

**Application of Pennsylvania-American Water Company for Acquisition of  
the Wastewater Assets of the Borough of Kane Authority  
66 Pa. C.S. § 1329  
Application Filing Checklist – Water/Wastewater  
Docket No. A-2019-3014248**

18. Rates.
- a. State the current rates of the seller.

**RESPONSE:**

- a. See **Schedule 6.7** of the APA, attached as **CONFIDENTIAL**
- b. **Appendix A-24-a**. Attached at **Appendix A-18-a** is a copy of Resolution #1-19 that adopted the wastewater rates that are currently in effect.

BOROUGH OF KANE AUTHORITY  
RESOLUTION # 1-19

A RESOLUTION ESTABLISHING A SCHEDULE OF RATES TO BE APPLIED FOR THE MONTHLY SEWER BILLINGS.

WHEREAS, the Borough of Kane Authority wishes to establish a schedule of rates to be applied for the monthly sewer billings.

WHEREAS, the schedule of rates for the monthly sewer billings will be as follows:

**5/8 METER SIZE**

0-2000 gallons ----\$41.11  
2,100-10,000 gallons ----\$.66/per hundred gallons  
10,100-30,000 gallons ----\$.733/per hundred gallons  
30,100 gallons and over ----\$.800/per hundred gallons

**OTHER METER SIZES**

0-2000 gallons ----\$82.22  
2,100-10,000 gallons ----\$.66/per hundred gallons  
10,100-30,000 gallons ----\$.733/per hundred gallons  
30,100 gallons and over ----\$.800/per hundred gallons


**FLAT RATES**

\$66.74/per month


WHEREAS, all rates for each calendar month shall be subject to a five per centum (5%) penalty on any unpaid balance (excluding any prior penalty fees) if not paid within fifteen (15) days of the date of the bill.

WHEREAS, a one time annual Pool Credit will be credited to customers showing an increase in average consumption of at least 5,000 gallons. The credit of \$.66/per hundred gallons will be calculated using the number of gallons above the average consumption on the bill reflecting the increased usage not to exceed \$35.00.

THEREFORE, BE IT RESOLVED, this 6th day of November, 2018 that the Borough of Kane Authority sets this rate table for the year 2019.

  
\_\_\_\_\_  
David Peterson, Chairman

Attest:

  
\_\_\_\_\_  
Edward Sleeman, Secretary/Treasurer

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18. Rates.
- b. Provide a copy of the seller’s current rules and regulations for service.

**RESPONSE:**

- b. See attached the Authority’s current rules and regulations governing the provision of wastewater service titled “Kane Borough Authority Rules and Regulations and Specifications for the Construction of Sanitary Sewer Lines and Appurtenance” dated December 20, 2004. See also, the Borough of Kane Chapter 205 Rules regarding Sewers and Sewage Disposal dated April 6, 2017. Both of these documents are marked as **Appendix A-18-b**.

**KANE BOROUGH  
AUTHORITY**

KANE PA 16735

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TELEPHONE (814) 837-9240

**McKEAN COUNTY, PENNSYLVANIA**

**RULES AND REGULATIONS**

**AND**

**SPECIFICATIONS FOR THE CONSTRUCTION OF  
SANITARY SEWER LINES AND APPURTENANCES**

*December 20, 2004*

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## SECTION I -- INTRODUCTION

- 1.01 The Kane Borough Authority, Kane Borough, McKean County, Pennsylvania has duly adopted the following Rules and Regulations governing the furnishing of sewage services.
- 1.02 The Rules and Regulations, as amended and supplemented, shall govern and control the furnishing of sewage services, shall apply to all privately owned sewage systems within the jurisdiction of the Authority and shall be a part of each application for service and each service contract.
- 1.03 For the purposes of construing the Rules and Regulations, (i) the use of the singular shall include the plural and the plural the singular; (ii) words used in the masculine gender shall include the feminine and the neuter; (iii) words used in the present or past tense shall include the future.
- 1.04 The provisions of the Rules and Regulations are severable. If any word, sentence, clause, section or other provision thereof is found by a court of competent jurisdiction to be unlawful and void, the remaining provisions shall nevertheless remain valid.

## SECTION II - DEFINITIONS

- 2.01 Abnormal Industrial Waste shall mean any industrial waste having a suspended solids content or B.O.D. appreciably in excess of that normally found in municipal sewage. For the purposes of this Regulation, any industrial waste containing more than 290 parts per million of suspended solids or having a B.O.D. in excess of 245 parts per million shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.
- 2.02 Act or "The Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et. seq.
- 2.03 Apartment Building shall mean a building divided into two or more Dwelling Units, each having no fixtures for water usage outside the Dwelling Unit.
- 2.04 Apartment - Shall mean each division of any building that is intended for occupancy as living quarters by an individual, a family or families or other group of persons.
- 2.05 Authority shall mean the KANE BOROUGH AUTHORITY, a body corporate and politic, organized and existing under the laws of the Commonwealth of Pennsylvania. The term Authority shall also mean the Borough of Kane, to the

extent that certain powers and duties have been delegated by the Kane Borough Authority to the Borough of Kane under an existing or any future Management Agreement.

- 2.06 Authorities Act shall mean the Municipality Authorities Act, 53 Pa. C.S. §5601 et seq., as the same shall have been amended and supplemented at the time in question.
- 2.07 Bio-chemical Oxygen Demand (sometimes referred to as "B.O.D.") shall mean the quantity of oxygen utilized in the bio-chemical oxidation of organic matter under standard laboratory procedure in five days at 20°C., expressed in parts per million by weight. The B.O.D. shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association.
- 2.08 Borough shall mean the Borough of Kane, County of McKean, Commonwealth of Pennsylvania. To the extent that the rights, duties and obligations of the Authority have been assigned or delegated to the Borough under any existing or future management or operating agreement, reference herein to the "Authority" shall be read to include reference to the Borough.
- 2.09 Building Drain as used herein, shall mean that part of the lowest horizontal piping of drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.
- 2.10 Building Sewer shall mean the sewer pipe extension from the building to the public sewer or other place of disposal, also called house connection and sewer service line connection.
- 2.11 Categorical Standards shall mean National Categorical Pretreatment Standards or Pretreatment Standard.
- 2.12 Charges for Sewage Services - Inactive shall mean charge, as set forth in the Schedule of Rates, will be made against all vacant "Premises" that are provided with a sewer service line; and, further, minimum charges will be made against all "Premises" that abut on sewage facilities of the Authority and are located within 150 feet thereof, whether or not such "Premises" are connected to the utility systems and whether vacant or occupied; all such charges against the properties to be made a lien thereon, to be liened and collected against the property in name of the owner, reputed owner, occupier, mortgagee or anyone beneficially interested therein, as claims are liened and collected under the Municipal Claims Law of the Commonwealth of Pennsylvania. The principle of minimum billing shall apply also in cases of inactive service where multiple "Premises" are involved, as previously outlined. A charge will be made also against all "Premises" for which

applications for sewage services have been signed and approved, where service is not being used and whether or not the "Premises" are occupied or vacant. Provided, however, that if the owner arranges for shutoff of water service to a vacant premises, then there shall be no such minimum charge during the time water service remains shut off.

- 2.13 Charges for Sewage Services - Normal shall mean the "normal" charges for sewage service based on the published Schedule of Rates of the Authority and be subject to the various basis for billing as set forth herein and/or as set forth in the published Schedule of Rates.
- 2.14 Chlorine Requirement shall mean the amount of chlorine, in parts per million by weight, which must be added to sewage to produce a specified residual chlorine content, or to meet the requirements of some other objective, in accordance with procedures set forth in the latest edition of Standard Methods for the Examination of Water, Sewage and Industrial Waste published by the American Public Health Association. This term shall also apply to any dechlorination requirements under the Authority NPDES permit.
- 2.15 Cooling Water shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- 2.16 Customer - Shall mean any individual person, family group or other group or any commercial, business, professional, governmental, or fraternal organization occupying a dwelling unit, building or portion of building and which contracts for and obtains sewage service.
- 2.17 Dwelling Unit - Shall mean a house, double house or duplex, town or row house, apartment, or any building or part of building intended for occupancy as living quarters by an individual, a family or families or other group of persons.
- 2.18 Easement shall mean an acquired legal right for the specific use of land owned by another.
- 2.19 Equivalent Dwelling Unit (EDU) shall mean: that part of a multiple family dwelling or commercial or industrial establishment with sewage flows equal to three hundred and fifty (350) gallons per day, or less (as adjusted by the appropriate run off period), as determined by sewage flow estimates based on generally accepted standards in the industry and approved by the Authority, or water usage of 165 gallon per day (as adjusted by the appropriate runoff period) as determined by (1) water meter readings as adjusted by approved exclusion water meter readings, if any; and (2) water consumption estimates based on similar facilities and approved by the Authority.

- 2.20 Floatable Oil shall mean oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- 2.21 Garbage shall mean solid waste from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce. Properly shredded garbage shall mean the waste from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in dimension.
- 2.22 Industrial Waste shall mean any liquid waste from industrial processes or commercial establishments, as distinguished from sanitary sewage.
- 2.23 Interference shall mean the inhibition or disruption of the POTW treatment processes or operations which contribute to a violation of any requirement of the Authority's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. Section 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- 2.24 Secretary shall mean the individual appointed by the members of the Board of the Authority to conduct the day-to-day business of the Authority, or his designee.
- 2.25 Municipality shall mean the Borough of Kane, McKean County, Pennsylvania and/or the Township of Wetmore, McKean County, Pennsylvania.
- 2.26 National Categorical Pretreatment Standard or Pretreatment Standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. Section 1347) which applies to a specific category of Industrial Users.
- 2.27 National Prohibitive Discharge Standard or Prohibitive Discharge Standard shall mean any regulation developed under the authority of 307(b) of the Act and 40 CFR Section 403.5.
- 2.28 New Source shall mean any source, the construction of which is commenced after the publication of proposed regulations prescribing Section 307(c) (33 U.S.C. Section 1317) Categorical Pretreatment Standard which will be applicable to such source, if such a standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated

later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

- 2.29 National Pollution Discharge Elimination System or NPDES Permit shall mean permit issued pursuant to Section 402 of the Act (33 U.S.C. Section 1342).
- 2.30 Owner shall mean the person, firm or corporation, or association having an interest as owner or a person, firm or corporation representing itself to be the owner, whether legal or equitable, sole or only partial, in any premises which is or is about to be furnished sewage service by the Authority, and the word "Owners" means all so interested.
- 2.31 Parts Per Million shall mean a weight-to-weight ratio. The parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.
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- 2.32 Person shall mean any individual, firm, company, association, society, corporation or group.
- 2.33 pH shall mean the logarithm (Base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution. The pH shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association.
- 2.34 Pollutant shall mean any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and institutional, industrial, municipal and agricultural waste discharged into water.
- 2.35 Pollution shall mean the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
- 2.36 Premises shall mean the property or area, including the improvements thereon and additions thereto, to which sewage service is or will be furnished and shall include but may not be limited to:
- (a). A building under one roof, owned or leased by one customer and occupied as one dwelling unit or one place of business, including additions thereto.
  - (b). A group or combination of buildings owned by one customer, in one common enclosure, occupied by one family or one organization, corporation or firm as a residence or place of business, or for

manufacturing or industrial purposes, or as a motel, hotel, hospital, church, private school, or similar institution, except as otherwise noted herein.

- (c). The one side of a double house having a solid vertical partition wall.
  - (d). Each side or each part of a house or building occupied by one family even though the closet and/or other fixtures be used in common.
  - (e). Each apartment, office, or suite of offices, and/or place of business located in a building or group of buildings, even though such buildings in a group are interconnected by a tunnel or passageway, covered area-way or patio, or by some similar means or structure.
  - (f). A public building devoted entirely to public use, such as a municipal building, school, fire engine house.
- 
- (g). A single lot or park or playground.
  - (h). Each house in a row of houses.
  - (i). Each Dwelling Unit in a house or building.
  - (j). Each individual and separate place of business and/or occupancy located in one building or group of buildings commonly designated as shopping centers, supermarket areas, and by such other terms.
  - (k). Each Dwelling Unit in a public housing development owned and operated by the United States of America, a municipal subdivision of the Commonwealth of Pennsylvania, or an agency or instrumentality of the United States or the Commonwealth of Pennsylvania by a philanthropic foundation or organization of some such similar body or organization or operated under private ownership.
  - (l). A mobile home.

2.37

Pretreatment or Treatment shall mean the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater collection or treatment system. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes by other means except as prohibited by 40 CFR Section 403.6 (d).

- 2.38 Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- 2.39 Private Sewage System shall mean all or any portion of a sewage system not owned by the Authority.
- 2.40 Properly Shredded Garbage shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.
- 2.41 Public Sewer shall mean a common sewer controlled by the Authority.
- ~~2.42 Rate Schedule or Rates shall mean the entire body of effective rates, rentals, tapping fees, connection fees, customer facility fees and other charges, as published by the Authority and as amended and supplemented from time to time.~~
- 2.43 Residential Premises shall mean a Dwelling Unit.
- 2.44 Sanitary Sewage shall mean the normal water-carried household and toilet wastes from residences, business buildings, institutions, industries and commercial establishments exclusive of storm water runoff, surface water or ground water.
- 2.45 Sanitary Sewage System shall mean all sanitary sewers, all sewage pumping stations, all sewage treatment works and all other facilities provided and owned by the Authority for the collection, conveyance and treatment of sanitary sewage and industrial waste with their appurtenances and any additions, extensions or improvements thereto that may be made by the Authority and/or others.
- 2.46 Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions, commercial and industrial establishments, together with such ground, surface or stream water as may be present.
- 2.47 Sewage Service Connection shall mean the connection of the building sewer to the sanitary sewage system.
- 2.48 Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.
- 2.49 Sewage Works shall mean all facilities for the collection, conveyance, pumping, treatment and disposal of sewage.
- ~~2.50 Sewer Line Extensions shall mean extensions of sewer lines beyond existing facilities excluding building sewer service connections.~~

2.51

Sewer Types

- (a) Building Drain shall mean that part of the lowest horizontal piping of a drainage system beginning at a point 5 feet outside the inner face of the building wall which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer and which shall be owned and maintained by the owner.
- (b) Building Sewer shall mean the pipe located between the building drain and the Building Sewer Connection or the Public Sewer and which shall be owned and maintained by the owner.
- (c) Collector Sanitary Sewer shall mean a sewer into which the sewage from two or more laterals is discharged.
- (e) Combined Sewer shall mean a sewer receiving both surface or storm water runoff and sanitary sewage.
- (f) Intercepting Sanitary Sewer shall mean a sewer into which the sewage from all main and other sewers is discharged.
- (g) Lateral Sanitary Sewer shall mean a sewer which does not receive sewage from any other common sewer.
- (h) Main Sanitary Sewer shall mean a sewer that is a main stem or artery of the sewage systems.
- (i) Public Sewer shall mean a sewer owned and maintained by the Authority, which includes building sewers that have been refurbished or constructed by the Authority or as accepted by the Authority, but only from the inspection port to the Main Sanitary Sewer, and only to the extent the sewer line is constructed of 6 inch or greater diameter pipe.
- (j) Sanitary Sewer shall mean a sewer which carries sewage.
- (k) Storm Sewer shall mean a sewer which conveys storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

2.52

Significant Industrial User shall mean any industrial user of the Authority's wastewater disposal system who:

- (a) Has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day.

- (b) Has a flow greater than five percent (5%) percent of the flow in the Authority's wastewater treatment system.
- (c) Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or Pennsylvania Statutes and rules.
- (d) Is found by the Pennsylvania Department of Environmental Protection (DEP) or the United States Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the treatment of sludge, the system's effluent quality, or air emissions generated by the system.

- 2.53 ~~Slug shall mean any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of longer duration than 15 minutes more than three times its average hourly concentration of flow.~~
- 2.54 State shall mean State of Pennsylvania, also referred to as the Commonwealth.
- 2.55 Standard Industrial Classification (SIC) shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President of the United States, Office of Management and Budget, 1972.
- 2.56 Surcharge shall mean an additional rate for treatment of waste, including abnormal industrial waste, of greater strength than the concentration values established as is representative of normal sewage.
- 2.57 Suspended Solids shall mean solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by a laboratory filtration device. The quantity of suspended solids shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association.
- 2.58 Tenant shall be anyone occupying premises under oral or written lease from a lessor.
- 2.59 Toxic Pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of GWA 307 (a) or other Acts.
- 2.60 Unpolluted Waste or Unpolluted Water shall mean water of quality equal to or better than the effluent criteria in effect established by Federal and state regulatory

agencies or water which would not be benefited by discharge to the sanitary sewers and sewage treatment facilities of the Authority.

- 2.61 User shall mean any person who contributes, causes or permits the contribution of wastewater into the Authority's sewer system.
- 2.62 Wastewater shall mean spent water. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.
- 2.63 Wastewater Facilities shall mean the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
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- ~~2.64 Wastewater Treatment Works shall mean those devices and structures for treating wastewater, industrial wastes and sludge sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".~~
- 2.65 Water Course shall mean a channel in which a flow of water occurs, either continuously or intermittently.

## ABBREVIATIONS

The following abbreviations shall have the designated meanings:

|              |   |
|--------------|---|
| <u>BOD</u>   | Biochemical Oxygen Demand                           |
| <u>CFR</u>   | Code of Federal Regulations                         |
| <u>COD</u>   | Chemical Oxygen Demand                              |
| <u>DEP</u>   | Pennsylvania Department of Environmental Protection |
| <u>EPA</u>   | United States Environmental Protection Agency       |
| <u>l</u>     | Liter   |
| <u>mg</u>    | Milligrams  |
| <u>mg/l</u>  | Milligrams per liter                                |
| <u>NPDES</u> | National Pollutant Discharge Elimination System     |
| <u>SIC</u>   | Standard Industrial Classification                  |
| <u>SWDA</u>  | Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.  |
| <u>USC</u>   | United States Code                                  |
| <u>TSS</u>   | Total Suspended Solids                              |

### SECTION III - CONDITIONS OF SERVICE

3.01 The Board of the Kane Borough Authority has duly adopted the following Rules and Regulations governing the furnishing of sewage services. The Authority, a body corporate and politic, existing under the laws of the Commonwealth of Pennsylvania, pursuant to the Municipality Authorities Act, 53 Pa. C.S. §5601 et seq., as amended, was duly organized by the Borough of Kane and the Township of Wetmore.

The Authority is authorized by law to acquire, hold, construct, improve, maintain and operate sewage systems facilities.

These Rules and Regulations shall govern and control the furnishing of sewage services, and shall be a part of each application for service and be a part of each contract with each person, any political subdivision and such other parties; and every such person, political subdivision and such other parties agree to be bound by these Rules and Regulations, the Schedule of Rates Governing Furnishing of Sewage Services and such other supplementary Rules and Regulations and other Authority requirements, as well as applicable Borough of Kane requirements.

Authority will furnish sewage service only in accordance with the Rules and Regulations as amended and supplemented. No application for service contract, agreement or license shall be inconsistent or conflict with the Rules and Regulations.

3.02 The Authority may from time to time, without notice, as it may deem necessary, alter, amend, supplement or repeal the Rate Schedule and the Rules and Regulations, in whole or in part.

3.03 The furnishing of sewage service may be refused if sewage flows are found or estimated to be excessive, or if the character of the sanitary wastes to be discharged are determined to be unsatisfactory.

3.04 Maintenance and repair of the sewer service lines or building sewers, including the cost thereof, will be the responsibility of the user, customer or property owner. No work shall be done on any sewer service line or building sewer without prior approval from the Authority. All work shall be subject to inspection by Authority personnel during the performance thereof. The Authority shall have the right to do all work with respect to connections to the main sewers and charge the user, customer or property owner for the cost of such work, said work to be done in accordance with the requirements hereinafter set forth. Three days notice shall be given to the Authority prior to the commencement of any work on the sewer service line or building sewer for which approval has been obtained from the Authority.

3.05 Each premises shall be served through a separate building sewer or sewer service line, except where physical conditions prevent the installation of separate service facilities as determined by the Authority.

The term "physical conditions" shall apply only to such situations as relate to the plumbing layout in the premises. All building sewers, as defined herein, shall be installed in accordance with all Authority requirements relative thereto, and shall be connected only to main sanitary sewers abutting the property and owned by the Authority.

The charges for sewage service in all cases where more than one premise is served through one premises or building sewer shall be determined as set forth in detail in these Rules and Regulations and the Schedule of Rates.

SECTION IV - APPLICATIONS AND CONTRACTS FOR CONNECTIONS  
AND SERVICE

4.01 Application for Building Sewer Connection - A written application on a form furnished by the Authority shall be submitted to the Authority for the purpose of requesting the installation of a sewer service line connection to each premise or group of premises where an individual sewer service line connection is permitted in accordance with these Rules and Regulations, said application to be subject to such service connection fees and charges currently in effect which are payable in advance for each of the respective service areas, which application, together with the Rates and Rules and Regulations of the Authority, shall regulate and control the service to such premises. Said application shall be submitted at least one month, or such shorter time as the Authority may allow, before the connection is required. The installation of building sewers shall be in accordance with the requirements hereinafter set forth. The Authority shall have the right to combine in one application the request for the connection and the request for service, as outlined in Section 4.02, relative to sewer services.

4.02 Application for Sewage Service - A written application prepared on a form furnished by the Authority, together with the application fee, shall be submitted to the Authority for the purpose of requesting sewage service. Each application shall be signed by the owner of the premises or his duly authorized agent who may be a tenant, provided that where the application is signed by a tenant the property owner shall be a guarantor for all bills rendered. The application, together with the Rates, Rules and Regulations of the Authority, shall regulate and control the service for the premises. The application shall be submitted at least one week, or such shorter time as the Authority may allow, before service is required. As a condition to the rendition of service to any premises where the applicant is a tenant the owner of such premises shall enter into an agreement with the Authority

whereby the owner shall guarantee the prompt payment of all bills rendered for service to such premise.

- 4.03 Approval of Applications - Applications are considered written requests for building sewer connections and sewage service and must be approved by the Authority Board or its authorized agent. No application shall be approved until applicant pays all required fees and complies with the Rules and Regulations.
- 4.04 Application a Contract - The application for sewage service shall be a contract between the customer and the Authority, upon approval by the Authority. In all instances where the customer is a tenant, the owner of the premises shall be a party to the Contract. Charges for service shall commence from the date the service is available to the premises.
- 4.05 Contracts with Delinquents - To the extent permitted by law, no agreement will be entered into by the Authority with any applicant for sewage service until all arrearages for service, rents, bills for meter repairs or other charges due by the applicant at any premises now or theretofore owned and/or occupied by him shall have been paid or until satisfactory arrangements for payment of such unpaid bills shall have been made.
- 4.06 Special Contracts - The Authority may require prior to the furnishing of service special contracts in lieu of or in addition to applications for service including but not limited to contracts for the extension of sewage systems, temporary service, standby service, fire protection and for service from or to other utilities or municipal subdivisions.
- 4.07 Government Regulations a Part of Contract - All contracts for sewage service shall be subject to such changes or other modifications as may be directed by action of the Legislature of the Commonwealth of Pennsylvania or a regulatory body.
- 4.08 Joint and Several Liability - Two or more parties who join in the application for service shall be jointly and severally liable, provided, however, that irrespective of the number of persons liable for payment the Authority need only prepare and submit a single bill.
- 4.09 New Application Upon Change in Ownership or Tenancy or Conditions of Sewage Service Use - A new application must be submitted and approved by the Authority upon any change in ownership of the property when the owner is the customer, or in any tenancy where the tenant is the customer, or in the service, as described in the application. The Authority shall have the right, upon five days' notice, to discontinue the service until such new application has been made and approved. Upon change of ownership, the responsibility of complying with the foregoing is upon the buyer and seller, and their failure to do so makes both

parties liable for any obligation owing which may be collected from either and liened against the property in either's name.

Prior to the change of ownership the present owner is required to pay the Authority for the costs of conducting tests to determine the presence of extraneous water flow emanating from the residence. If found the existing owner shall remove the source of the extraneous water. The Authority will retest and if corrected issue a certification to the buyer that the resident complies with the Authority's regulations governing extraneous water.

- 4.10 Substantial Increase in Sewage Flow - In connection with a change in service, any customer making any material change in size, character or extent of equipment or operations utilizing sewage service, or whose change in operations results in a substantial increase in the use of water and/or increase in the flow of sewage or industrial waste, shall immediately give the Authority written notice of the nature of the change and, if necessary, amend their application and/or obtain a Wastewater Discharge Permit.
- 4.11 Renewal of Service - Sewage service will be renewed under a proper application when the conditions under which such service was discontinued are corrected, and upon the payment of all charges due from the applicant.
- 4.12 Conditions of Plumbing System - The piping, plumbing and fixtures on the property of the customer are assumed to be in satisfactory condition at the time service facilities are connected and service furnished. The Authority will not be liable in any case for any accidents, breaks or leakage that in any way are due to the connection to the premises. The Authority may terminate such service if the plumbing and sanitary drainage system is not in accordance with these Rules and Regulations or the ordinances of the Borough.

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#### SECTION V - DEPOSITS

- 5.01 General - The following general rules shall apply to deposits with applications for sewage service:
- 5.01.1 Deposits will not bear interest.
- 5.01.2 Any customer having a deposit shall pay bills for service as rendered, in accordance with the Rules and Regulations. The deposit shall not be considered as payment on account of a bill during the term the customer is receiving service. Upon the discontinuance of service for any reason set forth in these Rules and Regulations, the Authority may apply the deposit to the payment of an unpaid bill for service.

- 5.01.3 Should a customer desire to discontinue service, the Authority will refund the deposit upon payment in full for all service rendered, and upon receipt of a notice to discontinue service, said notice to be rendered in accordance with the conditions set forth herein; except that no refunds will be made until proper deposit is made by or for a new customer, or such other required deposits are made with the Authority.
- 5.01.4 All new connections to the systems shall be subject to such connection charges and tapping fees currently in effect. Where the service line has been installed, the premises shall be subject to such connection charges and tapping fees currently in effect unless said connections are made pursuant to a contract between the Authority and a private person providing refunds of tapping fees, in which case the tapping fees set forth therein shall be charged.
- 5.01.5 All connection charges and tapping fees for sewage systems must be paid in advance. The Authority shall have the right to discontinue water service for nonpayment of sewage connection charges or tapping fees.
- 5.01.6 The owner and/or the purchaser of any property transferred which is now or hereafter connected with the systems shall immediately notify the Authority of the change of ownership and the status of occupancy, in order that compliance with these Regulations may be effected relating to occupancy. The new owner or occupant shall immediately make application for service, and, upon failure to do so, the Authority shall have the right upon five days' written notice to discontinue the service until a new application has been submitted and approved.

#### SECTION VI - BUILDING SEWER CONNECTIONS

- 6.01 No building drains, building sewers or connections to the Sewer System of the Authority shall be permitted until the application for service has been approved by the Authority.
- 6.02 No unauthorized person shall uncover or make any connections with or openings into, use, alter or disturb any sewer owned by the Authority without first having obtained written permission from an authorized official. Permission to use the building sewer will not be granted until after an inspection has been made of the installation and a determination made that said building drain and sewer are constructed to exclude all storm water, downspout, subsoil drains and such other

illegal connections, and all industrial wastes prohibited herein are excluded. The scope of the inspection is described elsewhere herein.

- 6.03 All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Authority from any loss or damage that may directly or indirectly be caused by the installation of the building sewer. All costs and expenses incident to maintenance, repair, replacement and other work in connection with building sewers shall be borne by the owner.
- 6.04 All work relating to the installation of building sewer connections and/or lateral sewers shall be performed by the Authority or the customer as the Authority shall determine, but in either case, at the cost of the customer.
- 6.05 The use of old building sewers in connection with new buildings will be permitted only when they are found, upon examination and testing by the Authority or persons approved by the Authority or agencies, to meet all requirements set forth herein. When existing septic tanks or other private sewage disposal systems are being abandoned the Authority will require the owner to demonstrate all interior plumbing is watertight and free of extraneous water from foundation drains or any other nonconforming use. Inspection ports will be constructed at the property line for all structures connecting to the main sanitary sewer.
- 6.06 The main drainage system of every house or building shall be separately and independently connected with the sanitary sewer. Where one building exists or is erected in the rear of another, or on an interior lot, or of single ownership, and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- 6.07 The applicant for the Building Sewer Permit shall notify the Authority when the building drain, building sewer and related facilities are ready for inspection and connection to the public sewer but prior to connection to the trap, and prior to backfilling. Final inspection will not be scheduled until all applications for service have been submitted and approved and all tapping fees or other charges due and payable have been remitted to the Authority. The inspection of the building drain, building sewer and related facilities shall include but not be limited to an observation of the pipe bedding requirement, air-pressure, and smoke test results and, such other relevant matters which may pertain to a specific installation.
- 6.08 All building sewers shall be maintained by the owner or customer at his cost, and the sewer shall be protected properly and maintained by the owner or customer. When repairs, renewals or replacements or other necessary work are required in

the aforesaid facilities, the owner or customer shall employ, without delay, competent tradesmen to do the work, at his expense. All leaks shall be repaired immediately. No work shall be done, however, without the approval of and supervision by the Authority.

- 6.09 The applicant for the building sewer connection permit shall notify the Authority or authorized agency when the building sewer is ready for inspection and connection to the public sewer, as well as submit such other notices as previously set forth. The connection shall be made under the supervision of the Authority or authorized agency.
- 6.10 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the local municipality.
- 6.11 The building sewer may be six (6) inches or four (4) inches in diameter provided that the pipe is laid on a minimum slope of 1/8 inch per foot and 1/4 inch per foot respectively and cleanouts are placed at intervals of not more than 100 feet and 60 feet respectively. Any building sewer shall be six inches in diameter from the inspection port to the Main Sanitary Sewer. All building sewers shall conform to the standard specifications set forth in Appendix A attached hereto.
- 6.12 The building sewer shall be brought to the building at an elevation sufficiently below the basement floor to permit proper connections to all house plumbing. No building sewer shall be laid parallel to or within 3 feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost but, in any case, shall not be less than 4 feet deep without prior authorization. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Cleanouts consisting of a wye branch, curve, riser and watertight plug are required at intervals specified above, or at all direction changes greater than 45 degrees. The wye branch and curve must be encased in at least 6 inches of concrete. Cleanouts shall not be located in driveways or other impervious surfaces.
- 6.13 In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain may be lifted by Authority approved means (grinder pump) and discharged to the building sewer.
- 6.14 The connection of a building sewer into the public sewer shall be made at the wye branch, if such branch is available at a suitable location. In the event suitable wye branches are not available, or in the opinion of the Authority cannot be economically or properly installed, a connection into the public sewer shall be made by a **special saddle type connection with stainless steel clamps** that meets

the approval of the Authority. Before any tapping machine is used, the applicant shall determine that the building sewer joints shall be compatible.

6.15 Installation - Prior to excavation of any trench, the contractor should expose the building sewer connection and the building drain. The trench width shall be kept to minimum width and have a uniform slope at approved grade, and as near as possible at right angles to the street. All trenches must be excavated at least 6 inches below the invert of the pipe. Granular backfill (2RC or pea gravel) shall be placed in the trench to grade of pipe and after providing bell holes and laying pipe, backfill to a minimum height of 12 inches over the top of the pipe. Granular backfill must be carefully tamped along both sides of the pipe. Remaining backfill, if satisfactory, may be material from the original excavation. **Backfilling shall not be accomplished prior to inspection.** A test tee shall be installed in the building sewer immediately before the wye, or manhole stub, if connection is to be made directly to a manhole. If unusual trench conditions exist, such as excessive depth, unstable soil, under a stream or other water course, the Authority may require the owner, at his own expense, to encase the building sewer in concrete or take such other steps which, in the opinion of the Authority, are necessary for proper installation. The Authority may refuse a permit to allow a connection directly to the main intercepting sewer and require extensions and connections to a manhole, the manhole, sewer and other work to be accomplished at the expense of the owner. **In no event will a connection be made through a hole cut in the sewer.**

6.16 The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer.

6.17 The applicant for the building sewer permit shall notify the Authority when the building drain, building sewer and related facilities are ready for inspection and connection to the public sewer but prior to connection to the trap, and prior to backfilling. ~~Final inspection will not be scheduled until all applications for service have been submitted and approved, and all tapping fees or other charges due and payable have been remitted to the Authority.~~ The inspection of the building drain, building sewer and related facilities shall include but may not be limited to the following:

6.18 All excavations shall be performed in accordance with the latest edition of the OSHA Standards-Employer-Employee Safe Practices for Excavation and Trenching operations.

6.19 Pressure Building Sewer and Connection - Design and Installation

Where a low pressure sewer system (LPSS) (grinder pump and low pressure force main) is required, such system shall be constructed in accordance with Exhibit 2,

attached. Unless otherwise approved by the Authority, the cost of the LPSS shall be borne by the owner.

The LPSS shall be designed in accordance with the Authority specifications by a qualified professional, experienced and familiar with the dynamics of a LPSS, and submitted to the Authority for approval. The Authority may then have the design reviewed by its Engineer. Any review fees incurred by the Authority shall be reimbursed by the owner upon final approval.

The owner shall be responsible for the performance and cost of installation, operation, maintenance, repair, and replacement of the LPSS. The electrical connection to the grinder pump shall be from the owner's power supply.

Prior to excavation of any trench, the owner should expose the building sewer connection and the building drain. The trench width shall be kept to minimum width and have a uniform slope at approved grade and as near as possible at right angles to the street. All trenches must be excavated at least 4 inches below the invert of the pipe. Granular backfill, PADOT 2RC or 2A material (no mill slag may be used) shall be placed in the trench to grade of pipe; and after laying pipe, backfill to a minimum height of 6 inches over the top of the pipe. Granular backfill must be carefully tamped along both sides of the pipe. Remaining backfill, if satisfactory, may be material from the original excavation. Backfilling shall not be accomplished prior to inspection. Backfill must be accomplished; however, prior to pressure testing. If unusual trench conditions exist, such as excessive depth, unstable soil, under a stream or other water course, the Authority may require the owner, at his own expense, to encase the building sewer in concrete or take such other steps which, in the opinion of the Authority, are necessary for proper installation. The Authority may refuse a permit to allow a connection directly to the main intercepting sewer and require extensions and connections to a manhole; the manhole, sewer, and other work to be accomplished at the expense of the owner. In no event will a connection be made through a hole cut in the sewer.

All excavations shall be performed in accordance with the latest edition of the OSHA Standards-Employer-Employee Safe Practices for Excavation and Trenching Operations.

The owner shall notify the Authority when the building drain, building sewer, and related facilities are ready for inspection and connection to the public sewer but prior to connection to the trap, and prior to backfilling. Final inspection will not be scheduled until all applications for service have been submitted and approved, and all tapping fees or other charges due and payable have been remitted to the Authority, or authorized agent. The inspection of the building drain, building sewer, and related facilities shall insure the proper bedding and embedment of the pipe have been provided and confirm that all joints and fittings are watertight.

Electrical inspection and pump start-up shall be under the supervision of the Authority. Inspection of installation to insure that proper bedding and embedment of the pipe has been accomplished. Concrete encasement has been placed where required. An air pressure test of the lines at a pressure of 5 psi for 5 minutes without any loss of pressure.

6.20 Pressure Building Sewer and Connection - Maintenance

All pressure building sewers shall be maintained by the customer at the expense of the customer. The application for service shall grant to the Authority, among other things, the right of entry for purposes of inspection to ensure proper maintenance of the system by the customer.

The customer shall, upon warning given by the LPSS alarm system attached to customer's dwelling, notify the Authority of the alarm activity and at his expense, without delay, shall employ competent tradesman to repair and/or replace the system.

SECTION VII - USE OF SEWERS

7.01 Any "premises" accessible to a public sanitary sewage system shall be connected to the public sewer, at the expense of the user and/or owner, provided that the end of the public sewer is within 150 feet of the principal building. Such connection shall be made within 90 days after notice to make connection is issued by the Authority or its authorized representative.

7.02 All connections shall be made in accordance with the Rules and Regulations and other applicable requirements of the Authority.

7.03 It shall be unlawful for any person owning any occupied building or premises accessible to the public sewage system to erect, construct, use or maintain or cause to be erected, constructed, used or maintained any privy, cesspool, sinkhole, septic tank or other receptacle on such premises for receiving sanitary sewage.

7.04 No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any public sewer.

7.05 Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Borough or Township and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval by the Authority Borough or Township, to a storm sewer or natural outlet.

- 7.06 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
- (a) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - (b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of any wastewater treatment work.
  - (c) Any waters or wastes having a pH lower than 5° or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
  - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- 7.07 Those provisions of Section XII hereof (Industrial Pretreatment) relating to prohibited discharges into the Authority's sewer system shall apply to all users of the sewer system.
- 7.08 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or fat, oil and grease concentrations in excess of 100 mg/l, or any flammable wastes, sand, or other harmful ingredients; (except that such interceptors shall not be required for private living quarters or dwellings units). All interceptors shall be of a type and capacity approved by the Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintenance of such interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Authority. Any removal and hauling of the collected materials not performed by owner's personnel must, be performed by currently licensed waste disposal firms.

## SECTION VIII - SERVICE

8.01 Types of Service - The Authority may classify sewage service according to types of use, including but not limited to the types defined as follows:

8.01.1 Commercial or Industrial Service shall mean sewage service for premises where the customer is engaged in trade or commerce or in manufacturing or processing industries.

8.01.2 Domestic or Residential Service shall mean sewage service for residential premises.

8.01.3 Municipal or Public Service shall mean sewage services to municipalities other than the Borough of Kane and the Township of Wetmore as the Authority may provide service from time to time.

8.01.4 School Service shall mean sewage service to public or private schools.

8.01.5 Temporary Service shall mean sewage service for bazaars, fairs, construction work, trailer or trailer camps and similar uses, which, because of their nature will not require permanent and continuous service.

8.02 Termination of Service

8.02.1 Any customer may terminate his active service contract with the Authority upon giving notice thereof to the Authority. Service shall be terminated upon the lapse of a reasonable time to permit the Authority to attend to details of such termination. The customer shall remain liable for active service to the premises described in his application until the Authority has received notice from him, and the termination of active service has taken effect, as stated above. The termination of active service does not relieve the owner of the premises of making payments of the minimum charges established for unoccupied premises, if the premises has become unoccupied unless the service has been disconnected.

8.02.2 Termination of service by the Authority for nonpayment of a bill or violation of these Rules and Regulations shall not cancel the application for service nor constitute a waiver of this subsection, nor constitute a waiver for payment of bills as required under inactive service.

8.02.3

By Authority - Active service may be discontinued by the Authority for any of the following conditions:

- a. Misrepresentation in the application.
- b. The use of service for or in connection with or for the benefit of any other premises or purposes other than those described in the application.
- c. Failure to maintain in good order the building sewer connection and fixtures owned by the customer.
- d. Failure to maintain in good order the service line extensions and connections and fixtures owned by the customer.
- e. Tampering or in any other way interfering with any service pipe.
- f. Refusal of reasonable access to the premises for purposes of inspecting the piping, fixtures and water system appliance therein.
- g. Neglecting or refusing to make or renew advance payments where required, or for nonpayment sewage service, or for any charge accruing under the application.
- h. Termination of the contract by the customer.
- i. Premises where the use of water reduces the capacity of the sewers to such an extent that normal service to others is impaired, this condition relating to sewage service.
- j. Premises where the character of the wastes is detrimental to the sewer or is not in accordance with the requirements set forth herein.
- k. Unauthorized use by others of the building sewer line.
- l. Premises where apparatus, appliances or equipment using sewers is dangerous, unsafe and not in conformity with any laws or the Rules and Regulations.
- m. Fraud or abuse.

- n. Violation of these Rules and Regulations or other requirements governing the furnishing of sewage service.
- o. Nonpayment of a sewage bill.

8.03 Service may be renewed under a proper application when the conditions under which such service was discontinued are corrected, and upon the payment of all proper charges or amounts due from the applicant provided in the Schedule of Rates or Rules of the Authority.

### SECTION IX - CHARGES FOR SEWAGE SERVICES

9.01 Charges for Active Sewage Service - All charges for sewage services furnished by the Authority will be based on the published Schedule of Rates of the Authority. The charges shall be based on flat rates, unit charges or such other methods, all as approved by the Authority subject to conditions, requirements and rates set forth in the Rate Schedule.

9.01.1 Each premises will be subject to a monthly fee based on the number of EDU's represented by the premises. The minimum number of EDU's represented by any premises is one(1). Any fraction of an EDU is rounded up to the next number, e.g. 2.2 EDU's is 3 EDU's.

9.01.2 Surcharge for Certain Industrial Wastes - The Authority may exercise the right to levy and assess against applicable premises a surcharge, or surcharges, for the handling and treatment of abnormal industrial, commercial and other such wastes. The surcharge represents an apportionment of the cost for handling an excess load imposed on the sewage treatment plant by wastes stronger than normal sewage and of the additional costs of maintaining and operating the public sewage system.

9.01.3 The surcharges will be added to the normal sewage service charge and shall be subject to the same penalties applicable to other charges.

9.01.4 The strength of wastes subject to a surcharge, or surcharges, shall be determined periodically by the Authority. The frequency and duration of the sampling period shall be subject to determination by the Authority, and shall be such as will permit reaching reasonably reliable conclusions as to the average composition of such wastes, exclusive of storm water run-off, if any. The

manholes or other facilities required for sampling shall be constructed at the cost of the owner and/or customer, and shall be constructed as previously set forth. Materials shall be inspected by the Authority prior to installation

- 9.01.5 The samples will be collected by a representative of the Authority. Such samples shall be collected in proportion to the flow of wastes, exclusive of storm water run-off, if any, and to be composited for analysis. The procedures and analyses will be in accordance with the latest edition of Standard Methods for Examination of Water and Sewage, as published by the American Public Health Association.
- 9.01.6 The characteristics and strength of the wastes, as determined by analyses, shall be used to determine the applicability of the surcharge, or surcharges, and used as bases for establishing the amount of the surcharge or surcharges. The Authority may assess the costs of conducting flow measurements, and making the chemical and other tests, against the owner and/or customer.
- 9.01.7 The Authority may, at its option, accept the results of routine sampling and analyses by the producer of said wastes.

#### SECTION X - BILLS AND PAYMENT

- 10.01 If the customer shall fail to pay the delinquent bill within the time specified and unless the dispute is resolved as a consequence of the protest procedure, the Authority shall have the supply of water to the customer's property terminated and/or a municipal claim filed.
- 10.02 If service is discontinued, it will not be restored until the amount set forth on the delinquency has been paid.
- 10.03 Notwithstanding the definitions herein of the owner, tenant, and customer, and notwithstanding that the customer, applicant or contractor entering into an agreement with the Authority for the use of sewage services, was not the owner of the premises served by the Authority, the owner of the premises shall be liable in personam and in rem for all sewage services rendered to said premises. The Authority may discontinue service as previously set forth, and in addition thereto, file suit in assumpsit against the owner and customer, severally or jointly, and may use any other remedy provided by law for the collection of delinquent bills, and in addition, file a municipal claim against the said premises. The Authority may use any or all of the remedies so provided by law and the use of any one remedy shall not preclude the use of the Authority's other rights and remedies.

- 10.04 Access - The Authority shall have access at all reasonable times to residences, business and other buildings, institutions, schools, churches and industrial and commercial establishments connected to the sewage works and to any water meters measuring water used in such places and establishments to inspect such meters, the connection with the sewage works and/or the discharge of sanitary sewage, water of any kind and industrial waste into the sewage works.

SECTION XI - SEWER LINE EXTENSIONS AND  
SYSTEMS INCLUDING WASTEWATER TREATMENT WORKS

- 11.01 No sewers shall be extended from the sewers of the Authority, and no sanitary sewage systems and/or treatment works shall be constructed or other work done without prior written approval of the Authority, permits from the Department of Environmental Protection of the Commonwealth of Pennsylvania, and permits, licenses and/or approvals as required from all Federal, State, County and local agencies. The work shall be done in accordance with these Rules and Regulations, and other applicable requirements.

The applicant must prepare at his cost all contract plans and specifications, right-of-way plans and contract documents, and prepare at his cost other material which may be required to obtain permits, licenses and/or other approvals and to prepare the applications relative thereto and shall pay all related fees.

All applications for sewage service must be accompanied by plans, specifications, and a report describing the system in detail. The Authority may require that plans be stamped with the seal of a Registered Professional Engineer.

- 11.02 The extension of a sewer line shall include the entire quantity of pipe and appurtenant facilities required to make a complete installation from the end of the existing Authority sewer system to and across the entire frontage of the last property for which the applicant has requested service, unless otherwise approved by the Authority.

11.03 Regulations Relative to Sewerage

- 11.03.1 The construction of all sewerage and sewage treatment plant facilities shall be subject to the applicant, owner and/or developer obtaining at his cost all permits and approvals required by Federal, State, County and other agencies.

No applications for such permits shall be submitted until preliminary approval of the project is obtained from the Authority.

11.03.2 All procedures and work must be in accordance with all applicable ordinances and regulations of the Borough and Township and all Rules and Regulations of the Authority, as amended and supplemented from time to time.

The work and plans relative to sewerage must comply with all County, Borough and Township subdivision and other ordinances and regulations including the obtaining of highway occupancy permits in the name of the Authority.

11.04 Application for Approval of Sanitary Sewerage Systems - A written application on the forms furnished by the Authority, unless otherwise indicated, must be submitted for the approval of a sewer line extension, sanitary sewerage system, including pumping stations and treatment facilities, and/or other work, and the obtaining or furnishing sewage service therefrom. A deposit of \$500 may be required to cover preliminary Authority costs.

The application shall be signed by the owner or owners, shall be subject to the Authority's Rules and Regulations and the execution of an agreement. All applications for sewage service must be accompanied by plans, documents, reports and other materials as may be required by the Authority.

11.05 Procedure for Submission of Reports and Plans

11.05.1 The applicant shall submit preliminary plans and reports to the Authority for general review and recommendations followed by applications, final plans and reports.

The general design of all proposed sewerage facilities shall be in complete compliance with the requirements of the Department of Environmental Protection and all applicable Rules and Regulations of the Authority and ordinances of the Borough and Township.

11.05.2 Preliminary Plans - The applicant shall submit preliminary plans and reports, in triplicate, in accordance with the following:

- (a) A formal letter of request for review and recommendations. The Authority will establish a planning deposit that shall be made by the applicant to the Authority for the initial project review.
- (b) A professional engineer's report setting forth a full description of the proposed system and the basis of design.

This report must include a statement and description of the extent of area which it is proposed to include within the system at the present time, and in the future; the estimated present and future population to be served; the estimated per capita rates or volume of sewage to be provided for; the general character of the sewage and the proportion and nature of any industrial wastes; and such other data and information as the Authority may require.

Where industrial wastes will be treated, all applications for service, regardless of location of the premises, must be accompanied by a detailed report setting forth the quantities and character of the wastes, the proposed rates of discharge and such other facts as the Authority may require.

The report must include a detailed summary of the drainage areas and areas to be served; the sewerage system, showing sizes of sewers, distances between manholes, grades, capacities and future ultimate flows in main and intercepting sewers; and, if treatment facilities are to be constructed, a summary of dimensions, sizes, capacities and all pertinent data relative to each unit, types and capacities of all equipment, general plant and operating descriptive data, total plant capacities and such other data as may be required; and, if pumping stations are to be constructed, the type, head and capacities of pumping equipment, the type and size of motors, types and capacities of comminuting equipment and screens, descriptions of other equipment, sizes, capacities and other data relative to wet and dry wells, descriptions of operation and other data.

(c) Preliminary plans showing the following:

Sewers - Layout of all sewers and manholes, showing sizes, distances between manholes and type of sewers. Design features should be submitted at least in sketch form for special conditions, inverted siphons and such other features.

Pump Stations and Treatment Plants - Plans showing property lines, general plant layout, dimensions, types and sizes of all equipment, hydraulic profile and other pertinent features.

- (d) Outline specifications for pumping stations and sewage treatment plants and description of proposed materials, and equipment.

11.05.3

Final Plans and Reports - The applicant shall submit five copies of final plans and reports and other required items, all in accordance with the following:

- (a) A formal letter of request for final approval, satisfactory to the Authority's solicitor, an agreement and such other documents as may be required.
- (b) An engineer's report setting forth the information and data required in the preliminary report. If no revisions or additional data is required, the preliminary report may be suitable as the final report. In addition, the applicant shall prepare all application forms, modules, reports and such other data as required by the Pennsylvania Department of Environmental Protection.
- (c) All applications, plans, exhibits and supporting data required for submittal to all agencies having jurisdiction in order to obtain licenses, permits and approvals.
- (d) Final plans prepared by a qualified Registered Professional Engineer showing the following:

Sewers - These plans must show the boundary line of the municipality or sewer district to be provided sewers; all existing and proposed streets, watercourses, and other salient topographic features; contour lines for intervals of not more than 25 feet; and the surface elevations at street intersections and at points where changes of slope occur. The plans must show clearly the locations of all existing sanitary sewers, but need not show the locations of drains used exclusively for surface or subsoil water.

If sewers are proposed for only a part of the natural or artificial drainage areas, there must be indicated upon the plans how it is proposed, in general, to provide sewerage for each of the drainage areas in which it is not at the time planned to provide sewers. In the case of sewer extensions, the plans need show only the section wherein sewers are to be extended.

In all cases the plans must clearly show the size of the sewer, the character of the sewer material, the slope, the elevation at the location of all points of change of slope, the direction of flow, the location of all manholes, flushing manholes, inverted siphons, pumping stations, the elevations of all stream beds, the direction of stream flow, the high and low water elevations of all water surfaces and such other data and showing all profiles. The applicant shall obtain all required stream crossing permits. The applicant shall also obtain all permits and approvals from the appropriate agencies relative to soil and erosion control. A soil and erosion control plan shall be a part of the contract documents.

The detailed plans shall include plans of all sewers, regular and special sewer appurtenances, structures of all types and such other features.

Pumping Station and Treatment Plants - These plans shall be completed, detailed plans of all phases, including architectural, general, structural, mechanical, plumbing, heating and ventilating, electrical and other work, prepared in accordance with sound engineering practice. These plans shall show property lines of all sites, existing and proposed connections, existing and proposed utilities, roadways, drainage facilities and all physical features.

The plans shall provide for complete fencing of all pumping stations and treatment plants and other such facilities.

- (e) Complete detailed specifications for all work and other contract documents.

11.05.4 Plan Preparation - All final plans must be uniform in size and in accordance with requirements set forth in the Sewerage Manual of the Pennsylvania Department of Environmental Resources. The submitted construction documents must comply, as a minimum, with the following standards:

- (a) The plans shall be prepared on sheets 24 by 36 inches in size, with a one-inch border on the left side and a one-half-inch border on all other sides. A three-by five-inch title block shall be located in the lower right hand corner.

- (b) The general plan shall be on a scale not smaller than 300 feet to one inch, preferably, and not more than 100 feet to one inch. All other plans shall be drawn to a scale to permit all necessary information to be shown plainly. Sewer profiles shall be on a horizontal scale of not more than 50 feet to the inch and a vertical scale of not more than 10 feet to the inch, and plan views of sewers shall be drawn to the same scale as the profile view.
- (c) Indicate all utilities and compliance with Act 287.
- (d) Show all existing and proposed property lines.
- (e) Provide separate drawing of plan for recording with the County showing all rights-of-way, streets, etc.
- (f) If a subdivision, provide a master plan of the sewer utilities showing phased built out, if applicable

11.05.5 As-Built Plans - Subsequent to completion of the work, the applicant shall submit one (1) set of mylar as-built plans to the Authority. A disc containing the drawing in a format acceptable to the Authority shall be submitted for record. No service will be furnished or permitted to be furnished until as-built plans are submitted and approved.

11.06 Responsibility for Cost - The cost of all sanitary sewage systems and related costs shall be borne by the applicant requesting approval thereof, except, if approved, for the difference in the cost of facilities required for the proposed use and the cost of more adequate facilities that will permit additional service for other areas, the difference to be determined by the Authority's engineer.

The cost of such work shall include the following:

- (a) The cost of all sewer lines of the size required for the project, none to be less than eight inches in size, of all manholes and other sewer appurtenances.
- (b) The cost of connections to existing sewers.
- (c) The cost of all pump stations and treatment facilities, of all grading, landscaping, fencing and other work.
- (d) The cost of all land and rights of way, the rights of way and land to be conveyed to the Authority.

- (e) The cost of obtaining all permits, licenses and such other approvals.
- (f) The payment of a minimum of 15%, subject to the size and type of facilities, of the total construction costs to defray all legal, engineering and overhead costs of the Authority, if the project is to be designed and constructed by the Authority. All such costs in excess of said payment also must be paid by the applicant. The payment of a minimum of 15% of the total construction costs to defray Authority costs for the review of the plans and specifications, field work, if any, legal work, including the preparation of agreements with the Authority, administrative and such other costs in connection with the project if it is designed and constructed by the applicant.
- (g) The cost of a resident engineer or inspectors furnished by the Authority to supervise and/or inspect construction of the project or projects. Such costs shall be the per diem rate currently in effect, plus mileage costs and expenses. If the initial payment referred to in Item 11.06 (1) and 6 becomes exhausted, additional deposits shall be made in advance for two months estimated costs, and continued each two months until completion of inspection work. Such cost shall be adjusted as required at the conclusion of the project.
- (h) The payment of all tapping, customer facility, connection and other fees.

11.07

Agreement - The applicant shall enter into an agreement with the Authority, prior to final approval for and the commencement of any work. The agreement shall include but may not be limited to the following:

- (a) The cost of all work shall be paid by the applicant or owner, except as otherwise indicated.
- (b) The materials and workmanship shall be in accordance with the requirements of the Authority.
- (c) The ownership title to all sewer collection system shall be conveyed to and vested in the Authority, including easements, sewer lines, pumping and all related facilities.
- (d) The Authority shall have the right to make further extensions beyond or laterally from all sewers, such extensions not to be considered as connections subject to any refund, and the right to enlarge or improve sewage treatment facilities.

- (e) Reimbursement of any costs to an applicant for connections to the facilities installed by the applicant shall be provided only if and to the extent required by law and shall be subject to the execution and delivery of a formal reimbursement agreement.
- (f) Treatment works will not be accepted by the Authority for operation until the satisfactory operation of the facilities is assured.
- (g) The applicant shall provide permanent 20-foot wide easements, or such widths as the Authority may require, in all plans of lots for all sanitary sewers, and for future extensions as required by the Authority. Easement terms shall be subject to approval by the Authority. For sewers to be constructed outside the limits of a subdivision plan, the applicant shall obtain all required permanent easements at least 20 feet in width. All easements shall be obtained and provided at the cost of the applicant and conveyed to the Authority prior to requesting final approval of the work.
- (h) The applicant shall provide all insurance, bonds and other such items as required by the Authority.
- (i) The ownership title to all installations to be conveyed to and vested in the Authority with a Bill of Sale, except as otherwise indicated.

11.08

Security and Insurance - The applicant shall furnish, at his cost, all bonds or other acceptable security and insurance as provided herein or as required by the Authority. The general requirements shall include but not be limited as follows:

(a) Performance and Labor and Material Security

The applicant with whom an agreement is executed shall furnish to the Authority surety bonds, letters of credit or other similar type of financial security authorized by the Authorities Act in an amount equal to 100% of the estimated cost of the facilities to be installed by the applicant, all of which financial security shall be in form and substance satisfactory to the Authority and conditioned upon the prompt performance of the construction of such facilities and the prompt payment of all material furnished and all labor supplied or performed in the installation of such facilities.

(b) Maintenance Guarantee and Security

The applicant shall maintain all facilities and all work performed in good condition and repair for a period of 18 months from the date of the Authority's acceptance thereof and, as security for such maintenance, shall furnish to the Authority a surety bond, letter of credit or any other type of

financial security authorized by the Authorities Act in an amount equal to 15% of the actual cost of the facilities installed by the applicant and in form and substance satisfactory to the Authority.

(c) Insurance

The applicant shall, following the execution of the agreement, submit to the Authority certificates of insurance in accordance with the following requirements and subject to the approval and acceptance by the Authority:

1. Workmen's Compensation Insurance - The applicant shall take out and maintain during the life of the agreement workmen's compensation insurance for all of his employees employed on the project, and in case any work is sublet, the applicant shall require the subcontractor similarly to provide workmen's compensation insurance for all of the latter's employees, unless such employees are covered by the protection afforded by the applicant.
2. Public Liability and Property Damage Insurance - The applicant shall take out and maintain during the life of the agreement such public liability and property damage insurance as shall protect him and any subcontractor performing work covered by the agreement from claims for personal injury, including accidental death, as well as claims for property damage which may arise from operations under the agreement, whether such operations be by himself or by any subcontractor or by anyone directly or indirectly employed by either of them, and the amounts of such insurance shall be as follows:  
  
Public liability insurance in an amount of not less than \$100,000 for injuries, including accidental death, to any one person, in an amount of not less than \$300,000 on account of one accident; and property damage insurance in an amount not less than \$50,000 to any one person and subject to the same limit for each person, in an amount of not less than \$100,000 on account of one accident.
3. Insurance Covering Special Hazards - Hazards relative to the use of boats or other means of water travel going to or coming from the site, relative to the use of automobiles or trucks on the site or going to or coming from the site, and relative to blasting shall be covered in the same amounts by rider or riders to the public liability and/or property damage

insurance policy or policies herein elsewhere required to be furnished by the applicant or by separate policies of insurance.

11.09 Construction Specifications - The design, installation and construction of all sewers, pumping stations, sewage treatment plants and other related facilities shall be in strict accordance with the Standards of Construction and Specifications as established by the Authority, with all applicable requirements of the Borough or Township and as approved by the Consulting Engineer for the Authority.

11.10 Inspection of Construction - All construction of sewerage facilities in the Borough and Township shall be subject to inspection by representatives of the Authority during the progress of the work to assure that such construction is accomplished in accordance with the approved plans and specifications. The costs of such inspection shall be paid by the applicant.

At least 10 days prior to starting construction, the applicant shall notify the Authority of the anticipated starting date of his proposed construction and the schedule of operation through completion of the project. At the time of this notification, a meeting shall be arranged between the applicant, the construction foreman and representatives of the Authority to completely review all aspects of the construction project, prior to commencing with construction. No construction will be permitted without such a meeting.

Upon completion of the construction work, a detailed final inspection shall be made by the Authority to determine that the completed facilities have been constructed in accordance with the approved plans and specifications. Approval will not be given by the Authority until all discrepancies and deficiencies revealed by this final inspection have been satisfactorily corrected.

Inspection fees as outlined herein and in the Rules and Regulations of the Authority, the Borough and the Township shall be paid by the applicant, as previously indicated.

## SECTION XII - INDUSTRIAL PRETREATMENT

12.01 Purpose and Policy

This Section XII sets forth uniform requirements for direct and indirect contributions into the wastewater collection and treatment system (the "Wastewater System") of the Authority.

The objectives of this Section XII are to:

- (a) prevent the introduction of pollutants into the Wastewater System which will interfere with the operation of such System or contaminate the resulting sludge;
- (b) prevent the introduction of pollutants into the Wastewater System which will pass through such System, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with such System;
- (c) improve the opportunity to recycle and reclaim wastewaters and sludges from the Wastewater System; and
- (d) provide for equitable distribution of the cost of the Wastewater System.

This Section XII provides for the regulation of direct and indirect contributors to the Wastewater System through the issuance of permits to certain nondomestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established hereunder.

This Section XII shall apply to all Users (as such term is hereinafter defined) of the Wastewater System.

## 12.02

### Definitions

In addition to words and terms defined elsewhere in this Section XII, the following words and terms used in this Section XII shall have the following meanings, respectively, unless the context hereof otherwise clearly requires:

“Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

“Authority” means the Kane Borough Authority, McKean County, Pennsylvania.

“Authorized Representative of Industrial User” means (i) a principal executive officer of at least the level of vice president if the Industrial User is a corporation, (ii) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively or (iii) a duly authorized representative of any individual designated above if such representative is responsible for overall operation of the facilities from which the indirect discharge originates.

“Biochemical Oxygen Demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory

procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

“Board” means the Board of the Authority.

“Borough” means the Borough of Kane, County of McKean, Commonwealth of PA.

“Building Sewer” means a sewer conveying wastewater from the premises of a User to the Wastewater Treatment Works.

“Categorical Standards” means the National Categorical Pretreatment Standards or Pretreatment Standard.

“Cooling Water” means the water discharged from any use, such as air conditioning, cooling or refrigeration, or water to which the only pollutant added is heat and also includes non-contact cooling water.

“Commonwealth” means the Commonwealth of Pennsylvania.

“DEP” means the Pennsylvania Department of Environmental Protection.

“Direct Discharge” means the discharge of treated or untreated wastewater directly into the waters of the Commonwealth.

“Environmental Protection Agency” or “EPA” means the United States Environmental Protection Agency.

“Grab Sample” means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

“Holding Tank Waste” means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

“Indirect Discharge” means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or Section 307(c) of the Act into the Wastewater Treatment Works (including holding tank waste discharged into the Wastewater Treatment Works).

“Industrial User” means a source of indirect discharge located within the Borough which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Act.

"Interference" means the inhibition or disruption of the treatment processes or operations of the Wastewater Treatment Works which contributes to a violation of any requirement of the Authority's NPDES Permit and shall also include prevention of sewage sludge use or disposal by the Authority in accordance with Section 405 of the Act or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent Commonwealth criteria (including those contained in any Commonwealth sludge management plan prepared pursuant to Title IV of the Solid Waste Disposal Act) applicable to the method of disposal or use employed by the Authority.

"National Categorical Pretreatment Standard or Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) or 307(c) of the Act which applies to a specific category of Industrial User.

"National Prohibitive Discharge Standard or Prohibitive Discharge Standard" means any regulation developed under the authority of Section 307(b) of the Act and 40 CFR Section 403.5.

"New Source" means any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) Categorical Pretreatment Standard which will be applicable to such source if such standard is thereafter promulgated within 120 days of proposal in the Federal Register; and where the Categorical Pretreatment Standard is promulgated more than 120 days after its proposal, "New Source" means any source, the construction of which is commenced after the date of promulgation of the Standard.

"National Pollution Discharge Elimination System Permit" or "NPDES Permit" means a permit issued pursuant to Section 402 of the Act.

"Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

"pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

"Pollution" means the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

“Pretreatment” or “Treatment” means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Wastewater Treatment Works; the reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

“Pretreatment Requirements” means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

“Significant Industrial User” means any Industrial User of the Wastewater System who (i) has in its wastes toxic pollutants, as such term is defined in Section 307 of the Act or in laws and regulations of the Commonwealth or (ii) is found by the Authority to have significant impact, either alone or in combination with other contributing Industrial Users, on the Wastewater System, the quality of sludge, the Wastewater System’s effluent quality or air emissions generated by the Wastewater System.

“Standard Industrial Classification” or “SIC” means a classification pursuant the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

“Storm Water” means any flow occurring during or following any form of natural precipitation and resulting therefrom.

“Suspended Solids” means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids and which is removable by laboratory filtering.

“Toxic Pollutant” means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of Section 307(a) of the Act or other Federal legislation.

“User” means any person who contributes, causes or permits the contribution of wastewater into the Wastewater Treatment Works.

“Wastewater” means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with such unpolluted water as may be present, whether treated or untreated, which is contributed into or permitted to enter the Wastewater Treatment Works.

“Wastewater Treatment Works” means the Authority’s Wastewater Treatment Plants and any other wastewater treatment facility owned and operated by the Authority, together with all additions thereto, and shall include any sewers that convey wastewater thereto, but shall not include pipes, sewers or other conveyances not connected to a facility providing wastewater treatment, and shall include any sewers that convey wastewater to such Wastewater Treatment Works from persons who are users of the Wastewater Treatment Works by contract or agreement with the Authority.

“Waters of the Commonwealth” means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies and accumulations of water, surface or underground, nature or artificial, public or private, which are contained within, flow through or border upon the Commonwealth or any portion thereof.

“Wastewater Discharge Permit” means a permit contemplated by the provisions of Subsection 18.052 hereof.

## 12.03

### Regulations

#### 12.03.1

#### General Discharge Prohibitions

No User shall contribute or cause to be contributed, directly or indirectly, any pollution or wastewater which will interfere with the Wastewater Treatment Works. These general discharge prohibitions apply to all Users of the Wastewater Treatment Works whether or not the User is subject to National Categorical Pretreatment or other Pretreatment Requirements. No User shall contribute any of the following substances to the Wastewater Treatment Works:

- (a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the Wastewater Treatment Works or to the operation of the Wastewater Treatment Works. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the Wastewater System (or at any point in the Wastewater System) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides,

hydrides and sulfides and any other substances which the Authority, the Commonwealth or EPA has notified the User is a fire hazard or a hazard to the Wastewater System.

- (b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the Wastewater Treatment Works including, but not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- (c) Any wastewater having a pH less than 5.0 or more than 9.0, unless the Wastewater Treatment Works is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or constituting a hazard to structures, equipment or personnel of the Wastewater Treatment Works.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the Wastewater Treatment Works, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but shall not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
- (e) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (f) Any substance which may cause the Treatment Work's effluent or any other product of the Wastewater Treatment Works, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance

discharged to the Wastewater Treatment Works cause the Wastewater Treatment Works to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or Commonwealth regulations applicable to the sludge management method being used.

- (g) Any substance which will cause the Wastewater Treatment Works to be in violation of its NPDES or Commonwealth Permit or the receiving water quality standards.
- (h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (i) Any wastewater having a temperature which will inhibit biological activity in the Wastewater Treatment Works resulting in interference, but in no case wastewater with a temperature at the introduction into the Wastewater Treatment Works which exceeds 40°C (104°F) unless the Wastewater Treatment Works is designed to accommodate such temperature.
- (j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a User knows or has reason to know will cause interference with the Wastewater Treatment Works. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operation.
- (k) Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the Authority in compliance with applicable Commonwealth or Federal regulations.
- (l) Any wastewater which causes a hazard to human life or creates a public nuisance.

When the Authority determines that any User is contributing to the Wastewater Treatment Works any of the above-enumerated substances in such amounts as to interfere with the operation of the Wastewater Treatment Works, the Authority shall (i) advise such User of the impact of the contribution on the Wastewater Treatment Works and (ii) develop effluent limitations for such User to correct the interference with the Wastewater Treatment Works.

12.03.2 Federal Categorical Pretreatment Standards

Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Section XII for sources in that subcategory, shall immediately supersede the limitations imposed under this Section XII. The Authority shall notify all affected Users of the applicable reporting requirements under 40 CFR Section 403.12.

12.03.3 Commonwealth Requirements

Commonwealth requirements and limitations on discharges into the Wastewater System shall apply in any case where they are more stringent than Federal requirements and limitations or those contained in this Section XII.

12.03.4 Authority's Right of Revision

The Authority reserves the right to establish more stringent limitations or requirements on discharges to the Wastewater System if deemed necessary to comply with the objectives set forth in Subsection 18.01 hereof.

12.03.5 Excessive Discharge

No User shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Authority or the Commonwealth.

12.03.6 Accidental Discharges

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Section XII. Facilities to prevent accidental discharge of prohibited

materials shall be provided and maintained at the User's own cost and expense. Detailed plans showing facilities and operating procedures to provide such protection shall be submitted to the Authority for review and shall be approved by the Authority before the commencement of construction of the facility. All existing Users shall complete such a plan within 120 days after the effective date of this Section XII. No User who commences contribution to the Wastewater Treatment Works after the effective date of this Section XII shall be permitted to introduce pollutants into the Wastewater System until accidental discharge procedures have been approved by the Authority. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of this Section XII. In the case of an accidental discharge, it is the responsibility of the User to immediately notify the Authority of the incident. The notification shall include location of discharge, type of waste, concentration, volume and corrective actions.

Within five (5) days following an accidental discharge, the User shall submit to the Authority a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage to the Wastewater Treatment Works, fish kills or any other damage to persons or property; nor shall such notification relieve the User of any fines, civil penalties or other liability which may be imposed by this Section XII, any other provisions of the Authority's Rules and Regulations or any applicable law.

A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees of the User whom to call in the event of a dangerous discharge. Users shall insure that all of their employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

12.04

Fees

12.04.1

Purpose

It is the purpose of this Subsection to provide for the recovery of costs from Users of the Wastewater System for the implementation of the pretreatment program established in this Section XII. The

applicable charges or fees shall be set forth in the Authority's Schedule of Rates and Charges.

12.04.2 Charges and Fees

The Authority may adopt charges and fees which may include:

- (a) fees for reimbursement of costs of setting up and operating the Authority's pretreatment program;
- (b) fees for monitoring, inspections and surveillance procedures;
- (c) fees for reviewing accidental discharge procedures and construction;
- (d) fees for permit applications;
- (e) fees for filing appeals;
- (f) fees for consistent removal (by the Authority) of pollutants otherwise subject to Federal Pretreatment Standards and
- (g) other fees as the Authority may deem necessary to carry out the requirements contained herein.

Fees and charges established hereunder relate solely to the matters covered by this Section XII and are separate from all other fees and charges which may be imposed by the Authority upon Users of the Wastewater System.

12.05 Administration

12.05.1 Wastewater Discharges

It shall be unlawful to discharge without a Wastewater Discharge Permit to any natural outlet within the Borough or the Township or in any area under the jurisdiction of the Authority or to the Wastewater Treatment Works any wastewater except as authorized by the Authority in accordance with the provisions of this Section XII.

12.05.2      Wastewater Discharge Permits

12.05.2.1      General Permits

All Significant Industrial Users proposing to connect to the Wastewater System or to contribute to the Wastewater Treatment Works shall obtain a Wastewater Discharge Permit before connecting to the Wastewater System or contributing to the Wastewater Treatment Works. All existing Significant Users connected to the Wastewater System or contributing to the Wastewater Treatment Works shall obtain a Wastewater Discharge Permit as hereinafter provided.

12.05.2.2      Permit Applications

Users required to obtain a Wastewater Discharge Permit shall complete and file with the Authority an application in the form prescribed by the Authority, and accompanied by a fee as set forth in the Authority's Schedule of Rates and Charges. Existing Users shall apply for a Wastewater Discharge Permit within 90 days after the effective date of this Section XII, and proposed new Users shall apply at least 90 days prior to connecting to the Wastewater System or contributing to the Wastewater Treatment Works. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location, (if different from the address);
- (b) SIC number;
- (c) Wastewater constituents and characteristics as required by the Authority; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of contribution;

- (e) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (g) Description of activities, facilities and plant processes on the User's premises, including all materials which are or could be discharged;
- (h) Each product produced by type, amount, process or processes and rate of production;
- (i) Type and amount of raw materials processed (average and maximum per day);
- (j) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and
- (k) Any other information as may be deemed by the Authority to be necessary to evaluate the Wastewater Discharge Permit application.

The Authority will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Authority may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

#### 12.05.2.3 Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Section XII and all other applicable regulations, user charges and fees established by the Authority. Permits may contain the following:

- (a) Limits on the average and maximum wastewater constituents and characteristics;

- (b) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (c) Requirements for installation and maintenance of inspection and sampling facilities;
- (d) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (e) Compliance schedules;
- (f) Requirements for submission of technical reports or discharge reports.;
- (g) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Authority and affording Authority access thereto;
- (h) Requirements for notification of the Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the Wastewater System;
- (i) Requirements for notification of slug discharges and
- (j) Other conditions as deemed appropriate by the Authority to ensure compliance with this Section XII.

#### 12.05.2.4 Duration of Permits

Wastewater Discharge Permits shall be issued for a specified time period, not to exceed three years. A Wastewater Discharge Permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for reissuance of such User's Wastewater Discharge Permit not later than 180 days prior to the date of the expiration of such Permit. The terms and conditions of the Wastewater Discharge Permit may be subject to modification by the Authority during the term of

such Permit as limitations or requirements as identified herein are modified or other just cause exists. The User shall be informed of any proposed changes in such User's Wastewater Discharge Permit at least 30 days prior to the effective date of change. Any changes or new conditions in such Permit shall include a reasonable time schedule for compliance.

12.05.2.5 Permit Transfers

Wastewater Discharge Permits are issued to a specific User for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the prior written approval of the Authority. Any succeeding owner or User shall be subject to all of the terms and conditions of the existing Wastewater Discharge Permit.

12.05.3 Reporting Requirements

12.05.3.1 Periodic Compliance Reports

- (1) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the Wastewater Treatment Works, shall submit to the Authority copies of all base-line monitoring reports which the User is required to file with EPA or DEP.
- (2) The Authority may impose mass limitations on Users which are using dilution to meet applicable Permit Requirements, or in other cases where the imposition of mass limitations are appropriate.

12.05.4 Monitoring Facilities

The Authority shall require monitoring facilities, provided and operated at the User's expense, to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Authority may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area

and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility and all sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

All sampling and monitoring facilities shall be provided in accordance with the Authority's requirements and all applicable Borough and Township construction standards and specifications. Construction shall be completed within 90 days following written notification by the Authority.

12.05.5 Inspection and Sampling

The Authority shall inspect the facilities of any User to ascertain whether the purpose of this Section XII is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Authority and its employees, agents and representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Authority shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into the User's premises, the User shall make necessary arrangements with its security personnel so that upon presentation of suitable identification, personnel from the Authority will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

12.05.6 Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this Section XII and shall achieve compliance with the Permit Requirements within the time limitations as specified by the Federal Pretreatment Regulations or within the time limitation in any compliance schedule issued by the Authority. Any facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and

operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before the commencement of construction of the pretreatment facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provisions of this Section XII. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority prior to the User's initiation of the changes.

All records relating to pollutant levels and compliance with Permit Requirements may, at the discretion of the Authority, be made available to officials of the EPA or the DEP upon request.

## 12.06

### Enforcement

#### 12.06.1

#### Harmful Contributions

The Authority may suspend the wastewater treatment service, water service or a Wastewater Discharge Permit, or any of the foregoing, when such suspension is necessary, in the opinion of the Authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health, safety or welfare of persons, to the environment, causes interference to the Wastewater Treatment Works or causes the Authority to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service, water service or the Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Authority shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the Wastewater Treatment Works or endangerment to any person. The Authority shall reinstate the Wastewater Discharge Permit or the wastewater treatment service, or water service, as the case may be, upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Authority within 15 days of the date of occurrence.

12.06.2 Revocation of Permit

Any User who violates the following conditions of this Subsection XII or applicable Commonwealth or Federal regulations is subject to having such User's Wastewater Discharge Permit revoked in accordance with the procedures of this Section XII:

- (a) Failure of a User to factually report the wastewater constituents and characteristics of such User's discharge;
- (b) Failure of the User to report significant changes in such User's operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or
- (d) Violation of conditions of the User's Wastewater Discharge Permit.

12.06.3 Notification of Violation

Whenever the Authority finds that any User has violated or is violating this Section XII, such User's Wastewater Discharge Permit or any prohibition, limitation or requirement contained herein, the Authority may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction of such violation shall be submitted to the Authority by the User.

12.06.4 Show Cause Hearing

The Authority may order any User who causes or allows an unauthorized discharge to enter the Wastewater Treatment Works to show cause before the Board or its designee why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Board or its designee regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Board or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least (ten) days before the hearing date. Service may be made on any agent or officer of a corporation.

The Board may conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Authority to:

- (a) Issue in the name of the Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (b) Take evidence and
- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board for action thereon.

At any hearing held pursuant to this Section XII, testimony taken must be under oath and may be recorded stenographically or otherwise.

After the Board has reviewed the evidence, and recommendations, if any, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the Wastewater Discharge Permit be revoked and sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. The Authority may issue further orders or directives as are necessary or appropriate under the circumstances.

In the case of any hearing convened to consider enforcement action against a User served by another municipality or Authority, a copy of the notice of such hearing will be served on such Authority and a representative of such Authority shall be entitled to be present at and to participate in such hearing to the same extent that such representative would be entitled to participate if such representative were a member of the Board, including the right to vote on any motion involving enforcement action.

#### 12.06.5

##### Legal Action

If any person discharges sewage, industrial wastes or other wastes into the Wastewater System contrary to the provisions of this Section XII, Federal or Commonwealth Pretreatment Requirements, or any order or directive of the Authority, the

Authority may commence, or cause to be commenced, an action for appropriate legal or equitable relief in the Court of Common Pleas of McKean County, Pennsylvania.

12.07 Costs

Any User found by the Authority to be in violation of any provision of this Section XII shall pay to the Authority immediately upon demand by it an amount equal to all overhead, administrative, engineering, legal and other costs incurred by the Authority, in connection with or as a result of, directly or indirectly, any such violation, including without limitation, all fines and penalties imposed against the Authority by EPA or DEP or any court or any other governmental body having jurisdiction over the Authority.

12.08 Severability

If any provision, paragraph, word, Section, Subsection or article of this Section XII is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, Sections and Subsections shall not be affected and shall continue in full force and effect.

12.09 Conflict

All other provisions, Sections or Subsections of these Rules and Regulations inconsistent or conflicting with any part of this Section XII are hereby repealed to the extent of such inconsistency or conflict.

12.10 Effective Date

This Section XII shall become effective immediately upon its adoption by the Board of the Authority.

SECTION XIII - AUTHORITY CONTRIBUTION

13.01 Purpose and Policy

This Section XIII governs the contribution of the Authority, if any, to the cost of main sewer line extensions undertaken by land developers where the Authority, in furtherance of its comprehensive planning for sewage collection and treatment, requires the size of such lines to exceed the size of lines actually necessary for service to the developer's project.

13.02 Where the difference between the diameter size of pipe specified in a Master Plan or otherwise required by the Authority and the minimum diameter size of pipe necessary for service to a development is eight (8) inches or more, the

contribution by the Authority shall be an amount equal to the difference between the estimated cost of the acquisition, construction and installation of the pipe required by the Authority and the estimated cost of the acquisition, construction and installation of the pipe necessary for service to that development.

13.03 Where the amount of the Authority's contribution determined pursuant to Section 13.02 hereof exceeds the amount set forth in the Municipality Authorities Act relating to competition in the award of contracts, as the same may be amended from time to time, (such amount being \$10,000 on the date hereof), the Developer may elect to:

- (a) undertake the installation of the line extension and receive a contribution by the Authority in an amount equal to the amount set forth in the Municipality Authorities Act, or
- (b) request the Authority to install the line extension in accordance with the requirements of the Municipality Authorities Act and pay the costs of the line extension less a credit in an amount determined under Section 13.02 hereof, as appropriate.

13.04 In the case of an election made under Section 13.03(b) hereof, the developer will pay an amount equal to all costs of the project, including all engineering, inspection, administrative and other indirect costs, less the Authority's contribution. In addition, appropriate deposits will be obtained before design work is commenced and before the construction contract is awarded.

13.05 In all cases, the determination of the amount of the Authority's contribution by the Authority shall be final and conclusive, absent manifest error.

#### SECTION XIV - MISCELLANEOUS REGULATIONS

14.01 Authorized employees of the Authority shall have access to the customer's premises at all reasonable hours for the purpose of inspection, repair and/or replacement of service lines, service line extensions, building sewers, manholes and other appurtenances; observation, measurement, sampling and testing of sewage or industrial wastes; and all such justifiable purposes.

14.02 The Authority shall have the right to make such excavations as are required for the proper execution of the work.

14.03 No workmen, owner or tenant, or other unauthorized person shall interfere with the Authority's property, or do work on service line connections, service line extensions, building sewers and such other facilities, except in accordance with

requirements as previously set forth. The violation of the foregoing may result in termination of service, at the option of the Authority.

- 14.04 For unauthorized operation of the service installation or building sewer installation, the person owning the premises served by the line connection shall be required to pay any cost required in connection with damage to these facilities, and continuance of service is subject to such payment, although service may be terminated as previously set forth.
- 14.05 No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the Authority's sewage works facilities, including the building sewers and such other service facilities. Any person violating this provision of these Rules and Regulations shall be subject to immediate arrest under applicable provisions of the Pennsylvania Criminal Code.
- 14.06 No agent or employee of the Authority shall have the power to bind the Authority by any promise, agreement or representation not provided for in these Rules and Regulations without approval of the Board of the Authority.
- 14.07 All notices and bills relating to the Authority or its business shall be deemed to have been properly served if left upon the premises of the customer, or if mailed to the customer, directed to or left at his address, as shown on the records of the Authority.
- 14.08 The Authority will send all such notices and bills to the address given on the application for sewer service until a notice of change of address, in writing, has been filed with the Authority by the applicant.
- 14.09 All notices of general character, affecting or likely to affect a large number of customers, shall be deemed to have been properly given or served if advertised in the newspaper designated by the Authority.
- 14.10 The Authority will send notices and bills with respect to non-payment of bills by tenants, to the owner of the property involved, after service has been discontinued for non-payment of bills, such owners being responsible for payment thereof.
- 14.11 Complaints concerning service or of bills rendered must be made in writing and delivered to the main office of the Authority.
- 14.12 Nothing in these Rules, nor any contract, nor representation, verbal or written, of the Authority or any of its employees shall be taken or construed in any manner to be or constitute a guarantee to provide unreasonable sewer capacities or facilities, whether for domestic, commercial, industrial, manufacturing or other general

uses, or for any other special purposes; but the Authority will at all times and under all conditions endeavor to maintain the efficiency of its service.

- 14.13 The Authority shall have the right to restrict the use of sewers as to capacity and character of sewage.
- 14.14 Any person found to be violating any provision of these Rules and Regulations shall be served by the Authority with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- 14.15 Any person violating any of the provisions of these Rules and Regulations shall become liable to the Authority for any expense, loss or damage occasioned the Authority by reason of such violation.
- 14.16 Any of the preceding rules and regulations relating to design criteria, construction and installation specifications, advance deposits and the payment of costs and expenses incurred by the Authority, including but not limited to costs and expenses for the review of plans and specifications, resident engineering and inspection and legal services shall apply to all privately owned sewerage systems within the jurisdiction of the Authority.

## Chapter 205. Sewers and Sewage Disposal

[HISTORY: Adopted by the Borough Council of the Borough of Kane as indicated in article histories. Amendments noted where applicable.]

### GENERAL REFERENCES

Building construction — See Ch. 94.

Streets and sidewalks — See Ch. 221.

Zoning — See Ch. 250.

## Article I. Connections

[Adopted 12-6-1982 by Ord. No. A-822 as Ch. 18, Part 1, of the 1982 Code]

### § 205-1. Connections required.

Every owner of property in the Borough of Kane whose property abuts upon any accessible public sanitary sewer presently in existence or to be constructed in the future shall connect, at its own cost, the house, building or other structures located on said property with the aforementioned public sanitary sewers for the purpose of disposing of all acceptable sanitary sewage emanating from said property.

### § 205-2. Other systems prohibited.

It shall be unlawful for any owner, lessee or occupier of any property in the Borough of Kane abutting upon any public sanitary sewer to employ any means, either by septic tank, cesspool, privy vault, mine hole or otherwise, for the disposal of acceptable sanitary sewage other than into and through said public sanitary sewers.

### § 205-3. Notification to connect.

Where any house, building or structure in the borough abutting any public sanitary sewer is now or hereafter may be using any method for the disposal of sanitary sewage other than through said public sanitary sewers, it shall be the duty of the Borough Secretary or such other person as shall be authorized by the Borough Council to notify the owner, lessee or occupier of such structure, in writing, either by personal service, certified mail or registered mail, to disconnect the same and make proper connection for the discharge and disposal of all acceptable sanitary sewage through said public sanitary sewers, as herein provided, within 45 days after receipt of such notice.

### § 205-4. Connection of other systems prohibited.

No privy vault, cesspool, septic tank, mine hole or similar receptacle for human excrement shall at the present time or at any time hereafter be connected with the aforesaid public sanitary sewers.

### § 205-5. Permit; fee.

[Amended 7-6-1993 by Ord. No. A-890]

No person, firm or corporation shall make or cause to be made any connection with any of the aforementioned public sanitary sewers , or any such sewers hereafter constructed, until he has made proper application and received a permit therefor from the borough, and has paid such permit fee as may from time to time be established by Council.

## § 205-6. Specifications; copies on file.

The construction of all building sewer lines or house service sewers shall be done in accordance with the specifications, plans and procedures established by the borough, as the same may from time to time published and amended, copies of which shall be placed on file with the Borough Secretary.

## § 205-7. Completion of work by borough; collection of costs.

If the owner or owners of any occupied houses, buildings or structures in the borough shall neglect or refuse to comply with the provisions of this article or the written notice as prescribed in § 205-3 hereof, the borough may perform or cause to be performed such work and labor, and furnish or cause to be furnished such material as may be necessary to comply with the provisions of this article at the cost and expense of such owner or owners, together with 10% additional thereof and all charges and expenses incidental thereto, which sum shall be collected from said owner or owners for the use of the borough as debts are by law collectible, or said borough may, by its proper officer, file a municipal claim or lien therefor against said premises as provided by law.

## § 205-8. Discharge of certain substances regulated.

- A. Normal domestic sewage shall be those wastes having a suspended solids content of less than 250 ppm, a chlorine demand not to exceed 50 ppm, and a five-day, 20° centigrade, BOD of 250 ppm or less.
- B. "Acceptable sanitary sewage" is defined as that sewage or industrial waste which shall not:
- (1) Have a temperature higher than 100° F.;
  - (2) Contain more than 120 ppm by weight of tar, oil or grease;
  - (3) Contain any gasoline, benzine, naphtha, fuel oil or other inflammable or explosive liquids, solids or gases;
  - (4) Contain any garbage which has not been ground up by household type or other suitable garbage grinders;
  - (5) Contain any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood paunch manure, cotton, wool, or other fibers, or any other solid or viscous substances capable of causing interference with the proper operation of the sewer system;
  - (6) Have a pH lower than 6.5 or higher than 9.0, or have any other corrosive property capable of causing damage or hazards to structures, equipment or personnel of the sewer system;
  - (7) Contain concentrations of chemical substances in excess of the following:

| <b>Type</b>         | <b>Amount</b> |
|---------------------|---------------|
| Phenol compounds    | 1 ppm         |
| Cyanedes (CN)       | 1 ppm         |
| Cyanates (CNO)      | 10 ppm        |
| Iron (Fe)           | 5 ppm         |
| Trivalent Chromium  | 3 ppm         |
| Hexavalent Chromium | 0.5 ppm       |
| Nickel (Ni)         | 3 ppm         |
| Copper (Cu)         | 2 ppm         |

| Type      | Amount |
|-----------|--------|
| Zinc (Zn) | 2 ppm  |

- (8) Contain noxious or malodorous gases or substances capable of creating a public nuisance.
- C. The Borough reserves the right to refuse permission to connect, to compel discontinuance of use, or to compel pretreatment of industrial wastes or unacceptable sanitary sewage in order to prevent discharges deemed harmful or to have a deleterious effect upon any portion of the sanitary sewer system and treatment facilities. The Borough also reserves the right to require any users having large variations in rates of waste discharge to install acceptable regulating devices for equalizing waste flows at the user's expense. The Borough's representatives shall have access at all reasonable times to all premises in the Borough to inspect and test any meters used for establishing or determining water consumption, water excluded from the sewer system, and sewage or waste waters discharged to the sewer system from said premises.

## § 205-9. Violations and penalties.

In addition to any penalty hereinabove prescribed, any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be fined not more than \$300, or be sentenced to undergo imprisonment of not more than 30 days in the county jail.

## Article II. Rates

[Adopted 12-6-1982 by Ord. No. A-822 as Ch. 18, Part 2, of the 1982 Code]

## § 205-10. Schedule of rates.

[Amended 1-21-2002; 1-7-2008 by Res. No. 1-08]

- A. The schedule of rates for the monthly sewer billings will be as follows:

- (1) Meter size 5/8 inch:

| Volume (gallons) | Rate                        |
|------------------|-----------------------------|
| 0-2,000          | \$37.27                     |
| 2,100-10,000     | \$0.60 per hundred gallons  |
| 10,100-30,000    | \$0.665 per hundred gallons |
| 30,100 and over  | \$0.726 per hundred gallons |

- (2) Other meter sizes:

| Volume (gallons) | Rate                        |
|------------------|-----------------------------|
| 0-2,000          | \$74.54                     |
| 2,100-10,000     | \$0.60 per hundred gallons  |
| 10,100-30,000    | \$0.665 per hundred gallons |
| 30,100 and over  | \$0.726 per hundred gallons |

- (3) Flat rates: \$60.50 per month.

- B. All rates for each calendar month shall be subject to a penalty of 5% on any unpaid balance (excluding any prior penalty fees) if not paid within 15 days of the date of the bill.
- C. A one-time annual pool credit will be credited to customers showing an increase in average consumption of at least 5,000 gallons. The credit of \$0.60 per hundred gallons will be calculated using the number of gallons

above the average consumption on the bill reflecting the increased usage, not to exceed \$35.

## § 205-11. Bills; payment.

Bills for said sewer service shall be rendered at the time, in the manner and in the form to be prescribed by the Borough. All bills for sewer services shall be rendered to the owner or tenant of the premises to which the sewer service is furnished. If any tenant of premises fails to pay any such bill within 45 days following its due date, the Borough shall give notice of such nonpayment to the owner of said premises and such owner shall be liable for payment of such bill.

## § 205-12. Responsibility for sewer system to be borne by Borough.

The Borough Council shall have ultimate responsibility for management of the sewer system and it shall issue such rules and regulations governing the use, operation and maintenance of said sewer system as from time to time shall be deemed necessary.

## § 205-13. Collection of charges; deposit into sewer fund.

The Borough shall collect and receive all sewer rates and charges prescribed by this article. All such moneys shall be deposited to the credit of a special fund, to be designated the "Kane Borough Sewer Revenue Fund," pursuant to the terms of the aforesaid Agreement of Lease,<sup>[1]</sup> which shall be a separate and distinct fund of the Borough of Kane.

[1] *Editor's Note: The Agreement of Lease is on file in the Borough offices.*

## § 205-14. Effective date for rates.

The sewer rates imposed by this article shall become effective upon substantial completion of the construction of and initial operation of the sewage treatment plants, but in no event later than for all of the calendar quarter of the year beginning on October 1, 1967.

# Article III. Industrial Waste Rules and Regulations

[Adopted 1-9-1989 by Ord. No. A-869]

## § 205-15. Definitions.

A. As used in this article, the following terms shall have the meanings indicated:

### **ABNORMAL WASTES**

Any waste having a suspended solids content or BOD in excess of that normally found in municipal sewage. For the purpose of this article, a waste containing more than 250 mg/l of suspended solids, or having a BOD in excess of 250 mg/l, shall be considered abnormal waste.

### **ACT or THE ACT**

The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended.

### **AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER**

An authorized representative of industrial user may be:

- (1) A principal executive officer of at least the level of vice president if the industrial user is a corporation;

- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.

**BIOCHEMICAL OXIDATION DEMAND (BOD)**

The quantity of the oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure after five days at 20° C., expressed in milligrams per liter (mg/l).

**BOROUGH**

The Borough of Kane, County of McKean, Kane, Pennsylvania.

**BOROUGH ENGINEER**

The firm of Hill Engineering, Inc., of North East Pennsylvania, or such other engineering firm or engineer as may at the time be duly appointed by the borough.

**BUILDING SEWER**

The private sewer between a point five feet outside the exterior wall of an occupied building and the service tap provided at the public sanitary sewer and all private extensions thereof.

**CATEGORICAL STANDARDS or NATIONAL CATEGORICAL PRETREATMENT STANDARDS**

Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Act which applies to a specific category of industrial users.

**CONTAMINATE**

To change the characteristics of the waste to the extent that normal POTW effluent, sludge, and/or gaseous emissions qualities are no longer acceptable for discharge or cause interference with normal POTW processes or performance.

**COUNCIL**

The Borough Council of the Borough of Kane.

**DISCHARGE**

The introduction of nondomestic pollutants from any source into the POTW.

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

The U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator of said agency.

**EQUALIZATION**

The on-site storage of wastewaters and the controlled rate of discharge of the same to the public system.

**GARBAGE**

Solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

**INDUSTRIAL USER**

A source of discharge to the POTW.

**INDUSTRIAL WASTE**

The liquid waste streams from industrial manufacturing, trade, or commercial business processes as distinct from sanitary sewage.

**INTERFERENCE**

The inhibition or disruption of the POTW treatment processes or operations which causes or significantly contributes to a violation of a requirement of the borough's NPDES permit (including an increase in the magnitude or duration of a violation). The term includes prevention of sewage sludge use or disposal by the POTW in accordance with § 450 of the Act, or any criteria, guidelines, or regulations developed

pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria applicable to the method of disposal or use employed by the POTW.

**MANAGER**

The chief administrative officer of the borough responsible for local administration of Council regulations.

**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or NPDES PERMIT**

A permit issued pursuant to § 402 of the Act.

**OCCUPIED BUILDING**

Any structure erected and intended for continuous or intermittent habitation, occupancy or use by human beings or animals and from which structure, as a result of such occupancy, sanitary sewage and/or industrial wastes may be discharged.

**PERMIT**

Any contract or agreement between the borough and the user of the POTW which establishes allowable limits and source specific regulations developed from the general requirements defined herein.

**PERSON**

Any individual, partnership, copartnership, firm, company, corporation, association, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

**pH**

The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in equivalent moles per liter of solution.

**POLLUTANT**

Any dredged spoil, solid waste, incinerator residue, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged to the POTW.

**POLLUTION**

The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

**POTW PRETREATMENT PROGRAM**

That program described in the U.S. Environmental Protection Agency's General Pretreatment Regulations (40 CFR 403).

**PRETREATMENT or TREATMENT**

The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharging to the POTW.

**PUBLICLY OWNED TREATMENT WORKS (POTW)**

A treatment works as defined by § 212 of the Act, which is owned and/or operated by the borough. This definition includes any publicly owned sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to the facility providing treatment. For the purposes of this article, "POTW" shall also include publicly owned sewers that convey wastewaters to the POTW from persons outside the Borough of Kane who are by contract, or agreement, users of the POTW.

**SLUG**

Any discharge of water, sewage, industrial waste, or combination thereof, which in concentration of any given constituent or quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the average strength or flow rate during normal operations.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC)**

A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget 1972.

**STATE**

Commonwealth of Pennsylvania.

**STORMWATER**

Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**SUSPENDED SOLIDS**

The suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering according to standard approved methods.

**UPSET**

An exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with the standards set forth hereto due to factors beyond the reasonable control of the user, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

**USER**

Any person who contributes, causes or permits the contribution of wastewater into the borough's POTW.

**WASTEWATER**

The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water and stormwater which is permitted to enter the POTW.

**WATERS OF THE STATE**

All streams, lakes, ponds, marshes, watercourses, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

**TOWNSHIP**

The Township of Wetmore, Pennsylvania, agencies thereof or other municipal jurisdictions on a regional basis who utilize public sewer/treatment facilities of the borough, now or in the future, are required to adopt, administer and enforce general sewer use regulations and industrial waste regulations comparable to those now or hereinafter in effect in the borough.

- B. Shall is mandatory; may is permissive.

## § 205-16. Industrial user requirements.

- A. Application. Subject to the availability of reserve POTW capacities for industrial waste use, proposals to discharge industrial wastes to the public sewers at Kane shall be reviewed pursuant to the provisions of these industrial waste rules and regulations hereinafter referred to as the "regulation." The potential benefits of treating certain compatible industrial wastes in combination with domestic wastes are well documented. The borough's public sewer system customer base is primarily residential, however, and no industrial wastes are to be discharged to the public sewers on and after the effective date of this regulation without due process. Such processes and procedures prerequisite to discharge of any industrial waste or abnormal waste, as distinct, involve service of written notice of request to discharge to the POTW by the industrial user to the borough. On receipt of such written notice, the borough shall advise the authorized representative of the industrial user of data required to facilitate municipal review of the potential to receive such industrial wastes with or without pretreatment and/or equalization by the industrial user and the impacts to result therefrom. All such data required by the borough including, but not necessarily limited to, Standard Industrial Classification (SIC), description of the process(es) producing the industrial waste, quantification of the volume of wastes involved, and independent laboratory analyses to confirm quantitative chemical composition of the industrial waste stream, shall be acquired by and at the sole expense of the industry proposing to discharge and filed with subsequent application for permit to discharge.

- (1) On and after the effective date of this regulation, a special industrial waste discharge permit is required for all industrial establishments discharging or proposing to discharge industrial process wastewaters to the public sanitary sewer system. No industrial waste may be discharged to the public sewer system unless an industrial waste discharge permit has been duly issued by the borough. Specifically, no industrial establishment shall discharge industrial wastes to the public system of sanitary sewers until written application for a permit to discharge industrial wastes has been filed with and duly approved by the Borough Council and permit/conditional discharge agreement has been issued and duly executed between the borough and the industrial user's authorized representative.
- (2) Applications for an industrial waste discharge permit shall be in typewritten form and shall contain the following information as a minimum:
  - (a) Name of owner.
  - (b) Name and address of industrial facility producing the wastes and SIC designation(s).
  - (c) Description of process(es) producing the waste stream.
  - (d) Plot plan to scaled dimensions showing on-site plumbing in relation to process facilities and proposed connection to public sanitary sewer system.
  - (e) Volume, constituents, and chemical characteristics of the proposed waste including average daily volume and peak rates of flow to the public system. All wastewater characteristics shall be established by independent laboratory analyses conducted in accordance with Standard Methods procedures.
  - (f) Detailed plan and mode of operation to be employed to prevent accidental spills or discharge of prohibited materials including elimination of or protection of potential entry points under a Preparedness, Prevention and Contingency (PPC) Plan to be adopted, implemented and practiced by the industry.
- (3) To expedite permit review/approval, industrial users are encouraged to coordinate development of application data with the borough's consulting engineers. Upon review of the application, the borough may request additional information or approve or disapprove the application. All borough decisions will be forwarded to the applicant in writing. Where borough refusal of permit request is indicated, an explanation of the conditions leading to such decision will be given the applicant, as well as an opportunity for the applicant to file additional data for borough review and/or to request a hearing before the Borough Council, provided that written request for a hearing is filed by the applicant/industry within 30 days of the date of decision notice as issued by the borough. Any disagreements between the borough and any industrial user which cannot be resolved locally to the satisfaction of either party may be referred to the Pennsylvania Department of Environmental Resources for review.
- (4) Upon receipt of adequate waste stream documentation, the borough, with the advice of its consulting engineers, shall notify the industrial establishment of borough decision to:
  - (a) Reject the waste discharge.
  - (b) Conditionally allow the waste discharge as proposed.
  - (c) Conditionally allow the waste discharge subject to on-site rate of flow control (equalization), monitoring, and/or pretreatment by and at the industrial user's expense.
- (5) Borough Council decisions to approve any application for industrial waste discharge(s) are directly dependent on numerous factors, including but not necessarily limited to reliable, comprehensive, and timely documentation of waste characteristics by the industrial purveyor; determinations by the borough that such wastes, with or without pretreatment and/or flow equalization, are amenable to treatment in combination with domestic wastes at the receiving POTW; that adequate surplus capacities are available in the public sanitary sewer system or that the permittee will pay the capital value of required POTW additions; and that the waste purveyor is a reliable entity prepared to acquire on-site monitoring or other facilities at its expense and pay its fair share of public sewer system operating and maintenance costs. Additionally, wastes or establishments falling within categorical standards as now or hereinafter

promulgated by the U.S. Environmental Protection Agency under 40 CFR 403 or statewide pretreatment regulations as may be developed by the State of Pennsylvania will require the purveyor of the proposed industrial waste to comply with all such federal/state regulations and procedures prior to discharge to the borough's public sanitary sewer system. Compliance with such federal/state regulations will be viewed as a prerequisite to borough action to authorize any industrial waste discharge from establishments subject to categorical pretreatment standards. All such compliance actions including, but not necessarily limited to, baseline reports, schedule development, design and construction of pretreatment facilities, etc., will be accomplished by and at the sole expense of the industry and without cost or obligation whatsoever unto the borough.

- B. Authorization. In any instance where the borough allows an industrial waste discharge, such authorization for discharge will be issued in the form of a conditional discharge agreement drawn by the borough with the advice of its solicitor and consulting engineers and executed by the purveyor of the industrial waste and the borough. The conditional aspect of any such industrial waste discharge agreement(s) shall reserve solely unto the borough the right to terminate the offering of public sewer service to the industrial establishment at any time upon determination of just cause and with reasonable advance notice of intent to terminate.
- (1) By such agreement(s), the industrial discharger shall assume the full burden and responsibility of and pay all costs related to acquisition of regulatory agency support approvals, on-site pretreatment and/or flow monitoring/regulating (equalization) facilities, independent laboratory sampling, testing, and analyses services, source composite sampling/testing equipment and systems, Preparedness, Prevention and Contingency (PPC) Plan development and administration, and related features or facilities as may be required by the borough or any state/federal agency of jurisdiction. In addition, but not necessarily limited hereto, agreement(s) for conditional discharge of industrial wastes shall set sewer service charges and may impose special capital contribution levies to be paid by the industrial user. Special capital contribution levies, if any, against industrial establishments connecting after the effective date of this regulation shall, subject to final determination by the borough, be equivalent to the proportional principal amount of debt redemption prepaid by the borough on the POTW capacity component to be now obligated to and assumed by the industrial discharger, such proportional factor to be the ratio of industry obligated flow and/or organic capacity to the total design flow/organic capacities of the receiving POTW. Sewer service charges will, in consideration of industrial waste volumes and strengths, be set so as to adequately compensate the borough for the industrial waste stream specific service rendered to the industrial discharger in proportion to sewer service charges then or thereafter in effect for domestic customers on the borough's public sewer system. Capital contribution levies, if any, are payable in full to the borough by the industrial user on or before the date of first discharge to POTW pursuant to discharge agreement terms, while industrial user charges are payable in accordance with terms of billing and collecting in effect for all customers. The industrial discharger shall own, operate, maintain, and pay all costs relating to on-site facilities including pretreatment systems as required. In addition, the industrial discharger shall be assessed and required to pay the capital costs of expanded POTW facilities or special process equipment/systems to the extent that the same are required in order to provide capacity and capability within the POTW to accommodate and treat the proposed industrial waste stream.
  - (2) Industrial waste permits/agreements will be issued conditionally for a two-year period subject to rights of cancellation unto the borough at any time upon 10 days' advance notice of noncompliance with permit limitations and/or conditions, and further subject to revision or modification of permit terms or conditions at the borough's option where required to reasonably protect the waters of the state.
  - (3) Under any notification of noncompliance, the borough may require immediate cessation of the industrial waste discharge or portions thereof determined to be in violation, and/or the borough may require the industry to submit a schedule for achievement of compliance including steps or modifications to be taken to prevent recurrence. Under conditions of noncompliance, continuance of discharge on a temporary basis would be allowed by the borough only if the industry is actively pursuing and making reasonable progress towards full compliance achievement. Any borough notices hereunder shall be filed in writing and the industrial establishment shall have 10 days from date of personal service of such notice(s) to respond to the noted conditions of noncompliance. Where industrial response is not received, public sewer service shall be terminated.
  - (4) Industrial waste permits/agreements, if issued by the Borough Council, shall detail the requirements for on-site monitoring, allowable flow/strength limitations, source pretreatment and/or flow equalization prior

to discharge to the public system of sanitary sewers, procedures for notification and compliance, permit term and procedures for renewal/revocation, and penalties for noncompliance. Any permit so issued shall not be assigned, transferred, or sold without the concurrence of the Borough Council. Each industrial discharger is required to file for a permit modification prior to altering the waste discharge characteristics or exceeding limitation imposed by permit of record.

- (5) In addition, permits/agreements with industries shall stipulate the specific amount of treatment plant hydraulic and organic capacity allocated to the specific industrial waste source. Each permit shall also require industrial establishment notification of the borough immediately upon the accidental upset, spill, or discharge of wastes in violation of permit or document limitations. The initial notice of noncompliance shall be followed within 10 days of the date of occurrence by a detailed written industry statement describing the cause(s) and measures being taken to prevent recurrence. Such notifications shall not, however, relieve the industrial account from full responsibility for all damages or claims of any kind arising out of such noncompliance. All industrial establishments shall conspicuously post throughout their plant facilities notices advising employees of those persons and/or agencies to contact in case of accidental discharge in violation of this document or industrial waste discharge permits or agreements, as applicable.
- C. Maintenance. Where pretreatment, flow equalization, composite sampling, and/or flow metering facilities are required by the borough in conjunction with granting of a permit for any industrial waste stream, they shall be acquired, operated, and maintained continuously in satisfactory and effective working order by and at the sole expense of the owner of the industrial premises served.
- D. Control structure. The owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole or structure together with such necessary meters and other appurtenances in the building sewer as will be required by the borough to facilitate observation, composite sampling, and flow measurement of wastes. Such control structure and metering facilities shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Borough Engineer. The control structure and metering facilities shall be installed by the industrial user at his expense, and shall be maintained by him so as to be safe, accessible, and in good operating condition at all times.
- E. Violation. On and after the effective date of this regulation, the discharge of industrial waste to the public sanitary sewer system without a borough-issued permit/agreement authorizing the same and state/federal regulatory agency approvals, as applicable, shall constitute a violation hereof. Any such violation shall be processed for remedy pursuant to the provisions hereof and penalty/damage assessments as stipulated herein. Existing industrial establishments now connected to the public sewer system and discharging untreated wastes without having in place an agreement with the borough to do so shall within 90 days of the effective date of this article file a written request to discharge with the borough, including all support documentation required by the provisions of this regulation.

## § 205-17. General discharge prohibitions.

- A. Quantities. No user shall discharge or cause to be discharged any pollutant or wastewater in such quantities which will interfere with the operations and performance of the POTW. These general prohibitions apply to all users of the POTW whether or not the user is subject to National Categorical Pretreatment Standards.
- B. Waters not to be discharged to POTW. A user shall not discharge any of the following described waters or wastes to the POTW:
- (1) Any unpolluted stormwater, surface water, groundwater, roof runoff, drainage, uncontaminated cooling water, or other unpolluted industrial process waters.
  - (2) Any liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or the processes of the POTW.
  - (3) Any gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, undistilled alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and any other substances which

the borough, the state, or the EPA has notified the user is a flammable and/or explosive liquid, solid, or gas fire hazard to the POTW.

- (4) Any waters or wastes containing toxic or poisonous solids, liquids, or gaseous pollutants in sufficient quantity, either singly or by interaction with other pollutant wastes, to: significantly impair or interfere with any wastewater treatment process; constitute a hazard to humans or animals; create a public nuisance, toxic effect, or hazard in the receiving waters of the sewage treatment plant; exceed a specified pollutant limitation in the wastes as discharged to the public sewer; exceed a limitation set forth in Categorical Pretreatment Standards; or be classified as a hazardous waste (unless approved by contract).
- (5) Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or displaying any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the plant.
- (6) Any water or wastes at a flow rate and/or pollutant level which is excessive over relatively short periods or classified as a slug load, which are sufficient in the opinion of the borough with advice of its consulting engineers to cause hydraulic overload, interference and/or loss of treatment efficiency in the POTW.
- (7) Solid or viscous substances capable of impairing the hydraulic capacity of the sewer system, or causing interference with the proper operation of the POTW, such as, but not limited to: grease, garbage with particles greater than 1/2 inch in any dimension, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, wood, unground garbage, whole blood, paunch manure, hair and fleshing, animal entrails or tissues, paper dishes, cups, milk containers, plastics, inert materials, garden refuse, spent lime, grass clippings, asphalt residues, and polishing wastes.
- (8) Any noxious or malodorous liquids, gases, or solids which either singly or by interactions with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the public sewers for normal maintenance and repair purposes.
- (9) Any substances which may cause the POTW effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse, or to detrimentally affect solids processing or interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act and criteria, guidelines, or regulations affecting sludge use or disposal development pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management methods being utilized or implemented.
- (10) Any liquid or vapor having a temperature higher than 150° F. (65° C.) or in such quantity that the temperature of influent at the sewage treatment plant exceeds 104° F. (40° C.).
- (11) Any water or wastes containing fats, wax, grease, or oils in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.)
- (12) Any liquid containing strong acid iron or similar pickling wastes, or concentrated plating or stripping solutions and residues.
- (13) Any waters or wastes containing iron, chromium, copper, nickel, zinc, and similar heavy metals, phenols, or toxic/hazardous substances as defined in Section 311(b)(4) of the Act, similar substances subject to EPA toxicity testing procedures, and/or those which may be subsequently declared for mandatory exclusion or pretreatment via State of Pennsylvania Department of Environmental Resources pretreatment regulations or Categorical Standards, promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, pursuant to federal regulation 40 CFR 403 in quantities exceeding values experienced with normal domestic sewage.
- (14) Any water or wastes containing color in excess of 150 true color units; subject, however, to limits of direct dilution capabilities of the public sewer system as the borough may determine with the advice of the Borough Engineer and the State of Pennsylvania Department of Environmental Resources in order to protect the receiving waters.
- (15) Any waters or wastes exceeding the average strengths and composition of sanitary sewage as defined herein, except by borough-issued permit.

- (16) Any waters or wastes containing radioactive materials or isotopes of such half-life or concentration as may exceed limits set by the borough in compliance with applicable state/federal regulations as now, or hereinafter, in effect.
- (17) Waters or wastes containing any substances which are not amenable to treatment or biological reduction by the POTW process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of regulatory agencies having jurisdiction for establishment and enforcement of effluent quality limitations for POTW discharges to receiving waters.
- (18) Any waters or wastes specifically or categorically:
- (a) 25.0 mg/l Aluminum (total).
  - (b) 5.0 mg/l Arsenic (total).
  - (c) 100.0 mg/l Barium (total).
  - (d) 1.3 mg/l Cadmium (total).
  - (e) 4.0 mg/l Chrome (total).
  - (f) 3.0 mg/l Copper (total).
  - (g) 5.0 mg/l Cyanide (total).
  - (h) 5.0 mg/l Iron (total).
  - (i) 2.0 mg/l Lead (total).
  - (j) 1.0 mg/l Mercury (total).
  - (k) 4.0 mg/l Nickel (total).
  - (l) 15.0 mg/l Phenolic compounds which cannot be removed by the borough's wastewater treatment processes.
  - (m) 15.0 mg/l Phosphates.
  - (n) 1.0 mg/l Selenium (total).
  - (o) 5.0 mg/l Silver (total).
  - (p) 2.0 mg/l Tin (total).
  - (q) 3.0 mg/l Zinc (total).
  - (r) 100.0 mg/l fats, oils and grease.

## § 205-18. Special agreements and waivers.

- A. Special agreements. No statement contained in these regulations shall be construed as preventing any special agreement or arrangement between the borough and any industrial user whereby compatible industrial waste discharges of unusual strength or character may be accepted by the borough for treatment, subject to borough-stipulated capital and usage changes by the industrial user. However, in no instance will a waiver be granted by the borough which would result in a violation of any federal, general, or categorical pretreatment standard or prohibition then in effect or subsequently promulgated.
- B. Waivers. The borough does reserve the right to grant a waiver to any person for any specific limit contained in § 205-17B(1) through (18), when it can be demonstrated by the industrial user to the satisfaction of state/federal regulatory agencies of jurisdiction that such waiver will not result in contravention of state receiving water quality standards, violation of any of the remaining prohibited discharges as set forth in said

§ 205-17B(1) through (18), cause interference of the borough's POTW facilities, or adversely impact on borough sludge disposal. The following factors may be used in granting waivers:

- (1) Compliance with the limit would result in a removal cost wholly out of proportion to the environmental benefits achieved.

## § 205-19. Powers and authority of personnel.

Representatives of the Commonwealth of Pennsylvania Department of Environmental Resources, United States Environmental Protection Agency and the borough's designated agents, manager, employees, building sewer inspector(s) and/or borough engineers, bearing proper credentials and identification, shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this regulation. However, no state, federal, or borough representative is with authorization to inquire into any proprietary processes including, but not necessarily limited to, metallurgical, chemical, oil refining, ceramic, fruit processing, paper, or other industries, beyond that point having a direct bearing on the kind, source, quantity, and qualities of waste discharges to the public sanitary sewers for waste treatment by the borough POTW.

## § 205-20. Violations and penalties.

Any person or party violating any of the provisions of this regulation shall, upon conviction before a District Magistrate having jurisdiction, be subject to a fine or penalty of not less than \$25 nor more than \$500 for each offense, to be collected as fines or penalties as recoverable by law, and whenever such person or party shall have been notified in writing by the borough or by the service of a summons in a prosecution that they are violating a provision of this regulation, each day that such person or party will continue such violation after such notice shall constitute a separate offense punishable by a like fine or penalty. In addition to fines or penalties imposed, persons or parties violating any provision of this regulation shall pay attorneys' fees and related expenses of litigation incurred by the borough in conjunction with appropriate suit(s) at law against such persons or parties found to have violated this regulation or any provision hereof.

## Article IV. Holding Tanks

[Adopted 10-15-1996 by Ord. No. A-920]

### § 205-21. Purpose.

The purpose of this article is to establish procedures for the use, construction and maintenance of existing and new holding tanks designed to receive and retain sewage, whether from residential or commercial uses, and it is hereby declared that the enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this borough. These holding tanks are only a temporary means of disposing of sewage and are only permitted for a period of one year. The owner, within that one-year period, shall construct a permanent means of sewage disposal.

### § 205-22. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this article shall be as follows:

#### **BOROUGH**

The Borough of Kane, McKean County, Pennsylvania.

#### **HOLDING TANK**

A watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water-carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at

another site.

**IMPROVED PROPERTY**

Any property within the borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

**OWNER**

Any person vested with ownership, legal or equitable, sole or partial, of any property located in the borough.

**PERSON**

Any individual, partnership, company, association, corporation or other group or entity.

**SEWAGE**

Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

## § 205-23. Rights and privileges granted.

The Borough Manager is hereby authorized and empowered to undertake within the borough the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

## § 205-24. Adoption of rules and regulations.

The Borough Manager is hereby authorized and empowered to adopt such rules and regulations concerning sewage which he may deem necessary from time to time to effect the purposes herein.

## § 205-25. Rules and regulations to be in conformity with applicable law.

All such rules and regulations implemented by the Borough Manager shall be in conformance with the provisions herein, all other ordinances of the borough, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

## § 205-26. Rates and charges.

The borough shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law with regards to holding tanks.

## § 205-27. Exclusiveness of rights and privileges.

- A. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the borough, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- B. The borough will receive, review and retain pumping receipts from permitted holding tanks.
- C. The borough will complete and retain annual inspection reports for each permitted tank.

## § 205-28. Duties of improved property owner.

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this or any ordinance of this borough, the provisions of any applicable law, and the rules and regulations of the borough and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the borough or its agent to inspect holding tanks on an annual basis.
- C. Permit only the borough, its agent or an approved septic hauler to collect, transport, and dispose of the contents therein according to a pumping schedule, as described in Appendix A.<sup>[1]</sup>

[1] *Editor's Note: Appendix A is on file in the borough offices.*

- D. Construct permanent sewer facilities, that are approved by the borough, within a period of one year of the date of issuance of the permit for the holding tank.

## § 205-29. Violations and penalties.

Any person who violates any provisions of § 205-28 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than \$100 and not more than \$300, and, in default of said fine and costs, to undergo imprisonment in the county prison for a period not in excess of 30 days.

## § 205-30. Abatement of nuisances.

In addition to any other remedies provided in this article, any violation of § 205-28 above shall constitute a nuisance and shall be abated by the borough by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

## § 205-31. Special conditions.

The borough reserves the right to attach special conditions to any or all holding tank permits, prior to issuance, for the purposes of defining conditions specific to each permit, such as pumping schedules, rates and posting of certain bonds to guarantee construction of permanent disposal facilities.

## Article V. Sewer Use

[Adopted 3-9-1998 by Ord. No. A-929]

## § 205-32. Purpose and policy.

- A. The objectives of this article are:
  - (1) To prevent the introduction of pollutants into the Borough of Kane's (borough) wastewater collection and treatment system which will interfere with its operation, contaminate the biosolids generated at the wastewater treatment plant, or will otherwise be incompatible with the system.
  - (2) To prevent the introduction of pollutants into the borough's wastewater collection and treatment system which will be inadequately treated and thus will pass through the system into the receiving waters or the atmosphere
  - (3) To protect the environment, the general public and borough personnel against the hazards associated with discharges of toxic or otherwise incompatible pollutants into the sewer system.

- (4) To improve the opportunity to recycle and reclaim industrial wastewaters and biosolids from the wastewater treatment system.
  - (5) To provide for equitable distribution of the cost for the development and implementation of the borough's Industrial Pretreatment Program, and other improvements to the wastewater collection and treatment system.
  - (6) To help assure borough compliance with its National Pollutant Discharge Elimination System (NPDES) permit, biosolids use and disposal requirements, the Clean Water Act, the general pretreatment regulations, and any other state or federal laws with which the borough must comply.
- B. This article will be implemented by the borough through issuance of permits to those industrial/commercial users deemed a significant industrial user, through monitoring, reporting, and enforcement of this article with these significant industrial users; and through enforcement of general requirements for all other users. This article also assumes that the capacity of the sewer system allocated to existing customers will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
  - C. This article shall apply to persons located both within and outside the borough's political jurisdiction, who are users or significant industrial users of the collection system serviced by the borough. Except as otherwise provided herein, the provisions of this article shall be administered and enforced by the borough.
  - D. Nothing contained in this article shall be construed as preventing any special agreement or arrangement between the borough and any significant industrial users within the borough, allowing a waste of unusual strength or character to be accepted by the borough through special agreements in writing, executed prior to such acceptance, containing safeguards, limitations, and conditions acceptable to the borough. Any such agreement or arrangement shall not allow a discharge that exceeds categorical standards.

## § 205-33. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases as used in this article shall have the meanings hereinafter designated:

### **ACT or THE ACT**

The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 53 U.S.C. § 1251 et. seq.

### **APPROVAL AUTHORITY**

The United States Environmental Protection Agency (EPA).

### **AUTHORIZED REPRESENTATIVE OF A SIGNIFICANT INDUSTRIAL USER**

- A. If the user is a corporation, a responsible corporate officer is: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. If the user is a local, state or federal governmental agency: a director or highest appointed official designated to oversee the operation and performance activities of the facility, or his designee.
- D. A duly-authorized representative of the individual designated in Subsection **A** through **C** above if:
  - (1) The authorization is made in writing by the individual described in Subsection **A** or **B**;
  - (2) The authorization specifies either an individual or a position having overall responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of

plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

- (3) The written authorization is submitted to the borough.

### **BIOCHEMICAL OXYGEN DEMAND (BOD)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C., expressed in terms of weight and concentration [milligrams per liter (mg/l)].

### **BOROUGH**

The Borough of Kane, which owns and operates the wastewater collection and treatment system for which this article governs.

### **BUILDING SEWER**

A sewer conveying wastewater from the premises of a user to the sewer system.

### **CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARDS**

Any regulation containing pollutant discharge limitations promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act and which appear in 40 CFR Chapter I, Subchapter N, or 40 CFR 401-471.

### **COMPATIBLE POLLUTANT**

A pollutant for which the borough's Wastewater Treatment Plant was specifically designed to treat and remove such as Biochemical Oxygen Demand (BOD<sub>5</sub>), Total Suspended Solids (TSS), Ammonia Nitrogen (NH<sub>3</sub>-N), Total Phosphorus (P), and to a lesser degree oil and grease.

### **CONTRIBUTING MUNICIPALITY**

A municipal body which owns and/or operates central collection sewers which discharge into the borough's wastewater collection and treatment system.

### **CONTROL AUTHORITY**

Refers to the Wastewater Treatment Plant Superintendent, since the borough has an approved pretreatment program under the provisions of 40 CFR 403.11.

### **COOLING WATER**

The water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

### **DIRECT DISCHARGE**

The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.

### **ENFORCEMENT RESPONSE PLAN (ERP)**

A plan developed by the borough which details the response which will be taken by the borough for various violations of these rules and regulations, a Categorical Pretreatment Standard, or any other applicable law.

### **ENVIRONMENTAL PROTECTION AGENCY (EPA)**

The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

### **EQUIVALENT DWELLING UNIT (EDU)**

Any source of wastewater into the borough sewer system which has the following typical wastewater characteristics:

| <b>Type</b>      | <b>Amount</b> |
|------------------|---------------|
| Flow             | 275 gpd       |
| Ammonia-Nitrogen | 25 mg/l as N  |
| BOD              | 250 mg/l      |
| Phosphate        | 10 mg/l as P  |
| Suspended Solids | 250 mg/l      |

| <b>Type</b> | <b>Amount</b> |
|-------------|---------------|
| TKN         | 40 mg/l as N  |

**EXISTING SOURCE**

Any user of the borough's wastewater collection and treatment system which commenced operation prior to the publication by the EPA of proposed Categorical Pretreatment Standards, which will be applicable to that user after final EPA promulgation of such standards in accordance with Section 307 of the Act.

**GRAB SAMPLE**

A sample which is taken from a waste stream on a one-time basis over a period of time not to exceed 15 minutes, with no regard to the flow in the waste stream.

**HOLDING TANK WASTE**

Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

**INDIRECT DISCHARGE**

The discharge or the introduction of pollutants into the collection system, including holding tank waste discharged into the system as outlined in 40 CFR 403.31(g) and Sections 307(b), (c) and (d) of the Act.

**INDUSTRIAL USER**

Any non-domestic source of indirect discharge to the borough's sewer system.

**INTERFERENCE**

A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the wastewater collection and treatment system treatment processes, operations, or its biosolids processes, use or disposal; and therefore is a cause of a violation of any requirement of the borough's treatment plant NPDES permit, including an increase or duration of the violation. The term includes prevention of biosolids use, biosolids processes, or disposal by the receiving treatment facility in accordance with Section 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria, including those contained in any state biosolids management plan prepared pursuant to Title IV of SWDA applicable to the method of disposal or use employed by the receiving treatment facility.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD**

Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347), and which applies to a specific category of industrial users.

**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or NPDES PERMIT**

A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

**NEW SOURCE**

- A. Any user of the borough's wastewater collection and treatment system which commenced operation after the publication by the EPA of proposed Categorical Pretreatment Standards, which will be applicable to that user after final EPA promulgation of such standards in accordance with Section 307 of the Act, provided that:
  - (1) The building, structure, facility, or installation from which the discharge originates is constructed at a site at which no other source is located;
  - (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site.
- B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the

criteria of this Subsection A above but otherwise alters, replaces, or adds to existing process or production equipment.

- C. Construction of a new source as defined under this section has commenced if the owner or operator has:
  - (1) Any placement, assembly, or installation of facilities or equipment;
  - (2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (3) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable period of time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this section.

**PASS-THROUGH**

A discharge which exits the borough’s treatment plant 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 borough’s NPDES permit (including an increase in the magnitude or duration of a violation).

**PERSON**

Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, any other legal entity, or any of their legal representatives, agents or assigns. The masculine gender shall include the feminine. The singular shall include the plural where indicated by the context.

**pH**

A measure of the acidity or alkalinity of a solution expressed in standard units.

**POLLUTANT**

Any dredged spoil, solid waste, incinerator residue, sewage, garbage, biosolids, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

**PRETREATMENT or TREATMENT**

The reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into the borough’s wastewater collection and treatment system. The reduction or alteration can be obtained by physical, chemical, or biological processes, or by process changes, or by other means, except as prohibited by CFR Section 403.6(d).

**PRETREATMENT REQUIREMENTS**

Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on a user by the borough.

**PRETREATMENT STANDARDS**

Any prohibited discharge standards, categorical pretreatment standards, or local limits.

**SIGNIFICANT INDUSTRIAL USER**

Any industrial/commercial user of the borough’s wastewater collection system who:

- A. Is subject to Categorical Pretreatment Standards.
- B. Discharges an average of 25,000 gallons per day process wastewater to the borough’s collection and treatment system.
- C. Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the borough treatment plant.

- D. Is designated as such by the borough on the basis that the user has a reasonable potential for adversely affecting the operation of the treatment plant, the quality of the biosolids generated at the borough's WWTP, or for violating any pretreatment standard or requirement.

#### **SIGNIFICANT INDUSTRIAL USER PERMIT**

A permit issued by the borough to an industrial/commercial user in accordance with § 205-48 of this article.

#### **SIGNIFICANT NONCOMPLIANCE**

An industrial user is in significant noncompliance if his violations meet one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- B. Technical review criteria (TRC) violations, defined as those violations in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the borough determines has caused, alone or in combination with other discharges, an interference, pass-through, or upset at the treatment plant (including endangering the health of borough 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 borough exercising its emergency authority under 40 CFR 403, paragraph (f)(1)(vi)(B), to halt or prevent such a discharge;
- E. Failure to meet, within 90 days after the scheduled date, a compliance schedule date or a compliance schedule milestone contained in a local control mechanism or enforcement action for starting construction, completing construction, or attaining final compliance;
- F. Failure to accurately report incidents of noncompliance; or
- G. Any other violation or group of violations that the borough determines will adversely affect the overall implementation of its industrial pretreatment program.

#### **SLUG CONTROL PLAN**

All significant industrial users are required to submit to the borough a Slug Control Plan which meets the criteria set forth in § 205-41 of this article.

#### **SLUG DISCHARGE or SLUG LOAD**

Any intentional or accidental discharge at a flow rate or concentration which could cause a violation of any pretreatment standard set forth in accordance with § 205-35 of this article, or in Section 403.5 of the General Pretreatment Regulations.

#### **STANDARD INDUSTRIAL CLASSIFICATION (SIC)**

A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget 1972.

#### **STATE**

Commonwealth of Pennsylvania.

#### **STORMWATER**

Any flow occurring during or following any form of natural precipitation and resulting exclusively therefrom.

#### **SUPERINTENDENT**

The person designated by the borough to supervise the operation of the treatment system and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

#### **TOTAL SUSPENDED SOLIDS or SUSPENDED SOLIDS**

The total suspended matter that floats on the surface or suspended in water, wastewater or other liquids and which is removable by laboratory filtering.

#### **TOXIC POLLUTANT**

Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the Clean Water Act, or other acts promulgated by the federal or state governments.

#### **USER**

Any person who contributes, causes, or permits the contribution of wastewater into the borough collection and treatment system, including those person(s) who distribute drinking water in the borough's service area.

#### **WASTEWATER**

The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the collection system.

#### **WATERS OF THE STATE**

All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

## **§ 205-34. Abbreviations.**

The following abbreviations shall have the designated meanings:

|         |   |  |
|---------|---|--|
| BOD     | — | Biochemical Oxygen Demand                          |
| CFR     | — | Code of Federal Regulations                        |
| COD     | — | Chemical Oxygen Demand                             |
| CWA     | — | Clean Water Act                                    |
| EPA     | — | U.S. Environmental Protection Agency               |
| mg/l    | — | Milligrams per liter                               |
| O&M     | — | Operation and Maintenance                          |
| NPDES   | — | National Pollutant Discharge Elimination System    |
| Borough | — | Borough of Kane                                    |
| SIC     | — | Standard Industrial Classification                 |
| SWDA    | — | Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq. |
| USC     | — | United States Code                                 |
| TKN     | — | Total Kjeldahl Nitrogen                            |
| TSS     | — | Total Suspended Solids                             |

## **§ 205-35. Prohibited discharges into wastewater system.**

- A. No user or significant industrial user may contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause a pass-through or interference in the borough's wastewater collection and treatment system, will create a hazard to the environment, the general public or borough personnel, or will cause the borough to violate any General Pretreatment Regulation, NPDES permit or biosolids requirement. These general prohibitions apply to all such users of a wastewater collection and treatment system, whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements.
- B. A user or significant industrial user may not contribute the following substances to any wastewater collection and treatment system:

- (1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion, or be injurious in any other way to the wastewater collection and treatment system or to the operation of the wastewater collection and treatment system. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5%, nor any single reading over 10% of the lower explosive limit (LEL). Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, hydrides, sulfides, aldehydes, peroxides, chlorates, perchlorates, bromates and carbates, and any other substance which presents a fire hazard or other hazard to the sewer system, including any material or waste stream exhibiting a closed cup flashpoint of less than 140° F. (i.e., waste streams whose vapors ignite or burn at temperatures below 140° F.).
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to, grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, mud, glass grinding, polishing wastes, petroleum oil, non-biodegradable cutting oil or mineral oil products which will interfere or cause pass-through at the borough's treatment plant.
- (3) Any wastewater having a pH less than 5.0, or greater than 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the wastewater collection and treatment system.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either alone or in conjunction with other pollutants, that will cause a pass-through or interference in the borough's wastewater collection and treatment system, will create a hazard to the environment, the general public or borough personnel, or will cause the borough to violate any General Pretreatment Regulation, NPDES permit or biosolids requirement. These general prohibitions apply to all such users of a wastewater collection and treatment system, whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
- (5) Any noxious or malodorous liquids, gases, vapors, solids or fumes which, either alone or in conjunction with other wastes, are sufficient to create a public nuisance or hazard to life, cause health and safety problems, or are sufficient to prevent entry into the sewers for maintenance and repair.
- (6) Any substance which may cause the wastewater collection and treatment system's effluent or any other product of the wastewater collection and treatment system such as residues, biosolids, or scums to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the wastewater collection and treatment system cause the wastewater collection and treatment system to be in noncompliance with biosolids use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting biosolids use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or state criteria applicable to the biosolids management method being used.
- (7) Any substance which will cause the borough to violate its NPDES permit or the receiving of stream water quality standards.
- (8) Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any wastewater having a temperature which will inhibit biological activity in the wastewater collection and treatment system treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the wastewater collection and treatment system which exceeds 40° C. (104° F.).
- (10) Any pollutants, including oxygen demanding pollutants (BOD, COD, etc.), released at a flow rate and/or pollutant concentrations which cause interference to the wastewater collection and treatment system. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed

for any time period longer than 15 minutes more than five times the average twenty-four-hour concentration, quantities, or flow during normal operation.

- (11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable state or federal regulations.
  - (12) Any wastewater which causes a hazard to human life or creates a public nuisance.
  - (13) Stormwater, groundwater, roof runoff, subsurface drainage, or cooling water.
  - (14) Trucked or hauled wastes except at a point of discharge indicated by the Wastewater Treatment Plant Superintendent or his duly authorized agent.
- C. When the borough determines that a user or significant industrial user is contributing to the wastewater collection and treatment system any of the above-enumerated substances in such amounts as to interfere with the operation or cause pass-through of the system, the borough shall advise the user of the impact of such contribution on the wastewater collection and treatment system, and develop effluent limitations for such user to correct the violation.
- D. The borough may also take enforcement action(s) against the noncomplying user or significant industrial user, whether or not the user or significant industrial user was given prior notification of the violation by the borough.

## § 205-36. Federal Categorical Pretreatment Standards.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. Each user or significant industrial user shall be responsible to notify the borough of changes to his status under the federal, state, or local regulations. The National Categorical Pretreatment Standards found in 40 CFR 405-471 are hereby incorporated into this article.

- A. Where a categorical pretreatment standard is expressed only in terms of the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(c).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard from the EPA in accordance with 40 CFR 403.15.

## § 205-37. Modification of Federal Categorical Pretreatment Standards.

Where the borough's wastewater treatment plant achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the borough may apply to the approval authority for modifications of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean the reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater collection system to a less toxic or harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403, General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The borough may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR 403.7, are fulfilled, and prior approval from the approval authority is obtained.

## § 205-38. Specific pollutant limitations.

All wastewater entering the borough's collection system shall be pretreated to typical domestic levels unless otherwise stated in writing by the borough by way of the significant industrial user permit.

A. Typical domestic levels for compatible pollutants shall be:

| <b>Parameter</b>                      | <b>Maximum Concentration (mg/l)</b> |
|---------------------------------------|-------------------------------------|
| BOD                                   | 250                                 |
| TSS                                   | 250                                 |
| Phosphorus (Total as P)               | 10                                  |
| Ammonia Nitrogen (NH <sub>3</sub> -N) | 25 as N                             |
| Total Kjeldahl Nitrogen (TKN)         | 40 as N                             |
| Oil and grease                        | 100                                 |

B. In addition, no user shall contribute toxic pollutants to the borough's sewer system in excess of the following:

| <b>Parameter</b> | <b>Maximum Concentration (mg/l)</b> |
|------------------|-------------------------------------|
| Arsenic          | 0.01                                |
| Cadmium          | 0.01                                |
| Chromium (total) | 2.00                                |
| Copper           | 0.5                                 |
| Lead             | 0.05                                |
| Mercury          | 0.001                               |
| Molybdenum       | 0.01                                |
| Nickel           | 2.50                                |
| Silver           | 0.05                                |
| Zinc             | 3.00                                |
| Cyanide (total)  | 1.00                                |

## § 205-39. Borough's right of revision.

The borough reserves the right to require any contributing municipalities to establish, by ordinance, limitations or requirements at least as stringent as the borough's for users whose wastewater is ultimately treated at the borough's wastewater treatment plant, in order to comply with the objectives presented in § 205-32 of this article.

## § 205-40. Dilution.

No user or significant industrial user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or with any other pollutant-specific limitation developed by the borough, state, or federal agencies.

## § 205-41. Accidental or slug discharge.

- A. Each significant industrial user shall provide protection from accidental or slug discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's or significant industrial user's own cost and expense. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the borough of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions taken to minimize and eliminate the violation.
- B. In addition, the borough will evaluate at least once every two years whether a significant industrial user needs to develop or update a Slug Control Plan. Detailed Slug Control Plans showing facilities and operating procedures to provide slug control protection shall be submitted to the borough for review and approval prior to implementation. A Slug Control Plan shall contain, at a minimum, the following information:
- (1) A description of discharge practices, including routine or non-routine batch discharges.
  - (2) A description of new and spent chemical storage procedures.
  - (3) Procedures for immediately notifying the Wastewater Treatment Plant Superintendent of any accidental or slug discharge, including personnel responsible for such notifications.
  - (4) Procedures to prevent adverse impact from an accidental or slug discharge. Such procedures shall include, but are not limited to, inspection and maintenance of chemical storage areas, handling and transferring of raw and finished products and chemicals, control of site runoff, worker training, building of containment structures, available containment equipment and contacted environmental services which assist the user to fulfill these plans.
- C. A significant industrial user who commences contribution to the wastewater collection and treatment system after the effective date of this article shall not be permitted to introduce pollutants into the system until a Slug Control Plan has been approved by the borough. Review and approval of such plans and operating procedures shall not relieve the significant industrial user from the responsibility to modify his facility, as necessary, to meet the requirements of this article.

## § 205-42. Written report.

- A. Within five days following an accidental discharge, the significant industrial user shall submit to the borough a detailed written report which shall contain the following information:
- (1) The cause of the noncompliance.
  - (2) The approximate time that the accidental discharge had occurred and when it was corrected.
  - (3) The steps taken by the user to reduce and minimize the impact of the noncompliance.
  - (4) The steps taken by the user to prevent a reoccurrence of the conditions which caused or led to the accidental or slug loading.
- B. Such report shall not relieve the significant industrial user of any fines, civil penalties, or other liability which may be imposed as described in this article, the borough's Enforcement Response Plan, or any other applicable law.

## § 205-43. Notice to employees.

A notice shall be permanently posted on the significant industrial user's bulletin board or other prominent place advising employees whom to call in the event of an accidental or slug discharge. Employers shall ensure that all employees who may be involved with hazardous materials are aware of such emergency notification procedures.

## § 205-44. Fees.

- A. Purpose. It is the purpose of this section to provide for the recovery of costs from users and significant industrial users of the borough's treatment system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the borough's Schedule of Charges and Fees.
- B. Charges and fees.
- (1) The borough may adopt charges and fees (after a reasonable public notification period) which may include:
    - (a) Fees for reimbursement of the costs of setting up and operating the borough's Industrial Pretreatment Program.
    - (b) Fees for monitoring, inspections, and sampling associated with the Industrial Pretreatment Program.
    - (c) Fees for reviewing accidental discharge procedures and construction plans.
    - (d) Fees for review of permit applications.
    - (e) Fees associated with the review of permit appeals.
    - (f) Fees for consistent removal by the borough of pollutants otherwise subject to Federal Pretreatment Standards.
    - (g) Other fees the borough may deem necessary to carry out the requirements contained herein.
  - (2) These fees relate solely to the matters covered by this article and are separate from all other fees charged by the borough.

## § 205-45. Wastewater dischargers.

- A. It shall be unlawful to discharge any wastewater to any sanitary sewer in any area under the jurisdiction of, or within the service area of, the Borough of Kane, except as authorized in writing by the borough in accordance with the provisions of this article. The borough may require any unpermitted or permitted users of the sewer system to provide any information needed to determine compliance with this article or other applicable local, state, or federal laws, rules and regulations. These requirements include, but are not limited to:
- (1) Wastewater discharge peak rate and volume records over a specified time period.
  - (2) Information on raw materials, processes, and products affecting wastewater volume and quality.
  - (3) Quantity and disposition of specified liquid, biosolids, oil, solvent, or other materials which may impact the operation of the borough's sewer system.
  - (4) A plot plan of all sewer facilities on the user's property including the number and location of all sewer lateral connections to the borough's sewer system.
  - (5) Details of control measures taken by the user to prevent and control stormwater, drainage, roof runoff, from entering the borough's sewer system.
  - (6) Details of any significant changes to the nature or quantity of their discharge, including increased flows of 25% or more, or the promulgation of a categorical pretreatment standard which applies to their discharge.
- B. All users must notify the borough, EPA and the PADEP of discharges to the sewer system which, if disposed of in any other manner, would be considered a hazardous waste under federal regulations 40 CFR 261.
- C. Costs incurred for developing the information described above shall be paid by the user, and are in addition to all other sewer use, permit and surcharge fees charged by the borough.
- D. The user shall be responsible for obtaining and submitting all applicable borough, county, regional, state or federal permits or planning documents required for approval of a sewer connection.

## § 205-46. Significant industrial user permits; fee.

All users proposing to, or already connected into the borough's sewer system, which are deemed a significant industrial user through borough review of the waste questionnaire or permit application, must obtain a Wastewater Contribution Permit from the borough prior to commencing discharge. In addition, whenever an existing insignificant industrial user becomes subject to a new National Categorical Pretreatment Standard, the user must reapply to the borough for a significant industrial user Wastewater Contribution Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.

### A. Permit application.

- (1) Any user required to obtain a significant industrial user permit shall complete and file with the borough an application in the form prescribed by the borough, accompanied by the required permit filing fee. In support of the application, the significant industrial user shall submit in units and terms appropriate for evaluation, the following information:
  - (a) Name, address and location of the facility (if it is different from the address).
  - (b) SIC number, according to the Standard Industrial Classification Manual, Bureau of the Budget 1972, as amended.
  - (c) Wastewater constituents and characteristics, including but not limited to those parameters listed in §§ **205-35** through **205-43** of this article, as determined by an approved analytical laboratory. This sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act, and contained in 40 CFR 136, as amended.
  - (d) Time and duration of wastewater contribution.
  - (e) Average daily and thirty-minute peak wastewater flow rates, including daily, monthly, and seasonal variation, if any.
  - (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.
  - (g) Description of activities, facilities and plant processes on the premises, including all materials which have a potential for entering the sewer system either accidentally or on purpose.
  - (h) The nature and concentration of any pollutants in the discharge which are limited by any borough, state or Federal Pretreatment Standards; and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M), source reduction efforts and/or additional pretreatment is required for the significant industrial user to meet applicable pretreatment standards.
  - (i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the schedule by which the significant industrial user will provide such additional pretreatment. For significant industrial users subject to Federal Categorical Standards, the completion date in this schedule can be no later than the compliance date established by the EPA for the applicable pretreatment standard. The following shall also apply to this schedule:
    - [1] The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the significant industrial user to meet the applicable pretreatment standards. This may include dates for installing a sampling manhole, hiring an engineer, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, completing construction, etc.
    - [2] No increment referred to in Subsection **A(1)(i)[1]** shall exceed nine months.
    - [3] No later than 14 days following each date in the schedule and the final date for compliance, the significant industrial user shall submit a progress report to the borough, 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 delay, and the steps being taken by the significant industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the borough.

- [4] Each product produced by type, amount, process or processes, and rate of production shall be required.
  - [5] Type and amount of raw materials processed (average and maximum per day) shall be required.
  - [6] Number and type of employees, the hours of plant operation and the proposed or actual hours or pretreatment system operation shall be required.
  - [7] Any other information as may be deemed by the borough necessary in evaluating the permit application shall be required.
- (j) A list of all other environmental control permits held by or for the facility.
- (2) The borough will evaluate the data furnished by the significant industrial user and will notify the user of any additional information necessary to complete the application review process. After evaluation and acceptance of the data supplied, the borough may approve the issuance of a significant industrial user permit subject to terms and conditions provided herein.
- B. Permit conditions. Significant industrial user permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the borough by way of separate ordinances. The permit may contain, but is not limited to, the following requirements:
- (1) Statement of duration.
  - (2) Statement on nontransferability.
  - (3) All applicable pretreatment standards for their discharge.
  - (4) Limits on average and maximum flow rate and time of discharge, or requirements for flow regulations and equalization.
  - (5) Requirements for installation and maintenance of inspection and sampling facilities.
  - (6) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule.
  - (7) Compliance schedules.
  - (8) Requirements for submission of technical reports or discharge reports (see Subsection C).
  - (9) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the borough, and affording the borough access thereto.
  - (10) Requirements for prior notification of the borough of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater collection system.
  - (11) Requirements for notification of slug discharges as per § 205-41.
  - (12) Specification of type and amount of raw materials processed (average and maximum per day).
  - (13) Statement of all applicable civil or criminal penalties for noncompliance.
  - (14) Other conditions as deemed necessary by the borough to ensure compliance with this article.
- C. Reporting requirements in permits.
- (1) Compliance data report.

- (a) Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of new source, following commencement of the introduction of wastewater into the sewer system, any significant industrial user subject to Federal Categorical Pretreatment Standards shall submit to the borough a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis, and, if not, what additional O&M and/or pretreatment is necessary to bring the significant industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the significant industrial user and certified by a qualified professional engineer.
  - (b) Based on the review of this data, the borough may reissue the Wastewater Contribution Permit for this significant industrial user as soon as possible after incorporating the applicable standards.
- (2) Periodic compliance reports.
- (a) Every significant industrial user shall have their wastewater sampled and analyzed at a frequency specified in the Wastewater Contribution Permit. The frequency and number of pollutants analyzed for will be specific for each industry. The borough may at any time require the significant industrial user to perform additional sampling if it believes the conditions of this article are not being met. The significant industrial user must submit to the borough during the months of June and December, unless required more frequently by the borough, an update report indicating any process, production or flow rate changes which occurred during the previous six-month period. This report will also include a record of all daily flow which, during the reporting period, exceeded the average daily flow allowed in the contract. At the discretion of the borough and in consideration of such factors as local high or low flow rates, holiday, budget cycles, etc., the borough may agree to alter the months during which the above reports are to be submitted. In the event that the results of the analysis exceed the pretreatment standards given in the Wastewater Contribution Permit, the permittee shall provide immediate verbal notification to the Borough of Kane WWTP Superintendent. The permittee shall also repeat sampling and analysis and submit the results of the analyses to the Borough of Kane WWTP Superintendent within 30 days after becoming aware of the violation(s).
  - (b) The borough may impose mass limitations on significant industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Subsection **C(2)(a)** of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the significant industrial user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed by the borough in the Wastewater Contribution Permit. All analyses shall be performed in accordance with procedures established pursuant to Section 304(g) of the Act, and contained in 40 CFR 136 and amendments thereto, or with any other EPA-approved test procedures. Sampling shall also be performed in accordance with approved techniques.
- D. Permit duration. Permits shall be issued by the borough for a specified time period, not to exceed five years. All significant industrial users shall apply for a re-issuance of their Wastewater Contribution Permit a minimum of 180 days prior to the expiration of their existing permit. The terms and conditions of the permit may be subject to modification by the borough during the term of the permit, as limitations or requirements as identified in Subsection **C(2)(b)** are modified or other just cause exists. A significant industrial user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Where necessary, a schedule for complying with these changes or new conditions may also be issued by the borough.
- E. Permit modifications. Upon the promulgation of a National Categorical Pretreatment Standard, a significant industrial user subject to such standards shall have his Wastewater Contribution Permit revised to require compliance with such standards.
- F. Permit transfer. Wastewater Contribution Permits are issued to a specific significant industrial user for a specific operation. These permits shall not be reassigned, transferred, or sold to a new owner, or significant

industrial user, different premises, or used for a new or changed operation.

- G. Signatory requirement. All reports, applications or other information required to be submitted under this article shall be signed by an authorized representative of the industrial user and shall contain the following 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 ensure 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.

## § 205-47. Sampling requirements.

All measurements, tests and analyses required for determining the characteristics of waters and wastewaters to which reference is made in this article shall be performed in accordance with 40 CFR 136. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis, and will be specified in the individual Wastewater Contribution Permits issued to the significant industrial users. SIUs which sample more frequently than the requirements given in their Wastewater Contribution Permit must submit copies of all such results to the borough.

## § 205-48. Monitoring facilities.

The Wastewater Treatment Plant Superintendent shall inspect the facilities of any significant user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the borough's representative ready access during all working hours to all parts of the premises for the purposes of inspection, sampling, records examination and/or copying, or in the performance of any of his duties. The borough has the right to set upon a significant industrial user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. Where a significant industrial user has security measures in force which require proper identification and clearance before entry into his premises, the significant industrial user shall make necessary arrangements with his security guards so that upon presentation of suitable identification, personnel from the borough, PADEP or the EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

## § 205-49. Pretreatment.

Users and significant industrial users shall provide necessary wastewater treatment as required to comply with this article any applicable Federal Categorical Pretreatment Standards within the time limitations as specified by the borough or in the Federal Pretreatment Regulations. Any equipment or facilities required to pretreat wastewater to a level acceptable to the borough shall be provided, operated and maintained at the user's expense. The borough may require that detailed plans showing the pretreatment facilities and operating procedures be submitted to the borough for review and shall be deemed acceptable to the borough before construction of the facility. The review of such plans and operating procedures will in no way relieve a user from the responsibility of modifying his facility as necessary to produce an effluent acceptable to the borough under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation, or any change which may result in a new or increased discharge of pollutants, shall be reported to and be accepted by the borough prior to the user's or significant industrial user's initiation of the changes.

## § 205-50. Recordkeeping requirements.

Users subject to the recordkeeping requirements of this section shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring or reporting requirements required in this

article, including any monitoring activities undertaken by the user independent of these requirements. Records shall include the exact date and time of sampling, the date and time of analysis, the name of the person(s) collecting and analyzing all samples, the methodology used in analyzing the samples, and the results of these analyses. These records should be made available for a minimum of three years. In the matters of litigation between the user and the borough, or where specifically required by the EPA, the retention period is extended. All records relating to compliance with pretreatment standards shall be made available to the borough, PADEP or EPA upon request.

## § 205-51. Confidential information.

- A. Information and data on a user or significant industrial user obtained from reports, questionnaires, permit applications, permits, monitoring programs and from inspections shall be available to the public or governmental agencies without restriction unless the user or significant industrial user specifically requests and is able to demonstrate to the satisfaction of the borough that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user or significant industrial user.
- B. When requested by the person furnishing a report, those 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, upon written request, to governmental agencies for uses related to this article, the NPDES permit, biosolids disposal/reuse forms, and/or the general pretreatment regulations. Any such portions of a report shall also be available for use by any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- C. Information accepted by the borough as confidential shall not be transmitted to the general public by the borough until after a ten-day notification is given to the user or significant industrial user.

## § 205-52. Falsifying information.

Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or user or significant industrial user permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall be punished as provided by law and shall be subject to the fines set forth in §§ 205-58 through 205-60.

## § 205-53. Notification of violation.

Whenever the borough finds that any user has violated or is violating this article, their Wastewater Contribution Permit, or the general pretreatment regulations, the borough shall serve upon the user a written notice of violation (NOV). Within 15 days of the certified receipt of the NOV, the user must submit to the borough a written response which contains the following information:

- A. Cause of noncompliance;
- B. Anticipated duration of the noncompliance and the time by which the violation will be corrected;
- C. Steps taken by the user to reduce and eliminate the noncomplying discharge;
- D. Steps taken by the user to prevent reoccurrence of the condition(s) leading to the noncompliance; and
- E. The signature of an authorized representative of the user that certifies to the validity of the report.

## § 205-54. Show-cause hearing.

When a response given by the user to a previous NSOV is inadequate, or when a violation results in conditions which could cause the borough to violate its NPDES permit or biosolids quality requirements, or results in a hazardous situation within the borough sewer system, the borough will notify a user by certified mail of the requirement that the user attend a show-cause hearing. A show-cause hearing is an official meeting between the borough and an industrial user to resolve conditions of continued violations. The hearing may result in the borough issuing an administrative order to the industrial user, or if conditions warrant, civil penalties or injunctive relief.

## § 205-55. Administrative order.

An administrative order is an official enforcement document which directs a user or significant industrial user to undertake or to cease specific activities and which carries specific legal actions to be enforced when addressing continued noncompliance. The order may contain a compliance schedule specifying the time frame by which the user must perform certain activities which will ultimately result in compliance with all requirements contained in the order.

## § 205-56. Public notification of noncompliance.

The borough shall annually publish in the largest daily newspaper published or circulated in the borough a list of the users and significant industrial users determined to be in significant noncompliance (as defined in § 205-33 of this article) during the preceding 12 months. The notification shall also summarize any enforcement actions taken against those users and significant industrial users by the borough during the same 12 months in accordance with 40 CFR 403.8(f)(2)(vii).

## § 205-57. Right to appeal suspension or revocation of permit; fees.

- A. Appeal. A user, upon receipt of notification of suspension or revocation of a user permit or significant industrial user permit may appeal the decision in writing to the borough with a statement of reasons therefor within 10 days of the notice. Such an appeal shall not be cause for the discharge to continue if the suspension or revocation was issued to stop a harmful contribution under § 205-54.
- B. Notice of hearing. Thereafter, upon notice in writing given to the permit holder or any agent or officer thereof at least five days prior to the time fixed therefor, the borough shall convene and conduct a hearing on the propriety or lack thereof of the notice of suspension or revocation. The cost of the stenographic transcript of such a proceeding shall be borne by the appellant, who shall pay a filing fee of \$300.
- C. Method of decision. The findings and determinations of the borough shall be in writing and shall be mailed to the owner or to his duly authorized representative within 48 hours of the hearing, with a certified copy thereof to be filed with the borough's WWTP Superintendent who originally served the notice of suspension or revocation. The determination shall be binding both upon the borough and all parties in interest.
- D. Action following appeal decision. If the decision of the borough sustains the notice of suspension or revocation of permit, the user shall be given 10 days' notice of the new date of suspension or revocation by the borough.

## § 205-58. Civil penalty assessment.

In addition to the other enforcement actions described herein, the borough may also seek civil penalties and/or injunctive relief against industrial/commercial users who fail to comply with the requirements of the borough's article or their wastewater contribution permit.

- A. Civil penalties vary from \$500 up to \$25,000 per day per violation depending on the severity of the violation and other factors. In civil penalty assessment, the borough will consider all of the following factors:
  - (1) Damage to the borough's treatment plant or collection system, the environment, or collection system personnel, resulting from the violation;

- (2) The industrial/commercial user's history of past violations;
  - (3) The level of cooperation obtained from the industrial/commercial user;
  - (4) The economic benefit gained by the industrial/commercial users as a result of the noncompliance; and
  - (5) Other relevant factors.
- B. All fines listed were developed in accordance with the Publicly Owned Treatment Works Penalty Law<sup>[1]</sup> (Pennsylvania Act 9), and will be assessed on a per day, per violation basis. The fines shown are maximum penalties, which the borough has the right to reduce or waive in certain circumstances.
- [1] *Editor's Note: See 35 P.S. § 752.1 et seq.*
- C. All civil penalties collected pursuant to the borough's Civil Penalty Assessment Policy will be placed in a restricted account, and shall only be used by the borough for the repair of damage and any additional maintenance or other costs resulting from the violation(s) on which the penalty was imposed, to pay any penalties imposed on the borough by a state or federal agency as a result of violating any pretreatment standards, for the costs incurred by the borough to investigate and initiate enforcement actions against the noncomplying discharge (including legal and engineering fees), for additional monitoring costs associated with the noncomplying industrial/commercial user, and for capital improvements to the treatment plant or collection system required by the pretreatment program. Any remaining funds may be used for capital improvements to the treatment plant or collections system not required by the pretreatment program.
- D. The borough's ability to seek civil penalties against noncomplying users shall apply to all industrial/commercial users of the borough's wastewater collection and treatment system regardless of political boundary. The civil penalties may be sought in the Court of Common Pleas where the borough's treatment plant is located, where the activity took place, where the condition exists or the public was affected, and to that end a jurisdiction is hereby conferred in law and equity upon such courts.

## § 205-59. Injunctive relief.

- A. Where necessary, the borough shall also have the power to obtain injunctive relief against any industrial/commercial users who are in violation of a pretreatment standard or requirement. Injunctive relief will be granted pursuant to Pennsylvania Law if any of the following conditions can be determined to be true:
- (1) A discharge from an industrial/commercial user presents an imminent or substantial danger to the environment;
  - (2) A discharge from an industrial/commercial user causes the borough to violate any condition of its NPDES permit, biosolids application standards or other state or federal requirement;
  - (3) A discharge from an industrial/commercial user presents an imminent or substantial danger to the borough's treatment plant or collection system, borough personnel, or the general public; or
  - (4) The industrial/commercial user has shown a lack of ability or intention to comply with a pretreatment standard or pretreatment requirement.
- B. Injunctive relief may also be issued against a noncomplying industrial/commercial user if the court determines that other enforcement actions available to the borough would not be adequate to effect prompt correction of the condition or violation. In addition to injunctive relief, the borough may also be granted civil penalties according to § 205-35 of this article.
- C. The borough's ability to seek injunctive relief against noncomplying industrial/commercial user shall apply to all industrial/commercial users regardless of political boundary. The injunctive relief may be sought in the Court of Common Pleas where the borough's treatment plant is located, where the activity took place, where the condition exists or the public was affected, and to that end a jurisdiction is hereby conferred in law and equity upon such courts.

## § 205-60. Right to appeal violation.

The industrial/commercial user charged with any penalty previously described shall have 30 days to pay the proposed penalty in full, or, if the industrial/commercial user wishes to contest either the amount of the penalty or the fact of the violation, the industrial/commercial user must file an appeal of the action pursuant to the municipal law or home rule charter, or in the absence of these, within 30 days pursuant to 2 Pa.C.S.A.

## Article VI. Installation and Construction of Sanitary Sewers

[Adopted 10-12-1998 by Ord. No. A-933]

### § 205-61. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**APPLICANT**

Any owner(s) or his agent.

**AUTHORITY**

The Borough of Kane Authority or its agent.

**BOROUGH**

The Borough of Kane.

**TOWNSHIP**

Wetmore Township.

### § 205-62. Procedure.

- A. The applicant shall contact the Borough of Kane Authority, or its agent, for availability of sewers abutting property.
- B. The applicant shall provide a completed abstract of sanitary sewer plans and complete plans for the disposal of stormwater (roof, driveway, area drains and basement French drains).
- C. Under no circumstances shall the applicant make any tap or connection or disturb any sanitary sewer or manhole under the control of the Borough of Kane Authority without written permission.
- D. After review of the plans by the Authority and payment of appropriate fees, a tap-in permit may be issued.
- E. The borough shall not accept any sanitary sewer until final inspection has been completed.

### § 205-63. Sewer connections.

All properties within the Kane Borough limits or Wetmore Township limits, which abut any public sewer, shall connect any structures (with plumbing facilities) erected on such property to the sanitary sewer system.

### § 205-64. Minimum sizes and grades.

All gravity building sewers shall be six inches in diameter, provided that pipe is laid on minimum slopes of 1/8 inch per foot, or four inches with a minimum slope of 1/4 inch per foot. Where the diameter of the existing sewer main is six inches or larger, the service line from the existing main to the inspection port shall be no less than seven inches in diameter. All pressure building sewers shall be sized according to site-specific pumping requirements.

### § 205-65. Connections to existing sewer.

Connection to both the house plumbing and the sewer main or the end of the service connection shall be with a proper fitting specially manufactured for such use. Under no condition is the property owner or his contractor permitted to make a direct connection to the main sewer or manhole without written permission of the Authority. In the event that there is no service connection available at the required point of connection to the public sewer, one will be provided by the Authority. The replacement of all wye fittings broken by the property owner or his private contractor shall be immediately reported to the Authority and replaced with the proper wye fitting with the costs of such replacement being borne by the property owner.

### **§ 205-66. Use of existing building sewer.**

- A. The use of existing building sewers in connection with new buildings will be permitted only when they are found upon examination and testing by the Authority or authorized persons or agencies to meet all requirements set forth herein.
- B. At the time of connection to the public sewers, any existing septic tank, privies, cesspools, sinkholes and other receptacles for receiving sewage will be disconnected from the house sanitary system, cleansed and filled under the direction of the Authority.

### **§ 205-67. Disconnection of old lines.**

It shall be the responsibility of the contractor to disconnect such sewers and plug to the Authority's discretion. All disconnection of lines shall be done in the presence of the Borough Manager or his designee.

### **§ 205-68. Prohibition of surface and ground water connections.**

- A. No person shall discharge or cause to be discharged into the sewer system any stormwater, surface water, groundwater, roof runoff, subsurfacing drainage, cooling water or unpolluted industrial process water. Any connections permitting such discharges shall be eliminated after notice to take such action is issued by the borough.
- B. Routine dye and/or smoke testing will be done by the borough as required.

### **§ 205-69. Failure of existing connections.**

If, after investigation by the owner of the sanitary connection, it is determined that the failure is in the connection at the street (lateral line installed by the borough), the borough will make all necessary repairs without cost to the property owner. However, if the failure was the result of a poor connection to the public sewer or the failure is in the owner's lateral line, the owner may be assessed for the time and material, plus 10%, to complete the investigation. This shall include all repairs to streets and/or sidewalks to Borough of Kane or Wetmore Township specifications.

### **§ 205-70. Conformance with state regulations.**

All sewers shall conform to Pennsylvania Department of Environmental Resources regulations.

### **§ 205-71. Prohibited acts.**

No person shall adjust, fill, bury, damage, loosen, open or enter into, or lower any sanitary manhole, or cause water to flow over or into any sanitary manhole. No person shall fill over or build on any right-of-way without written permission from the borough. Nor shall any person dig in any sanitary right-of-way without prior notification of the Borough of Kane.

## § 205-72. Construction of sewers and appurtenances.

All sanitary sewers will be constructed following the borough's Standard Specifications as contained in Appendix A.  
[1]

[1] *Editor's Note: Appendix A is on file in the borough offices.*

**Application of Pennsylvania-American Water Company for Acquisition of  
the Wastewater Assets of the Borough of Kane Authority  
66 Pa. C.S. § 1329  
Application Filing Checklist – Water/Wastewater  
Docket No. A-2019-3014248**

18. Rates.
- c. Provide a proposed tariff or tariff supplement showing the rates, proposed rules, and conditions of service.

**RESPONSE:**

- c. See *pro forma* Tariff Supplement No. XX to Tariff Water PA P.U.C. No. 16 of Pennsylvania-American Water Company, Wastewater Division enclosed at **Appendix A-12**.

**Application of Pennsylvania-American Water Company for Acquisition of  
the Wastewater Assets of the Borough of Kane Authority  
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Application Filing Checklist – Water/Wastewater  
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18. Rates.
- d. Provide a copy of the notification sent, or which will be sent, to affected customers describing the filing and the anticipated effect on rates.

**RESPONSE:**

- d. Attached is a notice that will be sent by PAWC to its water and wastewater customers upon conditional acceptance of the Application. Also, attached is a notice that will be sent by Kane to its customers.

Please note that both notices include a blank for the due date for protests and notices of intervention. PAWC asks that the Secretarial Letter conditionally accepting the Application indicate the due date for protests and notices of intervention.

# NOTICE OF PROPOSED WASTEWATER ACQUISITION AND RATE BASE ADDITION (Docket No. A-2019-3014248)



Dear Customer:

On December \_\_, 2019, the Pennsylvania Public Utility Commission (PUC) conditionally accepted for filing the application of Pennsylvania-American Water Co. for approval to acquire the Borough of Kane Authority's wastewater system assets. The Borough of Kane Authority serves approximately 2,019 customers in McKean County. Pennsylvania-American's application also requests that the PUC authorize an addition of \$17,560,000 to Pennsylvania-American's rate base pursuant to 66 Pa.C.S. § 1329. A utility's rate base is the value of property used by the utility to provide service to its customers and is one of many components used to establish customer rates.

This acquisition will not immediately, but may in the future, affect water and/or wastewater bills of Pennsylvania-American customers, including the Borough of Kane Authority's wastewater customers. Pennsylvania-American is not requesting a rate increase as part of the acquisition. Your current rates will not change until the conclusion of Pennsylvania-American's next rate case where Pennsylvania-American requests and receives PUC approval to increase its rates. Pennsylvania-American's next base rate case will conclude no earlier than January 1, 2021. Based on a non-binding estimate of the potential rate impacts, Pennsylvania-American anticipates that the potential rate impact could be as follows:

| PAWC WASTEWATER |                   |   |   |                    |
|-----------------|-------------------|---|---|--------------------|
| Rate Class      | Average Usage     | Average Monthly Bill at PAWC Zone 1 Current Rates | Average Monthly Bill at PAWC Zone 1 Current Rate Adjusted for Potential Impact of Acquisition | Potential Increase |
| Residential     | 3,630 gal/month   | \$64.93   | \$66.55   | \$1.62 or 2.5%     |
| Commercial      | 22,000 gal/month  | \$280.22  | \$287.23  | \$7.01 or 2.5%     |
| Industrial      | 476,000 gal/month | \$5,547.08  | \$5,685.76  | \$138.68 or 2.5%   |

| PAWC WATER  |                   |   |   |                    |
|-------------|-------------------|---|---|--------------------|
| Rate Class  | Average Usage     | Average Monthly Bill at PAWC Zone 1 Current Rates | Average Monthly Bill at PAWC Zone 1 Current Rate Adjusted for Potential Impact of Acquisition | Potential Increase |
| Residential | 3,630 gal/month   | \$60.85   | \$60.91   | \$0.06 or 0.1%     |
| Commercial  | 22,000 gal/month  | \$291.80  | \$292.09  | \$0.29 or 0.1%     |
| Industrial  | 476,000 gal/month | \$4,530.44  | \$4,534.97  | \$4.53 or 0.1%     |

These amounts could change and will depend on how the PUC chooses to apportion any increase among different types of utility service, rate zones and classes of customers. For Pennsylvania-American customers in a rate zone other than Rate Zone 1, the potential rate impact could vary from the chart above.

## PUC ROLE

The state agency that approves acquisitions and rates for regulated public utilities is the PUC. The PUC will review and investigate the proposed acquisition. After examining the evidence, the PUC may approve, modify or deny the acquisition and may approve, modify or deny the requested addition to rate base.

## ACTIONS YOU CAN TAKE

You can support or challenge Pennsylvania-American's request by:

- 1. Sending a letter to the PUC.** You can tell the PUC why you support or object to the application in your letter. This information can be helpful when the PUC investigates the application. Send your letter to the Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, PA 17105-3265.
- 2. Attending or presenting testimony at a PUC public input hearing.** You can attend or be a witness at a PUC public input hearing. The PUC holds public input hearings if it opens an investigation of Pennsylvania American Water's transaction and if there is enough interest in the case. At these hearings, you can present

your views in person to the PUC judge and to company representatives. Testimony under oath becomes part of the application case record. The PUC holds these hearings in the service area of the company. For more information, call the PUC at 1-800-692-7380.

- 3. Filing a protest or a petition to intervene.** If you want to be a party to the case, you must file a protest or a petition to intervene. You then have an opportunity to take part in all the hearings about the proposed acquisition. You can receive copies of all materials distributed by the other parties. Protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before \_\_\_\_\_. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission at P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on Pennsylvania-American's counsel at:

David P Zambito, Esq., Cozen O'Connor  
17 North Second Street, Suite 1140  
Harrisburg, PA 17101

The documents filed in support of the application are available on the PUC's website at [www.puc.pa.gov](http://www.puc.pa.gov), for inspection and copying at the Office of the Secretary of the PUC between 8 a.m. and 4:30 p.m., Monday through Friday, and at Pennsylvania-American's offices at 852 Wesley Drive, Mechanicsburg, PA 17055. The PUC docket number is A-2019-3014248. For more information, you may contact the PUC's Bureau of Consumer Services at 1-800-692-7380.

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- 2. Attending or presenting testimony at a PUC public input hearing.** You can attend or be a witness at a PUC public input hearing. The PUC holds public input hearings if it opens an investigation of Pennsylvania American Water's transaction and if there is enough interest in the case. At these hearings, you can present

your views in person to the PUC judge and to company representatives. Testimony under oath becomes part of the application case record. The PUC holds these hearings in the service area of the company. For more information, call the PUC at 1-800-692-7380.

- 3. Filing a protest or a petition to intervene.** If you want to be a party to the case, you must file a protest or a petition to intervene. You then have an opportunity to take part in all the hearings about the proposed acquisition. You can receive copies of all materials distributed by the other parties. Protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before \_\_\_\_\_. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission at P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on Pennsylvania-American's counsel at:

David P Zambito, Esq., Cozen O'Connor  
17 North Second Street, Suite 1140  
Harrisburg, PA 17101

The documents filed in support of the application are available on the PUC's website at [www.puc.pa.gov](http://www.puc.pa.gov), for inspection and copying at the Office of the Secretary of the PUC between 8 a.m. and 4:30 p.m., Monday through Friday, and at Pennsylvania-American's offices at 852 Wesley Drive, Mechanicsburg, PA 17055. The PUC docket number is A-2019-3014248. For more information, you may contact the PUC's Bureau of Consumer Services at 1-800-692-7380.