

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

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

A RESOLUTION PROVIDING FOR RATES, RULES, AND REGULATIONS FOR THE OPERATION AND MAINTENANCE OF A SEWER SYSTEM BY DERRY TOWNSHIP MUNICIPAL AUTHORITY.

From and after the effective date of this Resolution, the following Rates, Rules, and Regulations shall be in effect and govern the operation of the sewer system of Derry Township Municipal Authority (hereinafter referred to as "Authority").

ARTICLE I. DEFINITIONS

Unless the context specifically and clearly indicates otherwise or unless these definitions are in conflict with the definitions in Article IX, the meaning of terms used in this Resolution shall be as follows:

1. "Authority" means Derry Township Municipal Authority, a Pennsylvania municipality authority.
2. "Billing Unit" means and includes, as applicable each of the following: a "Commercial Establishment", a "Residential Establishment", or an "Industrial Establishment".
3. "Building Sewer" means the pipe leading from the sewage drainage system of any structure to the Service Lateral of a Collection Sewer, or to a Collection Sewer directly.
4. "Collection Sewer" means that part of the Sewer System consisting of Sewers located under highways, roads, streets, and rights-of-way. It also includes any Sewers with a diameter of eight inches or more.
5. "Commercial Establishment" means any room, group of rooms, building or enclosure used or intended for use in the operation of one business enterprise for the sale and distribution of any product, commodity, article or service or used or intended for use for any social, amusement, religious, educational, charitable or public purpose and containing plumbing "Commercial Establishment" includes institutional dormitories, hotels, and motels, but does not include personal care boarding homes licensed by Commonwealth.
6. "Connection Unit" shall mean each individual building or portion of a building which is designed or adaptable to separate ownership whether for commercial, industrial, or residential use. A school, factory, apartment house, office building, or other multiple unit structure whose individual apartments or units are connected to a common internal sewage system and which are not commonly subject to separate ownership shall be considered as one Connection Unit.
7. "Hotel" or "Motel" means a building or other enclosure having five or more separate living units, with each unit usually consisting only of a furnished bathroom and bedroom, including linens and television, generally having daily maid service, generally having a daily and weekly rate schedule, and generally occupied temporarily by persons having another more permanent place of residence.
8. "Improved Property" means any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.
9. "Industrial Establishment" means any room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of one business enterprise for manufacturing, fabricating, processing, cleaning, laundering or assembling any product, commodity, or article or from which any industrial waste, as distinct from sanitary sewage, shall be discharged.
10. "Industrial Wastes" means any solid, liquid or gaseous substance or waterborne wastes or forms of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from Sanitary Sewage.

11. "Multi-Family Apartment Dwelling" means a building in which individual Residential Establishments share vertical and horizontal party walls with other Residential Establishments excluding buildings subject to the condominium form of ownership.
12. "Nonresidential Establishment" means a Commercial or Industrial establishment.
13. "Owner" means any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.
14. "Person" means any individual, partnership, company, association, society, corporation or other group or entity, including a municipal authority and any municipal subdivision.
15. "Residential Establishment" means any room, group of rooms, building or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of Persons living together or by a Person living alone, excluding institutional dormitories, hotels, and motels, but including personal care boarding homes licensed by the Commonwealth.
16. "Sanitary Sewage" means the normal water-carried household and toilet wastes from any Improved Property.
17. "Service Lateral" means that part of the Sewer System extending from a Collection Sewer to the curb line, right-of-way line or if there shall be no curb or right-of-way line to the property line.
18. "Sewer" means any pipe, main or conduit constituting a part of the Sewer System and used or usable for collection and transportation of Sanitary Sewage and Industrial Wastes.
19. "Sewer System" means all facilities and property owned by the Authority, as of any particular time, including but not limited to facilities for collecting, pumping, conveying, and treating Sanitary Sewage and Industrial Wastes. It also includes similar facilities which are privately owned and which are connected to the Authority's facilities.
20. "Single Family Dwelling" means a Residential Establishment which may be constructed as: a free-standing building; one -half of a double home or duplex (one party wall in common); one house in a row house or townhouse arrangement (sharing two vertical party walls in common, except for end units); and any other variation of construction with the same result, including buildings subject to the condominium form of ownership.
21. "Standard Construction Specifications" means the current standard construction and material specifications for sanitary sewer extensions of the Authority and duly approved by resolution of the Authority.
22. "Township" means the Township of Derry, Dauphin County, Pennsylvania, a municipal subdivision of the Commonwealth of Pennsylvania, acting by and through its authorized representatives.
23. "Wastewater" shall mean Sanitary Sewerage or Industrial Wastes or any combination thereof.

ARTICLE II. CONNECTION PERMITS

SECTION 2.10: No connection shall be made nor construction of the Building Sewer commenced unless and until the property owner shall have made application for a connection permit in the manner hereinafter provided and until such permit shall have been duly issued. A connection permit shall also be required whenever:

1. a new building or facility with an estimated wastewater flow of at least 125 gallons per day is connected to an existing Building Sewer or the internal drainage system of an existing building or facility;
2. an existing building or facility is expanded in such a way that the increased potential for the generation of wastewater equals or exceeds 125 gallons per day. Flow estimates shall be made by the Authority based on sound engineering practice.

In addition, persons applying for connection of a Nonresidential Establishment must satisfy the requirements of Article IX.

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

SECTION 2.20: The application referred to in Section 2.10 shall be accompanied by the proper connection fee as provided for in Section 6.10, and the Authority shall not be obligated to accept an application unless the proper fee is tendered with it.

SECTION 2.30: Upon receipt of a properly executed application to connect, accompanied by the proper connection fee, the Authority shall issue a sewer connection permit to the property owner provided, however, that a sewer connection permit for a lot or parcel of land on a subdivision or land development plan shall not be issued by the Authority until the plan has been finally approved by the Township and recorded in the Office of the Recorder of Deeds of Dauphin County.

SECTION 2.40: Sewer connection permits shall automatically transfer with a conveyance of the property for the benefit of which the permit was acquired, but shall not otherwise be assigned or transferred.

SECTION 2.50: Sewer connection permits shall expire six (6) months after the date of issuance. The permit fee shall not be refundable.

ARTICLE III. CONNECTION PROCEDURE AND SPECIFICATIONS

SECTION 3.10: No connection shall be made to the sewer system unless the manner in which the connection is made and the materials and workmanship employed in effecting such connection shall comply with the following:

1. the requirements of this Article III and any other applicable provisions of these Rates, Rules, and Regulations including any special requirements imposed under Section 3.120.
2. the Township of Derry Building and Plumbing Code.
3. the Authority's Standard Construction Specifications.

SECTION 3.20: Any person who discharges or permits to be discharged any material to the sewer system except through approved connections will be subject to charges as provided in Section 6.90 in addition to being subject to the penal provisions of Derry Township Ordinance #140.

SECTION 3.30: Except as otherwise provided in this Section 3.30, each Connection Unit shall be connected separately and independently with a Service Lateral or Collection Sewer through a Building Sewer. Grouping of more than one Connection Unit on one Building Sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown and then only after special permission of the Authority, in writing, shall have been secured and subject to such rules, regulations, and conditions as may be prescribed by the Authority. Further, in the event a single connection is permitted to serve more than one Connection Unit such as a double house or condominium complex, it will be necessary for the property owners to sign an agreement (which the Authority may record in the office of the Recorder of Deeds) relieving the Authority of any responsibility or obligation caused by or resulting from installation of a single house connection. The agreement shall provide that any disagreement between the parties concerning future maintenance of the common sewer will be sufficient cause for the Authority to install additional connections to the sewer main to provide individual service. The installation of such separate Building Sewers and Service Laterals shall be made at the expense of the property owners signing the agreement.

SECTION 3.40: All contractors/plumbers and qualified individuals making connection to the sewer system shall comply with all Federal, State, and local requirements, including but not limited to the following:

1. Derry Township Ordinance #140, Township Road Encroachment Regulations and plumbing codes in force when work is performed
2. Pennsylvania Law which requires that a utility be notified in advance of work to be performed in the area of a utility's facilities
3. Federal Occupational Safety and Health Administration (OSHA) Regulations
4. Pennsylvania Department of Transportation Regulations for work within State Highway rights-of-way, such as, but not limited to: (i) permits, (ii) blasting bonds, (iii) construction methods and materials, (iv) inspection and (v) traffic control.

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

SECTION 3.50: Pipe and fittings used for the building sewer and service lateral shall be cast iron soil pipe and fittings (extra heavy or service) conforming to the requirements of ASTM A 74 or Polyvinyl Chloride pipe (PVC) conforming to the requirements of ASTM D 1785 and PVC fittings conforming to ASTM D 2466 for Schedule 40 manufactured from Class 12454-B (PVC 1120) Rigid PVC Compounds with a hydrodynamic design stress of 13.8 Map or Polyvinyl Chloride pipe (PVC) conforming to the requirements of ASTM D 2241 SDR-21 manufactured from Class 12454-5 (PVC 1120) rigid PVC compounds. Joints for cast iron soil pipe and fittings shall be hub and spigot with rubber gasket compression joint conforming to the requirements of ASTM C 564. Joints for PVC Schedule 40 pipe and fittings shall be socket type solvent cement joints made in conformance with ASTM D 2855 with solvent cement conforming to ASTM D 2564. Joints for PVC SDR-21 pipe and fittings shall be push-on type gasket joints conforming to ASTM D 3139 with the gasket conforming to ASTM F 477. Pipe shall have permanently tight joints which shall prevent the admission of groundwater and be laid at a minimum grade of 1/4 inch per foot with the best possible alignment and with a minimum of 4 feet of cover to protect the pipe from frost or crushing from surface activity. Under special conditions, a variance to the latter two requirements may be granted by the Authority.

The Building Sewer serving a single Connection Unit shall have minimum diameter determined in accordance with the Township of Derry Plumbing Code subject, however, to a minimum of 4".

When permitted pursuant to Section 3.30 hereof, common Building Sewers designed to serve a townhouse-style of individually-owned Residential Establishments shall be constructed as shown on Exhibit 1. No more than eight Connection Units may be grouped together for service by a 6" common Building Sewer.

No transitions from one pipe size to another or from one pipe material to another may be made without the use of manufactured adapters designed specifically for that purpose and approved by the Authority. All changes in direction shall be made with pipe fittings, and no fittings greater than 45 degrees shall be permitted, except that under certain conditions acceptable to the Authority, sweep 90 degree bends may be used.

SECTION 3.60: Each Building Sewer (or in the case of a common Building Sewer, each Connection Unit) shall be provided with a main trap and air intake pipe. A single plug main or intercepting trap must be placed immediately outside the building wall. An air intake pipe shall extend from the trap and the top of the air intake pipe shall be sufficiently above the ground surface to prevent surface water from entering. The air intake pipe shall be provided with a mushroom or other type cap sufficient to prevent the acceptance of rainwater.

Unless otherwise authorized by the Authority or its representative, cleanouts shall be provided in each building sewer at such intervals to permit complete rodding with a 50 foot long auger or tape. Such intervals shall include the length of the Service Lateral. Cleanouts will also be required within five feet upstream of every change in direction greater than 45 degrees and immediately downstream of the trap. Cleanouts shall be constructed using a one piece combination wye and eighth bend and riser to the ground surface. The riser pipe shall be provided with a standard 4 inch screw-type ferrule and shall be watertight.

SECTION 3.70: Building sewers and service laterals shall be provided with a stone bedding consisting of No. 1B coarse aggregate. A minimum of 4 inches of stone is required underneath the pipe with backfill of stone to the midpoint of the pipe diameter.

SECTION 3.80: No connection shall be made to the sewer system or the pipe trench covered or trench backfilled unless and until the Sewer Lateral and Building Sewer installation have been inspected and approved (at the times required herein) by the Authority's representative. The approval to close the trench to a depth of two feet over the pipe shall be noted in writing on the permit and no other evidence of such approval shall be accepted.

SECTION 3.90: After the Building Sewer, Service Lateral, and appurtenances have been installed and inspected, the pipe must be carefully covered with twelve inches of 1B stone. The trench shall be refilled with clean earth (no rocks) to a minimum height of two feet above the top of the pipe at which time the contractor shall perform and the Authority's representative shall witness an air test performed on the line being installed from the point of connection at the building to the point of connection at the Service Lateral or sewer main. Both ends of the Building Sewer or the Service Lateral shall remain uncovered until the air testing has been completed and the installation approved. Such approval shall again be noted in writing on the permit and no other evidence of such approval shall be accepted.

The remainder of the trench shall be backfilled, compacted, and restored as required by the property owner. The entire backfill process shall be carried out carefully so as not to disturb the pipe. Large rock shall not be used as backfill in any portion of the trench.

Use of a new connection to the sewer system will not be permitted until the installation has been inspected, tested, and approved in accordance with the Authority's procedures.

SECTION 3.100: At the time of the inspection of the building sewer, the Authority's representatives will also inspect the facilities within the home to determine that the facilities to be connected to the sewer system are in conformance with the Authority's Rules and Regulations.

In accordance with Township of Derry Ordinance, all water contaminated by use must be discharged into the sewer including water from sinks and washing machines. Conversely, the discharge of roof, storm, surface, or building foundation water or drainage is expressly prohibited. Floor drains in basements subject to groundwater infiltration or flooding must be removed or permanently and thoroughly sealed. All users of the system are subject to the additional requirements of Section 9.40 A.1.

SECTION 3.110: All costs and expenses for the construction of a Building Sewer and all costs and expenses of connecting a Building Sewer to a Service Lateral, including testing, shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and save harmless the Authority from all loss or damage which may be occasioned, directly or indirectly, as a result of construction of a Building Sewer or of connection of a Building Sewer to a Service Lateral. If required for service to an Improved Property and not already constructed, the Service Lateral shall be constructed by and at the expense of the Authority.

SECTION 3.120: Whenever, in the opinion of the Engineer or other duly authorized representative of the Authority, special conditions require additional safeguards or more stringent specifications to be observed, then, and in that event notwithstanding any other provisions of this Resolution or requirements of the Township Plumbing Code, the Authority specifically reserves the right to refuse to permit a connection to be made to its sewer system until such special requirements or specifications as may be stipulated by the Authority or its Engineer have been satisfied.

SECTION 3.130:

- A. The actual installation of the Service Lateral is reserved to the contractor/plumber designated by the Authority. The Authority, however, may, at its own discretion, authorize a firm acting as an agent or on behalf of the property owner, to provide such installation, under such terms and conditions as may be required by the Authority, including all terms required in Subsection B of this section.
- B. The actual installation of any Building Sewer may be performed by a property owner or a person or firm acting as an agent or on behalf of the property owner, provided they are in full compliance with the following provisions:
1. The property owner or any person or firm acting as an agent or on behalf of the property owner (“Installer”) shall complete and submit to the Authority a Sewer Installer’s Certification Form.
 2. The Sewer Installer’s Certification shall include but not be limited to:
 - a. A certification that the Installer is familiar with the Authority’s requirements as outlined in the Rates, Rules, and Regulations and that the person or firm will comply with those requirements.
 - b. A certification that the Installer has insurance coverage in force in the minimum limits shown below and will keep such coverage in force with respect to any sewer installations to be performed within the Authority’s service area:

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

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

Under special limited circumstances, such as in the case where a property owner desires to install his own Building Sewer using hand methods, the Authority may waive some or all of the insurance requirements. However, if the property owner intends to use construction equipment (e.g. a backhoe) or obtain assistance from another person or firm who will use construction equipment, then an Installer’s Certification shall be required.
 - c. An indemnification of the Authority for any damages and claims arising from the installation of sewers.
 3. Proof of compliance with this section shall be available upon request by the Authority including current insurance certificates.

- C. The Authority reserves the right to prohibit any property owner, person, or firm from installing Building Sewers and/or Service Laterals for the following reasons:
1. Violation of any provision of this Article or other relevant requirements of these Rates, Rules, and Regulations;
 2. Unsatisfactory completion of previous installation(s) of such Building Sewer and/or Service Lateral;
 3. The need for excessive expenditure of Authority personnel time and effort, or the time and effort of Authority's agent, to monitor, inspect or otherwise deal with such installation project(s);
 4. Failure to maintain required insurance coverages or failure to provide satisfactory evidence of coverage when requested to do so.
- D. The property owner shall be ultimately responsible for installing the Building Sewer and/or Service Lateral according to the Authority's requirements. In addition, the property owner shall be solely responsible to enforce any specific contractual requirements between himself and other persons or firms who actually perform installation of Building Sewers and/or Service Laterals (e.g. clean up, yard restoration). The Authority expressly disclaims any responsibility for contractual matters between property owners and installers.

SECTION 3.140: On occasion it is practical and desirable for the Authority to permit owners of improved property to have access to the Authority's collection sewers by use of a sewage pump. Property owners shall enter into a written agreement with the Authority before such connections are permitted. The agreement shall be in a form approved by the Authority. It shall set forth the terms under which the Authority shall render service through such connections and shall be filed in the Office of the Recorder of Deeds of Dauphin County. Maintenance of the pressure system to the point of connection with the service lateral shall at all times be the responsibility of the property owner. In addition, prior to issuance of a permit, owners shall submit to the Authority documentation to enable the Authority to determine whether the proposed installation meets its requirements and whether the pump will serve its intended purpose.

SECTION 3.150: Pressure systems for single-family residential establishments shall be a prefabricated unit consisting of a factory-built sewage grinder pump with all associated parts and fittings mounted in a fiberglass reinforced polyester tank and a remote pump control panel mounted at a suitable location inside or outside the home. The pump shall be suitable for use in or near structures and shall be free from noise, odor, or health hazards.

The unit for single-family residential establishments shall have the following characteristics:

1. Grinder
 - A. Capable of reducing all components in normal domestic sewage, including a reasonable amount of "foreign objects", such as paper, wood, plastic, glass, rubber, and the like, to finely divided particles which will pass freely through the pump and the discharge piping.
 - B. Positioned in such a way that solids are fed in an upflow direction.

2. Pump - Centrifugal type capable of delivering 11 gallons per minute against a normal rated total dynamic head of 92 feet.
3. Pump and Motor - Capable of running dry for extended periods of time without damage to motor or seals.
4. Motor - Two horsepower
5. Tank - Watertight, 60-gallon minimum capacity
6. Tank Inlet - 4-inch diameter
7. Discharge - 1-1/4 inch diameter
8. Pump Control Panel - shall be constructed in accordance with the requirements of the Underwriter's Laboratory or other nationally recognized certification agency and shall be appropriately labeled.
9. Alarms - As a minimum, the unit shall be provided with an alarm to indicate a high water condition. Outside panels should have a visual signal, inside panels should have an audible signal.
10. Service - The manufacturer of the grinder pump shall have an authorized service representative within a 100-mile radius of Hershey, PA.

Pressure systems for other than single-family residential establishments are subject to the review and approval of the Authority's engineer.

SECTION 3.160: Excavation for the grinder pump unit shall be to a depth such that, after installation of the grinder pump unit, the top of the unit shall be flush with or raised above finished grade. The bottom of the excavation shall be level and all loose material shall be removed by hand shoveling. A 6-inch deep layer of gravel or crushed stone, equal to or finer than PA No. 1B, shall be placed in the excavation prior to placement of the grinder pump unit.

The grinder pump unit shall be weighted and anchored with a concrete weight. The concrete shall have a minimum strength of 2,500 psi and minimum weight of 1,000 lbs.

The grinder pump unit shall be leveled on the gravel base and rotated for proper alignment with the gravity Building Sewer, pressure Building Sewer, and electrical service connection. Backfill around the grinder pump unit and for a distance of 1'0" above the discharge pipe shall be Pa. No. 1B stone, as required, with proper compaction. Care shall be taken to bring the fill up evenly around the grinder pump unit. Rock, wood, or other debris shall not be used as backfill. After stone backfill has been placed around the unit to a height of 1'0" above the discharge pipe, then clean earth fill may be used to complete the backfill operation to the ground surface.

SECTION 3.170: The pressure Building Sewer shall be 1-1/2 inch SDR 21 PVC (200 psi), pipe with rubber gasket joints, buried a minimum of four feet. Thrust blocks shall be provided for all fittings and at all locations where horizontal and/or vertical deflections are made. They shall be constructed in accordance with a detail drawing by the Authority's engineer.

A minimum of four inches of Pa. No. 1B coarse aggregate shall be placed underneath the pipe. Stone backfill shall be placed to a minimum of one foot above the top of the pipe in such a manner so as not to disturb the pipe. Earth dams shall be provided in the pressure Building Sewer trench at locations required by the Authority's inspector.

Backfill for the remaining portion of the trench shall be in accordance with the requirements of Section 3.90 for PVC pipe.

In addition, where a pressure Building Sewer and Service Lateral discharge into a force main collection sewer, a curb box and redundant check valve shall be installed unless already provided by the Authority as part of its facilities.

SECTION 3.180: Installation of wiring from the grinder pump unit to the pump control panel and from the pump control panel to the owner's circuit breaker panel or fuse box shall be in accordance with the requirements of all local, state, and national electric codes and the unit manufacturer's recommendations. Underground conduit shall be a minimum of 3/4" diameter and watertight. A minimum of two feet of cover shall be provided.

SECTION 3.190: For the purposes of early warning and identification of underground wiring and pressure piping during trenching or other excavation, continuous warning tapes shall be provided in all trenches. Tapes shall be buried at a depth of 6 inches below grade. In pavement, tapes shall be buried 6 inches below the top of the subgrade. The underground warning tape shall be a magnetic polyethylene tape, three inches in width with 1-inch minimum lettering.

SECTION 3.200: The gravity portion of the Building Sewer upstream of the grinder pump basin including traps and cleanouts shall be constructed as provided in other applicable sections of Article III (especially Sections 3.50 and 3.60) except that the cleanout riser immediately downstream of the house trap shall be modified to also serve as a vent for the pump basin.

SECTION 3.210: Every grinder pump unit and pressure Building Sewer shall be inspected and approved by the Authority prior to connection to the Service Lateral. The pressure Building Sewer shall be hydrostatically tested by the installer in accordance with the procedures and requirements established by the Authority's engineer. If the pressure Building Sewer fails the prescribed test requirements, the installer shall be responsible for determining deficiencies in the materials and/or workmanship and for correcting the same to the satisfaction of the Authority. The installation shall then be retested for conformance with the Authority's requirements.

SECTION 3.220: INSTALLATION OF INTERCEPTORS AND SEPARATORS

- A. **GENERAL:** Harmful discharges to the sewer system are prohibited as outlined in Articles VIII and IX. Interceptors and/or separators shall be required to be installed as set forth below or wherever in the sole judgement of the Authority they are deemed necessary to protect the integrity and safety of the sewer system.
- B. **GREASE INTERCEPTORS:** A grease interceptor shall be required to receive the grease-laden drainage from plumbing fixtures and equipment located in the food preparation areas of commercial and industrial establishments. This includes, but not by way of limitation, facilities such as: restaurants, motels, hotels, bars, cafeterias, and schools.

- C. **OIL INTERCEPTORS:** An oil interceptor shall be required to receive drainage from work areas of commercial and industrial establishments where the possibility exists that petroleum products could become mixed with wastewater. This includes, but not by way of limitation, repair garages, gasoline stations, and factories.
- D. **SPECIAL PURPOSE INTERCEPTORS:** Interceptors shall be required at commercial and industrial establishments where the nature of their operation is such that a substance detrimental to the sewer system could enter the wastewater stream. Sand or grit from car washes, string or rags from commercial laundries, and animal parts from butcher shops are examples of facilities where special purpose interceptors may be required.
- E. **ACCESSIBILITY AND MAINTENANCE:** Each interceptor or separator shall be installed so as to be readily accessible for service and maintenance. Interceptors and separators shall be maintained by periodic removal of accumulated grease, scum, oil, solids, etc, and by disposal of the material in a lawful manner.
- F. **SPECIFICATIONS:** The style, type, and location of each interceptor or separator shall be approved by the Authority using the specifications of the latest edition of the BOCA Basic National Plumbing Code as guidelines.
- G. **INSPECTION AND RECORDS:** Authority personnel may make periodic inspections of these facilities and associated records to assure proper installation, maintenance, and disposal procedures are being practiced. Written records, maintained by the property owner or facility management, shall be required to document required maintenance and lawful disposal of all accumulated material.

ARTICLE IV. MAINTENANCE OF BUILDING SEWERS & SERVICE LATERALS**SECTION 4.10**

- A. The maintenance of Building Sewers (from building to curb line) and Service Laterals (from curb line to the Collection Sewer in the street or right-of-way) shall be the obligation of the property owner or customer except to the extent hereinafter provided. Where owner's or customer's efforts to maintain or restore service establishes that there is a blockage in or structural failure of the Service Lateral which reasonably requires excavation of the Service Lateral to effect repair and/or restoration of service, the Authority will bear the cost of such excavation and subsequent repair of the Service Lateral. However, in the event the Authority determines that the property owner or customer was responsible for causing the blockage in the Service Lateral by placing inappropriate material into the Building Sewer or Service Lateral, the Authority reserves the right to make a back charge for the repair cost.
- B. In the event that tree roots are found to be the cause of a blockage in a Service Lateral and the property owner refuses to remove the offending tree when it is within his legal authority to do so, the property owner shall be solely responsible for all future maintenance of the Service Lateral.
- C. In the event it becomes necessary to replace a Building Sewer, the property owner or customer shall notify the Authority and such replacement shall be subject to the specification and inspection provisions of Article III of this Resolution.

ARTICLE V. EXTENSIONS AND ADDITIONS TO THE SEWER SYSTEM**SECTION 5.10:** Petition for Extension from Owners of Existing Improved Properties

- A. Whenever any Person desires the extension of the Authority's Sewer System to service new area, such Person may present a petition to the Authority requesting an extension, which petition must be signed by the owners of not less than fifty-one percent (51%) in footage fronting on the proposed extension. The petition shall set forth the total number of feet of sewer extension required, the total number of potential customers located along the proposed extension, and whether such customers are residential, commercial, or industrial.
- B. Upon receipt of the petition, the Authority may undertake the extension of its facilities if such extension is beneficial in the opinion of the Authority. Should the Authority in the exercise of its discretion determine that an extension shall not be made, notice of such determination shall be given to the Person submitting the petition.

SECTION 5.20: Extensions and Additions Proposed in Connection with Subdivision or Land Development Projects

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

B. Extensions not designed and installed by the Authority

1. Design and Review Requirements

a. Plans and Specifications

- (1) Plans for extensions to the Sewer System may be prepared by qualified Persons other than the Consulting Engineer for the Authority. The plans shall be submitted to and approved by the Authority. Specifications for extensions shall at a minimum consist of: the latest approved edition of the Authority's Standard Construction and Material Specifications for Wastewater Collection System Extensions ("Standard Specification") and the Authority's currently effective Rates, Rules, and Regulations. Any supplementary specifications or shop drawings required shall be submitted to and approved by the Authority. (All such approved plans, specifications and other data are hereinafter referred to as the "Plans and Specifications".)
- (2) As a condition to the approval of the Plans and Specifications, the Applicant shall execute an agreement granting to the Authority all public sewer rights-of-way within the project area. The Applicant shall provide to the Authority plats and legal descriptions for each right-of-way for attachment as exhibits to the agreement. Such plats and legal descriptions shall be in a form acceptable to the Authority.
- (3) The Authority may charge a fee to review and approve the Applicant's Plans and Specifications.

b. Right-of-Way (R/W) Standards

- (1) New R/Ws being proposed on a subdivision or land development plan shall be a minimum of thirty (30) feet in width. To the extent physically possible R/Ws shall be uniform in shape and parallel to property lines with the sewer line located in the middle of the R/W.
- (2) R/Ws shall be cleared and graded in such a way as to be readily accessible for future maintenance by the Authority.
- (3) When a subdivision or land development plan is proposed for a tract of land on which an Authority R/W already exists at some width less than thirty (30) feet, the width shall be increased to thirty (30) feet as part of the plan.

c. Pump Station Standards

- (1) Policy on the Construction of Pump Stations - The Authority requires that gravity sewer service be provided to areas proposed for development wherever gravity service is physically and economically feasible. The Authority Board reserves the right to make all determinations as to whether gravity sewer service to an area is economically feasible. To aid the Authority in determining economic feasibility, Applicants proposing use of a pump station where gravity service is physically possible shall submit a detailed engineering report which compares the cost of pumping and gravity service options. The report shall include a 20-year life cycle cost analysis of each alternative.
- (2) When a pump station or other similar facility is being proposed as part of a Sewer System extension it shall be situated upon its own individual lot of a size acceptable to the Authority and suitable for dedication to the Authority.
- (3) The specific design of a pump station will vary depending upon a unique set of circumstances based on its location and service area. In view of this, the Authority reserves the right to determine the requirements for any individual station on a case-by-case basis.

d. Miscellaneous Design and Dedication Standards

- (1) Gravity sewer pipe having an inside diameter of 12" or less shall be installed not less than 15 feet from the outside walls of any proposed buildings or other obstructions, and pipe greater than 12" shall be installed not less than 20 feet from such obstructions. In either case the pipe shall be reasonably accessible for maintenance.
- (2) No main line gravity sewer pipe offered for dedication to the Authority shall be accepted unless the pipe has a minimum inside diameter of 8". However, neither this paragraph nor any other provision of these Rates, Rules, and Regulations shall be construed to require or obligate the Authority to accept an offer to dedicate a main line gravity sewer pipe having an inside diameter of 8" or greater.

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

2. Requirements for Those Installing Sewer System Extensions - Extensions to the Sewer System may be constructed by an Applicant or a contractor hired by the Applicant (“Installer”) in accordance with the Plans and Specifications provided that the Installer shall complete and submit to the Authority a Main Line Installer’s Certification Form. This certification form shall include but not be limited to:

- a. A certification that the Installer is familiar with the Authority’s requirements as outlined in the Rates, Rules, and Regulations and the Standard Construction Specifications and that the Installer will comply with those requirements.
- b. A certification that the Installer has insurance coverage in force in the minimum limits shown below and will keep such coverage in force until the extension is completed:

Automobile Liability - \$1,000,000 combined single limit

General Liability - \$1,000,000 each occurrence/aggregate

Worker’s Compensation (if firm has employees) - Legally required limit

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

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

3. Required Preconstruction Activities

- a. The Applicant shall be responsible to obtain at his own cost all required permits regarding the extension including but not limited to: Department of Environmental Protection (DEP) Water Quality Management Permits; DEP or county permits pertaining to soil erosion and sedimentation control; and PADOT or local highway occupancy permits.
- b. The Applicant shall enter into a Sewer Extension Agreement with the Authority which shall contractually obligate the Applicant to comply with the applicable requirements of these Rates, Rules, and Regulations.
- c. The Applicant shall deposit with the Authority a sum of money which shall be held in a non-interest bearing escrow account to pay for costs incurred by the Authority to ensure that the extension meets its requirements.
 - (1) The amount of the deposit shall be determined by the Authority based on its estimated costs which include but not by way of limitation: inspection of the construction of the extension and reimbursement of charges to the Authority by its engineer and solicitor in connection with the extension.
 - (2) The above deposit shall be made before construction of the extension may begin.
 - (3) In the event the project is being approved and built in phases pursuant to local government regulations, a separate deposit may be made prior to the construction of each successive phase in lieu of making one deposit for the entire project. Should the funds deposited for either a single phase or the entire Project exceed the Authority's actual costs, the balance remaining upon completion of either the phase or Project shall be refunded in full to the Applicant, but should the deposit be insufficient, the Applicant shall pay the deficiency to the Authority within five days of verbal or written request. The Authority shall have no obligation to provide services unless and until the escrow account is restored to an acceptable level.
- d. The Applicant shall post financial security with the Authority, or if permitted by the Authority, with the Township of Derry to insure completion of the extension in accordance with the Plans and Specifications. The posting and releasing of the financial security shall be governed by the provisions of the "Municipality Authorities Act" 53 PA C.S. Ch. 56 ("Act"). Generally, the Authority requires the posting of financial security in the amount of 110% of the cost of the proposed extension as determined by a bona fide bid from the Applicant's contractor, or the Authority's engineer. The Authority may also accept a cost estimate from the Applicant's engineer.

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

4. Construction Requirements

- a. The Applicant shall hire and employ and pay his own contractor or contractors to construct the extension according to the Plans and Specifications, and the Authority shall have no responsibility or liability for payment of any part of the costs or expenses arising out of or relating to the construction of the extension.
- b. The extension shall be constructed by the Applicant in strict conformance with the Plans and Specifications. During the course of construction all material, workmanship, and compliance with the Plans and Specifications shall be subject to the inspection and approval of the Authority. When the extension has been completed in accordance with the Plans and Specifications and upon request by the Applicant, the Authority shall provide a letter confirming the satisfactory completion of the extension.
- c. In the event that the Person installing a sewer extension fails to comply with the requirements of the Authority, the Authority shall give notice in writing of such noncompliance and in the event that the Person installing the extension fails to replace or repair the defective installation, the Authority shall take whatever measures are necessary to conform the installation to the requirements of the Authority and charge the costs thereof against the Applicant's financial security.

5. Post-construction Requirements and Release of Performance Security

- a. Within thirty (30) days of the completion of the extension, the Applicant, at his own expense, shall:
 - (1) Prepare and submit to the Authority two (2) sets of record (as-built) drawings and one (1) set of reproducible record drawings of the extension.
 - (2) Execute, acknowledge, and submit to the Authority a Deed of Dedication for the extension in the form required by the Authority. The Deed shall provide for the Authority to be the sole, absolute, and permanent owner of the extension, free and clear of any lien, obligation, or other liability in favor of the applicant, his successors or assigns, his contractors, laborers, or suppliers, and any of his or their creditors, or in favor of any other Person to the same end and effect as if the Authority had constructed the extension at its own expense.

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

- c. Prior to release of the performance security as required by Section 5.20 B.3.d., the Applicant shall furnish the Authority with financial security in accordance with the Act to secure the structural integrity and functioning of the extension in accordance with the Plans and Specifications. The financial security shall have a term of twelve (12) months from the date of acceptance of the Deed of Dedication by the Authority. The financial security shall be in an amount of ten percent (10%) of the cost of construction of the extension and shall be in a form approved by the Authority.

ARTICLE VI. RATES, CHARGES, AND BILLING

SECTION 6.10:

There are hereby imposed Connection and Tapping Fee charges (pursuant to Act 203 of 1990) for each connection made to the sewer system which may consist of any or all of the following components as applicable:

- A. A Connection Fee (Lateral Installation Fee) shall be imposed for all Service Laterals installed between a street main and the curb line by or at the expense of the Authority. This fee shall be based upon the cost to the Authority of making such an installation.
 1. If the Service Lateral installation is being made as part of a sewer main extension project made by or at the expense of the Authority, the fee shall be as shown on the Rate Schedule.
 2. If the Service Lateral installation is being made as the result of a request from a property owner to connect to a sewer main installed by or at the expense of the Authority, (or by or at the expense of a property owner and for which no previous connection fee has been paid), the fee shall be equal to the estimated cost of installing the lateral. However, in no event shall the fee exceed the actual cost. Any amount by which the estimate exceeds the actual cost shall be refunded to the property owner.
- B. A Customer Facilities Fee (Inspection Fee) shall be imposed for the inspection of any Building Sewer installation. Said fee shall be imposed under the following terms:
 1. for installation of any Building Sewer in excess of one hundred fifty feet in length, the actual costs to the Authority of inspecting the installation.
 2. for all other installations, the amount shown on the Rate Schedule, which is a careful approximation of the actual cost.
- C. A Tapping Fee shall be imposed which may consist of any or all of the following parts as applicable:
 1. Capacity Part - For each connection made to the Authority's sewer system, a Capacity Part of the Tapping Fee (Capacity Fee) shall be imposed as shown on the Rate Schedule. The fee shall apply to connections made to the Authority's existing Sewer System, additions to the Sewer System, and capped sewers whether built by the Authority or built by or at the expense of developers. This fee shall be based upon the costs of the Authority's capacity related facilities.

This fee shall also be imposed whenever: (1) a new building or facility with an estimated wastewater flow of at least 125 gallons per day is connected to an existing Building Sewer or the internal drainage system of an existing building or facility; (2) an existing building or facility is expanded in such a way that the increased potential for the generation of wastewater equals or exceeds 125 gallons per day. Flow estimates shall be made by the Authority based on sound engineering practice.

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

2. Collection Part - For each connection made to a new street main constructed by or at the expense of the Authority, a Collection Part of the Tapping Fee (Main Line Construction Fee) shall be imposed as shown on the Rate Schedule. This part of the fee shall be based upon the cost of the Authority's collection line facilities.
 3. Special Purpose Part - The special purpose part of the tapping fee shall be imposed only in those cases where it is necessary to recover costs of facilities to serve a particular area or group of customers as provided by Act 203 of 1990.
 4. Reimbursement Part - The Reimbursement Part of the Tapping Fee shall be imposed only in those cases where it is necessary to recover costs which will be refunded to property owners as provided by Sections Z and Z.1 of Act 203 of 1990. The amount of the fee will be determined as described in the Act.
- D. Except as provided in Subsection F below, the applicable Connection and/or Tapping Fees outlined above shall be due in total and payable at the time an application for permit is filed.
- E. In the event that the Authority grants permission for two or more connection units to be grouped together on one Service Lateral, it shall be with the understanding that Tapping Fees shall be due as though individual units were being connected.

- F. Applicants for connection permits who are required to pay a Collection Part of the Tapping Fee (Main Line Construction Fee) under this Section 6.10 may elect to pay the total amount of the Connection and Tapping Fee either in full or in 24 equal installments in addition to an initial down payment. The election to make installment payments must be made within sixty (60) days of the date of the Notice to Connect, otherwise the entire fee is due and payable. If the applicant elects installments payments, the amount shown on the Rate Schedule under "Down Payment" is due as a down payment at the time a permit application is filed. The Balance is payable within six years thereafter. Interest on the unpaid balance shall be charged at the rate of 10% per annum, provided however, that if bonds were issued to finance the project giving rise to the aforesaid fee, interest shall be charged at the rate of interest of the bond issue or at the rate of 12% per annum, whichever is less. Interest will begin to accrue on the unpaid balance sixty (60) days after the date of the Notice to Connect regardless of whether a down payment has been made or not. The Authority will issue a quarterly billing to those applicants who elect installment payments. To implement the provisions of the subparagraph, the applicant shall be required to complete and execute an installment contract, municipal lien, and any other legal documents required by the Authority's Solicitor.

SECTION 6.20: SEWER RENTALS OR CHARGES:

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

SECTION 6.30: READY-TO-SERVE CHARGES:

- A. By specific resolution of the Authority, a Ready-to-Serve Charge may be imposed upon all properties which may be lawfully required to connect to the Sewer System of the Authority, but which have not been connected thereto, provided that such Ready to Serve Charge shall be effective upon the expiration of at least 60 days after notice to connect to the Sewer System has been received in accordance with the requirements of Ordinance #140 of the Township of Derry.
- B. The Ready-to-Serve Charge shall be in an amount equal to the minimum quarterly charge applicable to the type of property available for connection to the Sewer System, and such charges shall be billed and collected at the same time and in the same manner as the rental charges already imposed by the Authority for the users of the Sewer System.

SECTION 6.40: COMPUTATION OF SEWER RENTAL OR CHARGES:

Sewer rentals shall be based in part upon actual metered water consumption with exceptions as hereinafter noted. The volume of water to be used for billing sewer rentals shall include any and all metered water purchased from providers of public water service, and in addition, all metered water obtained from any other source.

- A. All sewer rentals shall be computed in accordance with the rates shown on the Rate Schedule.
- B. Except as provided in Section 6.70, all water used from any source by commercial or industrial establishments must be metered and shall be billed in accordance with the sewer rates shown on the Rate Schedule.

- C. All nonmetered residential establishments shall be charged as shown on the Rate Schedule.
- D. Sewer rental billings under this section shall be rendered in arrears of the service provided, and shall be based upon water consumed and metered during the period immediately preceding the period in which the sewer bill is rendered.
- E. Owners of property connected to the sewer system for only a portion of a period shall pay a pro rata sewer rental for the period of time actually connected during the period.
- F. In the event that the meters referred to in this Section 6.40 should malfunction or when other occurrences make it impossible to determine the exact volume of water used by residential or non residential establishments, the Authority shall make reasonable estimates of such volumes as it in its sole discretion may determine. Estimates may be based on historical averages, or such other facts as may be available to the Authority. Estimates may be used by the Authority when it is known that some portion of flow metered by the customer's water company has not reached the sewer and there is some objective basis for the estimate.

SECTION 6.50: SLUDGE DISPOSAL CHARGES:

All owners of establishments discharging sludge directly to the wastewater treatment plant shall pay the rates shown on the Rate Schedule. All sludges will be accepted at the sludge thickeners of the treatment plant and shall contain no less than three percent total solids by weight. The volume of sludge and weight of solids shall be determined by the Authority.

SECTION 6.60: INDUSTRIAL WASTE DISCHARGE PERMIT APPLICATION FEE:

Each application for an Industrial Waste Discharge Permit shall be accompanied by a fee. The amount of the fee shall be as shown on the Rate Schedule. The Authority's Manager in his sole judgement will determine the proposed term of each permit.

SECTION 6.70: DEDUCTIONS FOR UNCONTAMINATED WASTEWATER NOT ENTERING THE SEWER SYSTEM:

When such wastewaters are excluded from the sewer system, sewer rentals shall be calculated in one of the following ways:

- A. After obtaining written approval of the Authority, the property owner may install and maintain a meter approved by the Authority to measure the volume of water not discharged to the sewer. The volume of such water shall be deducted from the total volume of water consumed and the net result thereof shall be used to compute the applicable rentals and other charges.

Specifications for meters used to measure excluded wastewater include but are not limited to:

1. accessible and readable at all times
2. meter (remote or local) such as those manufactured by Kent Meter Sales, Inc., Badger Meter, Inc., or equal, in either plastic or bronze
3. meter must be properly sized to its intended use

4. meter quality must be equal to or exceed the master meter installed by the water companies.

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

- B. The owner of a nonresidential establishment may upon written approval of the Authority, install and maintain a meter for measuring the volume of wastewater discharged to the sewer system, in which case rentals and other charges shall be based on the actual volume of wastewater discharged.
- C. In the event that the meters referred to in Section 6.70 A and B above should malfunction or when other emergency conditions make it impossible to determine the volume of wastewater excluded or discharged by nonresidential establishments, the Authority may make estimates of such volumes.

SECTION 6.80: SURCHARGE FOR EXCESS STRENGTH COMPATIBLE POLLUTANTS (AS DEFINED IN SECTION 9.20) FROM NONRESIDENTIAL ESTABLISHMENTS:

- A. Initial Survey
 1. The Authority may make an initial survey of the discharge from nonresidential establishments to determine the applicability of the surcharge. The survey shall consist of suitable sampling and analysis of the wastewaters for three consecutive days during a period of normal industrial or commercial operation.
 2. Based on survey results the Authority may institute the surcharge and/or require the owner to provide such tests, equipment, and information as will provide a further basis for determination of the surcharge.
- B. Frequency of Surcharge Monitoring: After the initial survey the Authority shall determine the frequency of surcharge monitoring provided, however, subsequent monitoring shall be conducted at least annually for three consecutive days during a period of normal industrial or commercial operation.
- C. Data to Determine Surcharge
 1. Where the Authority determines that accurate information exists, the surcharge shall be based on the volume of wastewater used for billing purposes for the appropriate period and the concentration of surchargeable pollutants measured in a composite sample taken over the duration of the discharge or 24 hours, whichever is shorter. Where the discharge exceeds 24 hours, the composite sample shall form the basis for surcharge billing until such time as the Authority, on its own initiative or upon request of the property owner, takes another 24-hour composite sample.

2. Where the Authority determines that accurate information does not exist, the surcharge shall be based on Authority estimates of wastewater volume for the appropriate period and concentration of surchargeable pollutants as determined by:
 - a. a grab sample, or;
 - b. typical concentrations for similar operations as published in technical literature, or;
 - c. wastewater surveys of discharges from other similar operations
3. The cost of obtaining all information required to determine the surcharge shall be borne by the property owner. This includes but not by way of limitation the costs of sample collection, flow measurement, and laboratory analysis.
4. In establishing pollutant concentrations for surcharge purposes, all analyses shall be made in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, Inc.

D. Surcharge Limits and Calculation

1. Discharges are subject to surcharge at the rates shown in the Rate Schedule when the average concentration of the pollutant exceeds the threshold limit.
2. The rate shall apply to each milligram per liter (mg/l) per million gallons (MG) by which the average pollutant concentration exceeds the threshold limit.

SECTION 6.90:

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

SECTION 6.100: BILLING AND COLLECTION:

- A. All sewer rental billings shall be due and payable upon presentation and, if not paid within twenty days from the date of billing, a penalty of five percent of the current unpaid charge shall be added to the balance. This twenty-day payment period and five percent penalty shall also apply to all miscellaneous Authority billings including but not by way of limitation: ready-to-serve charges, sludge disposal charges, surcharges for excess strength waste, and hauled waste fees. (This change to be effective for bills rendered on or after September 1, 1993.)
- B. There are intended to be no exemptions from charges for sewer service under this Resolution regardless of the fact that these services may be rendered to charitable or community organizations.

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

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

ARTICLE VII. NO ABATEMENT OF RENTALS OR CHARGES

SECTION 7.10: There shall be no abatement of sewer rentals or service charges imposed by this Resolution unless the property with respect to which an abatement is requested shall have been physically disconnected from the sewer system in a manner satisfactory to the Authority. It is intended by this Section to prohibit any abatement of sewer rentals or service charges for any period during which a property connected to the sewer system shall have been vacant or unoccupied unless the property is physically disconnected, as aforesaid.

ARTICLE VIII. GENERAL RESTRICTIONS OF HARMFUL DISCHARGES

SECTION 8.10: The Authority reserves the right to refuse permission to connect to the sewer system, to compel discontinuance of use of the sewer system, or to compel treatment of wastewaters by any person using the sewer system in order to prevent discharges deemed harmful, or to have a deleterious effect upon any portion of the sewer system, provided, however, that nonresidential establishments are subject to the additional requirements of Article IX.

SECTION 8.20: All persons using the sewer system shall be subject to the prohibited discharge requirements of Section 9.40 (A) (1).

ARTICLE IX INDUSTRIAL WASTEWATER CONTROL

SECTION 9.10: GENERAL PROVISIONS

A. PURPOSE:

1. This Article of the Rates, Rules, and Regulations sets forth uniform requirements for Industrial Users of the Authority's treatment system. It enables the Authority to comply with State and Federal laws and regulations.
2. The provisions of this Article assure continuity of wastewater treatment, help prevent violation of the Authority's NPDES permit, and protect the treatment system from damage.

B. OBJECTIVES:

1. To prevent the introduction of pollutants into the treatment system which will interfere with the operation of the system or contaminate the resulting sludge;
2. To prevent the introduction of pollutants into the treatment system which will pass through the system, inadequately treated, into receiving waters or the atmosphere;
3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

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

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

E. FUTURE FEDERAL/STATE REGULATIONS: Any amendments or supplements to applicable Federal or State laws, regulations, or standards are automatically incorporated herein by reference as of the date they become effective. In the event such incorporation by reference is held to be improper or unenforceable, then where Federal or State standards are incorporated herein by reference, the standards existing as of the date of the latest amendment to these Rates, Rules, or Regulations shall be applicable.

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

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

2. "Authority", or "DTMA" means Derry Township Municipal Authority, a Pennsylvania municipality authority.
3. "Compatible Pollutant" means wastewater constituents which the wastewater treatment plant is designed to treat, and wastewater substances which will not interfere with the treatment system or pass through the treatment system inadequately treated. Compatible pollutants are non-compatible when discharged in quantities or qualities that have an impact on the treatment system or the Authority's NPDES compliance.
4. "Categorical Standard" or "Federal Categorical Pretreatment Standard" means any regulations promulgated by the Environmental Protection Agency (EPA) which apply to a specific category or subcategory of industry regarding their discharge of pollutants.
5. "Domestic Wastes" or "Domestic Wastewater" means the wastes produced from noncommercial or nonindustrial activities, and which result from normal human living processes, which are of substantially similar origin and strength to those typically produced in Residential Establishments, including wastes from sanitary conveniences.
6. "Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources, both: inhibits or disrupts the treatment system, its treatment processes or operations, or its sludge processes, use or disposal; and causes a violation of the Authority's NPDES permit or prevents the use or disposal of the sewage sludge.
7. "National Pretreatment Standards", "Pretreatment Regulations", or "Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b)&(c) of the Act which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR § 403.5
8. "Industrial User", "User", or "IU" means a commercial or industrial establishment that discharges any manner of wastewater to the treatment system.
9. "Industrial Wastes" or "Industrial Wastewater" means all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation from which wastewater is discharged, and which is not otherwise classifiable as domestic wastewater.
10. "New Source" means any facility from which there is, or may be, a discharge of pollutants, the construction of which began after the publication of the proposed Pretreatment Standards pursuant to § 307(c) of the Act, which will apply to the facility if the standards are promulgated, provided certain location and construction criteria as defined in 40 CFR § 403.3 (k)(1)-(2) are met.
11. "NPDES Permit" means a National Pollutant Discharge Elimination System permit issued pursuant to § 402 of the Act.

12. "Pass Through" means a discharge which exits the Authority's treatment system in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources causes a violation of the Authority's NPDES permit.
13. "Person" means any individual, partnership, committee, association, corporations, public agency, and any other organization or group of persons, public or private, recognized as a legal entity.
14. "Pollutant" means any solid waste, sewage, garbage, sludge, chemical wastes, biological or radioactive materials, heat, industrial, municipal, or agricultural waste discharged into water, including but not limited to all materials described in § 9.20(A)(1)(b) of these Rates, Rules and Regulations.
15. "POTW" (Publicly Owned Treatment Works), or "Treatment System" means all facilities, structures, and equipment owned and operated by the Authority for the collection, conveyance, treatment, recycling, and reclamation of wastewater including any works that are an integral part of the treatment process.
16. "Pretreatment Requirement" means any substantive or procedural pretreatment requirement, other than a National Pretreatment Standard, imposed on an IU.
17. "Significant Industrial User" or "SIU" means:
 - a. Any IU subject to Categorical Pretreatment Standards under 40 CFR § 403.6 and 40 CFR Chapter I, Subchapter N.
 - b. Except as provided by the Authority's designation of an SIU pursuant to 40 CFR § 403.3 (t)(2), any other IU that:
 - i. Discharges process wastewater flows of 25,000 gallons or more per average work day, or;
 - ii. Contributes a volume of process wastewater greater than or equal to 5% of the dry weather average hydraulic or organic capacity of the POTW, or;
 - iii. Has been so designated by the DTMA through its discretionary authority on the basis that the IU has a reasonable potential to adversely affect the POTW operation, or violate any pretreatment standard or requirement.
18. "Significant Noncompliance", or "SNC" means that an IU has violated Pretreatment Standards and/or Pretreatment Requirements and such violation(s) meet one or more of the criteria set forth in 40 CFR § 403.8(f)(2)(vii).

19. "Slug Loading" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge of any pollutant including oxygen demanding pollutants (BOD₅, etc.) that will cause interference with the treatment system.
20. "Standard Methods" means the most recent edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association/American Water Works Association/Water Environment Federation.

SECTION 9.20: DISCHARGE REQUIREMENTS

A. NATIONAL PRETREATMENT STANDARDS:

1. Prohibited Wastewater Discharges

- a. General Prohibitions: No User shall discharge any wastewater that causes pass through or interference.
- b. Specific Prohibitions: No User shall discharge any of the following pollutants into the treatment system:
 - i. Any flammable liquids, solids or gases, or any materials that interact with other substances to cause a fire or explosion. This includes any material exhibiting the characteristic of ignitability with a closed-cup flashpoint of less than 140°F (60°C) using the methods described in 40 CFR § 261.21(a)(1). Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides;
 - ii. Any solid or substances that may cause obstruction to flow in the Sewer System or be detrimental to treatment system operation. These substances include, but are not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, feathers, tar, wood, paunch manure, hair, plastics, rags, and paper products, other than toilet tissue.
 - iii. Any wastewater containing more than 100 ppm by weight of fats, oils, and grease;
 - iv. Any wastewater containing any garbage that has not been ground by household type or other suitable garbage grinder;
 - v. Any pollutant that will cause or contribute to corrosive damage or hazard to structures, equipment or personnel of the treatment system; discharges in no case shall have a pH less than 6.0 or higher than 9.0.

- vi. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the treatment system, or to exceed the limitations set forth in a Federal Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to § 307 (a) of the Act;
- vii. Any noxious or malodorous liquids, gases, or solids that either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;
- viii. Any pollutant that will cause any product of the treatment system such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the treatment system cause the sludge produced to be in noncompliance with disposal criteria, guidelines, or regulations developed under § 405 of the Act; or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State Criteria applicable to the sludge management method being used;
- ix. Any wastewater with color resulting in interference or pass through, such as, but not limited to, dye wastes and vegetable tanning solutions;
- x. Any heated wastewater that exceeds a temperature of 65°C (150°F) or that is sufficient enough to increase the temperature of the treatment plant influent above 40°C (104°F) or in amounts sufficient to impact biological activity at the treatment plant;
- xi. Any pollutant, including oxygen demanding pollutants (BOD₅, etc.) released in a discharge of such volume or strength as to result in interference with the treatment system;
- xii. Any wastewater containing pollutants of such character or quantity that special and unusual attention is required for their handling;
- xiii. Any nonbiodegradable oils of mineral or petroleum origin;
- xiv. Any radioactive wastes or isotopes of such half-life or concentration that causes violation of local, State or Federal regulations;
- xv. Any waters not intended for treatment by the treatment system including, but not limited to storm water, surface water, groundwater, roof runoff, subsurface drainage or cooling system waters.
- xvi. Pollutants resulting in the presence of toxic gases, vapors, or fumes within the treatment system in a quantity that may cause acute worker health and safety problems.

xvii. Any trucked or hauled pollutants, except as identified in Article IX.1 of these Rates, Rules, and Regulations and at discharge points designated by the Authority .

2. Categorical Standards

- a. The provisions of 40 CFR § 403.6 and any Categorical Pretreatment Standards promulgated by the Environmental Protection Agency for a particular industrial subcategory are incorporated herein by reference.
- b. IUs subject to Federal Categorical Pretreatment Standards shall comply with all of the requirements thereof including the reporting requirements of 40 CFR § 403.12.

B. AUTHORITY STANDARDS:

1. Included as part of these Rates, Rules, and Regulations is a LOCAL DISCHARGE LIMITATION SCHEDULE. The Schedule sets forth total allowable mass headworks loading to the treatment plant for a number of pollutants. The Authority may, in its sole discretion, allocate pollutant loadings to industrial users using these mass headworks loading. Such allocation may be calculated after subtracting domestic loadings and utilizing a safety factor as the Authority deems appropriate. The resulting industrial user limitations may, at the Authority's option, be established as concentrations and/or mass loadings limitations.
2. The Authority reserves the right to establish more stringent standards or limitations on discharges to the treatment system if deemed necessary to comply with the objectives of this Article of the Rates, Rules and Regulations.
3. Nothing in the Article shall be construed as preventing any special agreement between the Authority and any User of the treatment system whereby compatible pollutants of unusual strength or character are accepted into the system and specially treated subject to any charges as may be applicable, provided, however, that:
 - a. The National Pretreatment Standards including the national pretreatment general prohibitions and specific prohibitions shall not be waived, unless such a waiver is granted by mechanisms established under the Federal Pretreatment Regulations and;
 - b. In no case shall a waiver of local discharge limitations allow for a User to discharge any pollutant which, in combination with other User regulated discharges, would reasonably be expected to exceed the mass loadings determined by the Authority as acceptable to the treatment plant based upon considerations of, among other things, interference, pass-through, and sludge contamination.

C. ACCIDENTAL DISCHARGES AND SLUG LOADINGS:

1. Each User shall provide protection from accidental discharges (including upsets and bypasses) and slug loadings. Facilities to prevent accidental discharges and slug loadings shall be provided and maintained at the user's own expense. The Authority may require an IU to submit a plan to control accidental discharges and slug loadings.
 2. In the case of an accidental discharge or slug loading, the User shall notify the Authority immediately by telephone. The notification shall include as a minimum: location of the discharge, type, volume and concentration of the waste, and corrective actions taken.
 3. Within five (5) days following an accidental discharge or slug loading the User shall submit to the Authority a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences.
 4. Such notification outlined above shall not relieve the User from exposure to enforcement action as provided herein or from applicable surcharges.
 5. If an accidental discharge or slug loading causes a situation which results in extra expense for the Authority, the responsible User shall reimburse the Authority for such extra expense. Such situations include, but are not limited to: causing an obstruction or damage to any part of the treatment system, causing a violation of applicable government law or regulation which results in a fine imposed on the Authority, and any other damage to persons, property, animals, fish, or the receiving waters of the treatment system.
- D. **DILUTION RESTRICTION:** No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or with any other pollutant-specific limitation developed by the State or Authority unless allowed by applicable law and expressly authorized in writing to do so.
- E. **PRETREATMENT:** Users shall provide necessary wastewater pretreatment as required to comply with these Rates, Rules and Regulations and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. In addition:
1. Any IU required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained at the IU's expense.
 2. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and the Authority shall indicate its acceptance in writing before construction of the facility may begin. The review of such plans and operating procedures will in no way relieve the IU from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provisions of these Rates, Rules and Regulations.

3. Any planned changes in the pretreatment facilities or method of operation that may result in material changes in the characteristics or volume of wastewater discharged to the treatment system shall be reported to the Authority and shall not be undertaken unless the Authority indicates its acceptance thereof in writing.

SECTION 9.30: INDUSTRIAL WASTEWATER DISCHARGE PERMITS

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

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

- B. **COMPLIANCE:** No permit holder shall discharge wastewater in excess of any permit limitations. Any permit holder proposing to modify its discharge in a manner that would violate any permit limitations shall apply for an amended permit. All permit holders shall comply with Federal, State, and local requirements, including Federal Categorical Pretreatment Standards, within the time provided by the applicable provision, even if the pretreatment permit has not been modified to incorporate the requirement.
- C. **APPLICATION:** Persons seeking a permit shall complete and file with the Authority an application in the form prescribed by the Authority, and accompanied by any applicable fees. The applicant shall submit, in units and terms appropriate for evaluation, information including but not limited to:
 1. Name, address, and telephone number of applicant, and the name and current mailing address of the owner of the premises from which Industrial Wastes are intended to be discharged.
 2. Daily average volume of wastewater to be discharged.
 3. Schedule of all process waste flows produced before and after pretreatment, if any, at said premises, including the daily volume, and wastewater constituents and characteristics as determined by representative samples and analyses performed by a qualified laboratory acceptable to the Authority and in accordance with § 9.40(C)(1)&(2) of these Rates, Rules and Regulations.
 4. Estimated time and duration of discharge within a twenty percent (20%) tolerance.

5. Estimated hourly peak wastewater flow rates, including daily, monthly, and seasonal variations within a twenty percent (20%) tolerance.
 6. Site and plumbing plans showing all connections to the sewerage system and describing any pretreatment facilities.
 7. A description of activities, facilities, and plant processes on the premises, including all process waste materials which are, or could be, discharged, but excluding proprietary information concerning process and products.
 8. Type or classes of products produced.
 9. The average number of employees and normal hours of work.
 10. Any other relevant information as may be deemed by the Authority to be necessary to evaluate the permit application.
- D. ISSUANCE: The Authority will evaluate the permit application and may require additional information. Failure to provide such additional information in a timely fashion shall be grounds for permit denial.
1. A draft permit will be issued after all required data has been received by the Authority. The applicant shall then be allowed a thirty (30) day comment period. Upon the expiration of the comment period the Authority shall issue or deny a permit.
 2. IU compliance with the permit shall not relieve the IU from complying with all applicable laws, regulations, and ordinances promulgated by government agencies, nor shall the issuance of a permit be construed as a representation by the Authority that the discharge permitted therein complies with such laws, regulations, and ordinances.
 3. Permits are issued solely to govern the discharge of wastewater into the Sewer System, as between the IU and the Authority, and shall not be construed to benefit any third party.
- E. CONDITIONS: Permits shall be expressly subject to all provisions of the Rates, Rules, and Regulations, user charges, and fees of the Authority. Permit conditions may include, but shall not be limited to, the following:
1. Limits on the average and maximum wastewater constituents and characteristics;
 2. Limits on average and maximum rate and time of discharge, or requirements for flow regulations and equalization;
 3. Requirements for installation and maintenance of inspection, flow metering, and sampling facilities;

4. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, flow metering, number, types and standards for tests and reporting schedule;
5. Requirements for submission of periodic discharge reports to include information concerning volume, rate of flow, constituent concentrations, peak flow rates, hours of operation, number of employees, or other information;
6. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Authority and affording Authority personnel access thereto;
7. Requirements for notification of the Authority of any new discharge of wastes or any substantial change in the volume or character of the wastewater constituents being introduced into the treatment system or changes in production levels;
8. Requirements for notification of Slug Loading [Re: § 9.20(C) of these Rates, Rules and Regulations];
9. Requirements for pretreatment including a compliance schedule for the installation of technology required to meet such requirements, a compliance schedule to meet discharge limits set forth in the Local Discharge Limitation Schedule, and/or a compliance schedule to meet Federal Categorical Pretreatment Standards by the deadline established under federal law.
10. Prohibition of discharge of certain wastewater constituents [Re: § 9.20(A)(1)(a)&(b) of these Rates, Rules and Regulations];
11. Requirements for the protection of the sewage system;
12. Non-transferability of permit [Re: § 9.20(H) of these Rates, Rules and Regulations];
13. Statement of applicable civil and criminal penalties and compliance schedules;
14. Other conditions as deemed appropriate by the Authority to ensure compliance with all applicable local, State, and Federal regulations.

F. DURATION: Permits shall be issued for a specified period:

1. The maximum time period, shall not to exceed five (5) years.
2. Permits may be issued for some period less than five years or may be stated to expire on a specific date.
3. The IU shall apply for permit reissuance at least 60 days prior to the expiration of the IU's existing permit.
4. The terms and conditions of an expired permit shall be deemed to continue in effect, pending a decision on a reissued permit, if:

- a. The IU filed a timely application that is complete, and;
 - b. The Authority, through no fault of the IU, does not issue a new permit with an effective date on or before the expiration date of the existing permit, and;
 - c. EPA consents to such extension, with EPA consent reflected in its approval of the Rates, Rules and Regulations provision herein.
- G. **MODIFICATION:** The terms and conditions of any permit are subject to change by the Authority during the life of the permit to accommodate changed conditions including but not limited to:
1. Material and substantial alterations to the permitted facility or activity, new information, toxicity requirements, changes in or additions to local, State, and Federal laws or regulations, or in event of variation in reported data as provided in § 9.40(G) of these Rates, Rules and Regulations.
 2. Unless otherwise required by governmental statutes or regulations, permit holders shall be informed of any proposed changes in their respective permits at least sixty (60) days prior to the effective date of change, and shall be allowed a comment period relating to any of the proposed changes in their permits within the first thirty (30) days after issuance of such proposed changes by the Authority.
 3. The Authority shall allow an IU a reasonable period of time to comply with any changes in the permit required by the Authority, unless otherwise required by emergency or governmental regulations.
 4. Nothing in this paragraph is intended to preclude the Authority from taking immediate action to temporarily modify a permit when there is imminent risk of damage to the treatment system or injury to the health and welfare of the public or to the environment.
- H. **TRANSFERABILITY:** Permits are issued to a specific IU for a specific operation. A wastewater discharge permit shall not be assigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the Authority.
- I. **TERMINATION:** Permits may be terminated, or revoked and reissued, for noncompliance by the permittee, a permittee's failure to fully disclose information or misrepresentation of relevant facts; or a determination that the permitted activity endangers human health, the environment or for other appropriate reasons.

SECTION 9.40: REPORTING AND MONITORING REQUIREMENTS

- A. IU's SUBJECT TO CATEGORICAL STANDARDS: Baseline reports, notifications, sampling and analysis, compliance schedules and compliance schedule progress reports, reports on compliance with categorical standard deadlines, and periodic reports on continued compliance shall be properly certified, signed, and submitted to the Authority in accordance with and as required by 40 CFR § 403.12.
- B. IU's NOT SUBJECT TO CATEGORICAL STANDARDS: IU's in this category are subject to the following reporting and monitoring requirements:
1. Non-SIU's (as deemed appropriate by the Authority) and non-categorical SIU's shall be required to submit a semi-annual report (unless the Authority collects all of the information pursuant to this section for the SIU's).
 2. SIU's may also be required to periodically submit certain other information to the Authority. Information required may include but not be limited to: flow rates, flow volumes, and concentrations of particular constituents of their wastewater.
 3. The information and reports submitted shall be made at the expense of the IU and shall be made as frequently as necessary to comply with the terms and conditions of the IU's permit or as required by the Authority.
- C. GENERAL REQUIREMENTS:
1. All wastewater sampling and analytical procedures shall comply with 40 CFR § 136. If no appropriate analytical procedure is contained therein an appropriate procedure contained in "Standard Methods" shall be used. If no appropriate procedure is contained therein, the Authority will provide an acceptable procedure. The designated analytical procedure shall be used to measure the wastewater constituent concentrations.
 2. Sampling shall be representative of the discharge activity. In addition, if the IU samples more frequently than required by applicable standards or its pretreatment permit, it shall submit all such monitoring information to the Authority.
 3. The Authority may require any IU to construct and maintain a wastewater monitoring facility of a design or configuration and at a location acceptable to the Authority and sufficient to accomplish monitoring requirements.
 4. The sampling, monitoring, analysis, and flow measurement procedures, equipment, data and test results shall be subject at any reasonable time to inspection by the Authority. Upon request, the IU shall submit to the Authority a copy of any such data or test results. Flow measurement systems and all appropriate equipment shall be regularly calibrated in accordance with the manufacturer's recommendations.
 5. Should measurements or other investigations indicate that the User has discharged wastewater, the constituents of which are significantly different in quantity and quality from those stated, the Authority shall notify the IU and require that the IU furnish all information in his possession relevant to the apparent variance.

6. Adequate identification shall be provided for all of the Authority's inspectors and other authorized personnel, and these persons shall identify themselves when entering any property for inspection purposes. The Authority shall have the right to sample and analyze the IU's effluent.
 7. Authorized personnel of the Authority shall be provided access to all facilities directly or indirectly connected to the Authority's Sewer System at all reasonable times, and whenever occasioned by emergency conditions.
 8. Each IU shall comply with recordkeeping requirements of 40 CFR § 403.12(o).
 9. All permit applications and reports submitted by an IU to the Authority shall be signed and certified in accordance with the provisions of 40 CFR § 403.12(l). This signatory and certification requirement applies to all permit applications and reports; it is not limited to items submitted under 40 CFR § 403.12(d)&(e).
- D. NOTICE OF VIOLATION/RESAMPLING REQUIREMENT: If pretreatment compliance sampling performed by an IU indicates a violation of Pretreatment Standards or Requirements, the IU shall:
1. Notify the Authority of the violation within 24 hours of becoming aware of the violation.
 2. Repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within 30 days after becoming aware of the violation.
- E. SURCHARGE AND COMPLIANCE MONITORING: Monitoring of wastewater for permit compliance or for purposes of establishing a surcharge for excess strength compatible pollutants (eg. BOD₅) shall be in accord with § 6.80 of these Rates, Rules and Regulations. The frequency of monitoring shall be stated in the IU's permit.
- F. WHOLE EFFLUENT TOXICITY TESTING:
1. The Authority may require an IU to conduct an Authority designated test for whole effluent toxicity. The IU shall have the testing laboratory submit the results of such testing directly to the Authority, and;
 2. Based on the results of the whole effluent toxicity testing, the Authority may require the IU to undertake a toxics reduction evaluation (TRE) or to take the necessary actions to otherwise eliminate or minimize the toxicity.
- G. SUBSTANTIAL CHANGE NOTIFICATION: The IU shall immediately provide the Authority with written notification of any substantial change in the volume or character of pollutants in its discharge.
- H. HAZARDOUS WASTE NOTIFICATION: The IU shall provide to the Authority all notifications pertaining to hazardous wastes required by Federal, State, or Local law or regulation including but not limited to those notifications required by the Resource Conservation and Recovery Act and 40 CFR § 403.12(j)&(p).

SECTION 9.50: ENFORCEMENT

- A. **SUSPENSION OF SERVICE:** Hazardous discharges shall necessitate an emergency response to protect the Authority's treatment system. The emergency responses may include but not be limited to the following:
1. The wastewater treatment service and/or a Permit may be temporarily suspended when such suspension is necessary, in the opinion of the Manager, Assistant Manager or Chairman of the Authority, to stop an actual or threatened discharge which presents or may present an imminent and substantial danger to the health or welfare of persons or to the environment, or which causes or has the potential of causing Interference with the treatment system or violation of any condition of the Authority's NPDES permit.
 2. If, in the opinion of the Manager, Assistant Manager or Chairman of the Authority, the exigencies of the situation require immediate action, the Authority shall take such steps as deemed necessary, including immediate severance of the sewer connection, without giving the User prior notice. Where practicable, however, the Authority shall make reasonable attempts to promptly notify the User, in person or by telephone, of the taking of any action. Further, in any event, within 48 hours after any temporary termination of service is imposed or other action is taken, the Authority shall either place in the mail or personally deliver to the User a notice of the termination or other action taken.
 3. Any User notified of a suspension of the wastewater treatment service and/or his Permit shall immediately stop or eliminate contribution to the treatment system. In the event of a failure of the User to comply voluntarily with the suspension order, or in the event the exigencies of the situation otherwise require, as stated above, the Authority shall take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the treatment system or endangerment to any individuals.
 4. The suspension shall continue until such time as, in the opinion of the Manager, Assistant Manager, or Chairman of the Authority, the suspension under § 9.50(A)(1) of these Rates, Rules and Regulations is no longer necessary.
 5. A detailed written report describing the causes of the hazardous discharge and the measures taken to prevent any future occurrence shall be submitted by the User to the Authority within five (5) days of the date of occurrence.
 6. Any User aggrieved by a suspension under §9.50(A)(1) of these Rates, Rules and Regulations shall have the right to an informal conference with the person who ordered the suspension. Such conference shall be held within 48 hours of receipt of a written request therefore.
 7. The User shall be afforded all of the rights of a party under the Local Agency Law, 2 Pa. C.S.A. 551-555, 751-754.

B. OTHER VIOLATIONS:

1. The User shall submit to the Authority a detailed report concerning any discharge which does not comply with the requirements of this Article or the IU's industrial wastewater permit. Such report shall be made within ten (10) days of the discharge and shall include information on the cause of the discharge and corrective measures to be taken to prevent future occurrence.
2. Whenever the Authority finds that any IU has violated or is violating his permit, or any prohibition, limitation or requirement contained herein, the Authority may issue to such IU a written notice stating the nature of the violation, and upon receipt of notification the User shall prepare a detailed report on the violation and a plan for the satisfactory correction thereof. The report and plan shall be submitted to the Authority within thirty (30) days of the receipt of the notice.

C. ENFORCEMENT ACTIONS:

1. Any User who violates the requirements of this Article, their permit standards or other applicable State or Federal laws or regulations is subject to having his service and/or permit suspended or revoked.
 - a. The User shall be given at least ten (10) days written notice of the suspension or revocation. The notice shall be either personally served upon the User or sent to him by certified mail.
2. Administrative Penalties:
 - a. The Authority may commence an action against any User for administrative penalties not to exceed \$25,000 per day for each violation. Each violation for each separate day shall constitute a separate and distinct offense.
 - b. Failure of the User to appeal the penalty, contesting either: the fact of the violation or, the amount of the penalty within 30 days of receipt of the notice of penalty will result in the waiver of User's legal rights to contest the violation or the amount of the penalty.
3. The User shall be afforded all of the rights of a party under the Local Agency Law, 2 Pa. C.S.A. 551-555, 751-754.
4. Legal Action:
 - a. The Authority Solicitor may commence an action for appropriate legal and/or equitable relief including injunctive relief in a court of competent jurisdiction against any User who violates these regulations, his permit restrictions, or other applicable State and Federal laws or regulations.

- b. The Authority may report to the Township of Derry any violation of these regulations. Under § 3.04 of Township Ordinance #140, violations of these regulations are held to be violations of Ordinance #140 and subject to the criminal penalties thereof.
- D. PUBLIC NOTIFICATION OF VIOLATORS: Pursuant to the requirements of 40 CFR § 403.8(f)(2)(vii), the Authority shall annually publish, in the largest daily newspaper published in the Township of Derry or immediate vicinity, notification of IU's who the Authority determined to have been in significant noncompliance of the National Pretreatment Standards or other requirements.
- E. ENFORCEMENT RESPONSE PLAN: Pursuant to Federal and State requirements, the Authority shall develop and separately adopt enforcement guidelines entitled "Enforcement Response Plan" (ERP) for its staff. These ERP, which set forth responses for various violations or acts of noncompliance by IU's, provides for the guidance of the Authority's staff and does not create legal rights or obligations, or limit the enforcement discretion of the Authority.

SECTION 9.60: MISCELLANEOUS PROVISIONS:

A. PUBLIC INFORMATION:

1. Information and data submitted by or obtained from an IU in the course of the Authority's pretreatment program implementation and administration shall be considered public information except as provided in § 9.60(A)(2) of these Rates, Rules and Regulations. The IU information and data may include but is not limited to; permit applications, periodic reports, questionnaires, correspondence, monitoring programs and inspections notes.
2. Any information submitted to the Authority may be claimed as confidential by the IU in accordance with 40 CFR § 403.14(a)(b)&(c) by stamping "confidential business information" on any page containing such information.
3. All IU information and data including claimed "confidential business information" may be available to EPA or other governmental agencies upon request. Release of this information will be made in accordance with applicable law and regulations including but not limited to; 40 CFR Part 2, Subparts A & B, 40 CFR § 403.14(a)(b)&(c) and 40 CFR § 403.8(f)(1)(vii).
4. The Authority will provide the IU with written notification of pending disclosure of any claimed "confidential business information".

B. FEES:

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

2. The Authority may adopt charges and fees which may include but are not limited to:
 - a. Fees for reimbursement of costs for setting up and administering the Authority's industrial waste control program;
 - b. Fees for monitoring, inspections, and surveillance procedures,
 - c. Fees for reviewing procedures or facilities designed to prevent accidental discharges or Slug Loadings;
 - d. Fees for permit applications;
 - e. Other fees as the Authority may deem necessary to carry out the requirements contained herein.

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

ARTICLE X. HAULED WASTE REGULATIONS

SECTION 10.10: TYPES OF WASTES:

In general, any liquid waste that is: (1) nontoxic to the biological treatment process and has no adverse impact on any physical/chemical treatment processes at the DTMA wastewater treatment plant [WWTP], and (2) is biodegradable and is determined to have no adverse impacts on the WWTP operation and discharge effluent, will be considered for acceptance. Hauled wastes can be categorized into three categories:

- A. Normally Acceptable Wastes
 - 1. residential septic tanks
 - 2. residential holding tanks
 - 3. commercial holding/septic tanks used for non-process wastewater
- B. Conditionally Acceptable Wastes (considered on a case-by-case basis)
 - 1. industrial and commercial process wastewaters
 - 2. municipal sludges if they are from biological processes and meet all State and Federal guidelines for agricultural use
 - 3. special wastes such as leachates, condensates, wash waters, and others
- C. Prohibited Wastes
 - 1. any wastes as defined in Section 9.40:A.1 of the DTMA Rates, Rules, and Regulations, including any flammable, explosive, or corrosive wastes and any wastewaters or sludges with unacceptable levels of metals

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

SECTION 10.20: ADMINISTRATIVE PROCEDURES:

All haulers are required to obtain a Hauled Waste Discharge Permit (HWDP) before discharging wastes at the DTMA WWTP. Permits will be issued to haulers that meet the following conditions:

- A. Submit a completed DTMA Permit Application Form with proof of insurance as outlined on the application and the current HWD Permit.
- B. For permit renewals, haulers must have a record of satisfactory compliance with all conditions and requirements of the expiring HWD Permit. They must also not have an account balance which is more than 30 days past due, otherwise their permit will not be renewed until the account is brought current.

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

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

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

SECTION 10.30: FEES:

The following fees are used in the hauled waste acceptance program. The actual fee is set forth in the Rate Schedule of the current edition of the DTMA Rates, Rules, and Regulations (RR&R).

- A. Permit Application Fee
- B. Permit Renewal Application Fee
- C. Disposal Fee
- D. Laboratory Analysis Fee
- E. Administrative fee for unsigned, incomplete, or incorrect manifests
- F. Administrative fee for each manifest submitted without the required Generator Response Acknowledgment form (GRA) being on file with the Authority

The Disposal Fee is a rate per 1,000 gallons of hauled waste as set forth in the DTMA RR&R Rate Schedule, Section V. Charges for disposal will be based on this rate times the registered usable capacity of a vehicle. Regardless of the volume of hauled waste accepted, charges will be based on full load capacity only. Partial loads will be considered as full loads. Fees for the laboratory analysis of any waste will be made in accordance with the current edition of the DTMA RR&R Rate Schedule, Section IV.C.1 & 2.

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

ARTICLE XI. INSPECTION AND ENFORCEMENT

SECTION 11.10: For the purpose of enforcing the provisions of this Resolution of the Authority with respect to the operation of the sewer system and for the purpose of advancing and protecting the public health, the Authority reserves the right to enter upon the premises of any person, firm, or corporation connected to the system for the purpose of inspecting the sewer facilities located thereon and all areas which could result in wastewater discharge to the sewer including manufacturing areas, chemical storage areas, pretreatment facilities and for the purpose of determining compliance with the requirements of the Authority. In addition the Authority shall have the right to access, inspect, and copy any and all information related to spill prevention and control procedures, hazardous waste generation, and industrial self-monitoring equipment and procedures and records. In the event that the Authority's duly authorized representatives are denied access to any customer's premises for these purposes, the Authority reserves the right to discontinue sewer service to such premises until inspection is permitted and compliance with the requirements of the Authority has been determined.

SECTION 11.20: Notwithstanding any other provisions or implications of this Resolution to the contrary, the Authority reserves the right at all times to refuse to render or to continue to render sewer service to any property or through any lines whenever it appears that the connection of the property to the sewer system has been improperly made or whenever it appears there has been a violation of the rules and regulations of the Authority with respect to the installation of the sewage disposal facilities. In the event that the Authority shall elect to discontinue service to any User connected to its lines, except as provided in Article IX, the Authority shall give ten (10) days written notice by Certified Mail to the property owner prior to disconnecting the property from the sewer system.

ARTICLE XII. SCHEDULES

A separate schedule of the Authority's Rates is attached and incorporated into this Resolution by reference. The effective date of the Rates is set on the Rate Schedule itself and may differ from the effective date of this Resolution.

A separate schedule of the Authority's Local Discharge Limitations is incorporated into the Rates, Rules, and Regulations by reference.

ARTICLE XIII. SEVERABILITY

If any Article or provision of this Resolution is found invalid by any court or other jurisdiction, the remaining Articles or provisions shall not be affected and shall continue in full force and effect.

ARTICLE XIV. REPEAL PROVISIONS

All Resolutions of the Authority which are inconsistent with this Resolution are hereby repealed.

THIS THIRTEENTH AMENDED RESOLUTION adopted this 26th day of October, 1992.

DERRY TOWNSHIP MUNICIPAL AUTHORITY

(Assistant) Secretary

LOCAL DISCHARGE LIMITATION SCHEDULE

The following maximum headworks loadings are established for the purposes of controlling the level of influent pollutant loads to the wastewater treatment plant.

POLLUTANT	MASS HEADWORKS LOADING (pounds per day)
Arsenic	2.6115
Cadmium	0.1369
Chromium	4.4751
Cyanide	5.5600
Lead	4.0253
Mercury	0.0233
Nickel	1.7474

EXHIBIT 1

Attach Common Building Sewer drawing (as referred to in Section 3.50)