

**Application of Pennsylvania-American Water Company for Acquisition of
the Wastewater Assets of Royersford Borough
66 Pa. C.S. §1329
Application Filing Checklist – Water/Wastewater
Docket No. A-2020-3019634**

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

AMENDED RESPONSE:

- a. See **Schedule 7.03** of the APA, attached as **CONFIDENTIAL Appendix A-24-a**. See also **Appendix A-18-b**. Please see also Royersford Borough Resolution 2020-06, which, *inter alia*, resolves that sanitary sewer customers situated in Upper Providence Township connected to the Royersford Borough Sanitary Sewer System shall be charged the same sanitary sewer rates charged to customers situated within Royersford Borough. This Resolution is attached as **Amended Appendix A-18-a**.

Chapter 18

SEWERS AND SEWAGE DISPOSAL

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Part 1
RATES AND CHARGES FOR SEWERS

§ 101. Definitions. [Ord. 517, 10/28/1975, § 1]

Unless the context specifically indicates otherwise, the meanings of terms used in this Part 1 shall be as follows:

BOD (BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five days at 20° C. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.

BOROUGH — The Borough of Royersford, Montgomery County, Pennsylvania, a Pennsylvania municipal corporation, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

BUILDING SEWER OR LATERAL — The extension of the building drain from the curblineline or property line to the public sewer or other place of disposal.

COLOR — Of an industrial waste, shall mean the color of the light transmitted by the waste solution after removing the suspended material, including the pseudocolloidal particles.

COUNCIL — The group of elected officials acting as the governing body of the Borough of Royersford.

CHLORINE DEMAND — The quantity of chlorine absorbed in water, sewage or other liquids, allowing a residual of 0.1 ppm, after 15 minutes of contact.

COD (CHEMICAL OXYGEN DEMAND) — A measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater, expressed as the amount of oxygen consumed, in mg/l, from a chemical oxidant.

DOMESTIC WASTE — The normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial establishments. Domestic waste shall not include synthetic and natural materials, including but not limited to sneakers, panty hose, gym shorts, gym shirts, towels, socks, other items of apparel and paper toweling.

DWELLING UNIT — Any room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as a separate business or as separate living quarters by a family or other group of persons living together or by a person living alone.

GARBAGE — Solid waste resulting from the domestic and commercial preparation cooking and dispensing of food and from handling, storage and sale of produce.

GROUND GARBAGE — Garbage that has been shredded to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particle greater than 1/2 inch in any dimension.

GROUND WATER — Water which is standing in or passing through the ground.

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 sanitary sewage and/or industrial wastes shall be or may be discharged.

INDUSTRIAL ESTABLISHMENT — Any improved property used, in whole or in part, for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article or from which any process waste, as distinct from domestic waste, shall be discharged.

INDUSTRIAL WASTES — Any liquid or gaseous substance, whether or not solids are contained therein, discharged from any industrial, manufacturing, trade, or business process or in the course of the development, recovery, and (or) processing of natural resources, as distinct from domestic waste.

MANHOLE — A shaft or chamber leading from the surface of the ground to a sewer; large enough to enable a man to gain access to the latter.

MAY — Is permissive.

MULTIPLE DWELLING — Any improved property in which shall be located more than one dwelling unit.

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, society, corporation or other group or entity.

pH — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance. A stabilized pH will be considered as a pH which does not change beyond the specific limits when the waste is subjected to aeration. It shall be determined by one of the accepted methods described in the latest edition of "Standard Methods for Examination of Water and Sewage" published by the American Public Health Association.

SANITARY SEWER — Any pipe or conduit constituting a part of the sewer system, or usable for sewage collection purposes, which carries sewage and to which storm-, surface and groundwaters are not admitted.

SEWAGE — The water-carried wastes from residences, business buildings, institutions, and industrial establishments. Sewage shall not include synthetic and natural materials, including but not limited to sneakers, panty hose, gym shorts, gym shirts, towels, socks, other items of apparel and paper towel.

SEWAGE TREATMENT PLANT — An arrangement of devices and structures used for treating and disposing of domestic waste and authorized industrial wastes.

SEWER SYSTEM — All facilities, as of any particular time, for collecting, pumping, treating or disposing of domestic waste and/or industrial wastes.

SHALL — Is mandatory.

STORMWATER — That portion of the precipitation which runs off over the surface during a storm and for a short period following a storm and enters the sewer system and causes the flow at the sewage treatment plan to exceed the normal or ordinary flow.

SURFACE WATER — That portion of the precipitation which runs off over the surface of the ground.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtration.

TOTAL SOLIDS — Solids that either float on the surface of or are in suspension or dissolved in water, sewage or other liquids, and which are determined by appropriate procedures found in the latest edition of "Standard Methods for Examination of Water and Sewage" published by the American Public Health Association.

TOXIC SUBSTANCE — Any noxious and/or deleterious substance in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in any sewer system or in the receiving stream of the sewage treatment plant.

§ 102. (Reserved)

§ 103. Sewer Rentals or Charges. [Ord. 517, 10/28/1975, § 3]

Sewer rentals or charges are hereby imposed upon and shall be collected from the owner of each improved property which shall be connected to the sewer system, for use of the sewer system whether each use shall be direct or indirect, which sewer rentals or charges shall commence and shall be effective as of the date of connection of each such improved property to the sewer system.

§ 104. Computation of Sewer Rentals or Charges. [Ord. 517, 10/28/1975, § 4; as amended by Ord. 691, 12/29/1987, §§ 1-2; by Ord. 697, 12/13/1988, §§ 1-2; by Ord. 708, 11/28/1989, §§ 1-2; by Ord. 723, 12/10/1991, §§ 1, 2; by Ord. 745, 12/12/1995, §§ 1, 2; by Ord. 756, 12/30/1997, §§ 1, 2; by Ord. 785, 12/9/2003, §§ 1-3; by Ord. 804, 12/12/2006, §§ 1-3; and by Ord. 813, 12/11/2007]

1. Metered Service.

- A. Except upon special permission granted by the Borough and upon good cause shown, each improved property, including industrial establishments, shall be required to have installed a water meter or, in lieu thereof, any other measuring device approved by the Borough, for the purpose of computing sewer rentals or charges hereunder.
- B. Except as otherwise provided in this Part 1, sewer rentals or charges for domestic waste and industrial wastes discharged into the sewer system from any improved property, including industrial establishments, shall be based upon volume of water usage, as adjusted if provided for in this Part 1, where the volume of water usage is metered.
- C. Sewer rentals or charges for domestic waste and industrial wastes discharged into the sewer system from any improved property may be based upon actual metered volume of discharge, as permitted in this Part 1.
- D. In either of the foregoing cases, such sewer rentals or charges shall be computed in accordance with the following metered rate schedule; subject, however, to the minimum sewer rentals or charges provided in this Part: **[Amended by Ord. 859, 12/11/2012; by Ord. 867, 11/25/2014; by Ord. 878, 12/8/2015; and by Ord. No. 899, 12/11/2018]**

Type	Amount
Sewer use charge	\$4.20 per 100 cubic feet of water consumed. If the improved property has installed a meter to measure the volume discharge, the sewer use charge shall be \$4.20 per 100 cubic feet of discharge.
Minimum charge	\$90 per quarter

- 2. Sewer rentals or charges for domestic waste discharge into the sewer systems from any improved property when the volume of water usage is not metered and when the actual volume of discharge is not metered as permitted in this Part shall be computed at the rate of \$130.50 per quarterly billing period per dwelling unit. Flat rate rents for other types of property may be established from time to time by supplemental ordinance. **[Amended by Ord. 859, 12/11/2012; by Ord. 867, 11/25/2014; by Ord. 878, 12/8/2015; and by Ord. No. 899, 12/11/2018]**
- 3. Special Provision for Public Laundromats. It is recognized that a certain percentage of the volume of water usage at public laundromats is not returned to the sewer system. Said water is retained in the materials washed when these materials are removed from the washing machines. Hence it shall be the established policy of the Borough of Royersford to compute the sewer rentals of public laundromats on the basis of 75% of

the volume of water usage. In all other respects, the rentals shall be in accordance with § 104, Subsection 1, of this Part 1.

4. The Borough may establish equitable rates or adjustments for special conditions or uses, based upon engineering studies of water consumption and sanitary sewer use, for uses, including but not limited to amusement parks and public and private swimming pools.
5. (Reserved)¹
6. The charge for preparation of certifications for sewer rentals shall be \$10, payable to the Borough of Royersford.

§ 105. Time and Method of Payments. [Ord. 517, 10/28/1975, § 5; as amended by Ord. 598, 2/9/1982, § 1; and by Ord. 614, 10/12/1982, § 1]

1. The tapping charge and sewer lateral installation fee imposed by § 102 shall be payable upon application for permit to make the connection. The sewer rents imposed by § 103 shall be payable quarterly. The Borough shall cause the water meter of each property where the sewer rent is based upon metered water consumption and wastewater meter where the sewer rent is based upon metered wastewater discharge to be read on a quarterly basis and shall cause sewer rent bills to be mailed forthwith following each reading. In the event a meter reading cannot be obtained for a particular quarter, the sewer bill may be based upon estimated water usage or wastewater discharge, with an appropriate adjustment made upon subsequent meter readings. Sewer rent bills shall be mailed on a quarterly basis with respect to each property subject to the flat-rate sewer rent. The first sewer bill following connection to the sewer system may cover a period longer or shorter than the regular quarterly billing period (but not for a period longer than six months), and shall be prorated accordingly, if the Borough finds the same desirable in the administration of the quarterly billing procedure. Bills for sewer rent shall be mailed to the owner's address specified in the application for a permit to make the connection. Failure to receive a bill as a result of an incorrect address or otherwise shall not excuse nonpayment of rent or extend the time for payment.
2. If any quarterly installment of sewer rent is not paid within 30 days after the date of the bill, a 10% penalty shall be added thereto; and if the installment plus penalty is not paid within 60 days after the date of the bill, the aggregate amount thereof shall bear interest from the penalty date at the rate of 10% per year. Any unpaid sewer rent (together with penalties and interest thereon to the extent permitted by law) shall be a lien on the property served, which may be collected by action in assumpsit, by distress or by a lien filed in the nature of a

1. **Editor's Note: Former § 104, Subsection 5, Flat Rate for Industries, as amended by Ord. 859, 12/11/2012, was repealed by Ord. 867, 11/25/2014.**

municipal claim, as provided by law. In addition, the Borough may require any water utility to shut off the water supply to any property with respect to which the sewer rent imposed hereby is unpaid until all such rents, together with interest and penalties as aforesaid, are paid. In the event that the Borough proceeds with the authority provided in the Act of July 20, 1974, P.L. 561, No. 191, Section 1 et seq., as amended, 53 P.S. § 2261 et seq., any and all costs paid by the Borough for clerical and other expenses incurred by the water utility shall be added to the sewer rent due from the person involved.

§ 106. Use of Public Sewers. [Ord. 517, 10/28/1975, § 6; as amended by Ord. 592, 6/9/1981, § 1]

1. It shall be the duty of every owner or property abutting, benefitted, improved or accommodated by the Borough of Royersford sanitary sewer system to connect therewith. All connections shall be made in accordance with the laws of the commonwealth and the ordinances and regulations of the Borough and shall be subject to inspection and supervision by the Borough.
2. Upon failure of any owner of premises to connect or cause to be connected any building to the sanitary sewer, or upon failure to comply with the requirements and provisions of this Part 1, the Borough may then cause the necessary connections to be made and, upon completion of such connection, shall submit a statement covering the cost of such work, including the materials, and shall add thereto 20% of such costs as a penalty to the owner of such premises. Any such bill remaining unpaid after the expiration of 30 days from the date thereof shall be referred to the Borough Solicitor for collection in the manner provided by law.
3. No privy vault or cesspool shall hereafter be constructed or used for sewage disposal in any part of the Borough where the sewer system is available or accessible.
4. It shall be unlawful to do or cause to be done any of the following acts:
 - A. To uncover any part of the sanitary sewer system for any purpose or to make connection therewith or to uncover any manhole, flush tank or any other part of the sanitary sewer system, except upon written consent of the Borough or its duly authorized agents, or to do or cause to be done any injury of any kind to any part of the sanitary sewer system.
 - B. To make or cause to be made, either directly or indirectly, any connection with the sanitary sewer system, except upon permit issued by the Borough.
 - C. To make or cause to be made any sewer connection in any other way than in accordance with the provisions of this Part 1 and applicable laws and regulations.

- D. All domestic waste and authorized industrial waste shall be discharged into the sewer system except those which are deemed harmful to the system, are specifically prohibited by this Part 1, or are otherwise not allowed under the laws of the Commonwealth of Pennsylvania.
5. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters into any sanitary sewer. Where existing surface water or roof drains are connected to the sewer system, they shall be removed within 90 days of receipt of a notice from the Borough to remove said connection. In the event said connection is not removed, the Borough shall cause said connection to be removed at the owner's expense.
6. Except as otherwise provided, no person shall discharge or cause to be discharged into the sewer system any domestic waste, industrial waste, or other matter or substance:
- A. Having a temperature higher than 150° F. or less than 32° F.
 - B. Containing more than 100 mg/l by weight of fats, oils, or greases.
 - C. Containing any gasoline, benzene, naphtha, fuel oil, paint products, acid, base, or other inflammable or explosive liquids, solids or gases.
 - D. Containing any noxious or malodorous gas or substance which, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or prevents or endangers entry into sewers for their maintenance and repair.
 - E. Containing unground garbage.
 - F. Containing but not limited to any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, rags, feathers, tar, plastic, wood, paunch manure, butcher's offal, whole blood, bentonite, lye, building materials, rubber, hair, leather, porcelain, china, ceramic wastes, or any other solids or viscous substances capable of causing obstruction to the flow in the sewer system or other interference with the proper operation of the sewer system or the sewage treatment works.
 - G. Having a pH, stabilized, lower than 6.0 or higher than 9.0 or having any corrosive or scale-forming property capable of causing damage or hazards to structures, equipment, bacterial action, or personnel of the sewer system or the sewage treatment plant.
 - H. Containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals or to create any hazard in the receiving stream of the sewage treatment plant; limiting the

mg/l of the following ions in the discharges into the sewer system: cyanide, arsenic, phenol — 0.5 mg/l; lead and mercury — 1.0 mg/l; chromium trivalent and chromium hexavalent — 2.0 mg/l; cadmium copper, nickel, silver, tin, and zinc — 2.0 mg/l; iron — 5.0 mg/l.

- I. Containing total solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as otherwise provided herein.
- J. Containing any toxic radioactive isotopes, without special permit.
- K. Containing a color concentration of more than 250 platinum cobalt units.
- L. Having a chlorine demand in excess of 12 mg/l.
- M. Prohibited by any permit issued by the Commonwealth of Pennsylvania or any agency of the federal government.
- N. Containing wastes which are not amenable to biological treatment or reduction in the sewage treatment plant, specifically nonbiodegradable complex carbon compounds.

§ 107. Admission of Industrial Wastes Into the Sewer System. [Ord. 517, 10/28/1975, § 7]

1. Treatment of Industrial Wastes. The economy and desirability of the combined treatment of industrial wastes and domestic waste is recognized. However, not all types and quantities can be so treated. Hence it shall be the established policy of the Borough of Royersford to accept those types and quantities that are not harmful or damaging to the structures, processes or operation of the sewer system or sewage treatment plant or are not injurious to the public health or are not specifically prohibited by this Part 1. It is also recognized that to provide this service, additional expenditures are required. These expenditures must be borne by those persons receiving the benefits.
2. Approval Required for Industrial Wastes. The discharge into the sewer system of industrial wastes having any one or more of following characteristics shall be subject to prior review and approval by the Borough.
 - A. A five-day BOD greater than 300 mg/l;
 - B. A suspended solids content greater than 250 mg/l;
 - C. A dissolved solids content greater than 500 mg/l;
 - D. A COD greater than 600 mg/l;
 - E. A chlorine demand greater than 12 mg/l;
 - F. An average daily flow greater than 5% of the average daily sewage flow of the sewer system; or

- G. Any quantity of substances possessing characteristics described in § 106.

Prior to discharging said waste into the sewer system, or prior to continuing the discharge of said waste into the sewer system, the owner of the property from which such discharge is proposed to be made shall apply to the Borough in writing for a permit to make such a discharge.

Such application shall be made on industrial waste permit application forms furnished by the Borough. Said forms shall contain all pertinent data, including but not limited to estimated or actual quantity of flow, character of waste, maximum rate of discharge and proposed pretreatment facilities, together with any plans, specifications or other information considered pertinent in the judgment of the Borough.

The industrial waste permit application forms shall be competently completed and returned to the Borough for review and approval. Only upon approval of the Borough will an industrial waste permit be issued and the discharge be allowed.

Where necessary, in the opinion of the Borough, the property owner shall provide, at his expense, a survey analysis and report by a registered professional engineer acceptable to the Borough.

The industrial waste permit, if granted, shall specify a certain allowable quantity of industrial waste which may be discharged into the sewer system. Said allowable quantity shall be a condition of the industrial waste permit and exceeding said quantity is specifically prohibited by this Part 1.

3. Preliminary Treatment and Handling of Industrial Wastes.

- A. Whenever necessary, in the opinion of the Borough, the owner of an improved property shall provide, at his expense, such facilities for preliminary treatment and handling of industrial wastes or regulating devices as may be necessary to:

- (1) Reduce BOD to 300 mg/l, suspended solids to 250 mg/l and/or dissolved solids to 500 mg/l;
- (2) Reduce objectionable characteristics or constituents to come within the maximum limits permitted in this Part 1; or
- (3) Control or equalize the quantities and rates of discharge over a twenty-four-hour day and seven-day week.

- B. Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of industrial wastes and regulatory devices shall be submitted for approval to the Borough, and no construction of any such facility shall be commenced until approval thereof first shall have been obtained, in writing, from the Borough, and until approval thereof

first shall have been obtained from any governmental regulatory body having jurisdiction.

- C. Whenever facilities for preliminary treatment and handling of industrial wastes shall have been provided by the owner of such improved property, such facilities shall be continuously maintained in satisfactory operating condition at the expense of such owner; and the Borough shall have access to such facilities at reasonable times for purposes of inspection and testing.
4. Changes in Industrial Processes. Industrial waste permits shall remain in effect only so long as the type of waste remains unchanged. Any person discharging wastes covered by an industrial waste permit and who contemplates a change in the method of operation or other factors which will alter the type of waste then being discharged into the sewer system shall apply for a new industrial waste permit at least 30 days prior to such a change.
5. Harmful Discharges. The Borough reserves the right to refuse permission to connect to the sewer system, to compel discontinuance of use of the sewer system or to compel pretreatment of industrial wastes in order to prevent discharges deemed harmful or to have a deleterious effect upon any portion of the sewer system or receiving stream.
6. All connections by industrial users to the sewer system shall be maintained in good condition, be repaired when necessary and shall be kept free from deposits by flushing or other proper means of cleansing, in order that they may at all times afford a proper means for the prompt conveyance of sewage.

§ 108. Determination of Charges for Industrial Wastes. [Ord. 517, 10/28/1975, § 8; as amended by Ord. 527, 2/10/1976, § 1]

1. Additional Charges for Industrial Wastes. There shall be additional charges for industrial wastes having dissolved solids, suspended solids and (or) BOD in excess of the average dissolved solids, suspended solids and BOD of normal domestic sewage. Normal domestic waste shall be considered as having the following concentrations:
- A. BOD — 300 mg/l.
- B. Suspended solids — 250 mg/l.
- C. Dissolved solids — 500 mg/l.
2. Surcharge Formula. In order to determine the additional charge for industrial wastes with strength greater than that of domestic waste, the following formula shall be used:

$$SQ = 0.00834 Q1 [(BOD1 - 300) \$71.60 + (SS1 - 250) \$106.41 + (DS1 - 500) \$12.07]$$

Where:

Sq is the quarterly surcharge to be added to the normal sewer rent.

0.00834 is a constant to convert waste concentrations expressed in mg/l to thousands of pounds of waste.

Q1 is the quarterly industrial waste flow expressed in million gallons.

BOD1, SS1, and DS1 are the respective concentrations of BOD5, suspended solids and dissolved solids of the industrial waste expressed in mg/l.

300, 250 and 500 are constants which express the waste load concentrations in mg/l for equivalent domestic wastes.

\$71.60, \$106.41, and \$12.07 are actual treatment costs incurred by the Borough per 1,000 pounds of BOD, suspended solids, and dissolved solids, respectively.

When a value of BOD, suspended solids, and/or dissolved solids is less than the maximum allowable concentration set forth in the industrial waste surcharge formula, then the maximum allowable concentration shall be used in the calculation of the industrial waste surcharge.

3. Additional Surcharges. The formula specified in § 108, Subsection 2, of this Part 1 is to determine additional charges or surcharges for the treatment of industrial wastes having concentrations of BOD, suspended solids, and/or dissolved solids in excess of those of domestic waste. It is, however, recognized that the discharge of any waste or other material which contains any one or more of the prohibited substances listed in § 106 of this Part 1 may result in extraordinary laboratory, labor, maintenance, and/or treatment expenses to the Borough. Hence, it shall be the established policy of the Borough, in the event of the discharge of any industrial waste or other matter or substance containing any one of the prohibited substances listed in § 106 of this Part 1, to bill the owner of the property from which the said discharge is made an additional surcharge of \$300. Each day that the said discharge is made shall result in a separate \$300 additional surcharge. This \$300 charge shall be in addition to the normal sewer rental and/or any industrial waste surcharge as incurred under § 108, Subsection 2, of this Part 1.

§ 109. Measurement of Concentration of Industrial Waste. [Ord. 517, 10/28/1975, § 9]

1. Industrial Waste Sampling.
 - A. Industrial wastes being discharged into the sewer system shall be subject to periodic sampling and inspection to be used as a basis for determining additional charges due to excessive concentrations of dissolved solids, suspended solids, BOD, and/or substances prohibited in § 106. Such sampling and inspection shall be made by

the Borough as frequently as may be necessary. The analysis of the sample so obtained shall be the basis for computing additional charges in accordance with § 108. The costs of said sampling shall be borne by the owner at the discretion of the Borough.

- B. The industry may request that samples be taken in addition to the normal periodic samples taken by the Borough. The cost of making this collection and analysis shall be borne by the owner.
 - C. All sampling shall be of a representative manner and shall be taken by a method approved by a registered professional engineer.
 - D. Sampling facilities shall be accessible to the Borough at all times.
 - E. The analysis of samples obtained shall be made in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.
2. Control Manhole and Entry.
- A. When required by the Borough, the owner of any property discharging industrial waste into the sewer system shall install a suitable control manhole together with such necessary meters and other appurtenances in the building or sewer to facilitate observation, sampling and measurement of the waste. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Borough. The manhole shall be installed by the property owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.
 - B. The Borough and/or its duly authorized representatives shall be permitted to enter upon all properties at all times for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Part 1.

§ 110. Measurement of Volume of Industrial Wastes. [Ord. 517, 10/28/1975, § 10]

1. Methods of measuring volume.
- A. Whenever a person metering all water used discharges only industrial waste into the sewer system, the volume of water metered may be used as a measure of the quantity of industrial waste discharged.
 - B. Whenever a person metering all water used discharges combined domestic waste and industrial waste into the sewer system, the volume of water chargeable as industrial waste shall be the total volume of water purchased less the volume determined to be

domestic waste. The volume of domestic waste shall be determined by the Borough in either of the following two ways:

- (1) Actual measured flows.
- (2) By multiplying the daily average number of employees for days of operation in the establishment during the preceding billing period by 20 gallons per day.
- (3) Whenever a person metering all water used discharges industrial waste into the sewer system and also discharges unpolluted cooling water to either a separate storm sewer or other outlet, an allowance for the amount of water so discharged shall be made in computing the sewer charges. The person so discharging cooling-water shall at his own expense install a meter or meters, as required, to indicate accurately and to the satisfaction of the Borough the amount of water claimed as a credit.
- (4) Whenever a person using a private water supply discharges industrial wastes into the sewer system the charges for such discharge shall be in accordance with § 104 and § 108 of this Part 1. Such person, however, shall install at his expense a suitable meter or meters, as may be required by the Borough, to measure the total volume of water used in the industrial plant; or shall install, at his expense, a meter on the sewer line leaving the plant so as to measure the entire flow of waste discharged into the sewer system. No meter for measurement either of the water or sewage shall be installed until a plan for such installation is submitted to the Borough or its designated representative, and approved as satisfactory. All meters or other measuring devices installed or required to be used under the provisions of this Part 1 shall be tested, inspected, or repaired as required by the Borough. The owner of the property upon which such measuring device is installed shall be responsible for its maintenance and safekeeping; and all repairs thereto shall be made at the property owner's expense.
- (5) The Borough shall be responsible for the reading of water and/or sewage meters when installed in industrial establishments. All meters shall be installed at a location approved by the Borough. All meters shall be accessible to the Borough at all times.

§ 111. Removal, Transportation and Disposal of Domestic Waste and Industrial Wastes. [Ord. 517, 10/28/1975, § 11]

Any tank truck or any equipment used or intended to be used within the Borough for the removal and/or transportation of domestic waste and industrial wastes shall conform to the following requirements:

1. The container shall be watertight.
2. Tanks, containers, or other equipment shall be so constructed that every portion of the interior and exterior can be easily cleaned and shall be kept in a clean and sanitary condition.
3. Piping, valves and permanent or flexible connections shall be accessible and easily disconnected for cleaning purposes.
4. The inlet opening, or openings, to every container shall be so constructed that the material will not spill outside during filling, transfer or transport.
5. The outlet connections shall be so constructed that no material will leak out or run out to other than the point of discharge, and shall be of a design and type suitable for the material handled and capable of controlling the flow or discharge without spillage, undue spray, or flooding immediate surroundings while in use.
6. No connection shall be made at any time between a tap or outlet furnishing potable water on any premises and any container or equipment holding material by any means other than an open connection. No domestic waste or industrial wastes shall be discharged by tank trucks into the sewer system, except by special permit granted by the Borough.

§ 112. Access. [Ord. 517, 10/28/1975, § 12]

The Borough shall have the right of access at all times to any part of any improved property served by the sewer system as shall be required for purposes of inspection, measurement, sampling, and testing and for performance of other functions relating to service rendered by the Borough through the sewer system.

§ 113. Responsibility of Owners of Improved Properties. [Ord. 517, 10/28/1975, § 13]

The owner of each improved property connected to the sewer system shall be responsible for all acts of tenants or other occupants of such improved property insofar as such acts shall be governed by provisions of this Part 1.

§ 114. Adoption of Additional Rules and Regulations. [Ord. 517, 10/28/1975, § 14]

The Borough reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with use and operation of the sewer system, which rules and regulations shall become effective as though set forth herein.

§ 115. Penalties. [Ord. 517, 10/28/1975, § 16; as amended by Ord. 694, 6/28/1988, § 1; and by Ord. 715, 10/30/1990]

Any person who shall violate any of the provisions of this Part 1 shall be fined not more than \$1,000 and shall pay the costs of prosecution and in default of payment of such fine and costs such person shall be imprisoned in the Montgomery County Prison for not more than 30 days. Each day of the continuation of a violation shall constitute a separate offense.

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Part 2
TAPPING FEES

§ 201. Short Title. [Ord. 845, 7/12/2011]

This Part 2 shall be known as the "Tapping Fee Ordinance."

§ 202. Authority. [Ord. 845, 7/12/2011]

The imposition and collection of tapping fees is authorized pursuant to the Borough Code and Act 203 of 1990, as amended by Act 57 of 2003, as well as Section 507-A of the Municipalities Planning Code. This Part 2 is adopted pursuant to the provisions of said Acts.

§ 203. Determination of Tapping Fees. [Ord. 845, 7/12/2011]

1. The design capacity required by a residential customer used in calculating the tapping fee is 90 gallons per capita per day multiplied by the average number of persons per household, as determined by the applicable United States Census Bureau data, which is 2.54 persons per household, which equals 228 gallons per day per residential customer. In calculating tapping fees hereunder, a single-family residence or dwelling, flat or apartment or other living or household unit, whether classified as a townhouse, semidetached dwelling, apartment, or other classification of a private dwelling or living unit, is hereby classified and defined as 228 gallons per day per residential unit. For all nonresidential uses, the tapping fee shall be determined on the basis of 228 gallons per day as the base calculation, and the determination of the sewer flow shall be made by the Borough Council based upon sound engineering criteria and estimates based upon the size and type of building, its intended use, and potential maximum flows from the building. In determining the tapping fee payable by nonresidential uses, the Pennsylvania Department of Environmental Protection regulations shall be applied. Payment of the tapping fee is required for all allocations of sewer capacity, whether for immediate use or reserved for future connection, concerning any property for which a sewer tapping fee or connection has not been previously paid.
2. Whenever any building connected to the sewer system is converted, enlarged or remodeled or additional buildings are constructed on a property so as to create or establish additional uses or an intensification of existing use which results in a corresponding increase in sewer flow, an additional tapping fee shall be payable to the Borough in accordance with this Part 2 and based upon flows of 198 gallons per day per residential unit. The determination of the tapping fee allocated to any existing building shall be determined by the Borough Council based upon existing records and sound engineering criteria which reflects the existing use.

§ 204. Tapping Fees. [Ord. 845, 7/12/2011]

1. Every property owner who utilizes or connects to the sewer system shall pay the Borough a tapping fee in accordance with this Part 2. The tapping fee shall be payable whether the property is to be connected separately or through one or more lateral sewers or service connections. The tapping fee is exclusive of costs of construction, expansion or upgrading of transmission facilities that may be required in any specific situation. The tapping fee is based upon the following fee components:
 - A. The "capacity part component" is that portion of the tapping fee attributable to the cost of existing facilities or facilities to be constructed or acquired, including costs related to the treatment, pumping, transmission, trunk, interceptor and outfall mains, storage, sludge treatment, disposal, interconnection or other general system facilities.
 - B. The "distribution or collection part component" is that portion of the tapping fee attributable to collection facilities that are required to provide service throughout the sewer system, such as mains, hydrants and pumping stations.
2. Nothing contained herein shall prevent the Borough from allocating any capacity, distribution or collection or special purpose facilities related tapping fees to different sections or districts of the sewer system, nor shall the Borough be prohibited from imposing additional capacity, distribution or collection or special purpose facilities related tapping fees on specific groups of existing property owners, such as commercial and industrial customers, as a result of any additional requirements of such property owner or owners, in accordance with the provisions of Act 203 of 1990 and Act 57 of 2003, as well as Section 507-A of the Municipalities Planning Code, upon which this Part 2 is based.
3. Effective upon the adoption of this Part 2, the tapping fee shall be \$4,300 per residential unit. Attached to this Part 2 as Exhibit A is a true and correct copy of the Wastewater Treatment Facilities and Sewage Collection System Calculations and Update, dated May 2011, prepared by Pennoni Associates, Inc., pursuant to the terms of Act 203 of 1990, as amended by Act 57 of 2003, as well as Section 507-A of the Municipalities Planning Code, upon which this Part 2 is based.²
4. The tapping fee shall be based upon maximum permissible utilization of sewage flows, whether or not said flows occur initially, at a later date or do not occur. The payment of the tapping fee is not a reservation of capacity for sewage flows or treatment within the Borough sewer system in excess of flows upon which the tapping fee has been calculated.

§ 205. Reimbursement Payments. [Ord. 845, 7/12/2011]

2. Editor's Note: Exhibit A is on file in the Borough offices.

1. Whenever a property owner has constructed or caused to be constructed any extension of the sewer system at the expense of such property owner, and within 10 years of the date of dedication of such extension the owner of another property not in the development for which the extension was constructed connects a service line directly to the extension, and a written agreement is executed between the Borough and the property owner at whose expense such facilities were constructed, the Borough shall provide for reimbursement to the property owner that constructed such extension in accordance with the following provisions:
 - A. The reimbursement payment to such property owner or owners shall be equal to the distribution or collection part component of the tapping fee collected as a result of subsequent connections, provided that the Borough shall be entitled to deduct from each reimbursement payment an amount equal to 5% thereof, which shall be deemed to represent the Borough's administrative expenses in calculating, collecting, monitoring and dispersing the reimbursement payments to property owners entitled thereto.
 - B. Reimbursement shall be limited to those service lines which have not previously been paid for by the Borough.
 - C. Whenever the Borough is required to reimburse any amounts hereunder, the Borough shall, in the preparation of the necessary reimbursement agreement with the property owner or owners for whose benefit reimbursement will be provided, attach an itemized exhibit setting forth all sewer facilities for which reimbursement shall be provided.
 - D. The total reimbursement to which a property owner or owners shall be entitled shall not exceed the aggregate cost of all labor and materials, engineering design charges, performance and maintenance bonds, Borough review and inspection charges, flushing and televising charges and any and all charges involved in the acceptance and dedication of such facilities by the Borough, less the amount which would otherwise be chargeable to the property owner based upon the distribution and collection component part of the Borough's tapping fees as set forth in the fee schedule, which would be applicable to all properties served directly or indirectly through such extensions if the property owner did not fund the extension.
 - E. Whenever a property owner shall be entitled to reimbursement hereunder, the Borough shall notify such property owner, by certified mail to his or her last known address, within 30 days of the Borough's receipt of any payment required to be reimbursed hereunder. In the event that the property owner fails to claim his or her reimbursement payment within 120 days of the mailing of such notice, the payment shall revert to and become the sole property of

the Borough with no further obligation on the part of the Borough to refund any payment to the property owner.

- F. Whenever the sewer system or any part or extension thereof has been constructed by the Borough at the expense of a private person or corporation or has been constructed by a private person or corporation under the supervision of the Borough at the expense of the private person or corporation, the Borough shall have the right to charge a tapping fee and refund such tapping fee or any part thereof to the person or corporation who has paid for the construction of the sewer system or any part or extension thereof.

§ 206. Fee Payments. [Ord. 845, 7/12/2011]

1. All tapping fees imposed by the Borough shall be payable at the time of application for connection to the sewer system or at such other time as the property owner and the Borough agree, or, in the case of projects to serve existing development, such fees shall be payable at a time to be determined by the Borough. The Borough retains the right to require the payment or other posting of security for any tapping fees imposed hereby before the guarantee of any capacity to a property owner or owners.
2. The tapping fee imposed by this Part 2 shall be in addition to any connection fee or customer facilities fee imposed by Borough of Royersford, any charges assessed and collected against such property in the connection of such sewage system by the Borough, whether by the benefit method or according to the front-foot rule, and any rentals or other charges fixed, charged or imposed by the Borough by reason of the use, or availability for use, of the sewage system by such property.

Resolution #2020-06

RESOLUTION OF THE BOROUGH OF ROYERSFORD

A RESOLUTION OF ROYERSFORD BOROUGH COUNCIL AUTHORIZING THE EXECUTION AND FILING OF A PETITION FOR DECLARATORY ORDER WITH THE PENNSYLVANIA PUBLIC UTILITY COMMISSION SEEKING TO HAVE THE COMMISSION DECLARE THAT CERTAIN SANITARY SEWER CUSTOMERS SITUATE IN UPPER PROVIDENCE TOWNSHIP CONNECTED TO THE ROYERSFORD BOROUGH SANITARY SEWER SYSTEM SHALL NOT BE SUBJECT TO THE COMMISSION'S JURISDICTION AND SHALL BE CHARGED THE SAME SANITARY SEWER RATES CHARGED TO CUSTOMERS SITUATE WITHIN THE ROYERSFORD BOROUGH MUNICIPAL BOUNDARY.

WHEREAS, Royersford Borough (the "Borough") owns and operates a sanitary sewer collection and treatment system (the "System"); and

WHEREAS, in addition to the One Thousand Four Hundred Eighty-Eight (1,488) customers who are located within the Borough municipal boundary, sixteen (16) additional customers situate in adjacently located Upper Providence Township are tied into and being served by the System (the "UP Customers"); a list of the UP Customers are attached hereto as Exhibit "A"; and

WHEREAS, it is necessary, reasonable and fiscally prudent to charge the UP Customers the same sanitary sewer rates as the customers situate in Royersford Borough; and

WHEREAS, Borough Council desires to file with the Pennsylvania Public Utility Commission (the "Commission") a Petition for Declaratory Order ("Petition") seeking the


Commission to declare that the UP Customers shall not be subject to the Commission's jurisdiction and shall be charged the same rates charged to customers situate in the Borough;

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the Royersford Borough Council as follows:

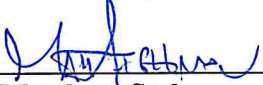
1. The Borough shall charge the Upper Providence Customers the same rates as Borough customers, and affirms and confirms that the Borough shall not expand the System services to any other property located outside of the Royersford Borough municipal boundary.
2. The President of Council is hereby authorized to execute and cause to be filed a Petition with the Commission seeking to have the Commission declare that UP Customers shall not be subject to the Commission's jurisdiction and the Borough shall charge the UP Customers the same sanitary sewer rates charged to Borough customers; and further limiting the Petition to only those UP Customers, and affirming that there will be no additional expansion of the System services to any other property located outside of the Borough municipal boundary.
3. The Borough shall not amend or repeal this Resolution without providing prior written notice to the Commission.

RESOLVED AND ENACTED this 31st day of March, 2020.

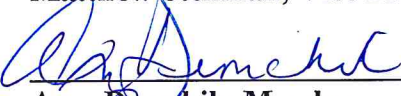
ROYERSFORD BOROUGH COUNCIL



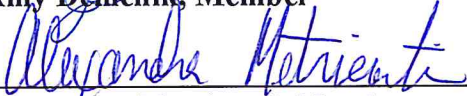
Anil Dham, President



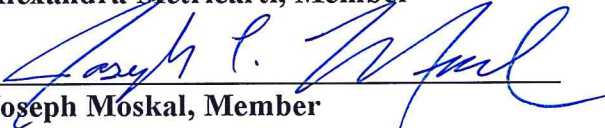
Matthew Stehman, Vice President



Amy Demchik, Member



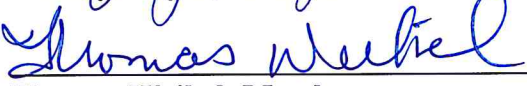
Alexandra Metricarti, Member



Joseph Moskal, Member



Tiffany Moyer, Member



Thomas Weikel, Member

ATTEST:



Michael A. Leonard, Secretary



Exhibit "A"

UPPER PROVIDENCE TOWNSHIP
SEWER ACCOUNTS

Property Address	Tax Parcel No.
534 Green Street	61-00-02107-00-1
301 Gay Street	61-00-02032-00-4
427 South Third Avenue	61-00-04954-00-7
429 Third Avenue	61-00-04957-00-4
621 Second Avenue	61-00-04600-00-1
530 Green Street	61-00-02110-00-7
605 Second Avenue	61-00-04598-00-3
538 Green Street	61-00-02104-00-4
536 South Sixth Avenue	61-00-04731-50-9
604 Green Street	61-00-02095-00-4
600 Green Street	61-00-02101-00-7
521 South Fourth Avenue	61-00-01807-00-4
401 Gay Street	61-00-02052-00-2
523 South Fourth Avenue	61-00-01810-00-1
526 Green Street	61-00-02113-00-4
602 Green Street	61-00-02098-00-1