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File #: 165918

August 26, 2016

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Application of The York Water Company (Wastewater), Under Sections 1102(a)(1) and 1102(a)(3) of the Public Utility Code, for approval of the right of The York Water Company - Wastewater to (1) acquire certain public wastewater facilities from the West York Borough, and (2) begin to offer or furnish wastewater service to the public in West York Borough, York County, Pennsylvania
Docket No. A-2016-2552403**

Dear Secretary Chiavetta:

Enclosed for filing are The York Water Company's Responses to the Bureau of Technical Utility Services Data Request 1, Nos. 1 – 4, 6 – 8 and 10 – 12, in the above-referenced proceeding.

Respectfully submitted,

Devin Ryan/mwh
Devin Ryan

DTR/jl
Enclosures

cc: Clinton McKinley (via E-mail)
Christine M. Hoover (via E-mail)
John R. Evans (via E-mail)
Amanda Gordon (via E-mail)

The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 1
Application of The York Water Company – West York Borough
West York Borough, York County
Docket No. A-2016-2552403
August 26, 2016

DISCOVERY A-1

The filing combines requests for Commission review of applications under Section 1102 and Section 507 of the Public Utility Code. Please file a separate application for approval of the Public Utility Municipal Contracts included in the initial filing. These contracts will be appropriately docketed and reviewed under Section 507.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

York Water will work with the Commission to obtain Section 507 approvals of the municipal contracts referenced in the initial filing. However, Section 3.101 of the Commission's regulations, 52 Pa. Code § 3.101, specifically provides that "[n]o formal application need accompany municipal contracts filed under section 507 of the act" and only requires that a copy of the contract be filed with the Commission at least 30 days prior to its effective date. Further, please see the responses to Discovery A-32 and A-36 regarding the proof of York Water's assumption to the two municipal contracts at issue.

The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 1
Application of The York Water Company – West York Borough
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August 26, 2016

DISCOVERY A-2

Please provide a description of the applied for territory in terms of bearing angles and distances.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

A description of the applied for territory in terms of bearing angles and distances is not readily available. York Water contacted both the York County Planning Commission and West York Borough to obtain a legal, metes and bounds description of West York Borough. Neither entity has the information available. Moreover, the applied for territory is the entirety of West York Borough. *See* Discovery A-3.

**The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
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August 26, 2016**

DISCOVERY A-3

Please provide a written description of the location of the applied for territory.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

The applied for territory is West York Borough. West York Borough is located in York County, Pennsylvania. The borough is bounded to the east by the City of York, and to the north, south and west by West Manchester Township.

**The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 1
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West York Borough, York County
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August 26, 2016**

DISCOVERY A-4

Please quantify, in acres, the area of the applied for territory.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

According to the York County Planning Commission's 2000 Population and Land Area Data, West York Borough covers an area of 0.5 square miles, 320 acres.

The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
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West York Borough, York County
Docket No. A-2016-2552403
August 26, 2016

DISCOVERY A-6

Please provide a 5-year compliance history with DEP for West York Borough's wastewater collection and treatment system that includes an explanation for any violations.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

York Water contacted PA DEP and conducted a search of West York Borough's files with the Borough Engineer. There have been no violations or penalties assessed in the past five years.

**The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 1
Application of The York Water Company – West York Borough
West York Borough, York County
Docket No. A-2016-2552403
August 26, 2016**

DISCOVERY A-7

Please provide a copy of the Borough's Chapter 94 Municipal Wasteload Management Report that was most recently submitted to (DEP).

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

The West York Borough's Chapter 94 Municipal Wasteload Management Report dated January 5, 2016 is attached.

**INTERCEPTOR AND COLLECTOR SYSTEM
TRIBUTARY TO
CITY OF YORK WASTEWATER TREATMENT FACILITY**

**2015 ANNUAL MUNICIPAL WASTELOAD MANAGEMENT
(CHAPTER 94) REPORT
TO
THE PENNSYLVANIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

**For:
West York Borough
1700 West Philadelphia Street
West York, PA 17404**

January 5, 2016

Engineer's File No. 0407.6.06.37d

PREPARED BY:



C.S. Davidson, Inc.

Excellence in Civil Engineering

Consulting Civil Engineers
38 North Duke Street
York, PA 17401

Phone: (717) 846-4805

Fax: (717) 846-5811

www.csdavidson.com

Table of Contents

Exhibit WYB	Chapter 94 Municipal Wasteload Management Annual Report
Attachment WYB-1	Tabulation of Available Sewer Reserve Capacity
Attachment WYB-2	Sanitary Sewer System
Attachment WYB-3	Projected Connections to City of York Wastewater Treatment Plant
Attachment WYB-4	West York Borough System Monitoring, Maintenance, and Repair
	2015 Sanitary Sewer Maintenance Program (WYB-A)
	Manhole Cleaning Log (Exhibit WYB-B)



CHAPTER 94 MUNICIPAL WASTELOAD MANAGEMENT ANNUAL REPORT

Exhibit WYB
January 5, 2016

For Calendar Year: 2015
York City Wastewater Treatment Facility

- Permittee is owner and/or operator of a POTW or other sewage treatment facility
 Permittee is owner and/or operator of a collection system tributary to a POTW not owned/operated by permittee

GENERAL INFORMATION			
Permittee Name:	West York Borough	Permit No.:	NPDES PA 0026263
Mailing Address:	1700 W. Philadelphia Street	Effective Date:	February 1, 2008
City, State, Zip:	York, PA 17404	Expiration Date:	January 31, 2013
Contact Person:	Kathy L. Altland	Renewal Due Date:	July 31, 2012 (Under Review)
Title:	Manager	Municipality:	West York Borough
Phone:	(717) 846-8889	County:	York County
Email:	kaltlandwyb@verizon.net	Consultant Name:	C.S. Davidson, Inc.
CHAPTER 94 REPORT COMPONENTS			
<p>1. Attach to this report a line graph depicting the monthly average flows (expressed in MGD) for each month for the past 5 years and projecting the flows for the next 5 years. The graph must also include a line depicting the hydraulic design capacity per the WQM permit. (25 Pa. Code § 94.12(a)(1))</p> <p>Check the appropriate boxes:</p> <p><input type="checkbox"/> Line graph for flows attached (Attachment)</p> <p><input type="checkbox"/> DEP Chapter 94 Spreadsheet used (Attachment)</p> <p><input checked="" type="checkbox"/> Section 1 is not applicable (report is for a collection system).</p>			
<p>2. Attach to this report a line graph depicting the monthly average organic loads (express as lbs BOD5/day) for each month for the past 5 years and projecting the organic loads for the next 5 years. The graph must also include a line depicting the organic design capacity of the treatment plant per the WQM permit. (25 Pa. Code § 94.12(a)(2))</p> <p>Check the appropriate boxes:</p> <p><input type="checkbox"/> Line graph for organic loads attached (Attachment)</p> <p><input type="checkbox"/> DEP Chapter 94 Spreadsheet used (Attachment)</p> <p><input checked="" type="checkbox"/> Section 2 is not applicable (report is for a collection system).</p>			

3. If the DEP Chapter 94 Spreadsheet was not used to determine projections, discuss the basis for the hydraulic and organic projections. In all cases, include a description of the time needed to expand the plant to meet the load projections, if necessary, and data used to support the projections should be included in an appendix to this report. (25 Pa. Code § 94.12(a)(3)) See Appendix attached (**Attachment**)

Check the appropriate box(es):

- Hydraulic or organic projections not applicable to collection systems.
 Five year flow projections attached (**Attachment WYB-1**).
 Description for plant expansion attached (**Attachment**).
 No plant expansion required.

4. Attach a map showing all sewer extensions constructed within the past calendar year, sewer extensions approved or exempted in the past year in accordance with Act 537 and Chapter 71, but not yet constructed, and all known proposed projects which require public sewers but are in the preliminary planning stages. The map must be accompanied by a list summarizing each extension or project and the population to be served by the extension or project. If a sewer extension approval or proposed project includes schedules describing how the project will be completed over time, the listing should include that information and the effect this build-out-rate will have on populations served. (25 Pa. Code § 94.12(a)(4))

Check the appropriate boxes:

- Map showing sewer extensions constructed, approved/exempted but not yet constructed, and proposed projects attached (**Attachment WYB-2**)
 List summarizing each extension or project attached (**Attachment WYB-3**)
 Schedules describing how each project will be completed over time and effects attached (**Attachment**)
 None of the approved extensions show a proposed or mandated project schedule.
 No pipelines have existing or projected hydraulic overloads.

Comments:

5. Discuss the permittee's program for sewer system monitoring, maintenance, repair and rehabilitation, including routine and special activities, personnel and equipment used, sampling frequency, quality assurance, data analyses, infiltration/inflow monitoring, and, where applicable, maintenance and control of combined sewer regulators during the past year. Attach a separate sheet if necessary. (25 Pa. Code § 94.12(a)(5))

See Attachment WYB-4

6. Discuss the condition of the sewer system including portions of the system where conveyance capacity is being exceeded or will be exceeded in the next 5 years and portions where rehabilitation or cleaning is needed or is underway to maintain the integrity of the system and prevent or eliminate bypassing, CSOs, SSOs, excessive infiltration and other system problems. Attach a separate sheet if necessary. (25 Pa. Code § 94.12(a)(6))

Check the appropriate boxes:

- System experienced capacity-related bypassing, SSOs or surcharging during the report year. On a separate sheet, list the date, location, and reason for each bypass, SSO or surcharge event.
- System did not experience capacity-related bypassing, SSOs or surcharging during the report year.

Comments:

See Attachment

7. Attach a discussion on the condition of sewage pumping (pump) stations. Include a comparison of the maximum pumping rate with present maximum flows and the projected 2-year maximum flows for each station. (25 Pa. Code § 94.12(a)(7))

Check the appropriate boxes:

- The collection system does not contain pump stations
- The collection system does contain pump stations (Number –)
- Discussion of condition of each pump station attached (**Attachment**)

8. If the sewage collection system receives industrial wastes (i.e., non-sanitary wastes), attach a report with the information listed below. (25 Pa. Code § 94.12(a)(8))

- a. A copy of any ordinance or regulation governing industrial waste discharges to the sewer system or a copy of amendments adopted since the initial submission of the ordinance or regulation under Chapter 94, if it has not previously been submitted.
- b. A discussion of the permittee's or municipality's program for surveillance and monitoring of industrial waste discharges into the sewer system during the past year.
- c. A discussion of specific problems in the sewer system or at the plant, known or suspected to be caused by industrial waste discharges and a summary of the steps being taken to alleviate or eliminate the problems. The discussion shall include a list of industries known to be discharging wastes which create problems in the plant or in the sewer system and action taken to eliminate the problem or prevent its recurrence. The report may describe pollution prevention techniques in the summary of steps taken to alleviate current problems caused by industrial waste dischargers and in actions taken to eliminate or prevent potential or recurring problems caused by industrial waste dischargers.

Check the appropriate boxes:

- Industrial waste report as described in 8 a., b. and c. attached (**Attachment**)
- Industrial pretreatment report as required in an NPDES permit attached (**Attachment**)
- Industrial pretreatment report will be submitted by POTW Administrator

9. Existing or Projected Overload.

Check the appropriate boxes:

- This report demonstrates an existing hydraulic overload condition.
- This report demonstrates a projected hydraulic overload condition.
- This report demonstrates an existing organic overload condition.
- This report demonstrates a projected organic overload condition.

If one or more boxes above have been checked, attach a Corrective Action Plan (CAP) to reduce or eliminate present or projected overloaded conditions under §§ 94.21 and/or 94.22 (relating to existing overload and projected overload). (25 Pa. Code § 94.12(a)(9))

- Corrective Action Plan attached (**Attachment**)
- No overloads projected.

10. Where required by the NPDES permit, attach a Sewage Sludge Management inventory that demonstrates a mass balance of solids coming in and leaving the facility over the previous calendar year.

- Sewage Sludge Management Inventory attached (**Attachment**)
- No Sewage Sludge Management Inventory required for collection system.

11. For facilities with CSOs and where required by the NPDES permit, attach an Annual CSO Report (including satellite combined sewer systems).

- Annual CSO Report attached (**Attachment**)
- No Annual CSO Report required for collection system.

12. For POTWs, attach a calibration report documenting that flow measuring, indicating and recording equipment has been calibrated annually. (25 Pa. Code § 94.13(b))

- Flow calibration report attached (**Attachment**)
- No Flow calibration report required for collection system.

RESPONSIBLE OFFICIAL CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowledge of violations. See 18 Pa. C.S. § 4904 (relating to unsworn falsification).

- Certification not required for collection system.

Name of Responsible Official

Signature

Telephone No.

Date

PREPARER CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared by me or otherwise under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowledge of violations. See 18 Pa. C.S. § 4904 (relating to unsworn falsification).

Richard G. Resh

Name of Preparer

Signature

(717) 846-4805

Telephone No.

Date

Preparer's Contact Information:

C.S. Davidson, Inc.
38 North Duke Street
York, PA 17401

K:\028760011\docs\correspondence\2016 Report\2014 Chapter 94 Report WYB.docx

TABULATION OF AVAILABLE
SEWER RESERVE CAPACITYCOLLECTION AND TRANSPORTATION SYSTEM
From: West York BoroughWASTEWATER TREATMENT FACILITY
To: City of York

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>Future Years</u>
Existing Flow From Current Users ⁽¹⁾	531,117	531,117	548,364	561,664	564,464	567,264	570,064
Projected Flows From Current Users ⁽²⁾	0	0	0	0	0	0	0
Projected Flow Increase From New Customers ⁽³⁾	<u>0</u>	<u>17,247</u>	<u>13,300</u>	<u>2,800</u>	<u>2,800</u>	<u>2,800</u>	<u>49,700</u>
Total Estimated Wastewater Flows	531,117	548,364	561,664	564,464	567,264	570,064	619,764
Percent Usage	44.24%	45.68%	46.79%	47.02%	47.25%	47.49%	51.63%
Total Permitted Capacity/Agreement	1,200,500	1,200,500	1,200,500	1,200,500	1,200,500	1,200,500	1,200,500
Total Amount of Available Capacity	669,383	652,136	638,836	636,036	633,236	630,436	580,736

NOTES AND ASSUMPTIONS:

- (1) Percentage of City Flow Meter WY-01 based on EDUs.
- (2) Assumes 75% of 2015 connections (0 EDUs @ 350 gpd) not reflected in (1) above.
- (3) See attached list of projected connections (Attachment WYB-3).

WEST YORK BOROUGH
PROJECTED CONNECTIONS TO CITY OF YORK
WASTEWATER TREATMENT PLANT

Name & Description	Proposed Total Gallons	Map/ Parcel	All Projected Connections in Gallons per Day (GPD)					16 - 20 Subtotal	2021- 2025	2026- 2030	2031- 2035	2036 Ultimate	Total Gallons	Flow Meter	York City MH No.
			2016	2017	2018	2019	2020								
1 Ingerman Group 1320 West Market Street 80 Apts, Restaurant, Retail & Office Space	8,147	9/001	8,147	0	0	0	0	8,147	0	0	0	0	8,147	WY01	81
2 Kinsley Equities West King Street Industrial Site (10 EDUs @ 350 GPD)	3,500	7/028	3,500	0	0	0	0	3,500	0	0	0	0	3,500	WY01	81
3 Loucks Elementary School Rehab West Philadelphia Street (10 EDUs @ 350 GPD)	3,500		3,500	0	0	0	0	3,500	0	0	0	0	3,500	WY01	81
4 Former Pfaltzgraff Plant Conversion (10 EDUs @ 350 GPD)	3,500	varies	0	3,500	0	0	0	3,500	0	0	0	0	3,500	WY01	81
5 York Corrugating Co. Expansion (10 EDUs @ 350 GPD)	3,500	varies	0	3,500	0	0	0	3,500	0	0	0	0	3,500	WY01	81
6 Rex Roth/SDR Design (10 EDUs @ 350 GPD)	3,500	varies	0	3,500	0	0	0	3,500	0	0	0	0	3,500	WY01	81
7 Eldenlee, Inc. (5 EDUs @ 350 GPD)	1,750	varies	0	0	0	0	0	0	1,750	0	0	0	1,750	WY01	81
8 York Fairgrounds (5 EDUs @ 350 GPD)	1,750	varies	0	0	0	0	0	0	1,750	0	0	0	1,750	WY01	81
9 Unconnected Existing Properties (10 homes @ 350 GPD)	3,500	varies	700	700	700	700	700	3,500	0	0	0	0	3,500	WY01	81
10 Apartment Conversions (2 Units/Year @ 350 GPD)	17,500	varies	700	700	700	700	700	3,500	3,500	3,500	3,500	3,500	17,500	WY01	81
11 Commercial Industrial Site Miscellaneous Conversions (2 EDUs at 350 GPD)	19,600	varies	700	700	700	700	700	3,500	3,500	3,500	3,500	5,600	19,600	WY01	81
12 Miscellaneous New Development (2 EDUs/year @ 350 GPD)	19,600	varies	700	700	700	700	700	3,500	3,500	3,500	3,500	5,600	19,600	WY01	81
TOTALS:	89,347		17,947	13,300	2,800	2,800	2,800	39,647	14,000	10,500	10,500	14,700	89,347		

CITY OF YORK

A. System Monitoring, Maintenance, and Repair

1. The Borough does not have personnel and equipment for routine sanitary sewer maintenance and relies on contracted services or on neighboring municipalities. Structural repairs, if necessary, are performed by a local contractor. The 2012-2015 Sanitary Sewer Maintenance Program Contract was awarded to Pipe Services Corporation. Cleaning and flushing of 14,294 L.F. of lines and 60 manholes started were completed in 2015 (see Exhibit No. WYB-A).

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>
8" diameter pipes to be cleaned	13,474	L.F.
12" diameter pipes to be cleaned	394	L.F.
15" diameter pipes to be cleaned	426	L.F.

2. Copies of inspection reports are enclosed (see Exhibit WYB-B).

B. Collection System Condition

1. Description of System: The system tributary to the City of York includes 10.37 miles of vitrified clay sewers with mostly brick manholes and no pump stations. A small area in the Borough is served by West Manchester Township's West King Street Pump Station. Annual operation and maintenance costs are shared by the two municipalities. Wastewater from both municipalities is monitored by the City of York on West Poplar Street (City Flow Meter No. WY-01). The Borough's interceptor also transports flows from the Lincolnway Area of West Manchester Township. Most of the sanitary sewers are in fair to good operating condition.
2. Conveyance Capacity: No portion of the Borough collection system is expected to be hydraulically overloaded during the next five-year period.
3. Major Rehabilitation: With the completion of WWTP Improvements, the York City Sewer Authority would like to focus on removing infiltration/inflow (I/I) sources to reduce peak flows to the plant. YCSA has requested outlying user municipalities voluntarily increase their I/I removal efforts.

C. Sanitary Sewer Extensions

1. Carriage Works Apartments (1320 W. Market) Final Subdivision and Land Development Plan
 - a. This project contains 4.9 acres and is located south of West Market Street and east of South Highland Avenue. The developer, MBI Development Company, Inc., plans to subdivide the project site into three lots. Four of the ten vacant industrial buildings formerly known as the Keystone Weaving Mill will be renovated into 80 apartment dwelling units, office space and two restaurants.
 - b. The office units and restaurant space have not been occupied.
 - c. Sanitary sewer work was completed. No as-built plans have been submitted to date.
 - d. The project received planning module exemption approval (DEP Code No. A3-67806-009-3E) on February 25, 2011 from PA DEP.

D. Sale of Sanitary Sewer System

1. West York Borough intends to sell the collection system to the York Water Company.
2. Negotiations are in progress.

E. Waste Flow Data

1. No connection permits were issued for connection during 2015.
2. The estimated flows for the current year and projected next five years are shown on the attached charts labeled Attachments. WYB-1 and WYB-3.
3. The number of sewer connections for each year of the past five years were as follows:

2011	2012	2013	2014	2015
1	0	0	0	0

F. Nutrient Trading Program 2003 thru 2015

1. No properties with on-site subsurface disposal systems were eliminated between 2003 and 2015 (zero credits).



PAYMENT SCHEDULE OF CONTRACT ITEMS

FROM:
CONTRACTOR: Pipe Services Corporation
ADDRESS: 665 Tower Lane
 West Chester, PA 19380

APPLICATION NUMBER:

PAY PERIOD ENDING:

CONTRACT DESCRIPTION:
 2012-2015 Sanitary Sewer Maintenance Program

TO:
OWNER: West York Borough Council
ADDRESS: 1700 West Philadelphia Street
 York, PA 17404

TOTAL AMOUNT OF CONTRACT BASED ON ESTIMATED QUANTITIES: \$66,160.10

Bid Item No.	Description	Proposal Quantity	Unit	Unit Quantity To Date	Contract Unit Price	Total Value To Date
2014 SANITARY SEWER MAINTENANCE PROGRAM						
2014.01	8" diameter Pipes (to be cleaned)	10,635	L.F.	10572	\$0.70	\$7,400.40
2014.02	12" diameter Pipes (to be cleaned)	1,835	L.F.	1835	\$0.70	\$1,284.50
2014.03	15" diameter Pipes (to be cleaned)	1,289	L.F.	1289	\$0.70	\$902.30
2014.04	Manholes (to be cleaned)	46	Ea.	46	\$25.00	\$1,150.00
2014.05	Pipes to be televised (all sizes)	300	L.F.	0	\$2.00	\$0.00
2014.06	Grout Failing Joints	30	Gals.	0	\$20.00	\$0.00
2014.07	Manhole Patching	30	Lbs.	0	\$65.00	\$0.00
2014.08	Root Inhibitor	10	Lbs.	0	\$54.00	\$0.00
2014.09	Air Test Joints	20	Ea.	0	\$25.00	\$0.00
	SUBTOTAL BID AMOUNT FOR YEAR 2014					\$10,737.20
2015 SANITARY SEWER MAINTENANCE PROGRAM						
2015.01	8" diameter Pipes (to be cleaned)	14,789	L.F.	13474	\$0.70	\$9,431.80
2015.02	12" diameter Pipes (to be cleaned)	409	L.F.	394	\$0.70	\$275.80
2015.03	15" diameter Pipes (to be cleaned)	428	Ea.	426	\$0.70	\$298.20
2015.04	Manholes (to be cleaned)	70	L.F.	60	\$25.00	\$1,500.00
2015.05	Pipes to be televised (all sizes)	300	L.F.	0	\$2.00	\$0.00
2015.06	Grout Failing Joints	30	Gals.	0	\$20.00	\$0.00
2015.07	Manhole Patching	30	Lbs.	0	\$65.00	\$0.00
2015.08	Root Inhibitor	10	Lbs.	0	\$54.00	\$0.00
2015.09	Air Test Joints	20	Ea.	0	\$25.00	\$0.00
	SUBTOTAL BID AMOUNT FOR YEAR 2015					\$11,505.80

SUBTOTAL OR TOTAL OF CONTRACT ITEMS TO DATE: \$52,456.30

Website: www.pipeservice.com
 Pipe Services Corporation
 665 Tower Lane
 West Chester, PA 19380
 Phone: (610) 692-9160
 Fax: (610) 692-9169
 Email: info@pipeservice.com

West York Borough Council
2012-2015 Sanitary Sewer Maintenance Program
Engineer's Project No. 0287.6.04.31

Manhole Cleaning Log

Date & Time	Start & End Stations- MH to MH	Length Diameter and Pipe	Material Removed	Pertinent Comments	Leaking Manholes
8-16-10					
9:00 AM	MH 26 to MH 1	257' 8"	0.5'		✓
	MH 26 to MH 30	257' 8"	0.5'		✓
	MH 4 to MH 5	257' 8"	0.5'		✓
	MH 3 to MH 2	257' 8"	0.5'		✓
	MH 7 to MH 8	339' 8"	0.5'		✓
	MH 13 to MH 9	226' 8"	0.5'	SMOKE TEST	✓
	MH 23 to MH 21	210' 8"	0.5'		✓
	MH 14 to MH 23	210' 8"	0.5'		✓
	MH 25 to MH 24	210' 8"	0.5'		✓
	MH 22 to MH 25	210' 8"	0.5'		✓
	MH 20 to MH 22	210' 8"	0.5'		✓
	MH 16 to MH 11	198' 8"	0.5'	SMOKE TEST	✓
	MH 15 to MH 16	257' 8"	0.5'		✓
	MH 27 to MH 28	210' 8"	0.5'		✓
1:00 PM	MH 28 to MH 10	322' 8"	0.5'		✓
	15 ROWS				
	TOTAL				

15 manholes = 3,670' ft.

Website: www.pipeservice.com

Pipe Services Corporation

665 Tower Lane

West Chester, PA 19380

Phone: (610) 692-9160

Fax: (610) 692-9169

Email: info@pipeservice.com

West York Borough Council
2012-2015 Sanitary Sewer Maintenance Program
Engineer's Project No. 0287.6.04.31

Manhole Cleaning Log

Date & Time	Start/End Stations - MH to MH	Length Diameter, Inset Pipe	Material Removed	Pertinent Comments	Leaking Manholes
8-11-15					
2:00pm	MH 137 to MH 131	253' 8"			✓
	MH 115 to MH 121	270'			✓
	MH 113 to MH 115	253' 8"	DEBRIS	TRAVERSE	✓
	MH 124 to MH 117	245'		(HAD TO GET BACK TO MANHOLE)	✓
	MH 105 to MH 103	246'	DEBRIS		✓
	MH 103 to MH 105	263'	DEBRIS		✓
	MH 97 to MH 95	174'			✓
	MH 88 to MH 87	215'			✓
	MH 92 to MH 103	253'	DEBRIS		✓
	MH 99 to MH 98	277'	DEBRIS		✓
	MH 81 to MH 82	215'			✓
	MH 94 to MH 81	248' PVC			✓
	MH 90 to MH 99	283' PVC DEBRIS			✓
	MH 83 to MH 70	283' CUY DEBRIS			✓
	MH 85 to MH 82	276'	DEBRIS		✓
5:00pm	MH 83A to MH 85	215'			✓
	16 Runs				
	4094 FT				

16 manholes = 4,094' ft

Website: www.pipeservicesco.com

Pipe Services Corporation
 665 Tower Lane
 West Chester, PA 19380
 Phone: (610) 692-9160
 Fax: (610) 692-9169
 Email: pipeservicescorp@comcast.net

West York Borough Council
2012-2015 Sanitary Sewer Maintenance Program
Engineer's Project No. 0287.6.04.31

Manhole Cleaning Log

Date & Time	Start & End Stations: MH to MH	Length, Diameter, Type Pipe	Material Removed	Pertinent Comments	Leading Manholes
8-13-15 7:00 AM		CLAY			
	MH 83 to MH 83A	207' 8"		✓	
	MH 96 to MH 98	103' 8"		✓	
	MH 89 to MH 96	132' 13"	ORGANIC	✓	
	MH 52 to MH 70	177' 15"	DEBRIS	✓	
	MH 44 to MH 52	203' 15"	DEBRIS	✓	
	MH 58 to MH 59	171' 10"	DEBRIS	✓	
	MH 71 to MH 97	236' 8"		✓	
	MH 53 to MH 51	190' 8"		✓	
	MH 55 to MH 52	200' 8"		✓	
	MH 87 to MH 33	189' 8"		✓	
	MH 208 to MH 209	340' 8"		✓	208, 209
	MH 207 to MH 208	189' 8"		✓	H, A
	MH 209 to MH 207	273' 8"		✓	H, A
	MH 205 to MH 206	32' 8"		✓	205, 206
	MH 204 to MH 205	151' 8"		✓	H, A
	MH 201 to MH 204	305' 8"		✓	H, A
8:00 PM	MH 179 to MH 201	316' 8"	DEBRIS	✓	H, A
	18 Manholes				
	4,167 FT				
				12" = 394'	
				18" = 1166'	
				8" =	

18 manholes = 4,167' FT.

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West York Borough Council
 2012-2015 Sanitary Sewer Maintenance Program
 Engineer's Project No. 0287.6.04.31

Manhole Cleaning Log

Date & Time	Start & End Stations - MH to MH	Length, Diameter, Type Pipe	Material Removed	Remarks	Linking Manholes
8-13-18					
7:00 AM					
	MH 175 to MH 174	275' 8"	028213	✓	251346
	MH 177 to MH 175	288' 8"	028213	✓	" "
	MH 177 to MH 178	156' 8"		✓	" "
	MH 177 to MH 176	89' 8"		✓	" "
	MH 179 to MH 177	307' 8"		✓	END OF LINE BROKEN BD 1346
	MH 171 to MH 170	97' 8"		✓	251346
	MH 172 to MH 173	243' 8"		✓	" "
	MH 171 to MH 172	253' 8"		✓	" "
	MH 135 to MH 134	832' 8"		✓	
	MH 136 to MH 135	190' 8"		✓	
1:00 PM	MH 135 to MH 136	306' 8"		✓	
	11-RUNS				
	2363 FT.				

11 Manholes = 2,363' ±

**The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 1
Application of The York Water Company – West York Borough
West York Borough, York County
Docket No. A-2016-2552403
August 26, 2016**

DISCOVERY A-8

Please provide a complete copy of the Borough's wastewater rules and regulations.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

Attached are the rules and regulations approved in an ordinance related to the West York Borough wastewater collection system that the West York Borough staff was able to provide to York Water.

ORDINANCE NO. 524

**AN ORDINANCE OF WEST YORK BOROUGH, YORK COUNTY, PENNSYLVANIA
REVISING AND AMENDING CHAPTER XVII "SEWERS AND SEWAGE DISPOSAL",
PART 6 "REGULATION GOVERNING ADMISSION OF INDUSTRIAL WASTE INTO
THE SEWER SYSTEM", SECTION 72 "PROHIBITED WASTES" OF THE WEST
YORK BOROUGH CODE OF ORDINANCES ESTABLISHING NEW LOCAL LIMITS
FOR INDUSTRIAL WASTE**

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Council of West York Borough, York County, Pennsylvania, as follows:

1. Chapter XVII "Sewers and Sewage Disposal", Part 6 "Regulation Governing Admission of Industrial Waste into the Sewer System", Section 72 "Prohibited Wastes",

Subsection 6 is hereby amended by substitution to read as follows:

"(6) Any water or waste containing any substances in excess of the following concentrations, provided that the General Manager may waive this requirement on a case-by-case basis to impose an equivalent mass discharge limit when an Industrial User implements water conservation measures:

<u>Substances</u>	<u>Daily Discharge Limit (mg/l)</u>
Arsenic, Total	0.2
Cadmium, Total	0.16
Chromium, Total	0.9
Copper, Total	1.3
Cyanide, Total	0.6
Lead, Total	0.34
Mercury, Total	0.05
Molybdenum, Total	3.0
Nickel, Total	1.5
Selenium, Total	0.5
Silver, Total	1.3
Zinc, Total	3.7"

2. If any sentence, clause, phrase or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections or parts of this Ordinance. It is hereby declared as the intention of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof not been included therein.

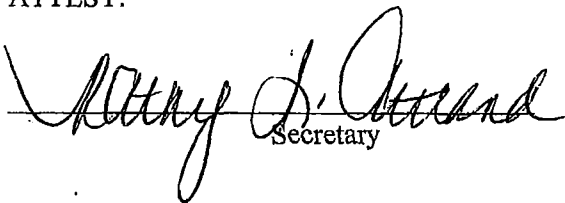
3. Any other Ordinance or Resolution or parts thereof inconsistent with this Ordinance be and area hereby expressly repealed.

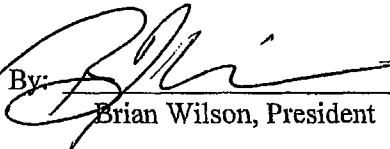
4. This Ordinance shall be effective upon approval by the Mayor, upon passage by Borough Council after reconsideration after veto by the Mayor, or at the next regular meeting of Borough Council occurring at least ten days after its presentation to the Mayor if the Mayor does not return this Ordinance with his approval or disapproval.

ENACTED AND ORDAINED this 5th day of December, 2011.

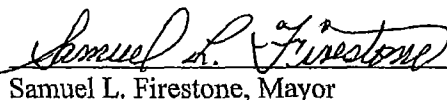
ATTEST:

WEST YORK BOROUGH COUNCIL


Secretary

By: 
Brian Wilson, President

APPROVED/DISAPPROVED this 5th day of DEC, 2011.


Samuel L. Firestone, Mayor

ORDINANCE NO. 518

**AN ORDINANCE OF THE BOROUGH OF WEST YORK, YORK COUNTY,
COMMONWEALTH OF PENNSYLVANIA, REVISING AND AMENDING PART
6 OF CHAPTER XVII OF THE CODE OF ORDINANCES OF THE BOROUGH
OF WEST YORK BY SUBSTITUTION, ESTABLISHING NEW REGULATIONS
REGARDING THE DISPOSAL OF CERTAIN WASTES WITHIN THE
SANITARY SEWER SYSTEM**

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Council of West York Borough, York County, Pennsylvania, as follows:

Section 1. Chapter XVII "Sewers and Sewage Disposal" Part 6 of the Code of Ordinances of West York Borough is hereby amended by substitution to read as follows:

"SECTION 71. DEFINITIONS

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise:

- (a) "Act" means Federal Water Pollution Control ACT, also know as the Clean Water Act, as amended 33 U.S.C. 1251, et seq.
- (b) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in Section 72 and 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- (c) "B.O.D. (Biochemical oxygen demand)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius, expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (d) "Categorical Pretreatment Standards" or "Categorical Standard" means any regulation containing pollutant discharge limits set forth by the EPA that apply to a specific category of Industrial Users and that appear 40 CFR chapter I, subchapter N.
- (e) "CFR" means Code of Federal Regulations.
- (f) "Commercial Wastes" means the wastes generated from a commercial operation as distinct from domestic and industrial sewage.

(g) "Composite sample" means a combination of individual samples obtained at regular intervals over the period of discharge. Whenever practical, composite samples shall be proportionate to flow rate so as to be representative of the discharge during the period of sampling. When an industrial waste discharge is collected over a period of time and discharged as a daily basis or less frequent batch, a single sample from the batch shall be considered a composite sample for purposes of this Article.

(h) "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants expressed in other units of measurement (i.e., mg/l), except for pH, the "daily discharge" is calculated as the arithmetic average measurement of the pollutant derived from all measurements taken that day or by the measurement of a composite sample taken that day.

(i) "Discharge" means "indirect discharge."

(j) "Domestic sewage" means the water-borne waste derived from ordinary living processes.

(k) "Existing source" means any source of discharge that is not a "new source."

(l) "Garbage" means solid waste from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(m) "Garbage grinders" means a mechanical device that shreds or grinds food into small particles for the purpose of sewage disposal.

(n) "General Manager" means the General Manager of the City of York Wastewater Treatment Plant or his duly authorized representatives or designees.

(o) "Grab sample" means an individual sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

(p) "Ground garbage" means the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles shall be carried freely in suspension under the normal flow conditions prevailing in the sewer conduit to which they are contributory and those prevailing in public sewers with no particle greater than one-half inch in any dimension.

(q) "Indirect discharge" or "Discharge" means the introduction of pollutants into the POTW from any non-domestic source.

- (r) "Industrial user" means any "user" that discharges "industrial wastes."
- (s) "Industrial wastes" means the wastes from industrial processes as distinct from domestic, and commercial sewage.
- (t) "Instantaneous maximum concentration" means the concentration not to be exceeded at any time in any grab sample.
- (u) "Interceptor" means a device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes, while allowing normal sewage or wastes to discharge into the drainage system by gravity.
- (v) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act [40 CFR 403.3(k)].
- (w) "Local limit" means specific discharge limits developed and enforced by the City of York upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b). Local limits are found at Section 931.02(b)(2), Section 931.02(b)(6), and Section 931.02(b)(13).
- (x) "Maximum daily limit" means the highest allowable "daily discharge" of a pollutant.
- (y) "mg/l" means milligrams per liter.
- (z) "Monthly average" means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- (aa) "Monthly average limit" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(ab) "New source" means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Clean Water Act if such standards are thereafter promulgated in accordance with that section (provided that certain conditions dealing with the construction and siting of that source vis-a-vis other sources are met) [40 CFR 403.3(m)(1)].

(ac) "Pass through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) [40 CFR 403.3(p)].

(ad) "pH" means the logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution. It is a measure of the acidity or alkalinity of a solution, expressed in standard units.

(ae) "Person" means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(af) "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

(ag) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

(ah) "Pretreatment requirements" means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

(ai) "Pretreatment standards" or "standards" shall mean Categorical Standards, standards established by 40 CFR 403.5(b), and Local Limits.

(aj) "Publicly Owned Treatment Works" or "POTW" means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act); This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment work [40 CFR 403.3(q)].

(ak) "Sanitary sewer" means a sewer that carries sewage and to which storm, surface and ground waters are not intentionally admitted.

(al) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

(am) "Sewage works" means all facilities for collection, pumping, treating and disposing of sewage (see Publicly Owned Treatment Works-POTW).

(an) "Significant industrial user (SIU)" means, except as provided in paragraphs (3) and (4) of this Section,

(1) An Industrial User subject to categorical Pretreatment Standards; or

(2) An Industrial User that:

(A) Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);

(B) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(C) Is designated as such by the City of York on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

(3) The General Manager may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(A) The Industrial User, prior to the General Manager's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(B) The Industrial User annually submits the certification statement required in 40 CFR 403.12(q), together with any additional information necessary to support the certification statement; and

(C) The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the General Manager may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in Federal pretreatment requirements of 40 CFR chapter I, subchapter N, determine that such User should not be considered a Significant Industrial User.

(ao) "Slug" or "slug discharge" means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 72 of this ordinance. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's regulations, local limits or permit conditions.

(ap) "Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

(aq) "Storm sewer" or "storm drain" means a sewer that carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

(ar) "Suspended solids" means the total nonfilterable residue retained on a glass fiber filter, 0.45 micron, and dried at a temperature of 103-105 degrees Celsius to a constant weight.

(as) "Toxic Pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Clean Water Act 307(a) or other Acts.

(at) "Treatment plant" means the City of York Wastewater Treatment Plant, 1701 Black Bridge Road, York, PA 17402.

(au) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include

noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation [40 CFR 403.16(a)].

(av) "User" means a source of indirect discharge.

(aw) "Wastewater" means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

SECTION 72. PROHIBITED WASTES.

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off or substance drainage into any sanitary sewer. Swimming pool drainage shall be allowed provided the Pennsylvania Department of Environmental Protection swimming pool water discharge guidelines are followed, including dechlorination and neutralization of water prior to discharge to an on-site sanitary sewer cleanout. The addition of cooling water or unpolluted water or an increase in the use of process water for the purpose of reducing the concentrations of substances that are limited or prohibited by this article or federal pretreatment standard or requirement shall be prohibited. 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 a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The General Manager may impose mass limitations on Users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(b) Except as hereinafter provided, no person shall discharge or cause to be discharged at any time any of the following described wastes or waters into any sanitary sewer or drain connected therewith. Pollutants, substances or wastewaters prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(1) Any liquid or vapor having temperature which shall inhibit biological activity in the treatment plant resulting in an inhibition or disruption of the Treatment Plant process, but in no case wastewater with a temperature upon reaching the Treatment Plant which exceeds 40° C (104° F) or upon reaching the public sewer of 49° C (120° F).

(2) Any water or waste containing more than 100 mg/l by weight of total hexane-extractible materials, commonly referred to as oil and grease, as per EPA method 1664.

(3) Any garbage that is not ground garbage.

(4) Any ashes, cinders, sand, mud, straw, hay scraps, rags, shavings, metal, glass, bones, feathers, rubber, tires, plastic, wood, paunch manure, butchers' offal,

grease or solid fat, floating oil or any other solids or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

(5) Any water or waste having at any time a pH lower than 5.5 or higher than 11.0 or having any corrosive property capable of causing damage or hazards to structures, equipment or personnel or the sewage works or affecting the biological treatment of the waste.

(6) Any discharge containing any substances in excess of the following concentrations, provided that the General Manager may waive this requirement on a case-by-case basis to impose an equivalent mass discharge limit when an Industrial User implements water conservation measures:

<u>Substances</u>	<u>Maximum Daily Limit</u> (mg/L.)
Arsenic, Total	0.2
Cadmium, Total	0.16
Chromium, Total	0.9
Copper, Total	1.6
Cyanide, Total	0.005 or 0.9 by permit
Lead, Total	0.5
Mercury, Total	0.05
Molybdenum, Total	3.0
Nickel, Total	1.5
Selenium, Total	0.5
Silver, Total	1.3
Zinc, Total	5.0

(7) Any water or waste containing pollutants of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant, unless a permit is obtained in accordance with Section 73.

(8) Any water or waste containing any pollutant, including oxygen demanding pollutants (BOD, etc), released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, causes interference or pass through.

(9) Any toxic radioactive isotopes, without special permit. Biomedical waste disposal in accordance with 10 CFR Part 20 "Standards for Protection Against Radiation" is permitted.

(10) Any substance which may form a deposit tending to cause a stoppage or injure, in any way, the sewage works.

- (11) Any tar or by-products from any gas works or similar establishment.
- (12) Any infectious waste, which is defined as any substance which consists of or is contaminated by pathogens or other etiologic agents, and which has not been sterilized, neutralized, or otherwise rendered harmless. Infectious waste includes, but is not limited to: contaminated blood, blood products or other bodily fluids (excepting excreta discharged by normal bodily functions); wastes, including excrete, from patient isolation areas; laboratory samples or test materials; animal wastes and bedding; body parts; pathology and autopsy wastes; and glassware, hypodermic needles, surgical instruments and other sharps.
- (13) Any water or waste by any person having any average daily discharge to the sewage works of more than 5,000 gallons per day with a daily average concentration of more than 3,000 mg/l of BOD.
- (14) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21.
- (15) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (16) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (17) Any trucked or hauled pollutants, except at discharge points designated in writing by the General Manager of the POTW.
- (18) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or prevent entry into the sewers for maintenance or repair.
- (19) Wastewater that imparts color that cannot be removed by the POTW treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent.
- (20) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (21) Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW or its effluent.

(c) The Federal Pretreatment Regulations do not allow a waiver of pretreatment standards, or local limits, for Categorical Industrial Users. The City of York hereby incorporates by reference all federal Categorical Pretreatment Standards at 40 CFR Chapter I, Subchapter N, as if they were fully set forth herein, and such standards shall be the standards applied under this Ordinance to the appropriate classes of Industrial User.

(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the General Manager may impose equivalent concentration or mass limits as allowed by Federal pretreatment regulation.

(2) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the General Manager may convert the limits to equivalent limitations expressed either as a mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

(3) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the General Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).

(4) A Categorical Industrial User may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the requirements of 40 CFR 403.15.

(5) When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the General Manager convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the General Manager. The General Manager may establish equivalent mass limits only if the Industrial User meets all of the requirements of 40 CFR 403.6(c)(5)(i)(A) through 40 CFR 403.6(c)(5)(i)(E).

(6) The General Manager may, at his discretion, convert the mass limits of the categorical pretreatment standards of 40 CFR Part 414, 419 and 455, and other parts as EPA may amend from time to time, to concentration limits for the purposes of calculating limitations applicable to individual industrial users. The industrial user shall meet the requirements of 40 CFR 403.6(d) regarding dilution and 40 CFR 403.17 regarding bypass, and, for those industrial users that mix process effluent prior to treatment with

wastewater other than those generated by the regulated process, shall provide information regarding the pollutant concentrations and wastestream flows at the sample point.

(7) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

(8) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitations.

(9) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the General Manager within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the General Manager of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(10) The General Manager may impose mass limitations in addition to concentration limitations. The General Manager may approve accepting discharges from a permitted Industrial User that are of unusual strength or character based on water conservation or other resource conservation measures employed by the Industrial User. Mass limitations may be determined where allowed by Federal and local regulations, such as converting concentrations to mass, allocating maximum allowable headworks loadings or any other method deemed appropriate.

(d) The General Manager may develop Best Management Practices (BMPs) in individual wastewater discharge permits to implement local limits, the requirements of 931.02(b) and 40 CFR 403.5(a)(1) and (b), and certain established categorical pretreatment standards and effluent limits.

SECTION 73. INDUSTRIAL WASTES.

(a) Treatment of Industrial Wastes. This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works and enables the POTW to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code

[U.S.C.] section 1251 et seq.) and Federal pretreatment standards and requirements (Title 40 of the Code of Federal Regulations[CFR] chapter I, subchapter N). The economy and desirability of the combined treatment of industrial wastes and sanitary sewage is recognized. However, not all types and quantities of industrial wastes can be so treated. Hence it shall be the established policy of the City of York and West York Borough to admit those types and quantities of industrial wastes that are not harmful or damaging to the structures, processes or operation of the sewage works or are not specifically prohibited by this article. It is also recognized that to provide this service, additional facilities are required, the cost of which shall be borne by those persons receiving benefits. Additionally, the City of York, West York Borough, and industry shall comply with federal pretreatment regulations. To correctly evaluate such users or potential users, all facilities that would otherwise be subject to categorical pretreatment regulations must submit a complete wastewater permit application at least ninety (90) days before the commencement of operations, regardless if the facility intends to discharge wastewater or not. Each user must notify the General Manager of any significant changes to the User's operations or system that might alter the nature, quality or volume of its wastewater at least thirty (30) days before the anticipated change.

(b) Approval Required for Industrial Wastes. In order to control the admission of industrial waste, the discharge into any sanitary sewer of any industrial waste having the following characteristics shall be prohibited unless an industrial wastewater discharge permit is obtained:

- (1) A daily average BOO concentration greater than 300 mg/l; or
- (2) A daily average suspended solids concentration greater than 350 mg/l; or
- (3) An average daily flow greater than twenty-five thousand gallons per day of process wastewater; or
- (4) Any toxic pollutant that is found in concentrations greater than found in domestic sewage; or
- (5) Any wastes which are considered by the General Manager to offer possibilities of harm to structures, processes, or operation of the sewage works or to have significant impact, either singly or in combination with other contributing industries, on the treatment process, the quality of sludge, the system's effluent quality or air emissions generated by the system;

Industries defined as Significant Industrial Users shall be permitted and/or regulated in accordance with the Federal pretreatment requirements of 40 CFR chapter I, subchapter N. Permits shall be granted by the City of York upon the review and approval of the General Manager. The City of York reserves the right to deny new or existing contributions to the system if, because of the volume or characteristics, such wastes are determined by the City of York to be detrimental to the operation of the sewage works or have the potential to cause or contribute to the violation of any

laws, regulations, orders or permit conditions applicable to the City of York or the York City Sewer Authority.

(c) Survey Data Required. All persons who are now discharging, or are planning to discharge, industrial wastes into any sanitary sewer shall upon the request of the General Manager or his designee, complete and file with the General Manager, a permit application which furnishes pertinent data, inclusive of quantity of flow and analysis of the industrial wastes discharged, as set forth in subsection (I) hereof. Any person desiring to make a new connection, a new discharge, or a significant change in the volume, nature, or rate of a discharge, shall complete and file with the General Manager a permit application which furnishes pertinent or predicted data inclusive of quantity of flow and an analysis of the industrial waste to be discharged into the sewage works as set forth in subsection (I) hereof. Such permit application shall be submitted at least one hundred twenty (120) days before the expected or change in discharge is to occur.

(d) Industrial Wastewater Discharge Permit Application.

(1) In order to receive a permit to discharge wastes requiring approval under subsection (b), a completed permit application shall be filed with the General Manager. Information required for industrial users includes, but is not limited to:

A. Identifying and contact information, including the facility name, address, and name of operator and owner.

B. Operation information including a description of activities, facilities and plant production processes, production rates for the types of products and or processes, number of employees, and hours of operation. A schematic process diagram, facility site plans, floor plans, mechanical plans and plumbing plans may be required.

C. A list of any state, federal or local environmental control permits held by or for the facility.

D. The type and amount of raw materials and chemicals used or stored at the facility and the types and quantities of wastes generated.

E. The time and duration of discharges from all processes, and the location(s) for monitoring all wastes, including, process flow measurements and wastewater flow measurement, and incoming water flow measurement and records.

F. Results of wastewater sampling and analysis that identifies the nature and concentration (or mass) of pollutants.

G. A baseline monitoring report if the Industrial User is subject to Categorical Standards and a description of any Best Management Practices that will be utilized.

(2) Any person discharging industrial wastes into any sanitary sewer at the time of passage of this article and requiring a permit shall apply within ninety days after the effective date of this article. All such persons are considered to have a valid permit until such time as the City of York shall act upon the permit application. It shall be the duty of the industrial and commercial user to maintain operations in compliance with federal, state and local regulations.

(3) The applicant shall submit to the General Manager with the permit application a nonrefundable permit application fee made payable to the City of York. Such fee shall be assessed in accordance with a schedule established by Resolution of the Council of the City of York.

(4) No permit shall be granted to any person unless he agrees to indemnify and to save the City of York, its officers, employees and agents harmless from any and all claims, costs, damages and liabilities which may accrue or be claimed to accrue by reason of the permitted waste disposal activity. An indemnification and release shall be part of the permit application.

(e) Permit Conditions and Contents. Industrial wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable state, federal and local regulations, and user charges and fees established by the City of York. Where federal pretreatment regulations impose additional requirements or more stringent limits than those stated in the permit, these requirements and limits become part of the permit whether or not they are stated in the permit. The City of York reserves the right to establish by ordinance or wastewater discharge permit, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this ordinance. Permits may contain, but are not limited to, the following:

(1) Limits on the average and maximum wastewater constituents and characteristics, including Best Management Practices;

(2) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

(3) Requirements for the installation and maintenance of inspection and sampling facilities and equipment, including flow measurement and other devices, and the calibration of such devices;

(4) Specifications for self-monitoring programs that may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

- (5) Compliance schedules;
- (6) Requirements for submission of compliance reports, self-monitoring reports and technical reports or discharge reports;
- (7) Requirements for maintaining and retaining records relating to wastewater discharge for a period of not less than 3 years, including records documenting Best Management Practices compliance, and affording the City of York access thereto;
- (8) Requirements for notification to the City of York of any new introduction of industrial wastes, potential problems or slug discharges, or substantial change in the volume or character of the industrial wastes being introduced into any sanitary sewer;
- (9) Requirements for submission of spill prevention plans, slug discharge control plans and/or requirements to control slug discharges, and implementation of Best Management Practices (BMPs) necessary to adequately prevent accidental, unanticipated or non-routine discharges.
- (10) Requirements for installation of means to prevent spills of hazardous materials, untreated waste, raw materials, intermediates or product into the sewage works;
- (11) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (12) Requirements for the development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (13) Other conditions as deemed appropriate by the City of York to ensure compliance with this article, and State and Federal laws, rules and regulations;
- (14) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, permit and ordinance requirements and any applicable compliance schedule.

(f) Compliance with Permits.

- (1) Permit holders shall comply with the conditions of the permit and failure to do so constitutes a violation of this article.
- (2) Should a permit holder significantly change the volume of its discharge or change its character for any reason, he shall immediately notify the General Manager of such changes and the General Manager may require an application for a new permit.

(3) A permit may be suspended or revoked in whole or in part, or modified, by the General Manager for cause including but not limited to the following:

- A. Violation of any terms or conditions of the permit;
- B. Obtaining the permit by misrepresentation or failure to disclose fully all relevant facts;
- C. A change in any condition, including but not limited to changes in state or federal regulations or changes in the treatment process that require either a temporary or permanent reduction or elimination of the permitted discharge.

(4) All categorical industrial users are required to be regulated in accordance with Federal pretreatment regulations.

(g) Permit Duration and Evaluation. An industrial wastewater discharge permit shall be issued for a specified time period not to exceed three years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than three years at the discretion of the General Manager. A permit holder shall apply for permit reissuance by submitting a complete permit application a minimum of one hundred twenty (120) days prior to the expiration of the existing permit. The General Manager will evaluate the data furnished by the User and may require additional information. The terms and conditions of the permit may be subject to modification by the City of York during the term of the permit should changes in federal pretreatment regulations occur, changes at the facility occur, or other just cause exists. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. The General Manager may deny any application for a wastewater discharge permit. All wastewater discharge permits issued to a User are void upon the issuance of a new wastewater discharge permit to that User. Wastewater discharge permits shall be void upon cessation of operations.

(h) Permit Issuance Procedures. A permit shall be issued with a minimum thirty (30) day comment period between the issuance date and effective date. The permit holder may submit written comments on the permit conditions during the comment period for review and response by the General Manager. The permit may be modified by the General Manager in response to comments. Upon the expiration of the comment period, on the effective date of the permit, the permit shall become effective, subject to the right of appeal as set forth in Section 80.7.

(i) Permit Transfer. Industrial wastewater discharge permits are issued to a specific person for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, sold, applied to different premises or a new or changed operation without the written approval of the General Manager.

(j) Pretreatment. All persons using the sewage works shall provide wastewater treatment as required to comply with this article and with all federal pretreatment standards,

requirements and prohibitions within the time limitations specified by federal regulation or other limits that may from time to time be set by regulatory agencies.

(1) Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the General Manager before such facilities are constructed. The submission of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the POTW under the provisions of this ordinance.

(2) Whenever deemed necessary, the General Manager may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.

(3) The General Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

(4) Users with the potential to discharge substances harmful to the POTW, which includes the sewer system, (i.e., flammable substances, corrosive substances) may be required to install and maintain detection meters or monitoring devices.

(k) Certification of Reports. Any person signing a permit application, baseline monitoring report, periodic self-monitoring report, questionnaire, compliance schedule, BMP submission or documentation, final compliance report, periodic compliance report, and any other required report shall make the following certification and be signed in accordance with the signatory requirements of Section 73(r):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

A facility determined to be a Non-significant Categorical Industrial User by the General Manager must annually submit the federally required certification statement regarding Non-significant Categorical Industrial Users and be signed in accordance with the signatory requirements of Section 73(r).

(1) Sampling and Analysis. The holder of an industrial wastewater discharge permit shall furnish the General Manager with written and signed reports of sample analysis at a frequency specified in the industrial wastewater discharge permit. Data used to satisfy reporting requirements must be based on samples collected during the reporting period and must be representative of conditions during the reporting period.

(1) If a User monitors any regulated pollutant at the appropriate sampling location more frequently than required by the General Manager, the results of the monitoring shall be submitted to the City of York.

(2) Samples to be used for surcharge purposes shall be composite samples and be representative of the discharge from the facility. Grab samples may be used for surcharge purposes where the physical set-up of the facility so dictates or wastewater is collected over a period of time and is discharged as a daily basis or less frequent batch basis. Grab samples that may represent an unusual discharge from the facility may be used for surcharge purposes for the period of time and volume such discharges occurred.

(3) Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(4) Samples shall be collected, preserved and analyzed promptly, in accordance with 40 CFR Part 136 to insure accurate results. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods approved by the EPA. Pennsylvania laboratories or facilities that test or analyze environmental samples to demonstrate compliance with an industrial wastewater discharge permit, this ordinance or pretreatment standard shall be in compliance with the laboratory accreditation requirements of Act 90 of 2002 (27 Pa. CS. 4101-4113) or the National Environmental Laboratory Accreditation Program (NELAP), relating to environmental laboratory accreditation. Laboratories or testing facilities outside of Pennsylvania that test or analyze environmental samples to demonstrate compliance with an industrial wastewater discharge permit, this ordinance or pretreatment standard shall be in compliance with the laboratory accreditation requirements of the National Environmental Laboratory Accreditation Program (NELAP), relating to environmental laboratory accreditation.

(5) City of York representatives may sample and inspect the waste by composite sample or by grab sample in order to verify the analysis being submitted by the industry. If the results obtained by the City of York differ from those obtained by the industrial user, the City of York will notify the industrial user and

conduct confirmatory sampling and/or investigate the sampling, preservation, and testing methods employed.

(6) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW.

(7) If sampling performed by a User indicates a violation, the User must notify the General Manager within twenty-four (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 General Manager within thirty (30) days after becoming aware of the violation. Where the City of York has performed the sampling and analysis in lieu of the User, the City of York must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if the City of York performs sampling of the User between the time when the initial sampling was conducted and the time when the User or the City of York receives the results of this sampling.

(m) Control Manhole. Any Significant Industrial User, and any other industrial user that the General Manager deems, discharging industrial wastes into any sanitary sewer shall construct and maintain at their expense a suitable control manhole, or manholes, downstream from any treatment storage, or other approved works, to facilitate observation, measurement and sampling of all wastes, including domestic sewage, from the establishment. The control manhole or manholes shall be placed at suitable locations to provide safe access and representative sampling. The control manhole shall comply with applicable construction standards and specifications in accordance with the General Manager's requirements and shall be constructed and maintained in such a manner to enable the placement of sampling equipment and to enable the General Manager to perform monitoring activities. The control manhole shall be accessible to the General Manager or his representatives at all times for sampling, and shall not be obstructed or located within secure areas such that the General Manager cannot gain unrestricted access.

(n) Slug Discharge. The person in charge of a facility shall notify the General Manager or his designated representative immediately in the case of any Upset, Slug Discharge or other Discharge of unusual strength, volume, or other characteristics, whether or not such Discharge s in violation of the Wastewater Discharge Permit. In such a case, in addition to the immediate report, the User shall submit a written report within five (5) days of the incident specifying:

(1) Description of the upset, the cause thereof and the upset's impact on a user's compliance status.

(2) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.

- (3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

Whenever changes are made at a facility that may affect the potential for a slug discharge to occur, the User shall notify the General Manager in advance, if possible, or within twenty-four (24) hours of making such changes.

(o) Slug Discharge Control Plans. The General Manager shall evaluate whether each Significant Industrial User needs a slug discharge control plan or other action to control slug discharges. Such evaluation shall occur within one year of an industrial user being identified as significant. The General Manager may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the General Manager may develop such a plan for any User. The POTW may choose to require a Significant Industrial User to take specific, preventative physical or procedural actions instead of requiring the development of a slug control plan. Such preventative actions and any slug control plan development requirements shall be included in the SIU's control mechanism. Any changes at a User's facility can cause the General Manager to re-evaluate the need for a slug control plan. An accidental discharge/slug discharge control plan shall address, at a minimum, the following, in addition to any other items the General Manager may determine:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the General Manager of any accidental or Slug Discharges, as required by Section 73(n); and
- (4) Procedures to prevent adverse impact from any accidental spills or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(p) Fees for Sampling, Analyses and Inspections. The City of York or its designated agent shall inspect properties discharging waste other than domestic wastewater into the sewage works and obtain and analyze samples therefrom to enforce provisions of this article, to comply with local, State, and Federal requirements, and to determine applicable surcharges. Fees for such services shall be assessed in accordance with a schedule established by administrative order based on costs. Fees for such services provided by independent laboratories shall be invoiced at cost.

(q) Spill Prevention Plans. Any person storing any material in excess of the Threshold Planning Quantity established by SARA III, the Emergency Planning and Community

Right to Know Act, shall submit a spill prevention, control and countermeasure plan addressing the potential of an accidental discharge to the sewer system to the General Manager for review and approval. Any Industrial User storing flowable solids in bulk in excess of five hundred (500) pounds, or any liquids in excess of one hundred (100) gallons (except for water and heating oil stored for use on the premises), shall report this to the General Manager annually, including the quantity and nature of each such material, and shall develop and submit a spill prevention, control and countermeasure plan if so directed by the General Manager.

(r) Signatory Requirements. Industrial user reports and submissions requiring signature and certification, which include, but are not limited to, permit applications, industrial questionnaires, baseline monitoring reports, compliance schedules, BMPs, final compliance reports and periodic compliance reports, shall be signed by an authorized or duly authorized representative as follows:

(1) By a responsible corporate officer, if the industrial user submitting the reports is a corporation. For the purpose of this paragraph a responsible corporate officer means:

A. A president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy or decision- making functions for the corporation, or;

B. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively.

(3) By a duly authorized representative of the individual designated in paragraph (1) or (2) of this section if:

A. The authorization is made in writing by the individual described in paragraph (1) or (2) of this section;

B. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the

industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

C. The written authorization is submitted to the General Manager of the POTW.

(4) If an authorization under paragraph (3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (3) of this section must be submitted to the General Manager of the POTW prior to or together with any reports to be signed by an authorized representative.

(s) Hauled Wastewater. The General Manager may prohibit or accept the disposal of hauled industrial or non-industrial wastewater to the POTW. In no case shall any Hazardous Waste as that term is defined by the Resource Conservation and Recovery Act be discharged as hauled waste.

(1) Hauled or trucked wastewater may be introduced into the POTW only at locations designated by the General Manager, and at such times as are established by the General Manager. The General Manager may refuse a hauler or generator the ability to discharge a particular hauled wastewater load if it cannot be determined that the load will not violate the requirements of this ordinance or any federal or state pretreatment or waste requirements, or cause interference, pass-through or biosolids contamination. The discharge of hauled wastewater is subject to all other requirements of this ordinance and applicable State and Federal laws. The General Manager may develop procedures to ensure compliance with this ordinance and state and federal requirements.

(2) The General Manager may require the haulers and/or generators of hauled or trucked industrial or non-industrial wastewater to obtain wastewater discharge permits.

(3) No individual load may be discharged into the POTW without the prior consent of the General Manager. The issuance of a permit to a hauler or generator does not constitute consent to discharge nor guarantee the ability to discharge any particular load. The General Manager may collect samples of each hauled load to ensure compliance with this ordinance, any federal pretreatment standards and state and federal law. The General Manager may require the industrial wastewater hauler to provide a waste analysis of any load prior to discharge.

(4) Industrial wastewater haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources

of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(t) Additional Measures. Whenever deemed necessary, the General Manager may require Users to restrict their discharges during peak flow periods, designate that certain wastewater be discharged only into specified sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and/or determine the User's compliance with the requirements of this ordinance or the User's permit.

(u) Reports from Unpermitted Users. All Industrial or Commercial Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the General Manager as the General Manager may require.

(v) Compliance Schedules. The following conditions shall apply to a compliance schedule for meeting categorical pretreatment standards under 40 CFR 403.12:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred above shall exceed nine (9) months;

(3) The User shall submit a progress report to the General Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for any delay, and the steps being taken by the User to return construction to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the General Manager.

(w) Reports on Compliance With Categorical Pretreatment Standard Deadline. The following conditions shall apply to a compliance schedule for meeting categorical pretreatment standards under 40 CFR 403.12:

(1) Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the P01W, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the General Manager a report containing the information required for a baseline

report required under 40 CFR 403.12 (b)(4)-(6). For Industrial Users subject to equivalent mass or concentration limits established by the City of York in accordance with the requirements of 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

SECTION 74. ACCESS TO PREMISES, RIGHT OF ENTRY.

The General Manager and other duly authorized employees of the City of York bearing proper credentials and identification shall be permitted to enter upon all properties at reasonable times to carry out all inspection, surveillance, observation, measurement, monitoring procedures, sampling and testing necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable pretreatment standards and requirements and ordinance requirements by Industrial Users. The General Manager shall have the right to enter any premises of any Industrial User in which a discharge source or treatment system is located, or in which records are required to be kept under 40 CFR 403.12(o), to ensure compliance with pretreatment standards or requirements, any wastewater discharge permit, the requirements of this ordinance, or an order issued hereunder. Users shall allow the General Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. The Authority of the General Manager shall be at least as extensive as the authority provided under Section 308 of the Clean Water Act.

(a) Where a User has security measures in force that require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the General Manager shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The General Manager shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

(c) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the General Manager and shall not be replaced. The costs of clearing such access shall be the responsibility of the User.

(d) If the General Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City of York designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public

health, safety and welfare of the community, the General Manager may seek issuance of a search warrant from the appropriate Court.

SECTION 75. SEWAGE, WASTES AND SPILLED MATTER NOT TO BE DISCHARGED INTO WATERCOURSES.

(a) All owners or users of private sewers shall not, either directly or through an intervening public or private storm sewer, drain domestic sewage into any natural or manmade watercourse within the West York Borough limits. Any such discharge shall be discontinued immediately upon notice from the City of York or West York Borough, with the notice served upon such owner or user, or, if nonresident in West York Borough, upon the agent thereof or upon the party in possession, and if there is no agent or party in possession, then by notice posted upon the most public part of the property. Such owner shall cease discharge and at his own expense, connect his house drain with the sanitary sewer system. Nothing herein shall forbid the continuation of the drainage through such private or public storm water sewers of roof, surface or ground water.

(b) The discharge or spilling of industrial waste or waste water or of any hazardous, toxic, colored or oil-bearing matter into a natural watercourse either directly or indirectly via public or private storm sewer, ditch or culvert is prohibited unless such discharge is in accordance with the permit issued by the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection or consists of unpolluted cooling, boiler or distilled water.

SECTION 76. GARAGES.

(a) Every garage or other structure for the housing, sale or repair of vehicles in which vehicles are washed, cleaned or repaired shall, before being connected with the sewage works, be provided with proper means for draining the floors and repair pits, as hereinafter provided.

(b) Any drain in the floor or repair pit of any garage or other structure for the housing, sale or repair of vehicles, shall have a special connection discharging through an interceptor, which shall be located under the direction of the City of York, before being connected to the house drain. The interceptor shall be so arranged as to intercept all oils, gasoline or other flammable fluids, as well as sand, silt and other solids, for the purpose of excluding the same from the sewage works. It shall be water-tight, so located as to be provided a suitable approved manhole frame and cover, and shall be of design and capacity approved by the City of York. The oils and other flammable fluids that accumulate in such interceptors shall be pumped or otherwise removed, and the interceptors shall be so maintained as to insure the exclusion of the same from the sewage works. They shall be kept free from sand, silt or other solids and shall be subject to regular inspection by the City of York. The contents of the same shall be promptly disposed of after removal to the satisfaction of the City of York.

(c) Every garage or other structure used for the housing, sale or repair of vehicles connected with any public or private sewer shall be provided with a floor drain and interceptor in accordance with this section within sixty days after notice from the City of York.

SECTION 77. INTERCEPTORS REQUIRED.

All persons storing or using flammable or hazardous materials or discharging matter likely to obstruct any part of the sewage works or injure same or cause a nuisance, shall not connect to any sanitary sewer except through interceptors, catch basins or screens as may be prescribed by the City of York. Nothing in this section shall be interpreted as superseding the limitations and prohibitions on the discharge of particular wastes or waste characteristics as set forth elsewhere in this Ordinance.

SECTION 78. HOTELS AND RESTAURANTS.

(a) All hotels, restaurants, boarding houses and public eating places, before draining into the sewage system, shall install grease interceptors on fixtures as required by the City of York.

(b) The greases, oils and solid materials that accumulate in such interceptors shall be pumped or otherwise removed, and the interceptors shall be so maintained as to insure the exclusion of the same from the sewage works. They shall be subject to regular inspection by the City of York. The contents of same shall be promptly disposed of after removal to the satisfaction of the City of York. On the notice by the General Manager, any such establishment may be required to maintain for a period of three years all records related to maintenance of such interceptors and the removal of grease therefrom, and to make such records available to the General Manager on request. (Ord. 02-7. Passed 2-20-02.)

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SECTION 79. VIOLATIONS.

(a) Any owner or other person who violates or refuses to comply with any provision of this article or any notice given under the authority of the same, or who obstructs or interferes with any person in the execution of any of the provisions hereof, shall be subject to the penalty provided in Section 80.9.

(b) In addition, the violation of the provisions of this Ordinance, or of any permit issued to an Industrial User hereunder, may be declared to be a public nuisance, subject to the authority of the City Board of Health, as provided by the Third Class City Code, or West York Borough. The Board or the Borough may issue Orders requiring the abatement, prevention, or alteration of such a nuisance or take such other action as shall be deemed necessary to prevent, abate, correct, or avoid such nuisance.

SECTION 80. SEWER RENTAL SURCHARGES; DETERMINATION AND MEASURING VOLUME

(a) Sewer Rental Surcharges for Nondomestic Wastes. In addition to sewer rent for collection and treatment of sewage discharged into the sewage works by commercial and industrial users, further charges shall be made for all sewage discharged into the sewage works having values for certain parameters in excess of certain concentration thresholds as listed below:

<u>Parameters</u>	<u>Concentration Thresholds in mg/l</u>
Ammonia (as Nitrogen)	15
Arsenic	0.004
BOD	300
Cadmium, Total	0.004
Chromium, Total	0.06
Copper, Total	0.1
Cyanide, Total	0.05
Lead, Total	0.06
Nickel, Total	0.03
Phosphate (as Phosphorus)	9.0
Mercury, Total	0.0004
Silver, Total	0.006
Suspended Solids	350
Zinc, Total	0.3

The total surcharge shall equal the sum of each of the surcharges applicable to the waste in accordance with the formula below:

$$SC = 8.34 \times Q \times (\text{Value of Parameter} - \text{Concentration Threshold}) \times K / 1,000,000$$

SC = Surcharge for parameter
 Q = Volume in gallons
 K = Cost factor for parameter

Cost factors shall be established by administrative order based on toxicity, impact on sludge disposal, pretreatment program goals, and on costs for treatment. The strength of any sewage subject to surcharge shall be determined quarterly, or more frequently as the City of York shall determine, based upon sampling and analysis by the City of York or its designees. However, the City of York may if it so elects, determine the strength of the sewage based upon the results of routine sampling and analysis by the producer of such sewage or the results of analysis and flow from previous quarters or from the results of analysis and flow of sewage from similar customers.

(b) Methods of Measuring Volume for Surcharge Purposes.

(1) Whenever a person purchasing all water used from a public water provider discharges all sewage to the POTW at one point, the volume of water purchased shall be used as a measure of the quantity of sewage discharged.

(2) Whenever a person obtains water from other sources or claims that alternate means of disposal reduces the volume of sewage discharged, or whenever sewage is discharged at more than one point to the POTW, the City of York shall require the person to install at his expense a meter or meters, as may be required to measure the volume or volumes of sewage discharged to the POTW at the point or points of entry. All meters or other measuring devices installed or required to be used under any provision of this article may be tested or inspected by the City of York or by its designee whenever deemed necessary by the City of York. The owner of the property upon which such measuring device is installed shall be responsible for its testing, maintenance and safekeeping, and all repairs thereto shall be made at the property owner's expense, whether such repairs are made necessary by ordinary wear and tear or other causes. Owners shall test and or calibrate meters in a manner and at a frequency satisfactory to the City of York.

SECTION 80.1. REMEDIES.

(a) Emergency Suspension of Service. The City of York may, for good cause shown, suspend the wastewater treatment service to any person when it appears to the City of York that an actual or threatened discharge presents or may reasonably present an imminent or substantial danger to the health or welfare of persons or to the environment, interferes with the operation of the POTW, or violates any pretreatment standard or requirement imposed by this article. In the event of failure to comply voluntarily with a suspension order within the specified time, the City of York may commence judicial proceedings to compel compliance with such order. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. A User affected by an emergency suspension will be entitled to a hearing afterwards at the User's request pursuant to Section 80.7 of this Article.

(1) Any User notified of a suspension of its service shall immediately stop or eliminate its discharge. In the event of a User's failure to immediately comply voluntarily with the suspension order, the General Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The General Manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the General Manager that the period of endangerment has passed, unless the termination proceedings in Section 80.1(b) of this ordinance are initiated against the User.

(2) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the

causes of the harmful discharge and the measures taken to prevent any future occurrence, to the General Manager prior to the date of any show cause or termination hearing under section 80.1(d) of this ordinance.

(b) Revocation of Treatment Services. The City of York may seek to terminate the wastewater treatment services to any person and/or revoke a wastewater discharge permit, for good cause, for, but not limited to, the following reasons:

- (1) Failure to factually report the wastewater constituents and characteristics of its discharge;
- (2) Failure to report significant changes in operations or wastewater volume, constituents or characteristics prior to discharge as provided by Section 73(c) and 73(f)(2) of this Article;
- (3) Violation of this Article or any permit or order issued under this Article following within one year a prior violation of the same kind;
- (4) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (5) Falsifying self-monitoring reports and certification statements;
- (6) Tampering with monitoring equipment;
- (7) Being found to be in Significant Noncompliance, as defined in Section 80.2 of this Article;
- (8) Failure to pay civil penalties assessed under this Article;
- (9) Failure to pay sewer charges, surcharges or fees for services;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or a wastewater discharge permit application as provided by Section 73(c) and (d) of this Article; or
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility.

Such person will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 80.1(d) of this ordinance why the proposed action should not be taken. Exercise of this option by the General Manager shall not be a bar to, or a prerequisite for, taking any other action against the person.

(c) Notification of Violation; Administrative Adjustment. Whenever the City of York finds that any person has engaged in conduct that constitutes a violation of any provision of this Article or of a Permit issued hereunder, the City of York may serve or cause to be served upon such person, a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within thirty (30) days of the date of receipt of the notice, the person shall respond in writing to the City of York, advising of its position with respect to the allegations. Thereafter the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof.

(d) Show Cause Hearing. Whenever a violation or series of violations occur that may result in suspension of service, termination of service, summary charges, or other enforcement action, the General Manager may issue an order to such violator to appear and show cause before a hearing board assembled for the purpose, why the proposed enforcement action should not be taken. The procedures for such a hearing shall be set forth in Section 80.7 hereof. The notice of the hearing shall be served on the person either personally or by certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the City of York or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the person to show cause before the City of York, or its designee, why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than seven days before the hearing. Service may be made on any authorized representative of the person or User or on anyone in apparent authority found at the premises of such User. The proceedings at the hearing shall be considered by the hearing board which board shall then instruct the General Manager as to the enforcement action, if any, to be taken, or as to additional actions to be taken by the General Manager. A show cause hearing shall not be a bar against, or a prerequisite for, taking any other action against the person.

(e) Injunctive Relief. When the General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager, acting through the City Solicitor's Office, may commence an action in the Court of Common Pleas for legal and equitable relief and, where deemed appropriate, may seek a temporary restraining order or preliminary injunction to restrain violations of or compel compliance with the Article, permit, order, or other requirement. The filing of such an action shall not be a bar to taking other enforcement actions.

(f) Remedies Nonexclusive. The remedies provided for in this ordinance are not exclusive. The General Manager may take any, all, or any combination of these actions against a noncompliant User. Further, the General Manager is empowered to take more than one enforcement action against any noncompliant User. The City of York may take any actions afforded to it under State law.

(g) Consent Orders. The General Manager may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any User

responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall be judicially enforceable as contracts, and violations of the terms thereof may be deemed a violation of this Article subject to all of the penalties provided herein.

(h) Compliance Orders. When the General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the General Manager may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. Any such order shall inform the person of the opportunity to request a hearing before a hearing board constituted by the Sanitary Sewer Board of Appeals, as set forth in Section 80.7 hereof. If the User does not come into compliance within the time provided, sewer service may be discontinued unless the User demonstrates to the satisfaction of the General Manager, a good faith effort to do so, which may include evidence of hiring a consultant, ordering of pretreatment equipment, creation of a pollution prevention plan, or other affirmative acts aimed at achieving compliance in the shortest possible time. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and/or management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order cannot extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(i) Payment of Outstanding Fees and Penalties. The General Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit or order issued hereunder.

(j) Cease and Desist Orders. When the General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the General Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

Any such order shall inform the person of the opportunity to request a hearing before a hearing board constituted by the Sanitary Sewer Board of Appeals, as set forth in Section 80.7 hereof.

SECTION 80.2. PUBLIC NOTICE OF SIGNIFICANT VIOLATORS.

The City of York shall annually provide public notification in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment standards and requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User that violates paragraphs (c), (d), or (h) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66%) percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(I).

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33%) percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403 multiplied by the applicable TRC. There are two groups of TRC:

Group I for BOD, TSS, fats, oil, and grease TRC 1.4

Group II for all other pollutants except pH TRC 1.2

(c) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(I) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90)-day compliance reports, periodic self-monitoring reports, reports on best management practices, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 80.3. PUBLIC ACCESS TO INFORMATION.

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the General Manager's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the General Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State and Federal law. Any such request must be asserted at the time of submission of the information or data if the industrial user stamps "Confidential Business Information" over all parts for which protection is sought. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. In compliance with the Commonwealth of Pennsylvania's Right-To-Know Law, requests for City of York records shall be submitted to the City of York's Open Records Officer.

SECTION 80.4. HAZARDOUS WASTE.

(a) Users may not discharge to the POTW any hazardous waste which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261 unless written authorization is obtained from the General Manager. It is at the General Manager's discretion to accept such waste. Any request shall include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other) and other information that the General Manager requires to make an informed decision. If the General Manager grants permission to the User to discharge such waste, the User shall notify the EPA Regional Waste Management Division and Pennsylvania Hazardous Waste authorities in writing in accordance with applicable federal and state requirements. Any such notification submitted to the EPA Regional Waste Management Division and Pennsylvania Hazardous Waste authorities shall be copied to the General Manager. This notification requirement does not apply to pollutants already reported under the self-monitoring requirements of this Article.

(b) Users shall permit the General Manager, or duly authorized representatives, to inspect hazardous waste generation, treatment, storage, and disposal procedures, and the records generated from the management of hazardous waste.

SECTION 80.5. RECORD KEEPING.

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, documentation associated with compliance of Best Management Practices-based pretreatment standards or local limits, and documentation associated with any certification statements (i.e., TTO certification statement for metal finishers). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City of York, or where the User has been specifically notified of a longer retention period by the General Manager.

Written reports will be determined to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

SECTION 80.6. ADMINISTRATION.

Except as otherwise provided herein, the General Manager shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the General Manager may be delegated to a duly authorized City of York employee.

SECTION 80.7 APPEALS.

(a) Whenever the City of York, including the General Manager, takes or proposes to take any administrative action that will affect the rights of a User, including but not limited to the issuance or denial of a permit, issuance of an Order, temporary or permanent suspension of a permit, or imposition of a civil penalty, the User shall be notified of the right to request an administrative hearing by the Sanitary Sewer Board of Appeals.

(b) A request for a hearing is subject to the following:

(1) The request must be made in writing to the General Manager.

(2) The request must be submitted within thirty (30) calendar days from the date of receipt of the Wastewater Discharge Permit, or notice of the action being taken or proposed to be taken, which is being challenged by the User.

(3) The request must state the specific provision(s) of a Wastewater Discharge Permit or the specific actions or proposed actions of the City of York which are being contested.

- (4) The request must state the User's reasons for the appeal of each provision.
- (5) The request may suggest alternate or revised provisions to replace those appealed.
- (6) An appeal of an issued Wastewater Discharge Permit may include a request to stay specific Permit conditions pending the outcome of the appeal. Any such request shall include all factual and legal justification for such a request.

(c) Provisions specifically mandated by Federal or State regulations (e.g., compliance with Categorical Standards) shall not be appealed. Conditions that, in the opinion of the City of York, would constitute a hazard or pose a potential threat of Pollution if stayed, shall not be stayed during an appeal. The decision of whether to grant a stay shall be made by the General Manager within three (3) days of the receipt of the request for a hearing and communicated to the User. Any provisions of a Permit, Order, or other action that are not stayed shall remain in effect and be enforceable until a decision is rendered by the Board of Appeals.

(d) A hearing shall be scheduled by the Board of Appeals. The date of the hearing shall be not less than seven (7) days and not more than thirty (30) days from the receipt of the request for a hearing. The date, time, and place of the hearing shall be promptly communicated to the User.

(e) The Sanitary Sewer Board of Appeals shall consist of the York City Sewer Authority, or a board designated by York City Sewer Authority, which such designated board may include five members, consisting of:

- (1) The Operations Manager of the POTW,
- (2) Any number of member(s) of the York City Sewer Authority,
- (3) Any one member of City Council,

Provided that, if any such member shall be a person who has a financial, legal or other proprietary interest in the User bringing the appeal, such person shall recuse himself from any vote which shall determine the decision of the body in regard to the appeal.

(f) The Board of Appeals shall conduct a hearing pursuant to the provisions of the Local Agency Law (2 Pa. C.S. Subchapter B). Such hearing may be on the record if requested by the appellant, subject to the provisions of 2 Pa. C.S. §553.

(g) The Board of Appeals shall render a decision within twenty (20) days of the hearing and inform the General Manager and the User of its decision in writing. The decision by the Board of Appeals constitutes final administrative action by the City of York.

(h) An adjudication of the City of York or the General Manager for which administrative review had been available shall not be subject to administrative or judicial review in any civil or criminal proceeding for enforcement.

SECTION 80.8. VALIDITY

(a) Severability. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 80.9. PENALTY.

(a) Any person who violates or fails to comply with any provision of this article, any requirement of an industrial wastewater discharge permit issued under this article, or an order issued pursuant to this article, shall be guilty of a summary offense and upon conviction thereof be subject to a fine of not more than one thousand dollars (\$1,000) and costs of prosecution and in default thereof shall be imprisoned for not more than thirty (30) days. A separate offense shall be deemed committed on each day during or on which a violation or failure to comply occurs or continues.

(b) Any person violating any of the provisions of this article shall become liable to the City of York for any expenses, loss or damage occasioned by the City of York by reason of such violation.

(c) For the violation of any of the provisions of this article, the City of York shall have the right and power to disconnect all connecting pipe lines conveying sewage or industrial wastes from the buildings of the users of the Borough's sewers to the Borough's sewer system from such sewer system. The cost of disconnection and any reconnection shall be paid by the user. The right and power of disconnection shall be in addition to any fine or penalty imposed for the violation.

(d) Any person who violates or fails to comply with any provision of this article, any requirement of an industrial wastewater discharge permit issued under this article, or an order issued pursuant to this article, may be assessed a civil penalty of up to \$25,000 dollars as provided for in Act 9 (35 P.S. §752.1 et seq). Such penalties shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, penalties shall be assessed for each day during the period of violation. A lien against the User's property may be sought for unpaid charges and penalties. Users desiring to dispute such penalty shall follow the procedure as set forth in Section 80.7 hereof. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. Issuance of a civil penalty shall not be a bar against, or a prerequisite for, taking any other action against the User."

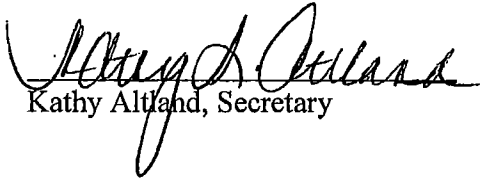
Section 2. Any ordinance in existence at the time of the adoption of this Ordinance that conflicts herewith is hereby repealed.

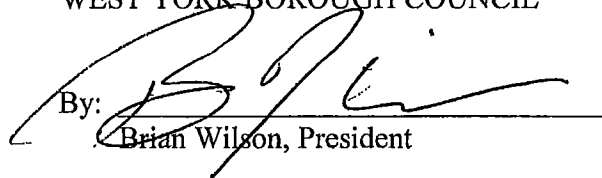
Section 3. This Ordinance shall be effective upon approval by the Mayor, upon passage by Borough Council after reconsideration after veto by the Mayor, or at the next regular meeting of Borough Council occurring at least ten days after its presentation to the Mayor if the Mayor does not return this Ordinance with his approval or disapproval.

ENACTED AND ORDAINED this 7 th day of March, 2011.

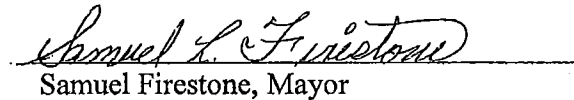
ATTEST:

WEST YORK BOROUGH COUNCIL


Kathy Altland, Secretary

By: 
Brian Wilson, President

APPROVED DISAPPROVED this 7 day of MARCH, 2011.


Samuel Firestone, Mayor

ORDINANCE NO. 516

AN ORDINANCE OF WEST YORK BOROUGH, YORK COUNTY, PENNSYLVANIA AMENDING CHAPTER XVII, SEWERS AND SEWAGE DISPOSAL, OF THE WEST YORK BOROUGH CODE OF ORDINANCES AND ORDINANCE NO. 469 TO COMPLY WITH AMENDMENTS TO THE FEDERAL PRETREATMENT REGULATIONS

WHEREAS, Chapter XVII "Sewers and Sewage Disposal" of the West York Borough Code of Ordinances was established for the purpose of the efficient management of sanitary sewer waste within West York Borough; and

WHEREAS, Ordinance No. 469 of the West York Borough Code of Ordinances was enacted for the purpose of establishing new regulations regarding the disposal of certain wastes within the sanitary sewer system; and

WHEREAS, due to updated regulations by the Federal Environmental Protection Agency (EPA) and after review of the ordinance by borough staff, the EPA, and contributory municipalities, recommendations were made to update language to make it consistent with current laws and regulations.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Council of West York Borough, York County, Pennsylvania, that Chapter XVII "Sewers and Sewage Disposal" as amended by Ordinance #469 is hereby amended as set forth per the attached, which is herein incorporated by reference.

ENACTED AND ORDAINED this 9th day of Sept, 2010.

Attest:

WEST YORK BOROUGH COUNCIL

By: Kathy L. Altland
Kathy L. Altland, Borough Manager

By: Brian Wilson
Brian Wilson, President

APPROVED / DISAPPROVED this 9th day of SEPTEMBER, 2010.

Samuel L. Firestone
Samuel Firestone, Mayor

Council vote to override mayoral veto on _____, 2010 as follows:

Wilson	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Shue	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Laird	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Mummert	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Metzler	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Herman	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Wasko	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

ORDINANCE NO. 482

AN ORDINANCE PROVIDING FOR THE DETECTION AND ELIMINATION OF ILLICIT DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM OF WEST YORK BOROUGH, YORK COUNTY, PENNSYLVANIA

WHEREAS, West York Borough, York County, Pennsylvania West York Borough is a municipal corporation and a political subdivision being a borough; and

WHEREAS, the Municipality is classified as a small municipal separate storm sewer system (MS4) under the Phase II stormwater regulations promulgated by the United States Environmental Protection Agency (EPA) and implemented by the Pennsylvania Department of Environmental Protection (DEP); and

WHEREAS, the Municipality has sought and obtained coverage under the DEP's National Pollution Discharge Elimination System (NPDES) General Permit for MS4s; and

WHEREAS, the General Permit requires the Municipality to take certain precautions to detect and eliminate illicit discharges of pollutants to the MS4;

WHEREAS, the purpose of this ordinance is to establish methods for controlling the illicit discharge of pollutants into the MS4 in order to comply with requirements of the General Permit.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Borough Council of West York Borough, York County, Pennsylvania, and it is hereby ordained and enacted as follows:

SECTION 1. DEFINITIONS. For the purposes of this ordinance, the following shall mean:

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity: Activities subject to NPDES Construction Permits. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting

in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEP: Pennsylvania Department of Environmental Protection.

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Connections: An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit Discharge: As defined in Section "5" of this Ordinance.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Municipality: West York Borough.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by EPA (or by PA DEP under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Person: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid

and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater: means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

SECTION 2. APPLICABILITY. This Ordinance shall apply to all water entering the storm drain system of the Municipality generated on any developed and undeveloped lands unless explicitly exempted by the Municipality.

SECTION 3. RESPONSIBILITY FOR ADMINISTRATION. The Municipality shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the Municipality may be delegated in writing by the governing body of the Municipality to employees, agents or designees of the Municipality.

SECTION 4. ULTIMATE RESPONSIBILITY. The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION 5. PROHIBITION OF ILLICIT DISCHARGES. No person shall discharge or cause to be discharged into the Municipality's storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. Any discharge in violation of this Section 5 shall be considered "Illicit Discharges".

The commencement, conduct or continuance of any Illicit Discharge to the storm drain system is prohibited except as described as follows:

(a) Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

(b) Discharges specified in writing by the Municipality as being necessary to protect public health and safety.

(c) Dye testing following a verbal notification to the Municipality prior to the time of the test.

(d) Any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of DEP, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

SECTION 6. PROHIBITION OF ILLICIT CONNECTIONS. The construction, use, maintenance or continued existence of Illicit Connections to the storm drain system is prohibited.

(a) This prohibition expressly includes, without limitation, Illicit Connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(b) A person is considered to be in violation of this Ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION 7. SUSPENSION OF MS4 ACCESS.

(a) *Suspension due to Illicit Discharges in Emergency Situations.* The Municipality may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the Commonwealth of Pennsylvania or the United States. If the violator fails to comply with a suspension order issued in an emergency, the Municipality may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons, including, without limitation, entering onto property for the purpose of disconnecting and/or performing emergency maintenance or repairs to storm sewers. In

the event the Municipality must disconnect or perform emergency maintenance and/or repairs, the Municipality may file and attach a municipal lien on the property which is causing the Illicit Discharge.

(b) *Suspension due to the Detection of Illicit Discharge or Illicit Connection.* Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an Illicit Discharge or Illicit Connection. The Municipality will notify a violator of the proposed termination of its MS4 access. The violator may petition the Municipality for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Municipality.

SECTION 8. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit shall be required in a form acceptable to the Municipality prior to the allowing of discharges to the MS4.

SECTION 9. MONITORING OF DISCHARGES.

a. **Applicability.**

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

b. **Access to Facilities.**

i. The Municipality shall be permitted to enter and inspect facilities subject to regulation under this Ordinance as often as may be necessary to determine compliance with this Ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Municipality.

ii. Facility operators shall allow the Municipality ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

iii. The Municipality shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

iv. The Municipality has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

v. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of Municipality and shall not be replaced. The costs of clearing such access shall be borne by the operator.

vi. Unreasonable delays in allowing Municipality access to a permitted facility is a violation of a storm water discharge permit and of this Ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Municipality reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Ordinance.

vii. If Municipality has been refused access to any part of the premises from which stormwater is discharged, and it is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Municipality may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 10. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES. Municipality will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an Illicit Discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 11. WATERCOURSE PROTECTION. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain

that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 12. NOTIFICATION OF SPILLS. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in an Illicit Discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Municipality in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Municipality within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 13. ENFORCEMENT.

a. Notice of Violation.

Whenever the Municipality finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Municipality may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- i. The performance of monitoring, analyses, and reporting;
- ii. The elimination of Illicit Connections or Illicit Discharges;
- iii. That violating discharges, practices, or operations shall cease and desist;
- iv. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- v. Payment of a fine to cover administrative and remediation costs;
and
- vi. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator or assessed as a municipal lien on the property.

SECTION 14. APPEAL OF NOTICE OF VIOLATION. Any person receiving a Notice of Violation may appeal the determination of the Municipality. The notice of appeal must be received within 30 days from the date of the Notice of Violation. Hearing on the appeal before a designated hearing representative of the Municipality shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the Municipality or their designee shall be final.

SECTION 15. ENFORCEMENT MEASURES AFTER APPEAL. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or , in the event of an appeal, within 15 days of the hearing representative's decision upholding the decision of the Municipality, then representatives of the Municipality shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Municipality or designated contractor to enter upon the premises for the purposes set forth above.

SECTION 16. COST OF ABATEMENT OF THE VIOLATION. Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may thereafter file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the municipality or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a municipal lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the Municipality by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 12 percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

SECTION 17. INJUNCTIVE RELIEF. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this Ordinance, the Municipality may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 18. COMPENSATORY ACTION. In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement

agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

SECTION 19. VIOLATIONS DEEMED A PUBLIC NUISANCE. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such public nuisance may be taken.

SECTION 20. CRIMINAL PROSECUTION. Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of up to \$5,000 dollars per violation per day and/or imprisonment for a period of time not to exceed 90 days.

SECTION 21. ATTORNEY FEES AND COSTS. The Municipality may recover all attorneys' fees, court costs and other expenses associated with enforcement of this ordinance, either criminal or civil, including sampling and monitoring expenses or other costs of investigation.

SECTION 22. REMEDIES NOT EXCLUSIVE. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Municipality to seek cumulative remedies.

SECTION 23. REPAIR. Any ordinance in existence at the time of the adoption of this Ordinance that conflicts herewith is hereby repealed.

SECTION 24. SEVERABILITY. The provisions of this Ordinance are intended to be severable, such that if any provision hereof shall be deemed to be unconstitutional or otherwise unenforceable, such determination shall not affect the other provisions hereof.

SECTION 25. EFFECTIVE DATE. This Ordinance shall be effective upon approval by the Mayor, upon passage by Borough Council after reconsideration after veto by the Mayor, or at 12:01 A.M. on the eleventh (11th) day following the adoption hereof by the Borough Council if the Mayor does not return this Ordinance with his approval or disapproval.

ENACTED AND ORDAINED this 2nd th day of May, 2005.

ATTEST:

WEST YORK BOROUGH COUNCIL

Kathryn A. Altland
Secretary

By: [Signature]
President

APPROVED/DISAPPROVED this 2nd day of May, 2005.

[Signature]
Mayor

The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 1
Application of The York Water Company – West York Borough
West York Borough, York County
Docket No. A-2016-2552403
August 26, 2016

DISCOVERY A-10

Please provide a breakdown, by class, of the 1,667 Borough customers, as stated in the Application.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

According to West York Borough's records, the following is the breakdown, by class, of the 1667 Borough customers

<u>Class</u>	<u># Customers</u>
Residential	1571
Commercial	96

**The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 1
Application of The York Water Company – West York Borough
West York Borough, York County
Docket No. A-2016-2552403
August 26, 2016**

DISCOVERY A-11

Please provide a copy of the Borough's most recent Annual Financial Statement submitted to the Commonwealth.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

Attached is the West York Borough Independent Auditor's Report for the period ending December 31, 2014.

BOROUGH OF WEST YORK
INDEPENDENT AUDITORS' REPORT
DECEMBER 31, 2014

BOROUGH OF WEST YORK
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DECEMBER 31, 2014

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KOCHENOUR, EARNEST, SMYSER & BURG

Certified Public Accountants
710 South George Street
York, Pa. 17401

Philip G. Lauer, CPA
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Phone: 717-843-8855
Fax: 717-843-8857

INDEPENDENT AUDITORS' REPORT

To the Members of the Borough Council
West York Borough
West York, Pennsylvania

We have audited the accompanying financial statements of the governmental activities of West York Borough, as of and for the year ended December 31, 2014, and the related notes to the financial statements, which collectively comprise the Borough's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the cash basis of accounting described in Note 1; this includes determining that the cash basis of accounting is an acceptable basis for the preparation of the financial statements in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Basis of Accounting

As described in Note 1, the Borough's policy is to prepare its financial statements on the basis of cash receipts and disbursements; consequently, certain revenues and related assets are recognized when received rather than when earned, and certain expenses are recognized when paid rather than when obligations are incurred. Accordingly, the accompanying financial statements are not intended to present fairly, the financial position and results of operations in conformity with generally accepted accounting principles.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities of West York Borough as of and for the year ending December 31, 2014, and the respective changes in financial position in accordance with the cash basis of accounting described in Note 1.

Our audit was conducted for the purpose of forming an opinion on the financial statements taken as a whole. The supplemental information listed in the table of contents is presented for purposes of additional analysis and is not a required part of the financial statements of West York Borough. Such information has been subjected to the auditing procedures applied in the audit of the financial statements and, in our opinion, is fairly stated in all material respects in relation to the financial statements taken as a whole.

Kochenour, Earnest, Smysler & Burg

Certified Public Accountants

York, Pennsylvania
April 3, 2015

BOROUGH OF WEST YORK
GOVERNMENT - ENTITY WIDE PRESENTATION
STATEMENT OF ASSETS, LIABILITIES AND FUND BALANCES (CASH BASIS)
DECEMBER 31, 2014

	<u>Governmental Funds</u>	<u>Business-Type Activities</u>	<u>Total</u>
<u>ASSETS</u>			
Cash	\$ 999,272	\$ 219,389	\$ 1,218,661
Temporary Investments	0	2,950,645	2,950,645
Due From Other Funds	38,638	109,959	148,597
All Other Current Assets	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL ASSETS	<u>\$ 1,037,910</u>	<u>\$ 3,279,993</u>	<u>\$ 4,317,903</u>
<u>LIABILITIES</u>			
Payroll Taxes Withheld And Accrued	\$ 3,749	\$ 0	\$ 3,749
Due To Other Funds	148,597	0	148,597
All Other Current Liabilities	<u>16,183</u>	<u>0</u>	<u>16,183</u>
	168,529	0	168,529
<u>FUND BALANCES</u>			
Unreserved Fund Balances	869,381	0	869,381
Unrestricted Retained Earnings	<u>0</u>	<u>3,279,993</u>	<u>3,279,993</u>
	<u>869,381</u>	<u>3,279,993</u>	<u>4,149,374</u>
TOTAL LIABILITIES AND FUND BALANCES	<u>\$ 1,037,910</u>	<u>\$ 3,279,993</u>	<u>\$ 4,317,903</u>

See accompanying notes and auditors' report.

BOROUGH OF WEST YORK
GOVERNMENT - ENTITY WIDE PRESENTATION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE (CASH BASIS)
DECEMBER 31, 2014

Functions/Programs	Expenses	Program Revenues		Net (Expense) Revenue and Changes in Fund Balance		
		Charges for Services	Operating Grants and Contributions	Governmental Activities	Business-Type Activities	Total
Governmental Activities:						
General Government	\$ 195,548	\$ 196,146	\$ 123,701	\$ 124,299	\$ 0	\$ 124,299
Public Safety	1,469,456	34,970	0	(1,434,486)	0	(1,434,486)
Health and Human Services	0	0	0	0	0	0
Employee Benefits and Insurance	378,401	0	0	(378,401)	0	(378,401)
Public Works - Sanitation	415,618	442,771	0	27,153	0	27,153
Highways	251,192	0	86,229	(164,963)	0	(164,963)
Culture - Recreation	5,368	8,198	0	2,830	0	2,830
Community Development	2,500	0	0	(2,500)	0	(2,500)
Debt Service	0	0	0	0	0	0
Miscellaneous	2,925	16,929	0	14,004	0	14,004
Total Governmental Activities	2,721,008	699,014	209,930	(1,812,064)	0	(1,812,064)
Business-Type Activities:						
Sewer and Refuse	1,277,587	565,330	0	0	(712,257)	0
Total Primary Government	3,998,595	1,264,344	209,930	(1,812,064)	(712,257)	(1,812,064)
General Revenues:						
Property Taxes Levied for General Purposes				954,908	0	954,908
Income Taxes Levied for General Purposes				348,044	0	348,044
Other Taxes Levied for General Purposes				195,964	0	195,964
Investment Earnings				327	1,254	1,581
Miscellaneous				405,090	0	405,090
Total General Revenues				1,904,333	1,254	1,905,587
Change in Fund Balance				92,269	(711,003)	(618,734)
Fund Balances - Beginning				777,111	3,990,997	4,768,108
Fund Balances - Ending				\$ 869,380	\$ 3,279,994	\$ 4,149,374

See accompanying notes and auditors' report.

BOROUGH OF WEST YORK
COMBINED STATEMENTS OF ASSETS, LIABILITIES, AND FUND EQUITY -
ALL FUND TYPES (CASH BASIS)
DECEMBER 31, 2014

	Governmental Fund Types			Proprietary Fund Type	Fiduciary Fund Type	Total (Memorandum Only)
	General	Special Revenue	Capital Projects	Enterprise	Trust and Agency	
ASSETS						
ASSETS						
Cash	\$ 439,021	\$ 511,117	\$ 49,134	\$ 219,389	\$ 0	\$ 1,218,661
Temporary investments	0	0	0	2,950,645	0	2,950,645
Taxes receivable, Net	0	0	0	0	0	0
Investments - pension trust funds	0	0	0	0	2,801,677	2,801,677
Due from other funds	30,886	6,551	1,201	109,959	0	148,597
Other current assets	0	0	0	0	0	0
Total Assets	\$ 469,907	\$ 517,668	\$ 50,335	\$ 3,279,993	\$ 2,801,677	\$ 7,119,580
LIABILITIES AND FUND EQUITY						
LIABILITIES						
Payroll taxes withheld and accrued	\$ 3,749	\$ 0	\$ 0	\$ 0	\$ 0	\$ 3,749
All other current liabilities	16,183	0	0	0	0	16,183
Due to other funds	105,701	42,896	0	0	0	148,597
Total Liabilities	125,633	42,896	0	0	0	168,529
FUND EQUITY						
Fund balance reserved for employees' pension benefits	0	0	0	0	2,801,677	2,801,677
Unreserved fund balances	344,274	474,772	50,335	0	0	869,381
Unrestricted retained earnings	0	0	0	3,279,993	0	3,279,993
Total Fund Equity	344,274	474,772	50,335	3,279,993	2,801,677	6,951,051
Total Liabilities and Fund Equity	\$ 469,907	\$ 517,668	\$ 50,335	\$ 3,279,993	\$ 2,801,677	\$ 7,119,580

See accompanying notes and auditors' report.

BOROUGH OF WEST YORK
COMBINED STATEMENTS OF REVENUE AND EXPENDITURES
ALL FUND TYPES (CASH BASIS)
YEAR ENDED DECEMBER 31, 2014

	Governmental Fund Types			Proprietary Fund Type	Fiduciary Fund Type	Total (Memorandum Only)
	General	Special Revenue	Capital Projects	Enterprise	Trust and Agency	
REVENUE						
Taxes	\$ 1,403,864	\$ 80,328	\$ 14,724	\$ 0	\$ 0	\$ 1,498,916
Charges for services	500,985	8,198	0	565,330	0	1,074,513
Investment income, net and rents	228	87	12	1,254	186,364	187,945
Intergovernmental revenue	126,501	83,429	0	0	0	209,930
Miscellaneous	90	0	0	0	256,975	257,065
Other financing sources	405,000	0	0	0	0	405,000
Fines	136,179	0	0	0	0	136,179
Licenses and permits	53,652	0	0	0	0	53,652
Total Revenue	2,626,499	172,042	14,736	566,584	443,339	3,823,200
EXPENDITURES						
Public Works - sanitation	\$ 415,618	\$ 0	\$ 0	\$ 515,459	\$ 0	\$ 931,077
Public Safety	1,435,480	0	33,976	0	0	1,469,456
Health & Human Services	0	0	0	0	0	0
Employee benefits and insurance	378,401	0	0	0	46,975	425,376
Debt Service	0	0	0	352,503	0	352,503
Public Works - highways and streets	179,068	72,124	0	0	0	251,192
General government	195,548	0	0	4,625	0	200,173
Miscellaneous	2,925	0	0	405,000	267,953	675,878
Culture and recreation	4,603	765	0	0	0	5,368
Community development	2,500	0	0	0	0	2,500
Total Expenditures	2,614,143	72,889	33,976	1,277,587	314,928	4,313,523
Excess (Deficiency) of Revenue over Expenditures	\$ 12,356	\$ 99,153	\$(19,240)	\$ (711,003)	\$ 128,411	\$ (490,323)

See accompanying notes and auditors' report.

BOROUGH OF WEST YORK
COMBINED STATEMENTS OF CHANGES IN FUND EQUITY
ALL FUND TYPES (CASH BASIS)
DECEMBER 31, 2014

	<u>Governmental Fund Types</u>			<u>Proprietary Fund Type</u>	<u>Fiduciary Fund Type</u>	<u>Total (Memorandum Only)</u>
	<u>General</u>	<u>Special Revenue</u>	<u>Capital Projects</u>	<u>Enterprise</u>	<u>Trust and Agency</u>	
FUND EQUITY - DECEMBER 31, 2012	387,928	264,163	73,248	4,535,653	2,399,804	7,660,796
Excess (deficiency) of revenue over expenditures	(56,010)	111,456	(3,673)	(544,657)	273,462	(219,422)
FUND EQUITY - DECEMBER 31, 2013	331,918	375,619	69,575	3,990,996	2,673,266	7,441,374
Excess (deficiency) of revenue over expenditures	12,356	99,153	(19,240)	(711,003)	128,411	(490,323)
FUND EQUITY - DECEMBER 31, 2014	<u>\$ 344,274</u>	<u>\$ 474,772</u>	<u>\$ 50,335</u>	<u>\$ 3,279,993</u>	<u>\$ 2,801,677</u>	<u>\$ 6,951,051</u>

See accompanying notes and auditors' report.

BOROUGH OF WEST YORK
COMBINED STATEMENTS OF REVENUE AND EXPENDITURES AND CHANGES IN FUND EQUITY - BUDGET AND ACTUAL -
GENERAL FUND AND SPECIAL REVENUE FUNDS (CASH BASIS)
YEAR ENDED DECEMBER 31, 2014

	<u>General Fund</u>			<u>Highway Aid Fund</u>		
	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
REVENUE						
Taxes	\$ 1,476,000	\$ 1,403,864	\$ (72,136)	\$ 0	\$ 0	\$ 0
Charges for services	495,800	500,985	5,185	0	0	0
Investment income, net and rents	600	228	(372)	74	74	0
Intergovernmental revenue	104,000	126,501	22,501	74,517	83,429	8,912
Miscellaneous	10,000	90	(9,910)	0	0	0
Other financing sources	416,200	405,000	(11,200)	0	0	0
Fines	118,000	136,179	18,179	0	0	0
Licenses and permits	68,300	53,652	(14,648)	0	0	0
Total Revenue	<u>2,688,900</u>	<u>2,626,499</u>	<u>(62,401)</u>	<u>74,591</u>	<u>83,503</u>	<u>8,912</u>
EXPENDITURES						
Public Works - sanitation	416,200	415,618	582	0	0	0
Public Safety	1,520,300	1,435,480	84,820	0	0	0
Health & Human Services	0	0	0	0	0	0
Employee benefits and insurance	397,085	378,401	18,684	0	0	0
Public Works - highways and streets	160,350	179,068	(18,718)	439,262	13,571	425,691
General government	188,570	195,548	(6,978)	0	0	0
Miscellaneous	1,000	2,925	(1,925)	0	0	0
Culture and recreation	2,300	4,603	(2,303)	0	0	0
Community development	2,500	2,500	0	0	0	0
Total Expenditures	<u>2,688,305</u>	<u>2,614,143</u>	<u>74,162</u>	<u>439,262</u>	<u>13,571</u>	<u>425,691</u>
Excess (Deficiency) of Revenue over Expenditures	<u>\$ 595</u>	<u>12,356</u>	<u>\$ 11,761</u>	<u>\$ (364,671)</u>	<u>69,932</u>	<u>\$ 434,603</u>
FUND EQUITY - BEGINNING		<u>331,918</u>			<u>364,733</u>	
FUND EQUITY - ENDING		<u>\$ 344,274</u>			<u>\$ 434,665</u>	

See accompanying notes and auditors' report.

BOROUGH OF WEST YORK
COMBINING STATEMENTS OF PLAN NET ASSETS -
ALL PENSION TRUST FUNDS (CASH BASIS)
DECEMBER 31, 2014

ASSETS	<u>Police</u>	<u>Fire</u>	<u>General</u>	<u>Total</u>
PSAB Municipal Retirement Trust - General Balanced Fund	\$ 2,144,695	\$ 205,893	\$ 451,089	\$ 2,801,677
LIABILITIES	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Net Assets Held in Trust for Pension Benefits	<u>\$ 2,144,695</u>	<u>\$ 205,893</u>	<u>\$ 451,089</u>	<u>\$ 2,801,677</u>

Note: A Schedule of Funding Progress is presented in the
Required Supplementary Information

See accompanying notes and auditors' report.

BOROUGH OF WEST YORK
COMBINING STATEMENTS OF CHANGES IN PLAN NET ASSETS -
ALL PENSION TRUST FUNDS (CASH BASIS)
YEAR ENDED DECEMBER 31, 2014

ADDITIONS	<u>Police</u>	<u>Fire</u>	<u>General</u>	<u>Total</u>
Contributions:				
State aid	\$ 87,155	\$ 10,686	\$ 14,466	\$ 112,307
Employer contributions	72,000	8,826	11,952	92,778
Employee contributions	51,890	0	0	51,890
	<u>211,045</u>	<u>19,512</u>	<u>26,418</u>	<u>256,975</u>
Investment income:				
Interest income	158,802	14,371	33,409	206,582
Net appreciation in fair value of investments	<u>(36,467)</u>	<u>(3,114)</u>	<u>(7,394)</u>	<u>(46,975)</u>
	122,335	11,257	26,015	159,607
Investment expense	<u>(13,349)</u>	<u>(2,268)</u>	<u>(4,602)</u>	<u>(20,219)</u>
Net Investment Income	<u>108,986</u>	<u>8,989</u>	<u>21,413</u>	<u>139,388</u>
Total Additions	<u>320,031</u>	<u>28,501</u>	<u>47,831</u>	<u>396,363</u>
DEDUCTIONS				
Pension payments	(225,094)	(1,215)	(23,037)	(249,346)
Administrative expense	(5,995)	(5,699)	(5,549)	(17,243)
Return of Employee Contribution	(1,363)	0	0	(1,363)
Transfers	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Deductions	<u>(232,452)</u>	<u>(6,914)</u>	<u>(28,586)</u>	<u>(267,952)</u>
Net Increase in Plan Net Assets	87,579	21,587	19,245	128,411
NET ASSETS HELD IN TRUST FOR PENSION BENEFITS - BEGINNING	<u>2,057,116</u>	<u>184,306</u>	<u>431,844</u>	<u>2,673,266</u>
NET ASSETS HELD IN TRUST FOR PENSION BENEFITS - ENDING	<u>\$ 2,144,695</u>	<u>\$ 205,893</u>	<u>\$ 451,089</u>	<u>\$ 2,801,677</u>

Note: A Schedule of Funding Progress is presented in the
Required Supplementary Information

See accompanying notes and auditors' report.

BOROUGH OF WEST YORK
NOTES TO FINANCIAL STATEMENTS (CASH BASIS)
DECEMBER 31, 2014

NOTE 1 - NATURE OF OPERATIONS

The Borough of West York (Borough) provides sewer, refuse, police, and fire protection and other municipal services to the residents of the Borough.

NOTE 2 - ESTIMATES AND SUMMARY OF ACCOUNTING POLICIES

The preparation of general-purpose financial statements in conformity with the cash basis of accounting may require management to make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the reporting period. Actual results could differ from those estimates.

A summary of the significant accounting policies consistently applied in the preparation of the accompanying financial statements follows:

The Reporting Entity

The Borough includes all of the funds and account groups relating to the operations of the Borough. The financial statements presented herein do not include agencies which have been formed under applicable state laws or separate and distinct units of government apart from the Borough.

Government-Entity Wide Financial Statements

The Statement of Assets, Liabilities, and Fund Balances and the Statement of Revenues, Expenditures, and Changes in Fund Equity display financial information about the reporting government as a whole. They include all funds of the reporting entity. Governmental activities generally are financed through taxes, intergovernmental revenues, charges for services and other revenues. The various governmental funds listed below are all combined together for the Government-Entity Wide financial statement presentation. We have added these two financial statements due to recent accounting changes.

Fund Accounting

The Borough uses fund accounting principles to report on its assets, liabilities, fund equity, revenue, and expenditures. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fund is a separate accounting entity with a self-balancing set of accounts for recording assets, liabilities, and fund equity, and changes in fund equity. An account group, on the other hand, is a financial reporting device designed to provide accountability for certain assets and liabilities that are not recorded in the funds because they do not directly affect net expendable available financial resources. The Borough presently has no account groups.

Fund types are classified into three categories: governmental, proprietary, and fiduciary. Each category, in turn, is divided into separate "funds".

BOROUGH OF WEST YORK
NOTES TO FINANCIAL STATEMENTS (CASH BASIS)
DECEMBER 31, 2014

NOTE 2 - ESTIMATES AND SUMMARY OF ACCOUNTING POLICIES (CONTINUED)

Fund Accounting (Continued)

The financial activities of the Borough are recorded in separate funds as follows:

Governmental Fund Types

General Fund is used to account for all financial transactions applicable to the general operation of the Borough. Revenue is derived principally from property taxes, earned income taxes, fines, licenses and permits, and grants. Expenditures of the General Fund include police and fire protection, street repairs and maintenance, health and sanitation, parks and recreation, and planning and development.

Special Revenue Fund is used to account for particular governmental activities that are legally restricted for specified purposes.

Capital Projects Fund is used to account for the acquisition or construction of general fixed assets.

Proprietary Fund Type

Enterprise Fund is used to account for the financing of government services and facilities which are primarily self-supporting by user charges.

Fiduciary Fund Type

Trust and Agency Funds are established to administer resources received and held by the Borough as the trustee or agent for others.

Basis of Accounting

The Borough's policy is to prepare its financial statements on the basis of cash receipts and cash disbursements, consequently, certain revenue and related assets are recognized when received rather than when susceptible to accrual, and certain expenditures are recognized when paid rather than when the obligations are incurred. The cash basis of accounting is a comprehensive basis of accounting other than generally accepted accounting principles.

Budgets

Budgets are adopted on the cash basis, which is consistent with the basis used to prepare historical financial statements. Annual appropriated budgets are adopted for the general and special revenue funds. Unused appropriations lapse at fiscal year end.

BOROUGH OF WEST YORK
NOTES TO FINANCIAL STATEMENTS (CASH BASIS)
DECEMBER 31, 2014

NOTE 2 - ESTIMATES AND SUMMARY OF ACCOUNTING POLICIES (CONTINUED)

Cash and Temporary Investments

Cash includes amounts in demand deposits as well as certificates of deposits with maturity dates within three months of the date acquired by the government.

State statutes authorize the government to invest in obligations of the U.S. Treasury, Pennsylvania government obligations, and insured certificates of deposits.

Investments are stated at market value.

Short-Term Interfund Receivables/Payables

During the course of operations, numerous transactions occur between individual funds for goods provided or services rendered. These receivables and payables are classified as "due from other funds" or "due to other funds" on the statements of assets, liabilities, and fund equity.

Property and Equipment

The Borough does not maintain property records. All capital expenditures are expensed in the year of purchase.

Memorandum Only - Total Columns

The total column on the cash basis financial statements is captioned "Memorandum Only" to indicate that it is presented only to facilitate financial analysis. Interfund eliminations have not been made in the aggregation of this data.

BOROUGH OF WEST YORK
NOTES TO FINANCIAL STATEMENTS (CASH BASIS)
DECEMBER 31, 2014

NOTE 3 - CASH AND TEMPORARY INVESTMENTS

Cash and temporary investments consist of the following as of December 31, 2014:

	<u>Book</u>	<u>Bank</u>
<u>General Fund</u>		
Cash - Checking - Sovereign Bank	\$ 0	\$ 224,524
Cash - Checking - M&T Bank	280,152	27,446
PLGIT - General Fund	132,283	132,283
PLGIT - Fire Escrow Fund	17,841	17,841
Payroll Account - Sovereign Bank	8,745	15,213
	<u>439,021</u>	<u>417,307</u>
<u>Special Revenue Fund</u>		
PLGIT - Street Light Fund	54,015	54,015
PLGIT - Highway Aid Fund	434,665	434,665
Recreation Account - M&T Bank	18,809	18,809
Recreation Account - CD's - M&T Bank	3,628	3,628
	<u>511,117</u>	<u>511,117</u>
<u>Capital Projects Fund</u>		
PLGIT - Capital Reserve Fund	21,450	21,450
PLGIT - Firemen's Equipment Fund	27,684	27,684
PLGIT - Generator Fund	0	0
	<u>49,134</u>	<u>49,134</u>
<u>Enterprise Fund</u>		
Cash - Checking - Sovereign Bank	219,389	247,245
PLGIT - Sewer Fund	349,367	349,367
PLGIT Plus - Sewer Fund	2,601,278	2,601,278
	<u>3,170,034</u>	<u>3,197,890</u>
TOTAL CASH AND TEMPORARY INVESTMENTS	<u>\$ 4,169,306</u>	<u>\$ 4,175,448</u>

As of December 31, 2014 the carrying amount of deposits is \$4,169,306 and the bank balance is \$4,175,448. All deposits are fully insured by FDIC, FSLIC or collateralized in accordance with Act 72.

Custodial Credit Risk - Deposits

Custodial Credit Risk is the risk that in the event of a bank failure, the government's deposits may not be returned to it. As of December 31, 2014, \$3,875,565 of the Borough's bank balance of \$4,175,448 was exposed to custodial risk as:

Uninsured and Uncollateralized	\$ 0
Collateralized with securities held by the pledging financial institution	3,875,565
Uninsured and collateral held by the pledging bank's trust department not in the Borough's name	0
	<u>\$ 3,875,565</u>

Reconciliation to Financial Statements

Collateralized with securities held by the pledging financial institution	\$ 3,875,565
Plus: Insured Amount	299,883
Less: Outstanding Checks	(39,312)
Plus: Deposits In Transit	33,170
Carrying Amount - Bank Balances	4,169,306
Plus: Petty Cash	0
Total Cash per Financial Statements	<u>\$ 4,169,306</u>

BOROUGH OF WEST YORK
NOTES TO FINANCIAL STATEMENTS (CASH BASIS)
DECEMBER 31, 2014

NOTE 3 - CASH AND TEMPORARY INVESTMENTS (CONTINUED)

Cash Summary per Respective Funds

Statement of Net Assets - Cash - Governmental Funds	\$ 999,272
Statement of Net Assets - Cash - Business-Type Activities	<u>3,170,034</u>
Total Cash per Financial Statements	<u>\$ 4,169,306</u>

NOTE 4 - COMMITMENTS

The Borough entered into an agreement with the City of York, Pennsylvania for treatment of the Borough's sewage (refer to Note 6). The cost is determined on a year-to-year basis.

NOTE 5 - RISK MANAGEMENT

The Borough is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets, errors and omissions, injuries to employees, and natural disasters. The Borough is insured against these risks by the purchase of commercial insurance to cover any reasonable loss.

NOTE 6 - AGREEMENT WITH THE CITY OF YORK

The City of York (City), under separate agreements with six surrounding municipalities including the Borough of West York, has agreed to grant connection to the City's sewage system, whereby the City would receive, treat, and dispose of the Borough's sewage. The Borough is required to participate in funding of the construction, maintenance, and operations of the plant, pay the City for the cost of waste water treatment based on usage, and pay a service charge based on usage, for the express purpose of maintenance, repair, and replacement of the existing interceptor system.

The participation by the Borough in the funding of the plant expansion is based on an allocation of the minimum lease payment made by the City to the York City Sewer Authority. This allocation is based on that percentage of the additional capacity of the facility allotted to each municipality.

The allocation of costs to the Borough of West York consists of the following for the year ended December 31:

	<u>2014</u>
Treatment charges	\$ 463,137
Allocation of minimum lease payments	<u>352,503</u>
	<u>\$ 815,640</u>

BOROUGH OF WEST YORK
NOTES TO FINANCIAL STATEMENTS (CASH BASIS)
DECEMBER 31, 2014

NOTE 7 - PENSION PLAN

Plan Description

The Borough sponsors three single-employer defined benefit retirement plans which cover the police force, paid firemen, and nonuniform employees. Each of these funds are maintained by the Pennsylvania State Association of Boroughs Municipal Retirement Trust, as trustee. Separately issued financial statements are issued and available at the Borough office.

All regular full-time employees shall become an eligible pension plan participant on the date they first render service to the borough for both the nonuniform employees and paid firemen. The plans provide retirement benefits to plan members. Plan provisions are established by municipal ordinance with the authority for municipal contributions required by Act 205 of the Commonwealth of Pennsylvania.

Under the General Employees' Pension Fund and Paid Firemen's Pension Plans, benefits vest after ten years of service. Normal retirement occurs after reaching age sixty-five and the completion of ten years of service. Normal retirement pension is paid monthly and is equal to 1% of compensation averaged over the last 60 months of employment, multiplied by years of credited service.

The maximum monthly pension shall be an amount which when added to the participant's primary social security amount, does not exceed 80% of the participant's compensation for the last plan year used to determine average monthly compensation.

Under the Police Pension Death and Disability Benefit Fund, benefits vest after twelve years of service. Normal retirement occurs after age fifty-five and the completion of twenty-five years of service. Normal retirement pension is paid monthly and is equal to 50% of gross pay averaged over the last 36 months of employment.

Contributions and Funding Policy

The Borough participates in Act 205 Recovery Program. The actuarial cost method used is the entry age normal cost method. The significant actuarial assumptions used to compute the actuarially determined contribution are the same as those used to compute the accrued actuarial liability as described above. The act requires that annual contributions be based upon the calculation of the Minimum Municipal Obligation (MMO). The MMO calculation is based upon the biennial actuarial valuation. Employees are not required to contribute under the Act; such contributions are subject to collective bargaining. The Commonwealth allocates certain funds to assist in pension funding. Any financial requirements established by the MMO which exceeds the Commonwealth allocation must be funded by the Municipality (and could include employee contributions).

Administrative costs are charged to the plans and funded through the MMO and/or plan income.

During the year ended December 31, 2014, the Police Department employees made a 6% of compensation contribution to the Pension Plan.

BOROUGH OF WEST YORK
NOTES TO FINANCIAL STATEMENTS (CASH BASIS)
DECEMBER 31, 2014

NOTE 7 - PENSION PLAN (CONTINUED)

Contributions and Funding Policy (Continued)

The Borough contributed 100% of the funds necessary to meet the MMO obligations as follows for the years ended December 31:

	<u>Police Pension Death and Disability Benefit Fund</u>	<u>Firemen's Pension Plan</u>	<u>General Employees' Pension Plan</u>
2014	<u>\$ 159,155</u>	<u>\$ 19,512</u>	<u>\$ 26,418</u>
2013	<u>\$ 173,110</u>	<u>\$ 17,339</u>	<u>\$ 26,400</u>
2012	<u>\$ 173,110</u>	<u>\$ 17,781</u>	<u>\$ 27,932</u>

As of January 1, 2013, the most recent actuarial date, employee membership data related to the retirement plans are as follows:

	<u>Police Pension Death and Disability Benefit Fund</u>	<u>Firemen's Pension Plan</u>	<u>General Employees' Pension Plan</u>
Retirees and beneficiaries currently receiving benefits	7	1	2
Terminated employees entitled to benefits but not yet receiving them	0	0	0
Active plan participants	10	3	5

Significant Accounting Policies and Plan Asset Matters

The financial statements of the plans have been prepared on the modified cash basis of accounting. Investments are stated at market value as reported by Pennsylvania State Association of Boroughs Municipal Retirement Trust.

All of the plans' investments were held by the Pennsylvania State Association of Boroughs Municipal Retirement Trust's General Fixed Fund. In addition, the plans did not have any investment transactions with related parties.

BOROUGH OF WEST YORK
NOTES TO FINANCIAL STATEMENTS (CASH BASIS)
DECEMBER 31, 2014

NOTE 7 - PENSION PLANS (CONTINUED)

Funding Status and Progress

Significant actuarial assumptions and related information used to compute the pension benefit obligations as of January 1, 2013 are as follows:

	Police Pension Death and Disability Benefit Fund	Firemen's Pension Plan	General Employees' Pension Plan
Actuarial assumptions:			
Investment rate of return	7.25%	7.25%	7.25%
Salary increase projection (includes inflation of 4%)	5.5	5.5	5.0
Actuarial valuation data	January 1, 2013	January 1, 2013	January 1, 2013
Actuarial cost method	Entry Age Normal	Entry Age Normal	Entry Age Normal
Asset valuation method	4 Year Smoothing	4 Year Smoothing	4 Year Smoothing
Amortization method	Level Dollar Closed	Level Dollar Closed	Level Dollar Closed
Amortization period	13 Years	15 Years	22 Years

BOROUGH OF WEST YORK
NOTES TO FINANCIAL STATEMENTS (CASH BASIS)
DECEMBER 31, 2014

NOTE 7 - PENSION PLAN (CONTINUED)

Trend Information

Three-year trend information is presented as follows for the years ended December 31:

	<u>Annual Pension Cost</u>	<u>Percentage of Annual Pension Cost Contributed</u>	<u>Net Pension Obligation</u>
Police Pension Plan			
2014	\$ 159,155	100%	\$ 0
2013	173,110	100	0
2012	173,110	100	0
Firemen's Pension Plan			
2014	19,512	100	0
2013	17,339	100	0
2012	17,781	100	0
General Employees' Pension Plan			
2014	26,418	100	0
2013	26,400	100	0
2012	27,932	100	0

NOTE 8 - PROPERTY AND PER CAPITA TAXES

Based upon assessed valuations provided by the County, property taxes are collected by the elected tax collector. The schedule of property taxes levied for 2014 is as follows:

February 15	Levy Date
February 15 - April 14	2% Discount Period
April 15 - June 13	Face Payment Period
June 14 - December 31	10% Penalty Period
January 1	Lien Date

The property tax rate for all purposes in 2014 was 6.50 mills (\$6.50 per \$1,000 assessed valuation).

NOTE 9 - CONTINGENCIES

The Borough is subject to various claims and legal proceedings covering matters that arise in the ordinary course of its municipal activities. Each of these matters is subject to uncertainties, and some of these matters may be resolved unfavorably to the Borough. Management believes that any liability that may ultimately result from the resolution of these matters would not have a material adverse effect on the financial position of the Borough.

NOTE 10 - SUBSEQUENT EVENTS

Management of the Borough has evaluated subsequent events through the date of the audit report. No subsequent events were noted.

BOROUGH OF WEST YORK
SUPPLEMENTARY
INFORMATION

KOCHENOUR, EARNEST, SMYSER & BURG

Certified Public Accountants
710 South George Street
York, Pa. 17401

Phillip G. Lauer, CPA
Mark R. Kephart, CPA

Phone: 717-843-8855
Fax: 717-843-8857

INDEPENDENT AUDITOR'S REPORT ON SUPPLEMENTARY INFORMATION

To the Members of the Borough Council
Borough of West York
West York, Pennsylvania

Our audits were made for the purpose of forming an opinion on the basic financial statements taken as a whole. The following supplementary information accompanying the financial statements is presented for the purpose of additional analysis and is not a required part of the basic financial statements. The supplementary information has been subjected to the auditing procedures applied in the audit of the basic financial statements, and, in our opinion, is fairly stated, in all material respects, in relation to the basic financial statements taken as a whole.

Kochenour, Earnest, Smyser & Burg

Certified Public Accountants

York, Pennsylvania
April 3, 2015

BOROUGH OF WEST YORK
DEFINED BENEFIT PENSION PLAN ANALYSIS OF FUNDING PROGRESS
DECEMBER 31, 2014

	A	B	C	D	E	F
	Actuarial	Actuarial	(A-B)	Annual	(A/B)	(C/D)
	Value of	Accrued	Unfunded	Covered	Assets as a	Unfunded
	Assets	Liability	Actuarial	Payroll	Percentage	Actuarial
	(at Market)	Liability	(Liability)	Payroll	of the	Liability
	(at Market)	Liability	Excess	Payroll	of the	(Excess) to
	(at Market)	Liability	Excess	Payroll	of the	Covered
	(at Market)	Liability	Excess	Payroll	of the	Payroll
	(at Market)	Liability	Excess	Payroll	of the	Payroll
Police Pension Plan						
January 1, 2013	1,874,415	2,764,112	(889,697)	855,314	67.81%	-104.02%
January 1, 2011	1,773,539	2,531,033	(757,494)	713,494	70.07%	-106.17%
January 1, 2009	1,550,314	2,289,865	(739,551)	655,785	67.70%	-112.77%
Paid Firemen Pension Plan						
January 1, 2013	151,343	92,371	58,972	180,551	163.84%	32.66%
January 1, 2011	127,139	165,295	(38,156)	165,430	76.92%	-23.06%
January 1, 2009	94,308	103,868	(9,560)	96,047	90.80%	-9.95%
General Employees' Pension Plan						
January 1, 2013	377,978	404,646	(26,668)	212,661	87.29%	-12.54%
January 1, 2011	359,932	456,596	(96,664)	210,585	87.29%	-45.90%
January 1, 2009	327,188	348,457	(21,269)	156,804	93.90%	-13.56%

AUDITORS' REPORT
BOROUGH OF WEST YORK
WEST YORK, PENNSYLVANIA

The following is a concise summary of the annual audit and financial report submitted to the Secretary of Community and Economic Development for the Commonwealth of Pennsylvania by the Borough's auditors.

The detailed auditors' report is available at the Borough office for public inspection.

BALANCE SHEET
DECEMBER 31, 2014

	<u>General</u>	<u>Special Revenue</u>	<u>Capital Projects</u>	<u>Enterprise</u>	<u>Trust and Agency</u>
ASSETS					
Cash and Cash Equivalents	\$ 439,021	\$ 511,117	\$ 49,134	\$ 219,389	\$
Investments - Pension Trust Funds					2,801,677
Temporary Investments				2,950,645	
Due From Other Funds	30,886	6,551	1,201	109,959	
Other Current Assets	0				
TOTAL ASSETS	<u>\$ 469,907</u>	<u>\$ 517,668</u>	<u>\$ 50,335</u>	<u>\$ 3,279,993</u>	<u>\$ 2,801,677</u>
LIABILITIES					
Payroll Taxes & Other Payroll Withholdings	\$ 3,749	\$	\$	\$	\$
All Other Current Liabilities	16,183				
Due To Other Funds	105,701	42,896			
TOTAL LIABILITIES	<u>125,633</u>	<u>42,896</u>	<u>0</u>	<u>0</u>	<u>0</u>
FUND EQUITY					
	<u>344,274</u>	<u>474,772</u>	<u>50,335</u>	<u>3,279,993</u>	<u>2,801,677</u>
TOTAL LIABILITIES AND FUND EQUITY	<u>\$ 469,907</u>	<u>\$ 517,668</u>	<u>\$ 50,335</u>	<u>\$ 3,279,993</u>	<u>\$ 2,801,677</u>

STATEMENT OF REVENUES AND EXPENDITURES
YEAR ENDED DECEMBER 31, 2014

REVENUES					
Taxes	\$ 1,403,864	\$ 80,328	\$ 14,724	\$	\$
Licenses and Permits	53,652				
Fines and Forfeits	136,179				
Interest and Rents	228	87	12	1,254	186,364
Intergovernmental Revenues	126,501	83,429			
Charges for Services	500,985	8,198		565,330	
Miscellaneous	90				256,975
Other Financing Sources	405,000				
TOTAL REVENUES	<u>2,626,499</u>	<u>172,042</u>	<u>14,736</u>	<u>566,584</u>	<u>443,339</u>
EXPENDITURES					
Public Works - Sanitation	415,618			515,459	
Public Safety	1,435,480		33,976		
Health & Human Services					
Employee Benefits and Insurance	378,401				46,975
Debt Service				352,503	
Public Works - Highways and Streets	179,088	72,124			
General Government	195,548			4,625	
Miscellaneous	2,925			405,000	267,953
Culture and Recreation	4,603	765			
Community Development	2,500				
TOTAL EXPENDITURES	<u>2,614,143</u>	<u>72,889</u>	<u>33,976</u>	<u>1,277,587</u>	<u>314,928</u>
EXCESS REVENUES OVER (UNDER) EXPENDITURES FOR THE YEAR					
	<u>\$ 12,356</u>	<u>\$ 99,153</u>	<u>\$ (19,240)</u>	<u>\$ (711,003)</u>	<u>\$ 128,411</u>

The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 1
Application of The York Water Company – West York Borough
West York Borough, York County
Docket No. A-2016-2552403
August 26, 2016

DISCOVERY A-12

52 Pa. Code § 3.501(a)(1)(ii)(A) requires the original cost by year and major plant category, of used and useful plant in service and related accrued depreciation; please explain why the Application does not comply with this requirement.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

York Water did not provide the information because, in the past, that regulation has been understood to apply only to new or existing but uncertificated water or wastewater providers. *See* 52 Pa. Code § 3.501(a) (detailing filing requirements for “applicant[s] for a certificate of public convenience as a public water or wastewater collection, treatment or disposal provider, including noncertificated utilities”). York Water, on the other hand, is an existing, certificated water and wastewater utility.

Moreover, the Commission’s water and wastewater acquisition policy statement states that “[t]he Commission will not require an acquiring utility to submit a full original cost plant-in-service study in order to determine the value of the assets of the acquired system.” 52 Pa. Code § 69.721(e). The utility only needs to submit the original cost valuation at least four months prior to the date of its next rate case filing if it wants to include the acquisition in its rate base. *Id.* § 69.721(f). As the Commission recognized in its order adopting the policy statement, “requesting the acquiring utility for such specific bookkeeping information as part of the application process for the acquisition is not appropriate.” *Final Policy Statement on Acquisitions of Water and Wastewater Systems*, Docket No. M-00051926, at p. 18 (Order Entered Aug. 17, 2006) (citation omitted).

For these reasons, York Water did not provide the original cost by year and major plant category, of its used and useful plant in service and related accrued depreciation. York Water will provide a plant in service study in accordance with the policy statement and following review of available Borough records and a physical review of plant upon acquisition.