

Chapter 26

Water

Part 1 Illicit Dumping

- §26-101. General Provisions
- §26-102. Objective
- §26-103. Definitions
- §26-104. General Discharge Prohibitions
- §26-105. Discharge of Pollutants Associated With Industrial Or Commercial Activities
- §26-106. Controlling Spills, Dumping or Disposal of Materials

Part 1**Illicit Dumping****§26-101. General Provisions.**

This Part is known as the “Illicit Dumping Into Waterways and Pollution Control,” and may be so cited.

(*Ord. 2356, 8/8/2011, §101*)

§26-102. Objective.

This Part sets forth uniform requirements and prohibitions for dischargers and places of discharge to the receiving waters, within the Borough of Carnegie, necessary to adequately enforce and administer all laws and lawful standards and orders or special orders that provide for the protection, enhancement and restoration of water quality. Through a program employing watershed-based approaches that balance environmental and economic considerations under the jurisdiction of the Borough of Carnegie, the Borough seeks to protect and promote the public health, safety and general prosperity with the implementation of the following objectives:

A. To comply with all Federal and State laws, lawful standards and orders applicable to the illicit dumping into the streams or rivers or waterways within the Borough of Carnegie.

B. To prohibit any discharge which interferes with the operation of or cause any damage to the waterways or impair the beneficial use of the receiving waters.

C. To prohibit illicit discharge to the receiving waterways.

D. To develop and implement effective educational outreach programs designed to educate the public on issues of stormwater and illicit dumping into the streams, rivers and waterways within the Borough of Carnegie.

E. This Part provides for the control and regulation of discharges to the receiving waters, through a program of education and enforcement of general and specific prohibitions and requirements.

(*Ord. 2356, 8/8/2011, §102*)

§26-103. Definitions.

For the purpose of this Part, the following definitions shall apply:

Best management practices—physical, structural and managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the Borough of Carnegie.

Channel—a natural watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

Clean Water Act—the Federal Water Pollution Control Act, Public Law 92-500, as amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to waters of the United States unless said discharge is in accordance with an NPDES permit.

Discharge—any release, spill, leak, pump, flow, escape, dumping or disposal of any liquid, semi-solid or solid substance.

Dumping—the introduction of material, both solid and liquid, into the streams, rivers and/or waterways which could cause contamination of the streams, rivers and/or waterways.

Filling—the deposit of earth by artificial means.

Grading—the operation of raising or lowering the ground surface to a predetermined elevation datum.

Impervious—not allowing the passage of water through the surface of the ground or ground covering, or a substantial reduction in the capacity for water to pass through the surface of the ground covering.

Intermittent stream—a watercourse which periodically flows in a channel.

Perennial stream—a watercourse which flows on a somewhat perpetual basis in a channel.

Receiving waters—all surface water bodies within the Borough of Carnegie that are identified in a basin plan.

Right of way—term used to describe a right belonging to a party to pass over the land of another.

Riparian—belonging or relating to the bank of a river, stream or lake.

Stabilize—to provide adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

Stream buffer—a vegetated area adjacent to a stream bank that has the purpose of controlling erosion, providing riparian habitat, providing a filter for pollution and allowing or encouraging stormwater infiltration.

Stripping—the removal of existing vegetation or soils.

(Ord. 2356, 8/8/2011, §103)

§26-104. General Discharge Prohibitions.

1. No person shall discharge, cause or permit the discharge, or contribute to the discharge of any of the following to the receiving waters:

A. Any liquids, solids or gases which, by reason of their nature or quantity, are flammable, reactive, explosive, corrosive or radioactive, or by interaction with other materials could result in fire, explosion or injury.

B. Any solid or viscous materials which could cause obstruction to the flow or operation of the storm drain system and/or receiving waters.

C. Any noxious or malodorous liquid, gas or solid in sufficient quantity, either singly or by interaction with other materials, which creates a public nuisance, hazard to life or inhibits authorized entry of any person into the storm drain system or stream/river.

D. Any medical, infectious, toxic or hazardous material or waste.

2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania

Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs for the first offense and a fine of not less than \$500 nor more than \$1,000 for each additional offense within a 12-month period, plus costs, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 2384] (Ord. 2356, 8/8/2011, §104; as amended by Ord. 2384, 12/10/2012)

§26-105. Discharge of Pollutants Associated With Industrial Or Commercial Activities.

1. Except as allowed under a general or separate NPDES permit, the following prohibitions apply to all persons operating or performing any industrial or commercial activities within the Borough of Carnegie:

A. No person shall discharge, cause or permit the discharge of untreated wastewater from steam cleaning, mobile carpet cleaning or from other such mobile commercial or industrial operation into the roadway, storm sewers, streams, rivers or receiving waterways.

B. No person shall discharge, cause or permit any discharge of untreated runoff containing grease, oil, antifreeze, other fluids from machinery, equipment, tools or motor vehicles or other hazardous substances into the stream, river or receiving waterways.

C. No person shall discharge, cause to be discharged or permit the discharge of untreated runoff from the washing of toxic materials from paved or unpaved areas into the stream, rivers or receiving waterways.

D. No person shall discharge, cause or permit the discharge of wastewater from the washing out of concrete trucks into the stream, river or receiving waterways.

E. No person shall discharge, cause or permit the discharge of untreated water from gas stations, auto repair garages, or from other types of automotive facilities into the stream, rivers or receiving waterways.

F. No person shall discharge, cause or permit the discharge of untreated runoff from the washing of impervious surfaces facilities into the stream, rivers or receiving waterways.

G. No person shall discharge, cause or permit the discharge of food wastes from the washing of any floor coverings, such as duck boards, grates, mats or rugs from any commercial kitchen, or from any other commercial food preparation or processing activity facilities into the stream, rivers or receiving waterways.

H. No person shall discharge, cause or permit the discharge of commercial, public or private swimming pool filter backwash facilities into the stream, rivers or receiving waters.

8. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs for the first offense and a fine of not less than \$500 nor

more than \$1,000 for each additional offense within a 12-month period, plus costs, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 2384]

(Ord. 2356, 8/8/2011, §105; as amended by Ord. 2384, 12/10/2012)

§26-106. Controlling Spills, Dumping or Disposal of Materials.

1. No person shall throw, deposit, leave, cause to be thrown or permit the throwing of, deposit or place any refuse, rubbish, garbage or other discarded or abandoned objects, articles and accumulations in or upon any street, gutter, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the Borough so that such materials, when exposed to water or any runoff become a pollutant in the stream, river and/or waterways.

2. No person shall intentionally dispose or cause the disposal of leaves, dirt or other landscape debris into the stream, river and/or waterways.

3. No person shall spill, dump or dispose of any pesticide, fungicide or herbicide, into the stream, river and/or waterways.

4. No person shall leave, cause or permit the disposal of hazardous wastes in such a manner that results in a spill, leak or drainage of such wastes onto any sidewalk, street or gutter that discharges into or flows with any other stream, river and/or waterways.

5. No person shall store fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries and any toxic or hazardous materials in a manner which causes the runoff of pollutants from such materials or wastes into the stream, river and/or waterways.

6. No person shall dispose, discharge or permit the discharge of any sanitary or septic wastes from any source into the stream, river and/or waterways.

7. It is intended that this Part applies to all persons within the Borough of Carnegie and is intended to be in addition to any other anti-littering provisions within Federal, State or Carnegie law.

8. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs for the first offense and a fine of not less than \$500 nor more than \$1,000 for each additional offense within a 12-month period, plus costs, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 2384]

(Ord. 2356, 8/8/2011, §106; as amended by Ord. 2384, 12/10/2012)