PHILADELPHIA WATER DEPARTMENT REGULATIONS
As of 7/10/15

TABLE OF CONTENTS

Section	Title	Page
CHAPTER 1	**CUSTOMER RIGHTS AND OBLIGATIONS**	**1**
100.0	Residential Customers	1
100.1	Definitions	1
100.2	Application for Service	1
100.3	USTRA Tenant Rights	6
100.4	Shut off of Service	7
100.5	Notice of Shut off	7
100.6	Shut-off Notice Schedule	10
100.7	Hearings	12
100.8	Rights Pending Final Decision	13
100.9	Payment Agreements	14
100.10	Emergency Procedures	19
100.11	Procedure at Shut off	19
100.12	Restoration of Service	21
100.13	Posting of Customer Rights	22
100.14	Modifications	22
101.0	Commercial Customers	22
101.1	Definitions	22
101.2	Application for Service	23
101.3	Shut off of Service	26
101.4	Notice of Shut off	26
101.5	Shut-Off Notice Schedule	27
101.6	Hearings	27
101.7	Rights Pending Final Decision	28
101.8	Payment Agreements	29
101.9	Procedure at Shut off	30
101.10	Restoration of Service	30

CHAPTER 2 ASSISTANCE PROGRAMS.....31

200.0 Homeowner Emergency Loan Program.....31
200.1 Purpose.....31
200.2 Eligibility 31
200.3 Loan Amounts and Payment Responsibilities 31
200.4 Delinquencies.....31
200.5 Application Process 32
201.0 Basement Backflow Prevention Program 32
201.1 Definitions.....32
201.2 General Policy.....32
201.3 Eligibility 32
201.4 Application Process 33
201.5 Basement Backflow Prevention Devices 33
201.6 Ownership and Maintenance of the Basement Backflow Prevention Devices 34
201.7 Release of Liability.....34
201.8 Basement Backflow Prevention Agreement 34
202.0 Urban Garden and Urban Farm Loan Program.....34
202.1 Purpose.....34
202.2 Eligibility 34
202.3 Loan Amounts and Payment Responsibilities 35
202.4 Delinquencies.....35
203.0 Stormwater Assistance Phase-In Program (SWAPP) 35
203.1 Purpose and Policy.....35
203.2 Eligibility 36
203.3 Duration 36
203.4 Funding 36
203.5 Assistance 37
204.0 Enhanced CAP……..37

CHAPTER 3 RATES AND CHARGES 39

300.0 Definitions.....39
301.0 Process For Setting Water, Sewer and Stormwater Management Service Rates and Charges.....40
301.1 Purpose.....40
301.2 Hearing Officer 41
301.3 Computation of Time 41
301.4 Public Advocate 41
301.5 Notification of Proposed Changes in Rates and Charges 42
301.6 Public Input Hearings 43
301.7 Technical Review Hearings and Reports.....44
301.8 Hearing Record 45
301.9 Decision on Changes in Rates and Charges.....45
301.10 Conformity with Existing Law 46

301.11 Severability 46
302.0 Water Charges....46
302.1 General Customers....46
303.0 Sewer Charges 48
303.1 General Customers....48
303.2 Charges 49
303.3 Regular Sewer Charges....49
303.4 Surcharge 50
303.5 Sewer Credits....51
304.0 Stormwater Management Service Charges....52
304.1 Charges 52
304.2 Residential Properties 52
304.3 Non-Residential Properties 55
304.4 Condominium Properties 56
304.5 SWMS Credits 56
305.0 Billing for Water, Sewer and Stormwater Service....58
305.1 Billing 58
305.2 Special Customers....60
305.3 Eligibility for Special Rates and Charges 61
305.4 Account Review....61
305.5 Suspension of Charity Rates and Charges (Groups I and II)....62
305.6 Hearing....62
305.7 No Waiver....62
306.0 Miscellaneous Water Charges....62
306.1 Meter Test Charges 62
306.2 Charges for Furnishing and Installation of Water Meters 63
306.3 Tampering of Meter 64
306.4 Shut-Off and Restoration of Water Service 64
306.5 Pumping of Properties 65
306.6 Charges for Water Main Shutdown 65
306.7 Water Connection Charges 66
306.8 Discontinuance of Water....68
306.9 Hydrant Permits 68
306.10 Flow Tests....68
306.11 Water Service Line Investigations and/or Inspections 68
306.12 Payment....68
307.0 Miscellaneous Sewer Charges 68
307.1 Sewer Charges for Groundwater....69
307.2 Charges for Wastewater Service....69
307.3 Wastewater Discharge Permit....69
307.4 Groundwater Discharge Permit....70
307.5 Manhole Pump-out Permit....70
307.6 Trucked or Hauled Wastewater Permit....70
307.7 Photographic or Video Inspections....70
307.8 Payment....70
308.0 Miscellaneous Stormwater Management Charges....70

308.1 Stormwater Plan Review Fees 70
308.2 Stormwater Management Fee in Lieu.....71
309.0 Fire Service Connections 72
309.1 Charges 72
309.2 Payment.....73

CHAPTER 4 WATER.....74

400.0 Specifications for Water Service Connections 74
400.1 Water Connection Pipe 74
400.2 Ferrule Connection Pipe 74
400.3 Valve Connection Pipe 75
400.4 General Requirements.....75
400.5 Water Service Connections to Property Owners Served by a Privately Owned Water Infrastructure.....75
401.0 Water Metering Requirements.....76
401.1 General Provisions.....76
401.2 City Water Metering 76
401.3 Property Owner.....77
401.4 Illegal Conditions.....78
401.5 Metering by Property Owner 79
401.6 Non-compliant Conditions.....79
401.7 Backflow Prevention.....80
401.8 Noncompliance 80
402.0 Use of Fire Hydrants.....80
402.1 Charities 80
402.2 Revocation 80
403.0 Backflow Protection.....80
403.1 Requirements 81
404.0 Residential Fire Sprinkler Systems……...82

CHAPTER 5 SEWER & WASTEWATER CONTROL 84

500.0 Cross Connected Sewer Laterals 84
500.1 Definitions.....84
500.2 General Policy.....84
500.3 Investigation of Cross Connections 84
500.4 Abatement of Cross Connection 84
500.5 Investigation of Internal Crosses 84
500.6 Abatement of Internal Crosses.....85
501.0 Wastewater Control 85
501.1 Purpose and Policy.....85
501.2 Definitions.....86
501.3 General Discharge Prohibitions 92
501.4 General Pretreatment Regulations and National Categorical Pretreatment Standards.....96

501.5 Specific Pollutant Limitation 96
501.6 State Requirements 97
501.7 Accidental Discharges 97
501.8 Fees 99
501.9 Civil Penalty Assessment Policy 99
502.0 Wastewater Discharge Permits 109
502.1 Wastewater Discharge Permit Types 109
502.2 Wastewater Discharge Permit Administration 109
502.3 Sampling and Analysis Requirements 112
502.4 Reporting Requirements 113
502.5 Monitoring Facilities 118
502.6 Inspection and Sampling 119
502.7 Pretreatment 119
502.8 Record Keeping Requirements 119
502.9 Duty to Mitigate 120
502.10 Confidential Information 120
502.11 Public Notification 120
502.12 Enforcement 120
503.0 Miscellaneous 124
503.1 City's Right of Revision 124
503.2 Severability 124
503.3 Conflict 124
503.4 Effect of Regulations 124

CHAPTER 6 STORMWATER 125

600.0 Stormwater Management 125
600.1 Definitions 125
600.2 Regulated Activities 126
600.3 Exemptions 127
600.4 Erosion and Sediment Control during Earth Disturbance 129
600.5 Post-Construction Stormwater Management Criteria 129
600.6 Nonstructural Project Design and Sequencing to Minimize Stormwater Impacts 132
600.7 Requirements for the Design of SMPs 132
600.8 PCSMP Requirements 133
600.9 Permit Requirements by Other Government Entities 134
600.10 Inspections 134
600.11 Construction, Operations and Maintenance of SMPs 134
600.12 Stormwater Management Easements 134
600.13 Recording of O & M Agreement 135
600.14 Prohibited Discharges 135
600.15 Prohibited Connections 135
600.16 Enforcement 135

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/stormwater service at a Residential Property.

(b) Delinquent Bill: All water sewer/stormwater 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 a period of six months or longer.

(e) Owner: A person who has title to a Residential Property or Dwelling Unit or his agent 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 to a Tenant.

(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/stormwater 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/stormwater 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/stormwater service. "USTRA" refers to the Utility Service Tenants Rights Act, 68 P.S. §399.1 et seq.

100.2 Application for Service

The Water Revenue Bureau (WRB) will accept Owners, Tenants and Occupants as Water Department (Department or PWD) customers and will direct the Department to provide water/sewer/stormwater 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, and, when available, a current telephone number. 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 250% of the federal poverty level becomes the Owner of a residential property with an existing delinquent balance, the Department and the WRB will not deprive or refuse the new Owner of water/sewer/stormwater service solely on the basis of that pre-existing delinquent balance, where the Owner is eligible to become a water/sewer/stormwater service Customer as defined in Sub-sections 100.2 (a) and (b) of these Regulations. The PWD and the WRB may lien the property for any delinquent balance.

(b) Eligibility

(1) An Owner, Tenant or Occupant of a Residential Property is qualified to become a water/sewer/stormwater Customer, UNLESS:

(A) 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/stormwater 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;

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

(C) Water service to the dwelling unit is legally off and there exist uncorrected PWD violation(s) at the Residential Property and service to the property would endanger health or safety;

(D) Service to a Tenant or occupant cannot be accomplished without major revision of the Department's distribution facilities or acquisition of additional rights-of-way; or,

(E) The Tenant or occupant is a Customer currently receiving service at another residential service address.

(2) 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 PWD Customer.

(3) In determining whether uncorrected PWD violations exist in a Dwelling Unit, the WRB shall request that the 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 Dwelling Unit is found at any time by the 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 PWD 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 must be installed before the applicant will be accepted as a Customer. In such cases, WRB will promptly order from the Water Department the installation of a meter and the applicant must provide entry to 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 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. Meter 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/stormwater 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 or a right to possess the property, as described in Section 100.2(a)(2)(B).

(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 or a right to possess the property, as described in Section 100.2(a)(2)(B), 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 or a right to possess the property, as described in Section 100.2(a)(2)(B), 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 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 PWD 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 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/stormwater 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. Responsibility for the stormwater service charge will not terminate upon the issuance of a discontinuance permit.

(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/stormwater services. 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/stormwater services 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/stormwater 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 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 PWD 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; or

(2) when the PWD 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 Department terminates water service to a residential occupied property, the water and sewer service charges shall not be charged against the property during the period of any termination beginning with the date of any termination. The Owner shall be responsible for the stormwater service charge at all times and under all circumstances.

(d) The Department will suspend the termination of water service to residential occupied properties for nonpayment of a delinquent bill from December 1st to March 31st 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.; or

(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, or

(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 PWD 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/stormwater 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/stormwater services 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/stormwater bill is for all tenants and must be paid in full. If you only pay part of the last thirty (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/stormwater 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 Shut-Off 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/stormwater services 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 water and sewer, but not the stormwater charges;

(2) Dispute the amount due or any possible errors in computing charges on the water, sewer, or stormwater 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) Dispute denial of a request for continued service pursuant to Section 100.10 of these Regulations (Emergency Procedures); and/or

(8) Dispute 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-l) 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/stormwater 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 re-reading 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 that 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 (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 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 TRB, 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 250% 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 250% 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 (Committee) for extended payment agreements pursuant to the terms set forth at Section 100.9(m)-100.9(p)of these Regulations.

(b) Customers with household incomes at or below 250% 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 250% 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 250% 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 250% of the federal poverty level who cannot meet the foregoing payment agreement terms may apply to the Committee for extended payment agreement pursuant to the terms set forth at Section 100.9(m)-100.9(p) of these Regulations.

(c) Customers with household incomes at or below 250% of the federal poverty level may apply to the Committee for an extended payment agreement. Such payment agreements:

(1) Shall be based on household income, including available grants or

subsidies and expenses. Customers with household income below 150% of the federal poverty level shall not be required to document 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 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 the 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 (WRBCC) 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 WRBCC is empowered to develop flexible payment plans based on a household's income and/or expenses and available grants or subsidies. The WRBCC in its discretion may suspend all or a portion of any arrearages in the establishment of payment plans. The WRBCC is also empowered to review payment plans at anytime, but at least on an annual basis. Based upon its review, the WRBCC may modify, rescind or revoke any payment plan previously established.

The WRBCC is comprised of employees of the Revenue and Water Departments.

(n) Eligibility for establishment of payment agreement by the WRBCC:

(1) All Customers with household incomes at or below 250% 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 WRBCC for more affordable payment terms.

(2) All Customers with household incomes at or below 150% of the federal poverty level will be referred by the WRB to the WRBCC.

(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 150% of the federal poverty level, will be referred by the WRB to the WRBCC.

(4) A Customer threatened with shut off whom the WRB knows to be between 150% and 250% of the federal poverty level must furnish proof of income and expenses to the WRBCC 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 WRBCC.

(5) A Customer above 250% 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 WRBCC.

(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 WRBCC.

(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 WRBCC.

(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 WRBCC 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 WRBCC, 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 WRBCC 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 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 (6th) 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, cashiers 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 (6th) 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/stormwater charges incurred in the thirty (30) day period preceding the notice of shut off.

(b) Customers above 250% 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, may pay appropriate restoration charges and enter 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.

(c) Customers who are determined to be at or below 250% 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, may enter 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 P.S. §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/stormwater service at a business use property.

(e) Delinquent Bill: All water/sewer/stormwater 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/stormwater charges by a guaranteed lessee.

101.2 Application for Service

The WRB will accept Commercial Property Owners, their duly authorized agents or guaranteed lessees as Commercial Customers and will direct the Department to provide water/sewer/stormwater 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, a current business license, social security number(s) of principal(s) and/or employer identification number(s), and phone numbers:

(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/stormwater 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 Commercial 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/stormwater 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/stormwater charges at time of application.

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

In determining whether uncorrected PWD violations exist in a business use property, the WRB shall request that the PWD 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 PWD 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 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) All commercial applicants shall provide any information as may be required by the WRB or PWD including, but not limited to: social security number(s) of principal(s) and/or employer identification number(s), and phone numbers.

(2) 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 PWD 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.

(3) 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 PWD the installation of a meter and advise the applicant to facilitate entry of the necessary PWD personnel into the property for this purpose. Meter charges

must be paid before water services will be provided.

(4) 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 PWD'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 PWD 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/stormwater 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. Commercial Property Owners remain responsible for paying the stormwater charge even after a discontinuance permit is issued.

(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. Commercial Property Owners remain responsible for paying the stormwater charge even after a discontinuance permit is issued.

101.3 Shut off of Service

(a) Nothing in this regulation shall modify the 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 PWD 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 PWD or the WRB is denied for two consecutive billing periods access to the business use property to read, make changes to 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 Shut-Off Notice Schedule

(a) Commercial Customers subject to shut off for any of the reasons stated in these regulations will receive one written notice prior to 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/sewer/stormwater 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; and/or

(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/stormwater 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 in 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 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 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, water supply line, curb trap, main drain and/or sewer lateral repair or replacement, administered by the City of Philadelphia Water Department (the "Department" or "PWD"). An approved applicant enters into an agreement ("Agreement") with the Department, committing to repay the total costs of the work to the City of Philadelphia.

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 a Residential Property, or if mixed commercial/residential, the property is primarily residential; and

(e) The property is in need of an emergency water service line, water supply line, curb trap, main drain and/or sewer lateral repair or replacement as evidenced by a Notice of Defect and/or Notice of Violation issued by the City; and

(f) Applicant is not delinquent by more than two (2) billing cycles on his/her water/sewer/stormwater bill for the subject property, or for any other property owned by applicant in the City of Philadelphia, except as may be covered by a current payment agreement with the Water Revenue Bureau or its agent(s); and

(g) The property is served by an operable water meter; and

(h) Applicant shall consent to the placement of a lien on the property for the amount of the total cost of the work.

200.3 Loan Amounts and Payment Responsibilities

(a) Applicant shall enter into the current~~ly~~ standard HELP Agreement.

(b) The loan amount shall be determined by the Department, based upon the total costs of the 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 timely payments, property owner shall 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/stormwater 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.

200.5 Application Process

An eligible property owner must take the following actions in order to eligible for a HELP loan:

(a) Complete and return the HELP loan Application that includes, at a minimum, the Applicant's current phone number and social security number.

(b) Allow timely access to the City and/or its contractors for the purposes of inspecting the property and making the corrective repairs.

201.0 BASEMENT BACKFLOW PREVENTION PROGRAM

201.1 Definitions

(a) Basement Backflow Prevention Device: 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: the program managed by the City pursuant to these regulations.

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

(d) City Sewers and City Sewer System: 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: the form created by the 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 device*(s)*.

(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/sewer/stormwater bill such that there is no arrearage over one hundred dollars ($100), 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 & 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 each 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; and

(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.

202.0 Urban Garden and Urban Farm Loan Program

202.1 Purpose

The Urban Garden and Urban Farm Loan Program is an interest free, installment payment loan administered by the City of Philadelphia Water Department (the "Department") for the installation of water service lines to urban gardens and urban farms. Approved applicants will enter into an Urban Garden and Urban Farm Loan Agreement ("Agreement") with the Department committing to repay the total costs of the work to the City of Philadelphia. Use of the loan proceeds is restricted to the costs to install a water service line, backflow preventer, meter and meter box with an underground or above ground enclosure that meets the Department's specifications. All work shall be performed by a Department registered and approved licensed plumber and shall comply with all Department specifications.

202.2 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) the applicant must be an urban community garden association or urban farm that either owns the lot or who is permitted by the owner to use the lot for an urban garden or farm; and

(b) the property owner shall consent to the placement of a lien on the property for the amount of the loan. If the property owner does not consent to the lien, the Department, at its sole discretion, may accept a lien on other real property as security for repayment of the loan; and

(c) the Department must determine that the lien will adequately ensure repayment of the loan.

202.3 Loan Amounts and Payment Responsibilities

(a) Applicant shall enter into an Urban Garden and Urban Farm Loan Agreement.

(b) The loan amount shall be determined by the Department, based upon the total costs of the work. The maximum amount of the loan shall not exceed Ten Thousand Dollars ($10,000).

(c) The property owner or applicant shall repay the loan amount to the Department in sixty (60) equal monthly payments.

202.4 Delinquencies

Failure by the property owner or applicant to make two (2) consecutive payments shall constitute Default on the Agreement. The consequences of Default on the Agreement shall be as follows:

(a) The outstanding balance shall become immediately due and owing without further notice; and

(b) Interest at the rate charged for water/sewer/stormwater arrearages shall begin to accrue, 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 or applicant subsequently satisfy the missed payments, the interest rate shall return to zero; and

(c) The Department may immediately cease providing water service to the community garden; and

(d) The urban garden shall not be eligible for a hydrant permit and therefore may not obtain water directly from a hydrant.

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

203.0 STORMWATER ASSISTANCE PHASE-IN PROGRAM (SWAPP)

203.1 Purpose and Policy

The purpose of the Stormwater Assistance Phase-in Program (SWAPP) is to provide temporary payment assistance to nonresidential properties that have been highly impacted by the Department's Stormwater Management Service Charges.

On July 1, 2011 stormwater charges will move from a 25% parcel based charge to a 50% parcel based charge. For some customers this would result in a doubling (a 100% increase) of their current stormwater charges. Other customers, though not seeing a 100% increase, will still be highly impacted. These regulations reduce such increases to highly impacted properties in Fiscal Years 2012 and 2013 (July 1, 2011 to June 30, 2013). Eligible highly impacted properties that apply for assistance shall

have their monthly Stormwater Management Service Charges limited to a 10.00% (ten percent) increase in Fiscal Year 2012 and another 10.00% (ten percent) increase in Fiscal Year 2013.

It is the Department's intention to more fully address these highly impacted non residential properties during its next rate proceeding. Once the next rate proceeding establishes new rates the SWAPP will terminate.

203.2 Eligibility

In order to be eligible for the SWAPP, the property must meet all of the following criteria:

(a) The property must be non-residential property as defined in Section 300.0(j); and

(b) The property is not owned by the City of Philadelphia or any other City related or quasi City Agency or any other State or Federal Agency; and

(c) The property must be deemed highly impacted by the Department's Stormwater Management Service Charges. For a property to be deemed highly impacted it must meet both criteria in (i) and (ii) immediately below:

(i) During Fiscal Year 2012, (starting on July 1, 2011 to June 30, 2012), the property's monthly stormwater bill will increase by more than 10.00% (ten percent) above the Fiscal Year 2011 (July 1, 2010 to June 30, 2011) monthly stormwater bill, and

(ii) The dollar amount of the monthly stormwater bill increase, from Fiscal Year 2011 to Fiscal Year 2012, will exceed $100 (One Hundred Dollars and Zero Cents)

(d) In calculating whether the monthly increase has exceeded the 10.00% threshold, all increases shall be calculated after any available credits, discounts or other adjustments to the property's monthly stormwater management bill have been applied; and

(e) The property's bill payments must be current and in good standing with all water, sewer and stormwater fees, as well as all City of Philadelphia taxes and fees related to the parcel, and must continuously remain so in order to continue its eligibility for SWAPP; and

(f) The property owner must submit a SWAPP application form and must provide any additional information requested by the Department related to its eligibility for SWAPP.

203.3 Duration

SWAPP shall be in place during Fiscal Years 2012 and 2013 (July 1, 2011 through June 30, 2013) and shall terminate on July 1, 2013. SWAPP may terminate earlier than the July 1, 2013 date if any one of the following conditions occur:

(a) A new stormwater rate determination regulation has been enacted prior to July 1, 2013; or

(b) Funding for the program has been exhausted.

203.4 Funding

The total amount of available funding for SWAPP shall be as follows:

FY 2012 - $ 6,500,000

FY 2013 - $13,000,000

These funding amounts shall be available to eligible properties that file an application on a first come, first serve basis. Once the total amount of SWAPP funding has been utilized in any Fiscal Year, no further SWAPP funding will be available.

203.5 Assistance

Eligible properties shall receive payment assistance in the form of an adjustment towards the property's monthly stormwater bill. For Fiscal Year 2012, the adjustment shall be set at such an amount so that the eligible property's monthly stormwater bill during that Fiscal Year shall be equal to its Fiscal Year 2011 monthly bill plus 10.00% (ten percent). For Fiscal Year 2013, the adjustment shall be set at such an amount so that the eligible property's monthly stormwater bill during that Fiscal Year shall be equal to its Fiscal Year 2012 monthly bill plus 10.00% (ten percent).

204.0 ENHANCED CAP

(A) Enhanced CAP is an assistance program that sets limits on a Non-residential property's monthly SWMS charge increase due to the phase-in of parcel area-based charges, subject to eligibility criteria. Enhanced CAP is an account-based program effective January 1, 2013 and it replaces the SWAPP described in section 203.0 of these Regulations.

(B) Eligibility. To be eligible for Enhanced CAP, an account must meet all of the following criteria:

(i) Account must be for a Non-residential property;

(ii) For a fiscal year with a scheduled rate increase, the current fiscal year monthly SWMS charge must be at least 10% more than the prior fiscal year's monthly SWMS charge;

(iii) For a fiscal year with a scheduled rate increase, the current fiscal year monthly SWMS charge must be at least $100 more than the prior fiscal year's monthly SWMS charge;

(iv) Account shall not be delinquent in (a) any tax payments to the City or (b) the payment of water/sewer/stormwater charges; and

(v) Account shall not be for a property owned by the City, state, or federal governments, or owned by any quasi-City or City-related agency.

(C) Base Year. The Base Year refers to the fiscal year to which the Enhanced CAP eligibility criteria shall be applied and from which the Enhanced CAP monthly SWMS charge shall be calculated. The Base Year SWMS charge shall be set as follows:

(i) For customers enrolled in SWAPP as of December 31, 2012, the Base Year SWMS charge will be the SWAPP SWMS charge that existed on June 30, 2012.

(ii) For new enrollees in the Enhanced CAP program, the base year SWMS charge will be the SWMS charge that existed on the last day of the prior fiscal year.

(D) Enrollment Period. Eligible accounts may enroll in Enhanced CAP from January 1, 2013 through September 30, 2013.

(E) The Enhanced CAP program is subject to further review, extension, modification or

termination in a subsequent Rate Determination.

(F) Assistance.

Eligible accounts shall receive payment assistance in the form of an adjustment towards the account's monthly stormwater bill. Starting January 1, 2013, the adjustment shall be set at such an amount so that the eligible account's monthly stormwater bill during the remainder of Fiscal Year 2013 shall be equal to the account's Fiscal Year 2012 monthly bill plus 10.00% (ten percent). For Fiscal Year 2014, the adjustment shall be set at such an amount so that the eligible account's monthly stormwater bill during that Fiscal Year shall be equal to its Fiscal Year 2013 monthly bill plus 10.00% (ten percent). For Fiscal Year 2015 and any subsequent fiscal year for the duration of the Enhanced CAP assistance program, the adjustment shall be set at such an amount so that the eligible account's monthly stormwater bill during the fiscal year shall be equal to the preceding fiscal year's monthly bill plus 10.00% (ten percent).

CHAPTER 3
RATES AND CHARGES

300.0 DEFINITIONS.

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

(b) Condominium Properties: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership by the owners of those portions.

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

(d) Customer: An owner, Tenant or occupant who by operation of law or agreement is responsible for payment of the charges for water/sewer/stormwater service at a Residential, Non-residential or Condominium Property.

(e) Department: The Philadelphia Water Department is 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 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 Department under the Home Rule Charter or the ordinances of the City of Philadelphia.

(f) Hearing Officer: The person who shall preside over the Rate Change Proceeding and shall have the powers and duties set forth in Section 301.2 of these Regulations.

(g) 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.

(h) 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.

(i) Mcf: Thousand cubic feet. The quantity charges in Chapter 3 are expressed in Mcf.

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

(j) Municipal Stormwater System: City owned and maintained real property, infrastructure or natural feature used and/or constructed for purposes of transporting, conveying, retaining, detaining, or discharging stormwater runoff.

(k) Non-residential Property: Real estate which cannot be classified as either Residential or Condominium. Real estate used exclusively as a cemetery shall not be considered Non-residential property.

(l) Participant: Any person, corporation or entity affected by the proposed change in rates and charges who provides testimony in public input hearings.

(m) Party: Any individual, corporation or entity affected by the 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 Department and the Public Advocate.

(n) 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.

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

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

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

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

(s) Property: Any parcel of real estate identified in the records of the Philadelphia Department of Records.

(t) Property Owner: The owner of the particular parcel of real estate identified in the records of the Philadelphia Department of Records, or the grantee in a land transfer of record.

(u) Residential Property: Real estate used exclusively for residential purposes with at least one and no more than four Dwelling Units. Property adjacent to Residential Property owned and utilized exclusively by the Residential Property owner for residential uses. Upon proof submitted to the Department, said properties shall be deemed by the Department to form one Residential parcel comprised of the Property and the Residential Property.

(v) Stormwater Management Practice (SMP): Any man-made structure that is designed and constructed to detain, infiltrate, or otherwise control stormwater runoff quality, rate, or quantity.

(w) Surface Discharge: The discharge of stormwater runoff from a property to an adjacent surface water body, without the use of City infrastructure.

(x) Undeveloped Property: Property classified by the Board of Revision of Taxes as SB, SC, SI, SR, or SS; Undeveloped refers to the status of the property as having no structures and is not related to whether the property has ever been developed.

(y) 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.

301.0 PROCESS FOR SETTING WATER, SEWER AND STORMWATER MANAGEMENT SERVICE RATES AND CHARGES

301.1 Purpose.

Pursuant to Section 5-801 of the Home Rule Charter and in order to continue the Water Fund on a self-sustaining basis**,** the Philadelphia Water Department fixes and regulates rates and charges for supplying water and sewage and stormwater disposal services in accordance with standards set by the Philadelphia City Council. These standards are codified in Sections 13-101 and 13-201 of the Philadelphia Code. Pursuant to these standards and the Philadelphia Home Rule Charter, the

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 as established in Sections 302.0, 303.0, 304.0, 305.0, 306.0, 307.0, 308.0 and 309.0 of these Regulations. All other changes to rates and charges may be established consistent with the Home Rule Charter and the Philadelphia Code.

301.2 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 Department's proposed change in rates and charges to the City Council pursuant to Section 301.5(a) 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; and

(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.

301.3 Computation of Time.

(a) In computing any time(s) set forth in these Regulations, the following shall apply:

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 Department and generally, unless specifically stated differently, means 9:00 a.m. to 4:45 p.m.

301.4 Public Advocate.

(a) Appointment.

(1) A Public Advocate shall be appointed 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 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 the 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.

301.5 Notification of Proposed Changes in Rates and Charges.

(a) Notice to City Council.

The 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 City Council shall include full documentation of the projected revenues and expenses of the Department and significant engineering, operating and financial issues which the Department proposes as justification of the proposed changes in rates and charges.

(b) Department of Records

No sooner than thirty (30) days after the 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 and these Regulations.

(c) Public Notice.

(1) Upon notice to City Council and thereafter until the close of the hearing record, notice of the Department’s proposed changes in rates and charges, including the estimated average percentage residential bill increase, shall be posted in conspicuous locations in all PWD and WRB offices which accept customer payments or which provide direct customer services. This notice shall include the name and telephone number of a Department representative, as well as that of the Hearing Officer and the Public Advocate.

(2) After submitting notification of the proposed change in rates and charges to the Department of Records, 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 the largest circulation published in Philadelphia with daily editions. Additional advertisements shall also be published in newspapers with significant community circulation, as the Department deems feasible. The advertisement shall state that the 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 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.

(3) The times, dates and locations of the pre-hearing conference and all hearings on the Department's proposed change in rates and charges shall be advertised in at least two newspapers with the largest circulation published in Philadelphia with daily editions at least three (3) days before each hearing, except as permitted in Section 301.6(d) of these Regulations. Additional advertisements shall also be published in newspapers with significant community circulation, as the Department deems feasible.

301.6 Public Input Hearings.

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

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

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

(3) to provide public access to 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 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 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 Section 301.5(c)(3) 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 Section 301.5(c)(3) of these Regulations.

(e) Participation at Public Input Hearings.

(1) In writing. Members of the public are encouraged to submit their concerns and information in writing. Written submissions provide the Hearing Officer and the 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 or before the public input hearing 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) Oral. 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. 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.

301.7 Technical Review Hearings and Reports.

(a) The purpose of this section is to permit the 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 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 Department shall present its representatives for questioning by counsel of the Parties.

(4) After the conclusion of questioning of 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 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 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 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 Department may file a post hearing brief.

(9) Seven (7) days after the filing of post hearing briefs, all Parties and the 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; documents; answers to questions or informal meetings.

(3) Upon the request of a Party or the 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 hearings, 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 Section 301.5 (c)(3)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 Section 301.5(c)(3) of these Regulations.

301.8 Hearing Record.

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

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

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

301.9 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’s 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 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.

301.10 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.

301.11 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.

302.0 WATER CHARGES

Charges for water service supplied by the City of Philadelphia shall be effective on January 1, 2013, as follows:

302.1 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 Section 302.1(b) of these Regulations, the type and 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 monthly 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) Effective January 1, 2013, through June 30, 2013, the monthly service charge for the various types and sizes of meters shall be as follows:

Size	Code	Charge
5/8	R	$6.12
3/4	Z	7.11
1	Q	9.51
1 -1/2	P	14.89
2	X	22.10
3	O	38.07
4	W	66.21
6	N	128.30
8	V	200.33
10	E	290.56
12	T	510.02

Residential Fire Sprinkler System Meters

Size	Code	Charge
3/4	Z	8.96
1	Q	11.36
1 -1/2	P	16.74
2	X	23.95

(2) For the one-year period from July 1, 2013 through June 30, 2014 the monthly service charge for the various types and sizes of meters shall be as follows:

Size	Code	Charge
5/8	R	$6.44
3/4	Z	7.47
1	Q	9.97
1 -1/2	P	15.56
2	X	23.06
3	O	39.69
4	W	69.05
6	N	133.73
8	V	208.72
10	E	302.78
12	T	530.87

Residential Fire Sprinkler System Meters

Size	Code	Charge
3/4	Z	9.42
1	Q	11.92
1 -1/2	P	17.51
2	X	25.01

(3) Effective July 1, 2014, and thereafter, the monthly service charge for the various types and sizes of meters shall be as follows:

Size	Code	Charge
5/8	R	$6.46
3/4	Z	7.49
1	Q	9.98
1 -1/2	P	15.56
2	X	23.05
3	O	39.64
4	W	69.00
6	N	133.60
8	V	208.47
10	E	302.43
12	T	530.00

Residential Fire Sprinkler System Meters

Size	Code	Charge
3/4	Z	9.44
1	Q	11.93
1 -1/2	P	17.51
2	X	25.00

(c) Quantity charges

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) Effective January 1, 2013, through June 30, 2013, the quantity charge portion of each bill shall be as follows:

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

Monthly Water Usage	Charge Per Mcf
First 2 Mcf (0 to 2 Mcf)	**$35.63**
Next 98 Mcf (2.1 to 100 Mcf)	**28.64**
Next 1,900 Mcf (100.1 to 2,000 Mcf)	**26.30**
Over 2,000 Mcf	**19.48**

(2) For the one-year period from July 1, 2013 through June 30, 2014, the quantity charge portion of each bill shall be as follows:

Monthly Water Usage	Charge Per Mcf
First 2 Mcf (0 to 2 Mcf)	**$37.12**
Next 98 Mcf (2.1 to 100 Mcf)	**30.20**
Next 1,900 Mcf (100.1 to 2,000 Mcf)	**27.56**
Over 2,000 Mcf	**20.93**

(3) Effective July 1, 2014, and thereafter the quantity charge portion of each bill shall be as follows:

Monthly Water Usage	Charge Per Mcf
First 2 Mcf (0 to 2 Mcf)	**$39.05**
Next 98 Mcf (2.1 to 100 Mcf)	**31.54**
Next 1,900 Mcf (100.1 to 2,000 Mcf)	**28.95**
Over 2,000 Mcf	**21.98**

(d) 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 Department, the revision of plumbing arrangements and the installation of smaller meter, the lower charge by meter size shall apply.

303.0 SEWER CHARGES

Charges for sewer service supplied by the City of Philadelphia shall be effective on January 1, 2013, as follows:

303.1 General Customers.

(a) All customers discharging wastewater into the City's wastewater system shall pay sewer charges as set forth in Section 303.3 of these Regulations. In addition to the charges set forth in Section 303.3 of these Regulations, all customers discharging wastewater whose pollutant content is greater than the pollutant content of Normal Wastewater, as defined below in Section 303.1(b) of these Regulations, shall pay an additional surcharge as set forth in Section 303.4 of these Regulations.

(b) Normal Wastewater subject to the regular sewer charges set forth in Section 303.3 of these Regulations is that wastewater which contains 250 milligrams per liter or less of five day biochemical oxygen demand (BOD_5) and 350 milligrams or less per liter or less of suspended solids (SS).

(c) Wastewater subject to the surcharge set forth in Section 303.4 of these Regulations

is that wastewater which contains either more than 250 milligrams per liter of BOD_5 or more than 350 milligrams per liter of SS, or both.

303.2 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 303.3(a) of these Regulations, the size of the meter shall determine the service charge.

(d) In addition, as set forth in Section 303.3(b) of these Regulations, there shall be a quantity charge for sewer service in a monthly 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 on the water usage of the Property served.

303.3 Regular Sewer Charges.

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

(1) Effective January 1, 2013, through June 30, 2013, the monthly service charge for the various sizes of meters shall be as follows:

Size	Code	Charge
5/8	R	$6.30
3/4	Z	7.72
1	Q	10.89
1 -1/2	P	18.32
2	X	27.86
3	O	49.41
4	W	84.67
6	N	165.86
8	V	261.21
10	E	377.67
12	T	678.16

Residential Fire Sprinkler System Meters

Size	Code	Charge
3/4	Z	6.30
1	Q	6.30
1 -1/2	P	6.30
2	X	6.30

(2) For the one (1) year period from July 1, 2013, through June 30, 2014, the monthly service charge for the various sizes of meters shall be as follows:

Size	Code	Charge
5/8	R	$ 6.36
3/4	Z	7.81
1	Q	11.05
1 -1/2	P	18.63
2	X	28.35
3	O	50.34
4	W	86.21
6	N	168.95
8	V	266.14
10	E	384.75
12	T	691.38

Residential Fire Sprinkler System Meters

Size	Code	Charge
3/4	Z	6.36
1	Q	6.36
1 -1/2	P	6.36
2	X	6.36

(3) Effective July 1, 2014, and thereafter, the monthly service charge for

the various sizes of meters shall be as follows:

Size	Code	Charge
5/8	R	$ 6.55
3/4	Z	8.04
1	Q	11.39
1 -1/2	P	19.24
2	X	29.31
3	O	52.07
4	W	89.15
6	N	174.77
8	V	275.38
10	E	398.07
12	T	715.77

Residential Fire Sprinkler System Meters

Size	Code	Charge
3/4	Z	6.55
1	Q	6.55
1 -1/2	P	6.55
2	X	6.55

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

(1) Effective January 1 2013, through June 30, 2013, the quantity charge shall be $24.74 per Mcf.

(2) For the one (1) year period from July 1, 2013, through June 30, 2014, the quantity charge shall be $26.19 per Mcf.

(3) Effective July 1, 2014, and thereafter, the quantity charge shall be $28.07 per Mcf.

303.4 Surcharge.

(a) Effective January 1 2013, through June 30, 2013, the surcharge for wastewater by definition in excess of Normal Wastewater shall be fixed at thirty-one cents ($0.310) per pound of pollutants received into the wastewater system in excess of 250 milligrams per liter of BOD_5 and twenty-nine and two-tenths cents ($0.292) per pound of pollutants received into the wastewater system in excess of 350 milligrams per liter of SS.

(b) For the one year period from July 1, 2013, through June 30, 2014, , the surcharge rate for BOD_5 will be increased to thirty-two and seven-tenths cents ($0.327) per pound and the rate for SS will be increased to thirty-one cents ($0.310) per pound.

(c) Effective July 1, 2014, and thereafter, the surcharge rate for BOD_5 will be increased to thirty-five cents ($0.350) per pound and the rate for SS will be increased to thirty-three and two-tenths cents ($0.332) per pound.

(d) The BOD_5 and SS of wastewater 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. With prior written approval of the Department, the results of routine sampling and analyses by the Customer may be used in determining the amount of the surcharge.

(e) If, in the Department's judgment, sampling of wastewater is neither feasible nor practical, the Department, for billing purposes, may base BOD_5 and SS of the wastewater on sampling results for similar discharge and/or values obtained from technical literature.

(f) Customers discharging wastewater subject to the surcharge shall, as prescribed by the 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.

(g) Customers, as required from time to time, shall file with the 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.

(h) 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).

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

303.5 Sewer Credits.

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.

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

(1) at least 5% of water used, or

(2) 225,000 cubic feet per year, whichever is less, is not discharged into the wastewater system.

(b) 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 Department provided that, if in the opinion of the 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 Department on application of the Customer.

(c) Fee for Application. When the Customer applies to the 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 one hundred and fifty dollars ($150) for the review of such application.

(d) Effective Date of Credits and Approved Credit Factors. Credits on a water user's 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. In order to be reviewed for approval, applications shall be complete, submitted on forms provided by the Department and shall be accompanied by a check payable to the City of Philadelphia in the amount required in Section 303.5(d) of this Regulation. No credits shall be made retroactively.

(e) Review of Approved Credit Factors. The 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 Department's requests for information or new applications may result in termination of the Customer's credit factor.

(f) Failure to Inform the Department of Increased Sewer Use. Customers with credit factors who fail to inform the Department of increased discharges to the wastewater 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 Department may impose a fine of three hundred dollars ($300) for each billing period from the application date.

304.0 STORMWATER MANAGEMENT SERVICE CHARGES

Charges for Stormwater Management Services (SWMS) supplied by the City of Philadelphia shall be effective January 1, 2013 as follows:

304.1 Charges.

All properties within the City shall be billed a SWMS charge.

304.2 Residential Properties.

All Residential Properties shall be charged a monthly SWMS charge and a monthly Billing and Collection charge as follows:

(a) Effective January 1, 2013, through June 30, 2013, all Residential Properties shall be charged the rates listed below:

SWMS	Billing & Collection
$10.51	$1.59

(b) During the one year period from July 1, 2013, through June 30, 2014, Residential Properties shall be charged the rates listed below:

SWMS	Billing & Collection
$11.80	$1.65

(c) Effective July 1, 2014, and thereafter, Residential Properties shall be charged the rates listed below:

SWMS	Billing & Collection
$12.46	$1.69

(d) Residential Properties which do not have sewer service and which also have previously been charged only for water service shall be charged as follows:

(1) From July 1, 2012 through December 31, 2012 three-fourths of the following monthly SWMS and Billing and Collection charges shall apply:

SWMS	Billing & Collection
$11.06	$2.60

(2) From January 1, 2013 through June 30, 2013 three-fourths of the monthly SWMS and Billing and Collection charges shown in Section 304.2(a) shall apply.

(3) From July 1, 2013 and thereafter the monthly SWMS and Billing and Collection

charges shall be as specified in Sections 304.2 (b) & (c).

304.3 Non-Residential Properties.

All Non-Residential Properties shall be charged a monthly SWMS charge and a monthly Billing and Collection charge as follows:

(a) Transition to charges based on property size and characteristics.

(1) During the six (6) month period from July 1, 2012 through December 31, 2012, Non-residential Properties shall be charged one-fourth the rate in Section 304.3(b)(1) and three-quarters the rate calculated for the property in Section 304.3(c)(5)(i)

(2) During the six (6) month period from January 1, 2013 through June 30, 2013, Non-residential Properties shall be charged one-fourth the charge in Section 304.3(b)(2) and three-quarters the charge calculated based on the property area-based rates shown in Section 304.3(c)(5)(ii).

(3) Effective July 1, 2013 and thereafter, Non-Residential Properties shall be charged utilizing the property area-based rates shown in Section 304.3(c)(5)(iii)& (iv).

(b) Meter-based monthly charges for SWMS.

(1) For the six (6) month period from July 1, 2012, through December 31, 2012 the monthly meter-based charge for the various meter sizes shall be as follows:

Size	Code	SWMS	Billing & Collection
5/8	R	$11.06	$2.60
3/4	Z	72.12	2.60
1	Q	120.20	2.86
1 -1/2	P	240.39	3.12
2	X	384.62	3.90
3	O	721.15	5.21
4	W	1,201.92	10.41
6	N	2,403.83	18.22
8	V	3,846.14	26.03
10	E	5,528.80	39.05
12	T	10,336.50	52.06

(2) For the six (6) month period from January 1, 2013, through June 30, 2013 the monthly meter-based charge for the various meter sizes shall be as follows:

Size	Code	SWMS	Billing & Collection
5/8	R	$10.51	$1.78
3/4	Z	84.25	1.78
1	Q	140.42	1.78
1 -1/2	P	280.84	1.78
2	X	449.34	1.78
3	O	842.52	1.78
4	W	1,404.19	1.78
6	N	2,808.39	1.78
8	V	4,493.43	1.78
10	E	6,459.29	1.78
12	T	12,076.08	1.78

(c) Non-residential Properties shall be charged based on the Gross Area (GA) of the Property and the Impervious Area (IA) of the Property.

(1) GA includes all of the Property area within the legally described boundaries except streets, medians, and sidewalks in the public right-of-way.

(2) IA includes surfaces which are compacted or covered with material that restricts infiltration of water, including semi-pervious surfaces such as compacted clay, most conventionally hard-scaped surfaces such as streets, driveways, roofs, sidewalks, parking lots, attached and detached structures, and other similar surfaces.

(i) For Non-residential Properties with less than 5,000 square feet GA, the IA shall be estimated as a percentage of GA.

(A) For Undeveloped Property as defined in Section 300.0, the IA shall be 25% of the GA.

(B) For other Properties, the IA shall be 85% of the GA.

(3) In determining the GA Factor and IA Factor of a Property for the SWMS charge, the Department shall use increments of 500 square feet rounding up to the next highest increment.

(4) Calculating the Monthly SWMS charge. The monthly SWMS charge for each Non-residential Property is calculated by:

(i) dividing the GA in square feet by 500 and rounding up to the next whole unit to determine the GA Factor, then multiplying the GA Factor by the GA Rate to determine the GA charge;

(ii) dividing the IA in square feet by 500 and rounding up to the next whole unit to determine the IA Factor, then multiplying the IA Factor by the IA Rate to determine the IA charge;

(iii) the addition of the GA charge and the IA Charge equals the SWMS charge; and

(iv) the addition of the SWMS charge and the Billing and Collection charge together equals the total monthly stormwater charge.

(5) Rates for GA, IA and Billing and Collection.

(i) For the six (6) month period from July 1, 2012, through December 31, 2012, the Rates shall be as follows:

GA ($/500 s.f.)	IA ($/500 s.f.)	Billing & Collection
0.528	4.169	$2.65

(ii) For the six (6) month period from January 1, 2013, through June 30, 2013, the Rates shall be as follows:

GA ($/500 s.f.)	IA ($/500 s.f.)	Billing & Collection
0.500	4.001	$1.98

(iii) For the one year period from July 1, 2013, through June 30, 2014, the Rates shall be as follows:

GA ($/500 s.f.)	IA ($/500 s.f.)	Billing & Collection
0.560	4.497	$2.15

(iv) Effective July 1, 2014, and thereafter, the Rates shall be as follows:

GA ($/500 s.f.)	IA ($/500 s.f.)	Billing & Collection
0.590	4.746	$2.19

(6) Minimum Monthly Charges. Non-residential Properties shall be subject to a minimum monthly charge. If the monthly charge calculated in Section 304.3(c)(4) is less than the monthly charges listed below then the monthly charges below shall be billed to the Property.

(i) For the six (6) month period from January 1, 2013 through June 30, 2013, the minimum monthly charges shall be as follows:

SWMS	Billing & Collection
$10.51	$1.98

(ii) For the one year period from July 1, 2013, through June 30, 2014, the minimum monthly charge shall be as follows:

SWMS	Billing & Collection
$11.80	$2.15

(iii) Effective July 1, 2014, and thereafter, the minimum monthly charges shall be as follows:

SWMS	Billing & Collection
$12.46	$2.19

(7) Adjustment Appeal Procedure.

(i) Customers may appeal the GA and/or IA calculations, property classification, or charge distribution of their property.

(ii) Adjustments shall be made using forms and procedures as defined by the Credits and Adjustment Appeals Manual and sent to:

Philadelphia Water Department
SWMS Charge Appeals
1101 Market Street
4th Floor
Philadelphia, PA 19107-2994

(iii) Adjustments to the GA and/or IA determination are separate and distinct from the billing review procedures established by Section 19-1702 of the Philadelphia Code.

(iv) The grounds supporting the adjustment shall be stated in writing, and include any exhibits, such as photographs, drawings or maps, site plans, and affidavits that support the claim. In addition, a land survey prepared by a registered surveyor shall be attached showing all Dwelling Units, total property area, type of surface material and impervious area, as appropriate, and any other information requested in writing by the Department. The Department may waive the submission of a land survey, if the Department determines that the survey is not necessary to make a determination on the appeal.

(v) The Customer filing the appeal is solely responsible to demonstrate, by clear and convincing evidence, that the GA and/or IA square footage information used by the Department, from which the adjustment appeal is being taken, is erroneous.

(vi) The filing of a notice of an adjustment appeal shall not stay the imposition, calculation or duty to pay the SWMS charge.

(vii) If the adjustment appeal results in a revised GA and/or IA calculation, correction of property classification, correction of parcel identification, or revisions to the default charge allocation, then the adjusted SWMS Charge will be effective from the of receipt of the Adjustment Appeals Application.

(8) Multiple Accounts Serving One Property. Where there are multiple water

accounts on a single Property, the entire SWMS charge of that Property shall be divided equally among the accounts. Each account shall also be billed a Billing and Collection charge. Property Owners shall have the opportunity to request an alternative allocation of the SWMS Charge.

304.4 Condominium Properties.

(a) Condominium Properties shall be charged SWMS and Billing and Collection charges on the same terms as Non-residential Properties under Section 304.3, but shall be billed as follows:

(1) Condominium Properties with a single water meter account shall be billed such that the entire SWMS charge of the condominium complex property plus a Billing and Collection Charge are billed to that single account.

(2) Condominium Properties with individual water meter accounts for each unit shall be billed such that the entire SWMS charge of the condominium complex property shall be divided and billed equally to each individual account. In addition, each account shall be billed a Billing and Collection Charge.

(3) Condominium Properties with more than one water meter, but without individual water meters for each unit, shall be billed such that the entire SWMS charge of the condominium complex property shall be divided equally among the accounts. Each account shall also be billed a Billing and Collection Charge. The Condominium Owner's Association shall have the opportunity to request an alternative allocation of the SWMS charge.

304.5 SWMS Credits

(a) Eligibility.

(1) Accounts on Non-residential and Condominium properties must be current to be eligible for credits.

(2) The Customer shall make the Property available for inspection by the Department and provide all necessary documentation for purposes of verifying the appropriateness of a SWMS credit(s).

(3) The Customer shall fulfill credit requirements, as described in Section 304.5(c) below, in accordance with the maintenance guidelines as prescribed by the Department, including any and all inspection and reporting obligations.

(b) Classes of Credits. There are three classes of credits: IA Credit, GA Credit, and NPDES Credit. The IA Credit provides a reduction to the IA Charge; the GA Credit provides a reduction to GA Charge; and the NPDES Credit provides reduction to the total SWMS Charge. A Property may be approved for credits from each of the three classes; however, if the resulting SWMS Charge after the application of any credits is less than the Non-residential minimum monthly charge, then the minimum monthly charge will apply.

(c) Credit Requirements.

(1) IA Credit. IA Credit is available for the portion of IA on a property where stormwater runoff is managed (IA Managed). IA Managed is achieved as follows:

(i) For areas of the property that meet the requirements of the following Impervious Area Reductions (IAR), as

described in the Stormwater Credits and Adjustment Appeals Manual, a direct reduction in the billable IA may be applied:

(A) Rooftop disconnection,
(B) Pavement disconnection,
(C) Tree canopy coverage,
(D) Green roof, or
(E) Porous pavement.

(ii) For non-Surface Discharges, the customer must demonstrate management of the first inch of stormwater run-off in one of the three following ways:

(A) infiltration,

(B) detention and slow release, and/or

(C) routing through an approved volume-reducing SMP.

(iii) For Surface Discharges, the Customer must demonstrate that a portion or all of the impervious area discharges directly to a surface water body.

(2) GA Credit.

(i) Impervious area only. Impervious area shall receive a GA credit based on the criteria defined in Section 304.5(c)(1)(ii) and (iii) herein.

(ii) Open Space area only. Open Space area is non-impervious area and is calculated as GA minus IA. The Customer must demonstrate a Natural Resource Conservation Service Curve Number (NRCS-CN) below a certain value as described in the Credits and Adjustment Appeals Manual.

(3) National Pollutant Discharge Elimination System (NPDES) Credit. The Customer must demonstrate the property is subject to and in compliance with a NPDES Permit for industrial stormwater discharge activities.

(d) Credit Maximum.

(1) IA Credit Maximum. IA Credit maximums shall apply as follows:

(i) All Non-residential and Condominium properties are eligible for a maximum of 80% IA Credit for the IA Managed.

(ii) A Non-residential or Condominium property with Surface Discharge is eligible for a maximum of 90% IA credit for the IA Managed.

(2) GA Credit Maximum. GA Credit maximums shall apply as follows:

(i) All Non-residential and Condominium properties are eligible for a maximum of 80% GA Credit.

(ii) A Non-residential or Condominium property with Surface Discharge is eligible for a maximum of 90% GA credit.

(3) NPDES Credit Maximum. Eligible properties shall receive a maximum of 7% NPDES credit as described in the Credit and Adjustment Appeals Manual.

(e) Application of Credits

The application of the three classes of credits in calculating a property's monthly

SWMS charge shall be described in the Credits and Adjustment Appeals Manual.

(f) Administration of Credits.

(1) A Customer shall apply for credits using application forms and submitting the required documentation as defined in the Credits and Adjustment Appeals Manual.

(2) Any engineering or other costs incurred in completing the application shall be borne by the Customer.

(3) There shall be an application fee of one hundred and fifty dollars ($150) for each credit application. The Customer may apply for one or more classes of credits in one application.

(i) The application fee shall be waived for recipients of Stormwater Management Incentives Program (SMIP) or equivalent funds.

(ii) The Department may waive the application fee for properties subject to Chapter 6 of these Regulations.

(4) Credits shall be effective upon receipt of a complete application.

(5) All credits shall expire four (4) years from the effective date of the credit. A Customer may renew credits by submitting a renewal application, documentation required by the Department as defined in the Credits and Adjustment Appeals Manuel, and paying a renewal fee of fifty dollars ($50).

(g) Termination of Credits.

(1) The Department may review any approved credit at any time to verify its continued applicability. Customers may from time to time be asked to submit documentation and/or grant access to the Property receiving the credit. Failure to comply with such requests may result in the termination of the credit(s).

(2) The Customer's failure to meet credit requirements or comply with inspection and reporting obligations, in accordance with Section 304.5(a)(3) of these Regulations, shall result in a suspension or revocation of all affected credits pursuant to the procedures issued by the Department.

(h) The Department may, at its sole discretion, issue stormwater credits to individual parcels where stormwater management is being implemented on a shared, collective basis by an organization representing different parcel owners within a defined geographic area.

305.0 BILLING FOR WATER, SEWER AND STORMWATER SERVICE

305.1 Billing.

(a) 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.

(b) 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, sewer and stormwater, if applicable.

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

(d) Penalties for Late Payments.

(1) If current water, sewer, and stormwater 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) An additional penalty of one half of one percent (0.5%) shall be imposed and added to water, sewer, and stormwater bills, and their penalties, on the due date of the bill of each succeeding cycle, except that a period of thirty (30) days shall elapse before the first additional penalty is imposed.

(3) If any water, sewer, and stormwater 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 suspend water service to the Property 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.

(e) Balance Due. Each bill shall include any balances due for bills issued from October 1, 1997, 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 such change.

(g) Unmetered Customers.

(1) Unmetered Customers shall be billed the same charges established for metered Customers. The water and sewer service charges will be determined by the size of the meter which would be installed for an equivalent service at a similar property. The SWMS charges will be determined based on Section 304.0 of these Regulations. The Revenue Department shall estimate the quantity of water used and bill accordingly using the applicable water and sewer quantity charges.

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

(h) Unoccupied Property.

The billing of unoccupied Properties for water and sewer shall be discontinued only on issuance of a Discontinuance of Water permit. Nothing in this Section shall relieve a Property Owner of his responsibility for maintaining a service line unless a Discontinuance of Water permit has been secured. Under no circumstances will the stormwater service charge be terminated.

(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.

305.2 Special Customers.

The water, sewer and stormwater management service charges established in Sections 302.0 et seq., 303.0 et seq., and 304.1 et seq. of these Regulations shall be applied to all general Customers, except 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", as defined by Pennsylvania law, except 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:

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

(ii) 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, sewer, and stormwater service to his or her residence which is located in the City of Philadelphia; and

(iii) Submit satisfactory proof to the Revenue Department that the applicant does not exceed the household income limitation of $31,500 per year established by the Department. The above income limitation shall become effective with these Regulations and shall apply to those applying for this discount subsequent to June 30, 1982.

(iv) Effective with each subsequent change in the water/sewer/stormwater charges, the Department shall adjust the Senior Citizen Income Limitation using the latest Consumer Price Index data available, as defined in the Philadelphia Code at Section 19-1901.

(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 charges as established in Sections 302.0, 303.0 et seq., and 304.0 et seq. of these Regulations including both the water and sewer service and quantity charges, and the SWMS charges. The charges to Group IV Customers shall be ninety-five percent (95%) of the charges as established in Sections 302.0 et seq., 303.0 et seq. and

304.0 et seq. of these Regulations, including both the water and sewer service and quantity charges, and the SWMS charges.

(f) All of these special Customers shall meter all water connections and they shall be subject to all provisions of this Regulation not inconsistent with Sections 302.0 et seq., 303.0 et seq., and 304.0 et seq., of these Regulations.

(g) All special Customers are subject at any time to review as to their special charges by the 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 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.

305.3 Eligibility for Special Rates and Charges.

(a) Organizations seeking the Charity Rates and Charges must submit an application to the Department. Applicants must use forms provided by the Department, and submitted applications must be completed to the satisfaction of the 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 and remain in good standing with no service violations to maintain eligibility for any discounts issued herein. Any breach of this condition shall result in the loss of eligibility for the discount.

(d) To be eligible for water and sewer Charity Rates and Charges, the Property must not have any outstanding Department or Plumbing Code violations; the Property must have an operating water meter that is in compliance with current Department specifications, and the property must have a current water meter reading. If the property is receiving stormwater service only, the above provision regarding metering shall not apply. To be eligible for SWMS Charity Rates and Charges, the Property must not have any outstanding Department violations. Applicant must be either an owner of the Property or a Tenant of the property for which the SWMS charge is assessed.

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

305.4 Account Review.

The 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.

305.5 Suspension of Charity Rates and Charges (Groups I and III)

(a) Organizations that have been approved for Charity Rates and Charges must make timely payments on accounts in order to remain eligible for these discounted 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(s) 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 305.3 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.

305.6 Hearing.

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

305.7 No Waiver.

Nothing in this Regulation shall limit the 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.

306.0 MISCELLANEOUS WATER CHARGES

Charges for miscellaneous water services supplied by the City of Philadelphia shall become effective October 1, 2013 as follows:

306.1 Meter Test Charges.

(a) A Customer may apply to the Department for a test of the accuracy of the registration of a water meter (Meter Test). At the Customer's request, the 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 Department's Meter Shop. Meters may also be tested and recalibrated in place without removal and replacement.

(c) All meters shall be removed, replaced, tested or calibrated during the Department's regular business hours (9:00 a.m. to 4:45 p.m.).

(d) A Customer may request a Meter Test to be performed outside the regular business hours of the Department under the following conditions:

(1) the Department has staff available and agrees to a time outside the regular business hours of the Department; and,

(2) the Customer agrees to pay the overtime and added expenses, whether the meter passes or fails the test.

(e) If the register on the meter is found upon testing to be registering within two percent (2%) of the actual volume of water passing through the meter, or registering in favor of the Customer, the Customer will be assessed a Meter Test Charge as follows:

Meter Size	Charge
5/8”	$ 60
1”, 1-1/2”, 2”	$125
3”, 4”, 6”, 8”, 10”, 12”	$315
Field Tests, 3” and above	$350

(plus any charges and/or expenses incurred for work performed outside the regular hours of business, if requested by the Customer).

(f) If the meter is found upon testing to be registering in excess of 102% of the actual volume of water passing through the meter, the Customer shall not be assessed a Meter Test charge as provided for in subsection (e); and, WRB 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.

(g) The Department will, at the request of a Customer, test his or her meter at no charge once every twenty years. Additional tests are subject to the charges listed in Section 306.1(e) of these Regulations.

306.2 Charges for Furnishing and Installation of Water Meters.

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

(a) For work which involves the furnishing and setting of a water meter and Encoder Receiver Transmitter (ERT/ Register), the following charges are hereby established:

Meter Size	Charge
5/8”	$ 195
¾ RFSS	285
1”	275
1” RFSS	355
11/2”	480
1 1/2” RFSS	650
2”	600
2” RFSS	825
3” Compound	1,930
3” Turbine	805
3” Fire Series	2,725
4” Compound	2,510
4” Turbine	1,485
4” Fire Series	3,275
4” Fire Assembly	5,200
6” Compound	4,040
6” Turbine	2,550
6” Fire Series	4,575
6” Fire Assembly	7,100
8” Turbine	3,175
8” Fire Series	5,850
8” Fire Assembly	9,350
10” Turbine	4,570
10” Fire Series	7,950
10” Fire Assembly	13,675
12” Turbine	5,275
12” Fire Series	8,450
12” Fire Assembly	14,600

(b) For work which involves only the furnishing and setting of an ERT/Register, the following charges are hereby established:

Meter Size	Charge
5/8”	$ 170
¾” RFSS	170
1”	215

1 ” RFSS	215
1 1/2”	215
1 ½” RFSS	215
2”	215
2” RFSS	215
3” Compound	495
3” Turbine	290
4” Compound	495
4” Turbine	290
6” Compound	495
6” Turbine	290
8”	290
10”	290

(c) 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.

(d) 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, tampering or other damage. The Property Owner 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.

306.3 Tampering of Meter.

(a) In the event that an investigation indicates that tampering of a meter has occurred, the following charges to the Customer shall be assessed:

Meter Size	Charge
5/8”or 3/4”	$ 45
1”, 1½”, 2”	85
3” and larger	260

(b) In the event that a second tampering of a meter is found to have occurred at the same property within thirty-six (36) months of the original tamper event, the following charges to the Customer shall be assessed:

Meter Size	Charge
5/8”or 3/4”	$100
1”, 1½”, 2”	200
3” and larger	600

306.4 Shut-Off and Restoration of Water Service.

(a) If the Department is required to visit a Property to shut off service for non-payment; and, payment is tendered at the time of the shut-off, a charge of fifty dollars ($50) will be assessed.

(b) A sixty dollar ($60) charge will be assessed if shut-off of the water service is required as a result of non-compliance with a Notice of Defect and/or metering non-compliance.

(c) 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……. .$60

(ii) service lines larger than 2”……. .$100

(2) Where the curb stop is obstructed, the access box missing or otherwise requires excavation …$300

(3) Where the curb stop is inoperable and a new curb stop must be installed……..… $450

(4) Where the curb stop is obstructed, the access box missing, or otherwise requires excavation, and replacement of footway paving is required…….……..…$600

(5) Where the curb stop is inoperable and a new curb box must be installed and replacement of footway paving is required……..…….$875

(6) Where excavation and shut-off of the ferrule at the water main is required…….....$1,805

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

306.5 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 Department.

(a) Occupied Properties

(1) Pumping of water from occupied Properties may be done at the Property Owner's request and expense.

(2) Pumping of other Properties due to the failure of a Property Owner's piping may be performed by the Department and be charged to the Property 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) Unoccupied Properties

The Department may, at its sole and exclusive discretion, pump water from unoccupied properties if it is determined that a serious condition exists. The charges for pumping shall be as specified in Section 306.5(a) of these Regulations.

306.6 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 Department that the shutdown will not seriously inconvenience other Customers; and

(2) The applicant has paid a two hundred dollar ($200) service charge.

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

charge and any other costs incurred by the Department in conducting the emergency shut down.

306.7 Water Connection Charges.

(a) Permits. Permits for connections to the City's water supply system shall be issued by the Water Permit section of the Department of Licenses and Inspections.

(b) Ferrule Connections.

(1) Connections between 3/4 inch and two inches (2”) in diameter shall be made by a ferrule installed by the 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.

(2) The charges for such ferrule connections shall be as follows, with the exception stated in Section 306.7(b)(3) of these Regulations, shall be as follows:

Size	Charge
¾”	$193
1”	211
1½”	249
2”	286

(3) The charges for such ferrule connections, when the work performed at the Customer’s request is not during the Department’s regular business hours (9:00 a.m. to 4:45 p.m.), shall be as follows:

Size	Charge
¾”	$ 370
1”	388
1 ½”	426
2”	464

(c) Valve Connections. Connections three inches (3”) and larger shall be made by a valve installed by the 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 Department shall thereafter be responsible for maintaining this valve and piping, unless the associated meter has been reduced at the Property Owner’s request to a two inch (2”) or smaller meter, in which case the Property Owner shall be responsible for valve and piping maintenance.

(1) The charges for valve connections shall, with the exceptions stated in Section 306.7(c)(2) of these Regulations below, shall be as follows:

Size	Charge
3" & 4”	$ 16,184
6” & 8”	16,720
10” & 12”	19,130

(2) The charge for such valve connections, when the work is performed at the Customer’s request is during other than normal work hours or the work is performed in an area designated by the Streets Department as a special work zone, shall be as follows:

Size	Charge
3” & 4”	$ 18,484
6” & 8”	19,020
10” & 12”	22,127

(d) Attachment to a Transmission Main

(1) There shall be no connection to a transmission main without Department approval. Such approval shall be requested by application forms and procedures issued by the Department.

(2) Where a connection is made to a water main larger than 12 inches in diameter, with the exceptions stated in Sections 306.7(d)(3)&(4) of these Regulations below, the charges will be a follows:

SLEEVE	3” & 4”
<u>MAIN</u>	
16”	$ 21,995
20”	23,075
24”	24,155
30”	36,517
36”	41,676

SLEEVE	6” & 8”
<u>MAIN</u>	
16”	$22,531
20”	23,395
24”	24,583
30”	38,429
36”	45,527

SLEEVE	10” & 12”
<u>MAIN</u>	
16”	$ *24,898*
20”	25,870
24”	26,896
30”	41,217
36”	49,862

(3) The charges for such connections, when the work performed at the Customer’s request is not during the Department’s regular business hours (9:00 a.m. to 4:45 p.m.), or the work performed is in an area designated by the Streets Department as a special work zone, shall be as follows:

SLEEVE	3” & 4”
<u>MAIN</u>	
16”	$ 25,180
20”	26,260
24”	27,340
30”	39,702
36”	44,864

SLEEVE	6” & 8”
<u>MAIN</u>	
16”	$25,716
20”	26,580
24”	27,768
30”	41,614
36”	48,712

SLEEVE	10” & 12”
<u>MAIN</u>	
16”	$ 28,780
20”	29,752
24”	30,778
30”	45,099
36”	52,859

(4) Where a connection is made to a water main 48” or larger in diameter, the charge will be that for a connection to a 36” main, stated above in Sections 306.7(d)(2) or (3), plus an additional charge representing the difference between the current cost of a

36” sleeve and the cost of the larger sleeve. The additional charge shall be paid before any permit can be issued as prescribed below in Section 306.11 of these Regulations.

(e) Should police assistance for traffic control be required for a ferrule or valve connection, the Customer shall pay the required fee to the Police Department.

306.8 Discontinuance of Water.

Except as otherwise provided, no Customer shall be relieved of the obligation to pay water and sewer charges unless a permit for the discontinuance of water and sewer has been obtained from the Department of Licenses and Inspections pursuant to the provisions of Philadelphia Code section 19-1601. When a permit is granted to discontinue water and sewer service, charges shall terminate on the date of removal of the meter by the Department. The charge for a permit for discontinuance of water is one hundred dollars ($100), regardless of service size. A validly issued permit to discontinue water and sewer does not terminate the obligation to pay for stormwater management services.

306.9 Hydrant Permits.

(a) A permit shall be obtained from the Water Permit section of the Department of Licenses and Inspections 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…….$ 265

(2) Six Month Permit for use of standard pressure hydrant…..…$ 2,250

306.10 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 three hundred and fifty dollars ($350) for each flow test.

306.11 Water Service Line Investigations and/or Inspections

When a Customer or a duly authorized representative of a Customer requests the Department to conduct an investigation to locate and/or to inspect the water service line at a specific location, the charge shall be one hundred dollars ($100) for each investigation or inspection. The charge shall be assessed regardless of the result of the investigation or inspection.

306.12 Payment.

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. Payments for permits shall be made in full prior to any permit being issued.

307.0 MISCELLANEOUS SEWER CHARGES

Charges for miscellaneous sewer services supplied by the City of Philadelphia shall be effective October 1, 2012, as follows.

307.1 Sewer Charges for Groundwater.

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

(1) For the period October 1, 2012, through June 30, 2013, the rate shall be $9.66 per 1,000 cubic feet.

(2) For the period July 1, 2013, through June 30, 2014, the rate shall be $10.13 per 1,000 cubic feet.

(3) For the period July 1, 2014 through June 30, 2015, the rate shall be $10.76 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 Department. If, in the opinion of the Department, it is not feasible to install a meter or measuring device, the Department may designate some other method of measuring or estimating the quantity of discharged groundwater.

307.2 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) Effective October 1, 2012, through June 30, 2013, the rate shall be $43.69 per 1,000 gallons.

(2) For the period July 1, 2013, through June 30, 2014, the rate shall be $46.23 per 1,000 gallons.

(3) For the period July 1, 2014, through June 30, 2015, the rate shall be $49.49 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 Department.

(d) From time to time, Customers shall be required to file with the Department a questionnaire establishing or revising information on the quantity and quality of wastewater delivered and other pertinent data deemed necessary by the 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 Department may refuse acceptance of additional wastewater until all unpaid balances, with late charges, are paid in full.

307.3 Wastewater Discharge Permit.

All Industrial Users contributing wastewater to the City's sewer system must obtain a permit from the Department pursuant to the

Wastewater Control Regulations in Chapter 5 of these Regulations. The fee for each new or renewal permit is one thousand dollars ($1,000).

307.4 Groundwater Discharge Permit.

All Industrial Users contributing groundwater to the City's sewer system must obtain a permit from the Department pursuant to the Wastewater Control Regulations contained in Chapter 5 of these Regulations. The fee for each new or renewal permit is one thousand dollars ($1,000).

307.5 Manhole Pump-out Permit

(a) Any non-domestic User discharging wastewater from underground structures to the City's sewer system must obtain a manhole pump-out permit from the Department pursuant to the Wastewater Control Regulations in Chapter 5 of these Regulations. The fee for each new or renewal permit is one thousand dollars ($1,000).

(b) In the event a User requests discharge locations in the City's separate sewer areas under this permit, the City may assess additional fees for any work associated with the review of this request and the identification of the discharge locations.

307.6 Trucked or Hauled Wastewater Permit

Any person trucking or hauling wastewater to the POTW must first obtain a septage discharge permit from the Department pursuant to the Wastewater Control Regulations in Chapter 5 of these Regulations. The fee for each new or renewal permit shall be one thousand dollars ($1,000).

307.7 PHOTOGRAPHIC & VIDEO INSPECTION

When a Customer or a duly authorized representative of a Customer requests the Department to conduct a photographic or video inspection of a private sewer line at a specific location, the charge shall be one hundred and sixty dollars ($160) for each photographic or video inspection. The charge shall be assessed regardless of the result of the photographic or video inspection.

307.8 Payment.

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. Payments for permits shall be made in full prior to any permit being issued.

308.0 MISCELLANEOUS STORMWATER MANAGEMENT CHARGES

308.1 Stormwater Plan Review Fees.

All Development plans submitted to the Department under Chapter 6 of these Regulations for stormwater management approvals shall be subject to a plan review fee.

(a) Fees.

(1) A fee of six hundred dollars ($600) shall be due prior to issuance of Conceptual Stormwater Management Plan approval.

(2) A fee of six hundred dollars ($600) shall be due upon submission of a post construction stormwater management plan, including a technical site plan, for review. An additional fee of ninety dollars (90) per hour of review time shall be due prior to issuance of PCSMP approval.

(i) Review time shall be based on the City's tabulation of actual hours expended by Department employees or consultants reviewing the plans associated with a particular development or redevelopment project for compliance with Chapter 6 of these Regulations.

(b) Refund of fees. The Department shall refund any fees specified above if a plan submittal is not approved or denied within 21 days for conceptual site plans and within 45 days for technical site plans.

308.2 Stormwater Management Fee in Lieu.

Where a Property Owner can demonstrate that it is not feasible to meet the requirements of these Regulations by managing stormwater on a proposed Development Site ("Development Site"), the Developer may request that it pay a fee in lieu of on-site stormwater management. This fee in lieu option shall be subject to the following requirements.

(a) The Property Owner must submit a document to the Department, prepared and signed, stamped and sealed by a Pennsylvania Certified Professional Engineer conclusively demonstrating the infeasibility of all SMPs set forth in the Manual to meet the requirements of this stormwater management regulation on the Development Site. Infeasibility may not be created by subdividing the Development Site, redrawing lot lines within the Development Site or by placing so large a number of homes or structures on the Development Site that sufficient on site stormwater management can not be achieved. The Department shall review the document alleging infeasibility by considering the entire Development Site.

(b) Nothing in this Regulation shall require the Department to grant a Developer its request for a fee in lieu of on site stormwater management. The Department, however, may grant the request for a fee in lieu under the following conditions:

(1) The Developer has conclusively demonstrated the infeasibility of on site stormwater management; and

(2) The Department has determined that off-site stormwater management, pursuant to Section 600.3(d) of these Regulations, is also infeasible; and

(3) The Department, in its sole discretion, has determined that granting the fee in lieu will not adversely affect flooding, stream protection, neighboring properties or be inconsistent with its requirements under its stormwater program, combined sewer overflow program, National Pollutant Discharge Elimination System permits, or any other federal or state law.

(c) The fee in lieu shall be calculated as follows:

(1) For an exemption to only the Water Quality Requirement of Chapter 6 of these Regulations the fee shall be five dollars ($5) per square foot based on the total square footage of Earth Disturbance.

(2) For an exemption to both the Water Quality and Channel Protection Requirements of Chapter 6 of these

Regulations the fee shall be thirteen dollars ($13) per square foot based on the total square footage of Earth Disturbance.

309.0 FIRE SERVICE CONNECTIONS

Fire service connection charges shall consist of a monthly service charge and a quantity charge and shall be effective January 1, 2013, as follows.

309.1 Charges.

(a) Monthly Service Charges.

(1) The monthly service charges for the furnishing of water for the purpose of fire protection effective January 1, 2013, through June 30, 2013, shall be as follows:

Connection Size	Service Charge
Up through 4-inch	$22.38
6-inch	40.80
8-inch	60.53
10-inch	89.48
12-inch	135.39

(2) For the period July 1, 2013, through June 30, 2014, the charges shall be as follows:

Connection Size	Service Charge
Up through 4-inch	$23.66
6-inch	43.11
8-inch	63.93
10-inch	94.51
12-inch	142.90

(3) Effective July 1, 2014, and thereafter, the charges shall be as follows:

Connection Size	Service Charge
Up through 4-inch	$23.79
6-inch	43.35
8-inch	64.27
10-inch	95.03
12-inch	143.61

(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 Department.

(d) Quantity Charges.

(1) Effective January 1, 2013, through June 30, 2013, the quantity charge shall be as follows:

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

Monthly Water Usage	**Charge Per Mcf**
First 2 Mcf (0 to 2 Mcf)	**$35.63**
Next 98 Mcf (2.1 to 100 Mcf)	**28.64**
Next 1,900 Mcf (100.1 to 2,000 Mcf)	**26.30**
Over 2,000 Mcf	**19.48**

(2) For the period July 1, 2013, through June 30, 2014, the quantity charge shall be as follows:

Monthly Water Usage	**Charge Per Mcf**
First 2 Mcf (0 to 2 Mcf)	**$37.12**

Next 98 Mcf (2.1 to 100 Mcf)	**30.20**
Next 1,900 Mcf (100.1 to 2,000 Mcf)	**27.56**
Over 2,000 Mcf	**20.93**

(3) Effective July 1, 2014, and thereafter, the quantity charge shall be as follows:

Monthly Water Usage	**Charge Per Mcf**
First 2 Mcf (0 to 2 Mcf)	**$39.05**
Next 98 Mcf (2.1 to 100 Mcf)	**31.54**
Next 1,900 Mcf (100.1 to 2,000 Mcf)	**28.95**
Over 2,000 Mcf	**21.98**

(e) This Regulation applies to all fire service connections.

309.2 Payment.

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. Payments for permits shall be made in full prior to any permit being issued**.**

CHAPTER 4
WATER

400.0 SPECIFICATIONS FOR WATER SERVICE CONNECTIONS

The following are the specifications required by the Water Department (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 ¾ inch (Single line residential fire sprinkler system (RFSS) services providing both domestic and fire supply and designed under the NFPA 13D Standard may have a water meter that is sized smaller than the service line, providing that an approved Fire Suppression System Permit (issued by the Department of Licenses and Inspections) exists to confirm that the meter size is sufficient to meet the domestic and fire requirements for the specific property.);

(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 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, ASTM D 3350, as required, 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 Department standards;

(d) include a 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 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 the Plumbing Code/Philadelphia Code.

(b) All Water-Supply Systems three (3) inches and larger shall be disinfected in accordance with procedure set forth in the latest 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 ¾-inch in size.

(d) Two or more water connections shall not simultaneously supply a single larger supply pipe unless specifically permitted by PWD in writing.

400.5 Water Service Connections to Property Owners Served by a Privately Owned Water Infrastructure.

The City, at its sole discretion, may permit property owners in a common interest community served by privately owned water infrastructure to connect to the City's water main for water service and be separately metered by the Department if all of the following conditions are met:

(a) The developer or unit owners' association has entered into an agreement with the City guaranteeing to build the private water infrastructure according to the Department's specifications and standards.

(b) The Department has inspected the completed private water infrastructure and has certified that it meets the Department's specifications and standards.

(c) Prior to installation, the Department has approved the locations of the meter boxes so that they comply with the Department's Regulations and current standards for collecting meter data. At no time will approval be granted if the distance between the first individual meter installed after the main connection and the water main is greater than thirty-five (35) feet.

(d) The properties are served by a unit owners' association that is obligated to maintain the private water infrastructure.

(e) The developer or unit owners' association has recorded a declaration against each property which includes the following provisions:

(1) A grant of irrevocable utility access for the City for the purposes of reading, maintaining, repairing and

replacing City meters, initiating and terminating service; and

(2) A restriction against the sale or transfer of the common areas in which the private water infrastructure is located; and

(3) Notification that the unit owners' association, and each member thereof, shall retain full legal and financial responsibility for the ownership, maintenance, repair and replacement of the private water infrastructure; and

(4) Establishment of an escrow account in a City-approved amount reasonably calculated to provide for the maintenance, repair and replacement of the private water infrastructure.

(f) An individual curb stop and box has been installed for each property.

(g) A master valve has been installed at the point of connection between the private water infrastructure and the City's water main.

(h) All private infrastructure connections to the City's mains are in full compliance with the Department Regulations and all other applicable laws and regulations.

401.0 WATER METERING REQUIREMENTS

401.1 General Provisions

(a) 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 except as provided for in Section 404.0 of these Regulations relating to Residential Fire Sprinkler Systems.

(b) The Department reserves the right, at its sole and exclusive discretion, to approve any service connections that are not metered when the Department determines that metering is impracticable.

(c) Property owners and/or Customers are required to notify the Department immediately if there is no functioning meter for recording usage at any premises served by City water mains.

(d) 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 is solely responsible for testing, maintaining, repairing and replacing the meter so that it remains operational in accordance with accepted utility standards for meter performance.

(1) All new meters shall be tested to confirm performance within industry standards before installation at a property.

(2) All previously used meters shall be tested prior to reinstallation at a property.

(3) A Customer may apply to the Department for a test of the accuracy of a meter as provided for in Section 306.1 of these Regulations.

(b) 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 at the property 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 be easily accessible for the meter installation; if it is not, the Department may require the property owner to change the plumbing.

(b) All meters located inside a property shall be set as close as possible to the point where the water service pipe enters the property.

(1) When the building is set back more than thirty five feet (35') 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 inch (1") or smaller, the meter shall be installed in a meter box of a design approved by the Department; or

(B) If the meter is one and-a-half inch*es* (1½") or larger, the meter shall be installed in a meter pit of a design approved by the Department; and

(C) The meter box or meter pit shall be in a location approved by the Department.

(2) For the installation of meters three inches (3") or larger, the property owner shall submit a metering plan, and shall have secured the approval of the 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 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 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 inches (3") or larger to a meter two inches (2") or smaller shall require a service line replacement. In such cases, the 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 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 property 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 owner of an un-metered property shall apply for a permit from the Water Permit section of the Department of Licenses and Inspections and pay the established permit charge. The permit charge includes the installation of the meter by the Department. Upon securing the permit and completing the plumbing required for the meter installation, the property owner shall request the Department to install the meter. The 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, meter components 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, tampering or other damage. 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, damages related to 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 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 Department. The meter may not be removed from the premises. When the plumber's work is completed, the plumber shall notify the 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 any other 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 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: A property owner may install a private meter that is secondary or a sub-meter in the property to measure water used for its 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 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 Non-compliant 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 service 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

In setting up the plumbing of the premises, the property owner is required to comply with 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 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)The Water Main Section of the 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 Department 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, the permit shall be issued at no charge upon presentation of a statement signed by the engineer representing the City.

402.1 Charities

There shall be no charge for permits for use of fire hydrants by charitable, non-profit and governmental agencies when approved by the Department.

402.2 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 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 Department at the sole expense of the property owner. Backflow prevention devices or air-gap separations must be from an approved 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 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 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 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.

404.0 RESIDENTIAL FIRE SPRINKLER SYSTEMS (RFSS)

When a residential property owner installs a residential fire sprinkler system using a single line to serve the domestic and sprinkler plumbing systems ("RFSS") in accordance with the National Fire Protection Association (NFPA) 13D standard or equivalent, such RFSS shall be in accordance with the following:

(a) Single Water Service Line

(1) A single water service line from one ferrule connection to the water main shall supply water to the domestic water and sprinkler plumbing systems.

(2) The service line shall be one of the following sizes: ¾", 1", 1 ½", 2".

(b) Internal Plumbing Configuration

(1) Inside the building and after the meter, the water supply line may:

(i) branch to separate sprinkler system and domestic water system lines ("Branch System"), or

(ii) continue as one line that serves both the sprinkler and domestic water systems in a comingled network system ("Network System") in accordance with Philadelphia Code.

(c) Metering

(1) A Department-approved RFSS meter shall be installed on the water supply line. In a Branch System, the meter shall be installed upstream of any branching of the domestic water line and sprinkler system line.

(2) Meter sizing, piping, valving and appurtenances shall be according to PWD Regulations. PWD shall provide, and the property owner shall maintain, the meter according to PWD Regulations.

(d) Permit and Customer Account

(1) The property owner is subject to PWD Regulations and Philadelphia Code governing permits and charges.

(2) The property owner is subject to PWD Regulations governing Customer accounts with the Water Revenue Bureau ("WRB").

(e) Water Quality Protection

(1) Subject to Sections (e)(2) and (e)(3) below, the following applies to the two internal plumbing configurations defined in Section B above:

(i) No water quality protection is required in a Network System.

(ii) In a Branch System, a water supply line shall be installed from a sprinkler head to the toilet tank that is farthest from the point where the water supply line enters the building ("Far Toilet"). The sprinkler system installer shall affix a permanent sign to the sprinkler system piping noting that the sprinkler system line is connected to the Far Toilet. This sign shall not be removed.

(2) Backflow prevention measures may be required on an RFSS installation if PWD determines it is necessary under Regulation 403.1(a) or under (e)(3) below.

(3) A Department-approved backflow prevention device shall be installed on a dedicated sprinkler line if additives, such as antifreeze chemicals, are used.

(f) Materials

All RFSS piping, fixtures, and other plumbing materials shall conform to Philadelphia Code and Regulations.

(g) Installation, Inspection, Testing and Maintenance

RFSS installation, inspection, testing and maintenance shall be according to Philadelphia Code.

(h) Shutoff Policy and Notification

The property owner is subject to existing rules governing shutoff of service under these Regulations.

CHAPTER 5
SEWER & WASTEWATER CONTROL

500.0 CROSS CONNECTED SEWER LATERALS

500.1 Definitions

(a) City shall mean the City of Philadelphia acting through its Water Department (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 Department shall notify the property owner, and the 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 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 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 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 et seq. mandates that the Philadelphia Water Department operate the City of Philadelphia ("City") water supply and wastewater system; and

Whereas, the Philadelphia Water Department must ensure sound and safe operation of the City wastewater treatment plants and sewer system ("Wastewater 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 Wastewater 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 Wastewater System, inadequately treated, into receiving waters or atmosphere or otherwise be incompatible with the Wastewater System; and

Whereas, an objective of the Federal Clean Water Act is to improve the opportunity to recycle and reclaim wastewater and sludge from the Wastewater System.

Now therefore, the City of Philadelphia Water Department promulgates these Wastewater Control Regulations ("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 City Wastewater System owned and operated by the City of Philadelphia 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 Wastewater System;

(2) contaminate the resulting sludge;

(3) cause the Wastewater System to violate its National Pollutant Discharge Elimination System ("NPDES") discharge permit;

(4) pass through the Wastewater System, inadequately treated, into receiving waters or the atmosphere; or

(5) be otherwise incompatible with the Wastewater System.

(c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the Wastewater System. These Regulations provide for the regulation of direct and indirect contributors to the City Wastewater System through the issuance of permits to certain non-domestic users and Industrial Users and through enforcement of general requirements for other Users: the Regulations authorize monitoring and enforcement activities and 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, 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 who is 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 Publicly Owned Treatment Works ("POTW") originates;

(B) the authorization is in writing; and

(C) the written authorization is submitted to the City.

(d) Best Management Practices or BMPs: Management practices that are implemented to comply with any Pretreatment Standard or Requirement. Such activities include, but are not limited to, schedules of activities, prohibitions of practices, and maintenance procedures.

(e) Biochemical Oxygen Demand or BOD_5: 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 concentration (milligrams per liter (mg/l).

(f) Building Sewer: A private sewer conveying wastewater from the premises of a User to the City Wastewater System.

(g) Bypass: The intentional diversion of wastestreams from any portion of an Industrial User's pretreatment facility.

(h) Categorical Standards: National Categorical Pretreatment Standards.

(i) City: The City of Philadelphia, including, but not limited to, the Philadelphia Water Department.

(j) Collector System: All piping leading to a treatment plant, including those pipes connected to a combined sewer overflow that lead directly to a receiving stream.

(k) Commissioner: The Water Commissioner of the City of Philadelphia or his designee.

(l) Commonwealth: The Commonwealth of Pennsylvania.

(m) Composite Sample: A series of samples based on time (time-proportioned) or flow (flow-proportioned), taken over a given period of time and combined in a single reservoir to determine pollutant level(s).

(n) 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.

(o) Daily Maximum: The maximum allowable discharge of a pollutant during a calendar day or other twenty-four (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) Direct Discharge: The discharge of treated or untreated wastewater directly to the waters of the Commonwealth which may occur through the City's stormwater conduits or combined sewer outfall structures.

(q) Effluent Data: For any user discharging wastewater to the City’s sewer system, effluent data shall mean:

(1) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of any pollutant which has been discharged by the source (or of any pollutant resulting from any discharge from the source), or any combination of the foregoing;

(2) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other

characteristics (to the extent related to water quality) of the pollutants which, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purpose, a description of the manner or rate of operation of the source); and

(3) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

(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 fifteen (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 or has the potential to introduce 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) is a cause of a violation of any requirement of the City'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 any of 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 City's NPDES Permit; or

(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; or

(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 daily 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 USC 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 USC 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 Part 403.5.

(bb) New Source:

(1) 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 section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(A) the building, structure, facility or installation is constructed at a site at which no other source is located; or

(B) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(C) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

(2) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of Section 501.2(bb)(1)(B) or Section 501.2(bb)(1)(C), but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined in Section 501.2(bb)(1) and Section 501(bb)(2) has commenced if the owner or operator has either:

(A) begun or caused to begin as part of a continuous onsite construction program:

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the

placement, assembly, or installation of new source facilities or equipment.

(B) or entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(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 City'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, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(ff) pH: The negative logarithm (base 10) 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 discarded 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 Section 501.3(b)(20)(G).

(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 USC 6901 et seq.), the Solid Waste Management Act (35 P.S. 6018.101 et seq.) as they relate to the proper disposal of pretreatment sludges, these Regulations and any order issued under these 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 or POTW: A treatment works as defined by Section 212 of the Act (33 USC 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, non-contact 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, DEP 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, sludge 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, Section 501.4 and Section 501.5 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) Stormwater: 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-borne wastes from dwellings, commercial buildings, industrial facilities, utility structures, institutions and construction sites, together with any groundwater, surface water and stromwater that may be present, 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 or Permit: As set forth in Section 502.1 of these Regulations.

(zz) Abbreviations --The following abbreviations shall have the designated meanings:

(1) BOD_5: Five-day Biochemical Oxygen Demand

(2) BMP: Best Management Practice.

(3) CERCLA: Comprehensive Environmental Response, Compensation and Liability Act. (42 USC 9601 et seq., as amended)

(4) CFR: Code of Federal Regulations

(5) DEP: Pennsylvania Department of Environmental Protection

(6) EPA: United States Environmental Protection Agency

(7) l: Liter

(8) mg: Milligrams

(9) mg/l: Milligrams per liter

(10) NAICS: North American Industry Classification System

(11) NPDES: National Pollutant Discharge Elimination System

(12) POTW: Publicly Owned Treatment Works

(13) RCRA: Resource Conservation and Recovery Act

(14) SIC: Standard Industrial Classification

(15)SIU: Significant Industrial User

(16) SWDA: Solid Waste Disposal Act, 42 USC 6901 et seq.

(17) TSS: Total Suspended Solids

(18) USC: United States Code

501.3 General Discharge Prohibitions

(a) No User shall contribute or cause to be contributed, directly or indirectly, to the POTW any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all 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.

(b) No User shall contribute the following substances to any POTW:

(1) 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, any substances which can create a fire or explosion hazard to the POTW;

(2) 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, 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;

(3) 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;

(A) 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 five (5) minutes in any one (1) hour period. In the event that a discharge of a pH lower than 5.5, or higher than 12.0 for a period exceeding five (5) 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.

(B) 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.

(4) any wastewater containing pollutants which may, either singly or by interaction with other pollutants:

(A) injure, adversely affect or interfere with any wastewater treatment process; or

(B) 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

(C) violate any provision of the Federal Clean Air Act (42 USC 7401 et

seq.) as amended, or local air quality regulations;

(%) 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;

(6) any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge, or scum, 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 City 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;

(7) any substance which will cause the City to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards;

(8) any wastewater with objectionable color not removed in the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions;

(9) 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 (l04ºF);

(10) any pollutants, including oxygen demanding pollutants 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 Pass Through to the POTW. In no case shall a slug load have a flow rate or contain concentrations 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;

(11) any wastewater containing any radioactive wastes or isotopes of such half life or concentrations as may exceed limits established by the City in compliance with applicable State or Federal regulations;

(12) any wastewater which causes a hazard to human life or creates a public nuisance;

(13) any wastewater containing motor oils or lubricants removed from vehicles or other machinery;

(14) any wastewater containing substances which may solidify or become viscous at temperatures between 0° C (32° F) and 65 °C (149°F);

(15) any wastewater containing in excess of 100 mg/l of fats, oils and greases of mineral, petroleum or unknown origin at any time as shown by grab sample;

(A) Wastewaters discharged to the POTW shall contain no floatable or non-mulsified 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 City to be necessary. Wastewater shall in no case contain concentrations of these pollutants high enough to cause Interference or Pass Through. The limits for both fats, oils and greases of mineral, petroleum or unknown origin and of animal or vegetable origin may be reduced by the City without amending these Regulations where the existing limits cause adverse impacts to the Collector System and/or POTW.

(16) any sludges from septage or holding tanks without prior written approval of the City;

(17) any wastewater which because of its chemical nature or composition causes the sewer atmosphere to contain airborne chemical concentrations in excess of concentrations established by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR Part 1910, regardless of duration of exposure experienced by any individual, whether a City or contractor's employee, unless written authorization is granted by the Commissioner;

(18) 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 60°C (140 ºF) using the test methods specified in 40 CFR 261.21; or

(19) any wastewater which, alone or in conjunction with any other discharges, causes foam anywhere in the Treatment Plant or its effluent.

(20) In addition, the following activities are prohibited:

(A) 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 City.

(B) No person who generates wastewater at one property shall discharge it at another property without prior written approval from the City.

(C) No person shall discharge wastewater in quantities or at rates of flow which may have an adverse or harmful effect on or overload the City's sewer system or Treatment Plants or cause excessive or additional treatment costs or render inaccurate or interfere with the function of sewer metering devices.

(D) No person shall discharge a wastewater flow contributing greater than 2,500 pounds per day of five (5) 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.

(E) No person shall store or handle any material, including hazardous substances defined by CERCLA, in any area draining to the City Wastewater System, because discharge or leakage from such storage or handling may create an explosion hazard in the sewer system or Treatment Plants or may constitute a hazard to human beings or animals or the receiving stream, or may in some other way have a deleterious effect upon the Treatment Plants. 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.

(F) 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.

(G) 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.

501.4 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.

(a) Modification of Federal Categorical Pretreatment Standards: Where the City's Wastewater 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.

501.5 Specific Pollutant Limitations

(a) No person shall discharge the following substances in excess of the concentrations, in milligrams per liter, (mg/l), as expressed below:

Substance	Daily Maximum	Monthly Average
arsenic	0.15	0.10
cadmium	0.2	0.1
chromium (total)	7.0	4.0
copper	4.5	2. 7
cyanide (total)	10.0	
lead	0.69	0.43
mercury	0.01	0.005
nickel	4.1	2.6
selenium	0.2	0.1
silver	0.43	0.24
zinc	4.2	2.6

(b) No person shall discharge any of the substances listed below to the POTW without obtaining prior written approval of the City.

Acrylonitrile
Aldrin
Alpha BHC
Aluminum
Benzene
Benzo (a) pyrene
Benzotrichloride
Beryllium
Bis(2-ethylhexyl)phthalate (DEHP)
Bromobenzene
Bromodichloromethane
Bromoform
Carbon tetrachloride

Chlordane
Chlorobenzene
Chlorodibromomethane
Chloroethane
Chloroform
2-Chlorophenol
Cumene (Isopropylbenzene)
DDT/DDE/DDD
Dibutylphthalate
Dichlorobromomethane
bis (2-chloroethyl) ether
Dieldrin
Dioxins
Dimethyl Sulfoxide (DMSO)
Dimethylnitrosamine
Ethylbenzene
Heptachlor
Hexachlorobutadiene
Hexachlorobenzene
Iron
Lindane
Dichlorobenzene
Methyl chloride (Chloromethane)
Methyl Ethyl Ketone
Methyl Isobutyl Ketone
Molybdenum
Xylenes
o-Chlorotoluene
o-Dichlorobenzene
p-Dichlorobenzene
p-Chlorotoluene
Phenanthrene
Phenols
Pyrene
Styrene
Tetrachloroethylene (Perchloroethylene)
Titanium
Toluene
Toxaphene (chlorinated camphene)
Trichloroethylene
Vinyl chloride
Tetrachloroethane
1,1,2-Trichloroethane
Dichloroethane
1,1-Dichloroethlyene
1,1-Dichloropropene
trans-1,2-Dichloroethylene
1,2,3-Trichloropropane
cis-1,2-Dichloroethylene
1,2-Dibromo-3-Chloropropane
1,2-Dichloropropane
1,3-Dichloropropane
1,3-Dichloropropene
2,2-Dichloropropane
2,4-Dinitrophenol
2,4-Dinitrotoluene
3,3-Dichlorobenzidiene
Volatile Organic Sulfides

(c) The City reserves the right to modify this list of materials prohibited from entering the POTW.

(d) Polychlorinated Biphenyls (PCBs): The PCB content of waste shall be non-detectable by EPA method 608.

501.6 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.

501.7 Accidental Discharges

(a) Spill and Slug Discharge Prevention Plan: Each Significant Industrial User shall provide protection from accidental discharge of prohibited materials or other substances which may interfere with the POTW by developing a Spill and Slug Discharge 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 City for review, and shall be approved by the City before construction of the facility. The Spill

and Slug Discharge Plan shall contain, at a minimum, the following:

(1) description of discharge practices, including routine and non-routine batch discharges;

(2) description of stored chemicals;

(3) procedures for promptly notifying the City of spills or slug discharges, with procedures for follow-up written notification within five (5) working days;

(4) any necessary procedures to prevent accidental spills and slug discharges, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff and worker training;

(5) any necessary measures for building containment structures or equipment;

(6) any necessary measures to assure the integrity of storage;

(7) any necessary measures for controlling toxic organic pollutants (including solvents);

(8) any necessary procedures and equipment for emergency response; and

(9) any necessary follow-up practices to limit the damage suffered by the POTW or the environment.

(b) All existing Users shall complete such a plan within three (3) months of notice to do so by the City. 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 Wastewater 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.

(c) Notification: In the case of an accidental discharge, it is the responsibility of the User to immediately notify the City 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.

(d) 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 City 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.

(e) 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.

501.8 Fees

(a) Purpose: It is the purpose of this Section to provide for the recovery of costs from the Users of the City's Wastewater 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 One Thousand Dollars ($1,000.00) 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; and

(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 are separate from all other fees chargeable by the City. The City reserves the right to change the fees set forth herein.

501.9 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 City violating its NPDES Permit; and

(8) whether the violation resulted or could have resulted in the City 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 ("SNC") with any Pretreatment Standards or Requirements. The amount of the civil

penalty shall be calculated in accordance with Sections 501.9(f), (g), and (h) 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 of any numeric Pretreatment Standard or Requirement, including the daily maximum effluent limitation, the monthly average limitation, and any instantaneous limits, as defined by any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to Section 501.5.

(2) Monitoring for any parameter less than 100% of the total sampling events required by the Permit.

(3) Discharging without the required Permit under these Regulations.

(4) Violation of any Pretreatment Standard or Requirement that the City determines has caused, either alone or in combination with any other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(5) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the City's exercise of its emergency authority.

(6) Violation by forty-five (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, 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 thirty (30) days after the report's due date.

(8) Failure to report noncompliance accurately.

(9) Violation of any Best Management Practice requirements or 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 501.9(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 fifteen (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; and

(D) the timeliness of these corrective actions.

(e) 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 501.9(f), (g), and (h).

(f) Civil Penalty

The calculation of the civil penalty which shall be assessed shall be in conformity with this Section and Sections 501.9(g) and 501.9(h) 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 [1]	Non-SNC or First SNC Notification[2]	Second Consecutive SNC Notification [3]	Third Consecutive SNC Notification or Causes or Contributes to Pass Through or Interference[4]	Selection Factors[5]
1. Daily, Hourly or Instantaneous Effluent Limits or Best Management Practices	$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[6]	$300 - $5,000	$5,000 - $15,000	$15,000 - $25,000	B, D, E
12. Failure to Admit Authorized Personnel[6]	$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 CFR 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 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, Hourly or Instantaneous Effluent Limits or Best Management Practices: This category addresses violations of the effluent discharge limits for daily, hourly or instantaneous discharges or best management practices.

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; and

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 CFR 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 five (5) days of spill or slug event;

i) Reporting sampling noncompliance within twenty-four (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 CFR 403.12(p); and

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 is 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, Section 501.4 or Section 501.5 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 CFR 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 CFR 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 Sludge and Spent Chemicals: Industrial

Users must dispose of hazardous sludge 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 wastestream 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 501.9(c) of these Regulations, the appropriate fining range is therefore contained in Column II. If the violation does constitute SNC as defined in Section 501.9(c) or 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 (2) consecutive six (6)-month periods.

Where a Notice of SNC is issued for any standard or requirement, and there was no Notice of SNC issued 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 interference or pass through, as defined in 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 Sections 501.9(g) and (h) 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 Authorized 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.

(g) Economic Benefit of Noncompliance

(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 501.9(f) 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 noncompliance 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.

(h) 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 POTW, 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.

(i) Civil Penalty Appeal

The Industrial User charged with the penalty shall have thirty (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.

502.0 WASTEWATER DISCHARGE PERMITS

502.1 Wastewater Discharge Permit~~s~~ Types

(a) General Permit~~s~~: Any Significant Industrial User 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.

(b) No Discharge Permit~~s~~: Any Significant Industrial User with no wastewater discharge from its regulated process(es) shall obtain a No Discharge Permit, as long as its facility is connected to or contributes to the POTW and has the potential to discharge wastewater from its regulated process(es).

(c) Trucked or Hauled Wastewater Permit: 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:

(1) All wastes are to be discharged only at the designated location contained in the User's septage discharge permit.

(2) All loads are to be sampled and approved prior to discharge.

(3) Only sanitary septic wastes are to be discharged unless prior written approval is given.

(4) Sludges or grease trap wastes shall not be discharged.

(d) Groundwater Discharge Permit: Any non-domestic User discharging pumped-out groundwater to the City's sewer system must first obtain a Groundwater Discharge Permit.

(e) Manhole Pump-out Permit: Any non-domestic User discharging wastewater from underground structures to the City’s sewer system must first obtain a manhole pump-out permit.

502.2 Wastewater Discharge Permit Administration

(a) 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 Baseline Monitoring Report shall contain the information required by Section 502.4(a).

(1) 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.

(b) 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 City within 180 days of the promulgation of an applicable National Categorical Pretreatment Standard the information required by Sections 502.4(a)(7) and (8) of these Regulations.

(c) Permit Modifications: The City may modify any existing permit for any of the following reasons:

(1) to incorporate any new or revised federal, state or local Pretreatment Standards or Requirements;

(2) material or substantial alterations or additions to Industrial User's operation which were not covered in the effective permit;

(3) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(4) information indicating that the permitted discharge could in any manner adversely affect the POTW, personnel or receiving waters;

(5) violation of any terms or conditions of the Permit;

(6) obtaining the Permit by misrepresentation or failure to disclose fully all relevant facts; or

(7) 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.

(d) 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:

(1) concentration and/or mass limits on the average and maximum wastewater constituents and characteristics;

(2) limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

(3) requirements for installation and maintenance of inspection and sampling facilities;

(4) specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

(5) compliance schedules. The City may, at its discretion, issue interim effluent limits as part of a compliance schedule;

(6) requirements for submission of technical reports or discharge reports (see Section 502.4 of these Regulations);

(7) requirements for maintaining and retaining records relating to wastewater discharge as specified by the City, and affording City access thereto;

(8) requirements for implementation of and compliance with a spill prevention and slug control plan;

(9) requirements for implementation of and compliance with Best Management Practices;

(10) requirements for notification of the City of any facility changes that affect the potential for a slug discharge or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the Wastewater System;

(11) requirements for notification of a spill or slug discharge; and

(12) other conditions as deemed appropriate by the City to ensure compliance with these Regulations.

(e) Public Notice of Permit Issuance

(1) Public notice of every proposed General Wastewater Discharge Permit and No Discharge Wastewater Discharge Permit shall be published by the City in a newspaper of daily circulation within the geographical area of the discharge. The notice shall include at least the following:

(A) name and address of each permittee;

(B) each permittee's activity or operation which results in the discharge described in the Wastewater Discharge Permit;

(C) address and phone number of premises where a copy of the proposed permit may be requested; and

(D) notice of the 30-day comment period required by Section 502.2(e)(2)of these Regulations.

(2) There shall be a thirty (30)-day period following publication of notice during which written comments may be submitted by the permittee or interested persons located within the City’s 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.

(3) The Commissioner shall issue the permit as soon as is practicable and this shall be a final decision.

(f) Permit Duration

(1) Permits shall be issued for a specified time period, not to exceed five (5) years. The 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 re-issuance 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 the Permit at least thirty (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.

(2) 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.

(g) Wastewater Discharge Permit Transfer: Wastewater Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance written notice to the City and the City approves the Wastewater Discharge Permit transfer in writing. The notice to the City must include a written certification by the new owner or operator which:

(1) states that the new owner and/or operator has no immediate intent to change the facility's operation or processes;

(2) identifies the specific date on which the transfer is to occur;

(3) acknowledges full responsibility for complying with the existing Wastewater Discharge Permit; and

(4) acknowledges full responsibility for correcting all pre-existing violations, including, but not limited to, implementing corrective action plans and paying fines.

(h) Effective Date

The Permit becomes effective when signed by the Commissioner or as specified in the Permit.

502.3 Sampling and Analysis Requirements

(a) Sampling Requirements

(1) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the

regulated process if no pretreatment exists.

(2) Samples and measurements taken for purposes of the monitoring requirements shall be representative of the normal discharges occurring during the reporting period.

(3) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds.

(A) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 502.4(a) and (b), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulphide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City may authorize a lower minimum.

(B) For the reports required by Section 502.4(c), the City shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

(4) For any pollutants not identified in Section 502.3(a)(3), 24-hour composite samples must be obtained through flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City.

(5) Sampling shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto including but not limited to sample preservation, sampling vessels and equipment.

(b) Sample Analysis Requirements

(1) Analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto including but not limited to analytical methods and sample holding time.

502.4 Reporting Requirements

(a) 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. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, mailing address, and facility address;

(2) NAICS number according to the North American Industry Classification System, Office of Management and Budget, 1997, as amended;

(3) Wastewater constituents and characteristics including but not limited to those mentioned in Section 501.5(a) 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 Section 502.3 of these Regulations for Sampling and Analysis Requirements;

(4) Time and duration of contribution;

(5) Average daily, maximum daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(6) Description of activities, facilities and plant processes on the premises including all materials, which are or could be discharged;

(7) The nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal Pretreatment Standards, as well as any information demonstrating compliance with any applicable Best Management Practices, and a statement regarding whether or not the Pretreatment Standards or Requirements 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 or Requirements;

(8) 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:

(A) 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.).

(B) No increment referred to in paragraph (A) above shall exceed nine (9) months.

(C) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the City indicating, 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. Such progress reports shall be submitted to the City at least every nine (9) months.

(9) Each product produced by type, amount, process or processes and rate of production;

(10) Type and amount of raw materials processed (average and maximum per day);

(11) Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(12) Any other information as may be deemed by the City to be necessary to evaluate the permit application;

(13) a list of any environmental control permits held by or for the facility; and

(14) 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 502.4(k) of these Regulations.

(b) Report on Compliance with National Categorical Pretreatment Standards Deadline (90 Day Compliance Report).

(1) Within ninety (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 City a report containing the information described in Section 502.4(a)(3) through (7).

(2) For Industrial Users subject to equivalent mass or concentration limits established by the City in accordance with the procedures in 40 CFR 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.

(c) 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 City during the months of July and January, unless required in different months or more frequently by the City, 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), and any information demonstrating compliance with any applicable best management practices.

.

(i) 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, as amended; or other test procedures approved by the EPA for use under the Clean Water Act. User shall follow sampling and analysis requirements in Section 502.3 of these Regulations.

(B) Wastewater flow data for the reporting period, specifically daily averages and maximums in gallons per day.

(C) For Industrial Users subject to equivalent mass or concentration limits established by the City in accordance with the procedures in 40 CFR 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.

(D) A statement as to whether or not Industrial User has achieved compliance with all Pretreatment Standards or Requirements, including Best Management Practices.

(E) If the Industrial User has not achieved compliance with all Pretreatment Standards or Requirements and Best Management Practices, a proposed schedule indicating what additional pretreatment and/or operations and maintenance will be required to achieve compliance in the shortest time.

(F) 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 502.4(k) of these Regulations.

(d) Notification of Changed Discharge

All Industrial Users shall promptly notify the City in advance of any facility changes that affect the potential for a slug discharge or any other 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 Section 502.4(e) of these Regulations.

(e) 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 one-hundred (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 (12) 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 (15) kilograms of hazardous wastes, if allowed under its Permit, unless the wastes are RCRA acute hazardous wastes, which require 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 ninety (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.

(f) 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, thirty (30) days prior to closing, a Closure Statement which shall contain, at a minimum, the following:

(1) company name and address (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 or 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 and materials, etc.; and

(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 502.4(k) of these Regulations.

(g) Notice of Potential Problems

Industrial User shall notify the City immediately of all discharges which could cause problems to the POTW, including spills or slug discharges.

(h) Notice of Indication of Violation

If sampling performed by Industrial User indicates a violation, User shall notify the City within twenty-four (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 thirty (30) days of becoming aware of the violation.

(j) 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 ("Notice") within fifteen (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.

(k) 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 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."

(l) 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.

502.5 Monitoring Facilities

(a) The City shall require monitoring facilities, to be provided and operated at the User's own expense, that allow for 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 ninety (90) days following written notification by the City.

502.6 Inspection and Sampling

(a) The City may inspect User's facilities to determine compliance with Pretreatment Standards or Requirements. Persons or occupants of premises connected to the City Wastewater System 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.

502.7 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 pre-treat 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 fifteen (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 limit 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.

502.8 Record Keeping Requirements

(a) All Users shall retain all records relating to compliance with Pretreatment Standards or Requirements including documentation associated with Best Management Practices for a period of at least three (3) years, and shall contain all of the following requirements:

(1) the date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

(2) the dates analyses were performed;

(3) who performed the analyses;

(4) the analytical techniques/methods used; and

(5) the results of such analyses.

(b) The period of retention shall be automatically extended during the course

of any unresolved dispute between the User and the City, or when the City so requests. Upon request, these records shall immediately be made available to the City for inspection and copying.

502.9 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 non-complying discharge.

502.10 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 these Regulations, the City's 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. Effluent data, as defined in Section 501.2(q), will not be recognized as confidential information.

502.11 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 501.9(c) 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.

502.12 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 actually causes the City to violate any condition of its NPDES Permit.

(2) Any person notified of a suspension of 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 Sections 502.12(b)-(j), inclusive, and Section 501.9 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 502.12(c) of these Regulations. Revocation of a User's Permit requires the User to immediately cease all wastewater discharges.

(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 fifteen (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 appurtenances 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; and

(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 501.9(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 fifteen (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 502.12(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 502.12(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 the User take any or all of the following actions:

(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 501.9 of these Regulations; or

(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, he 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 502.12(g) of these Regulations. 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 may petition the Court for an injunctive relief, which restrains or compels the activities on the part of the Industrial User.

503.0 MISCELLANEOUS

503.1 City's Right of Revision

The City reserves the right to establish by regulation more stringent limitations or requirements on discharges to the City's Wastewater System if deemed necessary to comply with the objectives presented in Section 501.1 of these Regulations.

503.2 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 articles shall not be affected and shall continue in full force and effect.

503.3 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.

503.4 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

600.1 Definitions

(a) Applicant: Whenever used in this Chapter 6, a property owner, Developer, or other person or entity who has filed an application to the Department for approval to engage in or be exempt from any Regulated Activity at a Development Site in the City of Philadelphia.

(b) Conceptual Stormwater Management Plan: A preliminary stormwater management plan as described in these Regulations and in the Manual.

(c) Demolition: The razing or destruction, whether entirely or in significant part, of a building, structure, site or object; including the removal of a building, structure, site, or object from its site or the removal or destruction of the façade or surface.

(d) 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.

(e) 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.

(f) Development: Any human-induced change to improved or unimproved real estate, whether public or private. As used in these Regulations, Development encompasses, but is not limited to, New Development, Redevelopment, Demolition, and Stormwater Retrofit. It includes the entire Development Site, even when the project is performed in phases.

(g) Development Site: The land area where any Development activities are planned, conducted, or maintained. It includes contiguous areas of disturbance including across public streets and other rights of way, and private streets and alleys, regardless of individual parcel ownership, on any portion or part, or during any stage, of a larger common plan of development or sale.

(h) Diffused Drainage Discharge: Drainage discharge not confined to a single point location or channel, such as sheet flow or shallow concentrated flow.

(i) Directly Connected Impervious Area (DCIA): An Impervious Surface that is directly connected to the drainage system.

(j) Earth Disturbance: Any construction or other activity that disturbs the surface of land including but not limited to, excavations, embankments, land development, subdivision development, and the moving, depositing, or storing of soil, rock or earth.

(k) Erosion and Sediment Control Plan: A site specific plan consisting of both drawings and a narrative that identifies measures to minimize accelerated erosion and sedimentation before, during and after Earth Disturbance.

(l) Groundwater Recharge: The replenishment of existing natural underground water supplies from precipitation or overland flow without degrading groundwater quality.

(m) Impervious Surface: Any building, pavement, or other material that impedes the natural infiltration of surface water into the soil.

(n) Management District: Sub-area delineations that determine peak rate attenuation requirements. A Development Site located in more than one Management District shall conform to the requirements of the district into which the site discharges.

(o) Manual: The most recent version of the Philadelphia Stormwater Management Guidance Manual.

(p) New Development: Development project on an unimproved tract of land where structures or impervious surfaces were removed before January 1, 1970.

(q) Operations & Maintenance Agreement (O & M Agreement): An agreement or declaration which outlines the maintenance requirements associated with the Post-Construction Stormwater Management Plan.

(r) Post-Construction Stormwater Management Plan (PCSMP): A complete stormwater management plan set as described in these Regulations and in the Manual.

(s) Predevelopment Condition: For New Development and Redevelopment, Predevelopment shall be defined according to the procedures found in the Manual.

(t) Redevelopment: Development on an improved tract of land that includes, but is not limited to, the 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.

(u) Record Drawings: Construction drawings revised to represent the as-built conditions.

(v) Stormwater Management Practice (SMP): Any man-made or natural structure, system, landscape feature, channel, or improvement designed, constructed, installed, and/or used to detain, infiltrate, or otherwise control stormwater runoff quality, rate, or quantity.

(w) Stormwater Pretreatment: Techniques employed to remove pollutants before they enter the SMP, including, but not limited to, the techniques listed as pretreatment in the Manual.

(x) Stormwater Retrofit: The voluntary rehabilitation and/or installation of SMPs on a property to better manage stormwater runoff.

600.2 Regulated Activities

(a) A Regulated Activity under these Regulations is Development on a Development Site in the City of Philadelphia that results in an area of Earth Disturbance greater than or equal to 15,000 square feet, greater than or equal to 5,000 square feet in the Darby and Cobbs Creek Watershed, or as otherwise required by local, state, or federal requirements. The area of Earth Disturbance during the construction phase determines requirements for the erosion and sediment controls and 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 a Development Site if the SMPs 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) Redevelopment that results in an area of Earth Disturbance less than one (1) acre is exempt from the requirements of Section 600.5(b), Channel Protection requirement.

(2) Redevelopment located in the Delaware Direct Watershed or the Lower Schuylkill Watershed is exempt from the requirements of Section 600.5(b), Channel Protection.

(3) Redevelopment that results in an area of Earth Disturbance greater than or equal to fifteen thousand (15,000) square feet that can demonstrate a twenty percent (20%) reduction in Impervious Surface from Predevelopment Conditions, is exempt from the requirements of Section 600.5(b),Channel Protection requirement and 600.5(c), Flood Control requirement.

(b) Exemption Responsibilities

An exemption shall not relieve the Applicant, Developer or property owner from implementing such measures as are necessary to protect public health, safety, property, water quality, and the environment.

(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 Department within two (2) calendar days of the commencement of the activity. If the 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 property owner, the 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 Applicant has demonstrated to be infeasible to manage and treat on site.

Table of Applicable Stormwater Regulations in Philadelphia				
		Earth Disturbance Associated with Development		
		0-14,999 sq. ft.	15,000 sq. ft.-1 acre	> 1 acre
Section 600.5(a) Water Quality	New Development	N/A**	Yes	Yes
	Redevelopment	N/A**	Yes	Yes
Section 600.5(b) Channel Protection	New Development	N/A**	Yes	Yes
	Redevelopment	N/A	Exempt	Yes (Alternate Criteria)
Section 600.5(c) Flood Control	New Development	N/A**	Yes	Yes
	Redevelopment	N/A**	Yes (Alternate Criteria)	Yes (Alternate Criteria)
Section 600.6 Nonstructural Project Design	New Development	N/A**	Yes	Yes
	Redevelopment	N/A**	Yes	Yes
Section 600.8 Post-Construction Stormwater Management Plan Requirements	New Development	N/A**	Yes	Yes
	Redevelopment	N/A**	Yes	Yes

Yes (Alternate Criteria) – requirements of section may be waived depending on post-development site conditions (See Sections 600.3(a)(2 and 3), 600.5(b) and 600.5(c) for further details).

N/A - Not Applicable, Development project is generally not subject to requirements of indicated Regulations section. 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.

Exempt – Development project is not subject to requirements of indicated Regulations section.

** - If the Development results in an area of Earth Disturbance greater than or equal to 5,000 square feet in the Darby and Cobbs Creek Watershed, the Development is subject to the requirements of indicated Regulations section.

Any local, state, or federal requirements still apply.

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) No Earth Disturbance greater than or equal to fifteen thousand (15,000) square feet and less than one (1) acre shall commence until the Department approves an Erosion and Sediment Control Plan conforming to the regulations of the PADEP.

600.5 Post-Construction Stormwater Management Requirements

(a) Water Quality: 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 (WQv) in cubic feet of storage for the development site:

$$WQ_v = \left(\frac{P}{12}\right) * (I) \qquad \text{Eqn: 600.1}$$

Where:
WQv = Water Quality Volume (cubic feet)
P = 1.5 inches
I = DCIA within the limits of earth disturbance (square feet)

(2) In order to preserve or restore a more natural water balance on a Development Site, the water quality volume shall be infiltrated on site. A list of acceptable practices for infiltration is provided in the Manual.

(3) To determine if infiltration is appropriate on the Development Site, follow the Hotspot Investigation, Subsurface Stability, and Suitability of Infiltration procedures found in the Manual.

(4) If the soil investigation report demonstrates that the soil is unsuitable for infiltration, the Applicant shall follow the Infiltration Waiver Request procedure found in the Manual.

(5) 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.

(6) Treatment of the water quality volume is attained differently in separate sewer areas and in combined sewer areas as specified in the Manual.

(b) Channel Protection: The Channel Protection requirement is designed to minimize accelerated channel erosion resulting from stormwater runoff from the Development Site.

(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) The infiltration and water quality volumes may be incorporated into the channel protection portion of the design provided the design meets all requirements concurrently.

(3) Design criteria and a list of SMPs for channel protection are included in the Manual.

(c) Flood Control

(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 location. Management Districts shall be determined 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) A Development Site located in more than one Management District shall conform to the requirements of the district where the discharge point is located.

(d) Public Health and Safety Release Rate

(1) The Public Health and Safety Release Rate requirement is designed to minimize the impact of stormwater runoff from Development Sites to City infrastructure with capacity restrictions as identified by the Department.

Table of Peak Runoff Rates for Management Districts

District	Column A NRCS Type II 24-hour Design Storm applied to Proposed Condition	Column B NRCS Type II 24 –hour Design Storm applied to Predevelopment Condition
A	2 – year	1 - year
A	5 – year	5 - year
A	10 – year	10 - year
A	25 – year	25 - year
A	50 – year	50 – year
A	100-year	100-year
B	2 – year	1 – year
B	5 – year	2 – year
B	10 – year	5 – year
B	25 – year	10 – year
B	50 – year	25 – year
B	100 – year	50 – year
B-1	2 – year	1- year
B-1	5 – year	2 – 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	
C – 1**	Conditional Direct Discharge District	

SMPs shall be designed such that peak rates from Column A are less than or equal to Peak Rates from Column B. * In District C, a Development Site that can discharge directly without use of City infrastructure may do so without control of proposed conditions peak rate of runoff.

** In District C-1, a Development Site that can discharge directly to the Tookany/Tacony-Frankford main channel or major tributaries without the use of City infrastructure may do so without the control of proposed conditions peak rate of runoff greater than the 5–year storm.

Redevelopment located in the Delaware Direct Watershed or Lower Schuylkill Watershed, but situated outside of District C, that can discharge directly without the use of City infrastructure, may do so without the control of proposed conditions peak rate of runoff according to the procedures found in the Manual.

For Conditional Direct Discharge Districts, the proposed conditions peak rate of runoff for a Development Site that discharges to City infrastructure must be controlled to the Predevelopment Conditions peak rate as required in District A provisions for the specified Design Storms. The Predevelopment Condition shall be defined according to the procedures found in the Manual.

600.6 Nonstructural Project Design and Sequencing to Minimize Stormwater Impacts

(a) An Applicant 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 Applicants shall take all of the following steps in sequence to comply with Water Quality requirements of these Regulations. 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) application, showing environmentally sensitive areas including, but not limited to: steep slopes, ponds, lakes, streams, suspected wetlands, hydric soils, vernal pools, any existing recharge areas, and any other requirements of the application as listed in the Manual.

(2) Prepare a Conceptual Stormwater Management Plan.

(3) Evaluate nonstructural stormwater management alternatives as described in the Manual.

(4) Use techniques in the Manual to minimize DCIA within the limits of Earth Disturbance.

(5) Design appropriate SMPs according to the Manual that:

(A) meet Water Quality requirement and provide for Stormwater Pretreatment prior to infiltration or water quality treatment in accordance with Section 600.5(a) of these Regulations and 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

(D) meet Public Health and Safety Release Rate requirement in accordance with Section 600.5(d) of these Regulations.

(6) Adjust the site design as needed to meet all requirements of these Regulations.

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 Department may reject 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 to the approved connection or point of discharge.

(5) 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 Applicant 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.

(6) All SMPs shall incorporate maximum ponding and/or draw down requirements consistent with the Manual.

(7) 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 §14-704(3):

(1) No zoning permit may be issued until the Water Department has approved a Conceptual Stormwater Management Plan.

(2) No Earth Disturbance may commence and no building permit may be issued until the Department has approved a PCSMP. The City may issue a Stop Work Order for projects that disturb earth without an approved PCSMP.

(b) Conceptual Approval

To initiate Conceptual Stormwater Management Plan review and obtain conceptual approval from the Department, the Applicant must complete the ERSA application using the process outlined in the Manual.

(c) PCSMP Approval

(1) The PCSMP shall include a general description of the Development 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 state or federal permits, proof of application or approval of those permit(s) shall be included as part of the PCSMP.

(3) All PCSMP materials shall be submitted to the Department in accordance with submittal procedures as outlined in the Manual.

(d) Miscellaneous Stormwater Management Charges

Applicability and requirements for Stormwater Plan Review Fees and Stormwater Management Fee in Lieu are described in Section 308.0 of these Regulations.

(e) Project Expirations

Conceptual Stormwater Management Plan approval will expire after one year of no activity. PCSMP approval will expire after two years from the date of

issuance. An applicant may apply for extensions based on the procedures found in the Manual.

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 Department or its designee may inspect any phase of the installation of the SMPs.

(b) An onsite meeting between the Department and the Applicant is required prior to the start of Development.

(c) During any stage of the work, if the Department or its designee determines that any component of the PCSMP is not being installed as approved by the Department, the City shall issue a Stop Work Order preventing other on-site construction from proceeding until the deficiencies are corrected.

(d) A final inspection of all PCSMP components shall be conducted by the Department or its designee to confirm compliance with the approved PCSMP prior to the issuance of Certificate of Occupancy, or other equivalent issuance, or use of the Development Site.

(e) Record Drawings for all PCSMP components must be submitted to the Department within 90 days of the conclusion of Development activities.

600.11 Construction, Operations and Maintenance of SMPs

(a) No regulated Earth Disturbance activities shall commence until the Department has approved a PCSMP in accordance with the procedures set forth in these Regulations and the Manual.

(b) All SMPs shall be constructed in accordance with the approved PCSMP.

(c) Operation and Maintenance responsibilities are defined in the O & M Agreement. SMPs and other stormwater management controls shall be maintained by the property owner or designee to design function.

(d) There shall be no alteration or removal of any SMP or other stormwater management control required by an approved PCSMP and the O & M Agreement that disrupts the functionality of the approved PCSMP without the approval of the Department, and the property owner shall not allow the property to remain in a condition which does not conform to an approved PCSMP and O & M Agreement.

(e) The Department may accept or reject the operations and maintenance responsibility for any SMPs.

(f) The Department or its designee may inspect the long term operation of the SMPs and other stormwater management controls.

600.12 Stormwater Management Easements

(a) Stormwater management easements or rights of way are required for all areas used for off-site SMPs or stormwater conveyance, unless a waiver is granted by the Department.

(b) Stormwater management easements shall be provided by the property 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 Agreement, Stormwater Management Easements

(a) The owner of any land upon which SMPs will be placed, constructed or implemented as described in the PCSMP shall be responsible for the recording of the following documents with the Philadelphia Department of Records:

(1) The O & M Agreement, which shall be included as part of the PCSMP submitted under Section 600.8, and

(2) Easements under Section 600.12 of these Regulations, if applicable.

(b) All recordings shall be at the property owner's expense.

600.14 Prohibited Discharges

(a) No person shall allow, or cause to allow, a discharge into the City's separate storm sewer system that is not composed entirely of stormwater.

(b) In the event that the Department determines that any discharge to a storm sewer is not composed entirely of stormwater, the Department will notify the responsible person to immediately cease the discharge. The Department may pursue additional enforcement actions as described in City Code §13-603.

(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 otherwise provided:

(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.

600.16 Enforcement

(a) Whenever a property owner, Applicant, Developer, or other responsible party has engaged in conduct prohibited by, or failed to meet a requirement of this Chapter 6, the Department may order compliance by notifying the responsible party.

(b) Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of the violation(s).

(c) Failure to comply within the time specified may subject the responsible party to any and all available penalties, including but not limited to a Stop Work Order, fines, a court order, and/or

abatement by the City. Such penalties shall be cumulative and shall not prevent the City from pursuing all remedies available in law or equity.

(d) The Department may withhold, suspend, or revoke any approvals for the Development Site upon discovery of the failure of the property owner, Applicant or Developer to comply with these Regulations.