

**THE MEADVILLE AREA SEWER AUTHORITY**

**RULES AND REGULATIONS**

**ADOPTED**

**February 17, 2004**

**Revised January, 2005**  
**Revised Edition**

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# MEADVILLE AREA SEWER AUTHORITY RULES AND REGULATIONS

## SECTION 1 - GENERAL PROVISIONS

### 1.01 Specific Purpose and Policy

These Rules and Regulations set forth uniform requirements for users of the Publicly Owned Sewage Treatment Works ("POTW") for the Meadville Area Sewer Authority (the "Authority") and enables the Authority to comply with all applicable State and Federal laws, regulations, and permits, including without limitation, the Federal Clean Water Act (33 United States Code 1251 *et seq.*), the USEPA General Pretreatment Regulations (40 Code of Federal Regulations Part 403), the Pennsylvania Clean Streams Law (35 P.S. 691.1 *et seq.*), the PADEP Standards for Dischargers of Industrial Wastes to POTWs (25 Pa. Code 97.91 *et seq.*), and the Authority's NPDES Permit No. PA0026271.

The objectives of these Rules and Regulations are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with its operation;
- B. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- C. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of wastewater and sludge from the POTW;
- E. To provide for charges for the implementation of the Authority's pretreatment program relating to the POTW; and
- F. To enable the Authority to comply with its NPDES Permit No. PA0026271 conditions, sludge use and disposal requirements, and any other Federal or State laws and/or regulations to which the POTW is subject.

These Rules and Regulations shall apply to all users of the POTW. The Rules and Regulations authorize the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; provides for sewer user reporting; and provides for the setting of all applicable charges and fees.

## 1.02 Administration

Except as otherwise provided herein, the Authority shall administer, implement, and enforce the provisions of these Rules and Regulations, in accordance with the purposes, policies, and objectives as set forth herein. Any powers granted to the Authority may be delegated, as the Authority deems desirable.

## 1.03 Abbreviations and Definitions

The following abbreviations, when used in these Rules and Regulations, shall have the designated meanings:

- § BOD -Biochemical Oxygen Demand (5-day)
- § CFR -Code of Federal Regulations
- § City -City of Meadville, Crawford County, Pennsylvania
- § COD -Chemical Oxygen Demand
- § DEP or PADEP -Pa. Department of Environmental Protection
- § EPA or USEPA -U.S. Environmental Protection Agency
- § gpd -gallons per day
- § mg/l -milligrams per liter
- § NPDES -National Pollutant Discharge Elimination System
- § POTW -Publicly Owned Treatment Works
- § RCRA -Resource Conservation and Recovery Act
- § NAICS – The North American Industry Classifications System has replaced the U.S. Standard Industrial Classification (SIC) System.

§ TSS -Total Suspended Solids

§ U.S.C. -United States Code

Unless a provision explicitly states otherwise, the following terms and phrases, as used in these Rules and Regulations, shall have the meanings hereinafter designated.

- A. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. ' 1251 *et seq.*
- B. Authority – The Meadville Area Sewer Authority, its employees, board members, representatives, or designees.
- C. Authorized Representative of the User.
  - (1) If the user is a corporation:
    - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - (3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - (4) The individuals described in subsections (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Authority.

- D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (*e.g.*, mg/l). It shall be determined by one of the methods acceptable to USEPA and PADEP as specified in 40 CFR Part 136 or otherwise, if no such method is specified by the foregoing, by one of the acceptable methods described in the latest approved edition of Standard Methods for the Examination of Water and Sewage, published by the American Public Health Association.
- E. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. ' 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N.
- F. City. The City of Meadville, Crawford County, Pennsylvania.
- G. Combined Sewer. A sewer designed to receive both sewage and storm water runoff.
- H. Coordinator or Pretreatment Coordinator. The person designated by the Authority to supervise the pretreatment program for the POTW, and who is charged with certain powers, duties and responsibilities by this ordinance, or a duly authorized representative thereof.
- I. Department of Environmental Protection or DEP or PADEP. The Pennsylvania Department of Environmental Protection or, where appropriate, the Regional Water Quality Program Manager, or other duly authorized official of such department.
- J. Domestic User. An owner of a single family dwelling, flat, duplex, or multi-unit dwelling of four units or less.
- K. Environmental Protection Agency or EPA or USEPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Protection Division Director, or other duly authorized official of such agency.
- L. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

- M. Garbage. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- N. North American Industry Classification System (NAICS). The North American Industry Classification System (NAICS) has replaced the U.S. Standard Industrial Classification (SIC) system. (<http://www.census.gov/eped/naics.html>)
- O. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes or as reasonably determined by the Coordinator.
- P. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- Q. Industrial Wastes. Any liquid, gaseous or water-borne wastes from industrial processes or commercial establishments, as distinct from sanitary sewage.
- R. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration or mass loading limit of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- S. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Authority's NPDES permit, of the Federal Clean Water Act, the Federal Clean Air Act, the Pennsylvania Clean Streams Law, the Pennsylvania Air Pollution Control Act, or the regulations applicable to any of the foregoing, or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- T. Mass Loading Limit or Mass Limitation. The pounds per day (or other specified interval) of a particular pollutant allowed to be discharged to the POTW at any time.



- U. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- V. New Source.
- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
    - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
    - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
  - (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
  - (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
    - (a) Begun, or caused to begin, as part of a continuous onsite construction program:
      - (i) any placement, assembly, or installation of facilities or equipment; or

- (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- W. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- X. Nondomestic User. Any user other than a domestic user.
- Y. Occupied Building. Any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure sanitary sewage and industrial wastes, or either thereof, are or may be discharged.
- Z. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Authority's NPDES permit, including an increase in the magnitude or duration of a violation.
- AA. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, limited liability company, limited liability partnership, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- BB. pH. A measure of the intensity of the basic or acidic condition of a solution, expressed in standard units.
- CC. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain

characteristics of wastewater (*e.g.*, pH, temperature, TSS, turbidity, BOD, COD, toxicity, or odor).

- DD. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- EE. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- FF. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- GG. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances as set forth herein
- HH. Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- II. Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned and/or operated by the Authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage, sanitary sewage, or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant, including without limitation public pipelines and pump stations.
- JJ. Sanitary Sewage. The normal water-carried household and toilet wastes from residences, business buildings, institutions, industries and commercial establishments, exclusive of storm water runoff, surface water or ground water.
- KK. Sanitary Sewer. A sewer which carries sewage, and to which storm, surface and ground waters are not intentionally admitted.

- LL. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- MM. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- NN. Sewer. A pipe or conduit for carrying sewage or other waste liquids.
- OO. Sewer Director or Director. The person designated by the Authority is charged with certain powers, duties and responsibilities by applicable law, by the Authority and under these Rules and Regulations, or a duly authorized representative thereof.
- PP. Significant Industrial User.
- (1) A user subject to categorical pretreatment standards; or
  - (2) A user that:
    - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
    - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - (c) Is designated as such by the Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
  - (3) Upon a finding that a user meeting the criteria in subsection (2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Authority may at any time, on its own initiative or in response to a petition received from a user, and in accordance with the procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
- QQ. Slug Load or Slug. Any discharge of a non-routine episodic nature, or at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance.

- RR. Storm Sewer. A sewer which is intended to carry storm water runoff, surface water, ground water drainage, etc., but which is not intended to carry any sanitary sewage or polluted industrial waste.
- SS. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- TT. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering. It shall be determined by one of the methods acceptable to USEPA and PADEP as specified in 40 CFR Part 136 or otherwise, if no such method is specified by the foregoing, by one of the acceptable methods described in the latest approved edition of Standard Methods for the Examination of Water and Sewage, published by the American Public Health Association.
- UU. User. Any user of or discharger to Authority POTW.
- VV. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- WW. Wastewater Treatment Plant or Treatment Plant. Those portions of the POTW that are designed to provide treatment of municipal sewage and industrial waste.

#### 1.04 Public Records Policy

The Authority is an agency subject to *Public Law 390, No. 212* of June 21, 1957 and its subsequent amendment by *Public Law 2100* of 2001, commonly referred to as the Right-To-Know Law.

Public records, as defined by the law, are available for examination and inspection by any citizen of the Commonwealth, in accordance with the provisions of the Act and the policies of the Authority.

Public records shall be available during the hours of 8:00 a.m. until 12:00 p.m., and 12:30 p.m. until 3:00, Monday through Friday, except holidays.

- You may make a request in person during the above hours at:

Wastewater Treatment Plant – Room 105  
1320 Park Avenue, Meadville, PA

- You may make a request by telephone during the above hours at (814) 724-6058, x. 4.

- Written requests are to be submitted by mail to:

Meadville Area Sewer Authority  
1320 Park Avenue  
Meadville, PA 16335-3114

- You may make a request via fax to (814) 337-4449.

The request should identify or describe the records sought with sufficient specificity to enable the Authority to ascertain which records are being requested.

Duplication fees shall be according to the schedule on file at the Authority office:

Electronic transfer by e-mail (when available) shall be by a 'per file' rate.

Document certification fee will be at a rate on file at the Authority office.

All requests for public records are subject to the provisions of the above-mentioned Act and will be processed according to the provisions of the Act.

*\*Resolution No. 6 of 2000 adopted December 19, 2000*

## 1.05 Regulation of Public Meetings

### Section 1. Meeting Agenda.

All regular and special meetings of the Authority may be conducted according to the following order of business:

- a. Call to Order and Roll Call
- b. Approval of minutes of the previous meeting
- c. Public Comment
- d. Communications
- e. Operator's Report
- f. Financial Report
- g. Engineer's Report
- h. Solicitor's Report
- i. Old Business
- j. New Business
- k. Adjournment

This order of business may be modified or changed by the Authority at a particular meeting to accommodate special items of business or interest.

## Section 2. Procedure for Public Comment.

Public comment shall be permitted at all regular or special meetings in accord with the following guidelines:

- a. Public comment may be allotted the time designated in the agenda, or any other time as permitted by the Authority;
- b. The Authority Chairman or a designee shall preside over all public comment, and may:
  - (1) Recognize individuals wishing to comment;
  - (2) Require identification of such persons, by name and address, before speaking;
  - (3) Limit individuals or their representative wishing to comment to Authority customers;
  - (4) Allocate available time among individuals wishing to comment;
  - (5) Establish reasonable time limits for public comment as a whole or by individual participants;
  - (6) Rule out of order scandalous comment and impertinent and redundant comment or any comment that has a discernible purpose of which is to disrupt or prevent the conduct of the business of the meeting;
  - (7) In the event there is insufficient time for public comment at a meeting, the Authority, at its discretion, may defer the public comment period to a meeting held in advance of the next regular meeting or until the next regular or special meeting; and
  - (8) Individuals wishing to comment on or bring to the attention of the Authority a specific issue, as opposed to being included in the public comment period, must notify the Authority three days in advance of this scheduled meeting so that this specific issue can be included on the agenda.

*\* Resolution No. 3 of 2000 adopted October 17, 2000*

## SECTION 2 –SEWER USE REQUIREMENTS

### 2.01 Mandatory Connection

The owners and occupants of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the boundaries of the service area of the Authority, and abutting on any street, alley, or right of way in which there is now located or may, in the future, be located a public sewer, is hereby required, at the owners expense, to install suitable, sanitary facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of these Rules and Regulations, within 90 days after notice to do so, provided that said public sewer is within 150 feet of any point of the occupied structure.

### 2.02 Limitations on Discharge

All users of the POTW shall comply with all standards and requirements of these Rules and Regulations, the Pretreatment Ordinance enacted in the applicable municipality, and the standards and requirements promulgated pursuant to the Federal Pretreatment Act. No users shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of the POTW whether or not the users subject to the National Categorical Pretreatment Standards, or any other national, state, or local pretreatment standards or requirements.

### 2.03 Storm Water Runoff Prohibited in Sanitary Sewers

The discharge of storm water runoff to the sanitary sewer system is hereby prohibited. Any person who is presently discharging storm water runoff to the sanitary sewer system shall cease and desist such practice immediately with the effective date of these Rules and Regulations. All persons connecting to the POTW shall provide for adequate means for eliminating and excluding storm water runoff from the discharge into the POTW.

### 2.04 Accidental Discharge/Slug Control Plans

- A. Each user shall provide protection from any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load or slug, of prohibited wastewater, materials, or other substances regulated by these Rules and Regulations or the Pretreatment Ordinance, as enacted, or that may cause potential problems for the POTW. All facilities needed to prevent such discharges shall be provided and maintained at the user's own cost and expense.
- B. The Authority shall periodically evaluate whether any user requires an accidental discharge/slug control plan. The Authority may also require any user to develop,



submit for approval, and implement such a plan. Alternatively, the Authority may develop such a plan for any user, at the user's cost. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of any accidental or slug discharge; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, flow equalization measures and/or facilities, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

## 2.05 Pretreatment Ordinance

The Publicly Owned Treatment Works Pretreatment Ordinance as adopted by the City of Meadville, West Mead Township, and Vernon Township is hereby incorporated herein by reference. Copies of the adopted Ordinances are on file in the Authority office.

## 2.06 Sewer Lateral Line Plugging and Capping

When a structure is to be demolished or otherwise disconnected from the sanitary sewer system, the property owner shall be responsible for plugging or capping the sanitary sewer lateral and for paying all associated costs. The sanitary sewer line shall be plugged or capped at or before the time of demolition. The property owner shall obtain the applicable permit for sewer plugging and capping from the Authority prior to the plugging or capping of the sewer line.

The sanitary sewer lateral shall be exposed and the line severed as close as possible to the boundary of the property line with the public roadway or sanitary sewer easement. In the event that the lateral sewer line is constructed with plastic material, the owner has the option of capping the line with an approved capped (i.e. cap is constructed of material identical to the pipe material) that is properly glued.

In the event the lateral sewer line is constructed with a non-plastic material, the line shall be plugged with non-shrink cement grout such as "Water plug" or approved equal. The cement shall completely plug the pipe and fill the pipe in its entirety for approximately 18 inches in length. The cement shall not be allowed to enter or obstruct in any way the mainline sewer. The property owner at his expense shall repair any obstructions in the mainline sewer caused by installation of the plug.

In the case where two or more buildings are connected to the same lateral line, the lateral line shall be plugged or capped just upstream of any other lateral connections. Where it is impractical to plug or cap the lateral at the aforementioned locations, the Authority will consider exceptions to these requirements and may approve an alternate plugging or capping location on a case-by-case basis.

The property owner shall provide notice to the Authority that includes a description of the proposed plugging or capping installation location and method. The Authority or its designated agent must inspect the installation of the sewer plug or cap. Billing for sanitary sewer service will continue until the plug or cap installation has been properly inspected and approved by the Authority.

*\* Adopted by motion at the Authority's February 15, 2000 monthly meeting*

## 2.07 Maintenance of Lateral Policy

### **Section 1. Definitions.**

**Ancillary Damage** – Damage to persons or personal property caused by the result or occurring as a result of a sewer line blockage or sewer line breakage other than the damage directly to the sewer line as a result of the blockage or breakage.

**Authority's Insurer** – The insurance company contracted by the Authority to provide the applicable insurance to the Authority.

**Authority** – Any board member, employee, agent, or representative of the Meadville Area Sewer Authority.

**Sewer Line Blockage** – Any type of obstruction that lodges itself in a sewer line that results in the impairment of sewage flow.

**Sewer Line Breakage** – A crack, break, or other impairment of the walls of the sewer main line that negatively affects the sewage flow.

**Sewer Lateral Line** – A sewer line that extends from a residential or commercial customer location to the sewer main line.

**Sewer Main Line** – A portion of the sewer collection system owned by the Authority that conveys sewage from sewer laterals to the sewage treatment plant.

### **Section 2. Sewer Line Breakage or Sewer Line Blockage.**

- (a) **Customer Complaint** – Any customer whose sewer service is affected adversely by a sewer line breakage or sewer line blockage is required to fully investigate the cause of the sewer line blockage or sewer line breakage prior to contacting the Authority. The investigation by the customer, at his sole cost and expense, shall include the customer contracting with a qualified contractor to investigate the cause of the impairment of the customer's sewer service. The qualified contractor shall make the determination that the sewer line blockage or sewer line breakage that is causing the impairment to the sewer service has not occurred in a sewer lateral line on the customer's property. Upon the foregoing opinion being issued by the qualified

contractor, the customer is free to contact the Authority to request the Authority to further investigate the source of the sewer line blockage or sewer line breakage pursuant to the procedure set forth herein.

- (b) The customer's investigation must include televising the entire lateral from their building to the Authority's main sewer line at their **own cost and expense**.

The documentation of this televising shall include:

1. A videotape with accurate footages as the line is televised (of the entire lateral).
2. A descriptive written report in conjunction with the videotape and accurate aboveground marked locations.

### **Section 3. Sewer Lateral Lines.**

- (a) Sewer Lateral Lines on Customer Property – Any sewer line blockage or sewer line breakage that occurs in a sewer lateral line on a customer's property will be the sole responsibility of the customer for any repair or replacement of the same.
- (b) Sewer Lateral Line in a Public Right-of-Way or in a Sanitary Sewer Easement – Any sewer line blockage or sewer line breakage that occurs in a sewer lateral line in a public right-of-way or in a sanitary sewer easement shall be investigated by the Authority or by the Authority's insurer to determine the cause of said sewer line blockage or sewer line breakage.
  - i. **Caused by Customer** - If it is determined, in the sole discretion of the Authority or the Authority's insurer, that the sewer line blockage or sewer line breakage was caused, either directly or indirectly, by a customer of the Authority or some other third party, the Authority shall not take responsibility for the repair, replacement, and cost of the remediation and said repair, replacement, and cost of remediation shall be the responsibility of the customer.
  - ii. **Authority Responsibility** – If it is determined, in the sole discretion of the Authority or the Authority's insurer, that the sewer line blockage or sewer line breakage was caused, either directly or indirectly by the Authority, the Authority shall bear the responsibility for the repair, replacement, and cost of the remediation.
  - iii. **Undetermined Cause** – In the event that the Authority or the Authority's insurer cannot determine the cause of the sewer line blockage or sewer line breakage, the Authority shall undertake the repair, replacement, and remediation of the sewer line and cost of remediation.
  - iv. **Force Main and Pressure Lines** – Any sewer line blockage, sewer line breakage, or any other problems affecting service of any lateral line in a public right of way or in a sanitary sewer easement that is pressurized in any manner or that acts as a force main in any manner shall be the responsibility of the customer for repair, replacement and cost of the remediation. The Authority assumes no

responsibility for any lateral line not previously accepted by the Authority that is pressurized in any manner or that acts as a force main.

#### **Section 4. Aggrieved Customer.**

Any customer or their designee who is of the opinion that he or she has been aggrieved by an Authority decision with regard to the location of a sewer line blockage or sewer line breakage or as to the cause of a sewer line blockage or breakage may contact the Authority to be placed on the agenda for the next public meeting of the Authority. The customer shall be given an opportunity to address the Authority subject to these Rules and Regulations regarding public comment.

#### **Section 5. Ancillary Damage.**

In the event any ancillary damage occurs as a result of a sewer line blockage or sewer line breakage, the Authority or the Authority's insurer shall assess the damage. Any determination as to the causation of the damage made by the Authority's insurer shall be taken into consideration by the Authority in determining the responsibility for any remuneration to the effected party as a result of the ancillary damage.

#### **Section 6. Disclaimer.**

Nothing contained in this resolution shall be deemed to be an admission by the Authority, its representatives, employees, contracted employees, or board members of any liability as a result of any of its operations in providing sewer service to its customers. Any determination by the Authority or the Authority's insurer regarding liability for any sewer line blockage, sewer line breakage, or ancillary damage shall supersede any determination of responsibility set forth herein.

*\* Resolution No. 5 of 2000 adopted December 19, 2000  
Revised by Resolution No. 3 of 2002 adopted October 17, 2002.*

### **2.08 Hauled Waste Water**

- A. Septic tank waste may be introduced into the POTW only at locations as may be designated by the Authority, and at such times as may be established by the Authority; provided, however, that nothing herein shall require the Authority or the Authority POTW to accept any hauled or septic tank waste at any time from any source. Such waste shall not violate these Rules and Regulations or any other requirements established by the Authority. The Authority may require septic tank waste haulers to obtain individual wastewater discharge permits.
- B. Haulers of any industrial waste shall obtain individual wastewater discharge permits from the Authority prior to disposing industrial waste in the Authority POTW. The Authority may require generators of hauled industrial waste to obtain wastewater discharge permits. The Authority also may prohibit the disposal of hauled septic and/or industrial waste. The discharge of hauled industrial waste is subject to all other requirements of these Rules and Regulations.
- C. Industrial waste haulers may discharge loads only at locations designated by the Authority. No load may be discharged without prior consent of the Authority.

The Authority may collect samples of each hauled load to ensure compliance with applicable limits and standards. The Authority may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify, at a minimum, the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

## 2.09 Grease Limitations

In addition to discharge prohibition set forth in these Rules and Regulations, all users of the system are prohibited from introducing to the POTW any solid or viscous substance which may cause obstruction to the flow in the POTW or other interference with the operation of the wastewater treatment facility such as, but not limited to, grease, garbage and particles greater than one half inch in diameter.

The Authority reserves the right to take any or all of the following actions to limit grease or other solid or viscous substances from entering the Authority system: establish discharge limits, including variances; inspect any business to enforce these Rules and Regulations; establish maintenance requirements; control grease trap and interceptor design and installation; and issue permits or set performance standards.

All new or renovated food-handling facilities are required to install appropriate grease traps. All existing food-handling facilities are directed to install appropriate grease traps at the discretion and direction of the Authority.

The Authority reserves the right to assess surcharges for processing of high strength effluent from users and to institute a permitting process, including a fee structure, for users inserting high strength effluent into the Authority system.

## 2.10 Vandalism/Tampering

No unauthorized person shall negligently break, damage, destroy, uncover, deface, tamper with, prevent access, or render inaccurate, or cause or permit the negligent breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access, or rendering inaccurate to:

- Any structure, appurtenance, or equipment which is a part of the Authority system; or
- Any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under these Rules and Regulations.

## 2.11 Smoke Testing/Dye Testing/Other Non-Invasive Testing.

The Authority will, on a periodic basis and in cooperation with the applicable local governing unit, conduct smoke/dye testing of the Authority system to ensure that all connections to the Authority system comply with these Rules and Regulations. The Authority may investigate any apparent or suspected violations of these Rules and Regulations discovered through the smoke/dye testing process. Violators will be notified and compliance will be enforced pursuant to the terms of the notice of violation sent to the applicable user and these Rules and Regulations.

## **SECTION 3 – SEWER CONNECTIONS AND EXPANSION**

### 3.01 Sewer Service Connection Requirements

1. All applications for connection to the public sanitary sewer system shall be made by using the Sewer Connection Permit form (hereinafter the “Connection Permit”) furnished by the Authority or its designated agent.
2. An application for the issuance of an appropriate permit, furnished by the Authority or its designated agent, is required for all work performed on existing sanitary sewer laterals, including repair, replacement, reconnection, or plugging of laterals. For the purpose of these Rules and Regulations, the Permit for Reconnection, the Permit for Repair/Replacement, and the Permit for Plugging of Sanitary Sewer Laterals shall hereinafter be referred to as the “Repair Permit”.
3. All applicable information requested on the Connection Permit or the Repair Permit shall be furnished by the applicant, including the character and use of each structure located upon the property.
4. The applicable permit fee and any applicable fee assessed pursuant to Pennsylvania Act 203 shall be paid before the Connection Permit is granted. No work shall commence before issuance of the Connection Permit or Repair Permit. The Authority may establish penalties for failure to obtain the proper permit, which may include, but are not limited to, fines or loss of the right to be issued permits by the Authority or its designated agent.
5. No connection to the public sanitary sewer system shall serve more than one (1) occupied house, building or structure unless prior written approval is received from the Authority. Separate connections and corresponding inspection, connection, and tapping fees will be required for each occupied structure. An occupied structure shall include any structure that is used as a temporary or permanent residence or as a business or commercial enterprise. In the case of repairs, replacements, reconnections, or plugging of existing sewer laterals, the appropriate permit is required for work to be performed on each lateral.
6. Connection to sanitary sewer shall be completed within three hundred sixty (360) calendar days after issuance of the Connection Permit. In the event that

connection is part of an Authority Sewer Expansion Project, connection is to be made pursuant to the time frame provided in the Connection Notice issued by the Authority. In the event that connection is not made in the timeframe required, the Connection Permit will no longer be valid and any and all fees paid by applicant shall be nonrefundable.

7. All connections to the sanitary sewers shall be subject to certain restrictions as to unacceptable sanitary sewage as are set forth in these Rules and Regulations, including the Publicly Owned Treatment Works Pretreatment Requirement Ordinance adopted by the Authority.
8. The Authority designee shall be given notice at least one business day in advance of any connection to the system so that the Authority designee can be present to inspect the building sewer installation or work done on the sewer lateral. The Authority designee shall signify his approval of the building sewer installation or work performed by endorsing his name and the date of approval on the appropriate permit. The Authority designee shall be permitted to enter upon all properties receiving sewer service for the purpose of inspection, observation, measurement, sampling and testing.
9. At the time of inspection of the building sewer connection or the work performed on existing sewer, the owner or owners of properties shall permit the Authority designee full and complete access to all sanitary and drainage arrangements and facilities in each building and on all parts of the property. No building sewer line shall be covered over, or in any manner concealed, until after it is inspected and approved by the Authority designee.
10. It is the intention of these Rules and Regulations that the entire connection be inspected at one time; however, if the property owner desires more than one inspection the applicant may request an additional inspection to be performed with no additional inspection fee. If more than two inspections are requested the Authority shall assess an additional inspection fee.
11. The Authority may require, at its sole discretion, a bond payable to the Authority in an amount determined by the Authority to assure that all resolutions, ordinances, and rules and regulations adopted by the Authority to govern sewer connections will be observed; that the Authority will be indemnified against damages caused by said construction; and that applicable fees for said connections will be paid.
12. All pipe installed shall conform to the approved materials listed in the current plumbing code adopted by the applicable municipality. If the applicable municipality has not adopted a plumbing code, then the code adopted by the City of Meadville shall be used. Notwithstanding the foregoing, all pipes shall be SDR 35 with gaskets, schedule 40 solid core PVC pipe with glued joints or schedule 80 solid core with glued joints.
13. All pipe installed shall be four (4) inches in diameter measured on the inside unless the fixture loading requires a larger size. Each section of pipe shall be stamped with the manufacturer's certification. Where connections between

different types of pipes are required, proper transition fittings shall be utilized. Concrete encasement shall not be used in lieu of fittings.

14. All sewer pipes shall be installed with the American Association of State Highway Transportation Officials (AASHTO) No. 8 stone bedding four (4) inches under pipe and covering over top of pipe the complete width of the trench. The sewer pipe shall be installed to prevent infiltration. Infiltration entering the building sewer shall not exceed 200 gallons per day (gpd) per inch mile of pipe (15 gpd for 100' of 4" pipe). Use of the sewer pipe to remove ground water in trench is prohibited.
15. All sewer pipes shall be installed with a minimum slope of 1/8 inch per foot and a minimum cover of three and one-half feet (3 ½') unless otherwise approved by the Authority in writing. All pipes shall be laid to a straight alignment to the public sanitary sewer where possible. The pipe shall be laid to an even grade to the point of connection or point where a vertical transition occurs, said vertical transition to consist of 45 degree fittings no less than 5 feet apart. The inside of every branch sewer connection, after it is laid, shall be left smooth and clean throughout its entire length. All pipes shall be laid with full and even bearing and no block support will be allowed. Bell holes shall be dug to allow sufficient space to properly make each joint. Backfill shall be tamped uniformly around the pipe. Rock or stones larger than two (2) inches shall not be placed in the backfill within two (2) feet of the pipe. The ends of all pipes not immediately connected shall be closed with an end cap. Existing sewer lines not being utilized shall be plugged with concrete or capped.
16. In the construction of house or building connections of more than 100 feet in length, cleanouts shall be installed at 100-foot intervals. Clean-outs may be installed at intervals less than 100 feet, if desired by the property owner.
17. Pipe bend fittings shall not be installed unless required to construct the line around an existing structure or obstacle. Fittings using 90-degree bends shall not be permitted. Other fittings shall be in accordance with the current plumbing code adopted by the applicable municipality and, if none, the specifications of current state code shall apply.
18. A State Highway Occupancy Permit or its Township/City equivalent, as applicable, shall be obtained where any excavating is to be performed within the limits of State, Township or City controlled right-of-way. Only contractors registered with the City of Meadville will be issued Street Opening Permits for City-controlled right-of-ways.
19. The Authority shall have the right at any time to make inspection to ensure that any connection to the public sanitary sewer system receives only wastewater and is in conformance with these Rules and Regulations.
20. Subject to any Authority Rule or Resolution to the contrary, maintenance and repair of all building sewers from the house to the road/street or easement right-



of-way line shall be the responsibility of the property owner.

21. Old building sewer may be used to connect existing building to the sewer system only when the Authority's representative determines that the old sewer has the required trap and cleanout facilities and is in acceptable condition. Under no circumstances will connections from septic tanks or similar individual treatment systems be discharged into the sanitary sewer. Only that portion of existing sewers, as determined acceptable, which precedes the septic tank, may be used for connection purposes. Abandonment of all existing septic tanks, leach fields, and private individual treatment facilities is required and is the property owner's responsibility. If the existing building sewer is not acceptable under this section, the owner of the property shall install a new building sewer to comply with these Rules and Regulations. The Authority recommends that all existing septic tanks be pumped after abandonment and septic tanks be removed or covered with earth fill.
22. All wastewater including laundry waste shall be connected to the building sewer. Extraneous sources of water such as foundation drains, sump pumps, roof drains, etc. shall not be connected and are strictly prohibited from being discharged to the sanitary sewer system.
23. Where necessary, sump pumps may be used to pump wastewater from the building provided that extraneous water sources such as foundation drains are disconnected from the sump pump and sump pump receives only wastewater.
24. At the lowest end of the customer line, in the area within 10 ft. of the road/street or easement right-of-way line, the customer shall install an inspection pipe to ground surface. If the repair/replacement of a lateral is within 10 ft. of the road/street easement of right-of-way, it is required that a proper inspection pipe be installed or retained. The inspection pipe shall be installed in the lateral sewer with a multiple directional cleanout "T" fitting (not a single directional "T" fitting). In new installations, repairs, or replacements, the cleanout and lateral from the cleanout to the main line shall be SDR 35 with gaskets, schedule 40 solid core PVC pipe with glued joints or schedule 80 solid core with glued joints. Cleanout may be placed in the right-of-way, when necessary, with the approval of the Authority or its designee and by obtaining the necessary easement documents.
25. A vertical inspection pipe shall be extended from the "T" fitting to the ground surface. The diameter of the "T" fitting and vertical pipe to ground surface shall be the same diameter as the lateral stub from the mainline sewer (usually 6" diameter). A cover shall be installed at the top of the inspection pipe to prevent water infiltration. The cover shall not be more than two (2) inches above or below ground level. The inspection pipe and fitting shall be properly backfilled to provide a straight and true alignment.
26. The applicant agrees to indemnify and hold harmless the Authority, its board members, employees, agents, and representatives from any and all injury that results from any acts in furtherance of these Rules and Regulations and, specifically, that may incur once present on the applicant's property for the

purposes of enforcing the Rules and Regulations set forth herein.

27. The Authority reserves the right to evaluate all installations, repairs, or any other work done on sanitary sewer laterals on a case-by case basis.

*\*Resolution No. 4 of 2001 adopted November 20, 2001. Revised by Resolution No. 4 of 2002 adopted June 18, 2002.*

### 3.02 Tapping Fee

#### **Section 1. Sewer Tapping Fee Permit Required from Authority.**

No person, firm, partnership, corporation or other entity shall tap-on or connect to a private drain or any other line with any public or private sewer line or supply now built or to be built and laid in any public street, alley or legal right-of-way or with any public sewer owned and operated by the Authority, without first obtaining a tapping permit from the Authority for such purpose.

#### **Section 2. Compliance with Regulations of the Authority.**

Whoever desires to tap-on to the Authority's sanitary sewer system shall comply with the plans, specifications and requirements of the tapping regulations as prepared and amended by the Authority and approved by Resolution of the Authority, which shall be on file in the Authority's office and as are set forth herein.

#### **Section 3. Connection Fee To Be Charged By The Authority.**

The appropriate fee calculated pursuant to Pennsylvania Act 203 and an applicable permit fee shall be charged for connection to the Authority's sanitary sewer system at a rate established pursuant to the Municipal Authorities Act, as calculated by the Authority engineer. Tapping fee calculations shall be on file in the Authority's office and shall be duly adopted by the Authority, as appropriate. The applicable fees shall be due and payable at the time of the filing of an application with the Authority to connect to the Authority's sanitary sewer system.

#### **Section 4. Prohibitions.**

No person shall connect any drainpipe or conduit of any kind to the Authority's sanitary sewer or to any pipe leading thereto for the purpose of discharging any roof or surface drainage water into such sanitary sewers. Groundwater discharge to the sanitary sewer system is, similarly, prohibited.

*\* Resolution No. 8 of 1997 adopted October 21, 1997. Revised by Resolution No. 1 of 2000 adopted April 25, 2000. Revised by Resolution No. 1 of 2001 adopted January 16, 2001.*

### 3.03 Sewer Connection Permit

The Authority, or its designee, shall make available the current Sewer Connection Permit at its office and/or the office of its designee. The Form is subject to change at the discretion of the Authority.

### 3.04 Developer's Guidelines

#### 3.04.1 Preamble

The Authority has prepared these Guidelines to provide for the orderly development and extension of the Authority's sanitary sewer system with the jurisdiction of the Authority in the City of Meadville, Vernon Township and West Mead Township in Crawford County, Pennsylvania. This Guide is intended to assist Developers and their professional advisors in the progression of events required by the Authority for successful and appropriate development. In addition, the Guide will assist Developers and their professional advisors in the preparation of required submissions to the Authority that include plans, specifications, legal agreements and other information.

The Authority has enacted these Rules and Regulations and the Developer must comply with all these Rules and Regulation, as amended. These Developer's Guidelines are in no way to act as a substitute for the Developer's full compliance with these Rules and Regulations.

This Guide is to serve as a supplement to the established Authority Rules and Regulations regarding sewer system extensions. The provisions set forth in the Authority Rules and Regulations with regard to proposed extensions of the sewer system and any terms and conditions set forth in the Developer's Agreement executed between the Authority and the Developer shall control and supersede these Guidelines. These Guidelines are simply for informational purposes only. In the event of any contradiction between these guidelines and the Authority Rules or a duly executed Developer's Agreement, the Rules and Regulations and the Developer's Agreement shall prevail.

The Guide consists of the following sections:

Section 2 – Schedule of Requirements and Submissions – Outline the series of steps and required submissions that must be addressed by the Developer.

Section 3 – Materials and Construction Standards – and Section 4 – Pump Station Construction Standards – Provides a summary of the technical (construction) requirements of the Authority.

Section 5 – Developer's Agreement – Provides a prototype agreement that must be executed by both the Developer and the Authority.

#### 3.04.2 Schedule of Events and Required Submissions

##### Summary

The successful development of the sanitary sewer system will require the cooperation of both the Developer and the Authority. These Guidelines have been prepared to attempt to outline the necessary events, procedures, standards and submissions. These Guidelines, however, cannot be used as a substitute for sound professional judgment.

As stated in the Preamble, this Developer's Guideline is not to act as a substitute for the Developer's adherence to and compliance with the Authority Rules.

The issues that must be addressed are both administrative and technical. The technical issues are more fully addressed in Section 3 and Section 4 of these Guidelines. The legal agreement to be executed is set forth in Section 5 of these Guidelines.

### Procedural Steps and Submissions

The following are the procedural steps and the required submissions for the Developer. The sequence of the steps provide the Developer a logical progression for the preparation process, the approval process, the construction process, and, ultimately, the acceptance by the Authority of the extension or development. The events as set forth herein are subject to change, without notice, by the Authority. Each project may require the altering of this schedule and/or the deletion and addition of certain steps. The Authority or its designee will promptly notify the Developer of any alteration necessitated in this schedule.

1. Preliminary Information: As part of Developer's preparation for submission to the Pennsylvania Department of Environmental Protection (PA DEP) and the City of Meadville, Vernon Township or West Mead Township, as appropriate, the Developer should contact the Authority at this time. The Authority will provide the herein Developer's Guidelines to the Developer and will make available the Authority representatives for preliminary discussions and dialogue.
2. Post Card Submission or Planning Module: At or before the time that the Developer is attempting to obtain any local governmental approvals, the Developer's Registered Surveyor or Engineer should forward the following information to the Authority's Engineer:
  - (a) Description/nature of the development;
  - (b) Location of the development;
  - (c) Size of the development;
  - (d) Point of anticipated connection to Authority facilities;
  - (e) Any unusual characteristics (i.e. oil, grease, BOD, TSS, etc.) of sewage to be generated by the development;
  - (f) Name, address, telephone number of Developer's technical consultant (Engineer or Registered Surveyor);
  - (g) Name, address, telephone number of Developer's legal consultant (Attorney);
  - (h) Indication if Authority "sponsored" pump station is required or proposed;

- (i) Proposed schedule including estimated sewage flows for completed (i.e. when requested capacity will be utilized) development; and
- (j) Indication if easement acquisition is required as part of the development.

After the submission of the postcard or planning module information from the Developer, the execution of the Developer's Agreement, and the submission of the engineering plans, the Authority's Engineer shall notify the Developer as to whether any additional information is required or whether the information that is submitted needs to be clarified.

3. Execution of Developer's Agreement: After the receipt of the information set forth in the post card section, the Authority's Solicitor shall submit a proposed Developer's Agreement to the Developer or the Developer's legal counsel. The Developer's Agreement sets forth the legal requirements of the Developer with regard to the sewer system extension. The execution of the Developer's Agreement is a prerequisite to proceeding forward with the sewer extension and any further steps set forth herein. After any negotiations between the Developer and the Authority with regard to the language set forth in the Developer's Agreement, the Developer's Agreement shall be executed by the Developer and submitted to the Authority at its next regularly scheduled monthly meeting. Authority approval, in the form of the Authority properly executing the negotiated Developer's Agreement, is a prerequisite to moving forward in the process of the development.
4. Submission of Plans: At the time of the execution of the Developer's Agreement, the Developer is to submit five (5) copies of an engineer prepared and approved plans for the proposed development to the Authority Engineer on 24" x 36" sheets showing plan views to scale of 1" = 50' and a scale of 1" = 10' vertically and 1" = 50' horizontally, a north point, a suitable title block, date and the name of the engineer or surveyor and the imprint of his/her registration seal. The plans shall include the intended address system to be used for the development including, if applicable, 911 approved addresses or street and lot numbers for identification.
5. Review by Authority's Engineer: Upon the submission of the information set forth under the Post Card/Planning Module section, the execution of the Developer's agreement, and the submission of the Developer's Plan, the Authority's Engineer and Legal Counsel, as applicable, shall commence with the review of the information as submitted by the Developer. The Authority's Engineer will attempt to identify potential problems including the following:
  - PA DEP imposed restrictions such as extension or connection bans.
  - Availability of reserve hydraulic and/or organic capacity of the sewage treatment plant.
  - Availability of reserve hydraulic capacity of conveyance facility.
  - If applicable, ability of the sewage treatment plant to treat sewage with "unusual" characteristics.

- If applicable, ability of conveyance facilities to convey sewage with “unusual” characteristics.

6. Approval and Permitting Process: The securing of all approvals and permits, including application fees, required to construct and operate the proposed sewerage facilities shall be the responsibility of the Developer. All applications requiring the approval of, made on behalf of, or requiring the enforcement of the Authority will first require the review and approval of the Authority’s Engineer and/or legal counsel. The Authority will work with the Developer in securing required approvals and permits. To minimize all administrative, engineering, legal, and other costs incurred by the Authority during this process, all submissions requiring review by the Authority must be complete.

Some, but certainly not all, of the permits and/or approvals that might be required as part of the extension of sewage service are as follows:

- PA DEP Part II Permit required for:
  - \* Sewer extension serving 250 singled family residences (or the equivalent sewage flow)
  - \* Authority sponsored pump stations and forcemains.
- PennDot (Pennsylvania Department of Transportation) Occupancy Permits required for:
  - \* Construction activities in PennDot right of ways.
- E & S (Erosion & Sedimentation) Control Plans required for:
  - \* All earthmoving or earth disturbance activities.
- NPDES (National Pollutant Discharge Elimination System) Permits required for:
  - \* Earthmoving activities disturbing more than 5 acres.
- Municipal approvals required for:
  - \* Construction and related activities in their jurisdiction.
- Permits and approvals from PA DEP and, if applicable, U.S. Army Corps of Engineers for:
  - \* encroachments (i.e. stream crossings, etc) in regulated waters, wetlands and flood plains.
- PHMC (Pennsylvania Historical and Museum Commission) clearance required for:
  - \* Any projects or activities that could impact regulated sites.
- PNDI (Pennsylvania Natural Diversity Index) clearance required for:
  - \* Any projects or activities that could impact protected species

7. Construction Phase of the Development: The Developer’s Agreement sets forth a schedule with regard to the preconstruction and construction requirements of the Developer and the Authority.

In summary, the Developer’s Agreement sets forth the following schedule for the Developer and the Authority for the pre-construction and construction phase:

- (a) Developer obtains the required permits by the applicable Local government unit, State governmental unit, or Federal governmental unit and said permits are to be provided to the Authority prior to construction.
  - (b) Developer deposits a sum with the Authority in an amount to be determined by the Authority upon the execution of the Developer's Agreement to cover the Authority's engineering fees and legal fees regarding the Development.
  - (c) The Developer is responsible for funding an escrow account established for the payment of all inspection fees to be incurred by the Authority.
  - (d) Throughout the construction process, the Developer must provide access to the Authority's Engineer for inspection. In the event that any work performed by the Contractor does not meet the Authority's specifications, the Authority's Engineer shall inform the Developer of such violations and it shall be remedied pursuant to the Developer's Agreement.
8. Post Construction Activity: The Developer's Agreement contains provisions regarding schedule of events during the post-construction phase. The schedule includes the following:
- (a) Developer shall deliver a complete set of record, as built, drawings to the Authority indicating the actual characteristics of the sewer line as finally constructed.
  - (b) The Authority's Engineer shall issue a Certificate of Substantial Completion for the lines as constructed by the Developer.
  - (c) The Authority and/or the Developer shall begin testing the sewer lines pursuant to the specifications set forth by the Authority's Engineer.
9. Connection and Tap Fees: The Developer's Agreement sets forth the requirements for the connection and tap fees for structure comprising the Development. The Agreement sets forth the following procedure for connection.
- (a) The property owner must obtain a permit for connection from the Authority and present any required permits at the time of the request.
  - (b) Any tap fee must be remitted by the property owner.
  - (c) The property owner must construct any lateral that is required.
  - (d) The property owner must communicate with the Authority to arrange for an engineering inspection prior to connection.
10. Authority's Acceptance of Sewer System Extension: The Developer's Agreement sets forth the schedule of events that are prerequisite to the Authority accepting the sewer line extension. The steps are as follows:

- (a) The Developer shall cause or permit the sewer line to be tested for a period of time approved by the Authority's Engineer.
- (b) The Developer shall execute and deliver a Deed of Dedication/Bill of Sale for all lines and appropriate easements and/or rights-of-way for all property. Said easements and rights-of way shall be delivered free and clear of all liens and encumbrances.

### **3.04.3 Material and Construction Standards**

The following Table (Materials & Construction Standards) is not inclusive and **cannot** be used as a substitute for sound professional judgment.





### **3.04.4 Pump Station Construction Standards**

#### **A. General**

Whenever a pump station proposed as part of a development is to be “sponsor” or accepted by the Authority, it must meet these minimum standards. It is the intent of the Authority to have all of their pump stations to be of the suction lift design with 4" (minimum) DIP or PVC force mains. Interim submersible type grinder pump stations will be considered on an “interim” basis *only* if and when design constraints prohibit the immediate utilization of the recommended suction lift design. The Authority will not accept pump stations serving only single homes or a single building.

#### **B. Administrative**

1. *Shop Drawings* – shall be submitted to the Authority for approval of all materials, equipment, fixtures, fittings, and supplies.
2. *Operating and Maintenance Manuals* – two copies to be provided to the Authority prior to completion.
3. *Construction Drawings* – one complete set of as-built construction plans on reproducible material to be provided to Authority upon completion.

### **3.04.5 Developer’s Agreement**

The applicable Developer’s Agreement to be used by the Authority is kept on file at the Authority office and with the Authority solicitor. The Agreement is subject to change at the Authority’s discretion.

*\* Resolution No. 3 of 1999 adopted March 16, 1999.*

## SECTION 4 - SEWER USE CHARGES

### 4.01 Sewer Use Charge Imposed

#### **Section 1. Establishment of Rental Rate.**

The Authority hereby imposes and establishes an annual rental, rate or charge for the use of the sanitary sewer system owned and operated by the Authority to be paid by the owners or users of real property connected to the sewer system.

#### **Section 2. Rental Rate Schedule.**

The rental rate or charge hereby imposed shall be computed and charged for sewer service based upon whether the user is serviced with public water by the Vernon or Meadville Area Water Authority or is not serviced by public water from the Vernon or Meadville Area Water Authority. The Authority reserves the right to assess a penalty for high strength waste submitted to the Authority. The rental rate schedule shall be on file at the Authority office.

#### **(a) User Fees For Sewer System Customers Utilizing Vernon or Meadville Area Water Authority Public Water**

There shall be a base (monthly minimum) rate computed, imposed and charged for sewer service based upon the size of the water meter used for servicing the premises in accordance with the rate table in effect at the time of the assessment of the charge. The rate table shall be on file at the Authority office.

A rental rate and sewer charge shall be computed, imposed and charged for sewer service monthly and shall be determined by the quantity of water used upon the premises as evidenced by the water meter reading in accordance with the sewage rate table in effect at the time of the assessment of the charge. The sewage rate table shall be on file at the Authority office.

#### **(b) User Fees For Sewer System Customers Not Serviced By the Meadville Area Water Authority Public Water.**

Sewer System customers not serviced by the Vernon or Meadville Area Water Authority public water shall be charged a flat sewer charge per EDU (equivalent dwelling unit), as fixed and established from time to time by resolutions or motions of the Authority, as appropriate, with the advice of its engineer in accordance with the requirements of law and will be billed periodically as determined by the Authority. The calculation of the applicable EDUs for any structure shall be subject to periodic review by the Authority.

*\* Resolution No. 7 of 1997 adopted November 18, 1997. Revised by Resolution No. 2 of 1999 adopted September 21, 1999. Revised by Resolution No. 4 of 2000 adopted October 17, 2000. Revised by Resolution No. 1 of 2002 adopted March 19, 2002.*

#### 4.02 Payment Schedule; Late Penalty

- (a) Payment Schedule. The Authority shall establish a payment schedule whereby sewer charges collected by the Authority shall be billed and paid periodically as determined by the Authority.
- (b) Late Charges and Interest. The applicable late payment fee and interest rate due on delinquent sewer bills shall be established by the Authority and on file at the Authority office.

#### 4.03 Delinquent Account Procedure

- (a) Billing. The sewer charge as imposed by the Authority shall be timely paid. If the bill of any such user shall cover a period of less than a full period of sewer service, such bill shall be computed on a per diem pro-rata basis. For customers utilizing public water, bills for sewer rental and charges shall be rendered concurrently with bills for water service and shall be due and payable concurrently with such other bills for water service.
- (b) Late Payment Penalty. All bills for sanitary sewer service shall be due and payable on a due date as set forth on the billing statements. Bills not paid on or before the due date will be delinquent and subject to penalties and service fees as established from time to time by the Authority.
- (c) Shut-off. Premises with bills that are delinquent sixty (60) days or more are subject to termination of service (shut-off) at which time the customer's water meter will be removed. Upon the posting of any shut-off notice, a shut-off service fee shall be assessed in an amount as determined by the Authority from time to time. Upon reconnection of service, the customer shall be subject to additional reconnection fees. Upon reconnection after any shut-off, a reconnection service fee shall be assessed, together with any other costs occasioned by collection efforts, shall become immediately due and payable and shall be added to the billing and all other penalties and service fees.

The Authority may, at its discretion, allow residential customers to enter into a payment plan to allow customers who are in extreme financial circumstances to pay sanitary sewage bills over an extended period of time, not to exceed four (4) months. During the period of the payment plan, the customer will be required to pay any current sanitary sewage charges in a timely fashion.

- (d) Liability For Bill Payment; Remedies For Collection of Delinquent Accounts. Owner of real properties served by the sewer system shall be responsible for the sewer rentals or charges established and imposed herein for sewer services rendered to any tenant or occupant of such property. Such sewer rentals or charges shall be a lien on the properties charge with a payment thereof from the

date such sewer service is rendered, and, if not paid within thirty (30) days after notice that the charge or rental was past due, may be collected by an action in assumpsit in the name of the Authority against the owner of the property charged or the occupant or user, or by distress of personal property on the premises, or by lien filed in the nature of a municipal lien.

*\* Resolution No. 7 of 1997 adopted November 18, 1997. Revised by Resolution No. 2 of 1999 adopted September 21, 1999. Revised by Resolution No. 4 of 2000 adopted October 17, 2000. Revised by Resolution No. 1 of 2002 adopted March 19, 2002.*

#### 4.04 Exceptional Billing Circumstances

The Authority may, in its sole and absolute discretion, consider requests by customers of its sanitary sewer system for abatement or reduction in a monthly bill due to apparent water line breaks provided that the following requirements are met and procedure is followed.

(a) Requirements and Preconditions for Consideration of Exceptional Special Billing Circumstances:

- (1) The monthly bill for sewer services, exclusive of interest and late charges, must exceed \$250.00.
- (2) Only one monthly service period shall be considered.
- (3) Sewer service charges incurred due to breakage in pipes shall be considered.
- (4) No sewer service charges for water usage utilized to fill swimming pools, wash automobiles, water lawns, or other normal water usage will be considered.

(b) Procedure for customer, or their designee, to present claim to Authority:

- (1) The customer, or their designee, shall make a written request to the Authority within 30 days of the receipt of the disputed bill.
- (2) A designee of the Authority shall bring the issue to the Authority for consideration at the next regularly scheduled meeting.
- (3) An Authority representative may elect to view the property prior to the next scheduled Authority meeting.
- (4) The customer, or their designee, shall include within their written request the following:
  - (i) The dates upon which the water usage was incurred, if known;
  - (ii) The reason that the water usage was incurred;
  - (iii) How and in what manner the water usage was discovered;

- (iv) The cause for the delay in the discovery of the water usage;
  - (v) Evidence that the water did not enter the sanitary sewer system; and
  - (vi) The name of contact person who viewed the water usage confirming that the water did not enter the sanitary sewer system.
- (5) The Authority will consider the matter and inform the customer of any further information that is required.
- (6) The Authority may choose to do any of the following:
- (i) Direct an Authority representative to view the premises;
  - (ii) Instruct the customer to provide additional evidence that the water usage did not enter the sanitary sewer system; or
  - (iii) Instruct the customer, or their designee, to appear at the next regularly scheduled meeting.
- (7) The Authority, in its sole discretion, may render a decision on the request at the initial scheduled meeting or, depending upon the additional information requested by the Authority, delay a decision on the request until the next regularly scheduled meeting.
- (8) Provided that the foregoing conditions are met, the Authority may assess a bill up to ten percent (10%) of the excess total monthly sewer service for monthly bills up to a total of \$1,000.00 and, in addition, assess a bill up to five percent (5%) of the excess total monthly bill that exceeds \$1,000.00. The excess total monthly sewer bill is that amount charged for sewer service in excess of the customer's twelve-month average sewer charge. For example, if a customer's total bill is \$1,000.00 and the customer's average sewer bill is \$100.00, the excess total monthly bill is \$900.00. The Authority may assess a charge of \$90.00 for the excess monthly service in addition to the \$100.00 average monthly service.

*\*Resolution No. 4 of 2000 adopted October 17, 2000.*

#### 4.05 Filling of Swimming Pools

##### **Section 1. General Rule Regarding Sewer Service Charges Resulting From the Filling of Swimming Pools.**

The Authority shall assess sewer service charges resulting from water usage utilized by customers for filling of swimming pools, washing automobiles, watering of lawns, or other normal water usage, whether or not said water does, in fact, enter the public sewer system. The sewer service charge shall be calculated as set forth in these Rules and Regulations.

##### **Section 2. Exception to the General Rule Set Forth in Section 1.**

The Authority may, in its sole and absolute discretion, consider requests by certain customers of its sanitary sewer system for abatement or reduction in a monthly bill due to the filling of a swimming pool, provided that the customer complies with the following:

- (1) The swimming pool that is filled by the customer is in excess of 200,000 gallons;
- (2) Customer notifies the Authority seven (7) days prior to filling the pool of its intention to fill the pool;
- (3) The customer provides a water meter reading, in writing, to the Authority immediately prior to filling the pool;
- (4) Customer provides an immediate water meter reading, in writing, to the Authority immediately after filling the pool;
- (5) The foregoing information shall be provided no later than two business days after the filling of the pool;
- (6) Customer shall provide evidence sufficient to the Authority that discharge from the pool does not enter the sanitary sewer system; and
- (7) Abatement, if any, shall only be provided once per year to each customer.

### **Section 3. Billing Adjustment**

The customer shall submit the monthly bill that contains the sewer service charge resulting from the filling of the swimming to the Authority within five days of its receipt. The Authority will determine the customer's average monthly usage from available billing records. The Authority will instruct its billing agent to credit the customer's account for the excess sewer service charge resulting from the water usage utilized to fill said pool. The credit will appear on the customer's next monthly bill.

- *Resolution No. 7 of 2000 adopted January 16, 2001.*

#### 4.06 Assessment of Attorney Fees to Delinquent Accounts

### **Section 1. Authorization of Assessment of Attorney Fees Pursuant to the Municipal Claims Act**

The Authority hereby resolves that in the collection of delinquent user charges and other municipal authority claims and assessments covered by the Pennsylvania Municipal Claims Act, the Authority shall collect reasonable attorney fees incurred in the collection of delinquent accounts in addition to the other collection fees, penalties and expenses, in accordance with the authority and provisions of the Municipal Claims Act, as amended.

### **Section 2. Adoption of Fee Schedule**

The Authority hereby resolves that in accordance with the principals set forth in the Municipal Claims Act, as amended, the schedule of attorney fees for services in connection with the collection of delinquent accounts as set forth in Exhibit "A", attached hereto and incorporated herein, is determined to be fair and reasonable compensation for the services set forth therein and is hereby approved and adopted. The fees shall be added to the municipal claims for each delinquent account and included in the liens filed in accordance with the Municipal Claims Act.

### **Section 3. Procedures for Assessment of Fees**

The Authority hereby resolves that prior to the assessment and collection of attorney fees or expenses by the Authority, the Authority must perform the following:

1. At least thirty days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, the Authority shall, by United States certified mail, mail to the owner of the property at the last known address, as well as any other person or entity for the account (if not the same) the notice set forth below;
2. If within thirty days after mailing the notice in accordance with paragraph 1 above, the certified mail is refused or unclaimed or the return receipt is not received, then ten days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, the Authority shall, by United States First Class Mail, mail to the owner of the property, as well as any party or entity liable on the account (if not the same) a second notice as set forth below;
3. Each notice as described above shall include the following:
  - The type of user fee or other charge, the date it became due and the amount owed, including penalty and interest;
  - A statement of the Authority's intent to impose or assess attorney fees within thirty (30) days after mailing the first notice, or ten (10) days after mailing of the second notice;
  - The manner in which the assessment or imposition of attorney fees may be avoided by payment of the account; and,
  - The place of payment for Accounts and the name and telephone number of the Authority official designated as responsible for the collection matters.

### **Section 4. Authorization**

The Authority hereby resolves that the proper officials of the Authority hereby authorize and empower to take such actions as may be necessary or appropriate to implement this Resolution.

### **Section 5. Effective Date**

This Resolution shall be effective upon its adoption by the Board of the Authority.

### **Section 6. Repealer**

All Resolutions or parts of any Resolution not consistent herewith are hereby repealed.



## **EXHIBIT "A"**

<b>Legal Services</b>	<b>Fee for Services</b>
Title search to Prepare Collection Letter, Notice and Lien	\$100.00
Preparation of Collection Letter	\$50.00
Preparation of Lien	\$50.00
Proceedings to Obtain Judgment on Lien	\$110.00 / hr
Execution Proceedings	\$110.00 / hr
Other Collection Proceedings	\$110.00 / hr
Prepare Installment Payment Agreement	\$110.00 / hr
Other Services not Covered Above:	\$110.00 / hr / attorney; \$ 50.00 / hr / paralegal; copies and prints at cost

\* *Resolution 1 of 2004 enacted February 17, 2004.*

### 4.07 EXCLUSION FROM SEWER SERVICE CHARGES FOR CERTAIN INDUSTRIAL CUSTOMERS UTILIZING A CLOSED-LOOP NON-CONTACT COOLING WATER PROCESS.

#### **Section 1. Exclusion From Sewer Service Charges**

The Authority may, in its sole and absolute discretion, consider requests by industrial customers of its sanitary sewer system for exclusion from sewer service charges for water that is used in the industry's closed-loop non-contact cooling water systems that meet the following requirements and procedures.

#### **Section 2. Requirements for Consideration of Exclusion from Sewer Service Charge**

1. Closed-loop non-contact cooling water process occurs when the water drawn from the public water supply is used for cooling and the water does not come into direct contact with any raw material, intermediate product, waste product or finished product.
2. There is a separate and direct water line from the public water supply that exclusively serves as the sole source for the non-contact cooling water process.
3. A meter, installed or approved by the Meadville Area Water Authority, services the separate water line that supplies the non-contact cooling water process.
4. No discharge or blow down water or any other water from the dedicated non-contact cooling water process system enters the sanitary sewer system at any time.

5. The customer has, and duly furnishes, a valid PA DEP NPDES Permit authorizing the customer to discharge non-contact cooling water from the process to a receiving stream.

### **Section 3. Procedure for Consideration of Exclusion from Sewer Service Charges**

1. The customer shall, in writing, submit to the Authority a request to be excluded from sewer service charges for the water utilized in the non-contact cooling water process.
2. The written request shall certify that all of the requirements set forth in Section 2 herein have been met.
3. The customer shall permit an inspection by Authority Representatives of its premises to insure that the requirements set forth in Section 2 have been met.
4. An Authority representative shall present the exclusion request to the Authority at a regularly scheduled meeting.
5. The Authority shall consider the matter and inform the customer of its decision.
6. The Authority, in its sole and absolute discretion, may elect any of the following options:
  - i. Direct an Authority representative to perform additional inspection(s);
  - ii. Instruct the customer to provide additional evidence of its compliance with the requirements set forth in Section 2;
  - iii. Request the customer to appear at a future regularly scheduled Authority meeting to provide additional information;
  - iv. Deny the request; or
  - v. Approve the request.
7. If the request for exclusion from sewer service billing is accepted by the Authority, the Authority shall notify its billing agent to cease billing for the particular public water meter servicing the non-contact cooling water process. All sewer service charges will be due up through date of acceptance by Authority of the exclusion for sewer service water request. No retroactive exclusion of sewer services charges will be considered.

### **Section 4. Penalty for Unauthorized Use**

In the event that it is discovered that a customer granted an exclusion from sewer service charges pursuant to this resolution has, in fact, utilized water allegedly dedicated to the non-contact cooling water process for purposes other than that represented to the Authority, the customer shall be subject to some or all of the following charges or penalties:

- a. Sewer service charges equal to the water utilized in the non-contact cooling water process since the granting of the exclusion by the Authority;
- b. Interest on all past due amounts that would have been due had sewer service charges been assessed on the non-contact cooling water meter;

- c. Any appropriate penalty assessed by the Authority

**Section 5. Authorization**

Proper officials of the Authority, as directed by the Authority, are hereby authorized and empowered to take such actions as may be necessary or appropriate to implement this Resolution.

**Section 6. Effective Date**

This Resolution shall be effective upon its adoption by the Board of the Authority.

**Section 7. Repealer**

All Resolutions or parts of any Resolution not consistent herewith are hereby repealed.

\* *Resolution 2 of 2004*

## SECTION 5 – ENFORCEMENT AND PENALTIES

### 5.01 Right of Entry: Inspection and Sampling

The Authority or its designees shall have the right to enter the property and premises of any user to determine whether the user is complying with all requirements of these Rules and Regulations and any wastewater discharge permit or order issued by the Authority. Users shall allow the Authority ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Authority will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Authority shall have the right to set up on or off the user's property, and/or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations and discharge.
- C. The Authority may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated semi-annually or otherwise as required by the Authority to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Authority and shall not be replaced. The costs of clearing such access shall be born by the user.
- E. Unreasonable delays in allowing the Authority access to the user's premises shall be a violation of these Rules and Regulations.

### 5.02 Search Warrants

If the Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of these Rules and Regulations, or that is a need to inspect and/or sample as part of a routine inspection and sampling program of the Authority designed to verify compliance with these Rules and Regulation or any permit or order issued by the Authority, or to protect the overall public health, safety and welfare of the community, then the Authority may seek issuance of a search warrant from the District Justice and/or the Court of Common Pleas of Crawford County.

## 5.03 Administrative Enforcement Remedies

### A. Discovery of Violations

Violations of these Rules and Regulations are discovered through a variety of mechanisms. These may include industrial users' self-monitoring compliance reports; Authority sampling; Authority field inspections; reports from other governmental agencies; and reports from employees or citizens. When the Authority determines that a violation of these Rules and Regulations has occurred, an investigation is initiated to determine the appropriate level of penalty. The purpose of the investigation is to evaluate the factors used to determine the amount of the civil penalty. The factors to be evaluated are the damage to the air, water, land or other natural resources of the Commonwealth and their uses; costs of restoration and abatement; savings resulting to the user in consequence of the violation; history of past violations; deterrence of future violations; and other relevant factors, as well as the civil penalties factors as set forth in the Federal Clean Water Act and the Pennsylvania Clean Streams Law. The results of the investigation shall be documented and the appropriate penalty determined in accordance with the foregoing factors.

### B. Administrative Civil Penalties

- (1) When the Authority finds that a user has violated, or continues to violate, any provision of these Rules and Regulations, the Authority may assess a civil penalty against such user in an amount not to exceed \$1,000 per day for each violation. Each violation for each separate day shall constitute a separate and distinct offense. In the case of monthly or other longer-term average discharge limits, civil penalties may be assessed for each day during the period of violation.
- (2) In addition to the civil penalties provided herein, the Authority may recover interest, damages, reasonable attorney's fees, expert witness fees, administrative or Notice of Violation proceedings costs and/or court costs, court reporter fees and other administrative enforcement, proceedings, and/or litigation expenses against the person or user found to be in violation of this ordinance.
- (3) Assessment of an administrative civil penalty hereunder shall not be a bar against, or a prerequisite for, taking any other action against a user.

### C. Notice of Violation

Once the Authority has prepared a recommended penalty assessment, the Notice of the Violation shall be communicated, in writing, to the user by regular and registered mail at the user's last known address. The Notice shall contain the name and address of the user committing the violation; the specific violation or violations for which the penalty is sought with a brief description of the circumstances surrounding the violation

or violations sufficient to provide notice to the user; an explanation of the factors selected to determine the penalty; the penalty proposed; and any other enforcement actions proposed to be taken at that time in addition to the penalty. The user shall have thirty (30) days from the date of the letter to satisfy the penalty or to appeal the assessment.

D. Appeal of Notice of Violation

In the event that the violator appeals the Notice of Violation penalty, the user shall be entitled to an Appeal Hearing before the Authority Board, or a selection of Authority Board members, at the Authority's discretion. The user shall notify the Authority of their intent to appeal in writing and directed to the Authority at 1320 Park Ave., Meadville, Pa 16335. This Notice of Appeal shall specify the grounds upon which the user is basing the appeal. Within thirty (30) days of the receipt of the user's appeal, the Authority shall submit to the user by regular mail at the address provided by the user, an Appeal Hearing Notice that shall set a date and time for the appeal hearing, with the date being not longer than 30 days from the date of the Notice. The Notice shall advise the user that: the user has the right to be represented by counsel; a court reporter will be present to record the Appeal Hearing; the user is entitled to present witnesses and offer evidence on its own behalf; the user will have the right to cross examine any witness of the Authority; and any testimony presented at the Hearing will be under oath or affirmation.

E. Appeal Hearing

The Authority Board, or a composition of less than the full Board, shall preside over the Appeal Hearing. The Authority Board's Designee shall represent the Authority. The Authority Designee shall present testimony and evidence in support of the Violation. The user, with the assistance of its own counsel, if so desired, shall have the opportunity to defend its actions and to challenge the proposed assessment of the penalty or other enforcement action. At the conclusion of the Hearing, the user, with the assistance of counsel, if so desired, shall be provided the opportunity to submit proposed findings of fact, conclusions of law, and orders. The Authority Board may direct the Authority designee to submit similar documents.

After consideration and review of the proposed findings of fact, conclusions of law, and orders submitted, if any, the Authority Board shall prepare a final order that is supported by findings of fact and conclusions of law. This final order may be appealed to the Common Pleas Court of Crawford County within thirty (30) days of its issuance pursuant to applicable state law.

Appealing a penalty or negotiation of a compliance agreement shall not relieve a user of a duty to mitigate and/or correct any violation of any federal, state or local law, regulation, ordinance, permit, or requirement. Penalties shall continue to accrue for existing or new violations during the negotiation or appeal process until the issues involved with such violations are resolved.

F. Emergency Suspensions

The Authority may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary in the opinion of the Authority to stop an actual or threatened discharge which presents or causes, or may present or cause, an imminent or substantial endangerment to the health or welfare of persons, which threatens or causes interference or pass through or sludge contamination with respect to the POTW, which threatens or causes the POTW to violate any term or condition of its NPDES permit, or which presents or causes, or may present or cause, an endangerment to the environment.

- (1) Any person or user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Authority may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Authority that the period of endangerment has passed.
- (2) A user that is responsible, in whole or in part, for any discharge presenting such endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Authority within five (5) days thereof.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

#### G. Termination of Discharge

Any user who violates any of the following conditions may be subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards set forth in the applicable Pretreatment Ordinance.
- (6) Violation of these Rules and Regulations.

### 5.04 Judicial Enforcement Remedies

#### A. Injunctive Relief

When the Authority finds that a user has violated, or continues to violate, any provision of these Rules and Regulations, or any Notice of Violation issued

hereunder, the Authority may seek the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by these Rules and Regulations the on activities of the user. The Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental abatement, remediation, and/or corrective action. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

#### B. Judicially-Imposed Civil Penalties

- (1) A user who has violated, or continues to violate, any provision of these Rules and Regulations or any Notice of Violation issued hereunder shall be liable to the Authority for a maximum civil penalty of \$1,000 per day violation. Each violation for each separate day shall constitute a separate and distinct offense under this subsection. In the case of a monthly or other long-term average discharge limit, penalties may accrue for each day during the period of the violation.
- (2) In addition to the civil penalties provided herein, the Authority may recover interest, damages, reasonable attorney's fees, expert witness fees, administrative or Notice of Violation proceedings costs and/or court costs, court reporter fees and other administrative enforcement, proceedings, and/or litigation expenses against the person or user found to be in violation of these Rules and Regulations.
- (3) In determining the amount of the civil penalty liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factors as justice requires.
- (4) Filing a suit for judicially imposed civil penalties hereunder shall not be a bar against, or a prerequisite for, taking any other action against the user.

#### C. Remedies Nonexclusive

The remedies provided for in these Rules and Regulations are not exclusive. The Authority may take any, all, or any combination of these actions against a noncompliant user. The Authority may take any other enforcement action under applicable law against any user when the circumstances warrant. Further, the Authority is empowered to take more than one enforcement action against any noncompliant user.



The Board of Directors of the Meadville Area Sewer Authority hereby adopts the foregoing Meadville Area Sewer Authority Rules and Regulations by Resolution \_\_\_\_ of \_\_\_\_\_

THIS \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Authority Chairman

Attest:

\_\_\_\_\_  
Authority Secretary

JCS/cmm  
c:MASA/Rules and Regs/masa rules and regs