2020 RATES, RULES, AND REGULATIONS
FOR THE WASTEWATER SEWER SYSTEM
OF THE
DERRY TOWNSHIP MUNICIPAL AUTHORITY

INCLUDING ALL REVISIONS AND AMENDMENTS ADOPTED THROUGH DECEMBER 31, 2019

Derry Township Municipal Authority
670 Clearwater Road
Hershey, PA 17033
Phone: 717-566-3237
Fax: 717-566-7934
www.DTMA.com

RESOLUTION 2020-11

RATES, RULES, AND REGULATIONS
FOR THE WASTEWATER SEWER SYSTEM OF DERRY TOWNSHIP MUNICIPAL AUTHORITY

WHEREAS, the operation and governance of the authorized activities of the DERRY TOWNSHIP MUNICIPAL AUTHORITY (hereinafter AUTHORITY) requires a comprehensive set of Rates, Rules & Regulations (hereinafter RR&Rs); and,

WHEREAS, the Authority, which has previously adopted and periodically amended the RR&Rs for purposes of governing the operation of its authorized activities, is now desirous of updating the RR&Rs.

NOW THEREFORE, BE IT RESOLVED by the Authority as follows:

1. The Authority hereby adopts the attached 2020 Rates, Rules, and Regulations for the Wastewater Sewer System of Derry Township Municipal Authority.

2. By Adoption of this Resolution and 2020 RR&Rs, the Authority, hereby repeals all previous Authority Resolutions that are inconsistent with this Resolution including all previous versions of the Authority's RR&Rs.

3. Any revisions, modifications, or amendments including the authorizing Resolutions to these adopted 2020 RR&Rs that occur during the year 2020 shall be included as an insert in SECTION 11: 2020 SUPPLEMENT – REVISIONS, MODIFICATIONS, and AMENDMENTS. Annually, all changes will be incorporated into the body of the RR&Rs with the adoption of the new RR&Rs version.

DULY RESOLVED, ADOPTED, AND EXCEPT AS SPECIFICALLY NOTED ELSEWHERE IN THE RR&Rs, EFFECTIVE IMMEDIATELY, by the Derry Township Municipal Authority this 27th day of January, 2020.

David E. Feidt

~~(Vice)~~ Chairman

CERTIFICATION

The undersigned being the (Assistant) Secretary of the Derry Township Municipal Authority hereby certifies that the foregoing is a true and correct copy of the Resolution adopted by the Board of the Derry Township Municipal Authority at a meeting duly and legally held the 27th day of JANUARY, 2020.

Matthew A. Weir

~~(Assistant)~~ Secretary

TABLE OF CONTENTS

SECTION 1: DEFINITIONS 5
SECTION 2: SEWER SERVICE RULES, REGULATIONS AND RATES 8
2.01 Rules and Regulations to be established by the Authority 8
2.02 Sewer Service Rates 8
SECTION 3: CONNECTION PERMITS 9
3.01 When a Connection Permit is required 9
3.02 Connection Permit Application 9
3.03 Connection Permit Transfer and Expiration 10
3.04 Material Change 10
SECTION 4: CONNECTION REQUIREMENTS 11
4.01 Approved Connection Required for Any Discharge 11
4.02 Connection Units 11
4.03 Installation of Building Sewers and Service Laterals 12
4.04 Installation of Interceptors and Separators 14
4.05 Maintenance of Building Sewers and Service Laterals 15
4.06 Application for Extensions 16
4.07 Proposed Extensions and Additions 16
SECTION 5: RATES, FEES, CHARGES AND BILLING 22
5.01 Inspection Fees 22
5.02 Capital Fees 22
5.03 Sewer Rentals 25
5.04 Computation of Sewer Rentals 25
5.05 Ready-to-Serve Charges 28
5.06 Miscellaneous Fees and Charges 28
5.07 Industrial Waste Discharge Permit Application Fee 29
5.08 Surcharge for Excess Strength Compatible Pollutants 29
5.09 Charges for Other Discharges 30
5.10 Billing and Collection 31

5.11 No Abatement of Rentals or Charges 31
SECTION 6: HARMFUL DISCHARGES 33
6.01 Restrictions on Harmful Discharges 33
6.02 Industrial Wastewater Control 33
6.03 Discharge Requirements 37
6.04 Industrial Wastewater Discharge Permits 42
6.05 Reporting and Monitoring Requirements 46
6.06 Enforcement 50
6.07 Miscellaneous 53
SECTION 7: HAULED WASTE REGULATIONS 55
7.01 Types of Wastes 55
7.02 Administrative Procedures 56
7.03 Fees 56
SECTION 8: INSPECTION AND ENFORCEMENT 58
8.01 Inspection 58
8.02 Enforcement 58
SECTION 9: SCHEDULES 59
SECTION 10: SEVERABILITY 60
SECTION 11: 2020 SUPPLEMENT – REVISIONS AND AMENDMENTS 61
11.01 Revisions, Modifications, and Amendments 61
LOCAL DISCHARGE LIMITATION SCHEDULES 62
RATES and FEES SCHEDULE 63

SECTION 1: DEFINITIONS

A. Unless the context specifically and clearly indicates otherwise or unless these definitions are in conflict with the definitions in Section 6.02.E., the meaning of terms used in this Rates, Rules, and Regulations shall be as follows:

1. "Authority" means Derry Township Municipal Authority, a Pennsylvania municipal authority.

2. "Billing Unit" means and includes, as applicable, each of the following: a "Commercial Establishment," a "Residential Establishment," or an "Industrial Establishment."

3. "Building Sewer" means the pipe leading from the sewage drainage system of any structure to the Service Lateral of a Collection Sewer, or to a Collection Sewer directly.

4. "Collection Sewer" means that part of the Sewer System consisting of Sewers located under highways, roads, streets, and rights-of-way. It also includes any Sewers with a diameter of eight inches or more.

5. "Commercial Establishment" means any room, group of rooms, building or enclosure used or intended for use in the operation of one business enterprise for the sale and distribution of any product, commodity, article or service or used or intended for use for any social, amusement, religious, educational, charitable or public purpose and containing plumbing "Commercial Establishment" includes institutional dormitories, hotels, and motels, but does not include personal care boarding homes licensed by Commonwealth.

6. "Connection Unit" shall mean each individual building or portion of a building which is designed or adaptable to separate ownership whether for commercial, industrial, or residential use. A school, factory, apartment house, office building, or other multiple unit structure whose individual apartments or units are connected to a common internal sewage system and which are not commonly subject to separate ownership shall be considered as one Connection Unit.

7. "Establishment" means a Commercial or Industrial or Residential Establishment.

8. "Hotel" or "Motel" means a building or other enclosure having five or more separate living units, with each unit usually consisting only of a furnished bathroom and bedroom, including linens and television, generally having daily maid service, generally having a daily and weekly rate schedule, and generally occupied temporarily by persons having another more permanent place of residence.

9. "Improved Property" means any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.

10. "Industrial Establishment" means any room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of one business enterprise for manufacturing, fabricating, processing, cleaning, laundering or assembling any product, commodity, or article or from which any industrial waste, as distinct from sanitary sewage, shall be discharged.

11. "Industrial Wastes" means any solid, liquid or gaseous substance or waterborne wastes or forms of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from Sanitary Sewage.

12. "Metered Establishment" means an Establishment that has a meter installed to measure the volume of water used or which is required to have such a meter installed pursuant to these Rates, Rules, and Regulations.

13. "Multi-Family Apartment Dwelling" means a building in which individual Residential Establishments share vertical and horizontal party walls with other Residential Establishments, excluding buildings subject to the condominium form of ownership.

14. "Non-Metered Establishment" means an Establishment that does not have a meter installed to measure the volume of water used and which is not required to have such a meter installed pursuant to these Rates, Rules, and Regulations.

15. "Nonresidential Establishment" means a Commercial or Industrial Establishment.

16. "Owner" means any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

17. "Person" means any individual, partnership, company, association, society, corporation or other group or entity, including a municipal authority and any municipal subdivision.

18. "Rate Schedule" means the entire body of effective rates and other charges, as adopted and published from time to time by the Authority.

19. "Ratepayer" means a Person who, prior to, upon or after the effective date hereof, has applied for and/or is receiving or shall receive water service for each Property,

from the Sewer System or is required by statute, ordinance, or other law or regulation to connect to the Sewer System.

20. "Residential Establishment" means any room, group of rooms, building or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of Persons living together or by a Person living alone, excluding institutional dormitories, hotels, and motels, but including personal care boarding homes licensed by the Commonwealth.

21. "Sanitary Sewage" means the normal water-carried household and toilet wastes from any Improved Property.

22. "Service Lateral" means that part of the Sewer System extending from a Collection Sewer to the curb line, right-of-way line or, if there shall be no curb or right-of-way line, to the property line.

23. "Sewer" means any pipe, main, or conduit constituting a part of the Sewer System and used or usable for collection and transportation of Sanitary Sewage and Industrial Wastes.

24. "Sewer System" means all facilities and property owned by the Authority, as of any particular time, including but not limited to facilities for collecting, pumping, conveying, and treating Sanitary Sewage and Industrial Wastes. It also includes similar facilities which are privately owned and which are connected to the Authority's facilities.

25. "Single Family Dwelling" means a Residential Establishment which may be constructed as: a free-standing building; one-half of a double home or duplex (one party wall in common); one house in a row house or townhouse arrangement (sharing two vertical party walls in common, except for end units); and any other variation of construction with the same result, including buildings subject to the condominium form of ownership.

26. "Standard Construction Specifications" means the current Standard Construction and Material Specifications - The Design and Construction of Sanitary Sewer Collection and Conveyance System Facilities as duly adopted or amended by Authority Resolution.

27. "Township" means the Township of Derry, Dauphin County, Pennsylvania, a municipal subdivision of the Commonwealth of Pennsylvania, acting by and through its authorized representatives.

28. "Wastewater" shall mean Sanitary Sewage or Industrial Wastes or any combination thereof.

SECTION 2: SEWER SERVICE RULES, REGULATIONS AND RATES

2.01 Rules and Regulations to be established by the Authority

A. The Authority shall have the power and authority to make all reasonable rules and regulations relating to the supplying of wastewater by the Authority which it shall deem necessary and proper in the public interest, and such rules and regulations shall be binding on all ratepayers.

B. The Authority hereby reserves the right so often as it may deem necessary to alter, amend, and/or repeal its Rates and/or these Rules and Regulations, or any part; and in whole or in part to substitute new Rates, Rules and Regulations which altered, amended and/or new Rates, Rules and Regulations shall forthwith, without notice, become and thereafter be a part of every such application or license for wastewater service in effect at the time of such alteration, amendment and/or adoption.

2.02 Sewer Service Rates

The Authority shall from time to time establish or amend by resolution, a Rates and Fees Schedule setting forth the rates, fees and charges for the various services provided for hereunder, which Rates and Fees Schedule shall be used in accordance with the provisions of these Rules and Regulations.

SECTION 3: CONNECTION PERMITS

3.01 When a Connection Permit is required

A. No connection shall be made nor construction of the Building Sewer commenced unless and until the property owner shall have made application for a connection permit in the manner hereinafter provided and until such permit shall have been duly issued. A connection permit shall also be required whenever:

1. A new building or facility with an estimated wastewater flow of at least 125 gallons per day is connected to an existing Building Sewer or the internal drainage system of an existing building or facility;

2. An existing building or facility is expanded in such a way that the increased potential for the generation of wastewater equals or exceeds 125 gallons per day. Flow estimates shall be made by the Authority based on sound engineering practice.

B. In certain cases where the property subject to mandatory connection has been submitted pursuant to the provisions of the Pennsylvania Uniform Condominium Act (or other similar Act), the Authority reserves the right to require the home or unit owner's Association to obtain the connection permit. In addition, persons applying for the connection of a Nonresidential Establishment must satisfy the requirements of Section 6.

3.02 Connection Permit Application

A. The application for connection to the Sewer System shall be submitted on the official form prepared for this purpose and must be completely filled out. Forms may be secured at the office of the Authority in Hershey, Pennsylvania.

B. The application referred to in Section 3.02.A. shall be accompanied by the proper connection fee as provided for in Section 5.02, and the Authority shall not be obligated to accept an application unless the proper fee is tendered with it.

C. Upon receipt of a properly executed application to connect, accompanied by the proper connection fee, the Authority shall issue a sewer connection permit to the property owner provided, however, that a sewer connection permit for a lot or parcel of land on a subdivision or land development plan shall not be issued by the Authority until the plan has been finally approved by the Township and recorded in the Office of the Recorder of Deeds of Dauphin County.

3.03 Connection Permit Transfer and Expiration

A. Sewer connection permits shall automatically transfer with a conveyance of the property for the benefit of which the permit was acquired, but shall not otherwise be assigned or transferred.

B. Sewer connection permits shall expire six (6) months after the date of issuance. The permit fee shall not be refundable.

3.04 Material Change

In connection with a change in service, any ratepayer making any material change in the size, character or extent of equipment or operations utilizing sewer service, or whose change in operations results in a substantial increase in the use of the Sewer System, shall immediately give the Authority written notice of the nature of the change. For purposes of this paragraph, "substantial increase" shall mean an increase of 15% or more of past average or seasonal use during a comparable period of time under comparable circumstances.

SECTION 4: CONNECTION REQUIREMENTS

4.01 Approved Connection Required for Any Discharge

Any person who discharges or permits to be discharged any material to the Sewer System except through approved connections will be subject to charges as provided within Section 5 in addition to being subject to the penal provisions of the Code of Derry Township.

4.02 Connection Units

A. Except as otherwise provided in this paragraph, each Connection Unit shall be connected separately and independently with a Service Lateral or Collection Sewer through a Building Sewer. Grouping of more than one Connection Unit on one Building Sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown and then only after special permission of the Authority, in writing, shall have been secured and subject to such rules, regulations, and conditions as may be prescribed by the Authority.

B. In the event a single connection is permitted to serve more than one Connection Unit such as a double house or condominium complex, it will be necessary for the property owners to sign a Common Lateral Agreement (which the Authority may record in the office of the Recorder of Deeds) relieving the Authority of any responsibility or obligation caused by or resulting from installation of a single house connection. The Common Lateral Agreement shall provide that any disagreement between the parties concerning future maintenance of the common sewer will be sufficient cause for the Authority to install additional connections to the sewer main to provide individual service. The installation of such separate Building Sewers and Service Laterals shall be made at the expense of the property owners signing the agreement.

C. All costs and expenses for the construction of a Building Sewer and all costs and expenses of connecting a Building Sewer to a Service Lateral, including testing, shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and save harmless the Authority from all loss or damage which may be occasioned, directly or indirectly, as a result of construction of a Building Sewer or of connection of a Building Sewer to a Service Lateral.

D. Whenever, in the opinion of the Engineer or other duly authorized representative of the Authority, special conditions require additional safeguards or more stringent specifications to be observed, then, and in that event notwithstanding any other provisions of these Rates, Rules, and Regulations or requirements of the Township Building Code, the Authority specifically reserves the right to refuse to permit a connection to be made to its Sewer System until such special requirements or specifications as may be stipulated by the Authority or its Engineer have been satisfied.

4.03 Installation of Building Sewers and Service Laterals

A. Building Sewers may be installed by a property owner, a home or unit owner's association, or a person or firm acting as an agent of or on behalf of the property owner or association ("Installer"), provided they are in full compliance with the following provisions:

1. Installers shall complete and submit to the Authority an appropriate Sewer Installer's Certification Form.

2. The Sewer Installer's Certification shall include but not be limited to:

   a. A certification that the Installer is familiar with the Authority's requirements as outlined in the Rates, Rules, and Regulations and that the Installer shall comply with those requirements.

   b. A certification that the Installer has insurance coverage in force in the minimum limits shown below and will keep such coverage in force with respect to any sewer installations to be performed within the Authority's service area:

      Automobile Liability - $500,000 combined single limit
      General Liability - $500,000 combined single limit
      Worker's Compensation (if firm has employees) - Legally required limit

      The general liability policy must include independent contractors, completed operations, and contractual liability coverages. The contractual coverage funds the indemnification required below. If the Installer performs its own blasting and excavation, blasting, collapse hazard, and underground property damage coverage must also be provided. The Installer must provide coverage for any subcontractors who assist with the installation or such subcontractors must also complete and submit an Installer's Certification of their own.

      Under special limited circumstances, such as in the case where a property owner desires to install his own Building Sewer using hand methods, the Authority may waive some or all of the insurance requirements. However, if the property owner intends to use construction equipment (e.g. a backhoe) or obtain assistance from another person or firm who will use construction equipment, then an Installer's Certification shall be required.

   c. An indemnification of the Authority for any damages and claims arising from the installation of sewers.

3. Upon request by the Authority, the Installer shall provide proof of compliance with this section including submitting current insurance certificates to the Authority.

B. The Authority reserves the right to have Service Laterals installed by its own contractor; however, the Authority may, in its sole discretion, authorize a firm acting as an agent or on behalf of the property owner, to provide such installation, under such terms and conditions as may be required by the Authority, including all terms required in Subsection A of this Section.

C. The Authority reserves the right to prohibit any property owner, person, or firm from installing Building Sewers and/or Service Laterals for reasons including, but not limited to:

1. Violation of any provision of this Section or other relevant requirements of these Rates, Rules, and Regulations or any other Authority, Federal, State, or local requirement;

2. Unsatisfactory completion of previous installation(s) of such Building Sewer and/or Service Lateral;

3. The need for excessive expenditure of Authority personnel time and effort, or the time and effort of Authority's agent, to monitor, inspect or otherwise deal with such installation project(s); and/or

4. Failure to comply with the terms of the Installer's Certificate.

D. Installers of Building Sewers and/or Service Laterals shall comply with all Federal, State, and local requirements, including but not limited to the following:

1. The requirements of this Section 4 and any other applicable provisions of these Rates, Rules, and Regulations including any special requirements imposed by the Authority;

2. The most current version of the Authority's Standard Construction and Material Specifications – The Design and Construction of Sanitary Sewer Collection and Conveyance System Facilities;

3. The Township of Derry Building Code, Ordinance #140, and road encroachment requirements.

4. Pennsylvania Law which requires that a utility be notified in advance of work to be performed in the area of a utility's facilities.

5. Pennsylvania Department of Transportation Regulations for work within State Highway rights-of-way, such as, but not limited to:
   a. Permits
   b. Blasting bonds
   c. Construction methods and materials
   d. Inspection
   e. Traffic control

6. Department of Environmental Protection Streams Encroachment and Soil Erosion and Sedimentation Control Requirements.

7. Federal Occupational Safety and Health Administration (OSHA) Regulations.

E. The property owner shall be ultimately responsible for installing the Building Sewer and if applicable the Service Lateral according to the Authority's requirements. In addition, the property owner shall be solely responsible to enforce any specific contractual requirements between himself and other persons or firms who actually perform installation of Building Sewers and/or Service Laterals (e.g. clean up, yard restoration). The Authority expressly disclaims any responsibility for contractual matters between property owners and installers.

F. There must be at least five feet of horizontal separation between Building Sewers and other utilities.

4.04 Installation of Interceptors and Separators

A. GENERAL: Harmful discharges to the Sewer System are prohibited as outlined in Sections 6. Interceptors and/or separators shall be required to be installed as set forth below or wherever in the sole judgement of the Authority they are deemed necessary to protect the integrity and safety of the Sewer System.

1. Grease Interceptors: A grease interceptor shall be required to receive the grease-laden drainage from plumbing fixtures and equipment located in the food preparation areas of commercial and industrial establishments. This includes, but not by way of limitation, facilities such as: restaurants, motels, hotels, bars, cafeterias, and schools.

2. Oil Interceptors: An oil interceptor shall be required to receive drainage from work areas of commercial and industrial establishments where the possibility exists that petroleum products could become mixed with wastewater. This includes, but not by way of limitation, repair garages, gasoline stations, and factories.

3. Special Purpose Interceptors: Interceptors shall be required at commercial and industrial establishments where the nature of their operation is such that a substance detrimental to the Sewer System could enter the wastewater stream. Sand or grit

from car washes, string, or rags from commercial laundries, and animal parts from butcher shops are examples of facilities where special purpose interceptors may be required.

B. ACCESSIBILITY AND MAINTENANCE: Each interceptor or separator shall be installed so as to be readily accessible for service and maintenance. Interceptors and separators shall be maintained by periodic removal of accumulated grease, scum, oil, solids, etc, and by disposal of the material in a lawful manner.

C. SPECIFICATIONS: The style, type, and location of each interceptor or separator shall be approved by the Authority using the specifications of the latest edition of the Derry Township Building Code.

D. INSPECTION AND RECORDS: Authority personnel may make periodic inspections of these facilities and associated records to assure proper installation, maintenance, and disposal procedures are being practiced. Written records, maintained by the property owner or facility management, shall be required to document required maintenance and lawful disposal of all accumulated material.

4.05 Maintenance of Building Sewers and Service Laterals

A. The maintenance of Building Sewers (from building to curb line) and Service Laterals (from curb line to the Collection Sewer in the street or right-of-way) shall be the obligation of the property owner or customer except to the extent hereinafter provided. Where owner's or customer's efforts to maintain or restore service establishes that there is a blockage in or structural failure of the Service Lateral which reasonably requires excavation of the Service Lateral to effect repair and/or restoration of service, the Authority will bear the cost of such excavation and subsequent repair of the Service Lateral. However, in the event the Authority determines that the property owner or customer was responsible for causing the blockage in the Service Lateral by placing inappropriate material into the Building Sewer or Service Lateral, the Authority reserves the right to make a back charge for the repair cost.

B. In the event that tree roots are found to be the cause of a blockage in a Service Lateral and the property owner refuses to remove the offending tree when it is within his legal authority to do so, the property owner shall be solely responsible for all future maintenance of the Service Lateral.

C. In the event it becomes necessary to replace a Building Sewer, the property owner or customer shall notify the Authority and such replacement shall be subject to the specification and inspection provisions of Section 3 of these Rules and Regulations.

4.06 Application for Extensions

A. Whenever any Person desires the extension of the Authority's Sewer System to service new area, such Person may present an application to the Authority requesting an extension, which application must be signed by the owners of not less than fifty-one percent (51%) in footage fronting on the proposed extension. The application shall set forth the total number of feet of sewer extension required, the total number of potential customers located along the proposed extension, and whether such customers are residential, commercial, or industrial.

B. Upon receipt of the application, the Authority may undertake the extension of its facilities if such extension is beneficial in the opinion of the Authority. Should the Authority in the exercise of its discretion determine that an extension shall not be made, notice of such determination shall be given to the Person submitting the application.

4.07 Proposed Extensions and Additions

A. Extensions made by the Authority at the expense of another Person. Upon application of any Person, and where possible, the Authority will, at the cost of the applicant, extend its Sewer System to service whatever areas may be required for the accommodation of such applicant, provided that the applicant shall pay the total cost to the Authority of such extensions, including, but not by way of limitation, the cost of: design of the extension by the Authority's consulting engineer; the cost of all permits which may be required; any legal costs related to the project; the cost of inspection during construction; and the cost of constructing the extension. The total cost of the extension as estimated by the consulting engineer for the Authority shall be deposited with the Authority in a special account and held by the Authority for only the purpose of paying the costs involved in the extension. Any deficiency occurring in the account shall be made up immediately upon demand by the Authority. Upon completion of the project, any excess remaining in the special account shall be returned to the applicant and to the extent, if any, that the total cost shall have exceeded the account balance, the applicant shall make up the deficiency. No sewer service will be rendered by the Authority through the extension until all costs are paid.

B. Extensions not designed and installed by the Authority

1. Design and Review Requirements

a. Plans and Specifications

1) Plans for extensions to the Sewer System may be prepared by qualified Persons other than the consulting engineer for the Authority. The plans shall

be submitted to and approved by the Authority. Specifications for extensions shall at a minimum consist of: the latest approved edition of the Authority's Standard Construction and Material Specifications – The Design and Construction of Sanitary Sewer Collection and Conveyance Facilities ("Standard Specification") and the Authority's currently effective Rates, Rules, and Regulations. Any supplementary specifications or shop drawings required shall be submitted to and approved by the Authority. (All such approved plans, specifications and other data are hereinafter referred to as the "Plans and Specifications.")

2) As a condition to the approval of the Plans and Specifications, the applicant shall execute an agreement granting to the Authority all public sewer rights-of-way within the project area. The applicant shall provide to the Authority plats and legal descriptions for each right-of-way for attachment as exhibits to the agreement. Such plats and legal descriptions shall be in a form acceptable to the Authority.

3) The Authority may charge a fee to review and approve the applicant's Plans and Specifications.

b. Right-of-Way ("R/W") or Rights-of-Ways ("R/Ws") Standards

1) New R/Ws being proposed on a subdivision or land development plan shall be a minimum of thirty (30) feet in width. To the extent physically possible R/Ws shall be uniform in shape and parallel to property lines with the sewer line located in the middle of the R/W.

2) R/Ws shall be cleared and graded in such a way as to be readily accessible for future maintenance by the Authority.

3) When a subdivision or land development plan is proposed for a tract of land on which an Authority R/W already exists at some width less than thirty (30) feet, the width shall be increased to thirty (30) feet as part of the plan.

c. Pump Station Standards

1) Policy on the Construction of Pump Stations - The Authority requires that gravity sewer service be provided to areas proposed for development wherever gravity service is physically and economically feasible. The Authority Board reserves the right to make all determinations as to whether gravity sewer service to an area is economically feasible. To aid the Authority in determining economic feasibility, applicants proposing use of a pump station where gravity service is physically possible shall submit a detailed engineering report which compares the cost of pumping and gravity service

options. The report shall include a 20-year life cycle cost analysis of each alternative.

2) When a pump station or other similar facility is being proposed as part of a Sewer System extension it shall be situated upon its own individual lot of a size acceptable to the Authority and suitable for dedication to the Authority.

3) The specific design of a pump station will vary depending upon a unique set of circumstances based on its location and service area. In view of this, the Authority reserves the right to determine the requirements for any individual station on a case-by-case basis.

d. Miscellaneous Design and Dedication Standards

1) Gravity sewer pipe having an inside diameter of 12" or less shall be installed not less than 15 feet from the outside walls of any proposed buildings or other obstructions, and pipe greater than 12" shall be installed not less than 20 feet from such obstructions. In either case the pipe shall be reasonably accessible for maintenance.

2) No main line gravity sewer pipe offered for dedication to the Authority shall be accepted unless the pipe has a minimum inside diameter of 8". However, neither this paragraph nor any other provision of these Rates, Rules, and Regulations shall be construed to require or obligate the Authority to accept an offer to dedicate a main line gravity sewer pipe having an inside diameter of 8' or greater.

3) Sewer pipe, pumping stations, and other sewer facilities shall be offered for dedication to the Authority, except under special circumstances and for good cause, and then only after written permission and subject to such rules, regulations, and conditions prescribed by the Authority. Any sewer pipe, pumping stations, and other sewer facilities not intended to be offered for dedication to the Authority shall nonetheless and in all cases be constructed in accordance with the requirements of this Section 4. The Authority may, in its sole discretion, require dedication of such sewer pipe, pumping stations, and other sewer facilities as may allow for or facilitate the provision of sewer service to other property. In the event the Authority waives the requirement for dedication, it shall nonetheless require that the applicant place a note on the plan and execute a recordable instrument stating that the sewer facilities are not being and cannot in the future be offered for dedication.

2. Requirements for Those Installing Sewer System Extensions - Extensions to the Sewer System may be constructed by an applicant or a contractor hired by the applicant ("Installer") in accordance with the Plans and Specifications provided that the

Installer shall complete and submit to the Authority a Main Line Installer's Certification Form. This certification form shall include but not be limited to:

a. A certification that the Installer is familiar with the Authority's requirements as outlined in the Rates, Rules, and Regulations and the Standard Construction Specifications and that the Installer will comply with those requirements.

b. A certification that the Installer has insurance coverage in force in the minimum limits shown below and will keep such coverage in force until the extension is completed:

   1) Automobile Liability - $1,000,000 combined single limit
   2) General Liability - $1,000,000 each occurrence/aggregate
   3) Worker's Compensation (if firm has employees) - Legally required limit

c. The General Liability Policy must include independent contractors, completed operations, and contractual liability coverages. The contractual coverage funds the indemnification requirements. If the Installer performs its own blasting and excavation, blasting, collapse hazard, and underground property damage coverage must also be provided. The Installer must provide coverage for any subcontractors who assist with the installation or such subcontractors must also complete and submit a Main Line Installer's Certification of their own. Insurance certificates documenting these coverages shall be available upon request by the Authority.

d. An indemnification of the Authority for any damages and claims arising from the installation of sewers.

3. Required Preconstruction Activities

a. The applicant shall be responsible to obtain at his own cost all required permits regarding the extension including but not limited to: Department of Environmental Protection (DEP) Water Quality Management Permits; DEP or county permits pertaining to soil erosion and sedimentation control; and PADOT or local highway occupancy permits.

b. The applicant shall enter into a Sewer Extension Agreement with the Authority which shall contractually obligate the applicant to comply with the applicable requirements of these Rates, Rules, and Regulations.

c. The applicant shall deposit with the Authority a sum of money which shall be held in a non-interest bearing escrow account to pay for costs incurred by the Authority to ensure that the extension meets its requirements.

1) The amount of the deposit shall be determined by the Authority based on its estimated costs which include but not by way of limitation: inspection of the construction of the extension and reimbursement of charges to the Authority by its engineer and solicitor in connection with the extension.

2) The above deposit shall be made before construction of the extension may begin.

3) In the event the project is being approved and built in phases pursuant to local government regulations, a separate deposit may be made prior to the construction of each successive phase in lieu of making one deposit for the entire project. Should the funds deposited for either a single phase or the entire Project exceed the Authority's actual costs, the balance remaining upon completion of either the phase or Project shall be refunded in full to the applicant, but should the deposit be insufficient, the applicant shall pay the deficiency to the Authority within five days of verbal or written request. The Authority shall have no obligation to provide services unless and until the escrow account is restored to an acceptable level.

d. The applicant shall post financial security with the Authority, or if permitted by the Authority, with the Township of Derry to insure completion of the extension in accordance with the Plans and Specifications. The posting and releasing of the financial security shall be governed by the provisions of the "Municipality Authorities Act" 53 PA C.S. Ch. 56 ("Act"). Generally, the Authority requires the posting of financial security in the amount of 110% of the cost of the proposed extension as determined by a bona fide bid from the applicant's contractor, or the Authority's engineer. The Authority may also accept a cost estimate from the applicant's engineer.

e. The applicant shall give the Authority ten (10) days written notice of his intention to begin construction of the extension so that the construction may be properly inspected. Any work which has begun before the expiration of such ten (10) day period shall not be approved.

4. Construction Requirements

a. The applicant shall hire and employ and pay his own contractor or contractors to construct the extension according to the Plans and Specifications, and the Authority shall have no responsibility or liability for payment of any part of the costs or expenses arising out of or relating to the construction of the extension.

b. The extension shall be constructed by the applicant in strict conformance with the Plans and Specifications. During the course of construction all material, workmanship, and compliance with the Plans and Specifications shall be subject

to the inspection and approval of the Authority. When the extension has been completed in accordance with the Plans and Specifications and upon request by the applicant, the Authority shall provide a letter confirming the satisfactory completion of the extension.

c. In the event that the Person installing a sewer extension fails to comply with the requirements of the Authority, the Authority shall give notice in writing of such noncompliance and in the event that the Person installing the extension fails to replace or repair the defective installation, the Authority shall take whatever measures are necessary to conform the installation to the requirements of the Authority and charge the costs thereof against the applicant's financial security.

5. Post-construction Requirements and Release of Performance Security

a. Within thirty (30) days of the completion of the extension, the applicant, at his own expense, shall:

1) Prepare and submit to the Authority two (2) sets of record (as-built) drawings and one (1) set of reproducible record drawings of the extension.

2) Execute, acknowledge, and submit to the Authority a Deed of Dedication for the extension in the form required by the Authority. The Deed shall provide for the Authority to be the sole, absolute, and permanent owner of the extension, free and clear of any lien, obligation, or other liability in favor of the applicant, his successors or assigns, his contractors, laborers, or suppliers, and any of his or their creditors, or in favor of any other Person to the same end and effect as if the Authority had constructed the extension at its own expense.

b. In the event a Deed of Dedication is not offered to the Authority within thirty (30) days of the completion of the extension, the Authority may petition the court to enforce specific performance of the Agreement and the costs of enforcing the Agreement, including reasonable attorney's fees, which shall be paid by the applicant and shall be made a part of the Order of Court in granting specific performance.

c. Prior to release of the performance security, the applicant shall furnish the Authority with financial security in accordance with the Act to secure the structural integrity and functioning of the extension in accordance with the Plans and Specifications. The financial security shall have a term of twelve (12) months from the date of acceptance of the Deed of Dedication by the Authority. The financial security shall be in an amount of fifteen percent (15%) of the cost of construction of the extension and shall be in a form approved by the Authority.

SECTION 5: RATES, FEES, CHARGES AND BILLING

5.01 Inspection Fees

A. An Inspection Fee shall be charged to developers or other persons who make extensions to the Authority's Sewer System pursuant to Sections 4.06 and 4.07. The fee shall be based upon the actual expense to the Authority of performing the inspection.

1. In the event extension inspections are performed by the Authority's engineer or other third party, the fee shall be equal to the fee charged to the Authority.

2. In the event extension inspections are performed by Authority staff members, the fee shall be computed by multiplying the staff member's direct pay rate by the markup factor shown in the Rates and Fees Schedule and by the number of hours spent inspecting the extension. The mark-up factor shall be based on an estimate of fringe benefit costs for Authority employees expressed as a percentage of gross wages.

B. An Inspection Fee shall be charged to property owners or others who connect Laterals and Building Sewers to the Authority's Sewer System. The amount of the fee is shown in the Rates and Fees Schedule.

5.02 Capital Fees

A. Section 5607(d)(24) of the Municipality Authorities Act provides for and regulates certain fees to be charged to property owners who desire to or are required to connect to the Authority's sewer system. All such fees in the aggregate are referred to here as "Capital Fees."

B. Capital Fees to be charged for a particular connection may consist of any or all of the following components as applicable:

1. A Connection Fee (Lateral Installation Fee) shall be imposed for all Service Laterals installed by or at the expense of the Authority. This fee shall be based upon the cost to the Authority of making such an installation.

a. If the Service Lateral installation is being made as part of a sewer main extension project made by or at the expense of the Authority, the fee shall be as shown on the Rates and Fees Schedule under the heading "Associated with Authority-Installed Extensions."

b. If the Service Lateral installation is being made as the result of a request from a property owner to connect to a sewer main installed by or at the expense of the Authority, (or by or at the expense of a property owner and for which no previous

connection fee has been paid), the fee shall be equal to the estimated cost of installing the lateral subject, however, to the maximum amount shown on the Rates and Fees Schedule under the heading "Individual Property Owner Requests." In order to implement this provision, the property owner shall, in advance of the work, make a cash deposit with the Authority in an amount equal to the estimated cost of installing the lateral but not in excess of the maximum amount in the Rates and Fees Schedule. Any amount by which the deposit exceeds the actual cost shall be refunded to the property owner.

2. A Tapping Fee shall be imposed which may consist of any or all of the following parts as applicable:

   a. Capacity Part - For each connection made to the Authority's Sewer System, a Capacity Part of the Tapping Fee (Capacity Fee) shall be imposed as shown on the Rates and Fees Schedule.

      1) The fee shall apply to connections made to the Authority's existing Sewer System, additions to the Sewer System, and capped sewers whether built by the Authority or built by or at the expense of developers. This fee shall be based upon the costs of the Authority's capacity related facilities.

      2) This fee shall also be imposed whenever:

         i. A new building or facility with an estimated wastewater flow of at least 180 gallons per day is connected to an existing Building Sewer or the internal drainage system of an existing building or facility; or

         ii. An existing building or facility is expanded in such a way that the increased potential for the generation of wastewater equals or exceeds 180 gallons per day. Flow estimates shall be made by the Authority based on sound engineering practice.

      3) In the event that a Nonresidential Establishment is being connected to the Sewer System and no water usage data is available to determine the appropriate amount of the Capacity Fee, the Authority shall have the right to estimate water usage based on accepted engineering standards or to use any other method upon which the Authority and Property Owner mutually agree. This may include the metering of water usage before the fee is established. The Authority reserves the right to monitor water usage for a period of 18 months following connection to the Sewer System for the purpose of adjusting the Capacity Fee. If the daily average water use exceeds the amount initially used to establish the fee by more than 30% over a period of 90 days, the Authority may impose an additional fee for the increased capacity required.

b. Collection Part - For each connection made to the Authority's Sewer System, a Collection Part of the Tapping Fee (Main Line Construction Fee) shall be imposed as shown on the Rate Schedule. This part of the fee shall be based upon the cost of the Authority's collection facilities.

c. Special Purpose Part - The special purpose part of the tapping fee shall be imposed where in the judgement of the Authority it is necessary to recover costs of facilities constructed by or at the expense of the Authority to serve a particular area or group of customers.

d. Reimbursement Part - The Reimbursement Part of the Tapping Fee shall be imposed only in those cases where it is necessary to recover costs which are to be refunded to property owners as provided by 53 PA C.S.A Section 5607 (d), (31) and (32) of the Act. The amount of the fee will be determined as described in the Act.

3. Except as provided in the subsection below, the applicable Capital Fees outlined above shall be due in total and payable at the time an application for permit is filed.

4. In the event that the Authority grants permission for two or more connection units to be grouped together on one Service Lateral, it shall be with the understanding that the applicable parts of the Tapping Fee shall be due as though individual units were being connected.

5. Property owners who are being required to connect an existing residential or nonresidential establishment to a newly-installed sewer built by or at the Authority's expense shall pay all applicable Capital Fees at the time they apply for a connection permit or the property owner shall enter into an Authority-approved installment agreement to pay such fees. Where a multi-unit building is subject to the condominium or similar form of ownership and the Authority has exercised its right, pursuant to Section 3.01 of these regulations, to require the home or unit owner's Association to obtain a connection permit, the property owner shall pay all applicable Capital Fees within 60 days of the date of the mandatory Notice to Connect or the property owner shall enter into an Authority-approved installment agreement to pay such fees. The agreement shall require a "Down Payment" as shown on the Rate Schedule to be paid at the time a permit application is filed. The principal balance of the Capital Fees shall be due in equal quarterly (or at the Authority's option monthly) installments within six years thereafter. Interest on the unpaid balance shall be charged at the rate of 10% per annum, provided however, that if bonds were issued to finance the project giving rise to the aforesaid fee, interest shall be charged at the rate of interest of the bond issue, or at the rate of 12% per annum, whichever is less. Interest will begin to accrue on the unpaid balance sixty (60) days after the date of the Notice to Connect regardless of whether a down payment has been made or not. The Authority shall bill those applicants who elect installment payments. To

implement the provisions of the subparagraph, the applicant shall be required to complete and execute an installment contract, municipal lien, and any other legal documents required by the Authority's Solicitor.

C. Capacity is provided on a 'first come, first served' basis to a developer, a property owner, or a new customer (collectively "Person") who have paid the required fees in accordance with the Rules, Rates, and Regulations of Authority. Capacity shall not be guaranteed except upon payment of the required tapping fee.

1. Where approved by the Authority in its sole and exclusive discretion, a Person desiring to secure capacity in the Authority's Wastewater Treatments Plant(s) shall be required to pay tapping fees in accordance with the Authority's Rules, Rates, and Regulations and accompanying Rates and Fees Schedule, and to execute a Capacity Agreement in a form acceptable to the Authority.

2. Unless otherwise agreed upon between the Authority and the Person, said Capacity Agreement shall require that the Person connect to the system within five (5) years of the payment of the tapping fee and execution of the Capacity Agreement. The Capacity Agreement shall further provide that where a Person fails to connect before the five-year period expires, the Person must apply to the Authority for a one-time, two-year extension of the expiration date and will be required to pay the difference between the tapping fee initially paid and the tapping fee in effect at the time of the application for the extension. No additional extensions will be granted.

3. If a period of five (5) years elapses from the date of payment of a tapping fee or issuance of a connection permit and no connection has been made and no extension to the expiration of the five-year period submitted, the Person's capacity shall be deemed relinquished to the Authority and any Capital Fees paid shall be forfeited. Tapping Fees paid are non-refundable and non-transferrable.

5.03 Sewer Rentals

A. Sewer rentals are imposed upon and shall be collected from the Owner of each Improved Property which shall be connected with the Sewer System, for use of the Sewer System, whether such use shall be direct or indirect, and which shall be payable as provided herein.

5.04 Computation of Sewer Rentals

A. General

1. All sewer rentals shall be computed in accordance with the applicable billing period and rates shown on the Rate Schedule.

2. Sewer rental billings shall be rendered in arrears of the service provided.

3. Owners of Establishments connected to the Sewer System for only a portion of a billing period shall pay a pro rata sewer rental for the period of time the Establishment is actually connected during the billing period.

4. Owners of Nonresidential Establishments shall meter their water usage and shall be billed as Metered Establishments; provided however, that the Authority may in its sole discretion waive this requirement and bill the Establishment at the Non-Metered Establishment rate if an Establishment's water usage is estimated by the Authority to be equal to or less than 250 gallons per day. The Authority may require a written agreement with the owner in order to implement the waiver. Any future increase in usage beyond 250 gallons per day may result in revocation of the waiver.

5. Owners of Nonresidential Establishments served by private wells who are required by the Authority to meter their water usage shall, at their own cost and expense, install and maintain a meter which meets the requirements for meters contained in Section 5.04.B.

6. The owner of a Nonresidential Establishment may make a written request to the Authority to install and maintain, at their own cost and expense, a meter to measure the volume of wastewater discharged to the Sewer System. The Authority shall in its sole discretion decide whether to permit such meter to be used as a basis for billing. Upon written approval by the Authority sewer rentals and other charges shall be based on the actual volume of wastewater discharged.

7. Owners of Residential Establishments which are furnished with water from a private well or other non-public source shall be billed as Non-Metered Establishments, notwithstanding that the owner may install a water meter on such well or other non-public source.

B. Metered Establishments

1. Sewer rentals and other charges for Metered Establishments shall consist of a flat charge and a volume charge based upon actual metered water consumption less any authorized deduction as provided below. The volume of water used to calculate sewer rentals and other charges shall include all water (less authorized deductions) used by the Establishment from whatever source. Sources include without limitation, providers of public water service and private wells. Except as provided herein, all sources shall be metered.

2. The volume charge shall be based in part upon the metered water used during the period immediately preceding the period in which the sewer bill is rendered.

3. Authorized deductions for uncontaminated water not entering the Sewer System

   a. Upon written request from a Property Owner and after obtaining written approval of the Authority, the Property Owner may install and maintain, at their own cost and expense, a meter approved by the Authority to measure the volume of uncontaminated water not discharged to the sewer. The volume of such water shall be deducted from the total volume of metered water used and the net result thereof shall be used to compute the applicable rental and other charges.

   b. Specifications for meters used to measure excluded water include but are not limited to:

      1) Meter quality must be comparable to the quality of meters currently being installed by companies which provide public water service in the Authority's service area.

      2) Meter must be properly sized to its intended use.

      3) Meter must be equipped with a compatible remote reading device which is accessible and readable at all times outside the Establishment.

   c. No "cross connection" between the metered side and the deduct side of a plumbing system will be allowed. Confirmed violation of the above will result in revocation of approval to use a deduct meter.

4. In the event that any of the meters referred to in this Section 5.4 should malfunction or when other occurrences make it impossible to determine the exact volume of water to be used as a basis for billing (including deductions), the Authority shall make reasonable estimates of such volumes as it in its sole discretion may determine. Estimates may be based on historical averages, or such other facts as may be available to the Authority.

5. In the event that the Authority determines that some portion of the water flow metered by the Property Owner's water company has not reached the Sewer System, the Authority may in its sole discretion estimate the flow to be used as the basis for billing where there is some objective basis for the estimate.

C. Non-Metered Establishments

1. Sewer rentals for Non-Metered Establishments shall be billed a flat rate.

5.05 Ready-to-Serve Charges

A. By specific resolution of the Authority, a Ready-to-Serve Charge may be imposed upon all properties which may be lawfully required to connect to the Sewer System of the Authority, but which have not been connected thereto, provided that such Ready to Serve Charge shall be effective upon the expiration of at least 60 days after notice to connect to the Sewer System has been received in accordance with the requirements of Ordinance #140 of the Township of Derry.

B. The Ready-to-Serve Charge shall be in an amount equal to the minimum monthly charge applicable to the type of property available for connection to the Sewer System, and such charges shall be billed and collected at the same time and in the same manner as the rental charges already imposed by the Authority for the users of the Sewer System.

5.06 Miscellaneous Fees and Charges

A. Jobbing - Where the Authority agrees to perform substantive operational-type services to one of its customers or other outside party, such as flushing a private sewer line, a charge shall be made as set forth in the Rates and Fees Schedule.

B. Consulting Services - Where the Authority has agreed in writing to provide substantive consulting services to a nearby municipality, authority, or other outside party, charges shall be made using the Consulting Rates in the Rates and Fees Schedule.

C. Attorney Fees - The Municipal Claims Act 53 P.S. §7191 allows Authorities to include reasonable attorneys' fees in the collection of a claim.

1) At least 30 days prior to assessing or imposing attorney's fees in connection with the collection of a delinquent account, or after the 10th day of any required second notice, the Authority will mail to the owner a notice that the Authority intends to impose or assess attorney's fees. Said notice will include instructions on how the owner may avoid the payment of attorney's fees.

2) The Authority has approved a schedule of attorney's fees pursuant to the Act. The amount of the fees are shown in the Rates and Fees Schedule.

D. Returned Funds - The Authority shall impose upon all customers making payment for rentals, charges, or fees a charge listed in the Rates and Fees Schedule for a returned deposited item from a financial institution due to nonsufficient funds, closed account, stop payment, or other reason deemed appropriate by the institution. The charges will be levied against the customer's account, subject to appropriate late fees and/or penalties, and the fee listed in the Rates and Fees Schedule will be added. This fee will be recovered first, upon receipt of payment, prior to application of the balance of payment to all other charges.

E. Review Fees - The Authority may charge a fee to review and approve Subdivision and Land Development Plans. The types and amounts of the fees are shown in the Rates and Fees Schedule.

5.07 Industrial Waste Discharge Permit Application Fee

A. Each application for an Industrial Waste Discharge Permit shall be accompanied by a fee. The amount of the fee shall be as shown on the Rates and Fees Schedule. The Authority's Executive Director in his sole judgment will determine the proposed term of each permit.

5.08 Surcharge for Excess Strength Compatible Pollutants

A. Initial Survey

1. The Authority may make an initial survey of the discharge from nonresidential establishments to determine the applicability of the surcharge. The survey shall consist of suitable sampling and analysis of the wastewaters for three consecutive days during a period of normal industrial or commercial operation.

2. Based on survey results the Authority may institute the surcharge and/or require the owner to provide such tests, equipment, and information as will provide a further basis for determination of the surcharge.

B. Frequency of Surcharge Monitoring: After the initial survey the Authority shall determine the frequency of surcharge monitoring provided, however, subsequent monitoring shall be conducted at least annually for three consecutive days during a period of normal industrial or commercial operation.

C. Surcharge Limits and Calculation

1. Discharges are subject to surcharge at the rates shown in the Rate Schedule when the average concentration of the pollutant exceeds the threshold limit.

2. The rate shall apply to each milligram per liter (mg/l) per million gallons (MG) by which the average pollutant concentration exceeds the threshold limit.

D. Data to Determine Surcharge

1. Where the Authority determines that accurate information exists, the surcharge shall be based on:

a. The concentration of pollutants subject to surcharge, measured in a composite sample taken over the duration of the discharge or 24 hours, whichever is shorter, and;

b. The volume of wastewater used for billing purposes or directly metered for the appropriate period.

c. When the discharge exceeds 24 hours, the composite sample shall form the basis for surcharge billing until such time as the Authority, on its own initiative or upon request of the property owner, takes another 24-hour composite sample.

2. Where the Authority determines that accurate information does not exist, the surcharge shall be based on:

a. The concentration pollutants subject to surcharge as determined by either a grab sample, or using typical concentrations for similar operations (published in technical literature), or surveys of wastewater discharges from similar operations, and;

b. The determination of wastewater volume by the Authority using water meter reads, wastewater flow measurement, historical flow estimates or any combination thereof for the appropriate period.

3. The cost of obtaining all information required to determine the surcharge shall be borne by the property owner. This includes, but not by way of limitation, the costs of sample collection, flow measurement, and laboratory analyses.

4. In establishing pollutant concentrations for surcharge purposes, all analyses shall be made in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, Inc.

5.09 Charges for Other Discharges

A. Whenever any person discharges or permits to be discharged any material into the Sewer System by any means other than through a connection approved in accordance with these regulations, the Authority reserves the right to estimate the quantity and strength of the material and to make an appropriate charge based on such estimate.

5.10 Billing and Collection

A. All bills are payable as may be designated from time to time by the Authority.

B. All bills for services furnished by the Authority will be based on the published Rate Schedule of the Authority. In the case of fractional bills covering less than the applicable billing period, the read-to-serve charge for such period shall not be prorated. The charges for the use of sewer, charges for temporary service, and other miscellaneous charges will be in accordance with the charges as set forth in the Rates and Fees Schedule.

C. All sewer rental billings shall be due and payable upon presentation and, if not paid within twenty days from the date of billing, a penalty of five percent (5%) of the current unpaid charge shall be added to the balance. This twenty-day payment period and five percent penalty shall also apply to all miscellaneous Authority billings including but not by way of limitation: ready-to-serve charges, sludge disposal charges, surcharges for excess strength waste, and hauled waste fees.

D. There are intended to be no exemptions from charges for sewer service under these Rules and Regulations regardless of the fact that these services may be rendered to charitable or community organizations.

E. All bills for sewer service shall be sent to the owners of the respective properties connected with the Sewer System as distinguished from lessees, tenants, or purchasers under Agreement of Sale. Nothing herein shall be construed, however to prevent the Authority from collecting amounts due from any person legally liable therefore upon due notice to such party of the amount due.

F. Sewer Rentals due and payable to the Authority shall be collected and collection thereof enforced in the manner provided by law for assessment and collection of charges and the enforcement thereof through Municipal Liens and otherwise under the laws of the Commonwealth of Pennsylvania. Under the provisions of State law and regulations, the Executive Director of the Authority is authorized to request the water companies serving Authority customers to shut off the water supply for user's neglect or failure to pay sewer rental or other charges and fees.

5.11 No Abatement of Rentals or Charges

A. Except as follows, there shall be no abatement of sewer rentals and other applicable charges imposed by these Rates, Rules and Regulations because a property connected to the Sewer System shall have been vacant or unoccupied.

B. In the event that a property owner physically and legally disconnects his property from the Sewer System in a manner satisfactory to the Authority, the Authority shall fully abate sewer rentals and other applicable charges from the date of disconnection forward.

B. Upon written request from a property owner, the Authority may in its sole discretion partially or fully abate sewer rentals and other applicable charges in certain very limited circumstances where the property cannot be physically or legally occupied. This may include, but not by way of limitation: severe property loss due to fire or other casualty, or condemnation by a government agency. As a condition of granting a waiver, the Authority may require plugging or capping the Building Sewer or Service Lateral in a manner satisfactory to the Authority.

SECTION 6: HARMFUL DISCHARGES

6.01 Restrictions on Harmful Discharges

A. The Authority reserves the right to refuse permission to connect to the Sewer System, to compel discontinuance of use of the Sewer System, or to compel treatment of wastewaters by any person using the Sewer System in order to prevent discharges deemed harmful, or to have a deleterious effect upon any portion of the Sewer System, provided, however, that nonresidential establishments are subject to the additional requirements of Section 6.02. All persons using the Sewer System shall be subject to the prohibited discharge requirements of Section 6.03.

6.02 Industrial Wastewater Control

A. PURPOSE:

1. This Section of the Rates, Rules, and Regulations sets forth uniform requirements for Industrial Users of the Authority's treatment system. It enables the Authority to comply with State and Federal laws and regulations.

2. The provisions of this Section assure continuity of wastewater treatment, help prevent violation of the Authority's NPDES permit, and protect the treatment system from damage.

B. OBJECTIVES:

1. To prevent the introduction of pollutants into the treatment system that will interfere with the operation of the system or contaminate the resulting sludge;

2. To prevent the introduction of pollutants into the treatment system that will pass through the system, inadequately treated, into receiving waters or the atmosphere; and

3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

C. SCOPE: This Section shall apply to all Industrial Users of the Authority's treatment system, including those who are such by contract or agreement with the Authority and regardless of whether such Industrial Users are located within or outside the Township of Derry.

D. ADMINISTRATION: Except as otherwise provided herein, the Executive Director of the Authority shall implement, administer, and enforce the provisions of this Section.

E. DEFINITIONS: Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Section of the Rates, Rules, and Regulations shall be as set forth below and shall be controlling to the extent, if any, that such meaning conflicts with the general definitions in Section 1. Terms which are not defined herein shall have the meaning as provided by 40 CFR Part 403 (and if a term is not defined in 40 CFR Part 403, it shall have the meaning as set forth in 40 CFR §122.22, if applicable):

1. "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act of 1977, as amended.

2. "Authority" or "DTMA" means Derry Township Municipal Authority, a Pennsylvania municipal authority.

3. "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 6.3 of these Rules and Regulations. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

4. "Categorical Standard" or "Federal Categorical Pretreatment Standard" means any effluent limitations guideline developed under § 307(b) and (c) of the Act and codified at 40 CFR, Chapter I, Subchapter N.

5. "Domestic Wastes" or "Domestic Wastewater" means the wastes produced from noncommercial or nonindustrial activities, and which result from normal human living processes, which are of substantially similar origin and strength to those typically produced in homes, including wastes from sanitary conveniences.

6. "Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources, both: inhibits or disrupts the treatment system, its treatment processes or operations, or its sludge processes, use or disposal; and causes or threatens to cause a violation of the Authority's NPDES permit or a violation of applicable water quality or sewage sludge quality standards or prevents the use or disposal of the sewage sludge.

7. "Industrial User" or "IU" means a user that is also an industrial or commercial establishment that discharges any manner of wastewater to the treatment system.

8. "Industrial Wastes" or "Industrial Wastewater" means all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation from which wastewater is discharged, and which is not otherwise classifiable as domestic wastewater.

9. "National Pretreatment Standards," "Pretreatment Regulations," or "Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §307(b) & (c) of the Act which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR §403.5 and Local Discharge Limitations Schedule.

10. "New Source" means any facility from which there is, or may be, a discharge of pollutants, the construction of which began after the publication of the proposed Pretreatment Standards pursuant to §307(c) of the Act, which will apply to the facility if the standards are promulgated, provided certain location and construction criteria as defined in 40 CFR §403.3(m) are met.

11. "Non-significant Categorical Industrial User" or "NSCIU", means an IU subject to a Categorical Standard that never discharges more than 100 gallons per day of total Categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Categorical Standard) and which has: (1) consistently complied with all applicable Categorical Standards, (2) never discharges any untreated concentrated wastewater, and (3) annually submits the certification statement required by 40 CFR §403.12(q) together with the information necessary to support the certification statement. An industrial User shall be an NSCIU only upon the approval of the Authority.

12. "NPDES Permit" means a National Pollutant Discharge Elimination System permit issued pursuant to §402 of the Act.

13. "Pass Through" means a discharge which exits the Authority's treatment system in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources causes, or threatens to cause a violation of the Authority's NPDES permit or a violation of applicable water quality or sewage sludge standards.

14. "Person" means any individual, partnership, committee, association, corporation, public agency, and any other organization or group of persons, public, or private, recognized as a legal entity.

15. "Pollutant" means any solid waste, sewage, garbage, sludge, chemical wastes, biological or radioactive materials, heat, industrial, municipal, or agricultural waste discharged into water, including but not limited to all materials described in Section 6.03 of these Rates, Rules and Regulations.

16. "POTW" (Publicly Owned Treatment Works), or "Treatment System" means all facilities, structures, and equipment owned and operated by the Authority for the collection, conveyance, treatment, recycling, and reclamation of wastewater including any works that are an integral part of the treatment process.

17. "Pretreatment Requirement" means any substantive or procedural pretreatment requirement, other than a National Pretreatment Standard, imposed on an IU.

18. "Significant Industrial User" or "SIU" means:

    a. Any IU subject to Categorical Pretreatment Standards under 40 CFR §403.6 and 40 CFR Chapter I, Subchapter N.

    b. Except as may be provided by the Authority's finding pursuant to 40 CFR §403.3 (v)(3), any other IU that:

        1) Discharges process wastewater flows of 25,000 gallons or more per average work day, or;

        2) Contributes a volume of process wastewater greater than or equal to 5% of the dry weather average hydraulic or organic capacity of the POTW, or;

        3) Has been so designated by the Authority through its discretionary authority on the basis that the IU has a reasonable potential to adversely affect the POTW operation, or violate any pretreatment standard or requirement.

19. "Significant Noncompliance", or "SNC" means that an IU has violated Pretreatment Standards and/or Pretreatment Requirements and such violation(s) meet one or more of the criteria set forth in 40 CFR §403.8(f)(2)(viii).

20. "Slug Discharge" means any discharge of a non-routine, episodic nature including but not limited to an accidental spill or a non-customary batch discharge which has a reasonable potential to cause Interference or Pass Through, or in any other way violate any provision of these Rates, Rules, & Regulations, Local Discharge Limitations Schedule, or the conditions in a Permit issued under Section 3 of these Rates, Rules, & Regulations.

21. "Standard Methods" means the most recent edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association/American Water Works Association/Water Environment Federation.

22. "User" means all persons who discharge to the Sewer System.

6.03 Discharge Requirements

A. NATIONAL PRETREATMENT STANDARDS:

1. Prohibited Wastewater Discharges

a. General Prohibitions: No User shall discharge any wastewater that causes pass through or interference.

b. Specific Prohibitions: No User shall discharge any of the following pollutants into the treatment system:

1) Any flammable liquids, solids or gases, or any materials that interact with other substances to cause a fire or explosion. This includes any material exhibiting the characteristic of ignitability with a closed-cup flashpoint of less than 140ºF (60ºC) using the methods described in 40 CFR § 261.21(a)(1). Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, and hydrides in amounts that could cause a violation of this standard;

2) Any solids or substances that may cause obstruction to flow in the Sewer System or be detrimental to treatment system operation. These substances include, but are not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, feathers, tar, wood, paunch manure, hair, plastics, rags, and paper products, other than toilet tissue;

3) Any wastewater containing more than 100 ppm by weight of hexane-extractible materials as determined by EPA method 1664;

4) Any wastewater containing any garbage that has not been ground by household type or other suitable garbage grinder;

5) Any pollutant that will cause or contribute to corrosive damage or hazard to structures, equipment or personnel of the treatment system; discharges in no case shall have a pH less than 6.0 or higher than 9.0;

6) Any wastewater containing toxic pollutants in sufficient quantity either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the treatment system, or to exceed the limitations set forth in a applicable Federal Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to §307 (a) of the Act;

7) Any noxious or malodorous liquids, gases, or solids that either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;

8) Any pollutant that will cause any product of the treatment system such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the treatment system cause the sludge produced to be in noncompliance with disposal criteria, guidelines or regulations developed under §405 of the Act; or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State Criteria applicable to the sludge management method being used;

9) Any wastewater with color resulting in interference or pass through, such as, but not limited to, dye wastes and vegetable tanning solutions;

10) Any heated wastewater that exceeds a temperature of 65°C (150°F) or that is sufficient enough to increase the temperature of the treatment plant influent above 40°C (104°F) or in amounts sufficient to impact biological activity at the treatment plant;

11) Any pollutant, including oxygen demanding pollutants (BOD_5, etc.) released in a discharge of such volume or strength as to result in interference with the treatment system;

12) Any wastewater containing pollutants of such character or quantity that special and unusual attention is required for their handling;

13) Any non-biodegradable oils of mineral or petroleum origin;

14) Any radioactive wastes or isotopes of such half-life or concentration that causes violation of local, State or Federal regulations;

15) Any waters not intended for treatment by the treatment system including, but not limited to storm water, surface water, groundwater, roof runoff, subsurface drainage or non-contaminated cooling system waters;

16) Pollutants resulting in the presence of toxic gases, vapors, or fumes within the treatment system in a quantity that may cause acute worker health and safety problems; or

17) Any trucked or hauled pollutants, except as identified in Section 7 of these Rates, Rules, and Regulations and at discharge points designated by the Authority.

2. Categorical Standards

a. The provisions of 40 CFR §403.6 and all Categorical Pretreatment Standards promulgated by the Environmental Protection Agency as set forth at 40 CFR Chapter I, Subchapter N are hereby incorporated fully as if set forth in full.

b. IUs subject to Federal Categorical Pretreatment Standards shall comply with all of the requirements thereof, including the reporting requirements for compliance with discharge standards and BMPs, as set forth at 40 CFR §403.12. For IUs classified by the Authority as NSCIUs, the reporting requirements of §403.12(e)(1) do not apply.

c. The Authority may, if deemed necessary and appropriate, impose equivalent mass or equivalent concentration limits for certain Categorical standards, as provided by 40 CFR §403.6(c)(5) and (6).

d. As provided by 40 CFR §403.12, the Authority may modify sampling and reporting requirements for Categorical Industrial Users for pollutants that are not present (§403.12(e)(2)), and for Categorical Industrial Users that meet the reduced discharge criteria set forth at 40 CFR §403.12(e)(3).

B. AUTHORITY STANDARDS:

1. Included as part of these Rates, Rules, and Regulations are the LOCAL DISCHARGE LIMITATION SCHEDULES. The Schedules sets forth total allowable mass headworks loading to the treatment plant for a number of pollutants. The Authority may, in its sole discretion, allocate pollutant loadings to industrial users using these mass headworks loading. Such allocation may be calculated after subtracting domestic loadings and utilizing a safety factor as the Authority deems appropriate. The resulting industrial user limitations may, at the Authority's option, be established as concentrations and/or mass loadings limitations.

2. The Authority reserves the right to establish more stringent standards or limitations on discharges to the treatment system if deemed necessary to comply with the objectives of this Section of the Rates, Rules, and Regulations.

3. Nothing in this Section shall be construed to prohibit any special agreement in writing, between the Authority and any User of the treatment system whereby compatible pollutants of unusual strength or character are accepted into the system and specially treated subject to any charges as may be applicable, provided, however, that:

    a. The National Pretreatment Standards and Pretreatment Requirements including the national pretreatment general prohibitions and specific prohibitions shall not be waived, unless such a waiver or modification is granted by mechanisms established under the Federal Pretreatment Regulations and;

    b. Any such special agreement shall be based on an analysis by the Authority of the potential effect of the proposed discharge subject to the agreement in combination with the discharges of other users, and will be drafted to assure the prevention of interference or pass through and;

    c. In no case shall a special agreement or a waiver of those local specific, non-categorical discharge limitations set forth in the Authority's Local Discharge Limitation Schedules allow for a User to discharge any pollutant which, alone or in combination with other User regulated discharges, would reasonably be expected to exceed the non-categorical mass headworks loadings as set forth in the Local Discharge Limitation Schedules.

C. ACCIDENTAL DISCHARGES AND SLUG DISCHARGES:

1. Each User shall provide protection from accidental discharges (including upsets and bypasses) and slug discharges. Facilities to prevent accidental discharges and slug discharges shall be provided and maintained at the user's own expense. The Authority may require an IU to submit a slug control plan which meets the requirements of 40 CFR§ 403.8(f)(2)(vi)(A) through (D).

2. In the case of an accidental discharge or slug loading, the User shall notify the Authority immediately by telephone. The notification shall include as a minimum: location of the discharge, type, volume, and concentration of the waste, and corrective actions taken.

3. Within five (5) days following an accidental discharge or slug discharge the User shall submit to the Authority a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences.

4. Such notification outlined above shall not relieve the User from exposure to enforcement action as provided herein or from applicable surcharges.

5. If an accidental discharge or slug discharge causes a situation which results in extra expense for the Authority, the responsible User shall reimburse the Authority for such extra expense. Such situations include, but are not limited to: causing an obstruction or damage to any part of the treatment system, causing a violation of applicable government law or regulation which results in a fine imposed on the Authority, and any other damage to persons, property, animals, fish, or the receiving waters of the treatment system.

6. IU shall notify Authority in writing, when there are any changes at the facility that would affect the potential for a slug discharge. Any such planned changes shall not be undertaken unless the Authority indicates its acceptance thereof in writing.

D. DILUTION RESTRICTION: No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or with any other pollutant-specific limitation developed by the State or Authority unless allowed by applicable law and expressly authorized in writing to do so.

E. PRETREATMENT: Users shall provide necessary wastewater pretreatment as required to comply with these Rates, Rules, and Regulations and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. In addition:

1. Any facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained at the IUs expense.

2. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and the Authority shall indicate its acceptance in writing before construction of the facility may begin. The review and approval of such plans and operating procedures will in no way relieve the IU from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provisions of these Rates, Rules, and Regulations.

3. Any planned changes in the pretreatment facilities or method of operation that may result in material changes in the characteristics or volume of wastewater discharged to the treatment system shall be reported to the Authority and shall not be undertaken unless the Authority indicates its acceptance thereof in writing. The review and approval of such plans and operating procedures will in no way relieve the IU from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provisions of these Rates, Rules, and Regulations.

6.04 Industrial Wastewater Discharge Permits

A. PERMITS REQUIRED: All SIUs proposing to connect to or discharge into the treatment system must obtain a permit before connecting to or discharging into the treatment system.

1. The Authority, at its discretion, may require any other IU to obtain a permit before discharging into the treatment system if the Authority determines that an individual control mechanism is necessary to set forth IU specific requirements, including but not limited to sampling, monitoring, reporting, compliance schedule, or discharge requirements. All IUs which become SIUs, shall apply for a permit within 60 days after becoming aware of its SIU status.

2. A separate permit shall be required for each wastewater connection discharging, directly or indirectly, into the sewerage system. For each IU having multiple connections at a single plant or facility, a single permit shall be required which may set forth specific effluent limitations which may be imposed at end of pipe or end of process, as appropriate, and conditions for discharge from each separate connection.

B. COMPLIANCE: No permit holder shall discharge wastewater in excess of any permit limitations. Any permit holder proposing to modify its discharge in a manner that would violate any permit limitations shall apply for an amended permit. All permit holders shall comply with Federal, State, and local requirements, including Federal Categorical Pretreatment Standards, within the time provided by the applicable provision, even if the pretreatment permit has not been modified to incorporate the requirement.

C. APPLICATION: Persons seeking a permit shall complete and file with the Authority an application in the form prescribed by the Authority, and accompanied by any applicable fees. The applicant shall submit, in units and terms appropriate for evaluation, information including but not limited to:

1. Name, address, and telephone number of the applicant, and the name and current mailing address of the owner of the premises from which Industrial Wastes are intended to be discharged.

2. Daily average volume of wastewater to be discharged.

3. Schedule of all process waste flows produced before and after pretreatment, if any, at said premises, including the daily volume, and wastewater constituents and characteristics as determined by representative samples and analyses performed by a qualified laboratory acceptable to the Authority.

4. Estimated time and duration of discharge within a twenty percent (20%) tolerance.

5. Estimated hourly peak wastewater flow rates, including daily, monthly, and seasonal variations within a twenty percent (20%) tolerance.

6. Site and plumbing plans showing all connections to the sewerage system and describing any pretreatment facilities.

7. A description of activities, facilities, and plant processes on the premises, including all process waste materials which are, or could be, discharged, but excluding proprietary information concerning process and products.

8. Type or classes of products produced.

9. The average number of employees and normal hours of work.

10. Any other relevant information as may be deemed by the Authority to be necessary to evaluate the permit application.

D. ISSUANCE: The Authority will evaluate the permit application and may require additional information. Failure to provide such additional information in a timely fashion shall be grounds for permit denial.

1. A draft permit will be issued after all required data has been received by the Authority. The applicant shall then be allowed a thirty (30) day comment period. Upon the expiration of the comment period the Authority shall issue or deny a final permit. The final permit may be revised from the draft permit in response to comments or other information received during the comment period.

2. IU compliance with the permit shall not relieve the IU from complying with all applicable laws, regulations, and ordinances promulgated by government agencies, nor shall the issuance of a permit be construed as a representation by the Authority that the discharge permitted therein complies with such laws, regulations, and ordinances.

3. Permits are issued solely to govern the discharge of wastewater into the Sewer System, as between the IU and the Authority, and shall not be construed to benefit any third party.

E. PERMIT CONDITIONS

1. Permits shall be expressly subject to all provisions of the Rates, Rules, and Regulations, user charges, and fees of the Authority. Permit conditions may include, but shall not be limited to, the following:

   a. Limits on the average and maximum wastewater constituents and characteristics;

b. Limits on average and maximum rate and time of discharge, or requirements for flow regulations and equalization;

c. Requirements for installation and maintenance of inspection, flow metering, and sampling facilities;

d. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, flow metering, number, types and standards for tests and reporting schedule;

e. Requirements for submission of periodic discharge reports to include information concerning volume, rate of flow, constituent concentrations, peak flow rates, hours of operation, number of employees, or other information;

f. Requirements for maintaining and retaining plant records relating to wastewater discharge and implementation of Best Management Practices as specified by the Authority and affording Authority personnel access thereto;

g. Requirements for notification of the Authority of any new discharge of wastes or any substantial change in the volume or character of the wastewater constituents being introduced into the treatment system or changes in production levels;

h. Requirements related to notification of Slug;

i. Requirements for pretreatment including a compliance schedule for the installation of technology or implementation of Best Management Practices required to meet such requirements, a compliance schedule to meet discharge limits set forth in the Local Discharge Limitation Schedule, and/or a compliance schedule to meet Federal Categorical Pretreatment Standards by the deadline established under federal law;

j. Prohibition of discharge of certain wastewater;

k. Requirements for the protection of the sewage system;

l. Non-transferability of permit;

m. Statement of applicable civil and criminal penalties and compliance schedules;

n. Other conditions as deemed appropriate by the Authority to ensure compliance with all applicable local, State, and Federal regulations;

o. Schedule of any applicable Best Management Practices; or

p. Requirements to control Slug Discharges if determined by the Authority to be necessary.

F. PERMIT DURATION

1. Permits shall be issued for a specified period and the maximum time period shall not exceed five (5) years.

2. Permits may be issued for some period less than five years or may be stated to expire on a specific date.

3. The IU shall apply for permit reissuance at least 60 days prior to the expiration of the IU's existing permit.

4. The terms and conditions of an expired permit shall be deemed to continue in effect, pending a decision on a reissued permit, if:

   a. The IU filed a timely application that is complete, and;

   b. The Authority, through no fault of the IU, does not issue a new permit with an effective date on or before the expiration date of the existing permit; and

   c. EPA consents to such extension, with EPA consent reflected in its approval of the Rates, Rules, and Regulations provision herein.

G. PERMIT MODIFICATION

1. The terms and conditions of any permit are subject to change by the Authority during the life of the permit to accommodate changed conditions including but not limited to:

   a. Changes in the terms or conditions of the Authority's NPDES Permits.

   b. Material and substantial alterations to the permitted facility or activity, new information, toxicity requirements, changes in or additions to local, State, and Federal laws or regulations, or in event of variation in reported data as provided in these Rates, Rules, and Regulations.

   c. Unless otherwise required by governmental statutes or regulations, permit holders shall be informed of any proposed changes in their respective permits at least sixty (60) days prior to the effective date of change, and shall be allowed a comment period relating to any of the proposed changes in their permits within the first thirty (30) days after issuance of such proposed changes by the Authority.

d. The Authority shall allow an IU a reasonable period of time to comply with any changes in the permit required by the Authority, unless otherwise required by emergency or governmental regulations.

e. Nothing in this paragraph is intended to preclude the Authority from taking immediate action to temporarily modify a permit when there is imminent risk of damage to the treatment system or injury to the health and welfare of the public or to the environment.

H. TRANSFERABILITY

1. Permits are issued to a specific IU for a specific operation.

2. A wastewater discharge permit shall not be assigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the Authority.

I. TERMINATION

1. Permits may be suspended, terminated, or revoked and reissued, for noncompliance by the permittee, a permittee's failure to fully disclose information or misrepresentation of relevant facts; or a determination that the permitted activity endangers human health, the environment or for other appropriate reasons.

6.05 Reporting and Monitoring Requirements

A. IUs SUBJECT TO CATEGORICAL STANDARDS: Baseline reports, notifications, sampling and analysis, compliance schedules and compliance schedule progress reports, reports on compliance with categorical standard deadlines, and periodic reports on continued compliance shall be properly certified, signed, and submitted to the Authority in accordance with and as required by 40 CFR§403.12. IUs that are Non-Significant Categorical IUs, shall be subject to monitoring and reporting requirements as established by the Authority and set forth in a discharge permit. At a minimum, Non-significant Categorical Industrial Users shall submit a semi-annual report and an annual certification statement as required by 40 CFR §403.12(q).

B. IUs NOT SUBJECT TO CATEGORICAL STANDARDS

1. IUs in this category are subject to the following reporting and monitoring requirements:

a. Non-SIUs, if deemed appropriate by the Authority and notified in writing, and non-categorical SIUs, as set forth in their permits, shall be required to submit

periodic compliance or monitoring reports. SIUs shall be required to submit such reports at lease semi-annually as required by 40 CFR §403.12(h).

b. SIUs may also be required to periodically obtain and submit certain other information to the Authority. Information required may include but not be limited to: flow rates, flow volumes, and concentrations of particular constituents of their wastewater.

c. The information and reports submitted shall be made at the expense of the IU and shall be made as frequently as necessary to comply with the terms and conditions of the IUs permit or as required by the Authority.

C. GENERAL REQUIREMENTS:

1. All wastewater sampling and analytical procedures shall comply with 40 CFR, Part 136. If no appropriate analytical procedure is contained therein an appropriate procedure contained in "Standard Methods" shall be used. If no appropriate procedure is contained therein, the Authority will provide an acceptable procedure. The designated analytical procedure shall be used to measure the wastewater constituent concentrations.

2. IU sampling shall be representative of the discharge activity. The frequency of sampling shall be as determined by the Authority.

   a. Daily samples shall be obtained as 24-hour flow-proportioned composite samples, with the sampling period adjusted appropriately if the period of actual discharge is less than 24 hours.

   b. The Authority may, at its discretion, authorize time-proportional sampling or grab sampling in lieu of 24-hour flow proportioned sampling.

   c. Daily samples for pH, cyanide, total phenols, oil & grease, sulfide and volatile organics shall be obtained as grab samples.

   d. The Authority may determine the number of grab samples for pH, cyanide, total phenols, oil & grease, sulfide and volatile organic compounds to be obtained for each sampling, except as required in 40 CFR §403.12(g)(4) (with regard to the requirement to obtain four grab samples for purposes of Baseline Monitoring and 90-day compliance reports when historical monitoring data do not exist). If the IU obtains samples at the appropriate sampling location more frequently than required by the applicable standards or the IUs Authority issued Industrial Wastewater Discharge Permit, it shall submit all such monitoring information to the Authority.

e. In accordance with the sampling and analytical procedures and protocols specified in 40 CFR Part 136 and any appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows:

1) Cyanide, total phenols, and sulfides samples may be composited in the laboratory or in the field

2) Volatile organics, and oil & grease samples may be composited in the laboratory.

3) Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Authority, as appropriate.

3. The Authority may require any IU to construct and maintain a wastewater monitoring facility of a design or configuration and at a location acceptable to the Authority and sufficient to accomplish monitoring requirements.

4. The sampling, monitoring, analysis, and flow measurement procedures, equipment, data and test results shall be subject at any reasonable time to inspection by the Authority. Upon request, the IU shall submit to the Authority a copy of any such data or test results. Flow measurement systems and all appropriate equipment shall be regularly calibrated in accordance with the manufacturer's recommendations and calibration records shall be retained along with all other records as required by paragraph C.8 below.

5. Should measurements or other investigations indicate that the User has discharged wastewater, the constituents of which are significantly different in quantity and quality from those stated, the Authority shall notify the IU and require that the IU furnish all information in his possession relevant to the apparent variance.

6. Adequate identification shall be provided for all of the Authority's inspectors and other authorized personnel, and these persons shall identify themselves when entering any property for inspection purposes. The Authority shall have the right to sample and analyze the IUs effluent at any time.

7. Authorized personnel of the Authority shall be provided access to all facilities directly or indirectly connected to the Authority's Sewer System at all reasonable times, and as may be required by emergency conditions. Where an Industrial User has security measures in force that require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security personnel so that upon presentation of suitable identification, Authority staff shall be permitted to enter without delay for the purposes of performing inspections and sampling.

8. Each IU shall comply with recordkeeping requirements of 40 CFR § 403.12(o). These requirements include retention of records for all monitoring activities, including all samples obtained and documents related to implementation of Best Management Practices (BMPs), for a period of three years, or for an extended period during any unresolved litigation involving the User or the Authority.

9. All permit applications and reports submitted by an IU to the Authority shall be signed and certified in accordance with the provisions of 40 CFR § 403.12(l). This signatory and certification requirement applies to all permit applications and reports; it is not limited to items submitted under 40 CFR § 403.12(d) & (e).

10. If a Pretreatment Standard includes implementation of Best Management Practices (BMPs), the IU must include in its compliance reporting documentation that the BMP was implemented during the reporting period.

C. NOTICE OF VIOLATION/RESAMPLING REQUIREMENT

1. If pretreatment compliance sampling performed by an IU indicates a violation of Pretreatment Standards or Requirements, the IU shall:

   a. Notify the Authority of the violation within 24 hours of becoming aware of the violation.

   b. Repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within 30 days after becoming aware of the violation.

D. SURCHARGE AND COMPLIANCE MONITORING

1. Monitoring of wastewater for permit compliance or for purposes of establishing a surcharge for excess strength compatible pollutants (e.g. BOD_5) shall be in accord with Section 3 of these Rates, Rules, and Regulations.

2. The frequency of monitoring shall be stated in the IU's permit.

F. WHOLE EFFLUENT TOXICITY TESTING:

1. The Authority may require an IU to conduct an Authority designated test for whole effluent toxicity. The IU shall have the testing laboratory submit the results of such testing directly to the Authority, and;

2. Based on the results of the whole effluent toxicity testing, the Authority may require the IU to undertake a toxics reduction evaluation (TRE) or to take the necessary actions to otherwise eliminate or minimize the toxicity.

G. NOTIFICATION OF CHANGE IN CONDITIONS:

1. The IU shall provide the Authority with written notification of any substantial change in the volume or character of the discharge, including any change in the pollutants present or expected to be present. Such notice shall be provided as soon as the IU knows that the change has occurred or is expected to occur.

2. The IU shall immediately notify the Authority of any change at its facility that may affect the potential for a Slug Discharge to occur.

H. HAZARDOUS WASTE NOTIFICATION

1. The IU shall provide to the Authority all notifications pertaining to hazardous wastes required by Federal, State, or Local law or regulation including but not limited to those notifications required by the Resource Conservation and Recovery Act and 40 CFR §403.12(j)&(p).

6.06 Enforcement

A. SUSPENSION OF SERVICE: Hazardous discharges shall necessitate an emergency response to protect the Authority's treatment system. The emergency responses may include but not be limited to the following:

1. The wastewater treatment service and/or a Permit may be temporarily suspended when such suspension is necessary, in the opinion of the Executive Director or Chairman of the Authority, to stop an actual or threatened discharge which presents or may present an imminent and substantial danger to the health or welfare of persons or to the environment, or which causes or has the potential of causing Interference with the treatment system or violation of any condition of the Authority's NPDES permit.

2. If, in the opinion of the Executive Director or Chairman of the Authority, the exigencies of the situation require immediate action, the Authority shall take such steps as deemed necessary, including immediate severance of the sewer connection, without giving the User prior notice. Where practicable, however, the Authority shall make reasonable attempts to promptly notify the User, in person or by telephone, of the taking of any action. Further, in any event, within 48 hours after any temporary termination of service is imposed or other action is taken, the Authority shall either place in the mail or personally deliver to the User a notice of the termination or other action taken.

3. Any User notified of a suspension of the wastewater treatment service and/or his Permit shall immediately stop or eliminate contribution to the treatment system. In the event of a failure of the User to comply voluntarily with the suspension order, or in the event the exigencies of the situation otherwise require, as stated above, the Authority shall take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the treatment system or endangerment to any individuals.

4. The suspension shall continue until such time as, in the opinion of the Executive Director or Chairman of the Authority, the suspension under Section 7.6 of these Rates, Rules, and Regulations is no longer necessary.

5. A detailed written report describing the causes of the hazardous discharge and the measures taken to prevent any future occurrence shall be submitted by the User to the Authority within five (5) days of the date of occurrence.

6. Any User aggrieved by a suspension under Section 6.06.A.1of these Rates, Rules and Regulations shall have the right to an informal conference with the person who ordered the suspension. Such conference shall be held within 48 hours of receipt of a written request therefore.

7. Upon notice of suspension of treatment services or a discharge permit, a User shall have the right to request a hearing under the provisions of the Local Agency Law, 2 Pa.C.S.A. §551 et seq. A hearing must be requested in writing within ten (10) days of receipt of the notice set forth in paragraph A.2 above. The request for a hearing does not stay the suspension and a hearing will be held as expediously as possible. An action of the Authority for which a hearing is available under this section shall not be revisable by a court.

B. OTHER VIOLATIONS:

1. The User shall submit to the Authority a detailed report concerning any discharge which does not comply with the requirements of this Section or the IUs industrial wastewater permit. Such report shall be made within ten (10) days of the discharge and shall include information on the cause of the discharge and corrective measures to be taken to prevent future occurrence.

2. Whenever the Authority finds that any IU has violated or is violating his permit, or any prohibition, limitation or requirement contained herein, the Authority may issue to such IU a written notice stating the nature of the violation, and upon receipt of notification the User shall prepare a detailed report on the violation and a plan for the satisfactory correction thereof. The report and plan shall be submitted to the Authority within thirty (30) days of the receipt of the notice.

C. ENFORCEMENT ACTIONS:

1. Any User who violates the requirements of this Section, their permit standards or other applicable State or Federal laws or regulations is subject to having his service and/or permit suspended or revoked.

   a. Except as provided in Section 6.06.A.1, a User shall be given at least ten (10) days written notice of a proposed suspension or revocation of treatment services or of a discharge permit. The notice shall be either personally served upon the User or sent by certified mail, return receipt requested. Upon receipt of such a notice, the User shall have the right to request a hearing under provisions of the Local Agency Law, 2 Pa.C.S. §551 et seq. A hearing must be requested in writing within ten (10) days of receipt of notice. The request for a hearing will act to stay the suspension until a hearing can be held. An action of the Authority for which a hearing is available under this section shall not be directly revisable by a court.

2. Administrative Penalties:

   a. The Authority may assess an administrative penalty under the provisions of the POTW Penalty Law, 35 P.S. §752.1 et seq., for any violation of a permit, any pretreatment standard or requirement, or any provision of these Rates, Rules and Regulations related to industrial waste discharge. The penalty my not exceed $25,000 per day, and each day and each violation shall be deemed a distinct and separate violation for the purposes of this section. The Authority will notify the User of the violation(s) and the amount of the proposed penalty in writing, either personally served upon the User or sent by certified mail, return receipt requested.

   b. Upon receipt of notice of an intent to assess an administrative penalty, the User shall have the right to request a hearing under the provisions of the Local Agency Law, 2 Pa.C.S. §551 et seq. to contest either the fact of the violation or the amount of the penalty. A hearing must be requested in writing within twenty (20) days of receipt of notice. The penalty shall become due and payable on the twenty-first (21st) day unless a request for hearing is received by that day. The request for hearing will act to stay the assessment until a hearing can be held. An action of the Authority for which a hearing is available under this section shall not be directly review able by a court.

3. The User shall be afforded all of the rights of a party under the Local Agency Law, 2 Pa.C.S. §551 with regard to any adjudication of the Authority. The Authority will develop a hearing procedure. Except as set forth in Sections 6.06.A.1 and 6.06.C.1.a, a request for a hearing for any adjudication must be submitted in writing within twenty (20) days of receipt of notice of the Authority's action.

4. Legal Action:

   a. The Authority Solicitor may commence an action for appropriate legal and/or equitable relief including injunctive relief in a court of competent jurisdiction against any User who violates these regulations, his permit restrictions, or other applicable State and Federal laws or regulations.

   b. The Authority may report to the Township of Derry any violation of these regulations. Violations of these regulations are held to be violations of Section 161 of the Code of the Township of Derry and subject to the criminal penalties thereof.

E. PUBLIC NOTIFICATION OF VIOLATORS

1. Pursuant to the requirements of 40 CFR §403.8(f)(2)(viii), the Authority shall annually publish, in the largest daily newspaper published in the Township of Derry or immediate vicinity, notification of IUs who the Authority determined to have been in significant noncompliance as defined herein.

F. ENFORCEMENT RESPONSE PLAN

1. Pursuant to Federal and State requirements, the Authority shall develop and separately adopt enforcement guidelines entitled "Enforcement Response Plan" (ERP) for its staff. The ERP, which sets forth responses for various violations or acts of noncompliance by IUs, provides for the guidance of the Authority's staff and does not create legal rights or obligations, or limit the enforcement discretion of the Authority.

6.07 Miscellaneous

A. PUBLIC INFORMATION:

1. Information and data submitted by or obtained from an IU in the course of the Authority's pretreatment program implementation and administration shall be considered public information except as provided in Section 6.07.2 of these Rates, Rules, and Regulations. The IU information and data may include but is not limited to; permit applications, periodic reports, questionnaires, correspondence, monitoring programs, and inspections notes.

2. Any information submitted to the Authority may be claimed as confidential by the IU in accordance with 40 CFR §403.14(a)(b)&(c) by stamping "confidential business information" on any page containing such information.

3. All IU information and data including claimed "confidential business information" may be available to EPA or other governmental agencies upon request. Release of this information will be made in accordance with applicable law and regulations including but not limited to; 40 CFR Part 2, Subparts A & B, 40 CFR §403.14(a)(b)&(c) and 40 CFR §403.8(f)(1)(vii).

4. The Authority will provide the IU with written notification of pending disclosure of any claimed "confidential business information."

B. FEES:

1. The Authority intends to recover the cost of administering this Section and any associated requirements from the Users of the treatment system to whom the requirements of this Section apply.

2. The Authority may adopt charges and fees which may include but are not limited to:

   a. Fees for reimbursement of costs for setting up and administering the Authority's industrial waste control program;

   b. Fees for monitoring, inspections, and surveillance procedures;

   c. Fees for reviewing procedures or facilities designed to prevent accidental discharges or Slug discharges;

   d. Fees for permit applications; and

   e. Other fees as the Authority may deem necessary to carry out the requirements contained herein.

B. MINIMUM REQUIREMENTS

1. Notwithstanding any other pretreatment provision to the contrary, nothing in the Authority's Rates, Rules and Regulations or elsewhere in the Authority's pretreatment program shall be deemed to be a legally binding commitment under the Clean Water Act, 33 U.S.C. §1251 et seq., the Clean Streams Law, 35 Pa. Stat. §691.1 et seq., and applicable regulations (e.g., 40 CFR Part 403, Title 25 Pa. Code) for the Authority to undertake pretreatment implementation or enforcement activities beyond the minimum otherwise required by these laws and regulations. Nevertheless, the Authority maintains its discretionary authority to undertake pretreatment activities beyond the minimum required.

SECTION 7: HAULED WASTE REGULATIONS

7.01 Types of Wastes

A. In general, any liquid waste that is:

1. Nontoxic to the biological treatment process and has no adverse impact on any physical/chemical treatment processes at the Authority's wastewater treatment plant ("WWTP")

2. Biodegradable and is determined to have no adverse impacts on the WWTP operation and discharge effluent, will be considered for acceptance.

B. Hauled wastes can be categorized into three categories:

1. Normally Acceptable Wastes
   a. Residential septic tanks
   b. Residential holding tanks
   c. Commercial holding/septic tanks used for non-process wastewater.

2. Conditionally Acceptable Wastes (considered on a case-by-case basis)

   a. Industrial and commercial process wastewaters; Municipal sludges if they are from biological processes and meet all State and Federal guidelines for agricultural use; and Special wastes such as leachates, condensates, wash waters, and others.

3. Prohibited Wastes

   a. Any wastes as defined in Section 6.02.A.1., of the DTMA Rates, Rules, and Regulations, including any flammable, explosive, or corrosive wastes and any wastewaters or sludges with unacceptable levels of metals.

   b. In all cases, the Authority reserves the unconditional right to accept or reject any hauled waste as it deems necessary to protect its employees, facilities, or treatment processes.

7.02 Administrative Procedures

A. All haulers are required to obtain a Hauled Waste Discharge Permit ("HWD Permit") before discharging wastes at the Authority's WWTP. Permits will be issued to haulers that meet the following conditions:

B. Submit a completed DTMA Permit Application Form with proof of insurance as outlined on the application and the current HWD Permit.

C. For permit renewals, haulers must have a record of satisfactory compliance with all conditions and requirements of the expiring HWD Permit. They must also not have an account balance which is more than 30 days past due, otherwise their permit will not be renewed until the account is brought current.

D. Permits will be issued for a term of one year. Haulers who have satisfactorily operated within all the conditions of their HWD Permit may submit an application for permit renewal along with the current HWD Permit application fee. A HWD Permit and the associated discharge privileges may be suspended or revoked immediately for any violation of the HWD Permit conditions.

E. Haulers must complete a Hauled Waste (HW) Manifest for each source of waste on a truck load. HW Manifests for all nonresidential pump outs require the generator to complete and sign Section 1 of HW Manifest. The hauler must complete and sign Section 2 of the HW Manifest. A DTMA representative must sign Section 3 of the HW Manifest for any conditionally approved loads. The white (top) copy of the HW Manifest must be left at the DTMA WWTP.

F. Haulers must submit a Generator Responsibility Acknowledgment (GRA) Form when requested for all non-residential accounts.

7.03 Fees

A. The following fees are used in the hauled waste acceptance program. The actual fees are set forth in the Rates and Fees Schedule.

1. Permit Application Fee
2. Permit Renewal Application Fee
3. Disposal Fee
4. Laboratory Analysis Fee
5. Administrative fee for unsigned, incomplete, or incorrect manifests
6. Administrative fee for each manifest submitted without the required Generator Response Acknowledgement form (GRA) being on file with the Authority.

B. The Disposal Fee is a rate per 1,000 gallons of hauled waste as set forth in the Rates and Fees Schedule, Section VI. Charges for disposal will be based on this rate times the registered usable capacity of a vehicle. Regardless of the volume of hauled waste accepted, charges will be based on full load capacity only. Partial loads will be considered as full loads. Fees for the laboratory analysis of any waste will be made in accordance with the current edition of the Rates and Fees Schedule, Section VIII A and B.

C. Any hauler with an account balance more than 60 days past due may have his disposal privileges suspended until the account is brought current.

SECTION 8: INSPECTION AND ENFORCEMENT

8.01 Inspection

A. For the purpose of enforcing the provisions of these Rates, Rules, and Regulations of the Authority with respect to the operation of the Sewer System and for the purpose of advancing and protecting the public health, the Authority reserves the right to enter upon the premises of any person, firm, or corporation connected to the system for the purpose of inspecting the sewer facilities located thereon and all areas which could result in wastewater discharge to the sewer including manufacturing areas, chemical storage areas, pretreatment facilities and for the purpose of determining compliance with the requirements of the Authority. In addition the Authority shall have the right to access, inspect, and copy any and all information related to spill prevention and control procedures, hazardous waste generation, and industrial self-monitoring equipment and procedures and records. In the event that the Authority's duly authorized representatives are denied access to any customer's premises for these purposes, the Authority reserves the right to discontinue sewer service to such premises until inspection is permitted and compliance with the requirements of the Authority has been determined.

8.02 Enforcement

A. Notwithstanding any other provisions or implications of this these Rates, Rules, and Regulations to the contrary, the Authority reserves the right at all times to refuse to render or to continue to render sewer service to any property or through any lines whenever it appears that the connection of the property to the Sewer System has been improperly made or whenever it appears there has been a violation of the rules and regulations of the Authority with respect to the installation of the sewage disposal facilities. In the event that the Authority shall elect to discontinue service to any User connected to its lines, except as provided in Section 6, the Authority shall give ten (10) days written notice by Certified Mail to the property owner prior to disconnecting the property from the Sewer System.

SECTION 9: SCHEDULES

A. The Rates and Fees, which have been adopted by the Authority, are attached and are hereby incorporated into the Rates, Rules, and Regulations by reference. The effective date of the adopted Rates and Fees, which are set forth on the Rates and Fees Schedule, may differ from the adopted date of the Rates, Rules & Regulations.

B. The Local Discharge Limitation Schedules, which have been adopted by the Authority, are incorporated into the Rates, Rules, and Regulations by reference.

SECTION 10: SEVERABILITY

A. If any Section or provision of these Rates, Rules, and Regulations are found invalid by any court or other jurisdiction, the remaining Sections or provisions shall not be affected and shall continue in full force and effect.

SECTION 11: 2020 SUPPLEMENT – REVISIONS AND AMENDMENTS

11.01 Revisions, Modifications, and Amendments

The following Revisions, Modifications, and Amendments to the 2020 Rates, Rules, and Regulations have been adopted by Authority Resolution and are incorporated by reference with the adopted effective date:

RESOLUTION #	DATE ADOPTED	RR&R SECTION, BRIEF DESCRIPTION, & EFFECTIVE DATE

LOCAL DISCHARGE LIMITATION SCHEDULES

SCHEDULE A*

The maximum allowable industrial loads (MAIL) listed in Schedule "A" are established to control the influent pollutant loads discharged to the DTMA wastewater treatment plants from regulated industrial dischargers.

PARAMETER	MAIL (Pounds per Day)
Copper	4.290
Mercury	0.029
Molybdenum	0.706
Zinc	8.018

*The discharge of industrial wastes by regulated industrial users shall be controlled so as not to exceed the total daily MAIL limits set forth in Schedule "A". The MAIL limits may be applied to individual industrial users by means of limitations on the concentration or the mass loadings, as appropriate.

SCHEDULE B

The concentration (mg/kg - dry weight) limits listed in Schedule "B" are established for the purposes of controlling the level of pollutant concentrations in sludge received from The Hershey Company Industrial Pretreatment Facility (IPF).

PARAMETER	LIMITS ON THE HERSHEY COMPANY IPF SLUDGE (mg/kg - Dry Weight)
Cadmium	31.2
Copper	1,200
Lead	240
Mercury	13.6
Molybdenum	60
Nickel	336
Zinc	2,240