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VIA eFiling

March 28, 2022

Rosemary Chiavetta, Secretary  
Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

**Re: Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania**

**Docket No. A-2021-3028676**

Dear Secretary Chiavetta:

On March 14, 2022, Pennsylvania-American Water Company (the "Company") received Data Request Set 2 from the Bureau of Technical Utility Services for the above-referenced Application.

Attached are the Company's responses to the data request. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa K. Harrold".

Teresa K. Harrold

Enclosures

cc: Certificate of Service  
Matthew T. Lamb, P.E. VIA E-Mail at [mlamb@pa.gov](mailto:mlamb@pa.gov)

Pennsylvania-American Water Company's Responses to  
the Bureau of Technical Utility Services  
Water/Wastewater Division  
Data Request Set 2

Docket No. A-2021-3028676

Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

A-33. PAWC-WD's response to Data Request A-4 noted "There are no known stormwater facilities connected to the West End Sanitary Sewer System." as verified by the contract Municipal Engineer for Foster Township. Please respond to the following:

a. Explain why Section 1.7, Stormwater Facilities, was included in the APA if there are no stormwater facilities connected to the West End System; and

Response: Section 1.7, Stormwater Facilities, was included in the APA to 1) protect against inflow and infiltration impacting the sanitary sewer system, and 2) provide a defined process if stormwater facilities interconnected to the sanitary sewer system are discovered post-Closing.

b. If later it is determined there are stormwater connections to the West End System, explain how it is the best interest of existing PAWC-WD ratepayers to be subject to the perpetual obligation of the financial, managerial, and legal risks related to constructing municipal separate storm sewer system (MS4) facilities for dedication at no cost to Foster Township.

Response: If PAWC discovers stormwater facilities interconnected to the sanitary sewer system post-Closing, PAWC's primary objective will be to separate the stormwater facilities from the sanitary sewer system. PAWC and the Seller have reviewed the system assets and to the best of their knowledge and information provided by the Seller's engineers, there are no known stormwater facilities connected to the West End Sanitary Sewer System. Resolving infiltration and inflow (I&I) collections system issues would typically be PAWC's responsibility. If an interconnection is discovered, PAWC will coordinate with the Seller or its designee the separation of facilities, limiting the work of PAWC to sealing off openings to the collection system. Based on all available information, PAWC does not believe there would be any circumstances where it would construct new stormwater facilities and dedicate them to the Seller. Accordingly, PAWC does not believe customers would be subject to any additional financial, managerial, or legal risks associated with such work.

Name: Michael Salvo  
Title: Senior Manager, Business Development

Pennsylvania-American Water Company's Responses to  
the Bureau of Technical Utility Services  
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Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

A-34. PAWC-WD's response to Data Request A-11 indicated PAWC-WD intends to adopt the EDU allocations used by Foster Township for all existing customers and, when new customers connect to the system, PAWC-WD will determine new EDU allocations pursuant to Page 21 of its Commission approved tariff. PAWC-WD also provided a copy of Foster Township's EDU allocation schedules (Foster Township's EDU Schedules) in Pages 2 through 5 of TUS-A-11-a\_Attachment 1, provided in PAWC-WD's response to Data Request A-11. Please provide a revised *pro forma* tariff supplement that includes additional clarifying tariff language that is consistent with PAWC-WD's response to Data Request A-11. This revised *pro forma* tariff supplement must include each of the following:

a. Foster Township's EDU Schedules;

Response: Please see TUS-A-34\_Attachment 1.

b. Definitions for the terms "Existing Customers" and "New Customers", including whether these terms are based on whether the customer is receiving service at a property that was connected to Foster Township's wastewater system at closing of the proposed transaction;

Response: Please see TUS-A-34\_Attachment 1.

c. A statement that existing customers will be charged for an EDU amount that is determined according to Foster Township's EDU Schedules; and

Response: Please see TUS-A-34\_Attachment 1.

d. A statement that new customers will be charged for an EDU amount that is determined according to PAWC-WD's definition for the term EDU.

Response: Please see TUS-A-34\_Attachment 1.

Name: Ashley E. Everette  
Title: Sr. Director, Rates & Regulatory  
American Water Works Service Company, Inc.

**PENNSYLVANIA-AMERICAN WATER COMPANY  
Wastewater Division  
(hereinafter referred to as the “Company”)  
D/B/A  
Pennsylvania American Water**

**RATES, RULES AND REGULATIONS**

**GOVERNING THE FURNISHINGS OF**

**WASTEWATER COLLECTION AND DISPOSAL SERVICE**

**IN CERTAIN MUNICIPALITIES AND TERRITORIES LOCATED IN:**

ADAMS COUNTY, ALLEGHENY COUNTY, BEAVER COUNTY, BERKS COUNTY,  
CHESTER COUNTY, CLARION COUNTY, CUMBERLAND COUNTY, LACKAWANNA COUNTY,  
**LUZERNE COUNTY**, MCKEAN COUNTY, MONROE COUNTY, MONTGOMERY COUNTY, (C)  
NORTHUMBERLAND COUNTY, PIKE COUNTY, WASHINGTON COUNTY AND YORK COUNTY

ALL IN THE COMMONWEALTH OF PENNSYLVANIA

**Issued:**

**Effective:**

Issued by:  
F. Michael Doran, President  
Pennsylvania American Water  
852 Wesley Drive  
Mechanicsburg, PA 17055

<https://www.amwater.com/paaw/>

# **NOTICE**

**This tariff authorizes Pennsylvania American Water Company to furnish wastewater services to the public in portions of Foster Township (and related points of bulk service interconnection), Luzerne County, Pennsylvania.  
Refer to Pages 2, 4, 5, 6, 8, 11.X, 18.1, 21, 21.1, 21.2 and 73.**

**PENNSYLVANIA-AMERICAN WATER COMPANY**

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**LIST OF CHANGES**

This tariff supplement authorizes Pennsylvania American Water Company – Wastewater Division, to begin to offer or furnish wastewater service to the public in portions of Foster Township (and related points of bulk service interconnection), Luzerne County, Pennsylvania as ordered by the Pennsylvania Public Utility Commission at Docket No. A-2021-xxxxxx entered xxxxxx.

**PENNSYLVANIA-AMERICAN WATER COMPANY**

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**PENNSYLVANIA-AMERICAN WATER COMPANY**

**TERRITORIES SERVED**

**(By State Region and Company Wastewater System District)  
(All territories are subject to Rate Zone 1 unless otherwise noted)**

**Central Pennsylvania**

**Fairview District**

York County. Portions of Fairview and Newberry Townships.

**Foster District – Rate Zone XX**

Luzerne County. Portions of Foster Township (and related points of bulk service interconnection).

**(C)**

**Franklin District – Rate Zone 5**

Adams County. Portions of the Townships of Franklin, Hamiltonban and Highland.

**McEwensville District**

Northumberland County. McEwensville Borough.

**New Cumberland District – Rate Zone 2**

Cumberland County. The Borough of New Cumberland.

**Turbotville District – Rate Zone 8**

Northumberland County. Portions of The Borough of Turbotville.

**Northeastern Pennsylvania**

**Northeast District – Lehman Pike, Blue Mountain Lakes, Clean Treatment, and Delaware**

Monroe County. Portions of the Townships of Middle Smithfield, Smithfield and Stroud.

Pike County. Portions of Delaware and Lehman Townships.

**Pocono District**

Monroe County. A portion of Coolbaugh Township.

**Scranton Sewer District – Rate Zone 3**

Lackawanna County. The City of Scranton and the Borough of Dunmore.

**Southeastern Pennsylvania**

**Coatesville District - Rate Zone 1 and Rate Zone 7 (Sadsbury Township)**

Chester County. The City of Coatesville, the Borough of Parkesburg and portions of the Borough of South Coatesville and portions of the Townships of Caln, East Fallowfield, Highland, Sadsbury, Valley, West Caln and West Sadsbury.

**Exeter Sewer District – Rate Zone 9**

Berks County. Portions of the Townships of Exeter, Alsace and Lower Alsace (and related points of bulk service interconnection).

**Royersford District – Rate Zone 10**

Montgomery County. Royersford Borough and portions of Upper Providence Township.

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**PENNSYLVANIA-AMERICAN WATER COMPANY**

**SCHEDULE OF RATES**

**RATE ZONE XX – UNMETERED**

**APPLICABILITY**

The rates as set forth below will apply in the Foster Township Sewer service territory served under this tariff for service rendered on and after the Effective Date shown at the bottom of this page.

**AVAILABILITY**

The rates under this schedule are available to customers in all rate classes.

**UNMETERED CHARGES**

This charge is a flat fee for customers not metered for water consumption.

**A Flat Rate** per month shall be billed to each unmetered customer as follows:

\$85.00 per EDU

**Special conveyance-only rate for Butler Township:** \$15 per EDU per month

**PENNSYLVANIA-AMERICAN WATER COMPANY**

**SCHEDULE OF RATES**

**DISTRIBUTION SYSTEM IMPROVEMENT CHARGE**

In addition to the net charges provided for in this Tariff, a charge of 0.00% will apply to bills rendered on or after the Effective Date shown on the bottom of this page.

This Charge will be applicable to:

All Rate Zones except Rate Zone 4 – Kane, Rate Zone 7 – Sadsbury, Rate Zone 8 – Turbotville, Rate Zone 9 – Exeter, Rate Zone 10 – Royersford and **Rate Zone XX - Foster.** (C)

The above charge will be recomputed quarterly using the elements prescribed by the Commission as shown on pages 18.2, 18.3 and 18.4 of this tariff.

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**PENNSYLVANIA-AMERICAN WATER COMPANY**

**RULES AND REGULATIONS**

**Section A – DEFINITIONS (cont’d)**

12. **Equivalent Dwelling Units (EDU):** Except for customers in Valley Township **and customers connected (C) to the Foster Township at the time of acquisition (“existing customers”)**, the EDU is a measure based upon the estimated average daily wastewater flow for the type of business, as calculated by the PaDEP Regulation at 25 Pa Code: 73.17 divided by the typical estimated average daily wastewater flow from a current single-family unit.

For customers in Valley Township, the number of equivalent dwelling units is determined as follows:

<b>Unit Schedule for Valley Township</b>	
<b>Category</b>	<b>Units</b>
Single-family dwelling	1
Each family apartment or business suite in a multiple dwelling or office building	1
Each additional apartment or business suite	1
Each half of a double house	1
Each beauty parlor, food market, service station, garage, funeral parlor, doctor’s or dentist’s office	1
Each church or fire company or similar charitable organization	1
Each restaurant or tavern – 20 seats or less	2
Each additional 10 seats or portion thereof	1
Each hotel or motel – 3 rental units or less	1
Each additional 5 rooms or portion thereof	1
Each nursing home, group home, institution or hospital housing 4 beds or less	2
Each additional 2 beds or portion thereof	1
Each commercial and industrial establishment or professional office not otherwise classified which does not discharge an industrial waste, regularly occupied during business hours by less than 8 persons and for each 5 additional persons or portion thereof in regular occupancy during business hours	1
Each school regularly occupied during school hours by 10 persons or less and for each additional 10 persons or portions thereof For the purpose of computing school occupancy the number of pupils to be included for each year shall be the number enrolled in the school on October 1 of each year	1

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Effective Date:

**PENNSYLVANIA-AMERICAN WATER COMPANY**

**RULES AND REGULATIONS**

**Section A – DEFINITIONS (cont'd)**

**For existing customers in Foster Township that are connected to the system prior to the Company's acquisition, the number of equivalent dwelling units is determined as follows: (C)**

<b>Unit Schedule for Foster Township</b>	
<b>Category</b>	<b>Units</b>
Each 4-bedroom residential dwelling	1
Each additional 2 bedrooms	0.5
Each restaurant, bar room or other commercial establishment which regularly dispenses food and/or beverages for consumption on the premises per 50 seats, which are regularly intended for customer use	2
Each additional 15 seats or fraction thereof	1
Each retail store with meat, vegetables, bakery, food preparation facility per food preparation station	1
Each car wash bay	2
Each laundromat per 3 washers	1
Each motel or hotel per first 4 rental rooms	1.5
Each 4 additional rooms or fraction thereof	1
Each funeral home per property	1
Each beauty parlor or barber shop per 2 chairs	1
Each additional chair	0.5
Each establishment not separately classified above, and not constituting a combination domestic consumer unit and commercial establishment	1
Each public restroom	1
Each per 5 employees or fraction thereof	1
Each combination domestic establishment and commercial establishment located in one structure and/or property and owned, occupied and operated by the same person; provided, however, that this subsection shall not be applicable in those cases where the commercial establishment regularly dispenses food and/or beverages for consumption on the premises (minimum)	1
Each industrial establishment	See rate for ind. cust. below
Each school per 10 students, faculty, and staff	1
Each boarding school per 3 students	1
Each convalescent home and similar establishment per bed	0.5
Each fire house with social hall	1.5
Each church	1
Each with social hall	1.5
Each medical center per doctor/dentist	1
Each additional 2 beds	1
Each mobile (manufactured) home park per pad (whether or not occupied)	1
Each vacation home rental per 1-4 bedrooms advertised or rented	1
Each additional bedroom advertised or rented	1

Provided however that where a business of a restaurant or bar room is conducted in connection with any motel or hotel, (C) and additional and separate sewer rental or charge shall be made payable as defined herein subject to minimum of 1 EDU.

This sewer rental or charge shall be computed on the basis of the average daily number of employees for the month (C) immediately preceding the date of the bill.

For existing customers in Foster Township that are connected to the system prior to the Company's acquisition, the (C) number of equivalent dwelling units for each school, public or private, (including day cares, pre-schools, and similar establishments) per student based upon the daily average number of students enrolled on days when the school was in session during the immediately preceding full school term. Employees shall be classified as students.

For industrial customer Citterio: Number of EDUs determined for each billing period by dividing water usage for the billing (C) period by 260 gallons per day.

(C) means Change

Issued:

Effective Date:

**PENNSYLVANIA-AMERICAN WATER COMPANY**

**RULES AND REGULATIONS**

**Section A – DEFINITIONS (cont'd)**

**For new customers in Foster Township that connect to the system after the Company's acquisition, (C) or existing customers who modify their properties in a manner that impacts the EDU calculation, the number of equivalent dwelling units will be subject to the EDU definition described above as calculated by the PaDEP Regulation at 25 Pa Code § 73.17 divided by the typical estimated average daily wastewater flow from a current single-family unit.**

13. **Garbage:** The solid wastes from domestic cooking and dispensing of food, and from the handling and storage of produce.

14. **Garbage Properly Shredded:** The term "Properly Shredded Garbage", as used herein, shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in dimension.

15. **Grinder pump:** Any mechanical or powered device, owned by the Customer, used to grind, macerate or fluidize garbage so that it can be discharged into the Sanitary Sewer.

16. **Industrial/Commercial Wastes:** Any liquid, gaseous or water borne wastes from industrial processes or commercial establishments, as distinct from domestic wastewater.

17. **Industrial/Commercial Waste Permit:** A wastewater permit issued as required by the Company to an Industrial/Commercial user which discharges Industrial/Commercial Waste.

18. **Industrial/Commercial Waste Pretreatment Program:** A program established by the Company that requires industrial and commercial dischargers to monitor, test, treat and control as necessary pollutants in their wastewater prior to discharge into the Sanitary or Combined Sewer.

19. **Line extension (for line extension purposes):** An addition to the Company's main line which is necessary to serve the premises of a Customer. Refer to Section H.

20. **Main:** The Company's pipe, excluding service connections, located in a public highway, street, alley or private right-of-way which pipe is used in transporting wastewater.

21. **Meter:** Any device supplied by the Company or other for the purpose of measuring water consumption or wastewater discharge.

22. **Nonresidential Service:** Wastewater service supplied to a commercial or industrial building, including a hotel or motel, or to a master-metered trailer park or multi-tenant apartment building, or to any customer who purchases wastewater service from the Company for the purpose of resale.

23. **Pretreatment:** The application of physical, chemical and/or biological processes to reduce the amount pollutants in, or alter the nature of the polluting properties of, an industrial/commercial process wastewater prior to discharging such wastewater into the Sanitary or Combined Sewer.

(C) means Change

Issued:

Effective Date:

**PENNSYLVANIA-AMERICAN WATER COMPANY**

**RULES AND REGULATIONS**

**Section X– Industrial Pretreatment Program (Foster Area) (IPP-F)**

This Section applies to Industrial and Commercial customers served throughout the Company's service territory under Rate Zone XX of this tariff. All such customers shall comply with the "Industrial Pretreatment Program (Foster-Area)" ("IPP-F"). The currently effective IPP-F will be made available on the Company's website.

Such customers shall be responsible for the charges and fees scheduled below related to the implementation, administration, and enforcement of the IPP-F. Pursuant to the IPP-F, IPP-F fees are set by this tariff. IPP-F fees are separate from and in addition to all other rates chargeable by the Company under this tariff.

The fees as set forth in Schedule IPP-F-1 below will be in effect for customers subject to the IPP-F. Terms are as defined by IPP-F.

**SCHEDULE IPP-F-1**

**1.1. General Fees**

- 1.1.1. Facility Inspection Fee: \$250.00 per inspection
- 1.1.2. Sampling and Analysis Fee: Actual cost of sampling and laboratory analysis plus 25% to cover administrative costs.
- 1.1.3. Accidental Discharge, Slug Control, and/or Monitoring Fee: Actual cost of response to accidental discharges or discharges of slugs loads, including but not limited to the costs incurred for other actions required to manage such discharges, monitoring and response to such discharges, correction of any resulting contamination or other impacts to the Collection System.
- 1.1.4. Compliance and Enforcement Fee - Administrative and Legal: Actual cost incurred by the Company for investigation and actions to address a User's non-compliance with the terms of this IPP or any IWDP.
- 1.1.5. Damage Repair: Actual cost for cleaning, repair, replacement and/or correction of any damage to the Collection System caused or contributed to by a User's discharge.

Pennsylvania-American Water Company's Responses to  
the Bureau of Technical Utility Services  
Water/Wastewater Division  
Data Request Set 2

Docket No. A-2021-3028676

Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

A-35. Data Request A-11.d. asked that PAWC-WD explain any differences in how Foster Township determines charges for service rendered to Citterio compared with how PAWC-WD will determine charges for service rendered to Citterio. PAWC-WD's response to Data Request A-11 indicated PAWC-WD intends to engage in discussions with Citterio and its water providers to develop a plan for obtaining water consumption data. This response does not explain any differences in how Foster determines charges for service rendered to Citterio compared with how PAWC-WD will determine charges for service rendered to Citterio. Further, the Application's Appendix A, Assets Purchase Agreement (APA), Schedule 4.1(b) notes Citterio will be billed at \$85/EDU/Month based upon water consumption provided by Freeland Authority and divided by 260 GPD/EDU despite that PAWC-WD's revised *pro forma* tariff supplement does not include rates for metered existing customers. Please provide responses for each of the following:

- a. Explain any differences in how Foster Township determines charges for service rendered to Citterio compared with how PAWC-WD will determine charges for service rendered to Citterio, including whether Foster Township charges Citterio for one EDU per 60,000 gallons or portion thereof of water consumed or wastewater discharged annually as indicated in Page 21 of TUS-A-20\_Attachment 2 (i.e., Foster Township's Metered Rate Basis billing method);
- b. Identify the provisions of PAWC-WD's tariff and *pro forma* tariff supplement that allow PAWC-WD to define an EDU for Citterio as 260 GPD of metered or estimated water consumption; and
- c. Provide a revised *pro forma* tariff supplement that includes metered rates for eligible Existing Customers.

Response:

- a. Seller recently provided PAWC Resolution 11 of 2009 (see TUS-A-35-a\_Attachment 1) which describes metered rate User Charges in Section 2.03 and is the methodology the Seller uses for Citterio. Although these charges were not incorporated into the Seller's 2012 adopted Rules and Regulation, the Seller continues to charge Citterio based on the 2009 User Charges methodology. Consistent with this methodology, PAWC will determine the billings for Citterio by applying the tariff rate per EDU rate to the number of

Pennsylvania-American Water Company's Responses to  
the Bureau of Technical Utility Services  
Water/Wastewater Division  
Data Request Set 2

Docket No. A-2021-3028676

Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

EDUs indicated by the calculation outlined in the proposed tariff; specifically, that the number of EDUs for which Citterio will be billed each billing period will be determined by dividing water usage by 260 gallons per day. Please refer to TUS-A-34\_Attachment 1, page 21.1 which adds this special EDU calculation for Citterio.

- b. Please refer to TUS-A-34\_Attachment 1 for a copy of PAWC's proposed tariff that defines EDUs in the Foster service territory. Tariff Page 21.1 defines an EDU for Citterio as equaling 260 gallons per day of water consumption.
- c. Please refer to the response to part b. The Company will apply the flat rate per EDU to the number of EDUs indicated by the calculation on Tariff Page 21, i.e. a number of EDUs determined by dividing the water usage for the service period by 260 gallons per day.

Name: Ashley E. Everette  
Title: Sr. Director, Rates & Regulatory  
American Water Works Service Company, Inc.

**TOWNSHIP OF FOSTER,  
Luzerne County, Pennsylvania**

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**RESOLUTION NO. 11 OF 2009**

**OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP  
OF FOSTER, LUZERNE COUNTY, PENNSYLVANIA,  
ADOPTING RULES AND REGULATIONS GOVERNING  
THE TOWNSHIP SEWER SYSTEM; IMPOSING USER  
CHARGES TO BE COLLECTED FROM THE OWNER OF EACH  
IMPROVED PROPERTY CONNECTED TO THE  
SEWER SYSTEM; AND PROVIDING FOR THE PAYMENT  
AND COLLECTION OF SUCH USER CHARGES.**

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**ARTICLE I**

**DEFINITIONS**

**SECTION 1.01.** Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Resolution shall be as follows:

“Ammonia Nitrogen as N” shall mean ammonia nitrogen as determined pursuant to the procedure set forth in the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by American Public Health Association, Inc.

“Authority” shall mean the Freeland Municipal Authority, a municipality authority existing under the laws of the Commonwealth.

“Board of Supervisors” shall mean the Board of Supervisors of the Township of Foster.

“B.O.D.” (Biochemical Oxygen Demand) shall mean the quantity of oxygen, expressed in ppm by weight, utilized in the biochemical oxidation, of organic matter under standard laboratory procedure for five (5) days at twenty degrees Centigrade (20° C.). The standard laboratory procedure shall be that found in the latest edition of “Standard Methods for the Examination of Water and Wastewater” published by the American Public Health Association, Inc.

“Building Sewer” shall mean the extension from the sewage drainage system of any Improved Property to the Lateral serving such Improved Property.

“Commercial Establishment” shall mean any room, group of rooms, building or enclosure, or group thereof, connected, directly or indirectly, to the Sewer System and used or intended for use in the operation of a business enterprise for the sale and distribution of any product, commodity, article or service, which maintains separate toilet, sink or other plumbing facilities in the room or group of rooms utilized for such business enterprise.

“Commonwealth” shall mean the Commonwealth of Pennsylvania.

“Connection Ordinance” shall mean the Ordinance enacted by this Township requiring Owners of certain Improved Property located in the Township to connect to such Sewer and use the same in such manner as this Township may ordain.

“Domestic Sanitary Sewage” shall, mean normal water-carried household and toilet wastes discharged from any Improved Property.

“Dwelling Unit” shall mean any room, group of rooms, house trailer, apartment, condominium, cooperative or other enclosure connected, directly or indirectly, to the Sewer System and occupied or intended for occupancy as living quarters by an individual, a single family or other discrete group of persons, excluding institutional dormitories.

“Educational Establishment” shall mean any room, group of rooms, building or other enclosure connected, directly or indirectly, to the Sewer System and used or intended for use, in whole or in part, for educational purposes, including both public and private schools or colleges.

“EPA” shall mean the Environmental Protection Agency of the United States of America.

“Equivalent Dwelling Unit” or “EDU” shall mean the unit of measure by which the User Charge shall be imposed upon each Improved Property, as determined in this Resolution or in any subsequent Resolution of the Township, which shall be deemed to constitute the estimated, equivalent amount of Domestic Sanitary Sewage discharged by a single-family Dwelling Unit.

“Improved Property” shall mean any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Domestic Sanitary Sewage and/or Industrial Wastes shall be or may be discharged, which is located within the geographic area of Foster Township and is subject to the Connection Ordinance.

“Industrial Establishment” shall mean any Improved Property used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article or any other Improved Property from which wastes, in addition to or other than Domestic Sanitary Sewage, shall or may be

discharged.

“Industrial Wastes” shall mean any and all wastes discharged from an Industrial Establishment, and/or any wastewater having characteristics which may have the potential to be detrimental to the Treatment Plant, other than Domestic Sanitary Sewage.

“Institutional Establishment” shall mean any room, group of rooms, building or other enclosure connected, directly or indirectly, to the Sewer System, including institutional dormitories and Educational Establishments, which do not constitute a Commercial Establishment, a Dwelling Unit or an Industrial Establishment.

“Large Consumer” shall mean a Person whose metered or estimated consumption of water is in excess of 15,000 gallons per calendar quarter in the case of a Dwelling Unit, or any Commercial Establishment, Educational Establishment, Institutional Establishment or Industrial Establishment, regardless of water consumption or volume of Domestic Sanitary Sewage or Industrial Wastes discharged.

“Lateral” shall mean that part of the Sewer System extending from a Sewer to the curblineline, or if there is no curblineline, to the property line, or if no such extension is provided, then “Lateral” shall mean that portion of, or place in, a Sewer that is provided for connection of any Building Sewer.

“Multiple Use Improved Property” shall mean any Improved Property upon which there shall exist any combination of a Dwelling Unit, Commercial Establishment, Industrial Establishment, Educational Establishment or Institutional Establishment.

“Owner” shall mean any Person vested with title, legal or equitable, sole or partial, of any Improved Property.

“Person” shall mean any individual, partnership, company, association, society, trust, corporation or other group or entity, including municipalities, municipality authorities, school districts and other units of government.

“pH” shall mean the logarithm of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance.

“ppm” shall mean parts per million parts water, by weight.

“Sewer” shall mean any pipe or conduit constituting a part of the Sewer System used or usable for collection of Domestic Sanitary Sewage and/or Industrial Wastes.

“Sewer System” shall mean all facilities, at any particular time, acquired, constructed, operated and/or leased by the Township for collecting and transmitting Domestic Sanitary Sewage and/or Industrial Wastes discharged by an Improved Property within the Township, other than a Building Sewer or a Lateral.

“Street” shall mean and shall include any street, road, lane, court, cul-de-sac, alley, public way or public square, including such streets as are dedicated to public use, and such streets as are owned by private Persons.

“Total Phosphorus as P” shall mean total phosphorus as determined pursuant to the procedure set forth in the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association, Inc.

“Total Solids” shall mean solids determined by evaporating at one hundred degrees Centigrade (100° C.) a mixed sample of wastewater as determined pursuant to the procedure set forth in the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association, Inc. Total solids include floating solids, Suspended Solids, Settleable Solids and Dissolved Solids, as defined in general below and by standard methods:

(a) “Suspended Solids” shall mean solids determined by standard laboratory procedure in the waste.

(b) “Settleable Solids” shall mean solids that settle in an imhoff cone from a standard sample of waste.

(c) “Dissolved Solids” shall mean solids that are dissolved in the waste and cannot be removed by filtration but can be determined by evaporation.

“Township” shall mean the Township of Foster, Luzerne County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

“Treatment Plant” shall mean the Sewage treatment and disposal system facilities and any other relevant sewage facilities owned and operated by either the Authority or its successor or assign or Little Washington Wastewater Company d/b/a Suburban Wastewater Company.

“User” shall mean any person who contributes, causes or permits the contribution of wastewater into the Sewer System or the Treatment Plant from an Improved Property.

“User Charge” shall mean the monthly rental or charge imposed by the Township

**SECTION 2.01.** A User Charge is hereby imposed upon the Owner of each Improved Property which is or shall be connected to the Sewer System, for use of the Sewer System, whether such use is direct or indirect, and for services rendered by the Township in connection therewith, and shall be payable as provided herein. At the discretion of the Township, such User Charge may be imposed upon the Owner of an Improved Property who fails or refuses improperly to connect such Improved Property to the Sewer System, as compensation for the availability of service by the Township in connection with the Sewer System.

**SECTION 2.02.** The User Charge shall be payable by the Owner of each Improved Property commencing the earlier of: (1) the date of actual, physical connection of an Improved Property to the Sewer System, or (2) sixty (60) days from the date of issuance of the notice to connect described in the Connection Ordinance; or such other date established by the Township for commencement of the payment of the User Charge.

**SECTION 2.03.** The User Charge applicable to any Improved Property constituting a Dwelling Unit or Large Consumer shall be calculated, imposed and collected on the basis of the method provided in this Section 2.03.

Each Improved Property shall be charged a User Charge as a specific amount per Equivalent Dwelling Unit applicable to such Improved Property, as determined by the Township, from time to time. The number of Equivalent Dwelling Units applicable to each Improved Property shall be determined as follows:

<u>Description of Improved Property</u>	<u>Unit of Measurement</u>	<u>Number of EDUs Per Unit of Measurement</u>
Residential Dwelling Unit (year-round or seasonal)	Each single family dwelling unit (including apartments)	1
Mobile (Manufactured) Home Park	Per pad (whether or not occupied)	1
Retail store, professional offices or other Commercial Establishment	1 to 10 employees	1
	Each additional 10 employees or fraction thereof	1
Hotel, motel or boarding house (not including restaurant facilities)	1 to 4 rental rooms	1
	Each additional 4 rooms or fraction thereof	1
Restaurant, club, tavern or other retail food or drink establishment	1 to 10 customer seats	1
	Each additional 10 seats or fraction thereof	1
Beauty parlor or barber shop (attached to or part of a Dwelling Unit)	First 2 chairs	1
	Each additional 2 chairs	1
Beauty parlor or barber shop (not attached to or	First chair	1
	Each additional chair	1

part of a Dwelling Unit)		
Educational/Institutional Establishment	Per each 10 pupils, faculty, administrators and staff	1
Church	Each property	1
Fire Company	Each property	1
Community Hall	Each property	1
Laundromat	First 2 washing machines	1
	Each additional washing machines	1
Funeral Home	Each property	1
Industrial Establishment	1 to 10 employees	1
	Each additional 10 employees or fraction thereof	1

The number of Equivalent Dwelling Units applicable to Commercial Establishments and Industrial Establishments shall be computed on the basis of the average daily number of full and part-time employees (including the owner(s) or employer(s)) for the calendar month following the date of the monthly billing. The Owners of such facilities shall be responsible for advising the Township in writing of the number of employees upon connection to the Sewer System and upon request of the Township. The number of Equivalent Dwelling Units applicable to Educational and Institutional Establishments shall be computed on the highest monthly average daily attendance of occupants, pupils, faculty, administrators and staff for the twelve (12) months preceding the date of the monthly billing. The Owners of such facilities shall be responsible for advising the Township in writing of the number of pupils, faculty, administrators and staff in attendance as an average daily figure upon request of the Township.

If the use or classification of any Improved Property changes within a billing period, the User Charge for such billing period may be prorated by the Township. The Owner of the Improved Property shall be responsible for advising the Township in writing of any such change affecting the User Charge payable hereunder. The appropriate credit or additional charge shall appear on the statement for the next succeeding billing period.

The monthly flat rate User Charge payable per Equivalent Dwelling Unit shall be \$70.00.

User Charges for any non-residential Improved Property, in the sole discretion of the Township, may be determined on a metered rate basis calculated according to:

- (1) Metered volume of potable water usage by the nonresidential Improved Property, adjusted, if appropriate, by the Township, or
- (2) Actual metered volume of wastewater discharged by the non-residential Improved Property into the Sewer System.

In either of the foregoing cases, such User Charges on a metered rate basis shall be computed on the basis of (1) EDU per each 260 gallons or portion thereof of water consumed or sewage discharged daily.

**SECTION 2.04.** In the case of a Multiple Use Improved Property sharing a common connection to the Sewer System or a common structure, each such classification of Improved Property shall pay a separate User Charge, as though it was housed in a separate structure and had a direct and separate connection to the Sewer System, computed in accordance with Section 2.03 of this Resolution.

**SECTION 2.05.** The Owner of any Improved Property which shall discharge Domestic Sanitary Sewage and/or Industrial Wastes into the Sewer System in excess of a total flow of two hundred sixty (260) gallons per day per Equivalent Dwelling Unit with a peak flow rate in excess of three hundred forty (340) gallons per day for any ten-minute period, per Equivalent Dwelling Unit calculated under Section 2.03, as determined or reasonably estimated by the Township, shall pay a volume surcharge. The Owner of any Improved Property which shall discharge Domestic Sanitary Sewage and/or Industrial Wastes to the Sewer System having a B.O.D. greater than three hundred (300) ppm, or a Suspended Solids content greater than three hundred (300) ppm, or a Dissolved Solids content greater than five hundred (500) ppm, or a Total Solids content greater than eight hundred (800) ppm, or a Total Phosphorus as P content greater than ten (10) ppm or an Ammonia Nitrogen as N content greater than thirty (30) ppm, shall, in the discretion of the Township, pay a strength of waste surcharge, in addition to applicable User Charges.

Surcharges shall be paid in addition to all User Charges computed in accordance with provisions of this Article II and shall be computed on such basis, and payable at such times, as this Township may from time to time adopt, including provisions of any agreements to which this Township is a party governing the treatment of Domestic Sanitary Sewage or Industrial Wastes. The strength of Domestic Sanitary Sewage and/or Industrial Wastes to be used for establishing the amount of surcharge shall be determined periodically at the discretion of the Township either: (1) by suitable sampling and analysis of such wastes for a consecutive three-day period during a time of normal plant operation; or (2) from estimates made by the Township; or (3) from known relationships of products produced to strengths of such wastes for those industries where such factors have been established. In establishing such waste strengths for surcharge purposes by

analysis, analyses shall be made in accordance with procedures outlined in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, Inc.

**SECTION 2.06.** The Owner of any Improved Property discharging Domestic Sanitary Sewage and/or Industrial Wastes into the Sewer System shall furnish to the Township, including by way of the application for permit described in the Connection Ordinance, all information deemed essential or appropriate by the Township for the determination of all applicable User Charges and surcharges. The costs of obtaining such information shall be borne by such Owner of the Improved Property.

In the event of the failure of the Owner to provide adequate information, the Township shall estimate the applicable User Charge and surcharges based upon available information, until such time as adequate information is received. There shall be no rebate of past payments if the Owner's refusal to provide such information results in overpayment.

**SECTION 2.07.** Nothing herein contained shall be deemed to prohibit this Township from entering into separate or special agreements with Owners of Improved Property or other Persons with respect to the User Charge or surcharge to be imposed in those cases where, due to special or unusual circumstances, the User Charge set forth herein shall be deemed by this Township, in its sole discretion, to be inequitable, or where it is in the best interests of this Township to do so.

**SECTION 2.08.** User Charges shall be payable on a monthly basis, on the first day of each month, and shall cover a billing period consisting of the immediately preceding month. Owners of Improved Property that shall be first connected to the Sewer System during any monthly period shall pay a pro-rata User Charge for service for the balance of the monthly period.

**SECTION 2.09.** Payments of User Charges and any applicable surcharges shall be due and payable upon the applicable billing date, at the office of the Township, in the appropriate amount, computed in accordance with this Resolution, which shall constitute the net bill. If any User Charge or any applicable surcharge is not paid within thirty (30) calendar days after the applicable billing date, an additional sum of ten percent (10%) shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such thirty (30) calendar day period shall constitute payment within such period. If the end of such thirty (30) calendar day period shall fall on a legal holiday or on a Sunday, then payment made on or mailed and postmarked on the next succeeding business day which is not a legal holiday shall constitute payment within such period. Any and all payments received on account of delinquent accounts shall be applied first to the oldest outstanding gross bill, including any accumulated late fee.

**SECTION 2.10.** It shall be the responsibility of each Owner of an Improved Property to provide the Township with, and thereafter keep the Township continuously advised of, the correct mailing address of such Owner. Failure of any Owner to receive a bill for charges due and payable shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

**SECTION 2.11.** No officer or employee of the Township is authorized to reduce, vary or exempt charges imposed herein or other provisions of this Resolution without official action by the Board of Supervisors of this Township.

Every Owner of Improved Property shall remain liable for the payment of User Charges and surcharges until the later of: (1) the receipt by the Township of written notice by such Owner that the property has been sold, containing the correct name and mailing address of the new Owner, or (2) the date on which title to the Improved Property is transferred to a new Owner. Failure to provide notice renders an Owner continuously liable for any charges that may accrue until such time as the Township has been properly notified of any change in ownership as described above.

### ARTICLE III

#### PROHIBITED WASTES

**SECTION 3.01.** No Person shall discharge or shall cause to be discharged into the Sewer System any storm water, surface water, spring water, ground water, roof runoff, subsurface drainage, building foundation drainage, cellar drainage or drainage from roof leader connections.

**SECTION 3.02.** Except as otherwise provided, no Person shall discharge or cause to be discharged into the Sewer System any matter or substance:

- A. Having a temperature higher than one hundred forty degrees Fahrenheit (140° F.) or less than thirty-two degrees Fahrenheit (32° F.);
- B. Containing more than fifty (50) mg/L of fat, oil or grease;
- C. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the Treatment Plant or to the operation of the Treatment Plant, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F using methods in 40 CFR 261.21. At no time shall two (2) successive readings on an explosion hazard meter, at any point of discharge into the system (or at any point in the system), be more than five

percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limits (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Township, the Commonwealth or EPA has notified the User is a fire hazard or a hazard to the Sewer System;

D. Containing any solid wastes with particles greater than one-half inch (1/2") in any dimension, resulting from preparation, cooking and dispensing of food and from handling, storage and sale of produce, which wastes commonly are known as garbage, which have not been ground by household type garbage disposal units or other suitable garbage grinders;

E. Containing any solids or viscous substances which may cause obstruction to flow in the Sewer System or other interference with the proper operation of the Treatment Plant such as, but not limited to: animal guts or tissues, paunch manure, bones, hair, hides or fleshings, feathers, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, strings, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes, dental floss, wool or other fibers;

F. Having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazards to structures or equipment of the Sewer System or any Sewer or to any Person engaged in operation and maintenance of the Sewer System;

G. Containing toxic or poisonous substances in sufficient quantity to injure or to interfere with any sewage treatment process, to constitute hazards to humans or animals or to create any hazards in waters which shall receive treated effluent from the Sewer System;

H. Containing dyes or other materials with objectionable color, from any source that will result in a treatment plant effluent exceeding limits in compliance with applicable state or federal regulations;

I. Any substance which may cause the Treatment Plant's effluent or any other product of the Treatment Plant, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the Treatment Plant cause the Township to be in non-compliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean

Air Act, the Toxic Substances Control Act or Commonwealth criteria applicable to the sludge management method being used;

J. Containing radio-active substances and/or isotopes of such half-life or concentration that will result in a treatment plant effluent exceeding limits in compliance with applicable state or federal regulations;

K. Having a chlorine demand in excess of twelve (12) mg/l at a detention time of twenty (20) minutes;

L. Prohibited by any permit issued by the Commonwealth or the EPA;

M. Containing wastes which are not amenable to biological treatment or reduction in existing treatment facilities, specifically non-biodegradable complex carbon compounds;

N. Having a B.O.D. content greater than three hundred (300) ppm (except as authorized under Section 2.05);

O. Having a Suspended Solids content greater than three hundred (300) ppm (except as authorized under Section 2.05);

P. Having a Total Phosphorus as P content greater than ten (10) ppm (except as authorized under Section 2.05);

Q. Having an Ammonia Nitrogen as N content greater than thirty (30) ppm (except as authorized under Section 2.05);

R. Having any waste containing toxic or poisonous substances in excess of the following limits, measured at the point of discharge to the Sewer System:

<u>Substance</u>	<u>Maximum Concentration ppm</u>
Arsenic	0.05
Cadmium (as Cd)	0.1
Chromium (trivalent)	1.0
Chromium (hexavalent)	0.05
Copper (as Cu)	0.5
Cyanides (free CN)	0.05
Lead	0.3
Mercury	0.002
Nickel (as Ni)	2.0
Phenolic Compounds	0.005

Silver	0.05
Zinc (as Zn)	1.0;

S. Containing any substance not mentioned in the foregoing list that will cause interference or pass through at the Treatment Plant and exceed the maximum permitted levels for such substance under the requirements of the EPA, the Commonwealth or other governmental agencies having jurisdiction;

T. Any other substance prohibited by Resolution, resolution, rule, regulation or agreement of the Township hereafter enacted or adopted from time to time;

U. Sludges, screening or other residues from the pretreatment of industrial wastes;

V. Medical wastes, except as specifically authorized by the Township in a wastewater discharge permit;

W. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

X. Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW; or

Y. Fats, oil or greases of animal or vegetable origin in concentrations which will cause interference or pass through.

**SECTION 3.03.** Under no circumstances shall any Person discharge or cause to be discharged into the Sewer System any of the substances listed in Section 3.02 above, without first securing written permission to do so from the Township.

**SECTION 3.04.** Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Resolution for sources in that subcategory, shall immediately supersede the limitations imposed under this Resolution. The Township shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

**SECTION 3.05.** No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Township or the Commonwealth.

**SECTION 3.06.** Whenever a Person is authorized by the Township and the appropriate governmental agencies to discharge any polluted water, Domestic Sanitary Sewage or Industrial Waste containing any of the substances or possessing any of the characteristics referred to in Section 3.02, such discharge shall be subject to the continuing approval, inspection and review of the Township. If, in the opinion of the Township, such discharges are causing or will cause damage to the Treatment Plant, or will cause the Township to be in violation of any agreement or order, the Township shall order the Person causing such discharge to cease doing so forthwith, or to take other appropriate action, including exercising the remedies provided in the Connection Ordinance, or delegating to another party duties to take appropriate action, to eliminate the harmful discharge.

**SECTION 3.07.** Nothing contained herein shall be construed as prohibiting any special agreement or arrangement between the Township and the Owner of an Improved Property or other Person allowing Industrial Wastes of unusual strength or character to be admitted into the Sewer System.

**SECTION 3.08.** Where necessary or appropriate, in the opinion of the Township, the Owner of an Improved Property shall provide, at the sole expense of the Owner, suitable pretreatment facilities acceptable to the Township.

Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of Industrial Wastes shall be submitted for approval of the Township. No construction of any such facility shall commence until approval has been obtained, in writing, from the Township, and until approval has been obtained from any and all regulatory bodies having jurisdiction.

Such facilities for preliminary treatment and handling of Industrial Wastes shall be continuously maintained, at the sole expense of the Owner, in good operating condition satisfactory to the Township. The Township shall have access to such facilities at reasonable times for purposes of inspection and sampling.

#### ARTICLE IV

#### ADMISSION OF INDUSTRIAL WASTES INTO THE SEWER SYSTEM

**SECTION 4.01.** No person shall discharge or cause to be discharged into the Sewer System any Industrial Wastes without prior application for and receipt of a written permit from the Township.

**SECTION 4.02.** Any Person desiring to make or use a connection through which Industrial Wastes shall be discharged into the Sewer System shall file with the Township a completed "Industrial Wastes Questionnaire", furnished by the Township,

which shall supply pertinent data, including estimated quantity of flow, characteristics and constituents of the proposed discharge. The cost of obtaining all such data shall be borne by the Person desiring to make or use the connection to the Sewer System.

**SECTION 4.03.** A. Ten (10) days prior to the first day of January, April, July and October of each year, each major contributor of Industrial Wastes shall file with the Township a report on the quality and quantity of their discharge.

B. Major contributors shall consist of those whose total estimated or metered discharge exceeds 15,000 gallons per day, have in their waste a toxic pollutant or, in the judgment of the Township, would have potential for or a significant impact on the Sewer System or the quality of its effluent.

**SECTION 4.04.** A. When required by the Township, the Owner of any Improved Property serviced by a Building Sewer carrying Industrial Wastes shall install, at his expense, a suitable control manhole, together with such necessary meters and other appurtenances in the Building Sewer, to facilitate observation, sampling and measurement of the waste flow.

B. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made herein shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater", published by the American Public Health Association, Inc., and shall be determined by or under the direct supervision of a "qualified analyst" at the control manhole provided, or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the Building Sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewer System and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples must be taken.)

**SECTION 4.05.** Any Industrial Establishment discharging Domestic Sanitary Sewage and/or Industrial Wastes into the Sewer System and contemplating a change in the method of operation which will alter the characteristics and/or volume of such wastes being discharged shall notify the Township, in writing, at least thirty (30) days prior to institution of such change.

**SECTION 4.06.** Grease, oil and sand interceptors shall be provided by the Owner of any Industrial, Commercial or Institutional Establishment, at his or its sole cost, when required by the Township, for the proper handling of liquid wastes containing excessive grease, inflammable wastes, sand or other harmful substances. All interceptors shall be of a type and capacity approved by the Township and constructed or installed at a satisfactory location in accordance with plans approved by the Township prior to installation or commencement of construction.

**SECTION 4.07.** The use of mechanical garbage grinders in an Industrial Establishment or a Commercial Establishment shall not be permitted without prior approval from the Township.

**SECTION 4.08.** The Township may require Industrial Establishments having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the Sewer System.

## ARTICLE V

### MISCELLANEOUS

**SECTION 5.01.** The Township shall have the right of access, at all reasonable times, to any part of any Improved Property as necessary for purposes of inspection, observation, measurement, sampling and testing and for performance of other functions relating to service rendered by the Township.

**SECTION 5.02.** The Owner of any Improved Property, upon direction of the Township, shall acquire and install (unless otherwise provided by the Township), operate and maintain at such Owner's cost and expense, a grinder pump or similar apparatus satisfactory to the Township in the manner and at the location directed by the Township. Such grinder pump shall be installed at the time such Improved Property is connected to the Sewer System and shall be subject to inspection and approval together with the remainder of the Building Sewer.

**SECTION 5.03.** The Owner of any Improved Property shall be held liable for all acts of tenants or other occupants of such Improved Property, as may be permitted by law, insofar as such acts shall be governed by the provisions of this Resolution.

**SECTION 5.04.** The Township shall adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with the use and operation of the Sewer System, which rules and regulations shall be, shall become and shall be construed as part of this Resolution.

**SECTION 5.05.** In the event any provision, section, sentence, clause or part of this Resolution shall be held by any Court or Administrative tribunal of competent jurisdiction to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

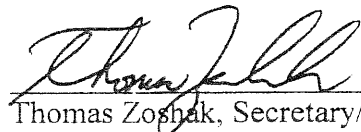
**SECTION 5.06.** All Resolutions or parts of Resolutions of this Township which are inconsistent herewith expressly shall be and are repealed.

**CERTIFICATE**

I, the undersigned, Secretary/Treasurer of the Township of Foster, Luzerne County, Pennsylvania (the "Township"), certify: that the foregoing is a true and correct copy of a Resolution which duly was adopted by affirmative vote of a majority of all members of the Board of Supervisors of the Township at a meeting of said Board of Supervisors duly convened and held according to law on Aug 10, 2009, at which meeting a quorum was present; that said Resolution duly has been recorded in the minutes of the Board of Supervisors of the Township; and that said Resolution is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township met the advance notice requirements of the Sunshine Act, 65 Pa.C.S. Ch. 7, by advertising the time and place of said meeting, by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting.

**IN WITNESS WHEREOF**, I set my hand and affix the official seal of the Township, this 10 day of Aug, 2009.

  
Thomas Zoshak, Secretary/Treasurer

(SEAL)

Pennsylvania-American Water Company's Responses to  
the Bureau of Technical Utility Services  
Water/Wastewater Division  
Data Request Set 2

Docket No. A-2021-3028676

Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

A-36. PAWC-WD's response to Data Request A-15 provided a copy of the Pennsylvania Department of Environmental Protection's (DEP's) letter approving the Joint Official Sewage Facilities Plan Update Revision for Freeland Borough and Foster Township, Revised December 2013 (Act 537 Plan Update) as TUS-A-15 Attachment 1. The DEP letter approving the Act 537 Plan Update recognized the existence of the Foster Township-owned Wyoming Street Pump Station in the configuration described in the Plan. However, DEP, for sewage planning purposes, did not recognize a rated capacity for the pump station. Further, DEP noted the Act 537 Plan Update called for the preparation of a Special Study, as a revision to Official Sewage Facilities Plans of Freeland Borough and Foster Township, to be completed to thoroughly investigate the technical adequacy of the existing Wyoming Street Pump Station. Please provide copies of the following:

a. The DEP-approved Special Study required in the Act 537 Plan Update;

Response: Based on the information made available to PAWC by the Seller, this Special Study was not completed. PAWC intends to work with DEP to ensure this Special Study is completed.

b. The DEP letter approving the Special Study along with any conditions; and

Response: Please see PAWC's response to TUS-A-36-a.

c. Any DEP approved addendums or modifications to Foster Township's DEP Water Quality Management Permit No. 4006404, issued October 23, 2006, or other DEP approved permits that address Foster Township's Wyoming Street Pump Station.

Response: No additional addendums, modifications, or permits related to Foster Township's DEP Water Quality Management Permit No. 4006404 or Foster Township's Wyoming Street Pump Station exist other than what was included as part of the Application.

Name: Michael Salvo  
Title: Senior Manager, Business Development

Pennsylvania-American Water Company's Responses to  
the Bureau of Technical Utility Services  
Water/Wastewater Division  
Data Request Set 2

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Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

A-37. The Application's Appendix A, Assets Purchase Agreement (APA), Section 2.1(a)(iv) and (viii) referenced a Schedule 1.5. However, the APA's Schedule 1.5 appears not to be included in the Application. Please provide a copy of the APA's Schedule 1.5.

Response: References to Section 1.5 in the APA are incorrect. "Section 1.3" should replace "Section 1.5" throughout the APA. PAWC will work with the Seller to modify the APA accordingly prior to Closing.

Name: Michael Salvo  
Title: Senior Manager, Business Development

Pennsylvania-American Water Company's Responses to  
the Bureau of Technical Utility Services  
Water/Wastewater Division  
Data Request Set 2

Docket No. A-2021-3028676

Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

A-38. The Application's Appendix B, Treatment Agreement between the Borough of Freeland Municipal Authority (Freeland Authority), Freeland and Foster Township, dated December 8, 1999, (1999 Agreement), Section 13.(I) referenced Exhibit A that indicated approximately seventeen (17) properties located in Freeland Borough (Freeland Borough Properties) are connected to Foster Township's wastewater system, but shall continue to be billed by Freeland Authority at Freeland Authority's residents' rate. Please provide responses for each of the following:

- a. Clarify whether the points of connection to Freeland Properties are included within PAWC-WD's requested service territory as depicted in the Application's Appendix R;

Response: The following dwellings are located within Freeland Borough with points of connection in Foster Township to Foster Township's wastewater collection system and are included in PAWC-WD's requested service territory: 501, 505, 519, 521, 529, and 537 Cedar Street.

The following dwellings are located within Foster Township with points of connection in Foster Township to their wastewater collection system and are included in PAWC-WD's requested service territory: 619 Cedar Street and 984 South Street.

The following dwellings are partially located within Freeland Borough and partially located within Foster Township with points of connection to Foster Township's wastewater collection system and included within PAWC-WD's requested service territory: 404, 410, 450, 452, 454, 456, 458, and 460 Fern Street.

The following dwellings are located within Freeland Borough and connected to the Freeland Borough Municipal Authority's wastewater collection system and are not included in PAWC-WD's requested service territory: 403 and 451 Fern Street.

- b. Indicate whether Foster currently receives any cost recovery from the Freeland Authority for providing wastewater collection and conveyance services to Freeland Properties and whether the flows from

Pennsylvania-American Water Company's Responses to  
the Bureau of Technical Utility Services  
Water/Wastewater Division  
Data Request Set 2

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Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

the Freeland Properties reduce or are counted as part of the Foster Township's reserved Maximum Average Daily Flow currently equal to 390,000 gallons per day;

Response: Foster does not currently receive cost recovery from Freeland Authority for the Freeland Properties. PAWC is unable to confirm whether the Freeland Properties were counted as part of Foster's reserved Maximum Average Daily Flow.

c. Indicate how PAWC-WD plans to bill either the Freeland Authority or Freeland Properties customers, as applicable, for wastewater collection and conveyance service post-acquisition, including whether the Freeland Authority will act as PAWC-WD's agent to bill Freeland Properties at PAWC's rates;

Response: PAWC plans to bill the Freeland Authority for PAWC's wastewater collection and conveyance services associated with serving the Freeland Properties, essentially acting as PAWC's billing agent for the Freeland Properties.

d. If Freeland Properties will remain customers of Freeland Authority, provide a copy of a *pro forma* agreement between PAWC-WD and Freeland Authority detailing how these customers will be included in a bulk wastewater service agreement along with the associated rates; and

Response: PAWC is working with the Authority to reach mutually agreeable terms for the agreement detailing how the Authority will be billed for its services associated with the Freeland Properties. A *pro forma* agreement does not yet exist. The agreement will be filed for approval with the Commission pursuant to Section 507 of the Public Utility Code.

e. If Freeland Properties are in PAWC-WD's requested service territory, provide a copy of a revised *pro forma* tariff supplement that includes the appropriate existing rates for these customers.

Response: Because PAWC has not yet finalized the terms for the agreement referenced in subsection d. above, PAWC has insufficient information

Pennsylvania-American Water Company's Responses to  
the Bureau of Technical Utility Services  
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Data Request Set 2

Docket No. A-2021-3028676

Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

to determine if an update to its *pro forma* tariff supplement will be required.

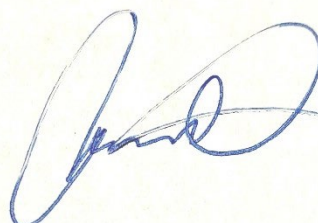
Name: Michael Salvo  
Title: Senior Manager, Business Development

Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

Docket No. A-2021-3028676

VERIFICATION

I, Michael Salvo, hereby state that the facts set forth in the foregoing responses to the Data Requests, Set 2, specifically Questions 33 and 36-38, from the Bureau of Technical Utility Services dated March 14, 2022, 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 if 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: March 28, 2022

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Michael Salvo  
Senior Manager, Business Development  
Pennsylvania-American Water Company

Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

Docket No. A-2021-3028676

VERIFICATION

I, Ashley E. Everette, hereby state that the facts set forth in the foregoing responses to the Data Requests, Set 2, specifically Questions 34 and 35, from the Bureau of Technical Utility Services dated March 14, 2022, 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 if 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: March 28, 2022

  
\_\_\_\_\_  
Ashley E. Everette  
Sr. Director, Rates & Regulatory  
American Water Works Service Company, Inc.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Pennsylvania-American Water :  
Company-Wastewater Division for approval of :  
the rights to: (1) acquire, by sale, certain :  
wastewater system assets of Foster Township; :  
and (2) begin to offer, render, furnish and : Docket No. A-2021-3028676  
supply wastewater service to the public in :  
portions of Foster Township, Luzerne County, :  
Pennsylvania :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of **Pennsylvania-American Water Company's Responses to the Bureau of Technical Utility Services Data Request Set 2**, upon the parties listed below, in the manner specified below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

**VIA Electronic Delivery**

Richard A. Kanaskie  
Director and Chief Prosecutor  
PA Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street, 2<sup>nd</sup> Floor West  
Harrisburg, PA 17120  
[rkanaskie@pa.gov](mailto:rkanaskie@pa.gov)

Patrick Cicero  
Acting Consumer Advocate  
Pennsylvania Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
[pcicero@paoca.org](mailto:pcicero@paoca.org)

Teresa Reed Wagner  
Executive Director  
Small Business Advocate  
PA Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
[tereswagne@pa.gov](mailto:tereswagne@pa.gov)

Date: March 28, 2022



\_\_\_\_\_  
Teresa K. Harrold, Director, Corporate Counsel  
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