

**NORTHEASTERN YORK COUNTY  
SEWER AUTHORITY  
RULES AND REGULATIONS**

**Adopted February 25, 2008**

**with Amendments through February 26, 2024**

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**NORTHEASTERN YORK COUNTY SEWER AUTHORITY  
RULES AND REGULATIONS**

**ARTICLE I – ADMINISTRATION**

**Chapter 1 – Definitions and Introduction**

**§1-101 – Definitions**

(A) “Apartment or Office Use” means and refers to a building which is intended to be used for continuous or periodic habitation by human beings and containing two or more family dwelling units; of which contains business or professional offices and one or more family dwelling units; or which contains business, professional or any other similar type of office or offices.

(B) “Act” means the Municipal Authorities Act of 1945 (as codified 53 Pa. C.S.A. §§5601-5623), as it may be amended from time to time.

(C) “Authority” means the Northeastern York County Sewer Authority.

(D) “Authority Office” means the Northeastern York County Sewer Authority office located at P.O. Box 516, 200 North Main Street, Mt. Wolf, PA 17347-0516.

(E) “Building Sewer” means the extension from the sewage drainage system of any structure to the lateral or service connection of a sewer. All maintenance responsibility for the Building Sewer shall be borne exclusively by the Owner of the Improved Property served by the Building Sewer.

(F) “Chapter 94 Report” the annual municipal waste load report to the Pennsylvania Department of Environmental Protection.

(G) “Commercial Use” means and refers to an Improved Property that is intended to be used for the purpose of carrying on a trade, business, or profession, or for social, religious, educational, charitable, or public uses or any use other than a single-family dwelling. Commercial Use shall include Office Use.

(H) “Domestic Use” means and refers to an Improved Property that is intended to be used for continuous or periodic habitation by human beings in a single-family unit. Domestic Use shall include Apartment Use, including multi-family dwelling units.

(I) “EDU” (Equivalent Dwelling Unit”) shall mean in the case of a Domestic Use any room, group of rooms, house, trailer, or other structure or enclosure occupied or intended for occupancy as Separate Living Quarters by a family or by persons living together or by persons living alone. “Separate Living Quarters” shall mean any unit of use intended for continuous or periodic habitation and capable of separate and distinct occupancy from the primary residence, including at a minimum, a kitchen, bathroom and sleeping area. The volume of Sanitary Sewage



generated by one (1) EDU is stated to be an average of Two Hundred Twenty-Seven and 7/10 (227.7) gallons per day. In the case of Office Uses, Commercial Uses, Industrial Uses, and all other uses, one (1) EDU shall be equal to an average of Two Hundred Twenty-Seven and 7/10 (227.7) Gallons per day.

(J) “Improved Property” means any property located within NEYCSA’s service area upon which there is erected a structure or structures intended for continuous or periodic habitation, occupancy or use by human beings or animals and for which structure or structures Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.

(K) “Industrial Use” means and refers to an Improved Property which is intended to be used in whole or in part for the manufacture, fabrication, processing, cleaning, laundry, conversion, warehouse, storage, or assembly of any product, commodity, or article.

(L) “Industrial Waste” means any solid, liquid, gaseous, or waterborne wastes from industrial processes or commercial establishments, as distinguished from Sanitary Sewage.

(M) “Institutional Use” means and refers to an Improved Property which is intended to be used in whole or in part by a public entity or an entity related to the provision of essential public services, including but not limited to schools, municipal buildings, public parks, fire halls, police stations, and post offices.

(N) “Municipalities Planning Code” - 53 P.S. §10101, et seq.

(O) “Parcel” means a piece of land with specific boundaries that can be owned, sold, leased, or transferred, and has a separately assigned Uniform Parcel Identification Number from the York County Assessment Office.

(P) “Person” includes natural persons, partnerships, companies, societies, trusts, associations and corporations, and other groups and entities, public and private.

(Q) “Owner” means any person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

(R) “Sanitary Sewage” means the normal water-carried household and toilet wastes from residences, business buildings, institutions, and commercial establishments, exclusive of storm water runoff, surface water or ground water.

(S) “Sewer Lateral” means that part of the sewer system extending from a sewer main to the right-of-way line.

(T) “Sewer Main” a principal pipe in the sewer system that collects sewage.

(U) “Sewer System” means the sanitary sewer system owned and operated by NEYCSA, including collection system, pump stations, and wastewater treatment facilities.

**§1-102 – Authority.** The Northeastern York County Sewer Authority (NEYCSA) was established by Intermunicipal Sewer Agreement between East Manchester Township, Mount Wolf Borough, and Manchester Borough (“Municipalities”) on August 25<sup>th</sup>, 1987, pursuant to the Municipal Authorities Act. This Intermunicipal Sewer Agreement was amended and superseded by Intermunicipal Agreement dated June 14, 2011(the “Intermunicipal Agreement”).

**§1-103 - Sewer authority board.** The Authority shall have six (6) members, all of whom are citizens of the United States of America and the Commonwealth of Pennsylvania, and who are taxpayers in, maintain a business in, or are a citizen of the respective municipality appointing said member. The officers of the Authority shall consist of Chairperson, Vice-Chairperson, Treasurer, Assistant Treasurer, Secretary and Assistant Secretary. The terms and appointment of Officers are set forth in the Articles of Incorporation. The duties of the Officers, including Order of Business for meetings are set forth in the Bylaws.

**§1-104 - Plant operation.** Day-to-day activities of the sewer plant are overseen by a Plant Superintendent, certified and licensed by Pennsylvania Department of Environmental Protection.

**§1-105 - Powers and duties.**

A. The Intermunicipal Agreement designates the Authority as the exclusive agent for each Municipality to provide collection, transportation, treatment, and disposal of sewage for the Municipalities.

B. Each Municipality shall grant to the Authority the right to use the subsurface of public streets and rights-of-way for the operation of the sewer system subject to reasonable requirements and regulations regarding use and restoration.

C. Municipalities agree to cooperate with the Authority regarding zoning requests by the Authority for locations of treatment plant and associated facilities, collection system and conveyance system, and associated facilities.

D. Municipalities agree to each adopt ordinances requiring connection to the sewage system and such other ordinances necessary for the Authority to operate the sewage system.

E. The Authority shall be authorized to obtain financing through the sale of sewer revenue bonds and such other financing as the Authority deems appropriate from time to time in order to construct, expand, operate, and maintain the sewage system.

F. The Authority shall have sole responsibility for the operation and maintenance of the sewer system.

G. The Authority shall have the power by action of its Board to fix and establish its own sewer rentals, tapping fees, connection charges, and assessments.

H. The Authority shall be responsible for billing and the collection of billing for the sewage system.

I. The Authority shall be authorized to undertake all lawful collection efforts on delinquent accounts, including, without limitation, terminating water service, filing liens, or a combination of the two.

J. The Authority has the ability to undertake all activities necessary to further its purpose as generally authorized by law and the Intermunicipal Agreement.

**§1-106 - Rate districts.** Reflecting differing prior investments and future costs, the Intermunicipal Agreement established six rate districts:

- A. District 1 - The area within the boundaries of the Borough of Manchester
- B. District 2 - The area within the boundaries of the Borough of Mt. Wolf
- C. District 3 - All of the area within the boundaries of East Manchester Township
- D. District 4 – Institutional/parks
- E. District 5 – That part of the service area located within Newberry Township. The Authority has the right to establish additional districts as it deems necessary in accordance with the Intermunicipal Agreement.

## **Chapter 2 – Connection to System**

**§1-201 - Connection Required upon Availability.** Each and every owner of Improved Property shall, upon receipt of written notice ordering connection, be required to connect his or her premises to the Sewer System, in accordance with the ordinance of the municipality within which the Improved Property is located, as follows:

- A. Mount Wolf Borough and Manchester Borough – Each and every Improved Property benefited, improved, or accommodated by this Sewer System shall, upon written receipt of notice ordering connection, be required to connect his or her premises with the Sewer System within forty-five (45) days.
- B. East Manchester Township
  - 1. Whenever the Authority connects an extension of the Sewer System, each and every owner of Improved Property adjoining or adjacent to, or whose principal building is within one hundred fifty (150) feet from, any

collection sewer line of said Sewer System shall, upon receipt of written notice ordering connection, be required to connect his or her premises with the Sewer System within sixty (60) days.

2. When an existing Sewer System owned or leased to a municipality or Authority is extended or altered at the expense of a developer or other private person or corporation under the supervision or direction of the municipality or Authority, the municipality or Authority may take over the extension or alteration and compel all owners of property not already connected to an existing public sanitary sewer system and which is within one hundred and fifty (150) feet from the Sewer System extension to make connection therewith and to use the Sewer System as the Township or Authority may order.

- C. The Authority, pursuant to Intermunicipal Agreements with each municipality may enforce the mandatory connection ordinances of the municipalities.

**§1-202 – Authority May Begin Quarterly Billings Upon Default of Owner.** If any Owner of Improved Property who is required to connect to the Sewer System neglects or refuses to connect with said Sewer System as set forth in the appropriate ordinance, the Authority may begin billing the Owner for sewer rentals as if the Improved Property were connected to the Sewer System.

**§1-203 - Authority May Cause Connection upon Default of Owner.** If any Owner of Improved Property who is required to connect to the Sewer System neglects or refuses to connect with said Sewer System as set forth in the appropriate ordinance, the Authority may make such connection. The Authority may enter upon such property and construct such connection and, upon completion of the work, send an itemized bill of the cost of construction to the property owner which bill shall be payable forthwith. If the owner of said property shall fail to pay said bill, the Authority may file a municipal lien for said construction costs within six (6) months of the date of the completion of the construction of said connection. This enforcement action shall be in addition to any other actions or remedies allowed by statute or ordinance to the Authority or the municipality.

**§1-204 - Separate connections.** Separate connections and corresponding fees shall be required for each separate living quarters and/or business, as the case may be, whether constructed as a separate building or detached unit or as one of a pair or row, but a single connection with payment of tapping fees for the appropriate number of EDUs may be permitted to serve a permanent multiple-unit structure whose individual units may not be subject to separate ownership.

**§1-205 - General standards for connections.**

- A. All connections to the Sewer System shall be made in accordance with state and local law, these Rules and Regulations, other specifications of the Authority, and manufacturer's recommendations.
  
- B. Building connections from the street right-of-way line or sewer right-of-way line shall be installed at the expense of the Owner. The connection and sewer lateral installation shall be in accordance with these Rules and Regulations and shall be subject to inspection, at all times, by a designated representative of the Authority. Connections shall not be backfilled or covered up until they have been properly inspected and approved. If covered before inspection and approval, then the connection and building sewer will have to be uncovered at the property owner's expense. Sizes shall be as required by the Authority subject to applicable state and local law. Building sewer connections shall be installed under the supervision of a Pennsylvania certified plumber, who shall be liable for installation in accordance with state and local law, as well as the Rules and Regulations of the Authority, and who shall ensure that it is completed in a workman-like manner with sufficient slope and watertight joints. All connections to the Sewer System or any part thereof shall be made at the end of a lateral provided at the street or sewer right-of-way line. A cleanout shall be installed at the right-of-way line. All connections shall be air-tested in accordance with the Authority's regular practices and procedures.

**§1-206 - Maintenance and repair of building sewer.** Maintenance and repair of all building sewers and privately-owned sewers shall be the responsibility of the Owner, including, without limitation, damage or blockage of a building sewer or stub caused by tree roots whether or not the tree is located within the public right-of-way. The Owner shall be responsible for removing the blockage from the building sewer and any portion of the Authority's Sewer System so affected, and the costs of any repairs required to the Authority's Sewer System as a result of such blockage. When undertaking maintenance and repair on building sewers and privately-owned sewers, all state and local permit and inspection requirements must be followed and the Authority shall be contacted in advance of any work. If the Authority is not contacted prior to work being conducted on its laterals, the Authority reserves the right to require the property owner to pay for this work.

**§1-207 - Encroached property.** If the sewer lateral from the sewer main to the premises served passes through the property of person(s) other than the Owner of the Improved Property to be served, the Owner of the Improved Property being served shall also assume liability for the portion of the sewer line on the encroached property. The Owner of the Improved Property being served shall secure a right-of-way over the encroached property for the Authority, before sewer service will be furnished. Said right-of-way shall be written and recorded, with a copy furnished to the Authority, and shall be used for the purpose of inspection and maintenance of the sewer line.

**§1-208 - Clean-out installation.** Any Improved Property served by a sewer lateral shall install a clean out at the street or sewer right-of-way line. The clean-out shall be installed in accordance with these Rules and Regulations and other Authority specifications. The purpose of such a clean-out is to facilitate cleaning of the sewer lateral. It shall be the responsibility of the Owner to maintain the caps for all cleanouts located on his property or at the right-of-way line. Standard replacement caps are available for purchase from the Authority as available. In the event the Authority has provided the Owner with notice to replace the cap and a reasonable opportunity to do so, and such Owner fails to undertake the replacement, it will be considered a violation of these Rules and Regulations, and the Owner shall be subject to the penalties set forth in § 6-102 herein. In addition to any other remedy set forth herein or available at law, should the Owner fail to replace the cap for a period of forty-five (45) days following the Owner's receipt of notice from the Authority by any overnight delivery requiring the signature by the Owner, the Authority may undertake the cap replacement. In such event, the Owner shall be responsible for all costs and fees associated with the Authority's replacement of the cap, and the same shall be collectable from the Owner in the same manner as the Authority's regular invoice for services. Additionally, neither the Authority, nor its staff, board, or contracted personnel, shall not be held responsible for any damage caused to the clean-out as a result of the Authority's efforts to replace the same in accordance with the terms hereof.

**§1-209 - Existing building sewers.** Existing building sewers may be used to connect existing buildings to the Sewer System only when the Authority's representative determines that the existing building sewer is in an acceptable condition through whatever inspection means the Authority deems appropriate, including but not limited to televising the building sewer. If no cleanout exists at the street or sewer right-of-way line, one must be installed prior to re-connection to the Sewer System. The property owner shall comply with any and all other conditions that may be placed on the approval of the re-connection by the Authority. If rejected, the Owner of the Improved Property shall install a new building sewer to comply with these Rules and Regulations.

**§1-210 - Connection or outlets between sewer line and laterals.** No connections or outlet will be permitted on the sewer main supplying any premises between the sewer main and the sewer lateral. All sewage collected must pass into the sewer main, except as specifically approved by the Authority.

**§1-211 - Connections by pumping.**

- A. The Authority recognizes that there are, and will be, properties that are unable to connect to the sanitary sewer system by conventional gravity sewerage methods. In such situations, the Authority will allow connection to the sewer via pumping provided the low pressure system is designed in accordance with the Authority's Construction and Material Specifications. The property owner desiring such a connection, or required to make such a connection, shall make an application for connection to the sewer as prescribed in these Rules and Regulations. The applicant shall include information and details describing the pump to be used, the method of installation, and the proposed location of the pump. The Authority,

through its authorized representatives, shall review the proposed pump installation and, if necessary, provide comments to the applicant. Such comments and recommendation as offered shall be included with the application and incorporated into the installation of the equipment. Such application must then be approved by the Authority, with such conditions as the Authority may place on such approval.

- B. The property owner or his designee shall be responsible for proper operation and maintenance of the sewage pumping equipment. Failure to properly operate and maintain the pumping equipment may require the Authority to initiate legal action to abate a public health hazard. The property owner shall be responsible for all costs associated with proceedings and actions by the Authority to abate the public health hazard. Under no circumstances will the Authority assume ownership or responsibility for pumps. If the property owner fails to maintain the pump in good-working condition, then the property owner shall be responsible for any and all resulting damage.

**§1-212 - Prohibited discharge standards.** No user shall contribute or cause to be contributed directly or indirectly, any pollutants that will pass through the Sewer System or interfere with the operation or performance of the Sewer System. These general prohibitions apply to all such users of the Sewer System whether or not the user is subject to Federal Categorical Pretreatment Standards of any other Federal, State, or local Pretreatment Standards or Requirements.

No person shall discharge to the sewer any of the following:

1. Any wastewater containing pollutants in sufficient quantity (flow or concentration), either singly or by interaction with other pollutants, to pass through or interfere with the Sewer System, any wastewater treatment or sludge process, or constitute a hazard to humans or animals;
2. Excessive amounts of unpolluted water or waste capable of being discharged or disposed of by legal means other than discharged into the Sewer System. The Authority reserves the right to define the amount it deems excessive in each particular case;
3. Unpolluted storm water in any amount;
4. The addition of cooling water or any unpolluted water or waste or an increase in the use of process water for the purpose of reducing the concentration of substances that are prohibited or limited by these Rules and Regulations or as partial or complete substitute for adequate pretreatment;
5. Garbage, including, without limitation, disposable or non-disposable wipes, sanitary napkins, or paper towels; provided, however, that food waste that has been properly shredded by an in-sink garbage disposal designed for that purpose is permitted;

6. Any solids, liquids, or gases which by reason of their nature or quality either alone, or by interaction with other substances, may cause fire, explosion or in any other way be harmful to persons, structures or the facilities of the Sewer System;
7. Waste containing any noxious or malodorous gas which either singly or by interaction with sewage or other wastes may create a nuisance or hazard to health or life, or prevent entry to Sewer System structures for maintenance, repair, or otherwise;
8. Any solid or viscous substances which may cause obstruction to the flow in a sewer, cause mechanical action which will destroy the sewer structures, or in the opinion of the Authority may cause other interference with the operation of the Sewer System including, but not limited to waste containing ashes, cinders, sand, mud, straw, shaving, metal, glass, rags, feathers, tar, wood, hair, chemical or paint residues, greases, lime, slurry or viscous materials of such character or quantity that, considering the size of the receiving sewers may cause an obstruction of the flow or otherwise interfere with the proper and efficient operation of the Sewer System;
9. Wastes containing gases or vapors, either free or occluded in concentrations toxic or hazardous to humans or animals;
10. Wastes containing toxic radioactive isotopes;
11. Any sewage with objectionable color not removed by the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions;
12. Any biological hazards including, but not limited to, unsterilized pathological material from hospitals, funeral homes, mortuaries, clinics, or private laboratories;
13. Petroleum and non-petroleum based oils and greases, non-biodegradable cutting oil, or products of mineral oil origin in amounts causing interference or pass through at the wastewater treatment facility;
14. Any substance which will cause the Sewer System to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards for any receiving stream to which any wastewater treatment plant discharges; and
15. Any substance which may cause the Sewer System's effluent or any other product of the Sewer System such as residues, sludges or scums, to be unsuitable for sludge use or cause the Sewer System to be in noncompliance with sludge use or disposal criteria, guidelines or regulations; 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.



16. Upon notice from the Authority, facilities shall install a grease trap in accordance with the Authority's specifications. All grease traps and oil separators shall be cleaned by an approved septic hauler licensed by the York County Solid Waste Authority at least annually. Written proof of this cleaning shall be provided to the Authority either via U.S. Mail or hand-delivery to the Authority's offices at 200 North Main Street, PO Box 516, Mt. Wolf, PA 17347. In the event the grease and/or oil is utilized for an approved purpose other than for disposal at the York County Solid Waste Authority, the Authority shall be provided with an itemization of the total volume hauled, the date it was hauled, and the company performing the hauling services. Failure to do so shall be considered a violation of these Rules and Regulations and shall be subject to enforcement as outlined in Article VI herein.

**§1-213 - Storm water prohibited.** The discharge of storm water runoff to the Sewer System is prohibited. All persons connecting to the Sewer System shall provide adequate means for excluding storm water runoff, including but not limited to roof drains, foundation drains, and down spouts.

**§1-214 - Disconnection of Below-Grade Floor Drains and Subgrade Facilities.**

- A. Sump pumps, downspouts and floor drains shall not be connected to the Sanitary Sewer System.
- B. Any subsurface facilities connected to the Sanitary Sewer System must either be disconnected or have a backwater valve installed. In the event that a subgrade facility shall not have a backwater valve installed or be disconnected, then that facility shall be considered in violation of the Rules and Regulations of the Authority.
- C. The Authority shall not be responsible for any damage resulting from backflow into a sump pump, floor drain, or other facility.

**§1-215 - Access and inspection.** After reasonable notice, the Authority reserves the right to enter upon all properties receiving sewer service for the purpose of inspecting, observing, measuring, sampling, and testing to ascertain whether or not storm water runoff or other illegal substances are being discharged to sanitary sewers, whether other illegal connections exist, and/or whether any maintenance required to be performed herein has been completed. If the property owner does not allow the Authority's representative to enter the property to perform the inspection, the Authority will assume that the violation is occurring and will surcharge the property owner accordingly. Additionally, the same shall be considered an ongoing violation of these Rules and Regulations subject to the daily penalties set forth in § 6-102. The Authority's representative shall at all times have the right to disconnect from the sanitary sewer system any conduit or conveyor which is used solely for the purpose of carrying rain or surface water into the sanitary sewer, upon failure of the property owner to make such disconnection after written notice to do so.

**§1-216 - Unauthorized connection.** If any person shall make any unauthorized connection to, or extension of, any sewer service line to the Sewer System, the same shall be deemed a violation of these Rules and Regulations. The Authority shall have any and all remedies available to it under the law and said remedies may be cumulative. These remedies may include, but not be limited to, imposing penalties under §6-102. The Owner shall be responsible for all of the Authority's costs and expenses, including reasonable attorney's fees, incurred as a result of correcting the unauthorized connection.

**§1-217 - Change to consumer identity, ownership or sewer service.** A new application, and fees as may be required, shall be submitted to, and approved by the Authority upon any change in the identity of the contracting consumer, property ownership, use, or sewage service, as described in the original application. The transfer of an existing service to a new consumer or Owner shall be done simultaneously with the sale/purchase of the real estate. Transfer of the account will not occur until the final bill shall have been paid by, or on behalf of, the current Owner. All consumers, whether new or existing, shall abide by the Rules and Regulations of the Authority as they are in effect from time to time. In the event the property served by the Authority is leased to a tenant or is otherwise not occupied by the Owner and his/her/their family, the Owner shall provide the name(s) and contact information for any such tenant(s) or occupant(s) to allow the Authority to comply with the provisions of the Act of November 26, 1978, P.L. 1255, No. 299, known as the Utility Service Tenants Rights Act, as the same may be amended from time to time.

### **Chapter 3 – Sewer Connection Permits**

**§1-301 - Application for service connections.** Whenever a connection to the Sewer System is desired, or is required, a permit request shall first be made at the Authority office in such form as may be adopted by the Authority, which application shall state the Parcel number or numbers assigned by the York County Assessment Office, the property's address, the lot number from the subdivision plan, if any, the property owner's name and address, the proposed use, and in the case of a single-family residence, copy of a license of a Pennsylvania certified plumber who will be responsible for the connection. Applicants for industrial and commercial uses must provide the recording information for an approved land development plan, the anticipated use of the property, the estimated flows for the property as determined by an approved sewage planning module or sewage planning module exemption, and such information as may be requested by the Authority. The applicant shall purchase the number of EDUs as specified in the approved sewage planning module, unless an agreement is reached in writing with the Authority to the contrary. Residential developers must provide the recording information for an approved subdivision plan. A permit may be granted by the Authority, upon payment of required fees, inspections, and in accordance with these Rules and Regulations. If there exists insufficient sewer and/or treatment plant capacity, the applicant shall be so informed and the permit request denied. A sewer connection permit will only be granted when there is a functioning sewer system to which a structure can be connected.

**§1-302 - Connection permit duration.** Once granted, a sewer connection permit is valid for two (2) years. If the property is not connected within two (2) years of issuance, the sewer connection permit shall be forfeited unless the Owner begins paying sewer rentals in the amount that would otherwise be due if the property was connected to the Sewer System.

**§1-303 - Reservation of capacity.**

- A. Until such time as the owner of an improved property shall agree to pay to the Authority a sewer utilization fee for the connection of any unit of use to the sewer system, such owner and the improved property is given no assurance that there is or will be sufficient capacity in the sewage system or any part thereof to accept any sewage from the improved property. A property owner may request a preliminary determination of capacity, but such determination shall not act as a guarantee of future capacity.
- B. The owner of an improved property seeking assurance that the improved property will in the future be able to connect to the Sewer System may agree to pay a sewer utilization fee. Upon execution of the agreement to pay such fee, the Authority shall allocate and set aside for the use of the improved property capacity in the Sewer System in such number of EDUs as the fee paid shall cover. At such time as the Owner defaults in payment of the reservation fee as set forth herein and in the reservation agreement, the capacity shall not longer be reserved.
- C. Notwithstanding the acceptance of a sewer utilization fee or a sewer reservation agreement, the Authority shall not incur any liability to the owner of such property should the Pennsylvania Department of Environmental Protection for any reason impose a ban or otherwise prohibit connections to or extensions of the Sewer System.
- D. Sewer utilization fees shall not be refundable nor shall they be assignable or transferable to or for the use of any property other than the improved property.
- E. Pursuant to the Act, an Owner desiring to reserve capacity shall be charged a reservation of capacity fee of 60% of the then-current minimum sewer bill for a residential customer. The capacity is then reserved for that property for as long as the payment is made, or as established by separate agreement between the Authority and Owner. When the Owner applies for a connection permit for the property, the entire amount of the then-current sewer utilization fee shall be paid.
- F. Once the Authority's wastewater treatment plant that would serve a particular property reaches a capacity of seventy (70%) percent as determined by hydraulic flow, organic loading, total phosphorus, or total nitrogen as determined by the Chapter 94 report, the Authority will require a reservation of capacity prior to recommendation to the municipality for approval of a planning module exemption.

### **§1-304 - Building sewer inspections and reviews.**

- A. A permit must be paid for and obtained before commencement of construction or repair of a building sewer. At the time of application for the permit the applicant must provide to the Authority the name of a Pennsylvania certified plumber, which plumber shall be responsible for completion of the work covered by the permit. Extension of and additions to the existing Sewer System will not be accepted or adopted by the Authority without first having been properly inspected. The Owner shall contact the Authority Office prior to beginning any construction of an extension or addition to the Sewer System. A representative of the Authority will inform the Owner of the existing inspection requirement, frequency, reports, and other requirements.
- B. All new connections to the Sewer System, modifications or changes of existing connections and repairs of connections or sewer laterals shall be inspected by an authorized representative of the Authority prior to backfilling and again after final grading of the site. Owners shall pay for and obtain an inspection permit. Where a new construction, modification, or repair to an existing connection is proposed, the Owner or Owner's representative of the affected property shall first contact the Authority to make arrangements for inspection of the repair.
- C. Inspections will be performed by the Authority or its representatives. At the time of the inspection of the connection, the Owner(s) of the Improved Property shall permit the Inspector full and complete access to all sewer lines, to the sewer lateral, and to related facilities in each building and in and about all parts of the property. All connections shall be subject to approval by inspection. The Authority may require a sewer lateral test depending on the material and workmanship used in construction. The Authority reserves the right to deny connection to the Sewer System if the building sewer is unsatisfactory. No building sewer connection will be approved unless it is connecting to a fully functioning sewer system and an interior plumbing fixture, which shall be certified by the Owner's Pennsylvania certified plumber, and a copy of the certification provided to the Authority prior to final approval. At the time of final grading all cleanouts shall be installed in accordance with the 2015 Plumbing Code, as it may be amended by these Rules and Regulations. The property owner or his agent shall contact the Authority at time of final grading to allow for the Authority's inspection of these facilities.
- D. A One Hundred Fifty (\$150.00) dollar inspection fee will be assessed upon application for the permit. This fee covers two inspections. An additional Seventy-Five (\$75.00) dollar fee shall be assessed for each additional inspection required. If a bill for additional inspection fees needs to be sent, this bill shall be sent to the property owner and shall be deemed the responsibility of the property owner.

**§1-305 - Maintenance security.** If a single-Parcel property owner desires to construct a connection to an existing sanitary sewer line owned by the Authority where there is no pre-existing sewer lateral stub, for purposes of connecting a single-family residence, before the Authority accepts ownership and responsibility for the sewer lateral stub to the curblineline, the property owner shall post financial security to secure the structural integrity of the improvements as well as the functioning of the improvement in an amount to be determined by the Authority and the Authority Engineer. This financial security shall expire not later than 18 months from the date of acceptance of dedication and shall not exceed fifteen (15%) percent of the actual cost of installation of the improvements.

#### **Chapter 4 – Billing/Fees**

**§1-401 - Residential User Fee.** Residential properties, including apartment houses, condominiums, mobile home parks, and other forms of multi-family dwellings, except as set forth by mutual agreement of the parties, are subject to a flat sewer rental fee per EDU.

**§1-402 - Commercial/Industrial User Fee.** Commercial/industrial properties are subject to a base flat fee per Parcel with additional charges for usage over a minimum of 15,000 gallons per quarter, as set forth below.

**§1-403 - Commencement of billing.** Billing shall commence upon the earlier to occur of i) final inspection of a Building Sewer connection to the Authority's system, or ii) the issuance of an occupancy permit or certificate, but in any case no later than two (2) years after issuance of the connection permit.

**§1-404 – Quarterly billing and late fees.** Bills for sewer rental fees shall be calculated on a quarterly basis. Bills are sent out on December 1st for the first quarter of the next year; March 1st for the second quarter; June 1st for the 3rd quarter; and September 1st for the fourth quarter to the property owner. Bills may be sent via regular mail or email. All obligations payable to the Authority shall be due within thirty (30) days. All payments not received by the due date shall be assessed a ten (10%) percent penalty until paid.

Customers may pay by cash, check, money order, credit/debit card, automatic direct debit or through the online payment system. Customers using the online payment system may pay with acceptable methods. A convenience fee per transaction will be applied to online and telephone payments, which amount may be amended from time to time by Resolution or other action of the Authority. Customers should contact the Authority Office for more information.

**§1-405 - Property owners.** Bills must be mailed to property owners. Renters, whether residential, commercial, or industrial will not be billed directly.

**§1-406 - Quarterly sewer rates (residential users).** Quarterly sewer rates for residential users may be amended from time to time by Resolution of the Authority. The current quarterly rate as of 2024 is \$137.00/quarter/EDU for all residential customers.

**§1-407 – Quarterly sewer rates (commercial/industrial users).** Quarterly sewer rates for commercial/industrial users may be amended from time to time by Resolution of the Authority. For commercial and industrial users, the following rates are charged for usage over 15,000 gallons per quarter (up to 15,000 gallons, the quarterly rates are the same as the quarterly residential rates):

\$13.00/1,000 gallons

Gallons are based upon quarterly consumption reports the Authority receives from the York Water Company or water meter readings placed on a private water supply, unless the Authority uses a sewage flowmeter for the property, or in such other manner as the Authority and the owner may agree. If there are multiple water meters for one Parcel, the Authority will charge one minimum quarterly base rate for the Parcel and combine the water meter readings. Any water usage over 15,000 gallons for the Parcel will be charged as above.

**§1-408 – Quarterly sewer rates (institutional users).** Quarterly sewer rates for institutional users may be amended from time to time by Resolution of the Authority. For institutional users, the following rates are charged for usage over 15,000 gallons per quarter (up to 15,000 gallons, the quarterly rates are the same as the quarterly residential rates):

\$6.00/1,000 gallons

Gallons are based upon quarterly consumption reports the Authority receives from the York Water Company or water meter readings placed on a private water supply, unless the Authority uses a sewage flowmeter for the property, or in such other manner as the Authority and the owner may agree.

**§1-408A – Multiple Use.** In case of a combination of one or more commercial, industrial, or institutional uses, all having the use of the sewer system and located on the same Parcel, the Parcel owner shall be charged one base rate and the total water usage for the Parcel shall be used for determining whether there is an additional charge for excess of 15,000 gallons per quarter usage. When multiple dwelling units are located on one Parcel, each dwelling unit shall be charged one base rate. When there is a mix of residential and commercial uses on the same Parcel, each dwelling unit shall be charged one base rate and the commercial uses shall be charged one base rent. Any quarterly flow for the Parcel in excess of the number of base rates x 15,000 shall be subject to the commercial/industrial charge set forth in § 1-407 above. Home occupations are commercial uses as defined by these Rules and Regulations.

**§1-409 - Discontinuing service.** The Authority shall have the right to block off or prevent sewer service without notice, in case of breakdowns or for other unavoidable causes, and for the purposes of making necessary repairs, connections, etc. Advance notice will be given when reasonably practical. In no cases shall the Authority be liable for any damage or inconvenience suffered.

**§1-410 - Vacating the premises.** No refund, rebate or discount of sewer rental fees will be made or allowed for residential properties, including multi-family residential properties, that are connected to the sanitary sewer system but that are unoccupied for a period of time, no matter the duration. Regular sewer rental fees and all surcharges shall be due and payable on a quarterly basis, regardless of a property's lack of occupancy during any given period of time.

However, in the case of non-residential commercial or industrial properties, if the property is vacated and the Owner presents the Authority with proof of disconnection of water service, sewer rental fees shall be discontinued until such time as the property is re-connected to water service. If a non-residential commercial or industrial property is vacant and not paying sewer rentals for more than two years, then the Owner must begin paying sewer rentals again or any sewer capacity allocated to the property will be considered abandoned and no longer reserved for the use of that property and any and all Sewer Utilization Fees, tapping fees, sewer connection fees, or other fees previously paid are forfeited to the Authority; and reconnection to the Sewer System will require a new application for a sewer connection permit, together with the payment of new fees, including sewer utilization fees, a new inspection of the building sewer and lateral connection, and the requirement to bring the property into compliance with any and all state and local plumbing codes and the Rules and Regulations of the Authority.

**§1-411 - Nonpayment of sewer rentals when premises uninhabitable.** A property owner may be eligible for nonpayment of sewer rentals when a structure is declared uninhabitable by the Municipality. A property owner may request in writing that nonpayment status be granted. Proof of certification of uninhabitability by the Municipality is required. Additionally, there must be proof that any public water service to the property has been discontinued and that the uninhabitable condition of the structure is not the result of the action or inaction of the property owner. Approval will be granted by the Authority in its sole discretion based on the facts and circumstances of each individual request. The property owner is responsible for informing the Authority when the premises returns to a habitable state, at which time quarterly sewer rental fees will immediately take effect. If a property owner fails to immediately notify the Authority of change in status of the premises, the Authority may take any and all actions against the property owner for violation of these Rules and Regulations, in addition to charging the property owner for retroactive sewer rentals beginning with the time that the property was deemed eligible for non-payment by the Authority.

**§1-412 - Reduction or refund of sewer rental fee due to water leakage.** Property owners may qualify for a refund due to a leak in the system only if the Owner proves that the leak did not result in additional flow into the Sewer System. The decision whether to grant a refund due to a leak is solely at the discretion of the Authority.

**§1-413 – Reduction of sewer rental fee due to deduct meter.** In certain situations, a commercial or industrial property owner may receive authorization from the Authority to install and utilize a deduct meter for a specific purpose, for example a process involving the recycling of water. Any deduct meters shall be installed in locations approved by the Authority at the cost of the property owner and shall be responsibility of the property owner. If the Authority authorizes the use of a deduct meter, it is the property owner's responsibility to read the meter on

a quarterly basis and to provide that reading in a format approved by the Authority and to the Authority no later than February 15<sup>th</sup>, May 15<sup>th</sup>, August 15<sup>th</sup>, and November 15<sup>th</sup> of each year. Readings that are not submitted by those dates will not be considered for a reduction in the quarterly sewer rental fee billing. Additionally, the Authority shall have the right to inspect said deduct meter upon reasonable notice to the property owner.

**§1-414 - Properties connected to the sanitary sewer system via improper connections.**

The Authority shall have the right to impose a surcharge on properties with improper connections to the system. This surcharge may be imposed upon properties when inspection uncovers improper connections, including sump pumps, downspouts, floor drains, foundation drains, or other sources of storm or ground water. This surcharge may also be imposed if the Authority is unable to inspect a property within 30 days of notice of an inspection because of failure of the property owner to grant access to the Authority.

The surcharge shall consist of a percentage of the sewer rental fee for each quarter in which the improper connection exists, as follows:

First quarter the improper connection exists	25%
Second quarter the improper connection exists	50%
Third quarter the improper connection exists	75%
All subsequent quarters in which the improper connection exists	100%

If a property owner has been surcharged for failure to allow his or her property to be inspected based on this Section, and thereafter as a result of a subsequent inspection an improper connection is discovered, the surcharge applicable for the property owner’s failure to correct such improper connection shall be equal to the amount of the surcharge applied for the failure to allow inspection, and shall increase according to the percentages and timeframes set forth above.

**§1-415 - Tapping Fees**

- A. NEYCSA has determined, based upon a capital charges study and report prepared by its consulting engineers, pursuant to the Act, that certain fees may be imposed in order to recover certain capital costs incurred in the construction of the Sewer System and appurtenant facilities, and in order to provide for the recovery of certain costs associated with the connection of additional users to the Sewer System. It is deemed to be in the public interest of NEYCSA, the current users of the Sewer System and future users that all Improved Properties hereafter connected to the Sewer System pay a Tapping Fee, which fee is less than the fee determined in the capital charges study.
- B. Pursuant to the Act and the Intermunicipal Agreement, a Tapping Fee is hereby imposed against any Improved Property and against the Owner of such Improved Property whenever such Owner hereafter shall connect any such Improved Property with a



sewer main constituting a portion of the Sewer System, which Tapping fee is \$3,800 per EDU.

- C. The above Tapping Fee is imposed and payable for each separate use made within or on any Improved Property. In the case of Domestic Uses and Apartments, a separate fee shall be paid for each separate living quarters regardless of whether the sewer mains or extensions thereto are installed by the Owner or by the Authority. Domestic uses that also include a home business or occupation may be monitored for compliance with Section 1-406. If the property exceeds the maximum quarterly allowance under Section 1-406 for two (2) quarters in any calendar year, then the Authority shall have the right to require the property owner to purchase additional capacity in the sewer system at the then current Tapping Fee rate. In the case of Commercial Uses, Industrial Uses, and all other types of uses, a separate Tapping Fee shall be paid for each separate use or type of use made within such Improved Property.
- D. The Tapping Fee imposed hereunder with respect to any Improved Property to be served by the Sewer System shall be due and payable at the time of the filing of the application to connect such Improved Property to the Sewer System.
- E. The Tapping Fees imposed by the Authority shall be a lien on the Improved Property connected to and served by the Sewer System where such fees or charges are not paid as provided herein, which lien shall be filed in the Office of the Prothonotary of York County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collection of municipal claims. In addition, the payment of said Tapping Fees imposed hereunder may be enforced by the Authority in any manner appropriate under existing laws at the time they become due and payable. In any enforcement action, the Authority shall be permitted to recover all of its costs and expenses, including reasonable attorney's fees and costs of suit, as established in the Authority's Fee Schedule set forth herein, and as may be amended from time to time by Resolution, and as permitted by Pennsylvania law.

**§1-416 – Delinquent account policy.**

- A. Past due sewer rental fees are an automatic lien on the Improved Property connected to or served by the sewer system. The Authority will generally review all delinquent accounts in excess of Four Hundred (\$400.00) Dollars or which are delinquent for three quarters for perfecting such a lien in the office of the Prothonotary of York County, Pennsylvania to be collected in a manner provided by law for the filing and collection of municipal claims; provided, however, that the Authority shall have the discretion to perfect a lien as set forth above for any account that is delinquent. In any case, all delinquent accounts that have balances remaining unpaid in excess of two (2) years shall have their lien perfected by filing in the York County Prothonotary's Office. Prior to perfecting a lien, a past

due notice may be sent to the property owner and/or any holder of a mortgage on the property.

- B. It shall generally be the policy of the Authority and the Authority staff to review all delinquent sewer accounts with a balance of greater than Four Hundred (\$400.00) Dollars or if payment has not been received for at least three quarters for the purposes of determining whether the Property's water service shall be terminated; provided, however, that the Authority shall have the discretion to terminate water service as set forth herein for any account that is delinquent. The Authority shall comply with all notice requirements as set forth in applicable Pennsylvania law pertaining to termination of water service, commencing with the delivery of a ten (10) day notice.

After the water termination process has been initiated by the Authority, through the delivery of the first ten (10) day notice, this process can only be stayed by the payment of a minimum of fifty (50%) percent of the current amount owed to the Authority, including costs incurred for the water termination process to date, together with entry into a payment plan approved by the Authority's Administrator. If a water termination process is stayed, and at any time after that date the owner fails to make a timely payment pursuant to the approved payment plan, further water termination proceedings will commence immediately and will only be stayed through one hundred (100%) percent payment of all monies due and owing to the Authority, except with approval of the Authority's Board.

A Fifty (\$50.00) Dollar charge for each posting of the property by the Authority for purposes of the water termination proceedings shall be added to the monies owed by the property owner. Any and all other costs associated with the water termination process shall be the responsibility of the property owner.

- C. It shall generally be the policy of the Authority to review all delinquent sewer accounts with a balance of greater than Five Thousand Dollars (\$5,000.00) for purposes of determining whether the property served should be prosecuted by Writ of Scire Facias to collect the money owed through sheriff's sale provided, however, that the Authority shall have the discretion to prosecute the Writ of Scire Facias as set forth herein for any account that is delinquent.

The Authority, in conducting the review of each such delinquent account, shall consider the following:

1. the total amount due and owing on the account;
2. whether service can be (or has been) suspended via the York Water Company;
3. whether the property is occupied;

4. the approximate value of the property, based on current assessment information and an evaluation of the property's condition;
5. the total dollar amount of all encumbrances against the property, including the Authority's lien, and the likelihood that the Authority will realize a substantial benefit from the Sheriff's Sale; and
6. any other information available to the Authority Board and relevant to the account being reviewed.

Upon completing the review of each such delinquent account, the Authority Board, by a majority vote, may authorize the Solicitor to begin proceedings with the filing of a Writ of Scire Facias.

- D. In addition, the payment of any sewer rental fees imposed hereunder may be enforced by the Authority in the manner appropriate under existing laws at the time they become due and payable including, without limitation, termination of public water to the property and referral of said delinquency to a collection agency for enforcement. Any costs of collection shall be added to the amount due to the Authority.
- E. The Authority hereby approves the following schedule of attorney fees for services in connection with the collection of Delinquent Accounts, which is hereby determined to be fair and reasonable compensation for the services set forth below, all in accordance with the principles set forth in Section 3(a.1) of the Municipal Claims Law as added by Act No. 1 of 1996 (the "Act"):

<b>Legal Services</b>	<b>Fee For Services</b>
Fees in connection with collection and enforcement of lien (based upon actual time involved) .....	\$245.00/hour
1. Thirty (30) day collection letter to a single owner of a property. The collection letter fee shall include the cost of postage and will be assessed to an owner of a property for each occurrence of a delinquency for which a collection letter was sent to the owner.	\$40.00 plus an additional \$40.00 for each additional owner notification thereafter.
2. Ten (10) day notice letter. The collection letter fee shall include the cost of postage and will be assessed to an owner of the property.	\$25.00 per notice

3. Drafting and filing of Municipal Claim	\$200.00 plus filing costs
4. Lien Search	\$250.00 per search
5. Writ of Scire Facias	\$145.00 plus filing costs
6. Ten (10) day Notice of Default	\$70.00
7. Response to Affidavit of Defense filed by delinquent owner(s)	\$235.00 per hour
8. Judgment Documents (Inclusive)	\$175.00 plus filing costs
a. Praecipe of Judgment	
b. Notice of Filing Judgment	
c. Affidavit of Non-Military Service	
9. Sheriff Sale Execution Documents (Inclusive)	\$500.00 plus filing costs
a. Praecipe for Writ of Execution	
b. Rule 3129 Notice	
c. Affidavit of Service to lienholder	
d. Notice of Sheriff Sale	
e. Preparation of Property description	
f. Complete of applicable Sheriff's forms	
10. Attorney attendance at a Sheriff's Sale	\$1,000.00
11. Preparation of statement of value post sheriff sale	\$150.00
12. Preparation of Motion for Alternative Service	\$150.00 plus costs of Notice
13. Satisfaction of Municipal Claim	\$65.00
14. Agreement for a Payment Plan (if applicable)	\$175.00

Services not covered above

Hourly amount equal to  
Solicitor's Regular charges to  
Sewer Authority

## **ARTICLE II – PLUMBING CODE**

### **Chapter 1 – 2015 International Plumbing Code**

**§2-101- 2015 International Plumbing Code adopted.** The Authority hereby adopts and implements as the Plumbing Code of the Northeastern York County Sewer Authority the *International Plumbing Code, 2015 Edition*, on file in the office of the Authority, and each and every section and provision thereof, except as hereinafter revised, amended, supplemented or deleted, are hereby referred to, adopted and made a part hereof as if fully set forth herein. Said Plumbing Code shall regulate and control the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems now or hereafter to be connected to the Authority’s Sanitary Sewer System, and shall provide for the issuance of permits, the inspection of plumbing systems and the collection of fees for same.”

**§2-102 – Revisions and amendments to Plumbing Code.** The following sections and provisions of the *International Plumbing Code, 2015 Edition*, are hereby revised, amended, supplemented or deleted as set forth below, with said revisions, amendments, supplements or deletions being adopted and implemented along with the remaining sections and provisions of said Code as the Plumbing Code of the Authority:

**“§2-102 – Revisions and amendments to Plumbing Code.** The following sections and provisions of the *International Plumbing Code, 2015 Edition*, are hereby revised, amended, supplemented or deleted as set forth below, with said revisions, amendments, supplements or deletions being adopted and implemented along with the remaining sections and provisions of said Code as the Plumbing Code of the Authority:

- A. Section 101.1: Insert: “Northeastern York County Sewer Authority.”
- B. Section 106.2.2: Insert after “water closets”, “, and small drain traps (1 and ½ inches in diameter or less).”
- C. Section 106.5.3: Replace with: “Every permit issued by the Authority under the provisions of this code shall be valid for a period of two (2) years.”
- D. Section 106.6.1: Insert: **“Approval of Plumbers by Northeastern York County Sewer Authority.**
  - (a) No plumber or other person, other than Authority personnel, shall perform any modification to any plumbing system, home, business or other establishment connected to the Sanitary Sewer System without first obtaining approval to perform such work from the Northeastern York County Sewer Authority.
  - (b) Approval to perform plumbing work within the jurisdiction of the Northeastern York County Sewer Authority shall be granted by the Authority upon the

presentation to the Authority Secretary, or the designee thereof, of a valid master plumber's license issued by any municipality or authority within the Commonwealth of Pennsylvania. The Authority Secretary, or the designee thereof, shall thereupon issue a permit to perform such work.

(c) The Authority Board shall have the right to deny or to rescind the approval of any plumber or other person approved to perform plumbing work within the jurisdiction of the Northeastern York County Sewer Authority if (i) said plumber or person has not performed any inspected plumbing work within the jurisdiction of the Authority over a period of twelve (12) consecutive months, or (ii) said plumber or person failed more than two (2) inspections of work performed within the jurisdiction of the Authority. Any plumber or person who is denied approval or has their approval rescinded hereunder may reapply for approval as set forth in paragraph (c) hereof no earlier than six (6) months following such denial or rescission."

- E. Section 106.6.2: Insert: "\$150.00 for inspection. Each additional inspection shall be performed for a fee of \$75.00."
- F. Section 106.6.3: Replace with: "**Non-refundable Fees.** All fees paid for inspections and/or permits issued hereunder shall be non-refundable."
- G. Section 107.2.2: Delete in its entirety.
- H. Section 108.4: Replace with: "**Violations/Corrective Action.** The owner of any building, facility, establishment, property, plumbing system or sanitary sewer connection constructed, repaired, replaced or installed in violation of the provisions of this Code, as amended, shall be responsible for correcting said violation within ten (10) days of receiving written notice thereof from the Authority. All corrective action, and the expense associated therewith, shall be the sole responsibility of the owner. In the event that corrective action is not completed within ten (10) days after receipt of the written notice of violation, the Authority shall terminate water and/or sanitary sewer service to said building, facility, establishment or property in accordance with the termination procedures established by rule or regulation of the Authority."
- I. Section 305.4.1 : Insert "36 inches."
- J. Section 306.2.2: Substitute "6 inches (152 mm)" for "3 inches (76 mm)."
- K. Section 306.3: Insert after "tamped earth.": "No rocks larger than 6 inches in diameter shall be placed in the backfill between one foot above the pipe and the top of the fill."
- L. Section 410.1.1: (New section) "**Drinking Fountains.** Drinking fountains may be directly or indirectly connected to the drainage system."

- M. Section 412.1.1: (New section) “**Below-grade Floor Drains and Subgrade Facilities.** Floor drains below first floor grade (first floor grade not to include basements or cellars), sump pumps and downspouts are prohibited from being connected to the Sanitary Sewer System; provided, however, that any such subsurface facility connected to the Sanitary Sewer System prior to January 1, 1988 shall have a backwater valve installed. In the event that a subsurface facility shall not have a backwater valve installed, it must be disconnected. If a subsurface facility shall not have a backwater valve installed or be disconnected, then that facility shall be considered in violation of the Rules and Regulations of the Authority. The Authority shall not be responsible for any damage resulting from backflow into a sump pump, floor drain, or other subsurface facility.
- N. Section 413.1.1: (New section) “**Food Grinders.** Minimum size of food waste grinders shall be one-half (1/2) horsepower.”
- O. Section 701.2: Replace with: “All buildings located adjacent to or within one-hundred-and-fifty (150) feet (at the nearest point of the structure) of any sanitary sewer line right-of-way shall be connected to the Sanitary Sewer System.”
- P. Table 702.1: Delete: “Galvanized steel pipe.”
- Q. Section 702.2: Replace with: “Underground building sanitary drainage and vent pipe shall be comprised only of polyvinyl chloride (PVC) piping or cast-iron piping. No polyvinyl chloride pipe shall be permitted under building foundation or concrete, however. When utilizing polyvinyl chloride pipe, a bed of stone four (4) inches in depth (six (6) inches if subbase is rock) must be employed, backfilled with twelve (12) inches of stone above the pipe. (see C.S. Davidson, Inc. Type IV Pipe Bedding/Backfill Detail 02221-3, on file at Authority office).”
- R. Section 702.3: Replace with: “Building sewer pipe shall be comprised only of polyvinyl chloride (PVC) piping, cast iron, or polyethylene (PE) piping. No polyvinyl chloride pipe or polyethylene pipe shall be permitted under building foundation or concrete, unless protected in accordance with and approved by the Authority Engineer.”
- S. Section 703.1.1: (New section) “**Sewer and Water Pipe.** Under no circumstances shall sanitary sewer pipe and water service pipe be permitted within the same trench.”
- T. Section 703.2: Insert after “ABS plastic pipe,” “PE polyethylene pipe.”
- U. Section 708.1.1: Substitute: “seventy-five (75) feet” for “100 feet”.

- V. Section 708.1.2: Substitute: “seventy-five (75) feet” for “100 feet”.
- W. Section 708.1.6: Replace with: “All outdoor cleanout plugs shall be manufactured of brass, and shall be a Geneco type, style A, countersunk cleanout cap designed for a four (4) inch diameter riser, or shall be an equivalent plug, approved by the Authority, installed flush with the grade.”
- X. Section 708.1.10.3: (New section) “**Curb cleanouts.** A cleanout shall be installed at or near the curblineline of the property. A curb cleanout shall also be installed, where no cleanout previously exists, when a lateral is repaired or replaced. The expenses of all materials and labor necessary to install a new curb cleanout shall be borne by the property owner at the time the lateral is repaired or replaced.”
- Y. Section 708.1.10.4: (New section) “**Cleanout Cap Maintenance and Protection.** Cleanout caps shall be maintained by the property owner to prevent rainfall and surface water runoff from entering the Sanitary Sewer System.”
- Z. Section 710.1.3 : (New section) “Horizontal drainage pipes shall be in uniform alignment and have a uniform slope. Pipes with a diameter of four (4) inches shall have a minimum fall or slope of one-fourth (1/4) inch per foot. Pipe with a larger diameter shall have a minimum fall or slope of one-eighth (1/8) inch per foot.”
- AA. Section 710.3: (New section) “**Commercial/Multi-dwelling Sewer Drain.** A building sewer or drain servicing a commercial building or establishment (including apartment buildings with more than two (2) units) shall have a minimum diameter of six (6) inches.”
- BB. Section 1002.6: Replace with: “Building (house) traps shall be installed for every new and every additional connection to the Sanitary Sewer System.”
- CC. Section 1003.3.2: Substitute: “Food waste grinders may discharge into grease interceptors with a capacity of five-hundred (500) gallons or greater. Interceptors shall be sized based on detention time, as approved by the Authority. Commercial dishwashers are required to discharge into grease interceptors with a minimum distance of ten (10) feet between the dishwasher outlet and the inlet of the grease interceptor” for the second sentence of Section 1003.3.2.
- DD. Section 1003.11: (New section) “**Beauty Shop/Barber Shop Establishments.** Sinks used in the cutting, styling, coloring or shaving of hair shall discharge into a hair or solids interceptor.”



- EE. Section 1003.12: (New section) “**Animal Grooming Establishments.** Sinks, drains, or washtubs used in the grooming of animals shall discharge into a hair or solids interceptor.”
- FF. Section 1003.13: (New section) “**Required Documentation.** All Establishments shall provide to the Authority documentation that interceptors and separators have been maintained and modified and material removed, if requested.””

## **ARTICLE III – INDUSTRIAL/COMMERCIAL PRE-TREATMENT**

### **Chapter 1 – Definitions**

#### **§3-101 – Definitions**

- (A) “Act” – The Federal Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.
- (B) “Authority” – Northeastern York County Sewer Authority.
- (C) “Biochemical Oxygen Demand” or “BOD” – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Celsius, usually expressed as a concentration (e.g., mg/L).
- (D) “Categorical Pretreatment Standard or Categorical Standard” – Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (E) “Daily Composite Sample” – A sample consisting of a combination of individual samples, regardless of flow, collected at regular intervals of not more than one hour over a period of not less than twenty (20) hours or more than twenty eight (28) hours.
- (F) “Domestic Sewage” – The water-borne waste derived from ordinary living processes.
- (G) “Environmental Protection Agency” – or “EPA” – The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Protection Division Director, or other duly authorized official of said agency.
- (H) “Grab Sample” – A sample from a wastestream without regard to flow in less than fifteen (15) minutes.

- (I) “Industrial Waste” – Waste from industrial or commercial processes as distinct from Domestic Sewage.
- (J) “Interference” – A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations of its sludge processes, or use of disposal; and therefore, is a cause of a violation of the Authority permit or of the prevention of sewage sludge or disposal in compliance with any of Authority permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations.
- (K) “New Source” – Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Clean Water Act if such standards are thereafter promulgated in accordance with that section provided that certain conditions dealing with the construction and siting of that source vis-à-vis other sources are met in accordance with 40 CFR 403.3(k).
- (L) “Pass Through” – A discharge which exits the POTW into waters in the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Authority’s permits, including an increase in the magnitude or duration of a violation.
- (M) “Pretreatment Coordinator” – The person designated by the POTW who is charged with certain duties and responsibilities by these regulations, or a duly authorized representative.
- (N) “Pretreatment Requirement” - Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- (O) “Pretreatment Standard” – Prohibited discharge, (Federal) categorical pretreatment standards, and local limits.
- (P) “Publicly Owned Treatment Works” or “POTW” – A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by a state, municipality, or government agency, including a municipal authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. Also the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a

treatment works, Specific references herein to a POTW refer to the treatment works and municipalities of the Authority.

- (Q) “Septic Tank Waste” – Any sewage from holding tanks such as vessels, chemical toilets, campers, busses, trailers, and septic tanks.
- (R) “Significant Industrial User” –
  - (1) A user subject to categorical pretreatment standards; or
  - (2) A user that;
    - (a) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
    - (b) Contributes a process to the wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
    - (c) Is designated as such by Authority on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.
- (S) “Slug Load” or “Slug” – Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section of these regulations,
- (T) “Standard Industrial Classification (SIC) Code” – A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- (U) “Storm Water” – Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.
- (V) “Suspended Solids” – The solids that either float to the surface or are in suspension in water, sewage, or industrial waste, which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in 40 CFR Part 136 and amendments thereto.
- (W) “User” – Any person as defined above, owning, occupying, or using any property served with water from the water system or the source of wastewater entering the Publicly Owned Treatment Works.
- (X) “Waste Generator” – Any generator of trucked Industrial Waste.

- (Y) “Wastewater Treatment Plant” or “Treatment Plant” – That portion of the POTW which is designated to provide treatment of municipal sewage and industrial waste.

## **Chapter 2 – General**

**§3-201 – Requirements.** All industrial discharges (including industrial users and commercial users with industrial waste discharges) shall be required to meet the Authority’s Rules and Regulations, and their separate associated Schedule of Rates and Charges, as may be amended from time-to-time.

**§3-202-General Restrictions of Industrial Wastes.** The Authority shall, in its discretion, limit and restrict the types and quantities of Industrial Wastes to be admitted to the Sewer System to prevent harm or damage to the Sewer System and the Sewer System processes and operation; to prevent flow-through of pollutants; and to meet any requirements of the Clean Water Act. In providing a service for the treatment of industrial waste, it is recognized that to provide this service, if additional facilities may be required, the cost of such facilities shall be borne by those persons receiving its benefits. These costs may include all capital costs, expenses, annual operations and maintenance, sampling and monitoring costs, and any other cost attributable to the industrial waste contributor. Additionally, the Authority and Industrial Use or Establishment shall abide by such pretreatment regulations as required by law.

**§3-203-Unpermitted Discharge.** No waste from any Significant Industrial User other than that for which an industrial user permit has been issued shall be discharged to the Sewer System.

## **Chapter 3 – Monitoring and reporting**

### **§3-301 – Accidental Discharge Requirements.**

- A. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by these Rules and Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner’s or user’s own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review, and shall be approved by the Authority before construction of the facility. No user who commences contribution to the Sewer System after the effective date of these Rules and Regulations shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Authority. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user’s facility as necessary to meet the requirements of these Rules and Regulations.

- B. All industrial users shall notify the Authority immediately by phone or in person upon any planned, unplanned, or accidental discharge of wastes of a strength in violation of the discharger's industrial user permit or any other regulations set forth in these Rules and Regulations. The notification shall include location of discharge, type of waste, duration of discharge, concentration and volume, and corrective actions. This notification is to be followed within five (5) business days of the day of the occurrence by a detailed written statement sent to the Authority describing the cause and characteristics of the discharge and measures that are being taken to prevent further similar discharges. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Sewer System, fish kills, loss of aquatic life and/or habitat, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by these Rules and Regulations or other applicable law.
  
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of an accidental and/or dangerous discharge or other violation of these Rules and Regulations and explaining proper procedures for spill prevention, containment, or neutralization of a spill. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

**§3-302-Individual Control Limits.** If the Authority determines that a waste from any industrial or commercial user possesses a unique potential for pass-through or interference due to quantity or quality of the discharge, the Authority or Municipality shall place special requirements or limits, in excess of those contained in this part, into any industrial or commercial user permit to prevent such pass-through or interference. Such individual control limits may include, but are not limited to: solvent/toxic organic management plans (STOMPs), toxic reduction evaluations (TREs), hazardous waste disposal plans, sludge control discharge plans or specific numerical limitations on substances.

**§3-303 – Sampling Requirements.**

- A. All Significant Industrial Users requiring an industrial user permit from the Authority shall be assessed a fee for service charge for each scheduled sampling and unscheduled compliance sampling to be performed by the Authority. The charge to the Significant Industrial User for each scheduled sampling to be performed by the Authority for the sample collection, inspection, and other expenses shall be in accordance with the actual cost of service to the Authority. The charge to the industrial or commercial user for unscheduled compliance sampling shall be one hundred ten (110%) percent of the cost of each scheduled sampling.

- B. A sampling frequency table may be maintained on file at the Authority office for each permitted industrial and commercial user and shall indicate the number of scheduled samplings that are to be routinely performed by the Authority and the user for a certain time period, not including unscheduled compliance sampling. The Authority may sample all permitted industrial and commercial users at least once per year. The Authority will charge the users One Hundred (\$100.00) Dollars for each sample, as may be amended from time to time by Resolution of the Authority.
- C. The scheduled sampling frequency for self-compliance sampling or monitoring by the industrial or commercial user and for sampling by the Authority shall be based upon a number of criteria including, but not limited to: flow; SIC number; materials and products produced; raw materials used, historical waste characteristics (if available), expected waste characteristics (if available); expected waste characteristics for the type of process(es) proposed; violations of Authority Rules and Regulations, permit violations, and compliance history. Periodic reviews of data at least once per year, but not more frequently than every six (6) months, may result in revisions of the frequency table. The user shall be notified, in writing, of any proposed revisions to its sampling frequency table a minimum of thirty (30) days before the revisions are finalized. The Authority may perform an unscheduled compliance sample within ten (10) working days after the Authority identifies a violation of any provisions of these Rules and Regulations resulting from any scheduled or unscheduled sampling.
- D. Sampling requirements and parameters for the purpose of submitting an industrial or commercial wastewater contribution permit application shall be based upon the requirements of the Rules and Regulations. The Authority reserves the right to require additional sampling based upon the sample results submitted with the permit application or upon other aspect(s) of the permit application itself.

### **§3-304 – Reporting Requirements.**

- A. The Authority, based upon a review of a Significant Industrial User's industrial waste permit application, may establish a sampling and reporting frequency for the industrial or commercial users of the Sewer System for self-compliance monitoring for compliance. The sampling and reporting frequency established by the Authority will also include a list of sampling parameters for which the user will analyze its wastewater discharge. If required by the Authority, the user shall provide records of flows from its facility during the reporting period for which the sample results are provided
- B. For the purposes of baseline monitoring:

New sources and sources that become Significant Industrial Users subsequent to the promulgation of an applicable categorical pretreatment standard shall be required to submit to the Authority a report which

contains the information listed in this Section. This report shall be required a minimum of ninety (90) days prior to commencement of an industrial discharge. A new source shall also be required to report the methods of pretreatment it intends to use to meet applicable pre-treatment standards.

1. The Significant Industrial User shall submit the following information:
  - (a) name and address of the facility including names of operator and owners;
  - (b) a list of any environmental control discharge permits held by or for the facility;
  - (c) a brief description of the nature and average production rate carried out by each industrial user;
  - (d) identification of the categorical pretreatment standards applicable to each regulated process.
  - (e) submission of the result of sampling and analysis identifying the nature and concentration (and/or mass, where required) by the standard or by the Authority of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations;
  - (f) a statement reviewed by the Significant Industrial User's authorized responsible individuals and certified by a qualified professional, indicating whether pretreatment standards are being met on a constant basis, and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

**§3-305 – Survey Data Requirements.** All persons who discharge industrial wastes or commercial waste with industrial waste characteristics into the Sewer System shall, upon the request of the Authority, complete and file with the Authority a questionnaire which furnishes pertinent data and industrial wastes discharged. Any person desiring to make a new connection or a significant change in the quantity or quality of an existing connection to the sewage works for the purpose of discharging shall complete and file with the Authority an industrial waste questionnaire which furnishes pertinent or predicted data inclusive of quality flow and analysis of the industrial waste to be discharged into the sewage system as set forth in the Rules and Regulations.

**§3-306 – Records Maintenance.**

- A. All users subject to this Article shall retain and preserve for no less than three (3) years any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of a user in connection with its discharge.
- B. All records which pertain to matters which are the subject of enforcement or litigation brought by the Authority pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of litigation have expired.
- C. The Authority shall retain all reports that it receives from industrial users for a minimum of three (3) years.
- D. Any records of monitoring activities and results shall be made available for inspection and copying by the Authority or its duly authorized representative.

**§3-307 – Pretreatment Facilities Required.**

- A. Upon the promulgation of the Federal Categorical Pretreatment Standard for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under these Rules and Regulations for sources in that subcategory, shall immediately supersede the limitations imposed under these Rules and Regulations. The Authority shall notify all affected users of the applicable Federal Standards and the applicable reporting requirements under 40 CFR Section 403.12, such as the Baseline Monitoring Report;
- B. Pretreatment facilities shall be provided by a user when, in the opinion of the Authority, they are necessary for the proper handling of wastes containing excessive amounts of pollutants;
- C. All pretreatment facilities shall be of type and capacity approved by the Authority, and shall be located to be easily accessible for cleaning, inspection and maintenance;
- D. Where installed, all pretreatment facilities shall be maintained by the user, at the user's own expense, and shall be kept in continuous and efficient operation at all times;
- E. All persons using the Sewer System shall provide wastewater treatment as required to comply with the provisions of these Rules and Regulations and all federal pretreatment standards within the time limitations specified by federal regulations or other limits that may, from time to time, be set by regulatory agencies;



- F. The drawings and details of all pretreatment systems proposed for any facility shall be reviewed and approved by the Authority as part of an industrial or commercial wastewater contribution permit applications.

**§3-308 – Authority Access for Inspections and Sampling.** The wastewater treatment plant operators and other duly authorized employees or representatives of the Authority bearing proper credentials and identification shall be allowed to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of these Rules and Regulations. The Authority has the right to inspect all significant industrial users at least once per year.

**§3-309 – Employee Access to Authority Rules and Regulations.** In order that employees of industrial users be informed of the requirements of these Rules and Regulations, industrial users are encouraged to make available to their employees copies of these Rules and Regulations and other wastewater information and notices.

**§3-310 – Emergency and other Halting of Industrial Discharge.**

- A. The Plant Superintendent (in this case, the Plant Superintendent being the head certified sewage operator at the Authority’s wastewater treatment plant, acting on behalf of the Authority) or such person designated by the Authority Chairman or the Plant Superintendent in the absence of the Plant Superintendent may, upon informal notice as defined herein to an Significant Industrial User, order the user to immediately halt or prevent a discharge to the Sewer System which, in the opinion of the Plant Superintendent or the Authority Engineer, reasonably appears to present an imminent endangerment to the public’s health or welfare. For the purpose of this section, informal notice to an industrial user may be issued by a telephone call, on-site inspection/visit, a cease and desist order, or any combination of these methods. Any Significant Industrial User which is responsible, in whole or part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Authority within fourteen (14) days of the event causing the endangerment.
- B. In the event that a Significant Industrial User should fail to voluntarily comply with an emergency order to immediately halt or prevent a discharge to the Sewer System, the Plant Superintendent (or such person designated by the Authority Chairman or the Plant Superintendent in the absence of the Plant Superintendent) shall take whatever action deemed necessary, including the immediate severance of the sewer connection and/or termination of water service, to prevent or minimize damage to the Sewer System, its receiving stream, or to the endangerment of the public. The costs associated with any such emergency action shall be assessed to the industrial user, and the Authority shall not be responsible for any damages, including loss of income, as a result of such emergency action. The Authority shall allow the industrial user to recommence

its discharge when the endangerment has passed, unless permit revocation proceedings are initiated against the user.

- C. In the event of a non-emergency situation, where the Authority has determined that a user's discharge presents or may present a threat to the environment or the operation of the Sewer System, the Authority shall, after formal written notification to the affected user and provision of ample opportunity for the user to respond, require the user to halt or prevent the discharge.

**§3-311 – Duty to Comply.** Whenever the Authority determines that any industrial or commercial or other user has violated any provisions of the Rules and Regulations, an industrial or commercial discharge permit, an order, or compliance schedule, the Authority or its duly authorized representative shall serve upon said user a written Notice of Violation.

- A. Such Notice of Violation shall describe the nature of the Violations, and, to the extent possible, dates of the Violations, and shall be served upon the user, and the Owner of the property, if different, by certified mail, return receipt requested. In the event that such certified mail is returned undelivered, then such Notice shall then be considered delivered upon mailing.
- B. If required by the Authority, a written response to such notice, including an explanation of the cause(s) of the violation and a plan for the correction and prevention thereof, must be submitted to the Authority within ten (10) working days of the receipt of the notice. Submission of such plans in no way relieves the user of liability for violations occurring before or after receipt of the Notice of Violation.
- C. In the case of procedural violations, an industrial user may correct the violation by fulfilling the duties or requirements that are deficient. The Authority shall review the corrective action taken by the user to determine whether or not the violation has been adequately corrected. Failure to correct a violation within a reasonable time period may result in further enforcement action.
- D. In the case of discharge violations, the industrial user may correct the violation by process modifications or implementing appropriate pretreatment technology. The Authority shall review the proposed corrective action plan and schedule submitted by the user to determine whether or not the plan is adequate to correct the violation and consistent with the objectives of any applicable Federal Pretreatment Standards and the General Pretreatment Regulations. The Authority may require modifications to the plan and schedule, including the submission of interim progress reports, to verify correction of the violation within an appropriate compliance schedule.
- E. When the Authority determines that an industrial or commercial user has violated or continues to violate any provisions of the Rules and Regulations, permit or

order issued hereunder, or any pretreatment standard or requirements, the Authority may issue an order to the user responsible for the discharge, directing that the user develop a compliance schedule and come into compliance within a time period set by the Authority. These compliance schedules shall contain increments of progress in the form of dates for commencement and completion of major events with milestone dates leading to the construction and operation of additional pretreatment equipment or facilities required to meet present or proposed applicable pretreatment standards. No increment of progress shall exceed six (6) months without written approval of the Authority. The Authority shall have the right to deny or to require the modification of proposed compliance schedules. Failure to meet required milestone dates shall constitute a violation of these Rules and Regulations. The Authority shall retain the right to terminate water service to affect compliance. Compliance orders may also contain other requirements to address the non-compliance, including additional self-compliance monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal pretreatment standard or requirements, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

#### **Chapter 4 – Permitting of Industrial Discharges.**

**§3-401 – Permit Required for Industrial Wastes.** In order to control the admission or industrial wastes or commercial wastes with industrial waste characteristics, the discharge into the Sewer System of any industrial waste having the characteristics outlined in Subsections 401 A. through K., below, shall be prohibited unless a permit is obtained for that purpose. Such permit shall be granted by the Authority upon the review and approval of the Authority in accordance with the conditions of this Article and receipt by the Authority of a fee in the amount of Two Hundred Fifty Dollars (\$250.00) for its review and inspection. The Authority reserves the right to deny new or existing contributions to the Sewer System if, because of the volume or characteristics, such wastes are determined by the Authority to be detrimental to the operation of the Sewer System or shall cause the Authority to be in violation of any laws or regulations affecting the Authority or Municipality.

- A. A five day 20 degree Centigrade BOD greater than 250 mg/L; or
- B. A suspended solids content greater than 250 mg/L; or
- C. A chlorine demand greater than 10mg/L; or
- D. Ammonia nitrogen greater than 15 mg/L; or
- E. Any toxic pollutants as defined pursuant to section 307 of the Federal Water Pollution Control Act, 33 U.S.D. 1251, et. Seq. Or any hazardous wastes as

defined pursuant to the Resource Conservation and Recovery Act, 42 U.S.E.C. 6901 et seq.;

- F. Any wastes which are considered by the Authority to offer possibilities of harm to structures, processes, or operation of the Sewer System or to have significant impact (either singly or in combination with other contributing industries) on the treatment process, the quality of sludge, the system's effluent quality or air emissions generated by the system
- G. No user shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff or sub-surface drainage into the Sewer System. No User shall discharge or cause to be discharged excessive amounts of unpolluted water or wastes capable of being discharged or disposed of by any reasonable means other than discharge into the Sewer System. The Authority reserves the right to define the amount it deems excessive in each particular instance.
- H. No User shall discharge or cause to be discharged any of the following into the Sewer System:
  - 1. Any ashes, cinders, slag, mud, straw, shavings, metal, glass, rags, feathers, fur, plastics, wood, manure, butcher's offal, hair or any other solids or viscous substances in an amount of volume capable of causing obstruction to the flow in sewers or the interference with the proper operation of the Sewer System.
  - 2. Any inert insoluble solids such as: asphalt, clay, slag and mill scale, or sludges and slurries in an amount or volume capable of causing obstruction to the flow in sewers or the interference with the proper operation of the Sewer System.
  - 3. Any waters or waste containing any detectable quantities of formaldehyde, carbide wastes or phenols.
  - 4. Any waters or waste containing toxic levels of radioactive isotopes, as determined by the Authority.
  - 5. Any noxious or malodorous substances not mentioned in the foregoing list that will pass through the Sewage Treatment Works and exceed the federal, state or interstate requirements for the receiving stream.
  - 6. Any sewage with objectionable color not removed by the Sewage Treatment Works such as, but not limited to, dye wastes and vegetable tanning solutions.

7. Any other waste with harmful characteristics as shall be determined by the Authority.
- I. No User shall dump cesspool, holding tank, sludge or septic tank wastes in the Sewer System unless specifically permitted to do so at a specific location by the Authority in writing.
- J. The discharge of any sewage, septic waste, wastewater, pollutant, trucked or hauled material or other matter into the Authority's Sewer System is prohibited, except such as is generated at the property in which the same is discharged in the Sewer System.
- K. No user shall discharge waste containing insoluble non-flocculant substance having a specific gravity in excess of 2.65.

**§3-402 – Discharge of Waste.** Except as otherwise provided in these Rules, no User shall discharge or cause to be discharged any of the following into the Sewer System.

- A. Any cooling water, unpolluted industrial or commercial process water.
- B. Any vapor or steam.
- C. Any liquid having a temperature higher than one hundred twenty (120) degrees Fahrenheit, or lower than thirty-two (32) degrees Fahrenheit.
- D. Any fluid waste containing in excess of one hundred (100) mg/l of fat, oil, wax, grease, either vegetable or mineral, or containing substances which may solidify between thirty-two (32) and one hundred (100) degrees Fahrenheit.
- E. Any liquids, solids or gases such as benzene, gasoline, naphtha, fuel oil or other volatile, explosive or flammable substance which by reason of its nature or quality may cause fire or explosion or be in any way injurious to persons, to the Sewer System or the operation thereof.
- F. Any unshredded garbage. The installation and operation of any garbage grinder equipped with a motor of greater than ½ horsepower shall be subject to review and approval by the Authority.
- G. Any waste containing a total solids content in excess of one thousand (1000) mg/l.
- H. Any fluid having a pH lower than six (6.0) and higher than nine (9.0).
- I. Any water waste containing any substances which are not amenable to treatment or reduction by the biochemical wastewater treatment process employed or are amenable to the treatment only treatment only to such a degree that the effluent of

the Sewage Treatment Works cannot meet the requirements of agencies having jurisdiction over the discharge to the receiving streams

- J. Any substance prohibited by any permit issued by the Commonwealth of Pennsylvania.
- K. Any waste containing toxic or poisonous substance in excess of the limits, measured at the point of discharge into the Sanitary Sewers, as set forth below.

Constituent	mg/L concentration	Lbs/day per EDU
BOD5	250	0.480
Suspended solids	250	0.480
Phosphorus	10	0.019
TKN	45	0.086
Ammonia nitrogen (as N)	15	0.029
COD	1000	1.918

Substance	(mg/L) Daily Avg. 24 Hr. Composite	(mg/L) Instantaneous Maximum Grab
As Arsenic	.05	1.0
Cd Cadmium	0.02	1.0
Cr+6 Chromium (hexavalent)	.05	0.1
CR Chromium	0.16	1.2
Cu Copper	0.1	1.6
CN Cyanide	0.05	0.3
Pb Lead	0.39	1.0
Hg Mercury	0.001	0.006
Ni Nickel	1.0	2.0
Phenolics	0.3	0.6
P Phosphorus	10.0	20.0
Zn Zinc	0.5	2.0
B Boron	5.0	10.0
Ag Silver	0.31	2.0
So2 Sulfur Dioxide	5.0	10.0
Molybdenum	0.9	
Selenium	1.2	
Bis (2-ethylhexyl) Phthalate	Monitor	

Provided, however, that deviation from the above schedule may be authorized by the Authority, in its sole discretion, upon an affirmation showing by the User requesting the same that such deviation will not be harmful to the Sewer System.

**§3-403 – Service Regulations Regarding Floor Drains.** Floor drains used for washing and cleaning will be permitted only if approved by the Authority and only after provisions have been made for the removal of sand, oil, grease, garbage or any other materials.

**§3-404 – Industrial Wastewater Contribution Permits.**

- A. In order to receive a permit to discharge wastes requiring approval under this Article, a written application shall be filed with the Authority. Any person discharging industrial wastes into the Sewer System at the time of passage of this Article and requiring a permit shall apply within sixty (60) days after the effective date of this article and notification by the Authority. All such persons are considered to have a valid permit until such time as the Authority shall act upon the permit application. All permits issued hereunder are valid for a period of three (3) years from the date of issuance.
- B. Prior to the issuance or renewal of a permit, the applicant shall pay to the Authority a non-refundable processing fee in the amount of Two Hundred Fifty Dollars (\$250.00). Additionally, the permit holders shall reimburse the Authority on an annual basis for actual costs of testing for pollutants.
- C. No permit shall be granted to any person unless the person agrees to indemnify and to save the Authority, its board members, employees and agents harmless from any and all claims, costs, damages and liabilities which may accrue or be claimed to accrue by reason of the permitted waste disposal activity.
- D. Permit holders shall abide by the conditions of the permit and failure to do so shall constitute a violation of the Rules and Regulations.
- E. Should a permit holder significantly change the volume of its discharge or change its character for any reason, he shall notify the Authority of such changes and the Authority may require application for a new permit.
- F. A permit may be suspended or revoked in whole or in part by the Authority for cause including but not limited to the following:
  - (1) Violation of any terms or conditions of the permit;
  - (2) Obtaining the permit by misrepresentation, or failure to disclose fully all relevant facts or failure of a user to factually report the wastewater constituents and characteristics of any discharge;
  - (3) A change in any condition, including but not limited to, changes in state or federal regulations or changes in the treatment process that required either a temporary or permanent reduction or elimination of the permitted discharge or failure of user to report significant changes in wastewater constituents, characteristics, or quantities;

- (4) Refusal of reasonable access to the user's premises for the purposes of inspection or monitoring;
  - (5) Violation of the Rules and Regulations.
- G. If the Authority determines that there is cause to suspend or revoke a permit, the Authority will notify the user by certified mail, return receipt requested, stating the reasons for suspension or termination, and when the suspension or termination will take effect unless the user cures the violation within the timeframe specified. In the event that the user challenges the notice of suspension or termination, the user may appeal the notice of suspension or termination to the Authority, and the appeal shall follow the procedures for appeals under the Local Agency Law.
- H. Before any further discharge of industrial wastewater may be made by a user whose permit has been suspended or revoked, the user must apply for, and be granted a reinstatement of the suspended or revoked permit, or be granted a new permit as the Authority may require, and pay all delinquent fees, charges, penalties, and costs incurred because of the violation.

**§3-405 – Permit Conditions.** Industrial wastewater contribution permits shall be expressly subject to all provisions of this Article and all other applicable state, federal and local regulations, user charges and fees established by the Authority. Whenever federal or state pretreatment regulations impose additional requirements or more stringent limits than those stated in the permit, those requirements and limits shall become part of the permit whether or not they are stated in the Permit. Permits may contain the following:

- A. Limits on the average and maximum wastewater constituents and characteristics;
- B. Limits on average and maximum rate and time of discharge for flow regulation and equalization;
- C. Requirements for the installation and maintenance of inspection and sampling facilities;
- D. Specifications for self-monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- E. Compliance schedules;
- F. Requirements for submission of technical reports or discharge reports;
- G. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Authority, and affording the Authority access thereto;



- H. Requirements for notification to the Authority of any new introduction of industrial wastes or any substantial change in the volume or character of the industrial wastes being introduced into any sanitary sewer;
- I. Requirements for mandatory installation of sampling manhole or manholes.
- J. A slug discharge control plan.
- K. A spill prevention plan.
- L. Other conditions as deemed appropriate by the Authority to ensure compliance with these Rules and Regulations.

**§3-406 – Permit Duration.** An industrial wastewater contribution permit shall be issued for a specified time period not to exceed three (3) years. A permit holder shall apply for permit re-issuance a minimum of sixty (60) days prior to the expiration of the existing permit. The terms and conditions of the permit may be subject to modification by the Authority during the term of the permit should change in federal or state pretreatment regulations occur or for other just cause. The permit holder shall be informed of any proposed changes at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as established by the Authority. The application for re-issuance shall be accompanied by a non-refundable processing fee in the amount of Two Hundred Fifty Dollars (\$250.00).

**§3-407 – Permit Transfer.** Industrial/commercial wastewater contribution permits shall be issued to a corporation for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold or applied to a different premises or a new or change of operations without written approval of the Authority.

**§3-408 – Criminal and Civil Penalties.**

- A. Criminal Penalty – Any person who violates or fails to comply with any provision of this article, any requirement of an industrial wastewater discharge permit issued under this article, or any order issued pursuant to this article, shall be guilty of a summary offense and upon conviction thereof be subject to a fine of not more than One Thousand (\$1,000.00) Dollars and costs of prosecution and in default thereof shall be imprisoned for not more than thirty (30) days. A separate offense shall be deemed committed on each day during or on which a violation or failure to comply occurs or continues.
- B. Civil Penalty – A civil penalty may be assessed whether or not the violation was willful. The amount of the penalty shall not be less than One Thousand (\$1,000.00) Dollars per day per violation, provided however, than any industrial user who shall violate the Authority’s pretreatment standards and/or the

requirements of the Authority's approved pretreatment program may be assessed a penalty not to exceed Twenty-Five Thousand (\$25,000.00) Dollars per day per violation as provided in the Publicly Owned Treatment Works Penalty Law.

### **Chapter 5 – Surcharge for Certain Constituents.**

**§3-501 – Surcharge Applicable.** For waste constituents compatible to the Sewer System and for which the sewage treatment works is to provide specific removal capability, industrial or commercial waste shall be subject to surcharge for such constituent concentration in excess of the average value upon which the plant design is based. Those constituents for which surcharges are applicable are BODs, suspended solids, phosphorus, total nitrogen (TKN), ammonia nitrogen (as N), and chemical oxygen demand (COD). The surcharges shall be in addition to the regular sewage collection; transportation and treatment charges set forth in the Rate Schedule and shall be payable as therein provided.

**§3-502 – Determination of Concentration.** The concentration of the applicable surcharge constituents of any industrial waste shall be determined quarterly, or more frequently as the Authority shall determine, from samples taken either at the manhole or metering chamber, or at any other sampling point mutually agreed upon by the Authority and the producer of such waste. The frequency and duration of the sampling period shall be such as, in the opinion of the Authority, will permit a reasonably reliable determination of the composition of such waste, exclusive of storm water runoff. Samples shall be collected or their collection supervised by a representative of the Authority and shall be in proportion to the flow of waste, exclusive of storm water runoff, and composited for analysis in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater". Except as hereinafter provided, the strength of the waste so found by analysis shall be used for establishing the surcharge or surcharges. In the event there is more than one sample result available in a quarterly billing period, the Authority will select the sample with greatest potential adverse affect upon the treatment plant for determining the surcharge applied for that quarterly billing period. Charges shall be based upon the rates in effect at the time the event(s) giving rise to the surcharge occurred. However, the Authority may, if it so elects, accept the results for routine sampling and analyses. The specific requirements for monitoring the waste flow for surcharge constituent strength will be determined at the time of the industrial waste permit application and will be made a condition of this permit.

### **§3-503 – Fees and Surcharges for Waste.**

- A. Surcharges. Certain wastes may increase the cost of operating the POTW. Therefore, there shall be imposed upon each User discharging such a waste a surcharge, or surcharges, to cover such additional costs. The surcharges shall be in addition to the regular sewage charges and shall be payable as herein provided.
- B. Determination of Surcharges. The strength of any waste, discharge of which is to be subject to surcharge, shall be determined quarterly or more frequently as the Authority shall determine, based upon sampling and analysis by the Authority or

its designees. However, the Authority may, if it so elects, determine the strength of the sewage based upon the results of routine sampling and analysis by the producer of such sewage or the results of analysis from previous quarters or the results of analysis of sewage from similar customers.

- C. Calculation of Surcharges. Surcharges shall be made for all sewage or waste discharged into the POTW by non-residential Users that have concentrations for certain parameters in excess of certain concentration limits as listed below.

<u>Parameters</u>	<u>Concentration Limits in mg/L</u>
Ammonia (as Nitrogen)	15
BOD	250
Total Phosphorus	10
Suspended Solids	250
TKN	45
COD	1000

Surcharges for each parameter in excess of its concentration limit shall be calculated using the formula below:

$$\text{Surcharge} = .00000834 \times Q \times (C - \text{CL Limit}) \times K$$

S= the surcharge rate per gallon of waste discharge.

Q= Volume in gallons.

K= the average annual fixed, operating and maintenance cost in dollars of advanced treatment processes, including sludge disposal per pound of constituent received at the treatment works.

C= the average industrial waste parameter expressed in milligrams per liter as set forth above.

**§3-504 – Other surcharges.** The User shall also be subject to a surcharge for such constituent concentrations in excess of the values as outlined in this Article in the form of payment of tapping fees for any required additional EDUs. The concentrations shall be equivalent to the pounds per day (lbs/day) per EDU as determined in the following table. The tapping fee charges for additional EDUs based on constituent lbs/day discharged to the Sewer System shall be in addition to the sewage collection, transportation and treatment charges and other surcharges et forth in the Rate Schedule and shall be payable as therein provided. The numbers of EDUs determined by the constituent lbs/day discharged to the Sewer System shall be based upon the Authority’s available data, rounded to the next highest whole number of sewage units (EDUs) as defined herein. Also, the User shall be responsible for reimbursement to the Authority of any actual costs or expenses incurred as a result of the violation, as well as payment of any civil penalties imposed by the Commonwealth of Pennsylvania or the United States.

## ARTICLE IV – EXTENSION OF SEWER MAINS

### Chapter 1 – Administration and Approval of Extensions

#### §4-101 Extension of sewer main by developer.

- A. Where the Sewer System is to be extended at the expense of the owner(s) of property(ies), a property owner shall have the right to construct the extension or through a subcontractor approved by the Authority, which approval shall not be unreasonably withheld. The Authority shall have the right, at its option, to perform the construction itself only if the Authority provides the extension at a lower cost and within the same timetable specified or proposed by the property owner or his approved subcontractor. Construction by the property owner shall be in accordance with an agreement for the extension of the Sewer System and plans and specifications approved by the Authority and shall be undertaken only pursuant to the existing regulations, requirements, rules and standards of the Authority applicable to such construction. Construction shall be subject to inspection by an inspector authorized to approve similar construction and employed and/or contracted by the Authority during construction.
- B. In the case of single-family duplexes, townhouses, and similar type housing units all appurtenances shall be installed at the expense of the developer and, when completed and accepted by the Authority ownership of said extensions and appurtenances shall be transferred to the Authority with suitable easements and rights of way agreements which allow the Authority to properly maintain the sewer.
- C. In the case of shopping centers, industrial parks, apartment developments, condominiums, and similar type residential and business developments, all interior sewer lines and appurtenances shall be installed at the expense of the developer and, when completed and inspected by the Authority shall be continued to be owned and maintained by the Owner, suitable easements and rights of way agreements which allow the Authority to properly maintain and inspect the lines if necessary, shall be transferred to the Authority.
- D. The Authority is hereby granted the right to: (1) inspect any and all sewer facilities at any time; (2) require the Owner to take corrective actions and to assign reasonable periods for any necessary action; (3) upon the failure of the Owner to take corrective action after reasonable notice to do so, to authorize any maintenance to be done by the Authority or its agents or contractors, and liening the cost thereof against the property, or to pursue any other remedy available at law or in equity.

- E. All extensions, excepting interior lines, shall become the property of the Authority as set forth herewith.
- F. All sewers shall be designed in accordance with the Sewerage Manual of the Pennsylvania DEP, these Rules and Regulations, and all other Authority specifications. Construction of sewers will not be permitted until the proper State Permits have been obtained.

**§4-102 - Land development and subdivision approval procedure.**

- A. Every applicant within East Manchester Township, Mount Wolf Borough, or Manchester Borough proposing a subdivision and land development with either a connection to the sewer system or a private collection system for sewage shall provide a plan for the Authority’s review together with such fees as the Authority may establish from time to time. For consideration for approval at a regularly scheduled Authority Board meeting, the Plan must be formally submitted to the Authority no later than forty-five (45) days in advance of said Authority meeting. The Authority’s authorized representative may attend such staff reviews with the Owner, as it deems necessary.
- B. Once a plan has completed staff reviews, it will proceed to the next regular meeting of the Authority, where the Board shall take formal action on the plan for approval with or without conditions. If the plan is approved without conditions, it will be signed by the Chairman or Vice-Chairman at that time. If the plan is approved with conditions, including financial security, the Authority will not sign the plan until such time as those conditions are fully met.
- C. Applicants for preliminary and final subdivision and land development plans shall complete an application form attached hereto as Appendix “A” and as located on the Authority’s website [www.nesewer.org](http://www.nesewer.org). The following fees shall be paid to the Authority for subdivision and land development plan review.
  - 1. Two-lot residential subdivisions - \$50.00
  - 2. Commercial, industrial and residential subdivisions (more than 2 lots) - \$150.00
  - 3. Administrative fees - \$25.00
- D. The completed Subdivision or Land Development Plan Application along with one (1) physical copy of the proposed plan and applicable filings fees as noted in Section C above, shall be delivered to the Authority’s office located at 200 N. Main Street, Mt. Wolf, Pennsylvania 17347. Checks should be made payable to “NEYCSA.” One (1) electronic copy of the proposed plan shall be delivered directly to the Authority’s Engineer via electronic mail. The Authority’s Engineer shall provide comments within thirty (30) days from receipt of the application and electronic copy of the plan. The Authority shall verify the Applicant has paid all

relevant filing and administrative fees prior to releasing the Authority's Engineer's comments.

**§4-103 - Financial security.** When a main is to be extended at the expense of the owner of properties, The Authority shall require that construction shall not commence until the property owner has posted appropriate financial security, as follows:

- A. Without limitation as to other types of financial security which the Authority may approve, which approval shall not be unreasonably withheld, federally chartered or Commonwealth-chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in these lending institutions shall be deemed acceptable financial security. Financial security shall be posted with a bonding company or federally chartered or Commonwealth-chartered lending institution chosen by the party posting the financial security if the bonding company or lending institution is authorized to conduct business within this Commonwealth.
- B. The bond or other security shall provide for and secure to the Authority the completion of required improvements within one year from the date of posting of the security. The amount of financial security shall be equal to one hundred ten (110%) percent of the cost of the required improvements for which financial security is to be posted. The cost of required improvements shall be established by submitting to the Authority a bona fide bid from a contractor chosen by the party posting the financial security. In the absence of a bona fide bid, the cost shall be established by an estimate prepared by the Authority's Engineer.
- C. If the party posting the financial security requires more than one year from the date of posting the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one-year period beyond the first anniversary date from the initial posting date or to one hundred ten (110%) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.
- D. As the work of installing the required improvements proceeds, the party posting the financial security may request the Authority to release or authorize the release of, from time to time, portions of the financial security necessary to pay the contractor performing the work. Release requests shall be in writing addressed to the Authority, and the Authority shall have 45 days after receiving a request to ascertain from the Authority Engineer, certified in writing, that the portion of the work has been completed in accordance with the approved plan. Upon receiving written certification, the authority shall authorize release by the bonding company or lending institution of an amount estimated by the Authority Engineer to fairly represent the value of the improvements completed. If the Authority fails to act within the 45-day period, it shall be deemed to have approved the requested

release of funds. The Authority may, prior to final release at the time of completion and certification by the Authority Engineer, require retention of ten (10%) percent of the estimated cost of improvements.

- E. If the Authority accepts dedication of all or some of the required improvements following completion, it shall require the posting of financial security to secure structural integrity of the improvements as well as the functioning of the improvements in accordance with the design and specifications as depicted on the final plan and the Authority's rules and regulations. This financial security shall expire not later than 18 months from the date of acceptance of dedication and shall be of the same type as set forth in this paragraph with regard to that which is required for installation of the improvements, except that it shall not exceed 15% of the actual cost of installation of the improvements.

**§4-104 - Engineering, legal and inspection fees.** The Authority may require the property owner to reimburse it for reasonable and necessary expenses it incurred as a result of the extension. If an independent firm is employed for engineering review of the plans and the inspection of improvements, reimbursement for its services shall be reasonable and in accordance with the ordinary and customary fees charged by the independent firm for work performed for similar services in the community. The fees shall not exceed the rate or cost charged by the independent firm to the Authority when fees are not reimbursed or otherwise imposed on applicants.

**§4-105 - Dedication of improvements.** Upon completion of construction, the property owner shall offer for dedication the extension of the Sewer System in writing to the Authority. The Authority may accept the dedication of such improvements after the following has been completed by the Owner:

- A. Deed or easement prepared in accordance with the approval of the Authority's Engineer and Solicitor and executed.
- B. The property corners set in accordance with state and local law and regulations.
- C. The improvements must be physically and legally accessible to the Authority.
- D. Startup, testing and final inspection shall occur in the presence of the Authority's authorized representative, who shall prepare a punch list for completion by the Owner.
- E. Sewers shall be air-tested for leakage and televised at the discretion of and in the manner required by the Authority at the cost of the owner. Manholes will be vacuum-tested.

- F. The Owner and the Authority's authorized representative shall complete a flow rate test to verify pump capacity when appropriate. The Owner shall provide a water truck or other available means of water if the flow into the pump station is not adequate for testing.
- G. All spare parts shall be delivered to the Authority, including any gate or valve keys.
- H. The Owner shall provide a detailed construction cost breakdown of general and electrical work for insurance purposes.
- I. The Authority shall notify its insurance company to add the improvements to its applicable policies.
- J. The Owner shall furnish to the Authority one (1) paper set and one (1) electronic AutoCAD copy of "as built plans" showing the angle, slope, location from the property corners of the unconnected sewer lateral, the distance between manholes, the top and invert elevation of the wye for each house, and the exact location of all house sewer connections relative to the nearest manhole both downstream and upstream, which "as-built plans" shall be reviewed and approved by the Authority's Engineer.
- K. The Owner shall provide a final wiring diagram to the Authority, when appropriate.
- L. Any and all Operations and Maintenance Manuals for the improvements to be dedicated shall be delivered to the Authority.
- M. The Owner and the Authority shall prepare to have any electric or phone line accounts transferred to the Authority after acceptance of dedication.
- N. The Owner's consulting engineer shall issue a Certificate of Substantial Completion or Letter of Adoption.
- O. The Owner's consulting engineer shall issue a Sewage and Industrial Wastewater Facilities Construction Certificate to the Pennsylvania Department of Environmental Protection, as may be required.
- P. The Owner shall file all necessary connection permits and pay all fees for each house or building to the Authority.
- Q. The Owner shall also reimburse the Authority in full for costs incurred by the Authority in reviewing construction plan drawings, as well as all costs of



inspection of construction of all sanitary sewers, and legal fees. The amount and type of inspection required shall be determined by the Authority during construction.

- R. No sewer extensions constructed by an Owner will be approved for ownership, operation and maintenance by the Authority until said sewers are formally approved by the Authority, all fees have been paid for each building connected to the system, and the Authority has been reimbursed in full for all inspection costs incurred by the Inspector during construction, testing and approval, and, structural integrity security has been paid by the Owner.
- S. The Authority shall require the posting of structural integrity security in the amount of fifteen (15%) percent of the costs of construction for a period of eighteen (18) months, prior to accepting dedication of the sewer lines.

**§4-106 - Highway occupancy permit.** If a property owner desires the Authority to act as an applicant to obtain a PENNDOT Highway Occupancy Permit, the property owner shall:

- A. Indemnify and hold harmless the Authority for any and all claims or losses relating to the work to be conducted within the state right-of-way.
- B. Provide a two-year maintenance security to secure the structural integrity and the functioning of the improvements within the state right-of-way. This financial security shall expire not later than 24 months from the date of completion of the improvements and shall not exceed fifteen (15%) percent of the actual cost of installation of the improvements.
- C. Provide such other warranties or assurances as the Authority may require from time to time.

**§4-107 - Reimbursement component.** Where a property owner constructs or causes to be constructed at his expense any extension of the Sewer System, the Authority may provide by agreement with the property owner for the reimbursement to the property owner when the owner of another property not in the development for which the extension was constructed connects a service line directly to the extension within ten years of the date of the dedication of the extension to the Authority in accordance with the following provisions:

- A. Reimbursement shall be equal to the distribution or collection part of each tapping fee collected as a result of subsequent connections. The Authority may deduct from each reimbursement payment an amount equal to five (5%) percent of it for administrative expenses and services rendered in calculating, collecting, monitoring and disbursing the reimbursement payments to the property owner.

- B. Reimbursement shall be limited to those lines which have not previously been paid for by the Authority.
- C. The Authority shall, in preparing necessary reimbursement agreements with a property owner for whose benefit reimbursement will be provided, attach as an exhibit an itemized listing of all sewer facilities for which reimbursement shall be provided.
- D. The total reimbursement which a property owner may receive may not exceed the cost of labor and material, engineering design charges, the cost of performance and maintenance bonds, Authority review and inspection charges as well as flushing and televising charges and any and all charges involved in the acceptance and dedication of such facilities by the Authority, less the amount which would be chargeable to the property owner based upon the Authority's collection and distribution tapping fees which would be applicable to all lands of the property owner directly or indirectly served through extensions if the property owner did not fund the extension.
- E. The authority shall notify by certified mail, to the last known address, the property owner for whose benefit a reimbursement shall apply. This shall be done within 30 days of the authority's receipt of the reimbursement payment. If a property owner does not claim a reimbursement payment within 120 days after the mailing of the notice, the payment shall become the sole property of the authority with no further obligation on the part of the authority to refund the payment to the property owner.

**§4-108 - Extension constructed by authority.** Where the Authority has installed or agreed to install the extension, all developmental fees shall be payable at the time of the final approval of the plan by the appropriate Municipality.

**§4-109 - Extensions determined by the authority.** Nothing in this Section, or any other Section of these Rules and Regulations, requires the Authority to extend sewer lines to provide sewer service into another municipality, or within the municipalities, but rather the Authority maintains its right under the Municipality Authorities Act, as amended, to determine the method and location of sewer extensions, at its discretion. However, the Authority shall notify the Municipality of plans to extend a new main extension to a proposed development that has not yet received any municipal approvals by certified mail, return receipt requested, and shall provide the Municipality an opportunity for written comment on whether the proposed expansion of service within the municipality is generally consistent with the zoning ordinance, in accordance with the Municipalities Planning Code (53 P.S. §10608.1). A “decision to expand service within the municipality” shall mean a decision to expand the number of individual service connections for collection within a municipality as a result of a main extension, but if the number of individual service connections are not being increased, locating or acquiring transmission lines or interceptors, pump stations, or other facilities in a new area of the municipality shall not be deemed an extension of service, per the MPC.

## ARTICLE V – CONSTRUCTION AND MATERIALS SPECIFICATIONS

### Chapter 1 – Technical Provisions

**§5-101 – Standard Technical Provisions.** Any and all construction on property owned by the Authority, under contracts with the Authority, involving the Authority’s sanitary sewer system, or for lines, equipment, or property to be dedicated to the Authority, shall be completed in compliance with the C.S. Davidson, Inc. Technical Provisions (Standard), Current printing, January 2010, available as a separate printing (CD) and incorporated herein by reference. The technical provisions of the foregoing are available on the Authority’s website.

**§5-102 – Specific Technical Provisions.** Any and all construction on property owned by the Authority, under contracts with the Authority, involving the Authority’s sanitary sewer system, or for lines, equipment, or property to be dedicated to the Authority, shall be completed in compliance with the Construction and Materials Specifications for Northeastern York County Sewer Authority, available as a separate printing and incorporated herein by reference. The foregoing specifications are available on the Authority’s website. The Construction and Materials Specifications supplement, delete and/or modify the Standard Technical Provisions, Specifically, the following sections have been added or modified:

- Section 00160 – Utility Conflict Statement, addition
- Section 01010 – General Requirements, addition
- Section 02601 – Manholes, revisions
- Section 02603 – Concrete Structures with Protective Liner, addition
- Section 02610 – Sanitary Sewer Pipe, revision
- Section 02722 – Low-Pressure Sewer System, addition

## ARTICLE VI - ENFORCEMENT

### Chapter 1 - Violations and Penalties.

**§6-101 - Prohibited offenses.** It shall be a violation of these Rules and Regulations for any person to:

- A. Fail to comply with any provision of these Rules and Regulations;
- B. Discharge or cause to be discharged into the Sewer System any material that obstructs the Sewer System, either partially or completely;
- C. Cause damage to or impair the operation of the Sewer System;
- D. Make a false statement, representation, or certification in any application, record, report, plan, or other document filed or required to maintain under these Rules and Regulations;

- E. Falsify, tamper with, or render inaccurate any monitoring device or procedure;
- F. Discharge any material into the Sewer System in violation of any federal, state, or local requirements.

**§6-102 - Penalties.** Upon conviction thereof in a summary proceeding, a person found to be in violation of these Rules and Regulations shall be subject to a penalty not to exceed One Thousand (\$1,000.00) Dollars and to imprisonment not to exceed ninety (90) days. A separate violation shall be deemed committed for each violation of each section or subsection of these Rules and Regulations, and a separate violation shall be deemed committed for each day a violation occurs. Any default in the payment of any penalty assessed herein shall be subject to the penalty provisions of the Rules of Criminal Procedure for nonpayment of fines or penalties of summary offenses.

**§6-103 - Liability.** Any person who causes damage to the Sewer System or impairs its operation shall be liable for any expenses, losses and costs, including reasonable attorney's fees if allowed by law, incurred by the Authority for such damage. The Authority in its discretion shall be entitled to proceed to recover such damages either in civil action or in accordance with the Municipal Lien Law.

**§6-104 - Injunctive relief.** Whenever a person has violated, or continues to violate the provisions of these Rules and Regulations, the Authority may petition the court for injunctive relief to restrain or compel the activities on the part of the user. The Authority shall have such remedies to collect all fees incurred by the Authority as a result of this petition as it has to collect other sewer service charges, including payment of costs and attorney's fees as may be authorized by law and by filing a lien against the property.

**§6-105 - Remedies cumulative.** The remedies for a violation of these Rules and Regulations are cumulative, and the Authority reserves the right to enforce any and all remedies authorized by law, including, but not limited to injunctive or equitable relief, termination of sewer service or disconnection of a building sewer to the Sewer System.

## **ARTICLE VII – MISCELLANEOUS**

### **Chapter 1 - Miscellaneous**

**§7-101 - Contract.** These Rules and Regulations are a part of the contract with every person who accepts or has accepted sewerage service and every such person agrees to be bound hereby.

**§7-102 - Conflicts.** These Rules and Regulations are not intended to conflict with any local, state, or federal legislation, and are intended to be in compliance with the Pennsylvania Municipal Authorities Act of 1945, Act of May 2, 1945, 53 P.S. § 301, amended and reenacted as 53 P.S.A. Ch. 56.

**§7-103 - Severability.** If any provision of these Rules and Regulations are held to be invalid, illegal, or unenforceable, all other provisions shall nevertheless continue in full force and effect.

**§7-104 - Amendments.** The Authority reserves the right to amend or revise these Rules and Regulations in such manner and at such times, as in its opinion, may be advisable or necessary.

**§7-105 - Repealer.** All prior Authority rules, regulations, and resolutions not consistent herewith are hereby repealed; provided, however, that all rights accrued and monies due the Authority under any such rules, regulations, and resolutions are preserved to the Authority.

**§7-106 - Availability.** A copy of this document comprising the Rules and Regulations governing the furnishing of sewerage service by the Authority shall be available on the Authority's website, and also available for inspection and copying, for a set fee of Twenty Five (\$25.00) dollars, as may be amended from time to time by Resolution of the Authority, at the office of the Authority.

**§7-107 - Effective date.** These Rules and Regulations shall become effective on the day they are adopted by the Authority. They shall apply to all properties then and thereafter connected to the Authority's Sewer System.