
Devin Ryan
Principal

dryan@postschell.com
717-612-6052 Direct
717-731-1981 Direct Fax
File #: 192112

December 15, 2021

VIA ELECTRONIC FILING

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

**Re: IN THE MATTER OF THE APPLICATION OF THE YORK WATER COMPANY Under Sections 1102(a)(1) and 1102(a)(3) of the Public Utility Code, for approval of the right of THE YORK WATER COMPANY to (1) to acquire certain private wastewater facilities from Country View Manor Community, LLC; and (2) begin to offer, render, furnish and supply wastewater service to the public in a portion of Washington Township, York County, Pennsylvania
Docket No. A-2021-**

Dear Secretary Chiavetta:

Enclosed for filing is an Application of The York Water Company ("York Water") in the above-referenced proceeding. The filing fee in the amount of \$350.00 will be provided at the time of the e-filing. Copies will be provided as indicated on the Certificate of Service.

York Water notes that the enclosed Exhibit G is a copy of the Asset Purchase Agreement. The exhibit is marked **CONFIDENTIAL** due to its proprietary and competitively-sensitive nature. Accordingly, Exhibit G should be afforded **CONFIDENTIAL** treatment by the Pennsylvania Public Utility Commission and placed in a non-public folder.

The parties listed on the enclosed Certificate of Service are being served with copies of this filing, with the exception of **CONFIDENTIAL** Exhibit G.

Rosemary Chiavetta, Secretary
December 15, 2021
Page 2

Respectfully submitted,

A handwritten signature in blue ink, appearing to be "Devin Ryan", written over a horizontal line.

Devin Ryan

DR/dc
Enclosures

cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Application of The York Water Company has been served by certified mail, return receipt requested, upon the following:

York County Commissioners
One West Market Way
Fourth Floor
York, PA 17401

Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Felicia Dell
York County Planning Commission
100 West Market Street
York, PA 17405

Office of Small Business Advocate
Commerce Building
300 North Second Street, Suite 1102
Harrisburg, PA 17101

Bureau of Investigation and Enforcement
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265

Washington Township
Board of Supervisors
14 Creek Road
East Berlin, PA 17316

Department of Environmental Protection
Southcentral Regional Office
909 Elmerton Avenue
Harrisburg, PA 17110-8200

Dated: December 15, 2021



Devin T. Ryan, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IN THE MATTER OF THE APPLICATION OF :
THE YORK WATER COMPANY Under Sections :
1102(a)(1) and 1102(a)(3) of the Public Utility :
Code, for approval of the right of THE YORK :
WATER COMPANY to (1) to acquire certain : Docket No. A-2021-_____ :
private wastewater facilities from Country View :
Manor Community, LLC; and (2) begin to offer, :
render, furnish and supply wastewater service to :
the public in a portion of Washington Township, :
York County, Pennsylvania :

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. Name and Address of Applicant:

THE YORK WATER COMPANY
130 East Market Street
York, PA 17401

2. Name and Address of Applicant's Attorneys:

Michael W. Hassell, Esq.
Devin T. Ryan, Esq.
Post & Schell, P.C.
17 North Second Street – 12th Floor
Harrisburg, PA 17101-1601

3(a). Brief Corporate History and Purpose:

Under Special Act of the Assembly of February 8, 1816, The York Water Company (“York Water” or the “Company”) was incorporated under the laws of the Commonwealth of Pennsylvania on February 23, 1816, for the purpose of supplying water in the Borough, now City of York, York County, Pennsylvania, and subsequent thereto duly extended its franchised territory

from time to time so as to include a number of municipalities in which water service and wastewater service is now being rendered as more fully set forth in Paragraph 4 hereof.

York Water has amended its Corporate Charter by filing its Articles of Amendment with the Pennsylvania Department of State on June 29, 1990 (#9033866 to 9033870) with Certificate of Amendment issued thereon on June 29, 1990, so as to consolidate into one description its chartered territory. A subsequent amendment was issued February 28, 1994, to include additional portions of Jackson, North Codorus, Lower Windsor and Hellam Townships, and East Prospect, Wrightsville and Abbottstown Boroughs, York County, Pennsylvania (Microfilm Numbers 09415.0349-0352). On May 20, 1996, York Water's Articles of Incorporation were restated and amended. The amended area added Jefferson Borough and portions of Codorus Township. On March 3, 1997, the Applicant filed Articles of Amendment to include the area encompassing the Boroughs of Glen Rock, Shrewsbury, New Freedom and Railroad, Shrewsbury Township and portions of North Hopewell and Hopewell Townships (Microfilm Numbers 09719.1725-1727).

On May 1, 2000, the Applicant's Articles of Incorporation were amended and restated (Microfilm Numbers 200035.389-392). The amended and restated Articles authorize the Company to provide water service in the area that are the subject of this application.

3(b). Description of Service Furnished to the Public:

York Water now furnishes a supply of water to the public in the major portion of its franchised territory as hereinafter specified in Paragraph 4 hereof and wastewater service to portions of its franchised wastewater territory as hereinafter specified in Paragraph 4 hereof.

Country View Manor Community, LLC ("Country View") currently provides wastewater service to residents in the mobile home park ("Country View MHP") and one

neighboring parcel located in Washington Township in York County, as hereinafter specified in Paragraph 5, hereof.

3(c). Amount of Stock and Bonds Issued by York Water:

York Water has authorized, issued and outstanding as of December 30, 2020, 13,0060,817 shares of Common Stock, with no stated par value. York Water has in force and effect an Optional Dividend Reinvestment and Direct Stock Purchase and Sale Plan, an Employee Stock Purchase Plan, and a Long-Term Incentive Plan.

There are also outstanding as of December 31, 2020, the following Senior Notes, Industrial Development Authority Revenue Bonds, and Pennsylvania Economic Development Financing Authority Exempt Facilities Revenue Refunding Bonds as follows:

8.43% Senior Notes, Series D, due 2022 (Securities Certificate No. S-920287 of 1992)	7,500,000
3.00% Pennsylvania Economic Development Financing Authority Exempt Facilities Revenue Bonds Series A of 2019, due 2036 (Securities Certificate No. S-2019-3011066 of 2019)	10,500,000
Variable Rate Exempt Facilities Revenue Refunding Bonds, Series 2008A, due 2029 (Securities Certificate No. S-00041015 of 2004)	12,000,000
3.10% Pennsylvania Economic Development Financing Authority Exempt Facilities Revenue Refunding Bonds, Series B of 2019, due 2038 (Securities Certificate No. S-2019-3011066 of 2019)	14,870,000
3.23% Senior Notes, due 2040 (Securities Certificate No. S-2019-3011035 of 2019)	15,000,000
4.00% - 4.50% York County Industrial Development Authority Exempt Facilities Revenue Bonds, Series 2015, due 2029 – 2045	

(Securities Certificate No. S-2014-2405684 of 2014)	10,000,000
4.54% Senior Notes, due 2049 (Securities Certificate No. S-2018-3006371 of 2018)	20,000,000
3.24% Senior Notes, due 2020 (Securities Certificate No. S-2020-3020763 of 2020)	30,000,000

4. Location of Existing Service Area of York Water:

York Water is now furnishing water service to the public in the major portion of its franchised territory which contains all or portions of 51 municipalities for water service. In addition, York Water is now furnishing wastewater service to the public in portions of 6 municipalities and Boroughs in York County, a portion of one township in Adams County and one township in Franklin County. York Water is not currently certificated to provide either water or wastewater service in Washington Township, York County.

The water community served has an estimated population of approximately 201,000 as of December 31, 2020, with water furnished to 69,401 customers as of December 31, 2020. Of these there were 4,905 metered commercial (including apartment complexes) and industrial customers, 63,122 metered residential customers and 1,374 public and private fire protection customers. The wastewater community served has an estimated population of approximately 15,000 as of December 31, 2020, with wastewater service furnished to 3,280 customers as of December 31, 2020.

All such water and wastewater service rendered to the public has been approved by virtue of the authority granted initially in York Water’s Charter by Special Act of Assembly of February 8, 1816, and at various times subsequently by Certificates of Public Convenience duly granted by the Pennsylvania Public Service Commission and by the Pennsylvania Public Utility

Commission (“Commission”) under The Public Service Company Law, Public Utility Law or Public Utility Code of Pennsylvania.

5. Proposed Acquisition and Expansion of York Water’s Service Territory:

York Water proposes to acquire the existing Country View MHP wastewater collection and treatment system, which is owned and operated by Country View and is located at 151 Roland Road, East Berlin, PA 17316, York County PA. The purpose of the proposed acquisition is to enable the Company to serve additional customers, in particular, the individual residential customers located in Country View MHP. As of December 1, 2021, Country View’s wastewater collection and treatment system provides wastewater service to 53 customers, consisting of: (1) 52 customers located in the Country View MHP, which has a total of 54 lots; and (2) one customer located on a parcel adjoining Country View MHP.¹

Because the area served by Country View’s wastewater collection and treatment system is located outside of York Water’s certificated wastewater service territory, the Company requests Commission approval to begin providing wastewater service in the requested territory, as shown as the area depicted on the map attached hereto as **Exhibit D** (CVM Requested Territory - Wastewater), which consists of approximately 25.41 acres. The requested additional service territory is consistent with the current area served by Country View’s wastewater collection and treatment system.

¹Country View does not hold a certificate of public convenience from the Commission to provide wastewater service. Country View does not separately charge the residents of Country View MHP for wastewater service; however, Country View charges the one customer located on a parcel adjoining Country View MHP \$350 per year for wastewater service. Through this Application, York Water seeks all necessary approvals of this Application under Section 1102(a) of the Public Utility Code to acquire the facilities of Country View and to offer wastewater service to all properties currently served by the Country View MHP wastewater collection and treatment system.

The map of the requested additional service territory (**Exhibit E**) includes a scale reference, north arrow, and depiction of public and private roads relative to the Requested Territory. Additionally, the metes and bounds description of the requested territory is included on **Exhibit F**.

Country View has determined that it is in the best interest of its current customers to sell the Country View MHP wastewater collection and treatment system to a company that has more experience in dealing with utility service, and the regulatory requirements associated with providing such service.

York Water and Country View have reached an agreement regarding the acquisition of the Country View MHP wastewater collection and treatment system, as evidenced by the Asset Purchase Agreement, dated May 27, 2020 and attached hereto as **Exhibit G** (Agreement of Water and Wastewater System Sale) (**CONFIDENTIAL**). The Agreement describes the assets that York Water will acquire through the transaction. The Company notes that there is no affiliation between York Water and Country View and that all negotiations were conducted at arm's length. Relatedly, attached as **Exhibit G-1** is a Permanent Utility and Access Easement Agreement entered into by and between York Water and Country View, which grants the Company a permanent utility easement to construct, install, use, operate, inspect, repair, maintain, replace, enlarge, and remove the wastewater collection mains, fittings, and appurtenances.

York County has affirmed this transaction is consistent with the February 6, 2019 Comprehensive Plan. *See* **Exhibit J** (York County Planning Consistency Letter).

Washington Township has confirmed this transaction is consistent with applicable Comprehensive Land Use Planning and Zoning Ordinances. *See* **Exhibit J-1** (Washington Twp Consistency Letter).

6. Additional Capital Requirements:

The purchase price is Three Thousand Seven Hundred and Fifty Dollars (\$3,750.00) for the wastewater system. (See **Exhibit G**) (**CONFIDENTIAL**). The purchase will be financed by internally generated funds, proceeds from the issuance of common stock under York Water's dividend reinvestment and direct stock purchase and employee stock purchase plans, and, if necessary, borrowings against York Water's line of credit.

Following acquisition of the Country View wastewater facilities, York Water will operate the existing collection and treatment system as part of its wastewater system, and Country View will cease providing wastewater service to the residents of Country View MHP.

Furthermore, there have been no contributions toward the construction of the Country View water system, and the Country View water system has no outstanding PENNVEST loans.

7. Plant in Service and Plant to be Acquired:

Financial Statements of York Water for 2020 are attached hereto as **Exhibits A, B** and **C**. **Exhibit A** (Plant in Service) is a summary, by major plant category, of used and useful plant in service of York Water as of December 31, 2020. **Exhibit B** (Balance Sheet) is a December 31, 2020 summary the capitalization of the Company. **Exhibit C** (Statement of Income) is further described in Paragraph 11 hereof.

York Water will acquire Country View's wastewater collection and treatment system assets as defined in the Agreement. All assets are located in Washington Township, York County, Pennsylvania.

An inventory and description of wastewater assets is attached hereto as **Exhibit I**. The assets consist of one 0.0125 MGD extended aeration wastewater treatment plant (NPDES#

PA0086894, *see Exhibit I*), approximately 3,036 feet of 6” gravity sewer mains, approximately 850 feet of 8” gravity sewer mains, two sewage pump stations, approximately 643 feet of 2” force main, and one 1,000-gallon grease interceptor tank. All components are installed. The system was installed in the early 1990s.

The original cost of the wastewater system assets is not available from the current owners of the system. York Water will perform an original cost study for the purchase of the Country View MHP wastewater system. A more detailed listing and description of assets will be provided when the original cost study is completed and submitted.

The tentative journal entries for booking the purchase of Country View MHP wastewater assets are shown in the tables below. The numbers in journal entry 2, including the amount of any acquisition adjustment, are approximates and cannot be confirmed until the final original cost study has been completed.

1. Record Purchase of System

Account No.	Account Description	Debit	Credit
105	Construction Work in Process	\$3,750	
131	Cash		\$3,750

2. Close Project to Utility Plant

Account No.	Account Description	Debit	Credit
101	Utility Plant in Service	\$100,000	
108	Accumulated Depreciation		\$72,500
114	Utility Plant Acquisition Adj.	\$6,250	
105	Construction Work in Process (Purchase price + other acquisition costs)		\$33,750

3. Record Other Project Costs

Account No.	Account Description	Debit	Credit
105	Construction Work in Process	\$30,000	
224	Line of Credit Borrowings (SCADA)		\$30,000

4. Close Projects to Utility Plant

Account No.	Account Description	Debit	Credit
101	Utility Plant in Service	\$30,000	
105	Construction Work in Process (SCADA)		\$30,000

8. Map of Preexisting Service Area:

Attached as **Exhibit D** (Wastewater Distribution Map) shows the existing 25.41-acre area served by Country View. The map also shows the general location of the wastewater facilities previously installed and currently owned by Country View, as described in Paragraph 7, above.

9. Future Capacity:

The Country View MHP wastewater collection and treatment system currently serves residential customers exclusively, with wastewater flow of approximately 8,000 GPD for 2020. Currently, there is no proposed additional demand to be served by this wastewater collection and treatment system beyond: (1) the 54 lots currently existing at Country View MHP; and (2) the one neighboring parcel served by the Country View MHP wastewater collection and treatment system.

10. Rates for Service:

Upon Commission approval of this Application and completion of the proposed transaction, York Water will begin providing wastewater service to the customers in Country View

MHP. Such wastewater service will be governed by the rules and requirements set forth in York Water's Commission-approved wastewater service tariff.

After closing of the transaction, York Water will charge wastewater rates of \$40.00 for the first 3,000 gallons and \$5.00 per 1,000 gallons for 3,001 gallons and above, as reflected in Paragraph 4.9 of the Agreement of Water and Wastewater System Sale (**Exhibit P**). Such wastewater usage will be based on the customers' water consumption. For the one customer located on a parcel adjoining Country View MHP, the Company proposes an unmetered monthly rate of \$50.00 because the customer is currently served by a private water well and, as such, there will be no Company-owned water meter to measure that customer's water consumption. A *pro forma* tariff supplement that sets forth the proposed rates is attached hereto as **Exhibit P**.

11. Profit and Loss Statement:

Attached as **Exhibit C** is the Statement of Income of York Water for the 12 months ended December 31, 2020.

York Water projects annual revenue of approximately \$28,620 from providing this wastewater service based on the proposed rate schedule. York Water estimates annual expenses of approximately \$16,485 based on York Water's expense estimates. Details of estimated revenues and expenses are presented in **Exhibit N** (Wastewater Revenue and Expense Projections).

12. Compliance with DEP Requirements

York Water is a Class A Utility. It is in good standing with DEP and in general compliance with DEP with regard to the provision of wastewater service.

The acquired assets of Country View will include all Authorizations and Permits of or held by Country View Manor Community, LLC, including all Authorizations and Permits which

are environmental permits, Country View's National Pollutant Discharge Elimination System ("NPDES") Permit #PA0086894, and other permits.

A Permit Transfer Application for the NPDES Permit(s) to York Water will be prepared upon receipt of the Certificate of Convenience. The NPDES Permit for the Country View STP is attached hereto as **Exhibit Q**.

Mr. Grover E. Buracker will be assigned Certified Wastewater Operator for the system. Mr. Buracker's currently effective Wastewater Operator's License is attached hereto as **Exhibit O** (Operator License).

13. No Competitive Condition:

No corporation or entity, except Country View, is now furnishing or has corporate or franchise rights to furnish wastewater service in the requested additional service territory. No municipal entities, private entities, or public utilities are providing wastewater services within one mile of the requested additional service territory.

Country View is now furnishing service similar to that to be rendered by York Water in the territory covered by this Application, and no competitive condition will be created by this acquisition. Because this is a private-to-private asset and operations transfer, a Washington Township, York County, Pennsylvania Act 537 Plan Special Study is not required.

14. Facilities for Furnishing Service:

There is no current growth anticipated for this wastewater system within the next five years in the requested service territory.²

² The requested service territory includes one parcel outside of Country View MHP, which is currently being provided wastewater service by the Country View MHP wastewater collection and treatment system. As explained previously, this parcel is on a private water well that is not served by the Country View MHP water supply, treatment, and distribution system.

York Water will operate and manage the Country View MHP wastewater system as a standalone wastewater collection and treatment system from its office in York, Pennsylvania. The system is approximately 16 miles from that office. York Water has an existing operational presence and wastewater professional in the area. York Water provides wastewater service in York and Adams Counties. The acquisition will easily incorporate into York Water’s existing wastewater operations. The following York Water wastewater facilities are nearest to the Country View MHP wastewater system:

York Water Facilities	Location	Distance from Country View
West York System	West York, PA	11.6 miles
Amblebrook WWTP	Hunterstown, PA	11.9
YWC Wastewater Division	York, PA	15.8

York Water is not anticipating any physical, operational, or managerial changes at this time. York Water’s Wastewater Division will conduct future evaluations and will maintain and improve the system as necessary after the acquisition.

15. Approval’s Necessity and Propriety:

Approval of the Application is necessary and proper for the service, accommodation, convenience, and safety of the public for the following reasons:

(a) Country View is no longer willing to provide wastewater service to its customers due to the regulatory requirements necessary to continue providing service, and the difficulties in maintaining a viable wastewater system for a small number of customers;

(b) York Water will bring significant resources to the Country View MHP wastewater collection and treatment system in order to keep it in compliance with both existing and proposed regulatory requirements;

(c) York Water has the technical, regulatory, financial and legal capacity to operate the Country View MHP wastewater collection and treatment system and to maintain the operations and make facility improvements to meet continuing and future customer needs;

(d) The proposed transaction will not have an adverse effect on the wastewater service provided to existing customers of York Water; and

(e) The Commission encourages utilities, such as York Water, to acquire small wastewater systems such as the Country View MHP wastewater collection and treatment system. *See* 52 Pa. Code § 69.721.

16. Notification to Customers:

Prior to the filing of this Application, York Water notified the residents of Country View MHP of the filing of this Application as well as the one customer located on a parcel adjoining Country View MHP. A copy of the notice sent to residents of Country View MHP describing the filing and the anticipated effect on rates are attached hereto as **Exhibit K** (Notice to Customers).

WHEREFORE, York Water requests that the Public Utility Commission approve this Application filed pursuant to Section 1102 of the Public Utility Code, and:

- a. Enter an Order approving this Application;
- b. Issue a Certificate of Public Convenience under Section 1102 of the Pennsylvania Public Utility Code, authorizing York Water to begin to offer, render, furnish and supply wastewater service to the public in the requested additional service territory covered by this Application;
- c. Authorize York Water to file a tariff supplement, consistent with **Exhibit P**, on one day's notice; and
- d. Issue such other approvals, certificates, registrations, and relief, if any, under the Public Utility Code that may be required with respect to York Water's acquisition of the Country View MHP wastewater system assets and requested expansion of its certificated service territory.

ATTEST:


Secretary

THE YORK WATER COMPANY

By 
President

By 
Counsel for THE YORK WATER COMPANY

Exhibit A

**THE YORK WATER COMPANY
UTILITY PLANT**

	As of <u>December 31, 2020</u>
Organization	\$ 5,302
Franchises and consents	4,918
Water rights	39,972
Reservoir land	858,813
Power and pumping land	1,078,522
Purification land	26,734
Transmission & distribution land rights-of-way	137,364
Distribution reservoir and standpipe land	621,756
Office land	115,023
Stores, shop and garage land	135,845
Collecting and impounding reservoirs	6,155,247
Lake, river and other intakes	3,683,677
Wells and springs	50,350
Supply mains	8,350,917
Other water source structures	211,038
Power and pumping structures	14,903,231
Purification buildings	3,247,595
Office buildings	1,424,974
Stores, shop and garage buildings	2,953,735
Miscellaneous structures and improvements	495,218
Power generation equipment	2,831,078
Oil engine pumping equipment	1,858,676
Electric pumping equipment	4,435,610
Scada system	698,223
Purification system	20,299,857
Distribution reservoirs and standpipes	22,835,344
Mains and accessories	205,663,190
Services	49,453,772
Meters	20,307,171
Fire hydrants	9,297,117
Backflow preventors	548,099
Office furniture and equipment	10,987,393
Transportation equipment	1,859,321
Stores equipment	201,232
Shop equipment	71,313
General equipment	690,771
Tractor	34,371
Laboratory equipment	82,933
Construction equipment	128,072
Communication equipment	2,740,885
Miscellaneous equipment	501,442
Wastewater pumping land	305,425
Wastewater treatment land	148,906
Wastewater treatment structures	1,305,240
Wastewater power generation equipment	286,262
Wastewater collection sewers	6,500,622
Wastewater services	984,193
Wastewater pumping equipment	473,082
Wastewater treatment and disposal equipment	1,035,606
Wastewater monitoring equipment	89,641
Wastewater detention pond	2,682
Wastewater outfall lines	10,963
Wastewater office computer	80,265
Wastewater transportation equipment	118,456
Wastewater shop equipment	16,121
Wastewater communication equipment	136,841
Wastewater miscellaneous equipment	11,906
Total Utility Plant in Service	<u>\$ 411,532,312</u>
Construction work in progress	27,137,382
Utility plant acquisition adjustment	(3,706,722)
TOTAL UTILITY PLANT	<u>\$ 434,962,972</u>

Exhibit B

THE YORK WATER COMPANY
BALANCE SHEET

As of
December 31, 2020

ASSETS

UTILITY PLANT:

Utility Plant, at original cost	\$434,962,972
Less-Reserve for depreciation	<u>91,339,847</u>
	343,623,125

OTHER PHYSICAL PROPERTY:

Less-Reserve for depreciation	741,613
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CURRENT ASSETS:

Cash and cash equivalents	(1,261,786)
Restricted cash	5,000,000
Accounts receivables, less reserves	5,183,518
Unbilled revenue	2,847,422
Materials and supplies, at cost	1,009,811
Prepaid expenses	<u>1,526,323</u>
	14,305,288

OTHER LONG-TERM ASSETS:

Notes receivable	255,481
Deferred regulatory assets	39,868,086
Other	<u>6,194,038</u>
	46,317,605

\$404,987,631

THE YORK WATER COMPANY
BALANCE SHEET

As of
December 31, 2020

CAPITALIZATION AND LIABILITIES

CAPITALIZATION:

Common stock, no par value	\$85,935,349
Earnings retained in the business	57,316,798
	143,252,147

Long-term debt	126,569,697
Less-Unamortized discount and debt expense	2,997,246
	266,824,598

CURRENT LIABILITIES:

Current portion of long-term debt	0
Accounts payable	5,315,889
Dividends payable	2,191,863
Accrued taxes	(547,972)
Accrued interest	958,986
Deferred regulatory liabilities	525,279
Other accrued expenses	1,604,434
	10,048,479

DEFERRED CREDITS:

Customers' advances for construction	10,326,167
Contributions in aid of construction	41,307,361
Deferred employee benefits	4,793,148
Deferred regulatory liabilities	25,418,480
Deferred income taxes	43,537,937
Other deferred credits	2,731,461
	128,114,554

\$404,987,631

Exhibit C

THE YORK WATER COMPANY
STATEMENT OF INCOME

	Twelve Months Ended <u>December 31, 2021</u>
OPERATING REVENUES:	
Residential	35,732,932
Commercial and industrial	14,067,957
Other	4,050,704
	<u>53,851,593</u>
OPERATING EXPENSES:	
Operation and maintenance	10,780,641
Administrative and general	10,620,198
	<u>21,400,839</u>
Depreciation	8,176,923
Taxes other than income taxes	1,205,438
Income taxes	2,018,134
	<u>32,801,334</u>
Operating income	21,050,259
INTEREST EXPENSE AND OTHER INCOME:	
Interest on debt	4,707,140
Allowance for funds used during construction	(530,296)
Other (income) expenses, net	275,703
	<u>4,452,547</u>
NET INCOME	<u><u>\$16,597,712</u></u>

EXHIBIT "C"

Exhibit D

COUNTRY VIEW MANOR PROPOSED CERTIFICATED AREA

WASHINGTON TWP.








CVM
WWTP
Separation
CVM WWTP

CVM PS East

CVM PS West

WASHINGTON TWP.

LEGEND	
	NETWORKSTRUCTURES_COUNTRYVIEW
	COUNTRYVIEW_FORCEMAINS
	COUNTRYVIEW_SANITARYSEWERMAIN
	COUNTRYVIEWMANOR_WASTEWATERCARTERTERRITORY
	PARCELYORK



The York Water Company
130 EAST MARKET STREET, YORK, PENNSYLVANIA 17405

"That good York water"
SINCE 1816



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Exhibit E

CERTIFICATED TERRITORY DATA TABLE		
LINE #	DIRECTION	LENGTH
L1	S 56-22-15 E	542.44
L2	S 11-20-4 E	310.24
L3	S 27-11-16 W	117.28
L4	S 45-01-21 W	238.14
L5	N 22-15-24 W	207.00
L6	N 57-44-16 E	20.00
L7	N 42-15-24 W	400.00
L8	S 47-44-16 W	199.00
L9	S 42-15-24 E	400.00
L10	N 47-44-16 E	20.00
L11	S 42-15-24 E	212.97
L12	S 55-0-6 W	360.45
L13	S 54-31-2 W	176.75
L14	S 65-54-36 W	238.39
L15	N 51-46-18 W	996.40
L16	N 57-18-46 E	1,419.32
L17	N 42-18-8 W	298.16

CERTIFICATED TERRITORY CURVE TABLE				
CURVE #	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	8000	140.00	S 27-11-16 W	104.18

DE LINE S 11-20-4 E 310.24'
 (FROM NATIONAL GEODESIC
 SURVEY REFERENCE MARKER
 DESIGNATION - 11195
 PID - KW105.6
 STATE COUNTY - YORK YORK
 COUNTY - US
 USGS QUAD - WELLSVILLE 140122

POINT OF BEGINNING
 (POINT A)



REVISIONS	
No.	Remark

The York Water Company
 130 EAST MARKET STREET, YORK, PA 17401 (717) 645-3801

Drawing Title:
CERTIFICATED WASTEWATER TERRITORY
 For:
COUNTRY VIEW MANOR

WASHINGTON TOWNSHIP, YORK COUNTY, PENNSYLVANIA
FILE LOCATION: I:\projects\geomatics\york\country view manor\CAD Files\Certified Territory Map.dwg 1/26/2021

Scale: 1"=100'
 Date: 3/3/2021
 Drawn By: J. RIVERA
 Checked By: M. WHEELER

Project Number: WA20-024
1 OF 1

NOTE:
 BOUNDARY INFORMATION SHOWN IS APPROXIMATE. THEREFORE,
 THIS DRAWING SHOULD NOT BE CONSIDERED A SURVEY.

Exhibit F

NOTE: THE METES AND BOUNDS DESCRIBED HEREIN ARE APPROXIMATE. THEREFORE, THIS DOCUMENT SHOULD NOT BE CONSIDERED A LEGAL DEED.

ENCOMPASSING approximately 25.41 acres of land located in York County, Pennsylvania, the Country View Manor Certificated Wastewater Territory is described by metes and bounds as follows:

From National Geodetic Survey Marker designated as P 163, PID – KW1053, said Monument being located at NAD 83 (1986) Position: 40°00'43" (N) 76°59'18" (W), proceeding S 3°51'30" E, 9,989.81' (1.89 mi) to Point A, and thence along the following segments:

1. S 56°22'4" E, 542.44'
2. S 43°52'4" E, 310.95'
3. S 57°13'36" W, 117.58'
4. S 46°31'21" W, 238.31'
5. N 42°15'44" W, 245.00'

6. N 47°44'16" E, 20.00'
7. N 42°15'44" W, 400.00'
8. S 47°44'16" W, 490.00'
9. S 42°15'44" E, 400.00'
10. N 47°44'16" E, 20.00'

11. S 42°15'44" E, 212.97'
12. S 55°0'6" W, 360.45'
13. S 54°51'6" W, 175.75'
14. S 55°54'36" W, 238.39' to a point of curve;

Thence on a curve to the left (C1) having a radius of 80.00', an arc length of 150.35', and a chord bearing of S 2°4'9" W, 129.18' to a point of tangent;

15. N 51°46'18" W, 996.40'
16. N 57°15'46" E, 1,419.32'
17. N 42°16'8" W, 288.40'

to Point A, the point and place of beginning.

Exhibit G

(CONFIDENTIAL)

Exhibit G-1

PERMANENT UTILITY AND ACCESS EASEMENT AGREEMENT

THIS PERMANENT UTILITY AND ACCESS EASEMENT AGREEMENT (this “Agreement”) is made this 27th day of May 2020, by and between, Country View Manor Community, LLC (“Grantor”) and The York Water Company, a corporation organized under the laws of the Commonwealth of Pennsylvania, having its principal place of business in the City and County of York and Commonwealth of Pennsylvania (“Grantee”):

WHEREAS, Grantor intends to maintain residential facilities on a tract of land in Washington Township, York County, PA owned by the Grantor, said tract of land identified as York County Tax Parcel 50000JD002400, (“Property”); and

WHEREAS, Grantee is a public utility that supplies water to customers throughout York and Adams County and wastewater to customers throughout York County; and

WHEREAS, in order to better serve the Grantor and other customers in the area, Grantee has proposed to operate and maintain existing water mains and facilities, and construct new water mains and facilities on the Property in order to provide a continuous supply of potable water to the inhabitants thereof; and

WHEREAS, in order to better serve the Grantor and other customers in the area, Grantee has proposed to operate and maintain existing wastewater collection and treatment facilities, and construct new wastewater collection mains and facilities on the Property in order to provide continuous treatment and discharge of sanitary sewer for the inhabitants thereof; and

WHEREAS, Grantor is willing to grant to Grantee the Easements herein described pursuant to the terms set forth in this Agreement.

NOW, THEREFORE, the parties, intending to be legally bound hereby, and in consideration of the payment of One (\$1.00) Dollar, receipt of which is hereby acknowledged, as well as the mutual covenants contained herein, do hereby agree as follows:

1. Incorporation of Recitals.

The above Recitals are hereby incorporated into this agreement as if set forth herein.

2. Permanent Utility Easement.

Grantor grants and conveys to Grantee, its successors and assigns, a Permanent Utility Easement in and across the entire Property, all as more fully shown on the attached plan, incorporated herein and marked as Exhibit "A." The Permanent Utility Easement shall be for the purpose of constructing and installing water mains and wastewater collection mains, as determined by the Grantee in its discretion, together with all fittings and appurtenances as may be necessary or convenient from time to time for the operation of same, and thereafter, to use, operate, inspect, repair, maintain, replace, enlarge and remove said water mains and wastewater collection mains, fittings and appurtenances, together with all rights of ingress, egress and regress on, over and across said Permanent Utility Easement as may be necessary and convenient for the full and complete use by the Grantee of the rights granted hereby, including the right to clear trees, brush and other obstructions from the surface of the Easement Area that impact Grantee's ability to execute any activity incidental to the rights granted in this paragraph. Grantee's obligation to its water customers and Grantee's ownership of water distribution facilities installed extend to the service line valve located at the discharge side of the meter as described in Grantee's Tariff. Grantee shall maintain ownership of replacement water meters. Water meters shall be protected by the customer as described in Grantee's Tariff. Grantee's obligation to its wastewater customers and Grantee's ownership of wastewater collection facilities installed extend to the point of connection with the customer lateral as described in Grantee's Tariff. The grant of the Permanent Utility Easement on the Property shall include the right to maintain the facilities installed within the limits of the Easement, from time to time and at any time in Grantee's discretion.

3. Consideration.

The consideration set forth in this Agreement is full and complete consideration for the Easements herein granted, and for any and all damage to the Property, to any interest of Grantor therein, or any other property of Grantor.

4. Title to Property.

Grantor hereby warrants and represents to Grantee that Grantor holds good and marketable title to the Property, insurable by a reputable title company at regular rates, free and clear of liens and encumbrances except those disclosed to Grantee in writing and accepted by Grantee.

5. Termination Rights

In addition to providing access to water supply and wastewater collection facilities, the Easements created by this Agreement shall allow the Grantee to invest in and construct a water distribution system, or parts thereof, and wastewater collection system to serve the Grantor's existing community with approximately 54 lots. The payments provided under Paragraph 5 in this Agreement are intended to compensate Grantee for investment in facilities in the event Grantor terminates operation of the Mobile Home Park community. Ownership of the distribution system assets will not be transferred by Grantee to Grantor upon payment, and the provisions of Paragraph 5 in this Agreement do not represent a sale of such assets by Grantee. Grantee may continue to retain and use any and all easements granted under the Agreement to the extent necessary to continue to provide public water service and public wastewater service to any customers of Grantee. Reference to abandoning facilities in Paragraph 5A and abandonment (of facilities) in Paragraph 5D of the Agreement do not contemplate a transaction to abandon service nor supersede or limit the Pennsylvania Public Utility Commission's authority under 66 Pa.C.S. §1102(a)(2). Therefore, Grantor and Grantee agree;

- A. For a period of twenty-five (25) years following the grant of these Easements, if Grantor desires to terminate this Agreement, in whole or in part, Grantor agrees to pay Grantee an amount equal to the then current depreciated original cost of Grantee's water main, sanitary sewer main, service line and sanitary

sewer lateral relocation program and facilities to be abandoned as a result of the termination of this Agreement, which original cost shall not exceed one hundred thousand dollars (\$100,000.00) dollars, and;

- B. For a period of twenty-five (25) years following the grant of these Easements, if Grantor desires to terminate this Agreement, in whole or in part, Grantor agrees to additionally pay fifty thousand dollars (\$50,000.00) to Grantee, and;
- C. For a period of ten (10) years following the grant of these Easements, if Grantor desires to terminate this Agreement, in whole or in part, Grantor agrees to pay Grantee an additional amount equal to York Water's system-wide average re-pumped residential revenue per customer during the calendar year preceding termination of this Agreement multiplied by fifty-four (54), multiplied by the years remaining in the initial ten (10) year period, and
- D. Provisions in Paragraphs 4B and 4C above shall not apply if, within eighteen (18) months following abandonment, a follow on use is established which results in a source of revenue for Grantee that is equal to or higher than the previous average monthly revenue generated for Grantee by services to this Property.

6. Grantee's Costs.

Grantee shall be solely responsible for all costs and expenses associated with the construction, installation, maintenance, repair, inspection and operation of its facilities on the Property in the Permanent Utility Easement Area.

7. Indemnification

Grantee agrees to release, hold harmless and indemnify Grantor from and against any and all claims, whether at law or equity, for damages of any kind whatsoever arising directly or indirectly from the construction, installation, maintenance, repair, inspection and operation of said facilities contemplated hereunder including, but not limited to, injury to person or property or loss

of life, except to the extent caused by the negligence or willful misconduct of Grantor, or its officers, agents, employees or contractors.

8. No Interference or Obstruction.

Said Grantor, for itself, its successors and assigns, hereby covenants and agrees to and with the Grantee, its successors and assigns, that neither it nor any of its successors or assigns, shall or will interfere in any way whatsoever with the exercise of the rights hereby given the Grantee, its successors or assigns, or shall or will erect or maintain or cause or allow to be erected or maintained, any obstruction or obstructions of any nature whatsoever, including but not by way of limitation any structure, wall, fence, pole, tree, shrubbery, garden, septic tank, drain field, cesspool, dry well, other on-lot sewage disposal equipment or other impediment of any nature whatsoever not hereinbefore enumerated in, on, under, along or upon said strips or tracts of land whereby access to the facilities, pipe or pipes, wires, valves, fittings, appliances, accessories and other appurtenant equipment hereinbefore authorized to be laid shall or may be hindered, impeded or damaged in any manner whatsoever, and in the event of any such obstruction, hindrance or impediment, with the exception of pre-existing structures located within the easement as of the date of this agreement, the same may be removed without payment of damages by the Grantee, its successors or assigns, whenever such action shall reasonably be deemed by it to be necessary or advisable, and further covenants and agrees that this covenant and agreement and all of the terms, provisions and agreements of Grantor herein made shall run with the land, and further the Grantor does hereby warrant specially the easement hereby granted and Grantor's title to the premises in, on, under, along and upon which the said right of way is granted against adverse mortgages, judgments and other liens.

9. Grantee's Covenant to Backfill.

Grantee covenants and agrees for itself, its successors and assigns, that it, or its successors or assigns, respectively, shall and will, from time to time, backfill any excavations made by it or them, respectively, in said easement or tracts of land and, except to the extent that there may be

any violations of the provisions of the previous paragraph hereof, shall replace and restore the surface of the trench or trenches so excavated to the same grade and condition as existed before such excavation or excavations were made.

10. Personal Property.

It is the intention of the parties hereto, and accordingly agreed by the Grantor and the Grantee, for themselves and their successors or assigns, that none of the facilities being now or at any time hereafter installed in the aforesaid Easements by the Grantee shall be deemed to be or shall become part of the real estate or subject to any mortgage, lien or encumbrance thereon, but rather the same shall at all times remain the personal property of the Grantee, its successors or assigns.

11. Binding Agreement.

This Agreement shall be binding upon the parties hereto, their successors and assigns, and the Easements herein granted shall run with the land.

12. No Amendment or Modification.

The Easements granted herein shall not be altered, modified, limited, amended or terminated, except by means of a written instrument or instruments, executed by both Grantee and Grantor. This Agreement and any subsequent amendment or modification may be recorded in the Office of Recorder of Deeds in and for York County.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed by their authorized officials and officers as of the date first above written.

GRANTOR:

WITNESS:

COUNTRY VIEW MANOR COMMUNITY, LLC



By: 
Eric G. Barshinger, President

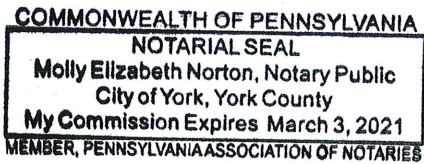
COMMONWEALTH / STATE OF PENNSYLVANIA

(SS.

COUNTY OF YORK

On this 27th day of May, 2020, before me, a Notary Public, the undersigned, personally appeared Joseph T. Hand, known to me (or satisfactorily proven) to be the owner of the parcels described within and acknowledged that (s)he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Molly Elizabeth Norton
Notary Public

GRANTEE:

ATTEST:

[Signature]
Secretary

THE YORK WATER COMPANY

[Signature]
Joseph T. Hand, President and CEO

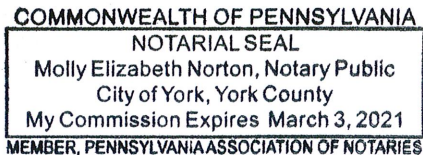
COMMONWEALTH / STATE OF PENNSYLVANIA

(SS.

COUNTY OF YORK

On this 27th day of May, 2020, before me, a Notary Public, the undersigned officer, personally appeared Joseph T. Hand, known to me (or satisfactorily proven) to be the President and CEO of The York Water Company and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Molly Elizabeth Norton
Notary Public

EXHIBIT A

York Water Easement shall encompass: All existing water lines and service lines and all existing sanitary sewer lines; and an additional ten (10) feet on either side of existing water lines and service lines; and an additional ten (10) feet on either side of existing sanitary sewer lines and reasonable access to said water lines, service lines and sanitary sewer lines; and all existing paved roads and driveways; and an additional five (5) feet on either side of all existing paved roads and driveways for installation and access to future water and wastewater facilities.



Exhibit I

Country View Manor Waste Water Assets

Collection System

Description	Diameter	Material	Length (Ft)
Gravity Sewer	6"	PVC	3035.6
Gravity Sewer	8"	PVC	849.5
Pressurized Sewer	2" - Force Main	PVC	642.8
Pump Stations	Duplex lift stations	Vault/pumps/contr	2

Wastewater Treatment

Treatment facility	1 Extended Aeration	concrete	0.0125 MG
Grease Interceptor		concrete	1000 gal

Exhibit J

PLANNING
COMMISSION

COUNTY LAND USE LETTER

Walter A. Kuhl
Chairman

Mary E. Coble
Vice Chairman

Brian Brenneman
Secretary

Sean P. Kenny
Treasurer

Matthew
Chronister

Kevin F. Clark

Thomas W. Earp

James J. Morris

Mike Pritchard

Felicia S. Dell
Director

Jeffrey L.
Rehmeyer II
Solicitor

EQUAL
OPPORTUNITY
EMPLOYER

Date: June 8, 2020

To: The York Water Company
c/o Mark Wheeler
130 East Market Street
York, PA 17401-1219

From: York County Planning Commission

Re: York Water Company Charter Service Area Expansion
PA Public Utility Commission
Country View Manor, Washington Twp., York County, PA
YCPC File #115-20

The County of York states that it:

It has adopted a county or multi-county comprehensive plan. If yes, please provide a date of adoption: 02/06/2019

It has not adopted a county or multi-county comprehensive plan.

If applicable:


The above-reference project:

Is consistent with the adopted county or multi-county comprehensive plan.

Is not consistent with the adopted county or multi-county comprehensive plan.

Additional Comments (attach additional sheets if necessary): Operational control of existing Country View Manor water and sewer systems and acquisition of charter area. Located in Established Rural Area, but provides for public health and safety by maintaining existing satellite water and sewer systems in working order.

Submitted by:

Name	Roy Livergood
Title	Senior Planner
Contact Information	York County Planning Commission - 28 East Market Street, York, PA 17401
Signature	
Date	June 8, 2020
cc:	Washington Twp, Board of Supervisors, File



The York Water Company

"That good York water"
SINCE 1816

June 2, 2020

York County Planning Commission
28 East Market St.
York, PA 17401

Re: York Water Application to Serve Country View Manor, Washington Township, York County

The York Water Company is submitting a request to the Pennsylvania Public Utility Commission (PUC) to expand its charter area to serve customers in Washington Township and to provide water and wastewater service to the residents of the Country View Manor (Country View) Community. York Water is proposing to apply to the Department of Environmental Protection to transfer the Public Water Supply Permit and the National Pollutant Discharge Elimination System (NPDES) permit from Country View to York Water. Both the water and wastewater systems will be operated as satellite systems, i.e., not connected to York Water's exiting water distribution or wastewater collection networks.

As part of York Water's request to the PUC, we have been asked to receive input from the County to determine if York Water's proposed expansion complies with York County's land use planning. Specifically, the PUC requests that the County reviews the following questions:

1. Are there adopted municipal comprehensive plans for the townships/boroughs involved? _____
2. Is there an adopted county comprehensive plan? _____
3. Is there an adopted multi-municipal or multi-county comprehensive plan? _____
4. Is there an adopted county or municipal zoning ordinance or joint municipal zoning ordinance? _____
5. Is the proposed project consistent with these comprehensive plans and/or zoning ordinances? _____
6. If the answer is "yes" to any of the above questions, please sign below, or submit a letter, indicating that the application is consistent with the applicable comprehensive plans and zoning ordinances. If the application is not consistent with the applicable comprehensive plans and zoning ordinances, please provide an explanation.

If you have any questions, please call me at (717)718-7545 or email to markw@yorkwater.com.

Sincerely,

Mark A. Wheeler
Chief Operating Officer

We concur that York Water's application is consistent with the applicable comprehensive plans and zoning ordinances.

York County Planning Commission Signature _____

Printed Name/Title _____ Date _____



Country View Manor
York County

Adams County

East Berlin East Berlin



N/F Country View Manor, LLC

Country View Ct

Randall Ln

Tyler Dr

Wagon Dr

Jason Ln

Wilmer Ln

Roland Rd

Exhibit J-1

Received 6-8-20 by mail



The York Water Company

Washington Township Board of Supervisors
14 Creek Road
East Berlin, PA 17316

Re: York Water Application to Serve Country View Manor, Washington Township, York County

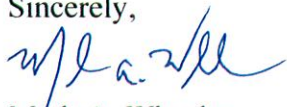
The York Water Company entered into an Agreement to acquire the water and wastewater assets of the Country View Manor Community and is submitting an Application to the Pennsylvania Public Utility Commission (PUC) to offer or furnish water service and wastewater service to the public in that portion of Washington Township currently served by Country View. York Water's Application requests to expand its water and wastewater charter areas to serve customers in Washington Township and to provide water and wastewater service to the residents of the Country View Manor Community.

As part of York Water's request to the PUC, we have been asked to receive input from the Township to determine if York Water's proposed expansion complies with the Township's land use planning.


Specifically, the PUC requests that the Township reviews the following questions:

1. Are there adopted municipal comprehensive plans for the townships/boroughs involved? _____
2. Is there an adopted county comprehensive plan? _____
3. Is there an adopted multi-municipal or multi-county comprehensive plan? _____
4. Is there an adopted county or municipal zoning ordinance or joint municipal zoning ordinance? _____
5. Is the proposed project consistent with these comprehensive plans and/or zoning ordinances? _____
6. If the answer is "yes" to any of the above questions, please sign below, or submit a letter, indicating that the application is consistent with the applicable comprehensive plans and zoning ordinances. If the application is not consistent with the applicable comprehensive plans and zoning ordinances, please provide an explanation.

If you have any questions, please call me at (717)718-7545 or email: markw@yorkwater.com.

Sincerely,

Mark A. Wheeler
Chief Operating Officer

We concur that York Water's Application is consistent with the applicable comprehensive plans and zoning ordinances.

Washington Township Signature 

Printed Name/Title Chairman of Board Date 6/15/20

Exhibit K



The York Water Company

July 6, 2021

Dear Country View Manor Community Tennant:

The York Water Company has entered into an agreement to purchase the water facilities of the Country View Manor Community water and sewer system. York Water will apply to the Pennsylvania Public Utility Commission (PUC) for a Certificate of Public Convenience in order to serve the water and wastewater needs of the Country View Manor Community and file an application with the Pennsylvania Department of Environmental Protection (DEP) to transfer the Water Supply Permit and National Pollutant Discharge Elimination System (NPDES) Permit. Once approved, our goal is to provide a smooth transition to Country View Manor's tenants.

As a current Country View Manor Community resident, there is nothing you will need to do to initiate water and sewer service nor will you incur any additional costs. Once approved by the PUC and upon receipt of the necessary permits from DEP, you will receive a follow-up letter informing you of the transition date. Until that time, you are still served by Country View Manor and you should contact their office for any water or sewer-related questions.

Once you become a customer of York Water, you will receive one utility bill with two separate charges, one for water service and the other for wastewater service.

Water Service

York Water will charge our PUC approved regular "Repumped System Rates" for water service. These are the same rates that our approximately 45,000 other repump customers pay for water service. As an example, if you use 3,000 gallons of water per month your cost under York Water's rates will be \$40.58 per month, plus there may be a Distribution System Improvement Charge (DSIC) and a State Tax Adjustment Surcharge (STAS) which are currently 0.0% of your bill. To view York Water's PUC approved water tariff, please visit us at www.yorkwater.com.

Wastewater Service

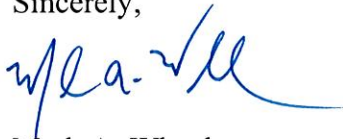
The York Water Company proposed to charge a metered rate for wastewater service. Upon approval by the PUC, your sewer bill will be based upon a metered rate (based on water consumption) per equivalent dwelling unit of \$40.00 per month for the first 3,000 gallons plus \$5.00 per 1,000 gallons over 3,000 gallons. As an example, if you use 3,000 gallons of water per month your cost for sewer would be \$40.00.

Using the above examples of 3,000 gallons of water per month, your monthly utility bill would reflect a water charge of \$40.58 and a wastewater charge of \$40.00 for a total bill of \$80.58.

The York Water Company has been locally owned and operated since 1816. We now provide water/wastewater service to 51 municipalities in York, Adams and Franklin Counties and we look forward to providing the same superior service to our new water and wastewater customers in Country View Manor.

Attached to this letter we have added general information, which responds to commonly asked questions. When the PA PUC and PA DEP approve the transfer, we will contact you with more detailed information on what it means to be a York Water customer. In the meantime, if you have any questions about this information or need additional information about the transition of water service through The York Water Company, please don't hesitate to contact me at markw@yorkwater.com or one of the Company's helpful customer service representatives at (717) 845-3601.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark A. Wheeler', with a long, sweeping underline.

Mark A. Wheeler
Chief Operating Officer

The York Water Company
Country View Manor Community Water and Sewer Project

July 6, 2021

Dear Country View Manor Community Tenant:

The York Water Company has entered into an agreement to purchase the Country View Manor Community water and wastewater systems. Following are a few commonly asked questions:

1. Why did Country View Manor sell the water and wastewater systems? One of the reasons that the systems are being sold is because environmental regulations are making it more difficult for small water and wastewater systems to operate. The owners of Country View Manor reviewed their options and determined that selling the system to York Water is the best alternative for the long term needs of the Country View Manor residents.

2. When do I become a York Water customer? Probably not for another 3-4 months or so. We will send out a “Welcome Packet” when that date gets closer.

3. Who must hook up to the new system? All current tenants of the Country View Manor Community will automatically become customers of The York Water Company.

4. What work must I do to hook up? York Water will be installing meter pits and water meters for each of the units in the community. Once York Water has received the necessary approvals, we will contact you to make an appointment so that we can:

- 1) Install a meter pit, water meter, shut-off valve, and backflow prevention device adjacent to your dwelling.
- 2) Install a “Radio Frequency” meter reading device so we can read your meter without entering your property.

If all goes well, we will be able to do all of our work outside of your dwelling. However, after we set the meter, we need to make sure somebody responsible is at home so that when we turn the water service back on, you can check inside to make sure there are no leaks. We will do all of these activities at no cost to you. However, you will be responsible for insuring that the water meter and service line are protected from freezing weather and other possible damage.

5. I see York Water employees around the area, what are they doing? We will have workers and contractors that are marking the location of facilities and inventorying valves, service lines, meter pits, cleanouts, etc.

6. Are there any connection fees? No.

7. How much will water and sewer cost? We read your meters and bill you monthly. Your water bill will depend on how much water you use. York Water's current monthly cost for a residential customer is: \$16.25 customer charge plus \$8.111 per 1,000 gallons. So, if you use 3,000 gallons per month your cost with York Water rates will be $\$16.25 + (3 \times \$8.111) = \$40.58/\text{month}$. Your sewer bill will also depend on how much water you use with a metered rate of \$40.00 per month for the first 3,000 gallons plus \$5.00 per 1,000 gallons over 3,000 gallons. If you use 3,000 gallons per month your sewer cost with York Water rates will be \$40.00. If you use 4,000 gallons per month your sewer cost with York Water rates will be $\$40.00 + (1 \times \$5.00) = \$45.00/\text{month}$. In addition, your water bill may include a small Distribution System Improvement Charge (DSIC) and a State Tax Adjustment Surcharge (STAS) which currently adds 0.0% to your monthly water bill. Any future rate increases can only occur with the approval of the Pennsylvania Public Utility Commission.

8. Who do I call for information?

You will still be served by Country View Manor for the next 3-4 months, so if you have any questions regarding your existing water or sewer service, you should contact them. If you want to talk about this project with York Water, you can contact our Customer Service Department at 717-845-3601 or toll free at 1-800-750-5561 or email to customer.service@yorkwater.com.

Additional information about the York Water Company including the Company's water and wastewater tariffs is available at www.yorkwater.com.

Exhibit N

EXHIBIT "N"

Estimated Annual Revenue and Expense Figures for the Proposed, Additional Customers

Projected annual revenue is based upon an average water consumption of 3,400 gallons per month for the number of customers connected.

Monthly Customer Charge	\$ 45.00
	<u>X 53</u>
Monthly Revenue	\$ 2,385
Monthly Revenue	\$ 2,385
	<u>X 12</u>
Total Annual Revenue	\$ 28,620

Estimated expenses are calculated based on the Company's latest cost of service study performed with the latest rate filing effective March 1, 2019. The Company expects the expenses for the new Countryview Manor Wastewater customers to mirror those of the current system.

O & M Expenses (35.5% of revenue)	\$10,160
Depreciation (14.2% of revenue)	4,064
General Taxes (2.1% of revenue)	601
Income Taxes (5.8% of revenue)	1,660
Total Operating Expenses	\$16,485
Operating Income	\$12,135

Exhibit O

Commonwealth of Pennsylvania

Department of Environmental Protection

*In accordance with the
State Board for Certification of Water and Wastewater Systems Operators
and the Regulations of the
Department of Environmental Protection*

GROVER E BURACKER

Is Hereby Authorized to Operate
WASTEWATER SYSTEM

Class: A,E, Wastewater
Subclass: 1,2,3,4,5

Client ID: 317481

GROVER E BURACKER
2309 FAIRWAY DR
YORK PA 17408-9454

Issue Date Jan 1, 2021
Expiration Date Dec 31, 2023

Certificate No. S19041


Board Chairman

Exhibit P

THE YORK WATER COMPANY

RATES, RULES AND REGULATIONS GOVERNING

THE PROVISION OF WASTEWATER COLLECTION, TREATMENT

AND/OR DISPOSAL SERVICE TO THE PUBLIC IN

THE BOROUGHS OF EAST PROSPECT, FELTON, JACOBUS, AND WEST YORK

AND THE

TOWNSHIPS OF EAST MANCHESTER (ASBURY POINTE RESIDENTIAL SUBDIVISION)

AND LOWER WINDSOR, AND WASHINGTON IN YORK COUNTY, PENNSYLVANIA (C)

AND THE

TOWNSHIP OF LETTERKENNY IN FRANKLIN COUNTY, PENNSYLVANIA

AND THE

TOWNSHIP OF STRABAN IN ADAMS COUNTY, PENNSYLVANIA

ISSUED: xxxxxxxxxxxxxxxx

EFFECTIVE: xxxxxxxxxxxxxxxx

By: Joseph T. Hand
President and CEO
130 East Market Street
York, Pennsylvania

(C) Indicates Change



NOTICE

Filed in compliance with the order of the Pennsylvania Public Utility Commission of XXXXXXXXXXXX, at
Docket No. A-XXXX-XXXXXX.
(SEE PAGE NO. 2)

LIST OF CHANGES

This tariff supplement authorizes The York Water Company – Wastewater to begin to offer or furnish wastewater service to the public in Washington Township, York County, Pennsylvania, as previously served by Countryview Manor, in accordance with the Pennsylvania Public Utility Commission Order at Docket No. A-XXXX-XXXXXXX, entered XXXXXXXXXXXX.

York Water proposes to charge an unmetered monthly wastewater rate of \$50.00 to the one customer located on the parcel adjoining Country View MHP. The proposed rate is described in this Pro Forma Tariff to the Application.

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(C) Indicates Change

PART I: SCHEDULE OF RATES AND CHARGES

Asbury Pointe Area

A flat rate of \$62.50 per month per equivalent dwelling unit.

East Prospect and Lower Windsor Area

A metered rate (based on water consumption) as follows:

	<u>Per Month</u>	<u>Rate</u>
East Prospect and Lower Windsor Area	1 st 4,000 Gals.	\$62.50
Over	4,000 Gals.	\$2.50 per 1,000 Gals.

West York Borough Area

Rate per Month

A flat rate per equivalent dwelling unit.

Residential	\$32.71
Commercial/Industrial	\$40.42

Jacobus Borough Area

A metered rate (based on water consumption) per equivalent dwelling unit as follows:

	<u>Per Month</u>	<u>Rate</u>
Jacobus Borough Area	1 st 4,000 Gals.	\$55.00
Over	4,000 Gals.	\$5.00 per 1,000 Gals.

Felton Borough Area

A flat rate of \$79.50 per month per equivalent dwelling unit.

Letterkenny Township Area

A flat rate of \$45.00 per month per equivalent dwelling unit.

Straban Township Area

A metered rate (based on water consumption) as follows:

	<u>Per Month</u>	<u>Rate</u>
Over	1 st 4,000 Gals.	\$62.50
(C) Indicates Change	4,000 Gals.	\$2.50 per 1,000 Gals.

Washington Township Area

(C)

A metered rate (based on water consumption) as follows:

	<u>Per Month</u>	<u>Rate</u>
Countryview Manor Base Rate	0-3,000 Gals.	\$40.00
	3,001 and above	\$5.00 per 1,000 Gals.

An unmetered rate (parcel adjoining Countryview MHP)
as follows:

	<u>Monthly Rate</u>
Countryview Manor Base Rate	\$50.00

(C) Indicates Change

Issued: XXXXXXXXXXXX

Effective: XXXXXXXXXXXX

Exhibit Q



AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM DISCHARGE REQUIREMENTS FOR NON-MUNICIPAL SEWAGE TREATMENT WORKS

NPDES PERMIT NO: PA0086894

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*,

**Country View Manor Park LLC
PO Box 66
East Berlin, PA 17316-0066**

is authorized to discharge from a facility known as **Country View Manor Park LLC**, located in **Washington Township, York County**, to **Unnamed Tributary to Red Run** in Watershed(s) **7-F** in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C hereof.

THIS PERMIT SHALL BECOME EFFECTIVE ON October 1, 2018

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON September 30, 2023

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions shall apply.
2. Failure to comply with the terms, conditions or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. (40 CFR 122.41(a))
3. A complete application for renewal of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form. (40 CFR 122.41(b), 122.21(d)(2))

In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit, including submission of the Discharge Monitoring Reports (DMRs), will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application. (25 Pa. Code §§ 92a.7(b), (c))

4. This NPDES permit does not constitute authorization to construct or make modifications to wastewater treatment facilities necessary to meet the terms and conditions of this permit.

DATE PERMIT ISSUED 9/28/18

ISSUED BY /s/

**Maria D. Bebenek, P.E.
Clean Water Program Manager
Southcentral Regional Office**

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. A. For Outfall 001, Latitude 39° 59' 2.60", Longitude 76° 59' 12.49", River Mile Index 0.40, Stream Code 08600

Receiving Waters: Unnamed Tributary to Red Run

Type of Effluent: Sewage Effluent

1. The permittee is authorized to discharge during the period from **October 1, 2018** through **October 1, 2019**.
2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	Instant. Maximum		
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.18	XXX	0.58	1/day	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 001

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. B. For Outfall 001, Latitude 39° 59' 2.60", Longitude 76° 59' 12.49", River Mile Index 0.40, Stream Code 08600

Receiving Waters: Unnamed Tributary to Red Run

Type of Effluent: Sewage Effluent

1. The permittee is authorized to discharge during the period from **October 2, 2019** through **September 30, 2023**.
2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	Instant. Maximum		
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.06	XXX	0.20	1/day	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 001

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. C. For Outfall 001, **Latitude** 39° 59' 2.60", **Longitude** 76° 59' 12.49", **River Mile Index** 0.40, **Stream Code** 08600

Receiving Waters: Unnamed Tributary to Red Run

Type of Effluent: Sewage Effluent

1. The permittee is authorized to discharge during the period from **October 1, 2018** through **September 30, 2023**.
2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	Instant. Maximum		
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX	Continuous	Measured
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0	1/day	Grab
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX	1/day	Grab
Carbonaceous Biochemical Oxygen Demand (CBOD5) Nov 1 - Apr 30	XXX	XXX	XXX	12.0	XXX	24.0	2/month	8-Hr Composite
Carbonaceous Biochemical Oxygen Demand (CBOD5) May 1 - Oct 31	XXX	XXX	XXX	5.5	XXX	11.0	2/month	8-Hr Composite
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0	2/month	8-Hr Composite
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000	2/month	Grab
Fecal Coliform (No./100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000	2/month	Grab
Ammonia-Nitrogen Nov 1 - Apr 30	Report	XXX	XXX	3.5	XXX	7.0	2/month	8-Hr Composite
Ammonia-Nitrogen May 1 - Oct 31	Report	XXX	XXX	1.5	XXX	3.0	2/month	8-Hr Composite

Outfall 001 , Continued (from October 1, 2018 through September 30, 2023)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	Instant. Maximum		
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX	2/month	8-Hr Composite

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 001

**PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS
(Continued)**

Additional Requirements

1. The permittee may not discharge:
 - a. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water. (25 Pa Code § 92a.41(c))
 - b. Oil and grease in amounts that cause a film or sheen upon or discoloration of the waters of this Commonwealth or adjoining shoreline, or that exceed 15 mg/l as a daily average or 30 mg/l at any time (or lesser amounts if specified in this permit). (25 Pa. Code § 92a.47(a)(7), § 95.2(2))
 - c. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. (25 Pa Code § 93.6(a))
 - d. Foam or substances that produce an observed change in the color, taste, odor or turbidity of the receiving water, unless those conditions are otherwise controlled through effluent limitations or other requirements in this permit. For the purpose of determining compliance with this condition, DEP will compare conditions in the receiving water upstream of the discharge to conditions in the receiving water approximately 100 feet downstream of the discharge to determine if there is an observable change in the receiving water. (25 Pa Code § 92a.41(c))
2. If the permit requires the reporting of average weekly statistical results, the maximum weekly average concentration and maximum weekly average mass loading shall be reported, regardless of whether the results are obtained for the same or different weeks.
3. The permittee shall monitor the sewage effluent discharge(s) for the effluent parameters identified in the Part A limitations table(s) during all bypass events at the facility, using the sample types that are specified in the limitations table(s). Where the required sample type is "composite", the permittee must commence sample collection within one hour of the start of the bypass, wherever possible. The results shall be reported on the Daily Effluent Monitoring supplemental form (3800-FM-BCW0435) and be incorporated into the calculations used to report self-monitoring data on Discharge Monitoring Reports (DMRs).

Footnotes

- (1) When sampling to determine compliance with mass effluent limitations, the discharge flow at the time of sampling must be measured and recorded.
- (2) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events.

Supplemental Information

The effluent limitations for Outfall 001 were determined using an effluent discharge rate of 0.0125 MGD.

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. D. For Outfall 001, Latitude 39° 59' 2.60", Longitude 76° 59' 12.49", River Mile Index 0.40, Stream Code 08600

Receiving Waters: Unnamed Tributary to Red Run

Type of Effluent: Sewage Effluent

1. The permittee is authorized to discharge during the period from **October 1, 2018** through **September 30, 2023**.
2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Monthly	Annual	Monthly	Monthly Average	Maximum	Instant. Maximum		
Ammonia--N	Report	Report	XXX	Report	XXX	XXX	2/month	8-Hr Composite
Kjeldahl--N	Report	XXX	XXX	Report	XXX	XXX	2/month	8-Hr Composite
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX	2/month	8-Hr Composite
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX	1/month	Calculation
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX	2/month	8-Hr Composite

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 001

Footnotes:

- (1) See Part C for Chesapeake Bay Requirements.
- (2) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events required.

II. DEFINITIONS

At Outfall (XXX) means a sampling location in outfall line XXX below the last point at which wastes are added to outfall line (XXX), or where otherwise specified.

Average refers to the use of an arithmetic mean, unless otherwise specified in this permit. (40 CFR 122.41(l)(4)(iii))

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollutant loading to surface waters of the Commonwealth. The term also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The term includes activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during and after earth disturbance activities. (25 Pa. Code § 92a.2)

Bypass means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR 122.41(m)(1)(i))

Calendar Week is defined as the seven consecutive days from Sunday through Saturday, unless the permittee has been given permission by DEP to provide weekly data as Monday through Friday based on showing excellent performance of the facility and a history of compliance. In cases when the week falls in two separate months, the month with the most days in that week shall be the month for reporting.

Clean Water Act means the Federal Water Pollution Control Act, as amended. (33 U.S.C.A. §§ 1251 to 1387).

Composite Sample (for all except GC/MS volatile organic analysis) means a combination of individual samples (at least eight for a 24-hour period or four for an 8-hour period) of at least 100 milliliters (mL) each obtained at spaced time intervals during the compositing period. The composite must be flow-proportional; either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval is proportional to the flow rates over the time period used to produce the composite. (EPA Form 2C)

Composite Sample (for GC/MS volatile organic analysis) consists of at least four aliquots or grab samples collected during the sampling event (not necessarily flow proportioned). The samples must be combined in the laboratory immediately before analysis and then one analysis is performed. (EPA Form 2C)

Daily Average Temperature means the average of all temperature measurements made, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar day or during the operating day if flows are of a shorter duration.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day. (25 Pa. Code § 92a.2, 40 CFR 122.2)

Daily Maximum Discharge Limitation means the highest allowable "daily discharge."

Discharge Monitoring Report (DMR) means the DEP or EPA supplied form(s) for the reporting of self-monitoring results by the permittee. (25 Pa. Code § 92a.2, 40 CFR 122.2)

Estimated Flow means any method of liquid volume measurement based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters and batch discharge volumes.

Geometric Mean means the average of a set of n sample results given by the nth root of their product.

Grab Sample means an individual sample of at least 100 mL collected at a randomly selected time over a period not to exceed 15 minutes. (EPA Form 2C)

Hazardous Substance means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act. (40 CFR 122.2)

Hauled-In Wastes means any waste that is introduced into a treatment facility through any method other than a direct connection to the sewage collection system. The term includes wastes transported to and disposed of within the treatment facility or other entry points within the collection system.

Immersion Stabilization (i-s) means a calibrated device is immersed in the wastewater until the reading is stabilized.

Instantaneous Maximum Effluent Limitation means the highest allowable discharge of a concentration or mass of a substance at any one time as measured by a grab sample. (25 Pa. Code § 92a.2)

Measured Flow means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

Monthly Average Discharge Limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. (25 Pa. Code § 92a.2)

Municipal Waste means garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste under this section from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. (25 Pa. Code § 271.1)

Residual Waste means garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, if it is not hazardous. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act. The term does not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law. (25 Pa Code § 287.1)

Severe Property Damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 CFR 122.41(m)(1)(ii))

Stormwater means the runoff from precipitation, snow melt runoff, and surface runoff and drainage. (25 Pa. Code § 92a.2)

Stormwater Associated With Industrial Activity means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant, and as defined at 40 CFR 122.26(b)(14)(i) - (ix) and (xi) and 25 Pa. Code § 92a.2.

Total Dissolved Solids means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR Part 136.

Toxic Pollutant means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains may, on the basis of information available to DEP cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including

malfunctions in reproduction, or physical deformations in these organisms or their offspring. (25 Pa. Code § 92a.2)

III. SELF-MONITORING, REPORTING AND RECORDKEEPING

A. Representative Sampling

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity (40 CFR 122.41(j)(1)). Representative sampling includes the collection of samples, where possible, during periods of adverse weather, changes in treatment plant performance and changes in treatment plant loading. If possible, effluent samples must be collected where the effluent is well mixed near the center of the discharge conveyance and at the approximate mid-depth point, where the turbulence is at a maximum and the settlement of solids is minimized. (40 CFR 122.48, 25 Pa. Code § 92a.61)
2. Records Retention (40 CFR 122.41(j)(2))

Except for records of monitoring information required by this permit related to the permittee's sludge use and disposal activities which shall be retained for a period of at least 5 years, all records of monitoring activities and results (including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee for 3 years from the date of the sample measurement, report or application, unless a longer retention period is required by the permit. The 3-year period shall be extended as requested by DEP or the EPA Regional Administrator.

3. Recording of Results (40 CFR 122.41(j)(3))

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date and time of sampling or measurements.
- b. The person(s) who performed the sampling or measurements.
- c. The date(s) the analyses were performed.
- d. The person(s) who performed the analyses.
- e. The analytical techniques or methods used; and the associated detection level.
- f. The results of such analyses.

4. Test Procedures

- a. Facilities that test or analyze environmental samples used to demonstrate compliance with this permit shall be in compliance with laboratory accreditation requirements of Act 90 of 2002 (27 Pa. C.S. §§ 4101-4113) and 25 Pa. Code Chapter 252, relating to environmental laboratory accreditation.
- b. Test procedures (methods) for the analysis of pollutants or pollutant parameters shall be those approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, unless the method is specified in this permit or has been otherwise approved in writing by DEP. (40 CFR 122.41(j)(4), 122.44(i)(1)(iv))
- c. Test procedures (methods) for the analysis of pollutants or pollutant parameters shall be sufficiently sensitive. A method is sufficiently sensitive when 1) the method minimum level is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or 2) the method has the lowest minimum level of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, for the measured pollutant or pollutant parameter; or 3) the method is specified in this permit or has been otherwise approved in writing by DEP for the measured pollutant or pollutant parameter. Permittees have the option of

providing matrix or sample-specific minimum levels rather than the published levels. (40 CFR 122.44(i)(1)(iv))

5. Quality/Assurance/Control

In an effort to assure accurate self-monitoring analyses results:

- a. The permittee, or its designated laboratory, shall participate in the periodic scheduled quality assurance inspections conducted by DEP and EPA. (40 CFR 122.41(e), 122.41(i)(3))
- b. The permittee, or its designated laboratory, shall develop and implement a program to assure the quality and accurateness of the analyses performed to satisfy the requirements of this permit, in accordance with 40 CFR Part 136. (40 CFR 122.41(j)(4))

B. Reporting of Monitoring Results

1. The permittee shall effectively monitor the operation and efficiency of all wastewater treatment and control facilities, and the quantity and quality of the discharge(s) as specified in this permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.44, 92a.61(i) and 40 CFR §§ 122.41(e), 122.44(i)(1))
2. The permittee shall use DEP's electronic Discharge Monitoring Report (eDMR) system to report the results of compliance monitoring under this permit (see www.dep.pa.gov/edmr). Permittees that are not using the eDMR system as of the effective date of this permit shall submit the necessary registration and trading partner agreement forms to DEP's Bureau of Clean Water (BCW) within 30 days of the effective date of this permit and begin using the eDMR system when notified by DEP BCW to do so. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(g) and 40 CFR § 122.41(l)(4))
3. Submission of a physical (paper) copy of a Discharge Monitoring Report (DMR) is acceptable under the following circumstances:
 - a. For a permittee that is not yet using the eDMR system, the permittee shall submit a physical copy of a DMR to the DEP regional office that issued the permit during the interim period between the submission of registration and trading partner agreement forms to DEP and DEP's notification to begin using the eDMR system.
 - b. For any permittee, as a contingency a physical DMR may be mailed to the DEP regional office that issued the permit if there are technological malfunction(s) that prevent the successful submission of a DMR through the eDMR system. In such situations, the permittee shall submit the DMR through the eDMR system within 5 days following remedy of the malfunction(s).
4. DMRs must be completed in accordance with DEP's published DMR instructions (3800-FM-BCW0463). DMRs must be received by DEP no later than 28 days following the end of the monitoring period. DMRs are based on calendar reporting periods and must be received by DEP in accordance with the following schedule:
 - Monthly DMRs must be received within 28 days following the end of each calendar month.
 - Quarterly DMRs must be received within 28 days following the end of each calendar quarter, i.e., January 28, April 28, July 28, and October 28.
 - Semiannual DMRs must be received within 28 days following the end of each calendar semiannual period, i.e., January 28 and July 28.
 - Annual DMRs must be received by January 28, unless Part C of this permit requires otherwise.
5. The permittee shall complete all Supplemental Reporting forms (Supplemental DMRs) attached to this permit, or an approved equivalent, and submit the signed, completed forms as attachments to the DMR, through DEP's eDMR system. DEP's Supplemental Laboratory Accreditation Form (3800-FM-BCW0189) must be completed and submitted to DEP with the first DMR following issuance of this permit,

and anytime thereafter when changes to laboratories or methods occur. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(g) and 40 CFR § 122.41(l)(4))

6. The completed DMR Form shall be signed and certified by either of the following applicable persons, as defined in 25 Pa. Code § 92a.22:
- For a corporation - by a principal executive officer of at least the level of vice president, or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the NPDES form originates.
 - For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
 - For a municipality, state, federal or other public agency - by a principal executive officer or ranking elected official.

If signed by a person other than the above and for co-permittees, written notification of delegation of DMR signatory authority must be submitted to DEP in advance of or along with the relevant DMR form. (40 CFR § 122.22(b))

7. If the permittee monitors any pollutant at monitoring points as designated by this permit, using analytical methods described in Part A III.A.4. herein, more frequently than the permit requires, the results of this monitoring shall be incorporated, as appropriate, into the calculations used to report self-monitoring data on the DMR. (40 CFR 122.41(l)(4)(ii))

C. Reporting Requirements

1. The permittee shall give notice to DEP as soon as possible but no later than 30 days prior to planned physical alterations or additions to the permitted facility. A permit under 25 Pa. Code Chapter 91 may be required for these situations prior to implementing the planned changes. A permit application, or other written submission to DEP, can be used to satisfy the notification requirements of this section.

Notice is required when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b). (40 CFR 122.41(l)(1)(i))
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in this permit. (40 CFR 122.41(l)(1)(ii))
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 CFR 122.41(l)(1)(iii))
 - d. The planned change may result in noncompliance with permit requirements. (40 CFR 122.41(l)(2))
2. Planned Changes to Waste Stream – Under the authority of 25 Pa. Code § 92a.24(a), the permittee shall provide notice to DEP as soon as possible but no later than 45 days prior to any planned changes in the volume or pollutant concentration of its influent waste stream as a result of indirect discharges or hauled-in wastes, as specified in paragraphs 2.a. and 2.b., below. Notice shall be provided on the “Planned Changes to Waste Stream” Supplemental Report (3800-FM-BCW0482), available on DEP’s website. The permittee shall provide information on the quality and quantity of waste introduced into the facility, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the facility. The Report shall be sent via Certified Mail or other means to confirm DEP’s receipt of the notification. DEP will determine if the submission of a new application and receipt of a new or amended permit is required.
- a. Introduction of New Pollutants (25 Pa. Code § 92a.24(a))

New pollutants are defined as parameters that meet all of the following criteria:

- (i) Were not detected in the facilities' influent waste stream as reported in the permit application; and
- (ii) Have not been approved to be included in the permittee's influent waste stream by DEP in writing.

The permittee shall provide notification of the introduction of new pollutants in accordance with paragraph 2 above. The permittee may not authorize the introduction of new pollutants until the permittee receives DEP's written approval.

b. Increased Loading of Approved Pollutants (25 Pa. Code § 92a.24(a))

Approved pollutants are defined as parameters that meet one or more of the following criteria:

- (i) Were detected in the facilities' influent waste stream as reported in the permittee's permit application; or
- (ii) Have been approved to be included in the permittee's influent waste stream by DEP in writing; or
- (iii) Have an effluent limitation or monitoring requirement in this permit.

The permittee shall provide notification of the introduction of increased influent loading (lbs/day) of approved pollutants in accordance with paragraph 2 above when (1) the cumulative increase in influent loading (lbs/day) exceeds 20% of the maximum loading reported in the permit application, or a loading previously approved by DEP, or (2) may cause an exceedance in the effluent of Effluent Limitation Guidelines (ELGs) or limitations in Part A of this permit, or (3) may cause interference or pass through at the facility, or (4) may cause exceedances of the applicable water quality standards in the receiving stream. Unless specified otherwise in this permit, if DEP does not respond to the notification within 30 days of its receipt, the permittee may proceed with the increase in loading. The acceptance of increased loading of approved pollutants may not result in an exceedance of ELGs or effluent limitations and may not cause exceedances of the applicable water quality standards in the receiving stream.

3. Reporting Requirements for Hauled-In Wastes

a. Receipt of Residual Waste

- (i) The permittee shall document the receipt of all hauled-in residual wastes (including but not limited to wastewater from oil and gas wells, food processing waste, and landfill leachate), as defined at 25 Pa. Code § 287.1, that are received for processing at the treatment facility. The permittee shall report hauled-in residual wastes on a monthly basis to DEP on the "Hauled In Residual Wastes" Supplemental Report (3800-FM-BCW0450) as an attachment to the DMR. If no residual wastes were received during a month, submission of the Supplemental Report is not required.

The following information is required by the Supplemental Report. The information used to develop the Report shall be retained by the permittee for five years from the date of receipt and must be made available to DEP or EPA upon request.

- (1) The dates that residual wastes were received.
- (2) The volume (gallons) of wastes received.
- (3) The license plate number of the vehicle transporting the waste to the treatment facility.

- (4) The permit number(s) of the well(s) where residual wastes were generated, if applicable.
- (5) The name and address of the generator of the residual wastes.
- (6) The type of wastewater.

The transporter of residual waste must maintain these and other records as part of the daily operational record (25 Pa. Code § 299.219). If the transporter is unable to provide this information or the permittee has not otherwise received the information from the generator, the residual wastes shall not be accepted by the permittee until such time as the permittee receives such information from the transporter or generator.

- (ii) The following conditions apply to the characterization of residual wastes received by the permittee:
 - (1) If the generator is required to complete a chemical analysis of residual wastes in accordance with 25 Pa. Code § 287.51, the permittee must receive and maintain on file a chemical analysis of the residual wastes it receives. The chemical analysis must conform to the Bureau of Waste Management's Form 26R except as noted in paragraph (2), below. Each load of residual waste received must be covered by a chemical analysis if the generator is required to complete it.
 - (2) For wastewater generated from hydraulic fracturing operations ("frac wastewater") within the first 30 production days of a well site, the chemical analysis may be a general frac wastewater characterization approved by DEP. Thereafter, the chemical analysis must be waste-specific and be reported on the Form 26R.

b. Receipt of Municipal Waste

- (i) The permittee shall document the receipt of all hauled-in municipal wastes (including but not limited to septage and liquid sewage sludge), as defined at 25 Pa. Code § 271.1, that are received for processing at the treatment facility. The permittee shall report hauled-in municipal wastes on a monthly basis to DEP on the "Hauled In Municipal Wastes" Supplemental Report (3800-FM-BCW0437) as an attachment to the DMR. If no municipal wastes were received during a month, submission of the Supplemental Report is not required.

The following information is required by the Supplemental Report:

- (1) The dates that municipal wastes were received.
 - (2) The volume (gallons) of wastes received.
 - (3) The BOD₅ concentration (mg/l) and load (lbs) for the wastes received.
 - (4) The location(s) where wastes were disposed of within the treatment facility.
- (ii) Sampling and analysis of hauled-in municipal wastes must be completed to characterize the organic strength of the wastes, unless composite sampling of influent wastewater is performed at a location downstream of the point of entry for the wastes.

4. Unanticipated Noncompliance or Potential Pollution Reporting

- a. Immediate Reporting - The permittee shall immediately report any incident causing or threatening pollution in accordance with the requirements of 25 Pa. Code Sections §§ 91.33 and 92a.41(b).
 - (i) If, because of an accident, other activity or incident a toxic substance or another substance which would endanger users downstream from the discharge, or would otherwise result in

pollution or create a danger of pollution or would damage property, the permittee shall immediately notify DEP by telephone of the location and nature of the danger. Oral notification to the Department is required as soon as possible, but no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution.

- (ii) If reasonably possible to do so, the permittee shall immediately notify downstream users of the waters of the Commonwealth to which the substance was discharged. Such notice shall include the location and nature of the danger.
 - (iii) The permittee shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.
- b. The permittee shall report any noncompliance which may endanger health or the environment in accordance with the requirements of 40 CFR 122.41(l)(6). These requirements include the following obligations:
- (i) 24 Hour Reporting - The permittee shall orally report any noncompliance with this permit which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which must be reported within 24 hours under this paragraph:
 - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - (2) Any upset which exceeds any effluent limitation in the permit; and
 - (3) Violation of the maximum daily discharge limitation for any of the pollutants listed in the permit as being subject to the 24-hour reporting requirement. (40 CFR 122.44(g))
 - (ii) Written Report - A written submission shall also be provided within 5 days of the time the permittee becomes aware of any noncompliance which may endanger health or the environment. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - (iii) Waiver of Written Report - DEP may waive the written report on a case-by-case basis if the associated oral report has been received within 24 hours from the time the permittee becomes aware of the circumstances which may endanger health or the environment. Unless such a waiver is expressly granted by DEP, the permittee shall submit a written report in accordance with this paragraph. (40 CFR 122.41(l)(6)(iii))

5. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraph C.4 of this section or specific requirements of compliance schedules, at the time DMRs are submitted, on the Non-Compliance Reporting Form (3800-FM-BCW0440). The reports shall contain the information listed in paragraph C.4.b. (ii) of this section. (40 CFR 122.41(l)(7))

PART B

I. MANAGEMENT REQUIREMENTS

A. Compliance

1. The permittee shall comply with all conditions of this permit. If a compliance schedule has been established in this permit, the permittee shall achieve compliance with the terms and conditions of this permit within the time frames specified in this permit. (40 CFR 122.41(a)(1))
2. The permittee shall submit reports of compliance or noncompliance, or progress reports as applicable, for any interim and final requirements contained in this permit. Such reports shall be submitted no later than 14 days following the applicable schedule date or compliance deadline. (25 Pa. Code § 92a.51(c), 40 CFR 122.47(a)(4))

B. Permit Modification, Termination, or Revocation and Reissuance

1. This permit may be modified, terminated, or revoked and reissued during its term in accordance with Title 25 Pa. Code § 92a.72 and 40 CFR 122.41(f).
2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. (40 CFR 122.41(f))
3. In the absence of DEP action to modify or revoke and reissue this permit, the permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions. (40 CFR 122.41(a)(1))

C. Duty to Provide Information

1. The permittee shall furnish to DEP, within a reasonable time, any information which DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. (40 CFR 122.41(h))
2. The permittee shall furnish to DEP, upon request, copies of records required to be kept by this permit. (40 CFR 122.41(h))
3. Other Information - Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to DEP, it shall promptly submit the correct and complete facts or information. (40 CFR 122.41(l)(8))
4. If the sewage treatment facility provides service in part or whole to a municipality, through a contract or agreement between the operator and municipality, an annual report shall be submitted to DEP by March 31 containing the following information, at a minimum:
 - a. The information identified in 25 Pa. Code § 94.12.
 - b. A "Solids Management Inventory" if specified in Part C of this permit.
 - c. The total volume of hauled-in residual and municipal wastes received during the year, by source.

D. General Pretreatment Requirements

Where pollutants contributed by indirect dischargers result in interference or pass through, and a violation is likely to recur, the permittee shall develop and enforce specific limits for indirect dischargers and other users, as appropriate, that together with appropriate facility or operational changes, are necessary to ensure

renewed or continued compliance with this permit or sludge use or disposal practices. The permittee shall submit a copy of such limits to DEP when developed. (25 Pa. Code § 92a.47(d))

E. Proper Operation and Maintenance

1. The permittee shall employ operators certified in compliance with the Water and Wastewater Systems Operators Certification Act (63 P.S. §§ 1001-1015.1).
2. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems that are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit. (40 CFR 122.41(e))

F. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. (40 CFR 122.41(d))

G. Bypassing

1. Bypassing Not Exceeding Permit Limitations - The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions in paragraphs two, three and four of this section. (40 CFR 122.41(m)(2))
2. Other Bypassing - In all other situations, bypassing is prohibited and DEP may take enforcement action against the permittee for bypass unless:
 - a. A bypass is unavoidable to prevent loss of life, personal injury or "severe property damage." (40 CFR 122.41(m)(4)(i)(A))
 - b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance. (40 CFR 122.41(m)(4)(i)(B))
 - c. The permittee submitted the necessary notice required in G.4.a. and b. below. (40 CFR 122.41(m)(4)(i)(C))
3. DEP may approve an anticipated bypass, after considering its adverse effects, if DEP determines that it will meet the conditions listed in G.2. above. (40 CFR 122.41(m)(4)(ii))
4. Notice
 - a. Anticipated Bypass – If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the bypass. (40 CFR 122.41(m)(3)(i))
 - b. Unanticipated Bypass – The permittee shall submit oral notice of any other unanticipated bypass within 24 hours, regardless of whether the bypass may endanger health or the environment or whether the bypass exceeds effluent limitations. The notice shall be in accordance with Part A III.C.4.b.

H. Sanitary Sewer Overflows (SSOs)

An SSO is an overflow of wastewater, or other untreated discharge from a separate sanitary sewer system (which is not a combined sewer system), which results from a flow in excess of the carrying capacity of the system or from some other cause prior to reaching the headworks of the sewage treatment facility. SSOs are not authorized under this permit. The permittee shall immediately report any SSO to DEP in accordance with Part A III.C.4 of this permit.

II. PENALTIES AND LIABILITY

A. Violations of Permit Conditions

Any person violating Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative and/or criminal penalties as set forth in 40 CFR 122.41(a)(2).

Any person or municipality, who violates any provision of this permit; any rule, regulation or order of DEP; or any condition or limitation of any permit issued pursuant to the Clean Streams Law, is subject to criminal and/or civil penalties as set forth in Sections 602, 603 and 605 of the Clean Streams Law.

B. Falsifying Information

Any person who does any of the following:

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or
- Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or noncompliance)

Shall, upon conviction, be punished by a fine and/or imprisonment as set forth in 18 Pa.C.S.A § 4904 and 40 CFR 122.41(j)(5) and (k)(2).

C. Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603 or 605 of the Clean Streams Law.

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (40 CFR 122.41(c))

III. OTHER RESPONSIBILITIES

A. Right of Entry

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law, and Title 25 Pa. Code Chapter 92a and 40 CFR 122.41(i), the permittee shall allow authorized representatives of DEP and EPA, upon the presentation of credentials and other documents as may be required by law:

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit; (40 CFR 122.41(i)(1))
2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; (40 CFR 122.41(i)(2))
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and (40 CFR 122.41(i)(3))
4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location. (40 CFR 122.41(i)(4))

B. Transfer of Permits

1. Transfers by modification. Except as provided in paragraph 2 of this section, a permit may be transferred by the permittee to a new owner or operator only if this permit has been modified or revoked and reissued, or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (40 CFR 122.61(a))
2. Automatic transfers. As an alternative to transfers under paragraph 1 of this section, any NPDES permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies DEP at least 30 days in advance of the proposed transfer date in paragraph 2.b. of this section; (40 CFR 122.61(b)(1))
 - b. The notice includes the appropriate DEP transfer form signed by the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; (40 CFR 122.61(b)(2))
 - c. DEP does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue this permit, the transfer is effective on the date specified in the agreement mentioned in paragraph 2.b. of this section. (40 CFR 122.61(b)(3))
 - d. The new permittee is in compliance with existing DEP issued permits, regulations, orders and schedules of compliance, or has demonstrated that any noncompliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit (including compliance schedules set forth in the permit), consistent with 25 Pa. Code 92a.51 (relating to schedules of compliance) and other appropriate Department regulations. (25 Pa. Code § 92a.71)
3. In the event DEP does not approve transfer of this permit, the new owner or operator must submit a new permit application.

C. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege. (40 CFR 122.41(g))

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit. (40 CFR 122.41(b))

E. Other Laws

The issuance of this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

IV. ANNUAL FEE

Permittees shall pay an annual fee in accordance with 25 Pa. Code § 92a.62. Annual fee amounts are specified in the following schedule and are due on each anniversary of the effective date of the most recent new or reissued permit. All flows identified in the schedule are annual average design flows. (25 Pa. Code 92a.62)

Small Flow Treatment Facility (SRSTP or SFTF)	\$0
Minor Sewage Facility < 0.05 MGD (million gallons per day)	\$250
Minor Sewage Facility ≥ 0.05 and < 1 MGD	\$500
Minor Sewage Facility with CSO (Combined Sewer Overflow)	\$750
Major Sewage Facility ≥ 1 and < 5 MGD	\$1,250
Major Sewage Facility ≥ 5 MGD	\$2,500
Major Sewage Facility with CSO	\$5,000

As of the effective date of this permit, the facility covered by the permit is classified in the following fee category:
Minor Sewage Facility <0.05 MGD.

Invoices for annual fees will be mailed to permittees approximately three months prior to the due date. In the event that an invoice is not received, the permittee is nonetheless responsible for payment. Throughout a five year permit term, permittees will pay four annual fees followed by a permit renewal application fee in the last year of permit coverage. Permittees may contact the DEP at 717-787-6744 with questions related to annual fees. The fees identified above are subject to change in accordance with 25 Pa. Code § 92a.62(e).

Payment for annual fees shall be remitted to DEP at the address below by the anniversary date. Checks should be made payable to the Commonwealth of Pennsylvania.

PA Department of Environmental Protection
Bureau of Clean Water
Re: Chapter 92a Annual Fee
P.O. Box 8466
Harrisburg, PA 17105-8466

PART C

I. CHESAPEAKE BAY NUTRIENT REQUIREMENTS

A. Definitions

Total Mass Load (lbs):

Monthly Total Mass Load = The sum of the actual daily discharge loads for TN and TP (lbs/day) divided by the number of samples per month, multiplied by the number of days in the month in which there was a discharge. The daily discharge load for TN and TP (lbs/day) equals the average daily flow (MGD) on the day of sampling, multiplied by that day's sample concentration for TN and TP (mg/l), multiplied by 8.34.

Annual Total Mass Load = The sum of the actual daily discharge loads for TN and TP (lbs/day) divided by the number of samples per Compliance Year, multiplied by the number of days in the Compliance Year in which there was a discharge.

Total Nitrogen: For concentration and load, Total Nitrogen is the sum of Total Kjeldahl-N (TKN) plus Nitrite-Nitrate as N ($\text{NO}_2 + \text{NO}_3\text{-N}$), where TKN and $\text{NO}_2 + \text{NO}_3\text{-N}$ are measured in the same sample.

II. SOLIDS MANAGEMENT

- A. The permittee shall manage and properly dispose of sewage sludge and/or biosolids by performing sludge wasting that maintains an appropriate mass balance of solids within the treatment system. The wasting rate must be developed and implemented considering the specific treatment process type, system loadings, and seasonal variation while maintaining compliance with effluent limitations. Holding excess sludge within clarifiers or in the disinfection process is not permissible.
- B. The permittee shall submit the Supplemental Reports entitled, "Supplemental Report – Sewage Sludge/Biosolids Production and Disposal" (Form No. 3800-FM-BCW0438) and "Supplemental Report – Influent & Process Control" (Form No. 3800-FM-BCW0436), as attachments to the DMR on a monthly basis. When applicable, the permittee shall submit the Supplemental Reports entitled, "Supplemental Report – Hauled In Municipal Wastes" (Form No. 3800-FM-BCW0437) and "Supplemental Report – Hauled In Residual Wastes" (Form No. 3800-FM-BCW0450), as attachments to the DMR.

II. OTHER REQUIREMENTS

- A. No storm water from pavements, area ways, roofs, foundation drains or other sources shall be directly admitted to the sanitary sewers associated with the herein approved discharge.
- B. The approval herein given is specifically made contingent upon the permittee acquiring all necessary property rights by easement or otherwise, providing for the satisfactory construction, operation, maintenance or replacement of all sewers or sewerage structures associated with the herein approved discharge in, along, or across private property, with full rights of ingress, egress and regress.
- C. Collected screenings, slurries, sludges, and other solids shall be handled and disposed of in compliance with 25 Pa. Code, Chapters 75, and in a manner equivalent to the requirements indicated in Chapters 271, 273, 275, 283, and 285 (related to permits and requirements for landfilling, land application, incineration, and storage of sewage sludge), Federal Regulation 40 CFR 257, Pennsylvania Clean Streams Law, Pennsylvania Solid Waste Management Act of 1980, and the Federal Clean Water Act and its amendments. The permittee is responsible to obtain or assure that contracted agents have all necessary permits and approvals for the handling, storage, transport, and disposal of solid waste materials generated as a result of wastewater treatment.
- D. If, after the issuance of this permit, DEP approves a municipal sewage facilities official plan or an amendment to an official plan under Act 537 (Pennsylvania Sewage Facilities Act, the Act of January 24,

1966, P.L. 1535 as amended) in which sewage from the herein approved facilities will be treated and disposed of at other planned facilities, the permittee shall, upon notification from the municipality or DEP, provide for the conveyance of its sewage to the planned facilities, abandon use and decommission the herein approved facilities including the proper disposal of solids, and notify DEP accordingly. The permittee shall adhere to schedules in the approved official plan, amendments to the plan, or other agreements between the permittee and municipality. This permit shall then, upon notice from DEP, terminate and become null and void and shall be relinquished to DEP.

- E. The permittee shall optimize chlorine dosages used for disinfection or other purposes to minimize the concentration of Total Residual Chlorine (TRC) in the effluent, meet applicable effluent limitations, and reduce the possibility of adversely affecting the receiving waters. Optimization efforts may include an evaluation of wastewater characteristics, mixing characteristics, and contact times, adjustments to process controls, and maintenance of the disinfection facilities. If DEP determines that effluent TRC is causing adverse water quality impacts, DEP may reopen this permit to apply new or more stringent effluent limitations and/or require implementation of control measures or operational practices to eliminate such impacts.


Where the permittee does not use chlorine for primary or backup disinfection, but proposes the use of chlorine for cleaning or other purposes, the permittee shall notify DEP prior to initiating use of chlorine and monitor TRC concentrations in the effluent on each day in which chlorine is used. The results shall be submitted as an attachment to the DMR.

VERIFICATION

I, Mark A. Wheeler, being Chief Operating Officer at The York Water Company, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter.

I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: December 13, 2021



Mark A. Wheeler