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File #: 204725

May 20, 2025

VIA ELECTRONIC FILING

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

**Re: Application of The York Water Company - Wastewater for approval of the right to:
(1) acquire certain wastewater system assets of Margareta MHP, LLC; and (2)
begin to offer, render, furnish or supply wastewater service to the public in an
additional portion of Lower Windsor Township, York County, Pennsylvania at
Docket No. A-2024-3049695**

Dear Secretary Homsher:

Attached please find The York Water Company's responses to TUS Data Request Set II in the above-referenced proceeding. A copy is being provided to Matthew Lamb at the Bureau of Technical Utility Services.

Respectfully submitted,



Megan E. Rulli

MER/dmc
Attachment

cc: Matthew T. Lamb, P.E. (via e-mail w/attachment)

TUS Data Request Set 2

Application of The York Water Company – Wastewater for approval of the right to: (1) acquire certain wastewater system assets of Margareta MHP, LLC; and (2) begin to offer, render, furnish or supply wastewater service to the public in an additional portion of Lower Windsor Township, York County, Pennsylvania

Docket No. A-2024-3049695

A-27 York Water-WW's reply to Data Request A-1 did not provide evidence that the Application is compliant with Act 537 as required by 52 Pa. Code § 3.501(a)(9). Please provide evidence the Application is in compliance with Act 537 by providing a copy of a DEP-approved Act 537 Official Sewage Facilities Plan Update, special study and/or planning modules required for the York Water-WW proposed modifications to change the wastewater treatment location from the Margareta MHP WWTP to the Lower Windsor WWTP and for providing wastewater service to the remaining portion of the requested service territory along with a copy of the associated DEP approval letter.

RESPONDENT:

Andrew Prosser
Director of Engineering & Construction
The York Water Company

RESPONSE:

The Pennsylvania Department of Environmental Protection has been working with York Water to determine what the appropriate planning process is for converting sewer service from an MHP sewage treatment plant to a public sewage treatment plant. York Water will prepare and submit a Component 3 Module to the Township upon Commission approval of the territory expansion.

Further, the Township's response dated June 5, 2024 (**Exhibit K-1** to the Application) indicates that the proposed sewer service complies with the Township's planning, indicating that planning need not be revised at this time. However, once the territory is approved, York Water will submit the Module to formally modify and provide detail to the 537 Plan.

TUS Data Request Set 2

Application of The York Water Company – Wastewater for approval of the right to: (1) acquire certain wastewater system assets of Margaretta MHP, LLC; and (2) begin to offer, render, furnish or supply wastewater service to the public in an additional portion of Lower Windsor Township, York County, Pennsylvania

Docket No. A-2024-3049695

A-28 In response to Data Request A-9, York Water-WW indicated that it is proposing to construct a pump station (Margaretta P.S.) located within the Margaretta MHP to provide wastewater conveyance service from the mobile home park to the Lower Windsor WWTP. Pursuant to 52 Pa. Code §§ 3.501(a)(6)(i) and (7)(i), an application shall include copies of water quality management permits as proof of compliance with applicable DEP design, construction and operation standards. Please provide evidence that DEP issued water quality management permits for York Water-WW to construct the Margaretta P.S. and the wastewater flow conveyance system to the Lower Windsor WWTP along with a copy of the associated DEP approval letter(s).

RESPONDENT:

Andrew Prosser
Director of Engineering & Construction
The York Water Company

RESPONSE:

York Water has not pursued authorization from the PA DEP for the Margaretta pumping station, as the Company does not yet have Commission authority to acquire the Margaretta system. The Company will pursue all necessary water quality management permits from the PA DEP for the proposed Margaretta pumping station upon approval of the instant Application. York Water will work within its existing Permanent Utility Easement to site the proposed Margaretta pump station next to the existing Margaretta WWTP, which will be abandoned by the current owner/operator. A copy of the Permanent Utility Easement is also attached hereto as **A-28 Attachment 1**.

Please see the NPDES and WQM permits applicable to the existing (recently expanded) Lower Windsor WWTP facility, which would serve the requested territory, along with a copy of the compliance history for this facility during York Water's ownership. See **A-28 Attachment 2**.

A-28 Attachment 1

Parcel Identification No. 35000JL0082M

Property Location: Lower Windsor Township, York County

PERMANENT UTILITY AND ACCESS EASEMENT AGREEMENT

This **PERMANENT UTILITY AND ACCESS EASEMENT AGREEMENT** (this “Agreement”) is made this ^{7TH} day of ~~FEBRUARY~~ 2024, by and between, **MARGARETTA MHP, LLC**, a Pennsylvania limited liability company with a current mailing address of c/o Foote Property Management, 2678 Mount Rose Avenue, York, Pennsylvania 17402 (“Grantor”) and **THE YORK WATER COMPANY**, a corporation organized under the laws of the Commonwealth of Pennsylvania, having its principal place of business at 130 East Market Street, York, Pennsylvania (“Grantee”) (Grantor and Grantee may be collectively referred to hereinafter as the “Parties.”)

RECITALS

WHEREAS, Grantor intends to maintain residential facilities on one tract of land in Lower Windsor Township, York County, PA owned by the Grantor, said tract of land identified as York County Tax Parcel No. 35000JL0082M (the “Property”); and

WHEREAS, Grantee is a public utility that supplies wastewater collection and treatment utility service to customers throughout York, Adams, Lancaster and Franklin Counties in Pennsylvania; and

WHEREAS, in order to better serve the Grantor, Grantee has proposed to operate and maintain existing wastewater mains and facilities, and construct, as needed, new wastewater collection mains and related facilities on the Property in order to provide a continuous wastewater service to the residents of the Margarett Mobile Home Park; 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 DOLLAR (\$1.00), 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 maintaining, constructing and operating wastewater mains and related infrastructure, 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 proper and efficient operation and maintenance of the wastewater collection and conveyance system, and thereafter, to use, operate, inspect, repair, maintain, replace, relocate, enlarge, alter, upgrade, remove or otherwise maintain the wastewater mains and related infrastructure 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 may impact Grantee's ability to execute any activity incidental to the rights granted in this Agreement. Grantee's obligation to its wastewater customers and Grantee's ownership of wastewater collection facilities installed extend to the service line valve as described in Grantee's Tariff. This grant of the Permanent Utility Easement on the Property shall include the right to maintain and relocate the facilities installed within the limits of the Easement, from time to time, and at any time in Grantee's discretion. Hereafter, Grantor shall remain obligated to operate, maintain, repair, and replace, as needed the customer side of the wastewater service, which begins

at the lateral connection to the residential unit(s) and includes all customer side facilities that exist at Closing and any such facilities that are installed on the customer side in the future.

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 wastewater collection facilities, the Easements created by this Agreement shall allow the Grantee to invest in and construct/repair/replace/maintain a wastewater collection system, or parts thereof, to serve the Grantor's existing community of approximately 62 existing occupied mobile home lots, which includes one occupied farmhouse. The payments provided under this Paragraph 5 are intended to compensate Grantee for investment in facilities in the event Grantor terminates operation of the Margareta Mobile Home Park. Ownership of the collection system assets will not be transferred by Grantee to Grantor upon payment, and the provisions of this Paragraph 5 do not represent a sale of such assets by Grantee. Grantee may continue to retain and use any and all easements granted under this Agreement to the extent necessary to continue to provide public wastewater utility service to any customers of Grantee. Reference to abandoning facilities in Paragraph 5A and abandonment of facilities in Paragraph 5D of this 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 wastewater main, wastewater service line 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 residential wastewater revenue per customer during the calendar year preceding termination of this Agreement, multiplied by one-hundred and fifty (150), and multiplied by the years remaining in the initial ten (10) year period; and
- D. Provisions in Paragraphs 4.B. and 4.C. 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 wastewater 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 the wastewater 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, invitees, agents 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 in any way whatsoever, interfere with the exercise of the rights hereby given the Grantee, its successors and assigns, or shall or will erect or maintain or cause or allow to be erected or maintained, any obstruction(s) of any nature whatsoever, including but not by way of limitation, any structure, wall, fence, pole, tree, shrubbery, garden, structure, septic tank, drain field, cesspool, dry well, nor any 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. 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 Property. Except to the extent that there may be any violations of the provisions of the previous Paragraph 8, Grantee shall replace and restore the surface of the excavation area to the same grade and condition as existed before such excavation(s) were made.

10. Personal Property.

It is the intention of the Parties hereto, for themselves and their successors or assigns, that none of the facilities being now or at any time hereafter installed on the Property by Grantee shall be deemed to be or shall become part of the real estate or subject to any mortgage, lien or encumbrance thereon. Rather, the wastewater collection and related facilities located and to be located on the Property 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, 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(s), executed by both Grantor and Grantee. This Agreement and any subsequent amendment or modification may be recorded in the Office of Recorder of Deeds in and for York County, Pennsylvania.

[Signatures Follow]

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

GRANTOR:

ATTEST:

MARGARETTA MHP, LLC

Diana A. Silva

By: 

Name: Steve Foote

COMMONWEALTH / STATE OF PENNSYLVANIA

SS. COUNTY OF ~~YORK~~ Montgomery

On this 1st day of February, 2024, before me, a Notary Public, the undersigned, personally appeared **Steve Foote**, 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.

Nancy A. Valleras

Notary Public

Commonwealth of Pennsylvania - Notary Seal
NANCY A. VALLERAS, Notary Public
Montgomery County
My Commission Expires September 2, 2024
Commission Number 1170526

GRANTEE:

ATTEST:

THE YORK WATER COMPANY

Secretary

Joseph T. Hand
Joseph T. Hand, President and CEO

COMMONWEALTH / STATE OF PENNSYLVANIA

(SS.

COUNTY OF YORK

On this 7th day of FEBRUARY, 2024, 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

Commonwealth of Pennsylvania - Notary Seal
Molly Elizabeth Norton, Notary Public
York County
My commission expires March 3, 2025
Commission number 1307000
Member, Pennsylvania Association of Notaries

EXHIBIT A

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

[Insert facility map]

A-28 Attachment 2

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

NPDES PERMIT NO: PA0084565

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.*,

**The York Water Co.
130 E Market Street
York, PA 17401-1219**

is authorized to discharge from a facility known as **East Prospect STP**, located in **Lower Windsor Township, York County**, to **Cabin Creek (WWF)** in Watershed(s) **7-I** 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 DECEMBER 1, 2024

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON NOVEMBER 30, 2029

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 November 7, 2024

ISSUED BY Maria D. Bebenek
Maria D. Bebenek, P.E.
Environmental Program Manager
Southcentral Regional Office

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

I. A. For Outfall 001, Latitude 39° 57' 53.81", Longitude 76° 31' 51.17", River Mile Index 4.64, Stream Code 07848

Receiving Waters: Cabin Creek (WWF)

Type of Effluent: Sewage Effluent

1. The permittee is authorized to discharge during the period from **December 1, 2024** through **November 30, 2029**.
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	Weekly Average	Daily Minimum	Average Monthly	Weekly Average	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)	36.0	28.0	XXX	25.0	40.0	50	1/week	24-Hr Composite
Biochemical Oxygen Demand (BOD5) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX	1/week	24-Hr Composite
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX	1/week	24-Hr Composite
Total Suspended Solids	43.0	65.0	XXX	30.0	45.0	60	1/week	24-Hr Composite
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000	1/week	Grab
Fecal Coliform (No./100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000	1/week	Grab
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report	1/quarter	Grab

Outfall 001 , Continued (from December 1, 2024 through November 30, 2029)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Average Monthly	Weekly Average	Daily Minimum	Average Monthly	Weekly Average	Instant. Maximum		
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Report	XXX	XXX	1/day	Recorded
Ammonia-Nitrogen Nov 1 - Apr 30	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX	1/week	24-Hr Composite
Ammonia-Nitrogen May 1 - Oct 31	12.4	Report Daily Max	XXX	8.5	Report Daily Max	17	1/week	24-Hr Composite
Total Phosphorus	Report	XXX	XXX	Report	Report Daily Max	XXX	1/week	24-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 0.175 MGD.

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

I. B. For Outfall 001, Latitude 39° 57' 53.81", Longitude 76° 31' 51.17", River Mile Index 4.64, Stream Code 07848

Receiving Waters: Cabin Creek (WWF)

Type of Effluent: Sewage Effluent

1. The permittee is authorized to discharge during the period from **December 1, 2024** through **November 30, 2029**.
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	1/week	24-Hr Composite
Kjeldahl--N	Report	XXX	XXX	Report	XXX	XXX	1/week	24-Hr Composite
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX	1/week	24-Hr Composite
Total Nitrogen	Report	5859	XXX	Report	XXX	XXX	1/week	Calculation
Total Phosphorus	Report	974	XXX	Report	XXX	XXX	1/week	24-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 (as defined at 40 CFR 403.3), 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))

D. Annual Fee (25 Pa. Code § 92a.62)

Permittees shall pay an annual fee in accordance with 25 Pa. Code § 92a.62. As of the effective date of this permit, the facility covered by the permit is classified in the **Minor Sewage Facility ≥ 0.05 and < 1 MGD** fee category, which has an annual fee of **\$1,000**.

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. Permittees may contact the DEP at 717-787-6744 with questions related to annual fees. The fee identified above is subject to change if DEP publishes changes to 25 Pa. Code § 92a.62.

Payment for annual fees shall be remitted to DEP at the address below or through DEP's electronic payment system (www.depgreenport.state.pa.us/NPDESpay) by the due date specified on the invoice. Checks, if used for payment, 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 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.

I. Termination of Permit Coverage (25 Pa. Code § 92a.74 and 40 CFR 122.64)

1. Notice of Termination (NOT) – If the permittee plans to cease operations or will otherwise no longer require coverage under this permit, the permittee shall submit DEP's NPDES Notice of Termination (NOT) for Permits Issued Under Chapter 92a (3800-BCW-0410), signed in accordance with Part A III.B.6 of this permit, at least 30 days prior to cessation of operations or the date by which coverage is no longer required.
2. Where the permittee plans to cease operations, NOTs must be accompanied with an operation closure plan that identifies how tankage and equipment will be decommissioned and how pollutants will be managed, as applicable.
3. The permittee shall submit the NOT to the DEP regional office with jurisdiction over the county in which the facility is located.

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.

PART C

I. CHESAPEAKE BAY NUTRIENT REQUIREMENTS

- A. The Annual Net Total Nitrogen (TN) and Annual Net Total Phosphorus (TP) Mass Load effluent limitations (“Cap Loads”) in Part A of this permit are required in order to meet the downstream water quality standards of the State of Maryland, as required by 25 Pa. Code Chapter 92a, the federal Clean Water Act, and implementing regulations.

- B. Definitions

Annual Net Mass Load (lbs): The Annual Total Mass Load for one year beginning October 1st and ending September 30th, adjusted for Credits sold and applied and Offsets applied. Annual Net Mass Loads are compared to Cap Loads to determine compliance.

Cap Load (lbs): The mass load of a pollutant authorized by an NPDES permit. Cap Loads for TN and TP are implemented in NPDES permits by the establishment of Annual Net Mass Load limits. The term “Net” is used to recognize that Credits and Offsets may be used to comply with the limits. The Annual Net Mass Load must be less than or equal to the Cap Load to achieve compliance.

Certification: Written approval by DEP of a proposed pollutant reduction activity to generate credits before the credits are verified and registered to be used to comply with NPDES permit effluent limitations.

Compliance Year: The year-long period starting October 1st and ending September 30th. The Compliance Year will be named for the year in which it ends. For example, the period of October 1, 2015 through September 30, 2016 is Compliance Year 2016.

Credit: The tradable unit of compliance that corresponds with a unit of reduction of a pollutant as recognized by DEP which, when certified, verified and registered, may be used to comply with NPDES permit effluent limitations.

Delivery Ratio: A ratio that compensates for the natural attenuation of a pollutant as it travels in water before it reaches a defined compliance point.

Offset: The pollutant load reduction measured in pounds (lbs) that is created by an action, activity or technology which when approved by DEP may be used to comply with NPDES permit effluent limitations, conditions and stipulations under 25 Pa. Code Chapter 92a (relating to NPDES permitting, monitoring and compliance.) The offset may only be used by the NPDES permittee that DEP determines is associated with the load reduction achieved by the action, activity or technology.

Registration: An accounting mechanism used by DEP to track certified and verified credits before they may be used to comply with NPDES permit effluent limitations.

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.

Truing Period: The time provided following each Compliance Year for a permittee to comply with Cap Loads through the application of Credits and Offsets. The Truing Period will start on October 1st and end on November 28th of the same calendar year, unless DEP extends this period. During this period, compliance for the specified year may be achieved by using registered Credits that were generated during that Compliance Year. For example, Credits that are used to achieve compliance in Compliance Year 2016 must have been generated during Compliance Year 2016. Approved Offsets that have been generated may also be applied during the Truing Period.

Verification: Assurance that the verification plan contained in a certification, permit or other approval issued by DEP has been implemented. Verification is required prior to registration of the credits for use in an NPDES permit to comply with NPDES permit effluent limitations.

C. Nutrient Credits

1. Credits may be used for compliance with the Cap Loads when authorized under 25 Pa. Code § 96.8 (Use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), including amendments, updates and revisions thereto; in accordance with DEP's Phase 3 WIP Wastewater Supplement (see www.dep.pa.gov/npdes-bay); and in accordance with DEP's Phase 3 WIP Nutrient Trading Supplement (see www.dep.pa.gov/nutrient_trading).
2. Where effluent limitations for TN and/or TP are established in Part A of the permit for reasons other than the Cap Load assigned for protection of the Chesapeake Bay ("local nutrient limits"), the permittee may purchase and apply credits for compliance with the Cap Load(s) only when the permittee has demonstrated that local nutrient limits have been achieved.
3. Where local nutrient limits are established in Part A of the permit, the permittee may sell any credits generated only after the permittee has demonstrated that local nutrient limits have been achieved and those credits have been verified in accordance with the procedures established in the Phase 3 WIP Nutrient Trading Supplement.

D. Use of Offsets for Compliance

1. Offsets can only be used by the permittee to comply with its Cap Loads. Offsets are not eligible for use as Credits.
2. Offsets must be approved by DEP in writing before they may be applied for compliance with Cap Loads.

3. Offsets that are approved under this permit are listed in Part A, Footnotes. These Offsets may be applied each Compliance Year toward compliance with the Cap Loads. The application of these Offsets must be reported on an annual basis. Additional Offsets may be approved throughout the permit term.
4. Offsets may be approved for the connection of on-lot sewage disposal systems that existed prior to January 1, 2003 to public sewers. Twenty five pounds (25 lbs) of TN Offsets per year may be approved for each on-lot system retirement. These approved Offsets are cumulative. For example, if 10 on-lot systems are retired in year 1 (250 lbs TN approved Offsets) and 10 on-lot systems are retired in year 2, 500 lbs TN Offsets may be used toward compliance with the TN Cap Load in year 2 and thereafter.
5. For DEP to approve on-lot system retirement Offsets, the permittee must submit documentation indicating the on-lot systems existed prior to January 1, 2003 and were eliminated by connection to public sewers after January 1, 2003. This documentation must be retained by the permittee for as long as the Offsets are used to achieve compliance with Cap Loads.
6. Offsets may be approved for the transfer of load between facilities owned by the same entity if (1) the facility receiving Offsets does not discharge to waters classified as impaired for nutrients and (2) the Delivery Ratios approved by DEP for TN or TP, as applicable, are the same. Delivery ratios for the facility authorized to discharge under this permit are listed in DEP's Phase 3 Watershed Implementation Plan (WIP) Wastewater Supplement, available at the following website:

www.dep.pa.gov/npdes-bay

Such Offsets may only be applied in the Compliance Year in which the transfer occurred, and are not cumulative.

7. Offsets may be approved for the acceptance of hauled-in septage at the permittee's facility from residential sources within the municipal Act 537 planning area. Three pounds (3 lbs) of TN Offsets per year may be approved per 1,000 gallons of septage accepted and processed at the facility. Offsets may be approved for the acceptance of residential septage only. For the purpose of these Offsets, septage is defined as material removed from a septic tank by pumping. No other hauled-in wastes, including but not limited to holding tank wastes, solids and sludges generated at other facilities, may be approved. Such approved Offsets may only be applied in the Compliance Year in which the septage was accepted, and are not cumulative.

E. Reporting Requirements

1. eDMR System – The permittee shall utilize DEP's electronic Discharge Monitoring Report (eDMR) system to submit DMR data and Supplemental DMR forms.
2. Chesapeake Bay Annual DMR – The permittee shall submit the Chesapeake Bay Annual DMR through the eDMR system to report Annual Total Mass Loads and Annual Net Mass Loads by November 28th following each Compliance Year.
3. Supplemental Reports – The permittee shall utilize DEP's Annual Chesapeake Bay Spreadsheet ("Spreadsheet"), available at www.dep.pa.gov/npdes-bay, to record all nutrient concentrations and loads throughout the Compliance Year. The permittee shall also use the Spreadsheet to document all Credits sold and purchased and Offsets applied in order to calculate the facility's Annual Net Mass Loads for TN and TP. The permittee shall submit the Spreadsheet through the eDMR system at the time the Chesapeake Bay Annual DMR is submitted.

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 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.

III. 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.
- C. By March 31 of each year, the permittee shall submit a "Sewage Sludge Management Inventory" that summarizes the amount of sewage sludge and/or biosolids produced and wasted during the calendar year from the system. The "Sewage Sludge Management Inventory" may be submitted with the Municipal Wasteload Management Report required by Chapter 94. This summary shall include the expected sewage sludge production (estimated using the methodology described in the U.S. EPA handbook, "Improving POTW Performance Using the Composite Correction Approach" (EPA-625/6-84-008)), compared with the actual amount disposed during the year. Sludge quantities shall be expressed as dry weight in addition to gallons or other appropriate units.



WATER QUALITY MANAGEMENT PERMIT

<p>A. PERMITTEE (Name and Address): CLIENT ID#: 69800</p> <p>The York Water Co. 130 E Market Street York, PA 17401-1219</p>	<p>B. PROJECT/FACILITY (Name):</p> <p style="text-align: center;">East Prospect STP</p>	
<p>C. LOCATION (Municipality, County): SITE ID#: 271342</p> <p>Lower Windsor Township, York County</p>		
<p>D. This amendment approves the modification of sewage facilities consisting of:</p> <ol style="list-style-type: none"> 1. Modifying the approved design such that new sludge holding tanks will be constructed in lieu of modifying existing structures for the same purpose. The effective sludge holding volume (70,700 gallons) is unchanged from the original design. 2. The addition of a soda ash feed system (with related appurtenances) for alkalinity supplementation is proposed. 3. The replacement of the existing UV disinfection system is proposed instead of modifying the existing system. The proposed system is a Trojan 3200K-PTP rated for at least 0.175 mgd of flow. 4. The aeration system will be modified such that separate air lines will be extended to each aeration train in lieu of manifolding the supply lines together. 5. A post-disinfection re-aeration basin downstream of the UV disinfection units is proposed to meet the facility's DO limits. 		
<p>Pump Stations: <u>N/A</u></p> <p>Design Capacity: <u>N/A</u> GPM</p>	<p>Manure Storage:</p> <p>Volume: <u>N/A</u> MG</p> <p>Freeboard: <u>N/A</u> inches</p>	<p>Sewage Treatment Facility:</p> <p>Annual Average Flow: <u>0.175</u> MGD</p> <p>Design Hydraulic Capacity: <u>0.205</u> MGD</p> <p>Design Organic Capacity: <u>511</u> lb/day</p>
<p>E. APPROVAL GRANTED BY THIS PERMIT IS SUBJECT TO THE FOLLOWING:</p> <ol style="list-style-type: none"> 1. Amendments: All construction, operations and procedures shall be in accordance with the Water Quality Management Permit Amendment application dated December 16, 2019 and its supporting documentation and addendums dated January 10, 2020; and April 23, 2020, which are hereby made a part of this amendment. Except for any herein approved modifications, all terms, conditions, supporting documentation and addendums approved under Water Quality Management Permit No. 6706411 T-1 dated February 20, 2014 shall remain in effect. 2. Permit Conditions Relating to Sewerage are attached and made part of this permit. 		
<p>F. THE AUTHORITY GRANTED BY THIS PERMIT IS SUBJECT TO THE FOLLOWING FURTHER QUALIFICATIONS:</p> <ol style="list-style-type: none"> 1. If there is a conflict between the application or its supporting documents and amendments and the attached conditions, the attached conditions shall apply. 2. Failure to comply with the rules and regulations of DEP or with the terms or conditions of this permit shall void the authority given to the permittee by the issuance of this permit. 3. This permit is issued pursuant to the Clean Streams Law Act of June 22, 1937, P.L. 1987, as amended 35 P.S. §691.1 <i>et seq.</i> Issuance of this permit shall not relieve the permittee of any responsibility under any other law. 		
<p>PERMIT ISSUED:</p> <p><u>June 16, 2020</u></p>	<p>BY: <u>Maria D. Bebenek</u></p> <p>TITLE: Maria D. Bebenek, P.E. Clean Water Program Manager Southcentral Regional Office</p>	



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

PERMIT CONDITIONS RELATING TO SEWERAGE
For use in Water Quality Management Permits

(Check boxes that apply)

General

- 1. The Department of Environmental Protection (DEP) considers the licensed Professional Engineer whose seal is affixed to the design documents to be fully responsible for the adequacy of all aspects of the facility design.
- 2. The permittee shall adopt and enforce an ordinance requiring the abandonment of privies, cesspools or similar receptacles for human waste and onlot sewage disposal systems on the premises of occupied structures accessible to public sewers. All such structures must be connected to the public sewers.
- 3. The outfall sewer or drain shall be extended to the low water mark of the receiving body of water. Where necessary to ensure proper mixing and waste assimilation, an outfall sewer or drain may be extended with appurtenances below the low water mark and into the bed of a navigable stream provided that the permittee has secured an easement, right-of-way, license or lease from DEP in accordance with Section 15 of the Dam Safety and Encroachments Act, the Act of November 26, 1978, P.L. 1375, as amended.
- 4. The approval is specifically made contingent on the permittee acquiring all necessary property rights, by easement or otherwise, providing for the satisfactory construction, operation, maintenance and replacement of all sewers or sewerage structures in, along or across private property with full rights of ingress, egress and regress.
- 5. When construction of the approved sewerage facilities is completed and before they are placed in operation, the permittee shall notify DEP in writing so that a DEP representative may inspect the facilities.
- 6. The approval of the plans, and the authority granted in this permit, if not specifically extended, shall cease and be null and void 5 years from the issuance date of this permit unless construction or modification of the facilities covered by this permit has begun on or before the fifth anniversary of the permit date.
- 7. If, at any time, the sewerage facilities covered by this permit create a public nuisance, including but not limited to, causing malodors or causing environmental harm to waters of the Commonwealth, DEP may require the permittee to adopt appropriate remedial measures to abate the nuisance or harm.
- 8. 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.
- 9. This permit does not relieve the permittee of its obligations to comply with all federal, interstate, state or local laws, ordinances and regulations applicable to the sewerage facilities.
- 10. This permit does not give any real or personal property rights or grant any exclusive privileges, nor shall it be construed to grant or confirm any right, easement or interest in, on, to or over any lands which belong to the Commonwealth.
- 11. The authority granted by this permit is subject to all effluent requirements, monitoring requirements and other conditions as set forth in the NPDES Permit and all subsequent amendments and renewals. No discharge is authorized from these facilities unless approved by an NPDES Permit.

Construction

- 12. This permit is issued under the authorization of The Clean Streams Law and 25 Pa. Code Chapter 91. The permittee shall obtain all necessary permits, approvals and/or registrations under 25 Pa. Code Chapters 102, 105 and 106 prior to commencing construction of the facilities authorized by this permit, as applicable. The permittee should contact the DEP office that issued this permit if there are any questions concerning the applicability of additional permits.

- 13. The facilities shall be constructed under the supervision of a Pennsylvania licensed Professional Engineer in accordance with the approved reports, plans and specifications.
- 14. A Pennsylvania licensed Professional Engineer shall certify that construction of the permitted facilities was completed in accordance with the application and design plans submitted to DEP, using the "Post Construction Certification" form (3800-PM-WSFR0179a). It is the permittee's responsibility to ensure that a Professional Engineer is on-site to provide the necessary oversight and/or inspections to certify the facilities. The certification must be submitted to DEP before the facility is placed in operation. As-built drawings, photographs (if available) and a description of all deviations from the application and design plans must be submitted to DEP within 30 days of certification.
- 15. Manhole inverts shall be formed to facilitate the flow of the sewage and to prevent the stranding of sewage solids. The manhole structure shall be built to prevent undue infiltration, entrance of street wash or grit and provide safe access to facilitate manhole maintenance activities.
- 16. The local Waterways Conservation Officer of the Pennsylvania Fish and Boat Commission (PFBC) shall be notified when the construction of any stream crossing and/or outfall is started and completed. A written permit must be secured from the PFBC if the use of explosives in any waterways is required and the permittee shall notify the local Waterways Conservation Officer when explosives are to be used.

Operation and Maintenance

- 17. The permittee shall maintain records of "as-built" plans showing all the treatment facilities as actually constructed together with facility operation and maintenance (O&M) manuals and any other relevant information that may be required. Upon request, the "as-built" plans and O&M manuals shall be filed with DEP.
- 18. The sewers shall have adequate foundation support as soil conditions require. Trenches shall be back-filled to ensure that sewers will have proper structural stability, with minimum settling and adequate protection against breakage. Concrete used in connection with these sewers shall be protected from damage by water, freezing, drying or other harmful conditions until cured.
- 19. Stormwater from roofs, foundation drains, basement drains or other sources shall not be admitted directly to the sanitary sewers.
- 20. The approved sewers shall be maintained in good condition, kept free of deposits by flushing or other cleaning methods and repaired when necessary.
- 21. The sewerage facilities shall be properly operated and maintained to perform as designed.
- 22. The attention of the permittee is called to the highly explosive nature of certain gases generated by the digestion of sewage solids when these gases are mixed in proper proportions with air and to the highly toxic character of certain gases arising from such digestion or from sewage in poorly ventilated compartments or sewers. Therefore, at all places throughout the sewerage facilities where hazard of fire, explosion or danger from toxic gases may occur, the permittee shall post conspicuous permanent and legible warnings. The permittee shall instruct all employees concerning the aforesaid hazards, first aid and emergency methods of meeting such hazards and shall make all necessary equipment and material accessible.
- 23. An operator certified in accordance with the Water and Wastewater Systems Operator Certification Act of February 21, 2002, 63 P.S. §§1001, *et seq.* shall operate the sewage treatment plant.
- 24. The permittee shall properly control any industrial waste discharged into its sewerage system by regulating the rate and quality of such discharge, requiring necessary pretreatment and excluding industrial waste, if necessary, to protect the integrity or operation of the permittee's sewerage system.
- 25. There shall be no physical connection between a public water supply system and a sewer or appurtenance to it which would permit the passage of any sewage or polluted water into the potable water supply. No water pipe shall pass through or come in contact with any part of a sewer manhole.
- 26. All connections to the approved sanitary sewers must be in accordance with the official Act 537 Plan and, if applicable, a corrective action plan as contained in the approved Title 25 Pa. Code Chapter 94 Municipal Wasteload Management Annual Report.
- 27. Collected screenings, slurries, sludge and other solids shall be handled and disposed of in compliance with Title 25 Pa. Code Chapters 271, 273, 275, 283 and 285 (related to permits and requirements for land filling, land application, incineration and storage of sewage sludge), Federal Regulations 40 CFR 257 and the Federal Clean Water Act and its amendments.



**WATER QUALITY MANAGEMENT
 POST CONSTRUCTION CERTIFICATION**

PERMITTEE IDENTIFIER

Permittee	The York Water Co.
Municipality	Lower Windsor Township
County	York
WQM Permit No.	6706411
Facility Type	Sewage

All of the above information should be taken directly from the Water Quality Management Permit.

CERTIFICATION

This certification must be completed and returned to the permits section of the DEP's regional office issuing the WQM permit within 30 days of completion of the project and received by DEP prior to operation, and if requested, as-built drawings, photographs (if available) and a discussion of any DEP-approved deviations from the design plans during construction.

I, being a Registered Professional Engineer in Pennsylvania, do hereby certify to the best of my knowledge and belief, based upon personal observation and interviews, that the above facility approved under the Water Quality Management Permit has been constructed in accordance with the plans, specifications and modifications approved by DEP.

Construction Completion Date (MM/DD/YYYY): _____

	Professional Engineer
	Name _____ (Please Print or Type)
	Signature _____
	Date _____
	License Expiration Date _____
	Firm or Agency _____
	Telephone _____
	Permittee or Authorized Representative
	Name _____ (Please Print or Type)
	Signature _____
	Title _____
	Telephone _____

TUS Data Request Set 1

Application of The York Water Company – Wastewater for approval of the right to: (1) acquire certain wastewater system assets of Margareta MHP, LLC; and (2) begin to offer, render, furnish or supply wastewater service to the public in an additional portion of Lower Windsor Township, York County, Pennsylvania

Docket No. A-2024-3049695

A-29 Please quantify design pumping capacity of the proposed Margareta P.S.

RESPONDENT:

Andrew Prosser
Director of Engineering & Construction
The York Water Company

RESPONSE:

Based upon the records provided by the current owner of the Margareta system, the historic maximum daily flow is approximately 12,900 gpd. Taking into consideration wet weather peak flow rates and the shifting climate, as well as allowing for some limited future needs, and recognizing equipment increments, the Margareta pumping station will be designed for a capacity of 70 gpm, or approximately 100,000 gpd if the station were to run continuously over a 24-hour period. The final design of the Margareta pumping station will be reviewed and permitted by PA DEP.

TUS Data Request Set 1

Application of The York Water Company – Wastewater for approval of the right to: (1) acquire certain wastewater system assets of Margaretta MHP, LLC; and (2) begin to offer, render, furnish or supply wastewater service to the public in an additional portion of Lower Windsor Township, York County, Pennsylvania

Docket No. A-2024-3049695

A-30 Please provide a breakdown of the major components for the Margaretta P.S. along with descriptions and quantities for related appurtenances.

RESPONDENT:

Andrew Prosser
Director of Engineering & Construction
The York Water Company

RESPONSE:

Final design is not complete because York Water does not possess the right to serve the requested service territory or construct this facility, and permitting reviews are not complete. However, the following projected cost breakdown is based upon recent similar projects completed by York Water:

Wet Well and Valve Vault Structures	\$150,000
Pumps and Appurtenances	\$50,000
Piping and Appurtenances	\$50,000
Site Excavation and Control Work	\$100,000
Electrical/Controls/SCADA	\$150,000
Force Main (225')	\$88,500

TUS Data Request Set 1

Application of The York Water Company – Wastewater for approval of the right to: (1) acquire certain wastewater system assets of Margaretta MHP, LLC; and (2) begin to offer, render, furnish or supply wastewater service to the public in an additional portion of Lower Windsor Township, York County, Pennsylvania

Docket No. A-2024-3049695

- A-31 In response to Data Request A-9, York Water-WW provided a total estimated cost for the Margaretta P.S. of \$500,000, and that York Water-WW will secure the property rights for the Margaretta P.S. from Margaretta MHP. Please provide responses to the following:
- a. Provide a itemized breakdown of the estimated \$500,000 cost of construction for the Margaretta P.S.; and
 - b. Provide a copy of the executed or *pro forma* agreement between York Water-WW and Margaretta MHP for the acquisition of the real property for the Margaretta P.S. along with the purchase price.

RESPONDENT:

Andrew Prosser
Director of Engineering & Construction
The York Water Company

RESPONSE:

- a. Please see the response to A-30, above. York Water notes that the updated estimate is \$588,500.
- b. There is no additional cost to secure property rights for the Margaretta pumping station because it will be located within York Water’s MHP Permanent Utility Easement. See **A-30 Attachment 1**, which was also attached to the Application as Exhibit D.

TUS Data Request Set 1

Application of The York Water Company – Wastewater for approval of the right to: (1) acquire certain wastewater system assets of Margareta MHP, LLC; and (2) begin to offer, render, furnish or supply wastewater service to the public in an additional portion of Lower Windsor Township, York County, Pennsylvania

Docket No. A-2024-3049695

- A-32 In the Application’s Section 10, York Water-WW indicated that Margareta MHP does not charge a separate line item for sewer to the residents of Margareta MHP. However, in response to Data Request A-11, York Water-WW provided a copy of a notice (Jan 2024 Customer Notice) entitled “Notice of Utility Charges Effective January 1, 2024”, dated November 20, 2023, that was sent to all residents of Margareta MHP by Foote Property Management, LLC. The Jan 2024 Customer Notice indicated that effective January 1, 2024, all residents would be billed a monthly charge of \$53.25 for wastewater service, and the charge would be adjusted monthly based on Margareta WWTP operational expenses. Accordingly, York Water-WW appears to be proposing a monthly rate increase of at least \$33.65 ($\$86.90 - \$53.25 = \33.65) to prospective customers in Margareta MHP. Please provide responses to the following:
- a. Provide copies of the corrected notice provided by York Water-WW to the customers of Margareta MHP and the appropriate updated proofs of publication that reflect the proposed increase in rates pursuant to 66 Pa.C.S. § 1308; or
 - b. Submit a revised Exhibit I with a *pro forma* tariff supplement with a rate equal to the existing Margareta MHP rate along with a revised Exhibit J that reflects the change in estimated annual revenues and net operating income.

RESPONDENT:

Suzanne Becker
V.P. Customer Service
The York Water Company

RESPONSE:

- a. Exhibit N to the Application is the June 2024 Customer Notice letter (Second Notice), which properly indicates the proposed York Water rate as \$86.90. This letter does not indicate the current rate being charged to the customers because the Margareta owner indicated that the monthly charge is adjusted monthly, meaning that there is no consistent current rate being charged to customers. The only consistent value that York Water could provide the Margareta customers in this notice is the Company’s proposed monthly rate.

- b. As noted above, the current Margaretta rate is a changing rate. . The owner of the Margaretta system does not charge a consistent monthly rate or fixed monthly service charges. The Company maintains that Margaretta's shifting rate should not be included within the Company's tariff supplement and that the submission of a revised Exhibit I is unnecessary.

TUS Data Request Set 1

Application of The York Water Company – Wastewater for approval of the right to: (1) acquire certain wastewater system assets of Margareta MHP, LLC; and (2) begin to offer, render, furnish or supply wastewater service to the public in an additional portion of Lower Windsor Township, York County, Pennsylvania

Docket No. A-2024-3049695

A-33 The Application’s Exhibit M included a copy of York Water-WW’s Second Notice (June 2024 Notice) dated June 21, 2024, to the Margareta MHP customers. In the June 2024 Notice, York Water-WW indicated that residential customers will be billed monthly at a base rate of \$86.90 for the first 4,000 gallons, plus \$7.565 per thousand gallons of water per month if using less than 4,000 gallons. The Application’s Exhibit I included a copy of York Water-WW’s Supplement No. 23 to Wastewater – PA P.U.C. No. 1, Eleventh Revised Page No. 4 (Effective Tariff) that indicated York Water-WW is proposing to charge Margareta MHP customers the metered rate for the East Prospect and Lower Windsor, Jacobus Borough, and Straban Township Areas. Specifically, the East Prospect and Lower Windsor Area of the Effective Tariff indicated a metered rate of \$86.90 per month for the first 4,000 gallons of water usage, plus \$7.565 per thousand gallons of water per month for water usage over 4,000 gallons. Please provide a copy of the updated notice provided to Margareta MHP customers that details the rates York Water- WW is proposing charge for wastewater service.

RESPONDENT:

Suzanne Becker
V.P. Customer Service
The York Water Company

RESPONSE:

The June 21, 2024 notice contained a typographical error and should have been consistent with the metered rate for the East Prospect and Lower Windsor, Jacobus Borough, and Straban Township Areas contained in the Company’s tariff. A new notice correcting this error was sent on May 8, 2025, and is attached hereto as **A-33 Attachment 1**.

A-33 Attachment 1



The York Water Company

"That good York water"
SINCE 1816

May 8, 2025 (Third Notification)

Dear Margaretta MHP Customer:

The York Water Company recently entered into an agreement to provide metered wastewater service to the Margaretta Community. While you're already an individually metered water customer of York Water, you will become a wastewater customer as well. After approval from our state regulators, each residence in the community will be billed for water and wastewater service. Our goal is to provide a smooth transition for Margaretta Estates residents.

York Water will soon apply to the Pennsylvania Public Utility Commission ("PUC") for a Certificate of Public Convenience to serve the wastewater needs of Margaretta Community. As a current Margaretta Community water customer, there is nothing you will need to do in order to initiate wastewater service, nor will you incur any additional costs. Once approved by the PUC, you will receive a follow-up letter informing you of the transition date. Until that time, you will continue to be customers of Margaretta Community, and you should contact their office for any wastewater-related questions.

After York Water acquires the system, you will be receiving one consolidated bill each month for your water and wastewater utility services. Once you are a wastewater customer of York Water and subject to approval by the PUC, residential customers will be billed monthly at a rate of \$86.90 for the first 4,000 gallons, plus \$7.565 per thousand gallons for water usage over 4,000 gallons per month. As an example, if you use 5,000 gallons of wastewater per month your cost under York Water's rates will be \$86.90+ \$7.57 totaling \$94.47. For customers enrolled in our Timely Automatic Payment "TAP" plan, York Water can automatically deduct the amount of the combined monthly bill directly from your bank account. Customers may choose to pay their bill conventionally by mail, electronically through their banking system, or by accessing York Water's online payment portal. Once you are a wastewater customer of York Water there are no convenience fees for paying your bill electronically by e-check, debit or credit card.

York Water has been locally owned and operated since 1816 and now provides water/wastewater service to 55 municipalities in York, Adams, Franklin, and Lancaster counties. We look forward to providing the same superior service to our new wastewater customers in the Margaretta Community. Please read the back of this letter for Commonly Asked Questions. If you have any questions about this information or need additional information about the transition of wastewater service by York Water, please do not hesitate to contact me at suzanneb@yorkwater.com or call one of York Water's helpful customer service representatives at (717) 845-3601.

Sincerely,

Suzanne M. Becker
Vice President, Customer Service

Margaretta Community Wastewater Project
May 9, 2025

Dear Margaretta Community Resident:

The York Water Company ("York Water") has entered into an agreement to provide metered wastewater service to the Margaretta Community. The following are commonly asked questions:

1. Why did Margaretta decide to sell the wastewater system?

Environmental regulations are making it more difficult for small wastewater systems to operate. The owners of Margaretta reviewed their options and determined that selling substantially all of the wastewater collection system is the best alternative for the long-term needs of the Margaretta residents.

2. When do I become a wastewater customer of York Water?

Probably not for another 8-9 months or so. We will send out a "Welcome Packet" when that date gets closer.

3. Who must stay connected to the wastewater system?

All current customers of Margaretta will automatically become wastewater customers of York Water.

4. What must I do to become a wastewater customer of York Water?

There is nothing you need to do at this time.

5. I see York Water employees around the area, what are they doing?

We will have workers and contractors marking facilities, mains, services, and inventorying assets.

6. Are there any transfer fees?

No.

7. How much will my wastewater service cost?

Once you are a wastewater customer of York Water and subject to approval by the PUC, residential customers will be billed monthly at a rate of \$86.90 for the first 4,000 gallons, plus \$7.565 per thousand for gallons of water used over 4,000 gallons. As an example, if you use 5,000 gallons of water per month your cost under York Water's rates will be \$86.90 + \$7.56 totaling \$94.46.

TUS Data Request Set 1

Application of The York Water Company – Wastewater for approval of the right to: (1) acquire certain wastewater system assets of Margareta MHP, LLC; and (2) begin to offer, render, furnish or supply wastewater service to the public in an additional portion of Lower Windsor Township, York County, Pennsylvania

Docket No. A-2024-3049695

A-34 Please clarify whether York Water-WW will require grinder pumps to be installed by customers within the requested territory. If so, provide a list of the customers by parcel number, that will be impacted by this requirement.

RESPONDENT:

Andrew Prosser
Director of Engineering & Construction
The York Water Company

RESPONSE:

York Water does not anticipate requiring grinder pumps or similar changes within the Margareta community. Some parcels in the requested territory located outside of the Margareta community may need grinder pumps to be installed if customers would be tying into a low pressure force main and if those properties request sewer service in the future. There is no mandatory connection ordinance applicable in the requested service territory.

VERIFICATION

I, Andrew Prosser, Director of Engineering & Construction of 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: May 20, 2025

A handwritten signature in blue ink, consisting of the letters 'AP' followed by 'rosser' in a cursive script.

Andrew Prosser

VERIFICATION

I, Suzanne Becker, V.P. Customer Service of 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: May 20, 2025


Suzanne Becker