

WEST BRANCH REGIONAL AUTHORITY
P.O. BOX 428 Muncy, PA 17756

RULES AND REGULATIONS
FOR
GOVERNING WASTEWATER SERVICES
IN
CLINTON TOWNSHIP
MONTGOMERY BOROUGH MUNCY
BOROUGH
MUNCY CREEK TOWNSHIP
LYCOMING COUNTY, PENNSYLVANIA

A resolution adopting uniform Rules and Regulations for direct and indirect contributors into the wastewater collection and treatment system of the West Branch Regional Authority and enabling it to comply with all applicable state and federal water laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).

REVISED AS OF APRIL 9, 2014

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RULES AND REGULATIONS

SECTION 1 GENERAL PROVISIONS

1.1 Purpose and Policy.

(a) These Regulations set forth terms and conditions of service in the System owned, operated and maintained by the Authority. The Authority will adopt and revise Sewer connection charges, sewer fees and rental rates, and charges for other services as necessary and will published them as a separate Schedule of Rates. These Regulations may be amended from time to time at the discretion of the Authority.

(b) The objectives of these Regulations are:

(1) To establish terms and conditions for the use of the System, to provide for enforcement of these Regulations, and to ensure the efficient and effective operation of the System, including the collection system, joint conveyance system and Wastewater Treatment Plant;

(2) To enable the Authority to comply with applicable state and federal laws and regulations, including the Water Pollution Control Act of 1972, as amended by the Clean Water Act of 1977, and the General Pretreatment Regulations (40 CFR Part 403) and any subsequent amendments or revisions;

(3) To protect the System from production of wastes and pollutants which would damage or interfere with its operation or which would contaminate sludges resulting from the Wastewater treatment processes in such a way as to impair disposal, recycling or reuse of such sludges, or which would cause Wastewater to be inadequately treated and subsequently discharged to the West Branch of the Susquehanna River, or which would in any other way be incompatible with the System; and

(4) To provide for regulation of all direct and indirect Users of the System through issuance of permits to certain Non-domestic Users and through enforcement of general requirements for other Users, to authorize monitoring and enforcement activities, and to require User reporting.

1.2 Definitions. The following terms shall have the meanings specified unless the context clearly otherwise requires:

"Act" or "the Act" – The Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*, as amended.

"Approved 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 with an Approved State Pretreatment Program.

"Authority" – The West Branch Regional Authority, a body politic and corporate, organized and existing under the laws of the Commonwealth, including the Municipality Authorities Act, 2001 P.L. 287, as amended.

"Authorized Representative of an Industrial User" – May be (1) a principal executive officer of at least the level of vice president, if the Industrial User is a corporation; (2) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; or (3) a duly authorized representative of the aforesaid individuals designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

"BOD₅" (Biochemical Oxygen Demand) – The quantity of oxygen, expressed in Parts Per Million, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 degrees centigrade. "Standard laboratory procedure" shall be that defined by the latest edition of *Standard Methods*.

"Board" – The governing body of the West Branch Regional Authority.

"Building Drain" – The piping installed and maintained by the property Owner to convey wastewater from indoor plumbing fixtures to the Service Lateral.

"Categorical Standards" – National Categorical Pretreatment Standards or Pretreatment Standard.

"Chlorine Demand" – The amount of chlorine, in Parts Per Million (milligrams per liter) by weight, that must be added to wastewater to produce a specified residual chlorine content or to meet the requirements of some other objective, in accordance with procedures set forth in *Standard Methods*.

"Connection Fee" – A fee not to exceed an amount authorized by law for the purpose of recovering Authority expenses related to inspection and administration of new connections to the System.

"Connection Ordinance" – An ordinance passed by a Municipality that requires the Owner of an Improved Property to connect to the System.

"Cooling Water" – Water discharged from any use, such as air conditioning, cooling or refrigeration, for which the only pollutant added is heat.

"Developer" – Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

"Domestic User" – An Owner discharging wastewater to the System from a residential home.

"Environmental Protection Agency" or "EPA" – The United States Environmental Protection Agency or, where appropriate, the administrator or other duly authorized official of said agency.

"Equivalent Dwelling Unit" or "EDU" – The unit of measure by which the periodic user charge for sewer services provided by the Authority are calculated and imposed upon Improved Properties served by the System, determined in accordance with the Authority's then-current rate resolutions.

"Executive Director" – The Person appointed by the Board to direct the Authority's day-to-day operations and to perform other duties assigned by the Board.

"Grinder Pumps, Pressure Sewers, and Vacuum Sewers" – Wastewater collection systems that rely on pumping or vacuum suction to discharge wastewater into the System; any discharge device that does not rely solely on gravity to discharge wastewater into the System.

"High Strength Waste" – Non-domestic Wastes containing more than 250 mg/l of suspended solids, 250 mg/l of BOD₅, 25 mg/l of chlorine demand, 100 mg/l total nitrogen, any excess of Pollutant limitations indicated hereinafter and any Pollutant not included hereinafter and otherwise deemed by the Authority to require special attention and surcharge.

"Holding Tank Waste" – Wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

"Improved Property" – Any property upon which there is erected a structure intended for continual or periodic habitation, occupancy or use by human beings and from which Wastewater may be discharged.

"Indirect Discharge" or "Discharge" – Discharge or introduction of Non-Domestic Waste from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. § 1317), into the System (including tank waste discharged into the System).

"Industrial User" – Any industrial facility which generates, processes, treats, or disposes a Non-domestic Waste to the System.

"Infiltration and Inflow" – Storm water, surface water, ground water, roof runoff, subsurface drainage, or other discharge not classified as Sanitary Sewage or NonDomestic Waste.

"Interceptor" – A sewer designed to convey Wastewater from sewer collection systems to the Treatment Plant, including appurtenant manholes and chambers.

"Interference" – Any discharge of Wastewater which, alone or in conjunction with a discharge or discharges from other sources, both (1) inhibits or disrupts the System, its treatment processes, use or disposal, and (2) is a violation (a) of any requirement of the System's NPDES Permit (including an increase in the magnitude or duration of a violation) or (b) of one or more of the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Act (33 U.S.C. 1345), the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of SWDA), the Clean Air Act, the Toxic Substance Control Act, and/or the Marine Protection, Research and Sanctuaries Act.

"Local Limits" – Specific limits imposed by the Authority on discharges to the System necessary to implement federal, state, or other authority's regulations.

"Municipality" – The local government entity or entities in which a property, connection, or service is located, including Clinton Township, Montgomery Borough, Muncy Borough, and/or Muncy Creek Township.

"National Categorical Pretreatment Standard" or "Pretreatment Standard" - Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Part 405, as amended.

"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, as amended.

"New Source" – Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after publication of proposed Pretreatment Standards under Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated. Definitional changes of "New Source" shall be applicable when and as promulgated by the EPA.

"Non-conventional Pollutants" – Pollutants which are not included in the list of conventional or toxic pollutants in 40 CFR Part 401.

"Non-domestic Discharge" – Any industrial, manufacturing, trade or business process which in the course of business or in the course of developing, recovery or processing of natural resources, produces Non-domestic Waste (liquid or gaseous) discharged, permitted to flow or escaping to the System.

"Non-domestic (or Industrial or Process) Waste" – Any waterborne pollutant or waste (gaseous, liquid or solid), from industrial processes or commercial establishments, but not including Sanitary Sewage, grease-trap waste or Infiltration and Inflow.

"Non-domestic Waste Discharge Questionnaire" – The form provided to Owners of a property with a proposed or existing Non-domestic Waste discharge to collect information regarding the nature of the proposed or existing discharge.

"Non-domestic Waste Discharge Permit" – The authorization granted to an industry to discharge Non-domestic Waste to the System for conveyance through the System to the Treatment Plant pursuant to the Authority's Regulations.

"Non-residential Improved Property" – Any Improved Property not intended to be occupied as a residence at least six (6) months out of the year.

"NPDES Permit" – The National Pollutant Discharge Elimination System Permit issued by PA DEP to the Authority for the System pursuant to P.L. 92-500, the Federal Water Pollution Control Act Amendments of 1972, as amended.

"Organic Loading" – Pounds of BOD₅ applied per day.

"Owner" – Any Person who is owner of record, or any authorized representative of any owner of record, of a property that is or may be connected to the System.

"PA DEP" – The Department of Environmental Protection of the Commonwealth of Pennsylvania, or, where appropriate, its Secretary or other duly authorized official.

"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 shall include the feminine and the singular shall include the plural where indicated by context.

"pH" (Hydrogen Ion Content) – The negative logarithm of the hydrogen ion concentration with the hydrogen ion concentration expressed as moles per liter, and indicating degree of acidity or alkalinity of a substance.

"Pollutant" – Any contaminant, including without limitation dredged spoil waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological material, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste that is discharged into water.

"PPM" or "Parts Per Million" – Parts per million.

"Pretreatment" or "Treatment" – Reduction of the amount of pollutants, elimination of pollutants, or alteration of the nature of pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing pollutants into the System. Reduction or alteration can be obtained by physical, chemical, or biological processes, or by process changes by other means, except as prohibited by 40 CFR Part 403.

"Pretreatment Requirements" – A substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard imposed on a Non-domestic User.

"Regulations" – The Rules and Regulations of the Authority, as amended.

"Sanitary Sewage" or "Domestic Waste" – The normal waterborne non-process household and toilet wastes from residences, business buildings, institutions, industries and commercial establishments.

"Schedule of Rates" – The then-current rate schedule adopted by the Board to govern payment for wastewater disposal services through the System.

"Secondary Treatment" – The degree of treatment required to conform with secondary treatment parameters established by the EPA and PA DEP and/or such other authority having jurisdiction in the matter.

"Septage" – Wastewater from septic tanks, holding tanks or recreational vehicles, but not including grease-trap waste or Non-domestic Waste.

"Service Lateral" – That part of the System extending from the sewer main to the edge of the Authority's right-of-way or a property line. The Service Lateral is either installed by the Authority or is installed by the Owner and dedicated to the Authority. The Service Lateral is maintained by the Authority.

"Sewage Connection Permit" – An authorization provided by Authority to an Owner allowing discharge of wastewater to the System.

"Slug" – Any discharge of Wastewater having a concentration or flow greater than five (5) times that of any average twenty four (24) hour discharge, which is discharged for a period of fifteen (15) minutes or more.

"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.

"Standard Methods" – Standard Methods for the Examination of Water and Wastewater, American Public Health Association, New York, latest edition.

"Standard Specifications" – Documents and drawings prepared by Authority setting forth requirements for construction of connections to and components of the System, as amended.

"State" – The Commonwealth of Pennsylvania.

"Storm Water" – Any flow occurring during or following any form of natural precipitation and resulting therefrom.

"System" – The Authority's collection and conveyance system, inclusive of pump stations.

"Tertiary Treatment" – Treatment required at a Treatment Plant in addition to that required for Secondary Treatment, typically consisting of additional nutrient or organic loading removal rate requirements imposed by the Authority's NPDES permit.

"Tapping Fee" – A fee not to exceed an amount authorized by law, for the purpose of recovering costs relating to occupancy of System capacity, including a capacity part, a collection system part, and a special facilities part.

"Total Suspended Solids" (TSS or Non-filterable Residue) – The total amount of solids material present in Wastewater in suspension expressed in PPM.

"Toxic Pollutants" – Pollutant parameters established by the EPA or PA DEP pursuant to Section 307 of the Clean Water Act Amendments of 1977, as amended.

"Toxic Substance" – A substance or combination of substances listed as toxic in regulations promulgated by the EPA under the Act or by a governing authority under any other statute or regulation.

"Treatment Plant(s)" – The System's Wastewater Treatment facility(ies), together with additions, improvements, enlargements and modifications made thereto, after the establishment of these Rules and Regulations.

"TSS Loading" – Pounds of Total Suspended Solids applied per day.

"User" – Any Person who contributes, causes or permits the contribution of Wastewater into the System.

"Wastewater" – The liquid and water-carried wastes from dwellings, commercial buildings, industrial facilities, institutions, or any other establishment or source, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the System.

"Wastewater Treatment" – Shall mean the reduction of contaminants in Wastewater that may be accomplished by unit operations or processes, or combinations of operations and processes.

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

BOD ₅	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EDU	-	Equivalent Dwelling Unit EPA
	-	Environmental Protection Agency
gpd	-	Gallons Per Day
l	-	Liter
LEL	-	The Lower Explosion Limit of a meter
mg	-	Milligrams
OLDS	-	On-lot Disposal System
PA DEP	-	Pennsylvania Department of Environmental Protection
pH	-	Hydrogen Ion Content
PPM	-	Parts Per Million
NPDES	-	National Pollutant Discharge Elimination System

SIC	-	Standard Industrial Classification
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, <u>et seq.</u>
TSS	-	Total Suspended Solids
USC	-	United States Code
WBRA	-	West Branch Regional Authority
WWTP	-	Wastewater Treatment Plant

1.4 Application Process for Service Connection and Sewer Service.

1.4.1 Applications for sewer service will be granted only after the Authority determines that applicable laws and regulations are met and that the requested connection is in the best interests of the Authority.

1.4.2 The Authority shall require payment by the Owner of a Tapping Fee in accordance with 53 Pa. C.S. Section 5607 and the then-current Schedule of Rates. The Tapping Fee shall be paid at the time of application for connection.

1.4.3 Upon the Authority's receipt of payment for the Tapping Fee and satisfactory completion of applications and/or questionnaires by the Owner, the Authority may authorize connection to the System by issuing a connection permit (see Appendix). Upon issuance of a connection permit, the Owner shall make connection within 180 days.

1.4.4 The Owner shall, at his own expense, install sanitary facilities (*i.e.*, Building Drains) from any structure or existing on-lot sewage disposal system to the point of connection provided by the Authority. Refer to Section 1.7 for details regarding Building Drains.

1.4.5 In the event the Tapping Fee is not paid but connection is made to the System without Authority approval, the Authority, upon determining that connection has been made, may notify the Owner in writing that payment is due within 30 days of the date of the notice.

1.4.6 Any Owner desiring sewer service shall make written application for a Sewage Connection Permit furnished by the Authority. The application shall be made at least one (1) week before service is required for Domestic service or for any Nondomestic services not having a potential non-domestic process discharge subject to Section 3. If the Authority determines that the applicant's discharge is subject to Section 3, the applicant must file a Non-domestic Waste Discharge Questionnaire and an application for Non-domestic Waste Discharge Permit, as provided in Section 3. The Authority shall require an applicant for a Non-domestic Waste Discharge Permit to submit the application up to 60 days prior to the requested date of connection and/or discharge to the sewer system.

Each application must identify the source of water supply. The application for sewer service must be signed by the Owner of the property serviced and shall, together with the Regulations of the Authority, regulate and control the sewer service to the property. The Owner shall be responsible for the payment of all bills for sewer service rendered by the Authority.

1.4.7 Physical connection to the System may only be made by a properly qualified plumber or contractor registered with the Authority.

1.4.8 Connections to the System and installation of Building Drains and Service Laterals shall conform with the Authority's Standard Specifications. Such work shall be inspected by the Authority prior to backfilling operations, and, should work be found to be deficient, it shall be removed and replaced in a proper manner. The following shall not be connected to a Service Lateral or be discharged to the System in any other manner: (i) storm water drains, sump pumps, residential floor drains, downspouts, or any other source of clean water not containing domestic Wastewater; (ii) prohibited Wastewater constituents as detailed in Section 2; and (iii) any discharge of Wastewater not defined in the application for service. It shall be unlawful for any property owner who is required to connect to the System to construct or maintain any privy, privy vault, cesspool or septic tank intended or used for the disposal of Wastewater within the System's service area.

1.4.9 No Owner or User of any property serviced by the System shall extend any Building Drain or in any way permit or cause additional properties, buildings, dwelling units, processes, Wastewater sources or storm or non-Wastewater discharge sources to be connected to the System, except as represented on the application for sewer service described in this Section 1.4.

1.4.10 A completed application for a sewer connection permit must be filed with the Authority before the Municipality grants a building permit.

1.5 Vacating the Premises and Change of Ownership.

1.5.1 A new application for sewer service must be made upon any change in ownership of a property. The Authority may discontinue service until a new application has been made and approved. If there are outstanding charges, the new owner will be held liable for those charges.

1.5.2 For properties occupied by multiple uses or connections, the Authority will treat all units as continuously occupied for billing purposes.

1.5.3 Any property that does not have a current Service Lateral inspection video on file with the Authority at the time of change of ownership must have video inspection of the Service Lateral performed by the Authority or by a licensed plumber. If the inspection is performed by a licensed plumber, the plumber shall provide the video to the Authority in a format acceptable to the Authority.

1.6 Extension of Sewer System Mains or Construction of Service Laterals.

1.6.1 A Developer may, with the consent of the Authority, construct an extension to the System at the Developer's own expense, in according with the following:

(a) The Authority may refuse to allow an extension where, in the Authority's opinion, such an extension would not be in the best interest of the Authority and/or its customers.

(b) All extensions require execution of an agreement between the Authority and the Developer. The Authority reserves the right to negotiate the terms of the agreement on a case-by-case basis.

(c) All extensions of the System shall be made in accordance with the Authority's Standard Specifications.

(d) The Developer shall prepare and submit all required permits (including PA DEP permits) and shall pay all required fees.

(e) Grinder pump systems and low pressure sewers will not be permitted without written approval of the Authority. Gravity sewers will be used where feasible.

(f) The Developer shall acquire the necessary rights-of way and shall pay all costs associated with design and construction of the extension. The costs incurred by the Developer shall include the costs for labor and materials (including pipe, wye branches, manholes and covers), resurfacing of pavement disturbed, street permits, trench excavation, installation and backfilling, traffic control, inspection, erosion and sedimentation control, engineering, legal, rightsof-way, and other related costs, as well as reimbursement of the Authority's costs.

(g) All extensions of mains and Service Laterals will, upon completion and acceptance, be dedicated to and become the property of the Authority.

(h) The applicant shall employ a registered engineer in the Commonwealth of Pennsylvania to prepare plans for the proposed improvements.

(i) The completed plans and specifications shall be submitted to the Authority and the Municipality for review and approval prior to submittal to other agencies. Approval of plans and specifications by the Authority and Municipality does not relieve the applicant from obtaining any other approvals necessary for construction of the extension.

(j) The applicant shall not initiate construction until after all approvals have been received, unless the Authority expressly, in writing, permits the applicant to proceed with construction at the applicant's own risk and expense.

(k) Sufficient collection and conveyance capacity and sufficient treatment capacity allocation, as determined by the Authority, must be available for the additional Wastewater flow which the Authority determines is likely to be received from the extension.

(l) A recorded, permanent easement with a minimum width of thirty (30) feet (with the proposed sewer extension centered in the easement) shall be provided for the entire length of the extension, unless the Authority determines that a different width is justified or required.

(m) After completion of construction, the Developer shall provide to the Authority as-built design drawings to reflect actual locations, sizes, etc. of all improvements. Such drawings shall be provided to the Authority in a paper and/or an electronic format acceptable to the Authority.

(n) The Developer shall provide to the Authority a summary of the improvements installed, including the dates of construction, materials used, and the total value of the assets.

(o) Upon acceptance of the extension by the Authority, the Developer shall provide to the Authority a bond, cash escrow, or letter of credit in a form acceptable to the Authority for the amount of 15% of the actual cost of installation of the extension.

(p) Prior to commencement of construction, the Developer shall provide to the Authority a bond, cash escrow, or letter of credit in the amount of 115% of the projected construction cost in order to guarantee payment of the costs of construction, permits, Authority expenses, and other costs incurred as a part of the extension.

1.6.2 Extensions of sewer mains shall be approved by the Authority prior to construction, the minimum size being eight (8) inches for mains and six (6) inches for Service Laterals. Sewer extensions shall be designed in accordance with the Authority's Standard Specifications. If the Authority requests any sewer main size to be increased to benefit the Authority, then the increased cost of pipe over that required by the extension will be at the expense of the Authority; if the size of pipe is larger than twelve (12) inches, then the increased cost of both pipe and increased cost of installation over that required by the extension will be at the expense of the Authority.

1.6.3 Extensions of mains and Service Laterals shall, upon completion and upon acceptance by the Authority, be dedicated to and become the property of the Authority.

1.7 Sewer Service Lines.

1.7.1 Maintenance and repair of Service Laterals within the former Muncy Creek Township Sewer Authority service area is the responsibility of the Authority. Maintenance and repair of Service Laterals in other portions of the System is the responsibility of the Owner until such time as:

- (a) The Service Lateral is replaced by Owner in conformance with Authority standards, or;
- (b) The Service Lateral is replaced by Authority, or;
- (c) The Service Lateral is inspected through closed circuit televising and determined by Authority to be in compliance with Authority standards.

Thereafter, Service Lateral shall be dedicated to the Authority, and maintenance and repair of the Service Lateral shall be the responsibility of the Authority.

1.7.2 No Building Drain may pass over or through a parcel other than the parcel to be serviced, unless a permanent easement, in a form acceptable to the Authority, is executed, recorded and forwarded to the Authority. Such easement shall allow for construction, maintenance, repair and access to the sewer lines.

1.7.3 All Building Drains and Service Laterals shall conform to the Authority's Standard Specifications and shall be laid to line and grade as required by the Authority. Details and specifications for Service Laterals, Building Drains and appurtenances are provided in the Standard Specifications. The Authority reserves the right to require

installation of monitoring manholes and flowmeters or other means of monitoring quantity of Wastewater.

1.7.4 The Owner shall give the Authority at least two business days' advance notice of the time when such connection is proposed to be made, so that the Authority may supervise and inspect installation of the Service Laterals, Building Drains and associated appurtenances, installation of the connection, and performance of any necessary testing.

1.7.5 Testing requirements and specifications for Service Laterals and Building Drains are provided in the Standard Specifications.

1.7.6 Upon connection to the System, the Owner shall abandon any existing onlot disposal system (OLDS). The method of abandonment shall meet PA DEP requirements. Existing OLDS and septic tanks shall not be connected to the Service Lateral and Building Drain.

1.8 Interceptors, Screens and Equalization Tanks.

1.8.1 The Owner of an Improved Property containing a restaurant, hotel, public eating place, service station, automobile repair shop, auto service center, or similar use shall install an Interceptor on the Building Drain for greases, oils and sediments. In addition, the Authority, when it deems necessary, may require the Owner of any other Improved Property to install interceptors, screens, and/or equalization tanks for proper handling of Wastewater containing greases in excessive amounts or any flammable wastes, sediments, viscous substances or other harmful ingredients. The design, selection, procurement, installation and testing of interceptors, screens and equalization tanks shall be the Owner's responsibility, provided, however, that the Authority may regulate the quality and quantity of Wastewater entering the System.

1.8.2 Interceptors shall be of a type and capacity approved by the Authority and shall be located under cover and so as to be readily and easily accessible for cleaning and inspection. Interceptors shall not be located so as to receive stormwater or nonWastewater runoff.

1.8.3 Interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removal covers which, when bolted in place, shall be gastight and watertight.

1.8.4 Interceptors shall be maintained by the Owner, at the Owner's expense, in continuously efficient operation at all times, and shall be cleaned at least once a week.

1.8.5 Failure by the Owner to clean and maintain Interceptors properly shall be sufficient cause for termination of sewer service.

1.9 General Discharge Prohibitions. If the Authority determines that Wastewater from any source contains pollutants, substances or constituents prohibited or limited by these Regulations, the Authority may (i) refuse to permit an Improved Property to be connected to the System, (ii) terminate service to an Improved Property, or (iii) require pretreatment of Wastewater by any User

1.10 Grinder Pumps, Pressure Sewers, Vacuum Sewers.

1.10.1 Grinder pumps, pressure sewers, and vacuum sewers may only be used with prior written approval of the Authority.

1.10.2 If an Owner, with the Authority's approval, installs a grinder pump to serve only the Owner's property, the Owner must execute a grinder pump agreement with the Authority. The grinder pump, wetwell, wiring, and piping remain the responsibility of the Owner. Grinder pump maintenance is at the Owner's cost.

1.10.3 The Authority may, from time to time, determine that it is necessary to install a grinder pump where gravity service currently exists. In such cases the Authority will be responsible for the initial cost of grinder pump system installation. Future maintenance costs will be the responsibility of the Owner.

1.10.4 If a Developer, with the permission of the Authority, installs vacuum and/or low pressure sewers to serve multiple units, the Developer shall enter into an agreement with the Authority, as required in these Rules & Regulations.

1.11 Sewage Pump Stations. Sewage pump stations shall meet the requirements of the Standard Specifications. The location of the sewage pump station shall be approved by the Authority.

1.12 Falsifying Information. No person shall knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to these Rules & Regulations or any permit issued pursuant to these Rules & Regulations, or falsify, tamper with, or knowingly render inaccurate any monitoring device or method relating to the System.

SECTION 2 DISCHARGE LIMITATIONS

2.1 Prohibited Discharges.

2.1.1 No person shall discharge or cause to be discharged to the System, directly or indirectly,

(a) Any pollutant, substance or Wastewater which interferes with the operation or performance of the System; which may be harmful to the System; which may adversely affect Wastewater treatment processes or disposal, reuse or recycling of sludges resulting from such treatment processes; or which is reasonably likely to pass through the System, inadequately treated, to the West Branch of the Susquehanna River.

(b) Any ground water, storm water, surface water and/or water from underground drainage fields that originates from roof drains, cellar drains, floor drains, hydrants, or similar areas, or any other Infiltration and Inflow.

2.1.2 The following general prohibitions apply to all Users, including Users subject to National Categorical Pretreatment Standards or other pretreatment standards or requirements. A User may not contribute to the System, either directly or indirectly, any of the following substances:

(a) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or to be injurious to persons or property or to be in any way harmful to the System. At no time shall any two successive readings on an explosion hazard meter, at the point of discharge into the System or elsewhere, exceed five percent (5%), nor shall any single reading exceed ten percent (10%), of the Lower Explosion Limit (LEL) of the meter. Prohibited materials include without limitation gasoline, motor oil, fuel oil, kerosene, naphtha, benzene, toluene, zylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substance which the Authority, the State or the federal government has notified the User is a fire hazard or a hazard to the System.

(b) Any Wastewater containing insoluble solid or viscous substances which, in the opinion of the Authority, may cause obstruction to flow in the System or other interference with operation of the System, such as, but not limited to: grease,

garbage with particles greater than one-half inch (½") in any dimension, garbage that has not been ground by household type or other suitable garbage grinders, animal guts or tissues, paunch, manure, bones, hair, feathers, hides, or fleshings, entrails, whole blood, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass rubber, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any Wastewater having pH lower than 6.5, higher than 9.0, or any other corrosive property capable of causing damage or hazard to persons, property, or the System.

(d) Any Wastewater containing toxic substances or pollutants in sufficient quantity to cause interference, to constitute a hazard to humans or animals, to create a toxic effect in the System or to the receiving waters of the System, or to exceed a limitation set forth in a National Categorical Pretreatment Standard. In general, Non-domestic Wastes will be considered harmful to the System if they cause any of the following damaging effects:

(1) chemical reaction with the materials of construction of the System in any manner;

(2) mechanical action that is reasonably likely to damage or destroy sewer structures;

(3) restriction of the hydraulic capacity of the sewer structures;

(4) danger to inspectors or maintenance crews;

(5) danger to public health or safety; or

(6) any condition which is obnoxious or inimical to the public interest.

(e) Any noxious or malodorous liquids, gases, or solids which, either singly or by interaction with other wastes, may create a nuisance or hazard to life or may create an impediment to entry into the System's structures.

(f) Any substance in sufficient quantity which, either singly or by interaction with other wastes, is reasonably likely (i) to cause the System's effluent, or any other product of the System, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation

process, or (ii) to cause the System to be in noncompliance with the Act or any other law, rule, regulation or ordinance.

- (g) Any substance which, in sufficient quantity, either singly or by interaction with other wastes, is reasonably likely to cause the Authority to violate its NPDES Permit.
- (h) Any Wastewater having a temperature which may inhibit biological activity in the System's treatment facilities, including without limitation Wastewater with a temperature at introduction into the System either exceeding 40°C (104°F) or falling below 0°C (32° F).
- (i) Any Slug or any Pollutants, including oxygen demanding Pollutants, released at a flow rate and/or Pollutant concentration that the User knows or has reason to know may cause interference to the System.
- (j) Any Wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Authority in compliance with applicable laws or regulations.
- (k) Any wastes containing soluble substances in such concentrations as may cause the specific gravity of the waste to be greater than 1.1.
- (l) Any wastes containing more than 100 ppm by weight of fats, oils, and grease.
- (m) Any wastes containing solids of such character and quantity that special and unusual attention may be required for their handling, including without limitation rubber solids.
- (n) Any wastes containing any substance that is reasonably likely to cause the System's treatment facilities to be in noncompliance with sludge use, re-cycle, or disposal criteria established by or in accordance with applicable laws or regulations.
- (o) Any wastes containing color which cannot be removed in the System's treatment processes.
- (p) Any wastes containing any Pollutant, including BOD₅ Pollutants, released at a flow rate and/or Pollutant concentration that is reasonably likely to cause interference with the System's treatment facilities.

- (q) Any other substances prohibited by applicable laws or regulations and any other substances that the Authority, in its discretion, determines (1) may be detrimental to the health, safety and welfare of any Person or property, including the System or (2) it cannot properly treat.

2.1.3 When the Authority determines that a User may be contributing a prohibited substance to the System in a material amount, the Authority may establish effluent limitation(s) for such User. If a User fails to comply with such effluent limitations, the Authority may take such corrective action as it deems necessary or proper under the circumstances. Such corrective actions may include prohibiting the User from discharging any Wastewater into the System, segregating the wastes that the User introduces into the System for further treatment at the User's cost and expense, imposing such fines and/or penalties as may be authorized by law, and/or taking any other action authorized by applicable law.

2.2 Specific Pollutant Limitations.

2.2.1 No person shall discharge to the System any Wastewater exceeding the following pollutant parameters:

- (a) Any Wastewater containing any concentration of an individual metal in excess of the following (all units ppm):

Aluminum	2.0	Copper	0.3
Arsenic	0.005	Iron	2.0
Beryllium	0.001	Lead	0.1
Cadmium	0.01	Mercury	0.005
Chromium		Molybdenum	0.5
(Total)	0.15	Nickel	0.1
Chromium		Selenium	0.001
(hexavalent)	0.005	Silver	0.025
		Zinc	0.5

- (b) Any Wastewater containing any concentration in excess of the following:

Cyanide	0.05 ppm
Oils and grease of petroleum origin (non-polar)	20 ppm
Oils and grease of animal or vegetable origin (polar)	100 ppm
pH	Less than 6.5 or greater than 9.5 standard units
Phenols	0.1 ppm

(c) Any Non-domestic Wastes containing any concentration in excess of the following:

BOD ₅	250 mg/l
Total Suspended solids	150 mg/l
Chlorine demand	25 mg/l

(d) Determination of the concentration of pollutants shall be in accordance with the procedures in 4 CFR Part 136 and/or the latest edition of *Standard Methods*.

2.2.2 The preceding limitations shall not apply to any User discharging Wastewater into the System in compliance with that User's sewage connection permit or Non-domestic Waste Discharge Permit.

2.3 National Categorical Pretreatment Standards. Any National Categorical Pretreatment Standard that is more stringent than a limitation imposed under these Regulations shall immediately supersede the less stringent limitation imposed under these Regulations. Upon promulgation of a new or revised National Categorical Pretreatment Standard, the Authority will use its best efforts to notify all affected Users of applicable reporting requirements under 40 CFR Section 403.12.

2.4 Modifications of National Categorical Pretreatment Standards. The Authority, at its discretion, may apply to the Approval Authority for modification of a National Categorical Pretreatment Standard, in accordance with regulations developed pursuant to 40 CFR Part 403.

2.5 State Requirements. State requirements and limitations on discharges shall apply where they are more stringent than Federal limitations and those in these Regulations.

2.6 Authority's Right of Revision. The Authority, if it deems necessary or convenient to do so, may revise any limitation contained in these Regulations or establish more stringent limitations or requirements on any individual User or category of Users of the System.

2.7 Excessive Discharge. No User shall increase the use of water or process water or in any way dilute or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with concentration-based limitations contained in the National Categorical Pretreatment Standards, these Regulations, or any other pollutant-specific limitation; provided, however, that dilution *may* be an acceptable means of complying with some of the prohibitions set forth in subsection 2.1 (*e.g.*, the pH limitations).

2.8 Accidental Discharges.

2.8.1 Accidental Discharge Prevention Plans. Every User shall protect the System from accidental discharge of materials and substances limited or prohibited by these Regulations. Upon request of the Authority, a User shall submit to the Authority, for approval by the Authority, the User's detailed plans and procedures to protect the System from accidental discharges. Immediately upon receipt of the Authority's request, the User shall cease discharging Non-domestic Wastes to the System and shall not resume discharging such Non-domestic Wastes until after the Authority approves the User's accidental discharge plans and procedures. Approval of a User's plans and procedures shall not relieve the User of the responsibility to notify the Authority of any incidents under these Regulations or to modify the User's facilities and procedures as necessary to comply with the Authority's requirements and applicable law.

2.8.2 Immediate Notification After Accidental Discharge. Immediately after an accidental discharge of Non-domestic Waste, the User shall notify the Authority of the incident by telephone. The notification shall include the location of discharge, type of waste, concentration and volume, and corrective actions proposed and/or undertaken.

2.8.3 Written Notice Within Five (5) Days After Accidental Discharge. Within five (5) days after an accidental discharge, the User shall submit a detailed written report, in a format approved by the Authority, describing the accidental discharge, the cause(s) of it, and the measures proposed to be taken by the User to prevent future occurrences.

2.8.4 Compliance with these Regulations shall not relieve the User of any expense, loss, damage, or other liability arising out of the accidental discharge, such as damage to the System, fish kills, or other injury or damage to person or property, nor shall such compliance relieve the User of any fines, civil penalties, or other liability imposed by the Authority or any other government entity.

2.8.5 Corrective Action Required. Failure of any User to institute corrective action approved by the Authority and necessary to prevent a reoccurrence of an accidental discharge shall be a violation of these Regulations.

2.9 Monitoring Manhole.

2.9.1 The Authority, in its discretion, may require a User to install monitoring facilities to allow inspection, sampling and flow measurement of the User's discharge to the System. When directed to install such facilities, the User shall promptly purchase, construct and install the facilities and thereafter provide for their continuing operation and maintenance

at the User's own expense. Monitoring facilities should normally be situated within the Authority's right of way, but the Authority may approve the facility to be constructed on the User's premises. Regardless of the location of monitoring facilities, Authority staff shall be allowed access to monitoring facilities at all times.

2.9.2 There shall be ample room in or near such monitoring facilities to allow accurate sampling and preparation of samples for analysis. The monitoring facilities and related equipment shall be maintained at all times in a safe and proper operating condition at the User's sole cost and expense.

2.9.3 Monitoring facilities shall be constructed in accordance with the Authority's requirements and applicable laws and regulations. Construction shall be completed within the time specified by the Authority.

SECTION 3 AUTHORITY SEWAGE CONNECTION PERMITS AND NONDOMESTIC WASTE DISCHARGE PERMITS

3.1 Sewage Connection Permit.

3.1.1 All Users of the System shall file an application for and obtain a Sewage Connection Permit from the Authority prior to making connection to and discharging Wastewater either directly or indirectly to the System. The Authority will only issue a Sewage Connection Permit after the applicant has completed the application process and has satisfied the requirements of applicable law and these Regulations.

3.1.2 For single family residential Users, the Sewage Connection Permit may state general conditions to which the residential User must conform in order to make a connection to, discharge to, and remain connected to the System.

3.1.3 For Domestic Users other than single-family residential users (such as multi-family or multiple residential units or industrial or commercial users not having process Wastewater), the Sewage Connection Permit may, at the discretion of the Authority, require monitoring, flow measuring, and other requirements as needed to protect the System.

3.1.4 Non-domestic Users shall submit a questionnaire upon request and an application for Non-domestic Discharge Permit, which shall be made a part of and attached to the Sewage Connection Permit, as described in these Regulations.

3.2 Non-domestic Waste Discharge Questionnaire.

3.2.1 All persons who discharge or propose to discharge Non-domestic Waste to the System shall, upon request by the Authority, complete and file with the Authority a Non-domestic Waste Discharge Questionnaire as prescribed and furnished by the Authority, which shall include pertinent data inclusive of flow and analysis of all wastes discharged to the System. A User shall complete and file a Non-domestic Waste Discharge Questionnaire if the User is engaged in an activity (i) for which National Categorical Pretreatment Standards apply, (ii) which may discharge to the System any EPA priority pollutants, toxic substances, or discharges prohibited by these Regulations, and/or (iii) which may discharge Wastewater containing concentrations or levels of specific pollutants in excess of maximum concentrations permitted by these Regulations. The Authority may terminate service for any User who fails to comply with these requirements.

3.3 Non-domestic Waste Discharge Permits.

3.3.1 General Permits. Any User (i) discharging Wastewater to the System that contains quantities or concentrations of pollutants in excess of those permitted in these Regulations, (ii) subject to National or State Categorical Pretreatment Standards, or (iii) having a quantity of flow which the Authority determines not similar to or resembling domestic Wastewater, shall obtain a Non-domestic Waste Discharge Permit prior to discharging Wastewater into the System. Additionally, the Authority may require a User to obtain a Non-domestic Waste Discharge Permit if the Authority determines that the User may discharge waste containing toxic substances or waste that is otherwise subject to Section 2 of these Regulations.

3.3.2 Permit Application. Users required to obtain a Non-domestic Waste Discharge Permit shall complete and file with the Authority an application as prescribed by the Authority. Existing Users shall apply for a permit within 30 days after notification by the Authority, and proposed Users shall apply at least 60 days prior to connecting to the System; however, when a proposed User is planning to construct a new facility, the proposed User shall apply for a permit at least 60 days prior to commencement of construction. All Users required to file applications for a Non-domestic Waste Discharge Permit shall complete and submit to the Authority a Non-Domestic Waste Discharge Questionnaire. When considering whether to issue a Non-domestic Waste Discharge Permit, the Authority may require the User or proposed User to submit any additional information which, in the opinion of the Authority, is necessary to characterize and evaluate the User's discharge.

3.3.3 Existing Users must notify the Authority, in writing, of any new activity or change in activity, if that activity may result in a discharge requiring a Non-domestic Waste Discharge Permit pursuant to these Regulations. Such notification shall be made at least

30 days prior to the earlier of either (i) commencement of construction of the modification that will result in the new activity or (ii) commencement of the new or changed activity.

3.3.4 Permit Conditions. Non-domestic Waste Discharge Permit conditions typically will be written in such a manner as to allow the Authority and the User to conform to applicable laws and regulations, as well as to the conditions imposed by any other permit. Permit conditions may include (i) discharge limitations, (ii) requirements for record keeping, metering, sampling and reporting by the User, and (iii) any other conditions necessary to control Wastewater discharged to the System, including without limitation the following:

- (a) Limits, based on mass and/or concentration, on the average and maximum Wastewater constituents and characteristics;
- (b) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (c) Requirements for installation and maintenance of inspection and sampling facilities;
- (d) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules;
- (e) Compliance schedules;
- (f) Requirements for submission of technical reports or discharge reports;
- (g) Requirements for maintaining and retaining records relating to Wastewater discharge and affording Authority access thereto;
- (h) Requirements for notification of the Authority of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being introduced into the System;
- (i) Requirements for notification of slug discharges;
- (j) Permit renewal requirements and procedures; or
- (k) Other conditions.

3.3.5 Permit Modification. Within 9 months after promulgation of a National Categorical Pretreatment Standard, unless sooner required by applicable law, the Nondomestic Waste Discharge Permit of Users subject to such standards shall be revised to require compliance with the National Categorical Pretreatment Standard. Where a User subject to a National Categorical Pretreatment Standard has not previously submitted an application for a Non-domestic Waste Discharge Permit as required by these Regulations, the User shall apply for a Non-domestic Waste Discharge Permit within 180 days after promulgation of the applicable National Categorical Pretreatment Standard. In addition, any User with an existing Non-domestic Waste Discharge Permit shall submit to the Authority within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard, the information required by this Section. If any federal or State law, rule or regulation provides for a time period different from those set forth in this Subparagraph, the provisions of such federal or State law, rule or regulation shall control.

3.3.6 Permit Duration. Non-domestic Waste Discharge Permits will be for a specific duration as set forth in the permit and in accordance with the reporting and renewal provisions listed therein.

3.3.7 Permit Transfer. Non-domestic Waste Discharge Permits are issued to a specific User for a specific operation in a specific location. A Non-domestic Waste Discharge Permit shall not be assigned or transferred without the express, prior written consent of the Authority.

3.4 Permit Compliance Reporting.

3.4.1 Compliance Data Report. Within 90 days after 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 System, any User subject to National Categorical Pretreatment Standards shall submit to the Authority a report indicating the nature and concentration of all Pollutants and toxic substances in the discharge from the regulated activity which are limited by such National Categorical Pretreatment Standards. The report shall state whether the applicable National Categorical Pretreatment Standards are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the User into compliance with the applicable National Categorical Pretreatment Standards. The statement shall be signed by the User, and certified by a qualified professional.

3.4.2 Periodic Compliance Reports. Any User subject to a National Categorical Pretreatment Standard, shall submit to the Authority, a report indicating the nature and concentration of Pollutants in the effluent which are limited by such National Categorical Pretreatment Standards. In addition, this report shall include a record of daily flows and loadings as required. The Authority, in its discretion, shall determine the frequency of such

reporting and the times when such reports shall be due, taking into consideration such factors as local high or low flow rates, holidays, budget cycles, etc.

3.4.3 Reports required by a Non-domestic Waste Discharge Permit shall contain the results of sampling and analysis of the User's discharge, including the flow, nature, concentration, production and mass of Pollutants contained therein which are limited by the applicable National Categorical Pretreatment Standards. The frequency of monitoring shall be as prescribed on the User's Non-domestic Waste Discharge Permit. All analyses shall be performed in accordance with procedures established pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended, or pursuant to any other test procedures approved by the Authority.

3.5 Inspection and Sampling. The Authority may inspect any User's facilities to ascertain whether they are in compliance with these Regulations and other requirements. Occupants of premises where Wastewater is created or discharged shall allow the Authority's authorized representatives ready access at reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or other performance of their duties. The Authority, as it deems necessary or convenient, may set up inspection, compliance, monitoring and/or metering operations. Where a User has security measures that would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements so that upon presentation of suitable identification, personnel from the Authority may enter, without delay, for the purposes of performing their duties.

3.6 Pretreatment.

3.6.1 Users shall provide necessary pretreatment as required to comply with these Regulations and National Categorical Pretreatment Standards within the time limitations specified. Users shall provide, operate and maintain any facilities required to pretreat Wastewater to a level acceptable to the Authority at the User's sole cost and expense. Detailed plans showing the pretreatment facilities and operation procedures shall be submitted to the Authority for review and approval by the Authority prior to construction of the facility. The Authority's review and approval of such plans and operating procedures will in no way relieve the User from responsibility for modifying the facility as necessary to produce effluent acceptable to the Authority. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and approved by the Authority prior to the User's initiation of the changes.

3.6.2 All records relating to compliance with National Categorical Pretreatment Standards shall be made available to the Authority upon request.

3.7 Confidential Information.

3.7.1 The Authority is a public entity subject to the State's open records law. Information and data on Users obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency as required by law, unless the User demonstrates to the Authority that release of such information would divulge information, processes, or methods of production entitled to protection as a trade secret or as confidential proprietary information of the User or that the information is otherwise protected from disclosure by applicable law.

3.7.2 The portions of a report which might disclose trade secrets or confidential proprietary information shall be made available upon written request to governmental agencies for uses related to these Regulations, NPDES Permits and/or the pretreatment programs; such portions of a report shall also be available for use by the State or by the federal government in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater flows, constituents and characteristics will not be recognized as confidential information.

3.7.3 If the Authority receives a request from the public for the portions of a report which might disclose trade secrets or confidential proprietary information and the User has provided to the Authority a written statement that the record contains a trade secret or proprietary confidential information, the Authority shall notify the User of the request and proceed in accordance with the State's open records law.

3.8 Pre-Existing Non-domestic Waste Permits.

3.8.1 Permits existing under the Montgomery Water & Sewer Authority, Clinton Township, Muncy Borough Municipal Authority, and Muncy Creek Township Sewer Authority have been assigned to the Authority. The Authority reserves the right to review, reissue, cancel, or modify any such permit.

SECTION 4 ENFORCEMENT

4.1 General. Whenever the Authority deems it necessary or convenient to do so, the Authority may take any or all of the enforcement actions identified in these Regulations or otherwise available to it in accordance with applicable law.

4.2 Enforcement of Connections.

4.2.1 If any Owner fails to make a connection to the System within 90 days after being served with notice to connect by the Authority, the Authority may report such failure to the Municipality and request that the Municipality proceed, in its own right or through agents (including the Authority) as provided by law, to enter upon the property, to make such connection and to collect from such Owner the costs and expenses thereof by municipal claim, civil action, or such other legal proceedings as may be permitted. Any Owner failing to make such connection shall also be subject to the penalties set forth in these Regulations.

4.2.2 The Municipalities adopted ordinances appointing the Authority as their agent for purposes of enforcing connections. Therefore, the Authority may act as its own agent, as authorized by law, to require connections and to collect from the Owner the associated costs and expenses thereof.

4.3 Termination or Restriction of Sewer Service and Surcharges.

4.3.1 The Authority may terminate sewer service to a property and/or to a User, or revoke a permit issued hereunder, for nonpayment of sewer service charges or for other noncompliance with these Regulations. If the Authority terminates service in accordance with this Section, it may charge for resumption of service in accordance with its then-current schedule of rates. In addition, the Authority may, at its discretion, assess a penalty in addition to or in lieu of termination of service. Without limiting the generality of the foregoing, sewer service may be discontinued and/or a permit issued hereunder may be revoked for any of the following reasons:

- (a) For misrepresentation in an application as to property or fixtures to be supplied;
- (b) For the use of sewer service for any other property or purpose than that described in the application or for misrepresenting the waste to be delivered to the System;
- (c) For failure to maintain proper piping fixtures and appurtenances for discharge of sewage;
- (d) For damaging any Service Lateral, seal, appliances or equipment of the Authority or any portion of the System;

- (e) For refusal to segregate storm water discharge as directed by the Authority;
- (f) For failure to make payment of any charges imposed by the Authority;
- (g) For refusal to grant reasonable access to property to the Authority for any purpose authorized by applicable law or these Regulations;
- (h) For failure to comply with any discharge limitations set forth in these Regulations or any permit;
- (i) For failure to obtain or comply with a Non-domestic Waste Discharge Permit;
- (j) For any change in the quantity or character of the Wastewater, which has not been previously approved and permitted by the Authority, and/or which, in the opinion of the Authority, may jeopardize the System or its capability to treat or convey the Wastewater, or have the Wastewater treated by others;
or
- (k) For any other violations of applicable law and/or these Regulations.

4.3.2 The Authority may restrict or terminate sewer service with or without notice as circumstances require or permit, in the case of emergencies, breakdowns, violation of these Regulations, or other causes the Authority deems justifiable, or for the purpose of making repairs to the System.

4.3.3 In no case shall the Authority be liable to any Person for any damage or inconvenience suffered as a result of termination or restriction of service. In no event shall the Authority be liable for any incidental or consequential damages claimed by any User for any reason.

4.3.4 Owners of mobile home parks and similar facilities having multiple users may reduce the total number of EDU's to the facility by declaring a lot vacant. If this occurs, user fees will not apply as against the lot declared vacant; however, in order to secure future service to the lot previously declared vacant, the Owner shall pay a new Tapping Fee at then-prevailing rates. If a lot previously declared vacant becomes occupied and the Owner has not paid a new Tapping Fee as aforesaid, the Owner shall be liable to the Authority for sewer rental fees for that lot in the amount of three times the rate specified on the then-current Schedule of Rates from the date the lot becomes occupied until a new Tapping Fee is paid in full.

4.4 Suspension of Service to Prevent Harmful Contributions.

4.4.1 The Authority may suspend Wastewater Treatment service and/or a Nondomestic Waste Discharge Permit when such suspension is necessary, in the opinion of the Authority, to stop an actual or threatened discharge (i) that presents or may present an imminent or substantial danger to the health or welfare of any Person or property, or to the environment, (ii) that causes or may cause interference to the System, or (iii) that causes or may cause the Authority to violate any condition of its NPDES Permit.

4.4.2 Any Person notified to suspend discharge shall immediately stop or eliminate that discharge. If a Person fails to comply voluntarily with the suspension order, the Authority may take such steps as it deems necessary, including without limitation immediate severance of the sewer connection, to prevent or minimize the discharge. The User shall submit to the Authority within 10 days of the discharge a detailed written statement describing the causes of it and the measures taken to prevent any future occurrence. The Authority may also require the User to reimburse the Authority for costs incurred as a result of the non-complying discharge or as a result of the User's failure to comply immediately with the suspension order. If the Authority has suspended service, it shall reinstate service only upon proof of elimination of the noncomplying discharge and reimbursement of all appropriate costs. The Authority may revoke the User's Non-domestic Waste Discharge Permit until such time as all noncompliance and cost issues have been resolved.

4.5 Revocation of Permit. The Authority may suspend or revoke the Non-domestic Waste Discharge Permit of any User who violates the following conditions of these Regulations or applicable State or federal regulations:

- (a) Failure of a User to report accurately the Wastewater constituents and characteristics of his discharge;
- (b) Failure of a User to report significant changes in operation, or Wastewater constituents and characteristics.
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring or any other lawful purpose; or
- (d) Violation of conditions of the permit.

4.6 Notice of Corrective Action. When the Authority discovers that a User has violated or is violating these Regulations, a Non-domestic Waste Discharge Permit, or any other applicable prohibition, limitation, or requirement, the Authority may issue a written notice stating the nature of the violation and directing the User to take satisfactory corrective action within a time period to be specified by the Authority. Failure to comply with such notice shall constitute an independent violation of these Regulations.

4.7 Summary Offense.

4.7.1 Any violation of these Regulations is hereby declared to be a summary offense in accordance with 53 Pa. C.S. Section 5607(d)(17), as amended or superseded, and shall be punishable for a fine of up to Three Hundred Dollars (\$300.00) for each offense. Each and every day that a violation of the Regulation exists shall be a separate and distinct offense.

4.7.2 The Executive Director or his designee may refer any violation of these Regulations for prosecution as a summary offense in accordance with the foregoing, whenever the Executive Director determines it would be in the best interests of the Authority to do so.

4.8 Civil Actions.

4.8.1 In addition to or in lieu of the foregoing, the Authority may initiate legal action, including an action for equitable relief, against any person (i) who violates these Regulations, (ii) who fails to comply with any notice, order or permit issued by the Authority, (iii) against whom the Authority has a legally cognizable claim. Any person found in such action to have violated these Regulations or any notice, order or permit issued by the Authority shall reimburse the Authority for the costs of any litigation, including reasonable attorneys fees and costs incurred by the Authority.

4.8.2 Any person who violates these Regulations shall be served, either by personal service or by registered mail, by the Authority with written notice stating the nature of the violation and prescribing a reasonable time limit for the correction thereof. Any person continuing such violation beyond such time limit shall be liable for all consequences thereof.

4.9 Liability of User. The User will be subject to and shall make full payment for any penalty costs, corrective costs, analysis costs, and any other costs sustained by the Authority as a result of any violation of these Regulations.

4.10 Infiltration and Inflow.

4.10.1 Inflow Prohibited.

(a) No connections reasonably likely to allow inflow to enter the System shall be permitted. Prohibited connections shall include but not be limited to roof downspouts, exterior foundation drains, and other sources of storm water or groundwater that are connected directly or indirectly to the System.

(b) Upon discovery of any connection between a building and the System that allows inflow to enter to the System, the Authority may serve notice to disconnect upon the Owner or User. Any Person having a connection that allows inflow to enter the System shall disconnect and/or remove the same no later than the earlier of the compliance date specified in the notice or 30 days after the date of the notice. Disconnects or openings into the System shall be closed or repaired in an effective, workmanlike manner, as approved by the Authority. The Owner shall remove all such connections at Owner's own expense and may be subject to penalty for failure to do so.

4.10.2 No Person shall discharge or cause to be discharged into the System any unpolluted waters or liquids that are not defined as Wastewater in these Regulations.

(a) Upon discovery of any connection between a building and the System that allows unpolluted waters to enter the System, the Authority may serve a notice to disconnect upon the Owner or User. Any Person discharging unpolluted waters to the System through a roof drain system, surface drain system, footing tile, ground water drain system, sump pump or similar system shall disconnect and/or remove the same no later than the earlier of the compliance date specified in the notice or 30 days after the date of the notice. Disconnects or openings into the System shall be closed or repaired in an effective, workmanlike manner, as approved by the Authority. The Owner shall remove all such connections at Owner's own expense and may be subject to penalty for failure to do so.

(b) Any building or structures which, because of infiltration of water, require crawl spaces and the like or a sump pump system to discharge excess water shall have a permanently installed discharge line that shall not at any time discharge water into the System. For purposes of this Regulation, a permanent installation shall be one which provides for year round discharge capability either to the outside

of the building structure, or to a storm sewer system. It shall consist of a rigid discharge line, without valves or quick connections for altering the path of discharge, and if connected to a storm sewer shall include a check valve. The Owner is responsible to obtain all permissions necessary to connect to a storm sewer.

4.11 Inspection.

4.11.1 At a frequency deemed necessary or convenient by the Authority, the Authority may distribute Owner survey forms to obtain information regarding sources of flows entering the System. When an Owner receives a survey from the Authority, the Owner shall:

(a) Complete the survey to the best of Owner's knowledge and belief and return the completed survey to the Authority within the earlier of the compliance time specified on the survey form or thirty days after distribution of the form.

(b) Any Person failing or refusing to return the completed survey form within the time permitted may be subject to an inspection. The Owner shall be responsible for all costs incurred to complete the inspection and may, at the Authority's discretion, be subject to surcharge.

(c) Any person, who knowingly provides false information on a completed survey form may be subject to an inspection. The Owner shall be responsible for all costs incurred to complete the inspection and may, at the Authority's discretion, be subject to surcharge.

4.11.2 The Authority shall be permitted to inspect any property connected to the System. Inspections shall be performed in the following manner.

(a) Duly authorized representatives of the Authority bearing proper credentials and identification shall be permitted to enter the property to perform inspections for the purpose of observation, measurement, sampling, and testing in accordance with these Rules and Regulations.

(b) The Owner shall not be released from liability to any extent if an Authority agent or employee is injured as a result of any act or omission by the Owner or a third party while making physical inspections on privately-owned property.

(c) In lieu of inspection by the Authority, any Owner may furnish a Building Sewer Inspection Form and video of the Building Sewer from a licensed plumber registered with the Authority certifying that Owner's property complies with these Regulations. The Building Sewer Inspection Form may be obtained from the Municipality.

(1) The licensed plumber shall utilize methods and equipment approved by the Authority, including a camera with a self-leveling camera head, and shall start the video as the camera is being inserted into the Building Sewer.

(2) The licensed plumber shall complete all tests, including but not limited to dye testing, to confirm all connections to the Building Sewer. The licensed plumber shall provide digital photographs of each connection.

(3) The licensed plumber shall be registered with the Authority in accordance with administrative procedures established by the Authority. Any properly licensed plumber may be registered with the Authority, provided that (i) he or she provides the Authority with documentation satisfactory to the Authority showing that he or she is properly licensed, (ii) he or she maintains insurance of the type(s) and in the amount(s) satisfactory to the Authority and provides the Authority with proof of the same satisfactory to the Authority, and (iii) he or she has not been terminated or suspended from the Authority's registry.

(4) The Executive Director of the Authority may remove or suspend, either temporarily or permanently, a licensed plumber from the Authority's registry (i) for failure to maintain professional licensing and/or insurance as required by the Authority; (ii) for providing materially false or misleading information to the Authority; or (iii) for any other reason the Executive Director deems to be in the best interests of the Authority. Any plumber removed or suspended by the Executive Director may appeal to the Board in accordance with the Local Agency Law.

(5) The Authority shall not be required to accept in lieu of inspection by Authority personnel any building sewer inspections or videos performed by any Person not listed on the Authority's registry of licensed plumbers.

(6) The Authority's registry of plumbers is established only for the Authority's administrative convenience and is not an endorsement or guarantee of the quality of any individual plumber's work. The Authority

shall not be liable to any third party for any act or omission of any Person listed in the Authority's registry.

(d) Any Owner (i) who refuses to allow Authority personnel to perform an inspection and refuses to furnish a completed Building Sewer Inspection Form and video within fourteen (14) days after Authority representatives are denied admittance to the Owner's property, or (ii) who provides false information on a Building Sewer Inspection Form, shall be subject to surcharge.

(e) If the Authority suspects that an illegal connection may exist at a particular property, the Owner shall comply with this Section.

4.12 Penalty. A surcharge equal to three times the sewer rental rate in effect at the time of surcharge is hereby imposed and added to every sewer billing to any Owner or User not in compliance with this Section within the earlier of (i) thirty (30) days after the noncompliance is identified, (ii) for particular types of non-compliance, the time specified in other parts of this Section, or (iii) the time otherwise specified by the Authority in its notice of noncompliance. The surcharge shall be added every month until the property is in compliance. The Authority may grant waivers from surcharges when the Executive Director determines waiver would be in the best interests of the Authority, such as when strict enforcement may cause undue hardship unique to the property or when the Executive Director believes noncompliance is beyond the reasonable control of the Owner. Any decision by the Executive Director granting or denying a request for waiver of surcharges may be appealed to the Board in accordance with the Local Agency Law.

SECTION 5 NOTICE AND APPEALS

5.1 Notice.

5.1.1 Except as otherwise provided, before taking any enforcement action under these Regulations, the Authority shall send written notice to the Owner or, in the case of enforcement action involving a Non-domestic Waste Discharge Permit, to the Person named as Permittee, at least ten (10) days prior to the effective date of the enforcement action. Notice shall be mailed by certified mail and by first class mail to the address of the

property affected or, in the case of a Non-domestic Waste Discharge Permit, to the last known address of the Permittee.

5.1.2 No notice shall be required where the violation or other condition giving rise to the action of the Authority may cause an immediate or substantial endangerment to the health, safety or welfare of persons or property or to the environment, may cause interference to the System or may cause the Authority to violate any condition of its NPDES Permit. In such cases, the Authority shall attempt to give such notice as is practicable under the circumstances but shall not be required to give notice before taking steps to address the violation or condition.

5.1.3 Where the Authority issues notice of corrective action pursuant to Subsection 4.6, the notice issued thereunder shall constitute the notice required by Subsection 5.1.1.

5.1.4 If the notice provisions of this Subsection are inconsistent with any applicable law or regulation, the provisions of that law or regulation shall apply.

5.2 Appeal.

5.2.1 The Owner, User or other Person directly and substantially aggrieved by any enforcement action of the Authority may appeal to the Board by filing a written notice of appeal within thirty (30) days after (i) the date on the Authority's written notice of the enforcement action, or (ii) if no notice is required pursuant to subsection 5.1.2, the date of the Authority's enforcement action. The notice of appeal shall be in writing, shall specify all objections to the enforcement action or the Authority's determination that a violation of these Regulations has occurred, and shall include the name, address and telephone number of the appellant.

5.2.2 Upon receipt of the notice of appeal, the Authority shall schedule a hearing on the appeal within sixty (60) days after receipt of the notice of appeal or as soon thereafter as may be practical under the circumstances. The hearing may be conducted by the Board or by such person or persons as it may designate to act on its behalf. The Authority shall inform the appellant and all other parties of the date, time and location of the hearing by ordinary mail sent at least ten (10) days prior to the hearing to the address contained in the notice of appeal or to the appellant's last known address.

5.2.3 At the hearing, testimony shall be taken under oath, and reasonable examination and cross-examination of witnesses shall be permitted. Technical rules of evidence shall not apply, and the Board or designee(s) may receive any relevant evidence of reasonably probative value. At the request of any party, the testimony shall be stenographically recorded, with the costs of the stenographic record to be borne by the party so requesting. If the hearing is not stenographically recorded, it shall be recorded by audio or video

recorder, at the Board's option. A party may, at the party's own expense, be represented by counsel at the hearing.

5.2.4 The Board shall make a final determination of the appeal. If the hearing was conducted by the Board's designee(s), the designee(s) shall make a recommendation to the Board, which shall make the final determination. The Board's determination shall be in writing and shall set forth the findings or reasons therefor. The determination may include an order directing specific corrective action and/or such other orders and directives as it deems necessary and appropriate. A copy of the final determination shall be served on each party or counsel representing the party, by ordinary mail or by personal service. Any party aggrieved by the final determination may appeal to a court of competent jurisdiction in accordance with applicable law.

5.3 Stay of Enforcement Action.

5.3.1 The taking of an appeal pursuant to Subsection 5.2 shall not stay the enforcement action of the Authority, except as set forth herein.

5.3.2 Any Owner, User or any Person substantially and directly aggrieved by the enforcement action of the Authority desiring a stay of the enforcement action shall file with the notice of appeal a request for a stay and a written statement of reasons why the enforcement action should be stayed pending appeal. The statement shall include verification that a stay of the enforcement action, under the existing circumstances or the circumstances reasonably likely to exist during the pendency of the appeal, shall not pose any material threat of endangerment to the health, safety or welfare of any Person or property or to the environment, cause interference with the System or cause the Authority to violate any condition of its NPDES Permit.

5.3.3 The Board or its designee shall make the determination whether to stay the enforcement action of the Authority. Written notification of the determination shall be sent by ordinary mail to the address set forth in the notice of appeal.

SECTION 6 RATES AND CHARGES

6.1 Transition Period. Prior to enactment of new rates, Users will be billed at the same rates and in the same manner as they previously were billed by Clinton Township, Montgomery

Water & Sewer Authority, Muncy Borough Municipal Authority or Muncy Creek Sewer Authority.

6.2 Charges for Sanitary Sewage Service.

6.2.1 Standard Rates and Charges. Any Owner of a property now or hereafter connected to the System or otherwise discharging Wastewater or other liquids directly or indirectly into the System shall pay a user charge based on the number of EDUs or on the measured quantity of water discharged to the System, as evidenced by registration of a water meter or other mechanism developed by the Authority to address "non-typical" owners on a case-by-case basis.

6.2.2 Surcharge for High Strength Wastes. Any person discharging into the System Non-domestic Wastes containing more than 250 mg/l of suspended solids, 250 mg/l of BOD₅, 25 mg/l of chlorine demand, 100 mg/l total nitrogen, any excess of the Pollutant limitations identified in these Regulations or any other Pollutant deemed by the Authority to require special attention and surcharge shall be charged for such discharge, in addition to the quantity charges in the Schedule of Rates, an additional charge based on the weight of the excess concentrations or such other additional charge reasonably calculated to compensate the Authority for the additional expense incurred for treatment.

6.2.3 Determination of surcharge quantities for High Strength Waste discharges shall be made based on sampling and analysis methods specified by the Authority.

6.2.4 Miscellaneous.

(a) Connection Fee. An administration and inspection charge is hereby imposed for each application for connection to the Sewer System. Said fee shall be due in lump sum and payable at the time of application in the amount set forth in the then-current Schedule of Rates.

(b) Non-domestic Waste Discharge Permit and Inspection. A Nondomestic Waste Discharge Permit application and inspection fee is hereby imposed upon each User discharging Non-domestic Waste of a type or quantity requiring a permit pursuant to these Regulations. The foregoing fee shall be assessed to defray the cost of necessary inspection, coordination and preparation of the permit. Said fee shall be payable at the time of application in the amount set forth in the Schedule of Rates.

(c) Cost of Laboratory Testing of Non-domestic Wastes. Any costs of laboratory testing of Non-domestic Wastes incurred by the Authority shall be billed

to and reimbursed by the User. The Authority, in its discretion, may determine when independent laboratory testing is necessary.

(d) Monitoring Costs. Monitoring costs incurred by the Authority shall be billed to and reimbursed by the User.

(e) Tapping Fee. A Tapping Fee is hereby imposed per EDU, in the amount set forth in the Schedule of Rates, for each Improved Property that connects or that is required to connect to the System. Said fee shall be due in lump sum and payable as set forth hereafter.

(f) Customer Facilities Fee. If the Authority in its discretion determines that a customer facility, such as a water meter, should be installed for a particular User, the Authority's costs shall be billed to and reimbursed by the User.

6.2.5 Classification and Equivalent Dwelling Units.

6.2.5.1 The Classification and Equivalent Dwelling Unit for each type of property (category) serviced by the Authority shall be as follows:

<u>Category</u>	<u>Equivalent Consumer Units</u>
Residential, each dwelling unit, apartment or mobile home	1
Each retail store, office, business, warehouse:	
1. Ten or fewer employees	1
2. Each additional five employees or fraction thereof	½
Each business or industry providing showers for employees	
1. Six or fewer employees	1
2. Each additional three employees or fraction thereof	½
Day Care, per 20 children, including staff or fraction thereof	1
Improved property having a commercial (¾ horsepower or greater) garbage grinder, for each such grinder	1
Hotel, motel or boarding house, per four rental rooms or fraction thereof without restaurant facilities	1
Restaurant, club or tavern, per 20 seats	1

<u>Category</u>	<u>Equivalent Consumer Units</u>
10 seats or fraction thereof	½
Church (parsonage extra)	1
Firehouse, with hall	1
Service station or automobile repair garage (same as business)	
Car wash – each bay	1
Barber Shop (hair cutting only)	
Three chairs or less	1
Each additional three chairs or fraction thereof	1
Beauty Shop (washing bowls)	
One chair	½
Each additional chair	½
Laundromat, per five washers or fraction thereof	1
Convalescent home, per two beds	1
Municipal building, 10 or fewer employees 1 per additional 10 employees 1	
Skating rink – for each 75 skaters or fraction thereof	1
Industrial waste on individual basis	

6.2.5.2 Industrial and institutional wastes will be billed on metered water use, where available, with the following use categories:

- First 0 to 5,000 gallons per month (minimum charge)
- Next 15,000 gallons per month per 1,000 gallons of water use
- Next 80,000 gallons per month per 1,000 gallons of water use
- Above 100,000 gallons per month per 1,000 gallons of water use

6.2.6 For properties (categories) not listed in Section 6.2.5, the Authority, in its discretion, shall determine the appropriate number of EDU's on a case-by-case basis, taking into consideration the existing categories.

6.3 Determination of Billing Quantities.

6.3.1 Non-Metered Customers. Where all or part of the Wastewater discharged from a property categorized as industrial or institutional originates from sources other than a public water system and is not measured by a water meter acceptable to the Authority, the Authority will assess a flat rate for disposal services. If the Owner of a non-residential property requests and the Authority, in its discretion, approves, the User may install and maintain at the User's own expense a water meter or meters satisfactory to the Authority, and the quantity of water used to determine the sanitary sewage charge shall be the sum of the quantities of all sources of water, less the quantity of water User proves to the satisfaction of the Authority has not been discharged into the System. Any meters installed to determine the amount of water not discharged to the System shall be under the control of the Authority and may be tested, inspected and/or repaired by the Authority whenever the Authority deems necessary, provided that all repairs thereto shall be made at the expense of the User and the bills therefor shall be due at the same time as bills for sewer service.

6.3.2 Water not discharged into the System. If a commercial, industrial or institutional customer utilizes water for process operations (*e.g.*, cooling water) and such water is not discharged to the System, then such User may install and maintain additional meters, at the User's expense, in such a manner as the Authority determines will accurately measure the quantity of water actually being discharged into the System.

6.3.3 Multiple Discharge Points. Where a property has several discharge points to the System, and the Authority deems it necessary to monitor the separate discharge points for the purpose of determining the quantity and/or quality of Wastewater actually discharged to the System, the Authority may consider each discharge point as a separate billing account for quantity and surcharge determinations.

6.3.4 When water consumption data is not available, sewer rentals for businesses or industrial units shall be computed on the basis of the average number of employees (including owners and employers) on an annualized basis.

6.3.5 If the Owner of any Non-residential Improved Property (including any school) fails to provide the Authority with the information necessary to compute sewer rentals, the Authority may estimate sewer rental rates for such User. Such estimated sewer rentals shall be the actual sewer rentals payable until the User proves otherwise to the satisfaction of the Authority; provided, however, that the Authority shall not pay any rebates if information

subsequently provided reveals lower indicated sewer rentals than those estimated by the Authority and provided further that the Authority may back-charge the User if higher rates are indicated.

6.3.6 Additional classifications and sewer rentals or alterations, revisions, amendments, or modifications of the foregoing schedule of sewer rentals may be established by the Authority, from time to time, as the Authority deems necessary.

6.3.7 Nothing herein contained shall prohibit the Authority from entering into and complying with a separate agreement for any User to establish fees and charges on a case-by-case basis. Further, nothing herein contained shall prohibit the Authority from providing equitable adjustment of sewer rentals and other charges where, due to seasonal fluctuations or other unusual circumstances, the sewer rentals and other charges are deemed by the Authority to be unfair or inequitable.

6.3.8 If two (2) or more private dwelling units, stores, offices, industrial units, or the like are connected to the System through a single lateral or if two (2) or more uses are made of the same Improved Property, sewer rentals and charges shall be imposed for each separate use. The Owner may install and maintain a water meter for each such use, if so desired.

6.4 Billing and Collection.

6.4.1 Bills Due and Payable.

- (a) Charges for sewer service shall be payable monthly, based on EDUs, and are due and payable as rendered.
- (b) If charges due and payable to the Authority are not paid within fifteen (15) days of the billing date, the Authority may impose a penalty of ten percent (10%) of the amount due or a carrying charge of one and one-half percent (1½%) per month, whichever is greater. The Authority may waive penalties and carrying charges when the Authority, in its discretion, deems such waiver to be equitable under the circumstances.
- (c) Notwithstanding the preceding, the State and any agency thereof shall have thirty (30) days from the billing date to pay charges due.
- (d) Payments mailed, as evidenced by the United States Postal Service mark, on or prior to the end of the period during which the bills are payable at face, will be deemed to be a payment within such period.

- (e) The Authority may institute enforcement actions as necessary to secure payment.
- (f) Payments in advance may be required:
 - (1) for seasonal service, when so elected by the User;
 - (2) for construction of facilities and furnishing special equipment;
 - (3) for restoration of service or re-connection where service has been discontinued for nonpayment or noncompliance with these Regulations;
 - (4) where the Owner has failed previously to make timely payment of charges. In addition, a penalty will be assessed.

6.4.2 Failure to Receive Bill. Failure to receive a bill shall not exempt any User from payment of a penalty. Presentation of a bill is only a matter of accommodation and is not a prerequisite to the User's obligation to pay for service.

6.4.3 Collecting Delinquent Accounts. When any rentals, fees or charges due the Authority are more than 60 days overdue, or as the Authority otherwise determines, the Authority may initiate collection procedures. The Authority will send Users with delinquent balances notification to make payment within 30 days to avoid further collection action. Costs of collection may be assessed to the Owner or User.

6.4.4 Charges or Lien on Property. All rentals, fees and charges imposed hereby, together with penalties thereon and the Authority's costs and attorneys fees, shall be a lien on the property serviced. The Authority may enter and/or collect such lien in the manner provided by law.

6.4.5 Billing Inquiries. Any person with an inquiry pertaining to the accuracy of the bill shall provide the bill to the Authority for investigation. The request for investigation shall not affect the User's obligation to pay any fees, charges or penalties provided for in these Regulations or any charges subsequently determined by the Authority to be accurate. The Authority may, for good cause shown, extend the time period for payment of a bill until the investigation is completed.

6.4.6 The Authority may initiate collection procedures for non-payment of Connection and Tapping Fees if the amount due is not be paid within ten (10) days after the payment due date.

6.4.7 Each Owner of an Improved Property connected to the System shall at all times keep the Authority advised of the current billing address. Failure of any Person to receive a bill shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the period of time during which any bill shall be payable.

6.4.8 The minimum Tapping Fee applicable to any Improved Property shall be the applicable amount contained in the Schedule of Rates times one EDU. To this minimum amount shall be added the charge for each additional EDU applicable to such Improved Property.

(a) The Tapping Fee shall be due and payable the earlier of:

(1) The date the Owner or User makes application for connection, or

(2) When the Authority or Municipality connects an Improved Property to the System, the date of actual connection, or

(3) When the Authority or Municipality sends a notice to connect pursuant to a mandatory connection ordinance, the date by which the Improved Property is required to connect, or

(4) When the Authority determines that an Improved Property will be assessed additional EDUs, the User shall pay an additional Tapping Fee for each additional EDU at the time of assessment.

(b) When a User applies for a building permit or a change in zoning, the Authority may assess additional EDUs for said property in accordance with these Regulations.

(c) The Authority may audit any User to ascertain if the appropriate Tapping Fee was assessed and paid and, if the Authority determines such was not the case, may assess such additional fees as should have been paid. The Authority may assess the greater of the fee in effect at the time payment originally should have been made or the fee in effect at the time of assessment hereunder.

(d) If the User has changed the type of use (*e.g.*, residential, commercial, industrial, institutional) for any Improved Property or if the User falls under a different EDU classification, the Authority may assess additional Tapping Fees in accordance with the Schedule of Rates.

(d) Payment of Tapping Fees may be enforced by the Authority in any manner authorized by law.

6.5 Schedule of Rates.

6.5.1 Initial Rates were approved by the Board at a public meeting held January 26, 2013 and are reflected in Resolution No. 2013-01:

Residential and Commercial Sewer Rental Rate: \$55.00 per month per EDU.

Industrial and Institutional Sewer Rental Rate:

First 0 to 5,000 gallons per month	\$110 (minimum charge)
Next 15,000 gallons per month	\$12.00 per 1,000 gallons
Next 80,000 gallons per month	\$11.00 per 1,000 gallons
Above 100,000 gallons per month	\$10.00 per 1,000 gallons

(At the Authority's option, usage may be calculated by measuring the amount of water supplied to the User).

Tapping Fee: \$4,758.01 per EDU.

6.5.2 The Board may alter or amend this Schedule of Rates at any time by resolution adopted in accordance with law.

SECTION 7 SEVERABILITY

If any provision, section or part of these Regulations, or any portion or application thereof, is held to be invalid or unenforceable, such invalidity or unenforceability shall not affect or impair the remainder of these Regulations or the unaffected portion of the provision, section or part at issue, it being the express intention of the Authority that these Regulations shall be severable and that the remainder of these Regulations shall be and remain in full force and effect.

SECTION 8 CHANGING OF RATES AND REGULATIONS

8.1 The Board, in its sole and absolute discretion, may change, alter or amend these Regulations or any portion thereof from time to time.

8.2 The Authority may refuse to accept any waste or Wastewater when the Executive Director or his designee determines that acceptance or treatment thereof is reasonably likely (i) to be detrimental to the System, or (ii) to be potentially hazardous to any Person or property, or (iii) not to be financially feasible for the Authority, or (iv) not to be in the best interests of the Authority.

8.3 Any and all permits issued pursuant to these Regulations shall be binding upon and enforceable against the User to whom the permit was issued, as if the contents thereof were fully set forth in these Regulations.

8.4 If there is a conflict between these Regulations and any Appendix hereto or permit issued hereunder, these Regulations shall prevail; provided, however, that when a permit issued hereunder limits the amount or composition of Wastewater discharged to the System, the limitation that is more stringent to the User shall prevail.