.

(B) There shall be a 30-day period following publication of notice during which written comments may be submitted by the permittee or interested persons located within the Water Department's 5 wastewater processing service area. The Commissioner will make his final determination on a proposed permit following the comment period. The period for comment may be extended at the discretion of the Commissioner for up to 30 additional days.

(C) The Commissioner shall issue the permit as soon as is practicable and this shall be a final decision.

#### (9) Permit Duration

(A) Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for permit reissuance a minimum of 180 days prior to the expiration of the User's existing permit. Where the User has made a timely and complete Permit renewal application,

the existing Permit shall continue in effect until a new Permit is issued by the City. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(B) If a User wishes to contest any provisions of the permit, the User may file an appeal pursuant to the Philadelphia Home Rule Charter. The appeal shall specifically state all terms and/or conditions of the permit which are being challenged and shall state all reasons why the User believes the terms and/or conditions are inappropriate. The appeal shall be taken within thirty (30) days of the User's receipt of the permit. Failure to appeal within this time period shall result in a waiver of all legal rights to challenge the terms and/or conditions of the permit. Where the permit has been appealed, the appeal shall only stay the contested terms and/or conditions of the permit and not the entire permit. The remainder of the permit remains in full force and effect.

(10) Wastewater Discharge Permit Transfer: Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance written notice to the City and the City approves the wastewater discharge permit transfer. The notice to the City must include a written certification by the new owner or operator which:

(A) States that the new owner and/or operator has no immediate intent to change the facility's operation or processes

(B) Identifies the specific date on which the transfer is to occur;

(C) Acknowledges full responsibility for complying with the existing wastewater discharge permit; and

(D) Acknowledges full responsibility for correcting all pre-existing violations, including, but not limited to, implementing corrective action plans and paying fines.

#### (11) Effective Date

The permit becomes effective when signed by the Commissioner.

### **501.5 Reporting Requirements**

(a) Report on Compliance with National Categorical Pretreatment Standards Deadline (90 Day Compliance Report). Within 90 days following the date for final compliance with applicable National Categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards or Requirements shall submit to the Control Authority a report containing the information described in 40 C.F.R. 403.12(b)(4) through (6). For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in 40 C.F.R. 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to National 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.

(b) Periodic Compliance Reports

(1) The reporting periods shall run from January 1 to June 30 and from July 1 to December 31. Every SIU shall submit to the Department during the months of July and January, unless required in different months or more frequently by the Department, a Periodic Compliance Report for the preceding reporting period. The Periodic Compliance Report shall contain, at minimum, the following:

(A) The results of the monitoring program conducted by Industrial User, including all sample results, sampling frequency and sample type (grab or composite). All analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR Part 136, and amendments thereto, or other test procedures approved by the EPA. Samples and measurements taken for purposes of the monitoring requirements shall be representative of the monitored activity.

(B) Wastewater flow data for the reporting period.

(C) A statement as to whether or not Industrial User has achieved compliance with all Pretreatment Standards or Requirements.

(E) If the Industrial User has not achieved compliance with all Pretreatment Standards or Requirements, a proposed schedule indicating what additional pretreatment and/or operations and maintenance will be required to achieve compliance in the shortest time.

(F) The following certification statement, signed and dated by an authorized representative of the Industrial User. "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."

(c) Notification of Changed Discharge

All Industrial Users shall promptly notify the Department in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p), and which is found in Section 501.5(c) of these Regulations and Section IV(F) of the Permit Standard Conditions.

(d) Hazardous Waste Notification Requirement

(1) The Industrial User shall notify the City, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge to the City of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 (RCRA). 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 Industrial User discharges more than 100 kilograms of such waste per calendar month to the City, the notification shall also contain the following information

to the extent such information is known and readily available to the Industrial 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 months. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements.

(2) The Industrial User is exempt from the requirements of paragraph (1) of this section during a calendar month in which it discharges no more than fifteen kilograms of hazardous wastes, if allowed under its Permit, unless the wastes are RCRA acute hazardous wastes, which requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste, where allowed by its permit, 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 Industrial User must notify the City, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under this Section, the Industrial 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.

#### (e) Closure Statement

If Industrial User requests modification or termination of Industrial User's wastewater discharge permit due to ceasing all or part of the process(es) regulated by the permit, Industrial User shall submit to the City, in writing, a Closure Statement which shall contain, at a minimum, the following:

(1) Company name and address (that at which regulated process(es) are or were located);

(2) Name and telephone number of company contact person;

(3) Closure date(s) of regulated process(es);

(4) List of other process(es) that will continue to operate at same location;

(5) Indication of whether a water shut-off request has been filed if entire facility has/will shut down;

(6) Ultimate plans for disposal of building(s), equipment and materials;

(7) Schedule for (6) above;

(8) Receipts and manifests for disposal of hazardous wastes/ materials, etc.;

(9) A certification statement, signed and dated by an authorized representative of the Industrial User, as required by 40 CFR 403.6(a)(2)(ii) and Section 501.11 of these Regulations, and which is also found at Section VI(D) of the Permit Standard Conditions.

#### (f) Notice of Potential Problems

Industrial User shall notify the POTW immediately of all discharges which could cause problems to the POTW, including spills or slug discharges, by Industrial User.

(g) Notice of Indication of Violation

If sampling performed by Industrial User indicates a violation, user shall notify the City within 24 hours of becoming aware of the violation, and submit to the City within five (5) business days, unless otherwise specified, a detailed written report describing the discharge and the measures taken to prevent similar future occurrences. User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days of becoming aware of the violation.

(h) Surcharge Reports

The City may require any User subject to wastewater surcharge rates to file Surcharge Reports on a quarterly or more frequent basis. These Surcharge Reports shall contain information necessary to calculate surcharge billings, which includes, but is not limited to, flow, BOD and suspended solids.

(i) Responses to Notices of Violations and Notices of Significant Non Compliance

All Users shall respond in writing to Notices of Violations and Notices of Significant Non-Compliance within 15 days of their receipt of these Notices or as otherwise required in the Notices. The written response must state the reasons for the violation(s), all actions that have or will be taken to return to compliance, and when full compliance will be achieved.

(j) Baseline Monitoring Reports

Any User receiving a Baseline Monitoring Report form shall complete the form by providing all information requested therein and shall return the completed form to the POTW within thirty (30) days, upon its receipt.

**501.6 Monitoring Facilities**

(a) The City shall require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the City may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(b) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

(c) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City.

**501.7 Inspection and Sampling**

(a) The City may inspect User's facilities to determine compliance with Pretreatment

Standards or Requirements. Persons or occupants of premises where wastewater is or may be created or discharged shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, copying of records or for the performance of any of their duties.

(b) The City shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(c) 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 City shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

### **501.8 Pretreatment**

Users shall provide necessary wastewater treatment as required to comply with these Regulations and shall achieve compliance with all Pretreatment Standards or Requirements. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the User's expense. A Pretreatment Facilities Report containing detailed plans showing the pretreatment facilities and detailed operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction or operation of the facility. Any User currently operating that has not submitted a Pretreatment Facilities Report shall submit this report to the City within 15

days of the City's request for this Report. The review of such plans and operating procedures will in no way relieve the User from its responsibility of providing an effluent which complies with all Pretreatment Standards or Requirements. User shall report in writing to the City any changes in its pretreatment facilities, method of operation or nature or characteristics of the wastewater prior to implementing such changes.

### **501.9 Record Keeping Requirements**

All Users shall retain all records relating to compliance with Pretreatment Standards or Requirements for a period of at least three years, and shall follow all requirements of 40 CFR 403.12(o). The period of retention shall be automatically extended during the course of any unresolved dispute between the User and the Department, or when the Department so requests. Upon request, these records shall immediately be made available to the City for inspection and copying.

### **501.10 Duty To Mitigate**

Industrial User shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with any Pretreatment Standards or Requirements, including such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying discharge.

### **501.11 Confidential Information**

(a) Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to



demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

(b) When requested by the person furnishing a report, 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 upon written request by governmental agencies for uses related to this regulation, the City's National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Program, and for use by State and Federal government or any state or federal agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

#### **501.12 Public Notification**

The City shall publish, at least semi-annually in the daily newspaper with the largest circulation a list of the Users which were in Significant Noncompliance, as defined in Section 501.17 of these Regulations, during the previous six (6) months. The notification may also summarize any enforcement actions taken against the User(s) during the same six (6) months.

#### **501.13 Certification Requirement**

All reports, including, but not limited to, baseline monitoring reports, reports on compliance with categorical pretreatment standards and periodic compliance reports shall include the certification statement set forth in 40 CFR 403.6(a)(2)(ii), and which is found in Section 501.5(b) of these

Regulations and Section IV(D) of the Permit Standard Conditions.

#### **501.14 Signatory Requirements**

All reports, including but not limited to, baseline monitoring reports and periodic compliance reports shall be signed by an authorized representative of the User, as specified at 40 CFR 403.12(1).

#### **501.15 Enforcement**

##### **(a) Emergency Suspensions**

(1) Notwithstanding any other provisions of these regulations, the City may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which:

(A) Presents or may present an imminent or substantial endangerment to the health or welfare of persons; or

(B) Presents or may present an imminent or substantial endangerment to the environment; or

(C) may cause or actually causes Interference to the POTW; or

(D) May cause 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 discharge permit shall immediately stop or eliminate all contributions.

(3) Should the person fail to immediately comply voluntarily with the

suspension order, the City shall take such steps as deemed necessary, including but not limited to termination of water service, and/or immediate severance of the sewer connection.

(4) City shall revoke its emergency suspension order and restore wastewater and/or water service once the following information has been provided to and accepted by the City:

(A) A detailed written report describing the cause(s) of the harmful contribution and indicating what measures have been taken to prevent any future occurrence of same, and

(B) Proof of the elimination of the harmful discharge.

(5) Revocation of an emergency suspension order and restoration of wastewater and/or water service shall not preclude the City from taking any other enforcement action as permitted under Subsections 501.15(b)-(j), inclusive, and Section 501.17 of these Regulations.

(b) Revocation of Permit: Any User who violates these regulations, the Wastewater Discharge permit, or any applicable Federal, State or local law, is subject to having his wastewater discharge permit revoked in accordance with the procedures of Section 501.15(c) of these regulations. Revocation of a User's Permit requires the User to immediately cease all wastewater contributions.

(c) Procedure for Revocation of Permit

(1) Whenever the City finds that any User has violated or is violating any Pretreatment Standards or Requirements, the City may serve personally or by regular or

certified mail upon such person a notice of revocation stating the nature of the violation(s). Notice by regular mail alone shall be deemed sufficient notice.

(2) Within 15 days of the date of the notice of revocation, the User shall respond in writing. The response must state why the violation occurred, the steps taken to prevent its recurrence, and whether the violation has been corrected. If the response indicates that the violation has not been corrected, the response shall contain a plan for the immediate correction of the violation.

(3) The Commissioner shall consider the User's response, if any, before rendering his final determination order. The Commissioner's final determination order may direct that:

(A) the User's Permit be immediately revoked; or

(B) The User's Permit be revoked on a specified future date unless adequate treatment facilities, devices or other related appurtenance shall have been installed and existing treatment facilities, devices or other related appurtenances are properly operated; or

(C) the User's Permit shall continue in effect.

(4) Further orders and directives as are necessary and appropriate may be issued.

(d) Enforcement of Permit Revocation: If the User fails to immediately cease all wastewater discharges upon the revocation of his wastewater discharge permit, the

Commissioner may order any of the following actions to be taken.

- (1) immediate termination of the User's water service;
- (2) immediate severance of the User's sewer connection;
- (3) Any other action designed to immediately terminate the User's wastewater discharge.
- (4) All costs related to terminating or reinstating after termination the User's water and/or sewer service shall be borne by the User.

(e) Reissuance of Permit after Revocation

(1) Where a User has failed to respond to a notice of revocation in accordance with Section 501.15(c) of these Regulations and/or has failed to comply with the Commissioner's final determination order, the City may decline to reissue a permit.

(2) No permit shall be reissued until the User has submitted and completed a corrective action plan, which will ensure compliance with all Pretreatment Standards or Requirements.

(3) Prior to reissuance of a Permit the City may require the User to:

(A) File with the City a performance bond payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve consistent compliance; or

(B) Submit proof that it has obtained liability insurance acceptable to the City, sufficient to restore or repair the

POTW for damages that may be caused by the User's discharge.

(f) Procedure for Terminating Discharge against Non-Permitted Users

(1) Whenever the City finds that any User has violated or is violating any Pretreatment Standards or Requirements, the City may serve personally or by regular or certified mail upon such User a notice of the City's intent to terminate the User's discharge, along with a description of the User's violation(s). Notice by regular mail shall be deemed sufficient notice.

(2) Within 15 days from the date of the notice of the City's intent to terminate, the User shall respond in writing. The User's response shall include a plan for the satisfactory correction of the violation(s).

(3) The Commissioner shall consider the User's response, if any, before rendering his final determination order. The Commissioner's final determination order may direct that:

(A) the User immediately cease all wastewater contributions; or

(B) The User be prohibited from contributing wastewater into the POTW unless adequate treatment facilities are installed and operating; or

(C) the User may continue his wastewater contribution.

(4) Further orders and directives as are necessary and appropriate may be issued.

(5) If a User fails to immediately comply with the Commissioner's final determination order the Commissioner may enforce his order by taking any or all of the

actions stated in Section 501.15(d) of these Regulations. In addition, the Commissioner may use any other administrative, legal, or equitable relief available.

(6) After termination, the User may apply to the Commissioner to once again contribute wastewater into the City's system. The Commissioner may accept, deny, or condition his acceptance of the application pursuant to Section 501.15(e) Of these Regulations.

(g) Administrative Orders

(1) Whenever a User has violated or continues to violate any Pretreatment Standards or Requirements the Commissioner may issue an Administrative Order requiring the User to correct the violations and to return to compliance. The Order may require that any of the following actions be taken:

(A) Install new or additional pretreatment facilities to ensure compliance with all Pretreatment Standards or Requirements;

(B) Make operational changes to ensure compliance with all Pretreatment Standards or Requirements

(C) Meet interim and/or final deadlines by which actions and/or compliance must be achieved

(D) conduct additional self-monitoring and additional reporting;

(E) Require remediation of any damage done to the POTW or the environment

(F) establish interim effluent limits;

(G) Require the User's Wastewater Discharge Permit to be amended in accordance with these regulations

(H) require the User to submit information and reports;

(I) Pay fines in accordance with Section 501.17 of these Regulations

(J) Take any other action, which the Commissioner deems necessary to ensure both present and future compliance with all Pretreatment Standards or Requirements.

(2) If the User fails to comply with the Administrative Order, the User's wastewater and/or water service may be terminated, The issuance of an Administrative Order shall not be a bar against, or a prerequisite for, taking any other action against the User. If the User wishes to contest the Administrative Order, it shall file its appeal pursuant to the Philadelphia Home Rule Charter within 30 days. Failure to appeal within this time period shall result in a waiver of all legal rights to contest the violation or any provisions contained in the Order,

(h) Administrative Consent Orders: The Commissioner may enter into Administrative Consent Orders establishing an agreement with any User. An Administrative Consent Order may contain any or all of the provisions contained in Section 501.15(g) of these Regulations, Administrative Orders. Administrative Consent Orders shall have the same force and effect as Administrative Orders.

(i) Legal Action

If any person violates any Pretreatment Standards or Requirements, the City Solicitor may commence an action for appropriate legal and/or equitable relief in the appropriate court.

(j) Injunctive Relief

If an Industrial User violates any Pretreatment Standards or Requirements, the City, through counsel, may petition the Court for the issuance of a temporary restraining order, a preliminary or permanent injunction (as may be appropriate) which restrains or compels the activities on the part of the Industrial User.

**501.16 FEES**

(a) Purpose: It is the purpose of this section to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein.

(b) Charges and Fees

(1) All industrial users applying for or issued a permit after the promulgation of these regulations shall pay a fee of \$500.00 per permit application.

(2) 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) Other fees as the City may deem necessary to carry out the requirements contained herein.

(3) These fees relate solely to the matters covered by these regulations and are separate from all other fees chargeable by the City. The Department reserves the right to change the fees set forth herein.

**501.17 Civil Penalty Assessment Policy**

(a) Purpose: The purpose of this section is to enact a civil penalty assessment policy pursuant to the Publicly Owned Treatment Works Penalty Law, Act No.1992-9.

(b) Scope: The POTW Penalty Law allows the City, as the owner and operator of publicly owned treatment works with an approved pretreatment program, to assess civil penalties of up to Twenty Five Thousand Dollars (\$25,000) per violation of any Pretreatment Standards or Requirements per day. Each term, condition or parameter violated shall constitute a separate and distinct offense. Each day on which a violation occurs or continues to occur shall constitute a separate and distinct offense. In developing this Civil Penalty Assessment Policy, the City considered the following factors:

(1) The damage to air, water, land or other natural resources of this City and Commonwealth and their uses;

(2) cost of restoration and abatement;

(3) savings resulting to the person in consequence of the violation;

(4) history of past violations;

(5) deterrence of future violations;

(6) harm and/or potential harm to the POTW and/or its employees;

(7) Whether the violation resulted or could have resulted in the POTW violating its NPDES Permit

(8) Whether the violation resulted or could have resulted in the POTW violating any law or regulation affecting its sludge disposal options.

(c) Mandatory Civil Penalties: Civil Penalties shall be assessed against any Industrial User in significant noncompliance (Hereinafter referred to as "SNC") with any Pretreatment Standards or Requirements. The amount of the civil penalty shall be calculated in accordance with Sections 501.17(e)(f) and (g) of these Regulations. An Industrial User is in significant noncompliance if it meets one or more of the following criteria.

(1) If 33% or more of all samples taken for any single parameter during a six month period demonstrate exceedances, by any amount, of the daily maximum effluent limitation or the monthly average limitation.

(2) Monitoring for any parameter less than 66% of the total sampling events required by the Permit.

(3) Discharging without the required Permit under the wastewater Control Regulations.

(4) Any violation of any pretreatment effluent limit that the Department determines has caused, either alone or in combination with any other discharges, interference or pass through.

(5) Any discharge of a pollutant that has caused imminent endangerment to

human health, welfare or the environment or has resulted in the Department's exercise of its emergency authority.

(6) Violation by 45 days or more of the scheduled date of compliance with milestones for starting construction, completing construction, attaining final compliance or any other milestone event described in any compliance schedule.

(7) Failure to provide any required reports such as Baseline Monitoring Reports, 90 Day Compliance Reports, Periodic Compliance Reports, Spill or Slug Discharge Reports, Surcharge Reports, Responses to Notices of Violation or Notices of Significant Non Compliance, Compliance Schedule Reports, Pretreatment Facilities Report or any other Report required by Law or permit within 30 days after the report's due date.

(8) Failure to report noncompliance accurately.

(9) Any other violation or group of violations that

(A) Adversely affects the operation or implementation of the local pretreatment program or

(B) Either alone or in conjunction with any other discharge causes harm to the POTW.

(d) Discretionary Civil Penalties: Civil Penalties are discretionary where an Industrial User's violation(s) of the Pretreatment Standards or Requirements do not constitute significant noncompliance as defined in Section 501.17(c) of these Regulations. In exercising its discretion as to whether to assess civil penalties for these

violations, the City shall consider the following factors.

(1) Compliance History

The City shall examine the Industrial User's compliance history for the specific term or condition now being violated as well as the Industrial User's compliance history with all other Pretreatment Standards or Requirements.

(2) Reasons for noncompliance

(3) Magnitude of violation

(4) Good faith compliance efforts.

Good faith compliance efforts consist of the following actions:

(A) Whether the Industrial User properly notified the City of the violation

(B) Whether the Industrial User responded to the Notice of Violation within 15 days as required in the Notice

(C) The corrective actions the Industrial User has taken or will take to ensure a return to compliance

(D) the timeliness of these corrective actions.

(5) Where it is determined that a civil penalty should be levied under this section, the amount of the civil penalty shall be calculated in accordance with Sections 501.17 (e) (f) and (g).

(e) Civil Penalty

The calculation of the civil penalty which shall be assessed shall be in conformity with this section and Sections 501.17(f) and 501.17(g) of these Regulations.

In this Section, violations of Pretreatment Standards or Requirements are contained in Column I of the Civil Penalty Grid. (See note 1, immediately after the Grid, for further explanation). Once the specific type of violation has been identified in the Civil Penalty Grid, the appropriate range of civil penalties for the violation is selected from either Column II, III or IV. (See notes 2, 3 and 4, for further explanation on the selection of civil penalty ranges). Once the range of fines is selected, the precise civil penalty within that range is determined by considering the factors enumerated in Column V. (See note 5 for further explanation in applying the selection factors). Finally, there are two exceptions to the general rules in using this Civil Penalty Grid. (See note 6 for further explanation).

### CIVIL PENALTY GRID

Column I	Column II	Column III	Column IV	Column V
Violations <sup>1</sup>	Non-SNC or First SNC Notification <sup>2</sup>	Second Consecutive SNC Notification <sup>3</sup>	Third Consecutive SNC Notification or Causes or Contributes to Pass Through or Interference <sup>4</sup>	Selection Factors <sup>5</sup>
1. Daily or Hourly Effluent Limits	\$300 – \$5,000	\$5,000 – 15,000	\$15,000 - \$25,000	B, A, C, D
2. Monthly Average Effluent Limits	\$300 - \$9,000	\$3,000 - \$12,000	\$12,000 - \$25,000	B, A, C, D
3. Self-Monitoring (sampling)	\$300 – \$5,000	\$5,000 - \$15,000	\$15,000 - \$25,000	B, D, C.
4. Reporting	\$300 - \$1,000	\$1,000 - \$5,000	\$5,000 – \$25,000	B, D, C
5. Incomplete Reporting	\$300 – \$5,000	Not Applicable (N/A)	N/A	B, E, D
6. Intentional Falsification of Reports or Data or knowingly rendering any monitoring device or method inaccurate	\$25,000	N/A	N/A	N/A
7. Spills or Slug Discharges	\$300 - \$10,000	N/A	\$15,000 - \$25,000	B, A, C, D
8. Unauthorized Discharge	\$300 - \$10,000	N/A	\$10,000 - \$25,000	A, D
9. Compliance Schedule Completion Dates	\$300 - \$5,000	\$5,000 - \$15,000	\$15,000 – \$25,000	F, D
10. Dilution to Meet Effluent Limits	\$300 - \$25,000	N/A	N/A	B, D
11. Inadequate Record Keeping <sup>6</sup>	\$300 - \$5,000	\$5,000 - \$15,000	\$15,000 - \$25,000	B, D, E
12. Failure to Admit Authorized Personnel <sup>6</sup>	\$300 – \$10,000	\$10,000 - \$25,000	N/A	D, B
13. Failure to notify of any Substantial Change in Volume of Pollutants in Discharge (See 40 C.F.R. 403.21(j))	\$300 - \$10,000	N/A	\$10,000 - \$25,000	B, A, C, D
14. Failure to Mitigate Noncompliance	\$300 - \$10,000	N/A	\$10,000 - \$25,000	A, B, C, D
15. Improper Disposal of Pretreatment sludges and spent chemicals	\$300 - \$10,000	N/A	\$10,000 - \$25,000	B, D
16. Unauthorized Bypass	\$300 - \$10,000	N/A	\$10,000 - \$25,000	C, A



Explanatory Notes to Civil  
Penalty Grid:

Note Number 1

Column I contains a list of sixteen categories of Pretreatment Standard or Requirement violations. These sixteen categories of violation should be all inclusive, covering all possible types of Pretreatment standards or Requirement violations. If, however, a violation occurs which does not fall within one of the sixteen categories, then the civil penalty for that violation shall be assessed in accordance with the method used for assessing civil penalties for violation of daily or hourly effluent limits.

The sixteen categories of Pretreatment Standards or Requirements violations found in Column I are explained in greater detail immediately below:

1. Daily or Hourly Effluent Limits: This category consists of violations of the effluent discharge limits for daily or hourly discharges.

2. Monthly Average Effluent Limits: This category addresses violations of the monthly average effluent limits.

3. Self-Monitoring (sampling): Permitted Industrial Users must sample their effluent in accordance with the terms and conditions of their Wastewater Discharge Permits. Violations of these self-monitoring requirements are addressed in this category. Examples of these violations include, but are not limited to, the following:

a) Failure to sample for any required parameters;

b) Failure to follow proper sampling protocols;

c) Failure to sample at the appropriate point;

d) Failure to sample as frequently as required in the Wastewater Discharge Permit.

4. Reporting: The Industrial User is subject to numerous reporting and notification requirements. Failure to provide any of these reports and notifications, or providing these reports and notifications in an untimely fashion, is addressed in this category. These reports and notifications include, but are not limited to, the following:

a) Baseline Monitoring Reports;

b) 90 Day Compliance Reports (40 C.F.R. §403.12(d));

c) Periodic Compliance Reports;

d) Spill Plans;

e) Responses to Notices of Violations or Notices of Significant Non Compliance;

f) Surcharge Reports;

g) Reports required pursuant to any Compliance Schedule, Administrative Order or Consent Decree;

h) Notification of spill or slug discharge; Follow-up written report within 5 days of spill or slug event;

i) Reporting sampling noncompliance within 24 hours of becoming aware of violation; Reporting first sample result showing a return to compliance;

j) Application for Wastewater Discharge Permit or late application;

k) Hazardous Waste Notification pursuant to 40 C.F.R.403.12 (p)

l) Pretreatment Facilities Reports.

5. Incomplete Reporting: In this category, reports and notifications are timely submitted but contain errors or omissions.

6. Intentional Falsification of Reports or Data or Knowingly Rendering Any Monitoring Device or Method Inaccurate: In this category, where the Industrial User has intentionally falsified reports or data, the maximum penalty of \$25,000 per falsification will be assessed. Similarly, where the Industrial User knowingly renders any monitoring device or method inaccurate, this category requires that the maximum penalty be assessed.

7. Spills or Slug Discharges: A spill or slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge. Violations as the result of spills or slug discharges are addressed in this category.

8. Unauthorized Discharge: This category includes three types of violations. First, where an Industrial User required to have a Permit discharges pollutants without a Wastewater Discharge Permit. Second, where an already permitted Industrial User is discharging pollutants from a regulated process which has not been specifically approved by the City and controlled by the user's Wastewater Discharge Permit. (Please note that each pollutant discharged without a permit constitutes a separate and distinct offense.) Third,

any discharge violating Section 501.3 of these Regulations.

9. Compliance Schedule Completion Dates: In Administrative Orders and Consent Decrees there will often appear compliance schedules for returning the Industrial User to compliance. This category addresses violations of the compliance schedule completion dates. (Please note that where the Administrative Orders or Consent Decrees contain stipulated penalties for violation of the compliance schedule dates, the stipulated penalties contained therein shall constitute the exclusive civil penalties available for these violations. Therefore, in these cases, the Civil Penalty Grid will not be used).

10. Dilution to Meet Effluent Limits: This category addresses the situation where the Industrial User is using dilution to achieve compliance with any effluent limit.

11. Inadequate Record Keeping: This category includes any violations of the Pretreatment Standards or Requirements involving record keeping and storage.

12. Failure to Admit Authorized Personnel: This category involves an Industrial User's refusal to allow a City representative ready access to a facility for purposes of inspection, sampling, records examination and/or copying or for the performance of any other duty.

13. Failure to Notify of Any Substantial Change in the Volume or Character of Pollutants in Discharge: (See 40 C.F.R.403.12(j)) This category involves any violations resulting from the

Industrial User's failure to comply with the advance notification of changed discharge requirements contained in 40 C.F.R. 403.12(j).

14. Failure to Mitigate Non Compliance: An Industrial User has an obligation to mitigate its noncompliance. Violation of this obligation is addressed in this category.

15. Improper Disposal of Pretreatment Sludges and Spent Chemicals: Industrial Users must dispose of hazardous sludges and spent chemicals in accordance with all applicable laws including but not limited to the Clean Water Act and the Resource Conservation and Recovery Act.

16. Unauthorized Bypass: Industrial Users processing regulated wastestreams through their pretreatment facilities are prohibited from bypassing such pretreatment facilities unless they notify the City in advance of any bypass and obtain the City's prior written approval authorizing such bypass.

Notes 2,3, and 4

After the category of violation has been identified, there are several ranges of civil penalties which can be assessed for the violation. Notes 2, 3 and 4 define the appropriate range to be selected.

(a) Note 2 - COLUMN II

NON-SNC or FIRST SNC NOTIFICATION  
If the violation does not rise to the level of Significant Noncompliance (SNC) as defined in Section 501.17(c) of these Regulations, the appropriate fining range is therefore contained in Column II. If the violation does constitute SNC as

defined in Section 501.17(c) and this is the first time that the Industrial User has been notified that it is in SNC for that specific standard or requirement, then the appropriate fining range is again contained in Column II.

(b) Note 3 - COLUMN III

SECOND CONSECUTIVE SNC NOTIFICATION: This range of civil penalties applies where the Industrial User has received a second Notice of Significant Noncompliance for the same standard or requirement in two consecutive six-month periods.

Where a Notice of SNC is issued for any standard or requirement, and there was no Notice of SNC issues for the standard or requirement in the previous six-month period, the appropriate range reverts to Column II.

If as the result of the issuance of the first SNC Notice, the Industrial User has been issued an Administrative Consent Order or is subject to a Consent Decree, and stipulated penalties are contained therein, then the stipulated penalties shall be the exclusive method for assessing future civil penalties for as long as the stipulated penalty provision remains in effect.

(c) Note 4- COLUMN IV

THIRD CONSECUTIVE SNC NOTIFICATION OR CAUSES OR CONTRIBUTES TO PASS THROUGH OR INTERFERENCE: This range of civil penalties applies in two situations. First, where the Industrial User has received a third consecutive notice of SNC for the same standard or requirement. Second, where the violation has caused or contributed to pass through or interference as defined in Sub-

sections 501.2 (w) and (dd) of these Regulations. Again, where an Administrative Consent Order or Consent Decree provides for stipulated penalties, the stipulated penalties shall be the exclusive method for assessing future civil penalties for as long as the stipulated penalty provision remains in effect.

NOTE 5

Once the type of violation has been identified in Column I, and the appropriate range of civil penalties selected from Columns II, III and IV, the precise civil penalty within the appropriate range must be selected. Selection of the precise civil penalty will be based on those Selection Factors appropriate for each type of violation which are found in Column V. The six selection factors are lettered A through F as follows:

- A. SEVERITY OF VIOLATION
- B. SPECIFIC COMPLIANCE HISTORY
- C. GENERAL COMPLIANCE HISTORY
- D. REASONS FOR VIOLATION
- E. COMPLETENESS
- F. CONSENT DECREE OR ADMINISTRATIVE ORDER

Most violations found in Column I contain numerous selection factors which must be considered in selecting the precise civil penalty. The selection factors appropriate for each violation are listed in their order of importance and weight which should be given each factor, The first factor listed should be given the greatest weight; the second factor the second greatest weight, etc. Although the relative weight given each

factor is determined by its order of listing, the absolute weight has not been provided. This is because violations, and the circumstances surrounding and causing them, are too different and complex to be resolved in a mathematical formula. This can only be determined on a case by case basis.

Selection Factors A through F are explained in greater detail immediately below:

A. Severity of Violation: This factor considers the degree of severity of effluent violations in three different ways. First, the frequency of violation should be considered, Next, the level of exceedance should be considered. Finally, the violations should be considered from total mass perspective.

B. Specific Compliance History: This factor considers whether and how often in the past the Industrial User has violated the parameter for which it is now being fined.

C. General Compliance History: This factor considers the Industrial User's present and past overall compliance with all Pretreatment Standards or Requirements.

D. Reasons for Violation: (self-explanatory)

E. Completeness: For the violation categories Incomplete Reporting and Inadequate Record Keeping the level and/or degree of omissions and errors shall be considered.

F. Consent Decree or Administrative Order: For the violation category Compliance Schedule Completion Dates the Industrial User's past and

present history of compliance with the Decree or Administrative Order should be examined.

Finally, although addressed separately in Sub-sections 501.17(f) and (g) of these Regulations for all categories of violations the economic benefit of noncompliance and any damages, costs and fines must be recovered in selecting the precise civil penalty within the appropriate range.

NOTE 6

For most violations, the appropriate range of penalties is selected by the criteria discussed in notes 2, 3 and 4. However, for the categories of Inadequate Record Keeping and Failure to Admit Personnel, the appropriate ranges are selected differently.

For these categories, the civil penalty range moves from Column II to III if that Industrial User has ever in the past been cited for a violation in that category. The violations do not need to rise to the level of SNC nor do they need to occur in consecutive six (6) month periods.

Similarly, the civil penalty range moves to Column IV for these two categories of violations if the Industrial User has been cited twice or more, at any time in the past, for the same category of violation.

(f) Economic Benefit of Non Compliance

(1) In all cases, the civil penalty assessed shall exceed the economic benefit of noncompliance gained by the Industrial User as a result of

not complying with the Pretreatment Standards or Requirements. The economic benefit of noncompliance is that amount of both capital and operating funds saved by the Industrial User by either failing or delaying to install and/or operate the necessary pretreatment to achieve compliance with all Pretreatment Standards or Requirements. The City may use the Guidance Manual for POTWs to Calculate the Economic Benefit of Noncompliance, U.S. Environmental Protection Agency, September 5, 1990, or any subsequent revision, to assist it in calculating the economic benefit of noncompliance.

(2) If a Situation arises where the amount assessed under the Civil Penalty Grid in Section 501.17(e) of these Regulations fails to exceed the economic benefit of noncompliance, then the Civil Penalty Grid shall not be used to determine the civil penalty. Rather, the City shall set the civil penalty by first calculating the economic benefit of noncompliance. Next, the amount calculated to be the economic benefit of noncompliance shall be increased by anywhere from 10% to 100%. This increased amount shall constitute the civil penalty. (Simply assessing the economic benefit of non compliance fails to penalize the Industrial User).

In determining the appropriate increase factor (anywhere from 10% to 100%) the City shall consider the severity of the violations, the reason for the violation and how quickly the Industrial User abates the violation.

(g) Recovery of Damages, Costs and Fines

(1) In all cases, the civil penalty shall, at a minimum, be set so that it fully compensates the City for any damage or injury to the POTV, its employees, the POTW's sludge or the environment. Any and all costs incurred by the City to correct or compensate for the damage or injury shall also be fully recovered in the civil penalty. Costs shall include, but not be limited to, attorney's fees, court costs, court reporter fees and other expenses associated with enforcement activities, as well as all sampling and monitoring expenses related to discovering, enforcing and maintaining the Industrial User's compliance. Where violation of the Pretreatment Standards or Requirements causes, either alone or in conjunction with a discharge or discharges from other sources, the City to violate any local, state or federal law or regulation, and the City is fined for this violation, the civil penalty assessed shall fully reimburse the City for the fine paid.

(2) If a situation arises where the amount assessed under the Civil Penalty Grid fails to fully compensate the City for all damages, costs and fines, then the Civil Penalty Grid

shall not be used to determine the civil penalty. Rather, the City shall set the civil penalty by first calculating all damages, costs and fines to the City resulting from the violation. Next, this amount shall be increased by anywhere from 10% to 100%. This increased amount shall constitute the civil penalty.

(3) In determining the appropriate increase factor (anywhere from 10% to 100%) the City shall consider the extent and nature of the damage, its impact on the POTW, the reasons for the violation and how quickly the Industrial User corrects the damage.

(h) Civil Penalty Appeal

The Industrial User charged with the penalty shall have 30 days to pay the proposed penalty in full, or, if the Industrial User wishes to contest either the amount of the penalty or the fact of the violation, the Industrial User must file an appeal, pursuant to the Philadelphia Home Rule Charter. Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

### **501.18 Severability**

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

### **501.19 Conflict**

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

### **501.20 Effect of Regulations**

These regulations shall apply to the City and to persons outside the City who are, by contract or agreement with the City, users of the POTW.

## CHAPTER 6

### STORMWATER

#### 600.0 STORMWATER MANAGEMENT

The Water Department, as authorized by Section 14-1603.1 of the Philadelphia Code, requires the following specifications for stormwater detention and retention systems as of January 1, 2006.

##### 600.1 Definitions

For the purposes of these Regulations, the following words and phrases shall mean and be interpreted pursuant to the below definitions. Whenever any of these words appear in these Regulations in the singular or plural form, the opposite shall also hold as applicable.

(a) Buffer: The area of land immediately adjacent to any surface water body measured perpendicular to and horizontally from the top-of-bank on both sides of a stream that must remain or be restored to native plants, trees, and shrubs.

(b) Design Professional: A licensed professional engineer registered in the Commonwealth of Pennsylvania.

(c) Design Storm: The magnitude and temporal distribution of precipitation from a storm event defined by probability of occurrence (e.g., five-year storm) and duration (e.g., 24-hours), used in the design and evaluation of stormwater management systems.

(d) Developer: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who

makes or causes to be made a subdivision of land or land development project prior to issuance of the Certificate of Occupancy.

(e) Development: Any human-induced change to improved or unimproved real estate, whether public or private, including but not limited to land development, construction, installation, or expansion of a building or other structure, land division, street construction, and site alteration such as embankments, dredging, grubbing, grading, paving, parking or storage facilities, excavation, filling, stockpiling, or clearing. As used in these Regulations, development encompasses both new development and redevelopment. It includes the entire development site, even when the project is performed in stages.

(f) Development Site: The specific tract of land where any Earth Disturbance activities are planned, conducted, or maintained.

(g) Diffused Drainage Discharge: Drainage discharge not confined to a single point location or channel, such as sheet flow or shallow concentrated flow.

(h) Directly Connected Impervious Area (DCIA): An impervious or impermeable surface, which is directly connected to the drainage system as defined in the Manual.

(i) Earth Disturbance: Any human activity which moves or changes the surface of land, including, but not limited to, clearing and grubbing, grading, excavation, embankments, land development, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral



extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

(j) Erosion and Sediment Control Plan: A plan for a project site that identifies stormwater detention and retention structures that will minimize accelerated erosion and sedimentation during the construction phase.

(k) Groundwater Recharge: The replenishment of existing natural underground water supplies without degrading groundwater quality.

(l) Management District: Sub-area delineations that determine peak rate attenuation requirements, as defined in the Manual. Sites located in more than one management district shall conform to the requirements of the district into which the site discharges.

(m) Manual: The most recent version of the Philadelphia Stormwater Management Guidance Manual.

(n) New Development: Any development project that does not meet the definition of redevelopment as defined in these Regulations or any development project at a site where structures or impervious surfaces were removed before January 1, 1970.

(o) Post Construction Stormwater Management Plan (PCSMP): A complete stormwater management plan as described in these regulations and in the Manual.

(p) Predevelopment Condition: For new development, the predevelopment condition shall be the existing condition of the site, and for redevelopment, predevelopment shall be defined

according to the procedures found in the Manual.

(q) Redevelopment: Any development on a site that requires demolition or removal of existing structures or impervious surfaces and replacement with new impervious surfaces. This includes replacement of impervious surfaces that have been removed on or after January 1, 1970, with new impervious surfaces. Maintenance activities such as top-layer grinding and re-paving are not considered redevelopment. Interior remodeling projects are also not considered redevelopment.

(r) Stormwater Management Practice (SMP): Any man-made structure that is designed or constructed to convey, store, or otherwise control stormwater runoff quality, rate, or quantity. Typical SMPs include, but are not limited to, detention and retention basins, swales, storm sewers, pipes, and infiltration structures.

(s) Stormwater Pretreatment: Techniques employed to remove pollutants before they enter the SMP, limited to techniques defined and listed as pretreatment in the Manual.

## **600.2 Regulated Activities**

(a) Regulated activities under these Regulations include any development, including new development and redevelopment, that results in an area of earth disturbance greater than or equal to 15,000 square feet. The area of Earth Disturbance during the construction phase determines requirements for both the erosion and sediment controls and the post-construction stormwater management.

(b) The applicability of these

Regulations is summarized in the Table of Applicable Stormwater Regulations in Philadelphia.

(c) These Regulations shall apply to the entire development site even if development on that site is to take place in phases.

(d) Existing SMPs may be used on sites where development occurs as long as they meet all of the requirements of these Regulations.

### **600.3 Exemptions**

#### **(a) General Exemptions**

The following cases are exempt from the specified requirements of these Regulations.

(1) Development, including new development and redevelopment, that results in an area of Earth Disturbance less than fifteen thousand (15,000) square feet is exempt from all requirements of these Regulations;

(2) Redevelopment that results in an area of Earth Disturbance greater than or equal to fifteen thousand (15,000) square feet, but less than one (1) acre, is exempt from the requirements of Section 600.5(b), Channel Protection Requirement.

(3) Redevelopment that results in an area of Earth Disturbance greater than or equal to one (1) acre and reduces the predevelopment DCIA on the site by at least twenty percent (20%) is exempt from the Channel Protection and Flood Control Requirements of this Regulation.

#### **(b) Exemption Responsibilities**

An exemption shall not relieve the Developer from implementing such measures as are necessary to protect public health and safety.

#### **(c) Emergency Exemption**

Emergency maintenance work performed for the protection of public health and safety is exempt from the requirements of these Regulations. A written description of the scope and extent of any emergency work performed shall be submitted to the Water Department within two (2) calendar days of the commencement of the activity. If the Water Department finds that the work is not an emergency, then the work shall cease immediately and the requirements of these Regulations shall be addressed as applicable.

#### **(d) Special Circumstances**

If conditions exist that prevent the reasonable implementation of water quality and /or quantity control practices on site, upon written request by the owner, the Philadelphia Water Department may at its sole discretion accept off-site stormwater management practices, retrofitting, stream restorations, or other practices that provide water quality and /or quantity control equal or greater than onsite practices for the volume which the owner has demonstrated to be infeasible to manage and treat on site.

<b>Table of Applicable Stormwater Regulations in Philadelphia</b>				
		Earth Disturbance Associated with Development		
		0-15,000 sq. ft.	15,000 sq. ft.-1 acre	> 1 acre
Section 600.5(a) Water Quality Requirement	New Development	N/A**	Yes	Yes
	Redevelopment	N/A**	Yes	Yes
Section 600.5(b) Channel Protection Requirement	New Development	N/A**	Yes	Yes
	Redevelopment	N/A**	Exempt	Yes (Alternate Criteria)
Section 600.5(c) Flood Control Requirement	New Development	N/A**	Yes	Yes
	Redevelopment	N/A**	Yes (Alternate Criteria)	Yes (Alternate Criteria)
Section 600.6 Nonstructural Project Design Requirement	New Development	N/A**	Yes	Yes
	Redevelopment	N/A**	Yes	Yes
Section 600.8 Post-Construction Stormwater Management Plan Requirement	New Development	N/A**	Yes	Yes
	Redevelopment	N/A**	Yes	Yes
<p>Yes (Alternate Criteria) – requirements of section may be waived depending on post-development site conditions (See Sections 600.3(a)(3), 600.5(b) and 600.5(c) for further details).</p> <p>N/A - Not Applicable, development project is not subject to requirements of indicated Regulations section. Voluntary controls are encouraged.</p> <p>Exempt – Development project is not subject to requirements of indicated Regulations section.</p> <p>** - If the proposed development results in stormwater discharge that exceeds stormwater system capacity, causes a combined sewer overflow, or degrades receiving waters, the design specifications presented in these Regulations may be applied to proposed development activities as warranted to protect public health, safety, or property.</p>				

**600.4 Erosion and Sediment Control during Earth Disturbance**

(a) All Earth Disturbance must comply with the Erosion and Sediment Control requirements of the Pennsylvania Department of Environmental Protection (PADEP) as specified in 25 Pa. Code § 102.4(b).

(b) No Earth Disturbance greater than or

equal to fifteen thousand (15,000) square feet and less than 1 acre shall commence until the Water Department approves an Erosion and Sediment Control Plan conforming to the regulations of the PADEP.

**600.5 Post-Construction Stormwater Management Criteria**

(a) Water Quality Requirement: The Water Quality Requirement is designed

to recharge the groundwater table and to provide water quality treatment for stormwater runoff.

(1) The following formula shall be used to determine the water quality volume, (WQ<sub>v</sub>), in cubic feet of storage for the development site.

$$WQ_v = \left(\frac{P}{12}\right) * (I) \quad \text{Eqn: 600.1}$$

Where:

WQ<sub>v</sub> = Water Quality Volume (cubic feet)

P = 1.0 inch

I = DCIA within the limits of earth disturbance (square feet)

(2) Groundwater Recharge Requirement: In order to preserve or restore a more natural water balance on new development and redevelopment sites, the water quality volume shall be infiltrated on site. A list of acceptable practices for infiltration is provided in the Manual.

(A) The infiltration volume shall be equal to one (1.0) inch of rainfall over all DCIA within the limits of Earth Disturbance.

(B) The Design Professional is required to follow the Hotspot Investigation, Subsurface Stability, and Suitability of Infiltration procedures in the Manual to determine whether the proposed infiltration on the Development Site is appropriate.

(C) If soil investigation reports demonstrate that the soil is unsuitable for infiltration, the Design Professional shall be responsible for providing written

documentation to the Water Department showing that the required volume cannot physically be infiltrated within the required time period.

(3) Water Quality Treatment Requirement.

(A) Where it has been demonstrated, in accordance with section 600.5(a)(2) of these Regulations, that a portion or all of the water quality volume cannot be infiltrated on site, the water quality volume which cannot be infiltrated on site must be treated for water quality.

(B) Water quality treatment is attained differently in separate sewer areas than in combined sewer areas. Separate sewer areas achieve water quality treatment through approved stormwater management practices. Combined sewer areas achieve water quality treatment by detaining and releasing stormwater at a specified maximum rate as stated in the Manual.

(b) Channel Protection Requirement: The Channel Protection Requirement is designed to minimize accelerated channel erosion resulting from stormwater runoff from Development Sites.

(1) To meet the Channel Protection Requirement, SMPs shall retain or detain the runoff from all DCIA within the limits of Earth Disturbance from a one-year, 24-hour Natural Resources Conservation Service (NRCS) Type II design storm in the proposed site condition such that the runoff takes a minimum of 24 hours and a maximum of 72 hours to drain from the facility.

(2) Redevelopment sites with less than one (1) acre of Earth Disturbance or redevelopment sites that demonstrate a twenty percent (20%) reduction in DCIA from predevelopment conditions as described in the Manual are exempt from this requirement.

(3) The infiltration and water quality volumes may be incorporated into the channel protection portion of the design provided the design meets all requirements concurrently.

(4) Design criteria and a list of SMPs for channel protection are included in the Manual.

(c) Flood Control Requirement

(1) To prevent flooding caused by extreme events, the City of Philadelphia is divided into Management Districts that require different levels of stormwater attenuation depending on their location. Design Professionals shall

determine the appropriate Management District for the development site using the maps provided in the Manual.

(A) The Table of Peak Runoff Rates for Management Districts lists the attenuation requirements for each Management District.

(B) Sites located in more than one Management District shall conform to the requirements of the district where the discharge point is located.

(2) Redevelopment sites that can demonstrate a twenty percent (20%) reduction in DCIA from predevelopment conditions as described in the Manual are exempt from this requirement.

(3) Predevelopment Conditions for Redevelopment are specified in the Manual.

**Table of Peak Runoff Rates for Management Districts**

<b>District</b>	<b>Column A NRCS Type II 24-hour Design Storm applied to Proposed Condition</b>	<b>Column B NRCS Type II 24 –hour Design Storm applied to Predevelopment Condition</b>
A	2 – year	1 - year
A	5 – year	5 - year
A	10 – year	10 - year
A	25 – year	25 - year
A	100-year	100-year
B-1	2 – year	1- year
B-1	10 – year	5 - year
B-1	25 – year	10 - year
B-1	50- year	25- year
B-1	100-year	100-year
B-2	2 – year	1- year
B-2	5 – year	2 - year
B-2	25 – year	5 - year
B-2	50- year	10- year
B-2	100 – year	100 - year

**C\* Conditional Direct Discharge District**

SMPs shall be designed such that peak rates from Column B are less than or equal to Peak Rates from Column A.

\* In District C, development sites that can discharge directly to the Delaware River main channel or Tidal Schuylkill River major tributary without use of City infrastructure may do so without control of proposed conditions peak rate of runoff. When adequate capacity in the downstream system does not exist and will not be provided through improvements, the proposed conditions peak rate of runoff must be controlled to the Predevelopment Conditions peak rate as required in District A provisions for the specified Design Storms.

The Predevelopment Condition for new development is the existing condition. For redevelopment purposes, the Predevelopment Condition is determined according to the procedures found in the Manual.

### **600.6 Nonstructural Project Design and Sequencing to Minimize Stormwater Impacts**

(a) A Developer is required to find practicable alternatives to the surface discharge of stormwater, the creation of impervious surfaces, and the degradation of Waters of the Commonwealth.

(b) All development shall include the following steps in sequence to comply with water quality requirements of §14.1603.1 of the Philadelphia Code. The goal of the sequence is to minimize the increases in stormwater runoff and impacts to water quality resulting from the proposed regulated activity.

(1) Prepare an Existing Resource and Site Analysis (ERSA) map and worksheet, showing environmentally sensitive areas including, but not limited to: steep slopes, ponds, lakes, streams, suspected wetlands, hydric soils, vernal pools, land development, any existing recharge areas, and any other requirements of the worksheet available in the Manual;

(2) establish a Buffer by preserving or restoring native plants, trees, and shrubs to the area of land immediately adjacent to any surface water body.

(A) The Buffer shall be a minimum of ten (10) feet on both sides of the stream, measured perpendicular to and horizontally from the top-of-bank.

(B) In the Wissahickon Watershed, there shall be no new impervious ground cover constructed or erected within 200 feet of the bank of a surface water body or within 50 feet of the centerline of a swale.

(3) prepare a draft project layout avoiding the sensitive areas identified in ERSA;

(4) evaluate nonstructural stormwater management alternatives as described in the Manual;

(5) minimize Earth Disturbance during the construction phase;

(6) use site design techniques described in the Manual to minimize the impervious surfaces within the limits of Earth Disturbance;

(7) use techniques in the Manual to minimize DCIA within the limits of Earth Disturbance;

(8) design appropriate detention and retention structures according to the Manual;

(A) meet Water Quality Requirement and provide for Stormwater Pretreatment prior to infiltration or water quality treatment in accordance with the Manual

(B) meet Channel Protection Requirement in accordance with Section 600.5(b) of these Regulations;

(C) meet Flood Control Requirement for the appropriate Management District in accordance with Section 600.5(c) of these Regulations; and

(9) adjust the site design as needed to meet all requirements of the Regulations concurrently.

### **600.7 Requirements for the Design of SMPs**

(a) General Requirements

(1) In order to provide for the protection of public health and safety and to more effectively manage stormwater in Philadelphia, all SMPs shall meet the requirements of these Regulations.

(2) The existing points of concentrated drainage that discharge onto adjacent land shall not be altered in any manner that could cause property damage without written permission of the owner of the adjacent land.

(3) The design of all SMPs shall incorporate sound engineering principles and practices as detailed in the Manual. The Water Department reserves the right to disapprove any design that would result in the creation or continuation of a stormwater problem area.

(4) All stormwater runoff in excess of any volume infiltrated on site must be routed through a dedicated stormwater pipe and conveyed up to the approved connection or point of discharge.

(5) When the Development Site is located within a combined sewer area and adjacent to a receiving water body, stormwater shall be discharged directly to receiving waters after requirements of these Regulations and any applicable state or federal requirements are met.

(6) Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by these Regulations. If diffused drainage discharge is proposed to be concentrated and discharged onto adjacent land, the Developer must document that adequate

downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding or other impacts will result from the concentrated discharge.

(7) All SMPs shall incorporate maximum ponding and/or draw down requirements consistent with the Manual.

(8) Calculation Methodology: Acceptable calculation methods for the design of SMPs are provided in the Manual.

#### **600.8. PCSMP Requirements**

##### **(a) General Requirements**

For any activities regulated by these Regulations and the Philadelphia Code Section §14.1603.1:

(1) No zoning permit may be applied for until the Water Department has approved a conceptual site plan.

(2) No Earth Disturbance may commence or Zoning Permit be issued until the Water Department has approved a PCSMP.

##### **(b) Preliminary Approval**

In order to obtain preliminary approval from the Water Department, the owner must complete the ERSA worksheet and map and Site Plan Review Meeting with the City as described in the Manual.

##### **(c) PCSMP Approval**

(1) The PCSMP shall include a general description of the project, project sequence, calculations, maps and plans as described in Section 600.6(b) of these



Regulations. A list of required contents of the PCSMP is located in the Manual.

(2) For any activities that require one or more state or federal permits, proof of application for said permit(s) or approvals shall be part of the plan.

(3) All PCSMP materials shall be submitted to the Water Department in a format that is clear, concise, legible, neat, and well organized; otherwise, the PCSMP shall not be accepted for review and shall be returned to the Developer for revision.

### **600.9 Permit Requirements by Other Government Entities**

(a) Other government entities may require permits for certain regulated Earth Disturbance activities.

(b) Requirements for these permits must be met prior to commencement of Earth Disturbance.

### **600.10 Inspections**

(a) The Water Department or its designee may inspect any phase of the installation of the SMPs.

(b) During any stage of the work, if the Water Department or its designee determines that the SMPs are not being installed in accordance with the approved PCSMP, the Water Department shall issue a “Stop Work Order” until a revised PCSMP is submitted and approved and the deficiencies are corrected.

(c) As-built drawings for all SMPs must be submitted to the Water Department prior to final inspection.

(d) A final inspection of all SMPs shall be conducted by the Water Department

or its designee to confirm compliance with the approved PCSMP prior to the issuance of any Certificate of Occupancy.

### **600.11 Responsibilities for Operations and Maintenance of SMPs**

(a) No regulated Earth Disturbance activities shall commence until the Water Department has approved a PCSMP and SMP Operations and Maintenance Plan (O & M Plan), prepared in accordance with the requirements set forth in the Manual, which describes how the post-construction SMPs will be properly operated and maintained.

(b) The O & M Plan must include a signed agreement between the owner and the City to maintain the SMPs in accordance with the O & M Plan.

(c) There shall be no alteration or removal of any SMP required by an approved PCSMP and O & M Plan, and the owner must not allow the property to remain in a condition which does not conform to an approved PCSMP and O & M Plan.

(d) The Water Department reserves the right to accept or reject the operations and maintenance responsibility for any or all of the stormwater controls and SMPs.

### **600.12 Stormwater Management Easements**

(a) Stormwater management easements or right-of-ways are required for all areas used for off-site SMPs or stormwater conveyance, unless a waiver is granted by the Water Department.

(b) Stormwater management easements

shall be provided by the owner if necessary for access for inspections and maintenance, or for the preservation of stormwater runoff conveyance, infiltration, detention areas and/or other stormwater controls and SMPs, by persons other than the property owner.

(c) The stormwater management easement and its purpose shall be specified when recorded in accordance with section 600.13 of these Regulations.

### **600.13 Recording of O & M Plans**

(a) The owner of any land upon which SMPs will be placed, constructed or implemented as described in the PCSMP and Operation and Maintenance Plan (O & M Plan), shall record the following documents with the Philadelphia Department of Records, within fifteen (15) calendar days of approval of the PCSMP by the Water Department:

(1) The O & M Plan, or a summary thereof, and

(2) Operations and Maintenance Agreements as included as part of the PCSMP submitted under Section 600.8 and Easements under Section 600.12 of these Regulations.

(b) The Water Department may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with these Regulations.

### **600.14. Prohibited Discharges**

(a) No person shall allow, or cause to allow, stormwater discharges into the City's separate storm sewer system which are not composed entirely of stormwater.

(b) In the event that the Water Department determines that any discharge to a storm sewer is not composed entirely of stormwater, the Water Department will notify the responsible person to immediately cease the discharge.

(c) Nothing in this Section shall affect a discharger's responsibilities under state law.

### **600.15 Prohibited Connections**

(a) The following connections are prohibited, except as provided in Section 600.14(a)(1) of these Regulations.

(1) Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, groundwater, process wastewater, and wash water, to enter the separate storm sewer system.

(2) Any connections to the storm drain system from indoor drains and sinks.

(3) Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system that has not been documented in plans, maps, or equivalent records, and approved by the City.