

City of Lancaster

Lancaster, Pennsylvania

Supplement No. 41
Sewer – PA P.U.C. No. 7

CITY OF LANCASTER

RATES AND RULES GOVERNING THE FURNISHING

OF SEWAGE SERVICE BY THE CITY OF LANCASTER,

OUTSIDE THE CORPORATE LIMITS OF SAID CITY,

IN PORTIONS OF THE TOWNSHIPS OF EAST LAMPETER,

EAST HEMPFIELD, LANCASTER, MANHEIM AND MANOR,

ALL LOCATED IN LANCASTER COUNTY, PENNSYLVANIA.

By: Patrick Hopkins
Business Administrator
Lancaster, Pennsylvania

NOTICE

THIS SUPPLEMENT MAKES INCREASES TO EXISTING RATES.
(SEE PAGE NO. 2)

Issued: March 13, 2020

Effective: March 14, 2020

CITY OF LANCASTER
Lancaster, Pennsylvania

Supplement No. 41 to
Sewer – PA P.U.C. No. 7
Twenty-Fourth Revised Page No. 2
Cancelling Twenty-Third Revised Page No. 2

LIST OF INCREASES AND CHANGES

MADE BY THIS TARIFF

INCREASES:

Supplement 41 increases rates to produce additional revenue of \$499,916. Please refer to the nineteenth revised page 5.

The minimum charge; volumetric charge and industrial waste surcharge were increased or decreased.

CITY OF LANCASTER
Lancaster, Pennsylvania

Supplement No. 41 to
Sewer – PA P.U.C. No. 7
Second Revised Page No. 2A
Cancelling First Page No. 2A

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Territories Served (C)

Serving portions of the Townships of East Lampeter, East Hempfield, Lancaster, Manheim and Manor located in Lancaster County.

(C)-Indicates Change

PART I -SCHEDULE OF CHARGES

1. General Service

Charges for wastewater treatment service shall be as follows: (I)

Consumption of Water in Gallons per Month/ Quarter		Rate per Thousand Gallons of Water
First	25,000/ 75,000	\$5.8720 (I)
Next	308,333/ 925,000	\$4.0750 (I)
All Over	333,333/ 1,000,000	\$3.1980 (I)

Minimum charges: (I)

Size of Meter	Minimum Charge per Month/ per Quarter
5/8" or 3/4"	\$5.87/\$17.62 (I)
1"	\$17.62/\$52.85 (I)
1 1/2"	\$35.23/\$105.70 (I)
2"	\$58.72/\$176.16 (I)
3"	\$117.44/\$352.32 (I)
4"	\$167.18/\$501.53 (I)
6"	\$289.43/\$868.28 (I)
8"	\$485.03/\$1,455.08 (I)
10"	\$660.25/\$1,980.75(I)
12"	\$982.18/\$2,946.53 (I)

(C) – Indicates Change

(I) - Indicates Increase

2. RETURNED CHECK CHARGE (C)(I)

A charge of thirty dollars (\$30.00) will be assessed any time a check which has been presented to the City for payment on account has been returned by the payer's bank for any reason. For a jurisdictional customer who receives both water and wastewater services only one returned check fee of thirty (\$30.00) will be charged for each instance of a returned check. (C) (I)

3. LATE PAYMENT CHARGE (C) (I)

A late payment charge will be assessed to any customer who fails to pay all of the amounts invoiced by the City in a timely manner as prescribed in **Part III Rule 3.6**. A late payment charge of one and fifty one-hundredths percent (1.50%) per billing period on any overdue amount will be assessed in the City's subsequent invoice. (C) (I)

4. BILLING SERVICE RESTORATION CHARGE (C)(I)

A customer who only receives sewer services from the City and is discontinuing service remains a customer for purposes of paying a billing service restoration charge pursuant to Part III, Rules 2.5 and 2.6. A charge for restoring billing service shall be eighty-three dollars (\$83.00) payable in advance. (C) (I)

5. PROHIBITED INFILTRATION/INFLOW WATERS CHARGE (C)(I)

The owner of an improved property who fails to repair or correct the defects causing infiltration/ inflow waters to flow into the wastewater system within ninety (90) days, after having received proper notice from the City, will be assessed a penalty of one hundred dollars (\$100.00) per day, until such remedial action is satisfactory completed. (C) (I)

(C) – Indicates Change

(I) - Indicates Increase

A customer could challenge the imposition of such a penalty by showing cause why the proposed action should not be taken. This challenge should be directed to the Control Authority. The Control Authority is defined as, "The individual employed by the City of Lancaster as the Director of Public Works or a qualified authorized deputy, agent or representative of the Director of Public Works." All challenges to penalties shall be in writing and shall be filed with the Director of Public Works within 20 days from the date that the City took the action which is the subject matter of appeal. The appeal shall contain the following information: 1. The name, address and telephone number of the appellant, 2. The date on which the City took the action which is the subject matter of the appeal, 3. The reason(s) for such appeal and specification of objections setting forth the manner in which the appellant is aggrieved, 4. A statement detailing the relief demanded by the appellant. If the differences between the Control Authority and customer can not be resolved, the matter shall be resolved by a Hearing Board appointed by the Mayor.

(C) – Indicates Change

(I) - Indicates Increase

**6. FAILURE TO CLEANUP AND REMEDY PROHIBITED DISCHARGES
CHARGE (C)(I)**

Failure of the owner of an improved property and/or customer to satisfactorily clean up and remedy any prohibited discharge by act or omission, willfully, recklessly or negligently as characterized in Part III, Rule 1.13.2 within twenty-four (24) hours, will result in a penalty of five hundred dollars (\$500.00), plus an additional one hundred dollars (\$100.00) for each day thereafter of non-compliance. The owner and/or customer shall additionally be responsible for payment of the remedial cleanup costs, as well as any costs to or damages or losses suffered by the City as a result of any interference in operation of the wastewater system. (C) (I)

A customer could challenge the imposition of such a penalty by showing cause why the proposed action should not be taken. This challenge should be directed to the Control Authority. The Control Authority is defined as, "The individual employed by the City of Lancaster as the Director of Public Works or a qualified authorized deputy, agent or representative of the Director of Public Works." All challenges to penalties shall be in writing and shall be filed with the Director of Public Works within 20 days from the date that the City took the action which is the subject matter of appeal. The appeal shall contain the following information: 1. The name, address and telephone number of the appellant, 2. The date on which the City took the action which is the subject matter of the appeal, 3. The reason(s) for such appeal and specification of objections setting forth the manner in which the appellant is aggrieved, 4. A statement detailing the relief demanded by the appellant. If the differences between the Control Authority and customer can not be resolved, the matter shall be resolved by a Hearing Board appointed by the Mayor.

**7. CONNECTION PERMIT APPLICATION AND CUSTOMER SERVICE
LINE INSPECTION CHARGE (C)(I)**

A charge of seventy-five dollars (\$75.00) will be assessed to the owner of an improved property to cover the costs incidental to the processing of a Connection Permit Application and the inspection of the customer service line following installation. This charge shall be payable when the Connection Permit Application is filed. (C) (I)

(C) – Indicates Change
(I) - Indicates Increase

PART II. DEFINITIONS (C)

1. **Applicant:** Any person, association, partnership, corporation, society, trust, religious organization or other group or entity, including municipalities, authorities, school districts, state or federal government agencies and other units of government, who has an interest in improved property located within the service territory, including property owners, tenants renting under a lease of one year or longer, persons who have entered into an agreement, or other persons having a similar interest, who applies to become a customer of the City in accordance with Part III Section 1. The term does **not** include a customer who, within sixty (60) days after termination or discontinuance of service, seeks to transfer service within the service territory or to reinstate service at the same address. (C)
2. **Average Monthly Limit (AML):** The concentration limit established in the Prohibitive Standards and Pollutant Limitations, which applies to the average of at least two sampling events conducted within a calendar month. When only one sampling event occurs within a calendar month or a more extended period (such as quarterly), the average monthly limit shall apply. (C)
3. **Baseline Monitoring Report:** Refers to the report required in 40 CFR Part 403.12, to be submitted by all industrial uses subject to national pretreatment standards. (C)
4. **B.O.D. (Biochemical Oxygen Demand):** The quantity of dissolved oxygen consumed in the biochemical oxidation of the organic matter in waste under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C) expressed in milligrams per liter (mg/l). It shall be determined by one of the acceptable methods described in 40 CFR Part 136. (C)
5. **City:** Shall mean City of Lancaster.
6. **City Sewer System:** Shall mean sewer mains, pumping stations, sewer force mains, sewage treatment plants and all appurtenant facilities operated by the City of Lancaster in furnishing sewage service. (C)
7. **City Service Line:** The wastewater line from the collection facilities of the City which connects to the customer service line at the hypothetical or actual curb line or actual property line.(C)
8. **Commercial Establishment:** A property which is intended to be used for the purpose of carrying on a trade, business or profession or for social, religious, educational, charitable or public uses. (C)
9. **Commercial Waste:** Any and all wastes discharged from a commercial establishment other than domestic sanitary wastewater. (C)

(C) – Indicates Change

10. Commission: The Pennsylvania Public Utility Commission (“PA PUC”). (C)
11. Control Authority: The individual employed by the City of Lancaster as the Director of Public Works or a qualified deputy, agent or representative of the Director of Public Works. (C)
12. Customer Service Lines: The wastewater line extending from the end of the City Service Line or connection to the point of connection at the customer’s premise. (C)
13. Customer: A natural person or entity who is an owner of an improved property connected to the City’s wastewater system or lessee of the property and who contracts with the Company for or receives wastewater collection, treatment and/or disposal service whether or not such contract is in writing. (C)
14. Domestic Sanitary Wastewater: Normal water carrying household and toilet wastes discharged from an improved property. (C)
15. Dwelling Unit: Any room, group of rooms, house trailer, apartment, condominium, cooperative or other enclosure connected, directly or indirectly, to the City’s wastewater system and occupied or intended for occupancy as living quarters by an individual, a single-family or other discrete group of persons, excluding institutional dormitories. (C)
16. Extension: An addition to the wastewater collection system to extend service into the City’s territory in order to accommodate more than one connection. (C)
17. Industrial User: Any connected user which is not a domestic user. (C)
18. Industrial Waste: Solids, liquids or gaseous substances or forms of energy ejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of development, recovering or processing of natural resources, or any wastes having any of the characteristics described in the Prohibitive Standards and Pollutant Limitations as distinct from but not sewage. (C)
19. Industrial Waste Discharge Permit: A permit issued to an industrial user in accordance with the Prohibitive Standards and Pollutant Limitations. (C)
20. Infiltration: Any groundwater entering the Customer Service Lines through defective joints and cracks in pipes. (C)

(C) – Indicates Change

21. Interference: A discharge which, alone or in conjunction with a discharge from other sources, results in a violation of any requirement of the sewage treatment plant's NPDES permit or prevents sludge use or disposal in compliance with state statutes or regulations, Section 405 of the Clean Water Act (33 U.S.C. § 1345 et seq.) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Substances Control Act (15 U.S.C. § 2601 et seq.) applicable to the method of disposal or use employed by sewage treatment plant, or which causes a pass-through or disruption of operations at the sewage treatment plant. (C)
22. Meter: Any device for the purpose of measuring and recording water consumption or the volume of wastewater discharged. (C)
23. National Pollutant Discharge Elimination System Permit (NPDES Permit): A permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge to the navigable waters of the United States pursuant to Section 402 of the Clean Water Act. (C)
24. National Pretreatment Standard, Pretreatment Standard or Standard: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act, the general and specific prohibitions found in 40 CFR, Part 403, and categorical pretreatment standards. (C)
25. Nuisance: A public nuisance as known in common law or in equity jurisprudence; whatever is dangerous to human life or detrimental to health. (C)
26. pH: The logarithm of the reciprocal of the concentration of hydrogen ions, in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance. The measurement of pH shall be determined by one of the accepted methods described in 40 CFR Part 136. (C)
27. Pollutants: Any material that, when added to water, shall render that water (either because of the nature or quantity of the material) unacceptable for its original intended use, including but not limited to dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, sand, cellar dirt and industrial, municipal and agricultural wastes. (C)
28. Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in waste to less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sewerage system. The reduction or alteration can be obtained by physical, chemical or biological processes or by process changes by other means. (C)

(C) – Indicates Change

29. Pretreatment Requirement: Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user. (C)
30. Pretreatment Program: A program administered by the City that has been approved by the Environmental Protection Agency under 40 CFR 403.11 (related to approval procedures for pretreatment programs and granting of removal credits). (C)
31. Residential Service: Wastewater service supplied to an individual, single-family residential dwelling unit, including service provided to a commercial establishment if concurrent service is provided to a residential dwelling attached thereto. Wastewater service provided to a hotel or motel is not considered residential service. (C)
32. Sanitary Sewage: Shall mean spent water, together with human and household wastes ordinarily removed by water carriage and also industrial wastes. Such definition expressly excludes the effluent from septic tanks or cesspools, as well as rain, storm and ground water which could in any way enter the sewer system as well as roof or surface drainage, drainage of percolating or seeping waters or accumulations thereof, whether underground or in cellars or basements. (C)
33. Sludge Load or Sludge Discharge: Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in this tariff. A sludge discharge is any discharge of a non-routine, episodic nature, including but not limited to accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through or in any way violate the POTW's regulations, local limits or permit conditions. (C)
34. Storm Water: Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt. (C)
35. Storm Water Collection System: A separate network of gutters, ditches, swales, pipes and inlets which receives discharges of storm water and/or conveys surface water, subsurface drainage or storm water from buildings, grounds, parking lots, streets, etc. but excludes wastewater. (C)
36. Suspended Solids: Total suspended matter that either floats on the surface of, or is suspended in, wastewater and that is removable by laboratory filtering as prescribed in 40 CFR Part 136. (C)

(C) – Indicates Change

37. Tariff: All of the service rates, charges, rules and regulations issued by the City together with any supplements or revisions thereto, officially approved by the Commission and contained in this document. (C)
38. Total Solids: Solids determined by evaporating at one hundred (100) degrees centigrade a mixed sample of wastewater as determined pursuant to the procedures set forth in 40 CFR 136. Total Solids include floating solids, suspended solids, settled solids and dissolved solids. (C)
39. Toxic Substance: Any substances where gaseous liquid or solid waste which, when discharged to the City's facilities in sufficient quantities, will be detrimental to any biological wastewater treatment process, constitute a hazard to human beings or animals, inhibit aquatic life, or create a hazard to recreation in receiving waters of the effluent from the wastewater treatment plant, or as defined pursuant to PL 92-500 (Federal Water Pollution Control Act Amendments of 1972) or its amendments. (C)
40. Waste: Refers to any sewage, industrial waste or holding tank waste, or any substance defined as waste by state or federal regulations. (C)
41. Wastewater: A combination of the water-carried wastes from an improved property, together with such ground, surface and storm water as may be present in the City's sewer system. (C)
42. Wastewater System: All facilities, at any particular time, acquired, constructed, operated, and/or owned by the City, for collecting, transporting, pumping, treating and disposing of wastewater. (C)

(C) – Indicates Change

PART III. RULES AND REGULATIONS

1.0 CONDITIONS OF SERVICE

1.1 Compliance with Rules and Regulations

No connection shall be made, either directly or indirectly, to the City Sewer System until all requirements of the rules and regulations have been met. No connection or Customer Service Line, through which sanitary sewage does or may enter the City Sewer System, shall be constructed, altered, repaired, or allowed to exist, which does not comply with the rules and regulations.

1.2 Application for Service

All applications for sewage service must be made, in writing, on a form provided by the City. The application and its acceptance by the City shall constitute a contract between the City and the applicant, obligating the applicant to pay rates, as established from time to time, and to comply with rules and regulations, as established from time to time. Connection permits shall be issued by the City upon approval of the application for sewage service.

1.3 Change in Ownership or Tenancy

A new application must be made to the City upon any change in ownership where the owner of the property is the customer, or upon any change in the identity of a lessee where the lessee of the property is the customer. The City shall have the right to discontinue or otherwise interrupt wastewater service in accordance with 52 Pa. Code § 56.91, if a new application has not been made and approved for the new customer. (C)

(C) – Indicates Change

1.4 Application Form:

An Application for Service form can be obtained at the City's local business office, presently located at 39 West Chestnut Street. (C)

1.5 Temporary Service:

In the case of temporary service for short-term use, the City may require the customer to pay all costs of making the City service lateral connection and for its removal/abandonment after the service has been discontinued, or to pay a fixed amount in advance to cover such expenses. (C)

1.6 Requirement for Customer Service Lines

Sewage service shall be furnished through the City Sewer System under the following conditions: (1) the owner of premises to be served shall have installed a Customer Service Line, at the owner's expense, and (2) the Control Authority shall have inspected said Customer Service Line and approved such facilities as complying with the rules and regulations. (C)

1.7 Individual Customer Service Lines

Each property must have its own individual Customer Service Line. Each side of a double house shall be considered separate property. (C)

(C) – Indicates Change

1.8 Maintenance and Repair of Customer Service Lines

All Customer Service Lines shall be maintained and repaired at the cost of the owner of the premises served, and such repairs shall be subject to the direction, approval and inspection of the Control Authority. (C)

1.9 Inspection of Customer Service Lines and Sewage

The City, by its agents and employees, shall have the right, at all reasonable times, to enter any premises connected with or about to be connected with the City Sewer System, to inspect Customer Service Lines, sources and nature of sewage and all fixtures and facilities from which sanitary sewage may be discharged into the City Sewer System in order to enforce compliance with the rules and regulations. (C)

1.10 Prohibited Flow - Sanitary Sewage

No flow, other than sanitary sewage, shall be turned into or permitted to enter the City Sewer System, and no connection fixture, device, opening or condition shall be allowed to exist which would permit any flow, other than sanitary sewage, to enter the City Sewer System.

1.11 Connection to City Sewer System or Extension of Existing Sewer System

Any municipality, person, firm, or corporation which constructs or intends to construct a system of sewers or any extension of any existing system of sewers and who wishes to connect such sewers with the City Sewer System, either directly or indirectly, shall do so in accordance with the provisions of these rules and regulations, and the laws of the Commonwealth relating thereto. Before any such connection or addition shall be made, two copies of the maps or drawings of such system or addition to a system, must be furnished to the Control Authority and must be approved by the Control Authority. All properties served by such system, connected with the City Sewer System, shall become subject to the provisions contained in the rules and regulations, and the furnishing of sewage service to such properties shall be at the rates and charges provided in the tariffs of the City. (C)

(C) – Indicates Change

1.12 Customer Service Lines (C)

1.12.1 Plans and Specifications

Before connecting any proposed drainage or sewers directly or indirectly with the City Sewer System or before making any material alterations of existing drainage or sewers, connected directly or indirectly with the City Sewer System, plans and specifications shall be submitted to the Control Authority, unless such requirement is waived by the Control Authority, showing proposed construction or existing plumbing, as applicable, and, in the case of commercial or industrial establishments, a statement as to the nature of sanitary sewage to be drained shall also be submitted. The Control Authority shall approve or reject such plans and specifications (in writing, if requested) within seven (7) days where reasonably practicable. If the plan is rejected the applicant will have to file a new application. If the plan is approved the approval will last up to one year. If the connection has not been completed within twelve (12) months, the approval will lapse and applicant will have to submit a new approval request. (C)

The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, joining, testing and backfilling the trench shall all conform to the requirements of the Uniform Building Code and Plumbing Code and other applicable rules and regulations deemed necessary by the City. The Control Authority may require reconstruction of any work done improperly that in the City's opinion does not meet the recognized standards. (C)

1.13 Special Devices and Treatment (C)

1.13.1 Requirement of Special Devices

All sewage and authorized industrial waste may be discharged to the sewerage system, except those which are deemed harmful to the system by the Control Authority or are specifically prohibited by this section. (C)

If any proposed or present discharge of waste to the sewerage system containing the substances or possessing the characteristics enumerated in this section which, in the judgment of the Control Authority, may have deleterious effect upon the sewerage system, receiving water or sludge management practices or which otherwise creates a hazard to life or constitutes a public

(C) – Indicates Change

nuisance, the Control Authority may, upon giving notice to the discharger: (C)

- a) Reject the waste. (C)
- b) Require pretreatment to reduce characteristics to maximum limits permitted by those regulations. (C)
- c) Require control over the quantities and rates of discharge. (C)
- d) Require immediate discontinuance of the waste discharge until such time as it meets the requirements of those regulations. (C)

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Where existing surface water or roof drains are connected to the sanitary sewers they shall be removed within six months of receipt of notice from the City to remove such connections. In the event that such connection is not removed, the City shall cause it to be removed at the owner's expense. Groundwater from site contamination cleanup may be authorized by the Control Authority subject to the sewer system regulations as industrial waste. (C)

1.13.2 Prohibited Wastes - Special Treatment (C)

A. Except as hereinafter provided no person shall discharge (or cause or permit to be discharged) into the sewerage system (including any sanitary sewer, storm sewer or combined sewer) any sewage, industrial waste or other matter or substance possessing the following characteristics and properties: (C)

1. That could cause interference or pass-through, alone or in conjunction with a waste or wastes from other sources. (C)

2. Has a temperature higher than 150° Fahrenheit, or contains heat in amounts which will inhibit biological activity in the sewer treatment plant resulting in interference, but in no case heat in such quantities that the temperature of the influent to the sewage treatment plant exceeds 104° Fahrenheit, or inhibits the biological activity of the sewer treatment plant. (C)

3. Contains more than 300 mg/l of oil and grease, of which no more than 100 mg/l of oil and grease if the oil and grease is of unknown or petroleum origin, or more than 200 mg/l of oil or grease, if the oil and grease is determined to be of an animal or vegetable origin. The differentiation between oil and grease of animal or vegetable origin and

(C) – Indicates Change

those petroleum origin shall be made by the control authority according to approved procedures outlined in 40 CFR Part 136. (C)

4. Contains any gasoline, benzene, naphtha, fuel oil, paint products, acid or other flammable or explosive liquids, solids or gases. (C)

5. Has a closed cup flashpoint of less than 140° Fahrenheit. as determined by a method listed under 40 CFR Part 261.21. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5%, nor any single reading over 10%, of the lower explosive limit (LEL) of the meter. (C)

6. Contains unground garbage. (C)

7. Contains but is not limited to any ashes, cinders, sand, clay, mud, straw, shavings, metals, glass, rags, feathers, tar, plastics, wood, whole blood entrails, manure, lye, building materials, rubber, hair, bones, leather, proclaim, china, ceramic wastes or other solid or viscous substance capable of causing obstruction or other interference with the operation of the sewerage system. (C)

8. Has a pH, stabilized, lower than 5.5 or higher than 11.0 or has any other corrosive or scale-forming properly capable of causing damage or hazard to structures, equipment, bacterial action or personnel involved with the sewerage facility. (C)

9. Contains any pollutant or oxygen demand (biological or chemical) discharged at such a flow rate that could cause interference or pass-through. (C)

10. Contains total solids, no filterable residue or BOD of such character or quantity that unusual attention or expense is required to handle such materials in the sewerage system except as may be authorized by the Control Authority; may require analytical characterization to define the nature of the total solids. (C)

11. Contains any noxious or malodorous gas or substance which, alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance and repair. The discharge of wastes that result in gases, vapors or fumes in quantities that could cause worker health or safety problems at the sewer treatment plant is specifically prohibited. (C)

12. Contains any dye, pigment or coloration that could cause interference or pass-through. (C)

(C) – Indicates Change

13. Contains radioactive substances and or isotopes of such half-life or concentration as may exceed limits in compliance with applicable state or federal regulations. (C)
14. Has a chlorine demand in excess of 12 mg/l. (C)
15. Is prohibited by any permit issued by the Department of Environmental Protection or the Environmental Protection Agency. (C)
16. Contains wastes that are not amenable to biological treatment or reduction in existing treatment facilities, specifically non-biodegradable complex carbon compounds. (C)
17. Constitutes a sludge discharge as defined in the definition section of this tariff or violates Section 1.14.3. Sludge Discharge Control and Notification. (C)
18. Contains wastes which may cause the sewage treatment plant sludge or other residues to be unsuitable for reclamation, reuse or disposal by land application for agricultural utilization in normal farming operations in accordance with sludge use or disposal criteria, guidelines or regulations as are currently in effect (or any future updates or additions thereto) and are applied to or imposed upon the City by DEP and/or EPA and applicable to such land application of sludge or such other sludge management method used by the City. (C)
19. Contains any of the following pollutants in excess of these technically based local limits, as determined by one of the acceptable methods described in 40 CFR Part 136:

Parameter	Maximum Daily Limit (mg/l)
Arsenic	0.3
Cadmium	0.2
Chromium	2.6
Copper	4.8
Cyanide	0.6
Lead	1.2
Mercury	0.005
Molybdenum	0.9
Nickel	3.1
Selenium	0.4
Silver	2.1
Zinc	4.7

(C) – Indicates Change

20. Contains any substance that will cause sewage treatment plant's effluent to violate the NPDES permit under which it operates or the water quality standards established for the Conestoga River. (C)

B. Industrial waste may be subject to national pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to the sewerage system by existing or new industrial users in specific industrial subcategories. These categorical standards, established in separate regulations under 40 CFR Chapter I, Subchapter N Parts 405 to 471, are hereby incorporated into these regulations and shall be in addition to any pretreatment standards and requirements stated explicitly in these regulation. The Control Authority may apply the following provisions where appropriate to modify the manner in which the categorical pretreatment standards are applied: (C)

1. Categorical pretreatment standards expressed only in terms of either mass or concentration of a pollutant in waste may be covered to equivalent concentration or mass limits in accordance with 40 CFR Part 403.6(c); (C)
2. The combined waste stream formula may be used to impose alternative limits in accordance with 40 CFR Part 403.6(e); (C)
3. Variance from categorical pretreatment standards may be obtained in cases of fundamentally different factors regarding limits developed by EPA, if proven by the user in accordance with 40 CFR Part 403.13; (C)
4. A net gross adjustment to a categorical pretreatment standard may be obtained by the user in accordance with 40 CFR Part 403.15. (C)

C. If the Control Authority determines that a waste from any significant industrial user poses a potential for pass-through or interference due to quality or quantity of the discharge, the Control Authority may place special requirements or limits, in addition to or more stringent than those contained in this article, in any industrial waste discharge permit to prevent such pass-through or interference. Such individual control limits may include but are not limited to solvent/organic management plans (STOMPs), toxic reduction evaluation plans (TREs), hazardous waste disposal plans, sludge discharge control plans or more stringent specific numerical limitations on substances. (C)

(C) – Indicates Change

D. Where preliminary treatment flow equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense, and shall be accessible for inspection and testing by the Control Authority. (C)

E. No person 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 pretreatment to achieve compliance with the limitations contained in the national pretreatment standards or in any other pollutant-specific limitation developed by the City. (C)

F. Except as otherwise provided, discharge of gas trap wastes in quantities that could, in the opinion of the City, cause interference or pass-through at the sewage treatment plant or could otherwise cause operational problems at the sewage treatment plant (including its collection system) is prohibited. In addition, petroleum oil, no biodegradable cutting oil or products of mineral oil origin in amounts causing interference or pass-through at the sewage treatment plant is prohibited. (C)

G. Grease, oil and sand interceptors or traps shall be provided where, in the opinion of the Control Authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients. All interceptors shall be of a type and capacity acceptable to the Control Authority and shall be located as to be readily and easily accessible for cleaning and inspection. (C)

H. The use of mechanical garbage grinders producing a finely divided mass, properly flushed with an ample amount of water, shall be permitted upon the condition that no such mechanical garbage grinder to serve premises used for commercial purposes shall be installed until permission for such installation shall have been obtained from the Control Authority upon written application therefore. (C)

I. Holding tank waste containing more than 2,000 mg/l solids may be classified as septage or industrial sludge and shall meet the current Pennsylvania guidelines for agricultural use of sewage sludge in order to be accepted. Acceptance of this material may be contingent on the status of any special equipment or operations required for treatment, and the decision of acceptance shall be made by the Control Authority. (C)

(C) – Indicates Change

1.13.3. Sludge Discharge Control and Notification

A. All significant industrial users shall provide and maintain, at their own expense, facilities adequate, in the judgment of the Control Authority, to prevent accidental discharge of prohibited and/or regulated substances and/or sludge discharges and to protect the sewerage system from damages caused by such substances. No industrial user which commences discharge to the sewerage system after the effective date of this section shall be permitted to introduce pollutants into the sewerage system until the Control Authority has reviewed and approved that user's accidental discharge prevention or sludge prevention procedures (if those procedures are required by the Control Authority). If the Control Authority decides that a sludge control plan is needed, the plan shall contain, at a minimum, the elements required in 40 CFR Part 403.8(f)(2)(vii).

B. In the case of an accidental discharge to the sewerage system of any prohibited or regulated substance in such quantity or concentration that may result in violation of this regulation, the user shall immediately telephone and notify the Control Authority of the accident. The notification shall include information regarding the location of the discharge, the type of pollutants involved, the concentration and volume of the discharge and corrective actions taken and/or contemplated.

C. Within five (5) working days following an accidental discharge, the user shall submit to the Control Authority a detailed written report describing the cause of the discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the sewerage system, fish kills or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law. 1.13.3.

Sludge Discharge Control and Notification

1.13.4 Industrial Waste Surcharges (I)(C)

In the event that the City agrees to accept the discharge of industrial waste from a customer or waste generator into the sewer system which has a biochemical oxygen demand (BOD) concentration greater than 250 milligrams (C) per liter and/or a total suspended solids (SS) concentration greater than 250 milligrams per liter and/or a total nitrogen (TN) concentration greater than 30 milligrams per liter and/or a total phosphorous (TP) concentration greater than 10 milligrams per liter, the following

- (C) – Indicates Change
- (I) – Indicates Increase

surcharge shall be applicable for the BOD in excess of 250 milligrams (C) per liter, SS in excess of 250 milligrams per liter, TN in excess of 30 milligrams per liter and TP in excess of 10 milligrams per liter:

- a) BOD: \$0.38 per pound (I)
- b) SS: \$0.23 per pound (D)
- c) TN: \$0.68 per pound (I)
- d) TP: \$0.68 per pound (I)

The surcharge shall be computed in accordance with the following formula: (C)(I)(D)

- a) BOD surcharge: (I)

Volume of discharge (gallons) x 0.00000834 x \$0.38 x (quarterly average concentration – 250 mg/L) (C)

- b) SS surcharge: (D)

Volume of discharge (gallons) x 0.00000834 x \$0.23 x (quarterly average concentration – 250 mg/L)

- c) TN surcharge: (I)

Volume of discharge (gallons) x 0.00000834 x \$0.68 x (quarterly average concentration – 30 mg/L)

- d) TP surcharge: (I)

Volume of discharge (gallons) x 0.00000834 x \$0.68 x (quarterly average concentration – 10 mg/L)

1.13.5 Sampling and Analysis

A. When required by the Control Authority, the owner of any improved property serviced by a public sewer carrying industrial waste shall install, at his expense, a suitable control manhole, together with any such necessary meters or appurtenances to facilitate observation, sampling and measurement of the waste.

- (C) – Indicates Change
- (I) – Indicates Increase
- (D) – Indicates Decrease

The control manhole shall be accessible at all times to the Control Authority or designated representatives. In cases where the City has made no special requirement for a control manhole, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. The control manhole shall allow the sampling of the discharge from an individual user, separate from any combined flow from any upstream users. (C)

B. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with procedures contained in 40 CFR Part 136 and shall be determined by or under the direct supervision of a qualified analyst at the control manhole provided or upon suitable samples taken at such control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage system and to determine the existence of hazards to life, limb or property. The particular analysis involved will determine whether a composite of all outfalls on a premises is appropriate or whether a grab sample or samples be taken. Sampling shall be done as to provide data representative of conditions occurring during any particular time within the period covered by the self-monitoring report. All sampling performed shall be done on different days of the week than was done during the previous calendar quarter for the self-monitoring report. (C)

1) Except as indicated in subsections B(2) and (3) below, the user must collect wastewater samples using twenty-four-hour flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the Samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: for cyanide, total phenols and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. (C)

(C) – Indicates Change

2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques. (C)

3) For sampling required in support of baseline monitoring and ninety-day compliance reports required in 40 CFR Part 403.12(b) and (d), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by 40 CFR Part 403.12(e) and (h), the user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements. (C)

C. If sampling performed by an industrial user indicates a violation, the user shall notify the City within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation, except if notified by the Control Authority that an alternative re-sampling and analysis frequency is required. (C)

D. The owner of any improved property connected to the sewerage system shall provide the Control Authority or designated representatives and agents the opportunity of access at any time to any part of any improved property served by the sewerage system as shall be required for purposes of inspection, measurement, sampling and testing and for performance of other functions relating to service rendered by the City in regard to the sewerage system. (C)

E. The foregoing provisions and requirements for sampling, flow measurements, testing and inspection shall apply to discharges to sanitary sewers, storm sewers and combined sewers. Fees for inspection, sampling and testing shall be as established by the City. (C)

1.13.6 Penalties (C)

The City reserves the right to deny wastewater service for violation of any provision of these regulations, subject to PA PUC rules and regulations. (C)

(C) – Indicates Change

1.13.7 Damage to System and Indemnification (C)

In the event of any damage to the City's wastewater system caused by a customer, such damage shall be immediately reported to the City and said customer shall reimburse the City for the costs and repairs. (C)

1.13.8 Emergency Termination of Service (C)

If a violation consists of the discharge of an explosive or flammable material or any other material which is highly toxic or creates a toxic gas so that there is imminent danger to the personnel, property or treatment process of the City, or to the public or the environment, then the City shall take whatever action is necessary in order to halt service and to protect life and property. (C)

In the event of a prohibited discharge into the City's system the customer should immediately report such discharge to the Customer Service Line at (717) 735-3425. The customer will be responsible for any system repairs caused by the prohibited discharge. (C)

1.13.9 Approval of Pretreatment Devices (C)

All grease traps, sand traps, or other devices for pretreatment of sanitary sewage or industrial wastes shall be subject to the approval of the Control Authority prior to installation.

2.0 DISCONTINUANCE, TERMINATION AND RESTORATION OF SERVICE (C)

2.1 Sewer Rental Charges - Discontinuance of Service (C)

Sewer rental charges shall accrue and be payable for all periods during which sewage service is furnished. Any customer may discontinue sewage service by giving the City notice not less than twenty-four (24) hours prior to such discontinuance and shall continue to be responsible for all sewer rental charges until such notice is given. (C)

2.2 Termination by City (C)

Service to the customer may be terminated for good cause, including, but not limited to the following:

(C) – Indicates Change

- (a) making an application for service that contains material misrepresentations; (C)
- (b) failure to repair any known leaks in customer service line; (C)
- (c) connecting, or failure to remove the connection, of any source of storm water, surface water, ground water, roof runoff and/or uncontaminated water from air-conditioning system, swimming pools and so forth; (C)
- (d) tampering with any customer service line, lateral connection, or installing or maintaining any unauthorized connection; (C)
- (e) theft of service, which shall include taking service without having made a proper application for service under **Part III Rule 1**; (C)
- (f) failure to pay, when due, any charges accruing under this tariff; (C)
- (g) discharge of any prohibited substance listed in the tariff under **Part III Rule 1.13.2** into the City's system; (C)
- (h) failure to allow the City reasonable access to customer's property to inspect, investigate, read, sample, notify, maintain, repair, shutoff, etc.; (C)
- (i) receipt by the City of any order or notice from the Department of Environmental Protection, a health agency, local code enforcement officer, or other similar authority, to terminate service to the property served on the grounds of violation of any law or ordinance, or upon notice to the City from any such authority that it has ordered an existing violation on the property to be corrected and that such order has not been complied with; (C) or
- (j) material violation of any provision of this tariff. (C)

2.3 Notice (C)

The City will notify the customer in writing when a condition(s) that warrants termination is discovered. Notice of termination will be given in such a manner as may be specified in the Commission Regulations 52 Pa. Code §§56.91-56.100 (C)

(C) – Indicates Change

2.4 Timing (C)

Service will be terminated without notice for violation of Rule 2.2(d) and (e) of this Section. A reasonable time will be allowed to investigate, correct or cure the condition(s) specified when the customer provides written notification to the City of a realistic time schedule. A customer who does not notify the City is subject to having its service terminated without further notice from Monday through Friday. The termination of service may also include the termination of water service to the premise. (C)

Restoration of Service (C)

2.5 Conditions of Restoration (C)

Whenever service is discontinued by termination pursuant to **Rule 2.2** of this Section, service shall be permitted by the City upon payment by the customer of a billing service restoration charge and/or the curing of the problem(s) that gave rise to the termination. (C)

2.6 Timing (C)

When service to a customer has been terminated and, provided the Customer has met applicable conditions, the City shall reconnect service by close of the next business day unless there are extenuating circumstances. (C)

2.7 Damages (C)

The City shall not be liable for any damage or expense, occurring to or within any premises, resulting from leaks or stoppage in the City Sewer System or from any other cause. (C)

3.0 TERMS (C)

3.1 Quarterly Bill Delinquency as a Cause for Termination of Service (C)

Bills shall be rendered and shall be due and payable for sewage service rendered during the previous period, in accordance with the City's filed rates. If bills are not paid within thirty-five (35) days after they have been rendered, said bills shall be considered delinquent, and the City may, after due notice, in accordance with 52 Pa.

(C) – Indicates Change

Code §56.81, shut off water service to such property and shall restore water service upon payment of all delinquent bills, together with a charge of \$83.00 for restoring sewage service. For a jurisdictional customer who receives both water and wastewater services only one restoration charge of \$83.00 will be charged when the City restores service. (C)

3.2 Late Payment Charge (C)

A late payment charge will be assessed to any customer who fails to pay all of the amount invoiced by the City in a timely manner as prescribed in **Section 3.1**. A late payment charge of one and fifty one-hundredths percent (1.50%) per billing period, not to exceed eighteen percent (18%) per annum, on any overdue amount will be assessed in the City's subsequent invoice. (C)

3.3 Billing Address (C)

The Billing Address is the current address on file with the City for the wastewater service account. (C)

3.4 Change in Billing Address (C)

Where a customer fails to notify the City of a change in billing address, the customer shall remain responsible to remit payment by the billing due date. (C)

3.5 Return Check Charges (C)

The customer will be responsible for the payment of a charge, for each time a check, presented to the City for payment on a customer's utility bill, for either wastewater or non-wastewater service, is returned by the payer bank for any reason including, but not limited to, insufficient funds, account closed, payment stopped, two signatures required, post-dated, stale date, account garnished, or unauthorized signature. This charge is in addition to any charge which may be assessed against the customer by his or her bank. (C)

3.6 Disputed Bills (C)

In the event of a dispute between the customer and the City with respect to any bill, the City will promptly make such investigation as may be required by the particular case and report the result to the customer. The customer is not obligated to pay the disputed amount during the pendency of the City's investigation.

(C) – Indicates Change

4.0 **DEPOSITS** (C)

4.1 **Residential Customers** (C)

(a) **New Applicants:** The City will provide service without requiring an initial deposit unless the applicant was terminated for nonpayment within the prior twelve (12) months or has an unpaid balance for prior service from the City. The amount of the deposit will not be greater than an estimated average bill for one (1) billing period plus the estimated bill for one (1) additional month's service. (C)

(b) **Existing Customers:** If a customer has paid late on two (2) consecutive occasions or a total of three (3) times within the prior twelve (12) month period, the City may send a letter informing the customer that a deposit may be required if another late payment is received within the next twelve (12) months. An existing customer may be required to pay a deposit as a condition to having service restored after termination for non-payment or for failure to comply with a payment agreement. The amount of the deposit will not be greater than an estimated average bill for one (1) billing period plus the estimated bill for one (1) additional month's service. (C)

(c) **Deposit Refunds:** A deposit will be refunded if service is discontinued and the final bill is paid or if the customer has paid the bills for the prior twelve (12) month period without having been late on more than two (2) occasions and is not currently delinquent. Interest on deposits will be paid at the rate governed by 52 Pa. Code §56.57. On deposits held for more than a year, the City will pay to the depositor, at the end of each calendar year, the interest accrued thereon.(C)

4.2. **Non-residential Customers** (C)

(a) **New Applicants:** An initial deposit may be required from any new applicant who does not have prior satisfactory credit history with the City. The amount of the deposit will not be greater than an estimated average bill for one (1) billing period plus the estimated bill for one (1) additional month's service. (C)

(b) **Existing Customers:** Deposit requirements for existing non-residential customers shall be as established for residential customers in Rule 4.1 of this Section. (C)

(C) – Indicates Change

(c) **Deposit Refunds:** A deposit will be refunded if the customer pays all bills on time over a twelve (12) month period or if service is discontinued and the final bill has been paid. There will be no interest paid on deposits for nonresidential accounts.(C)

5.0 SERVICE CONTINUITY (C)

5.1 Regularity of Service (C)

The City may, at any time, interrupt service in case of accident or for the purpose of making connections, alterations, repairs or changes, or for other reasons. The City will, pursuant to Commission regulations at 52 Pa. Code § 67.1 and as circumstances permit, notify customer to be affected by service interruptions. The City reserves the right to restrict the use of wastewater collection service whenever the public welfare may require it. (C)

5.2 Liability for Damages (C)

(a) Responsibility for Owner's and Customer's Facilities – The City shall not be liable for any loss or damage caused by reason of any breaks, leaks, stoppages or other defects in a customer service line, pipes, joints, fixtures or other installations except where the expense or damage is a result of the negligence or willful misconduct of the City, its employees or agents. (C)

(b) Limitation of Damages for Service Interruptions – The City's liability to a customer for any loss or damage from any deficiency in the wastewater collection service due to any cause other than negligent or willful misconduct by the City, its employees or agents, shall be limited to an amount no more than the minimum charge per month bill or per quarter bill for the period in question. The City will undertake to use reasonable care and diligence in order to prevent and avoid interruptions in service, but does not guarantee that such will not occur. (C)

6.0 WAIVER (C)

The City may at its sole discretion, waive any of the Rules contained herein that operate for the benefit of the City, provided that no such waiver shall be valid unless in writing and signed by an authorized representative of the City, and provided that no waiver shall be allowed where the waiver would constitute a violation of the Public Utility Code, the regulations of the Commission or of any other applicable statute, law or regulation. (C)

(C) – Indicates Change

7.0 INDUSTRIAL AND COMMERCIAL ESTABLISHMENTS SERVICE LIMITATIONS (C)

The U.S. Environmental Protection Agency (EPA) Regional Administrator has determined that the City needs a Pretreatment Program meeting the criteria established in Title 40 Code of Federal Regulations (CFR) Part 403. Therefore, the City's NPDES permit currently does require it to administer an approved Pretreatment Program to control the discharges from non-domestic sources. All industrial and commercial waste proposed for discharge into the City's system shall be studied to determine the degree of pretreatment, if any, necessary, in order that the waste will not adversely affect the collection system and/or the wastewater treatment facilities. The City will have the authority to properly control any waste discharged into its system by regulating the rate of any waste discharge, by requiring necessary equalization and/or pretreatment, and by excluding certain waste, if necessary, to protect the integrity of the system. (C)

7.1 Customer Limitations (C)

No commercial or industrial waste, whether pretreated or not, may be discharged without prior written authorization from the City. Customers specifically agree that service applies exclusively for domestic sanitary wastewater. If any customer discharges industrial or commercial waste that: (C)

- (a) the existing wastewater treatment plant is unable to satisfactorily treat; (C) or,
- (b) is not in compliance with discharge permit standards, disrupts the normal functioning of the existing wastewater treatment plant; (C) or,
- (c) is more costly to treat than typical domestic sanitary wastewater; (C) or,
- (d) requires the utilization of more wastewater treatment plant capacity per gallon of effluent than that required by average typical domestic sanitary wastewater, then; (C)

the customer shall provide at the customer's own expense, such primary treatment as may be necessary before such waste is discharged into the City's mains. (C)

7.2 City Limitations (C)

The City will not be liable nor bound to increase wastewater treatment plant capacity and/or operations to accommodate industrial or commercial waste. (C)

(C) – Indicates Change

7.3 Specific Dangers (C)

In general, any waste will be considered harmful to the City wastewater system if it may cause any of the following damaging effects: (C)

(a) chemical reaction either directly or indirectly with the materials of construction of the system in such a manner as to impair the strength or durability of the structures; (C)

(b) mechanical action that will destroy the structures; (C)

(c) restriction of the hydraulic capacity of the structures or system; (C)

(d) restriction of the normal inspection or maintenance of the structures or system; (C)

(e) danger to public health and safety; (C) or

(f) noxious condition contrary to public interest. (C)

8.0 AMENDMENT OF COMMISSION REGULATIONS (C)

Whenever Commission regulations in Title 52 of the Pennsylvania Code are duly amended in such a way as would produce a difference between Commission regulations and this tariff, this tariff is deemed to be amended so as to be consistent with the amendments to the regulations, except that if application of the amendment to Title 52 is discretionary this tariff will remain unchanged. (C)

9.0 PRIVILEGE TO INVESTIGATE/RIGHT OF ACCESS (C)

The City's authorized representatives or agents of the City shall have the right to access and/or enter at all reasonable hours the customer's private property including the access to all parts of any premise connected to the system, for the purpose of examining and inspecting connections and fixtures, including the water and/or wastewater metering arrangement, or for the disconnecting service for any proper cause. The inspections of premises will occur on a regular basis. The inspection of Commercial Establishments and Industrial Users may also occur at any hour the facility is in operation to aid in compliance monitoring. (C)

(C) – Indicates Change

10.0 RULE VARIANCE (C)

No employee of the City can vary these Rules and Regulations, and no authorized representatives, agent or employee of the City can bind it by an agreement or representation except when authorized in writing by the City delinquent account exceptions not withstanding. (C)

11.0 SEWER MAIN EXTENSIONS

11.1 General Provisions

(a) The Utility shall agree to the extension of existing sewer mains for any bona fide prospective Customer or Developer making application for sewerage service therefrom for a period of one (1) year or more under these Rules and Regulations. Such extensions will be made at the cost of such Customer(s) subject to the provisions of Subsection (b) below.

(b) When an extension to serve a bona fide prospective Customer or Developer is required or requested, such extension will be made under the terms of a "Non-Refundable Contribution Agreement," as hereinafter set forth. The Utility shall have the exclusive right to determine the type and size of mains to be installed and the other facilities required to render adequate service. All estimated or actual cost figures referred to in the "Non-Refundable Contribution Agreement" shall include a reasonable allowance for overhead costs.

The bona fide prospective Customer or Developer will either deposit with the Utility, upon notice that the Utility is prepared and able to go forward with the work, an amount in cash equal to the Estimated Cost, or alternatively, at the discretion of the Utility, the prospective Customer will be required to construct the main extension to the City's specifications and, after inspection and approval by the City, to transfer to the City said mains, free and clear. In the event that the Utility performs the work, the Estimated Cost of the Deposit shall include estimates of the cost of said main(s) and of any other facilities which the Utility shall have decided are required to render adequate service.

In the event that the bona fide prospective Customer or Developer performs the work, the Customer shall agree to indemnify and hold harmless the Utility concerning construction of the main extension.

(C) – Indicates Change

(c) For the purpose of this rule: (C)

"Bona fide prospective customer" shall mean any owner or lessee who is or will be the occupant of an existing developed premise abutting on that part of a street or public highway in which there is, or is to be, located a sewer main of the Utility, who shall file a signed application for a new sewer lateral to such premises and for sewerage service to begin immediately following installation for the sewer lateral. This definition does not include applicants for temporary service. (C)

"Developer" shall mean any owner, promoter, broker, builder, or contractor or similar individual or entity engaged in the development or improvement of real estate or in the construction of residences, as opposed to a person who will occupy the subject property or premises at the time permanent sewer service is established. (C)

"Sewer lateral" shall mean a pipe with appurtenances used to collect sewage from the customer's premises to the sewer main. (C)

(e) Sewer lateral serving a premises shall not pass through or across any premises or property other than that to be supplied, and no laterals or plumbing in any premises shall be extended therefrom to adjacent or other premises. Sewer lateral connections will not be permitted to cross intervening properties even with the protection of easements. Only Customers owning property in fee which directly abuts a street wherein there is an existing main of the Utility will be permitted to attach a sewer lateral connection to the Utility's main for the purpose of discharging sewage. It is understood that such property owned in fee by the said prospective Customer shall be a complete standard building lot which complies with the existing zoning laws and regulations of the municipality in which such property is located. It is further understood that if such property owned in fee by a Customer is subsequently sold, the purchaser of such property will be entitled to receive sewer service upon compliance with all of the provisions of this tariff. (C)

(C) – Indicates Change