

# **SPRING-BENNER-WALKER JOINT AUTHORITY**

## **RESOLUTION NO. 2006-01**

A RESOLUTION OF THE SPRING-BENNER-WALKER JOINT AUTHORITY, CENTRE COUNTY, PENNSYLVANIA, ADDING AN ADDITIONAL QUARTERLY CHARGE TO USERS IN ORDER TO ELIMINATE INFILTRATION AND INFLOW INTO THE PUBLIC SANITARY SEWER SYSTEM AND TO PROVIDE ADDITIONAL FUNDS TO PAY THE TREATMENT COSTS FOR THE INFILTRATION/INFLOW; AS WELL AS PROVISIONS TO AVOID THESE ADDITIONAL CHARGES.

WHEREAS, The Spring-Benner-Walker Joint Authority (Authority) is charged with providing Public Sewer Service to portions of the incorporating Municipalities under the provisions of the Municipal Authorities Act of 1945 (Act).

WHEREAS, The Act grants our Authority the power to impose fees and charges for sewer usage at a reasonable and uniform rate.

WHEREAS, The Authority currently has policy forbidding the introduction of any water other than domestic sewage into the sewer system which includes, but is not limited to, Rain, Surface, Ground, Runoff or any other water.

WHEREAS, The Authority currently has policy that reserves the right of the Authority to enter any customer's home or business for the sole purpose of ensuring compliance of the Rules and Regulations.

WHEREAS, The Authority has completed considerable video inspection of the sewer lines and have found and repaired only minor problems; however, metered sewer flows indicate large amounts of water introduced into the sewer system during significant rain events.

WHEREAS, It is in the best interest of the Authority, the Authority's customers and the environment of the Commonwealth of Pennsylvania to eliminate the costs associated with the illegal introduction of Rain, Surface, Ground, Runoff or other waters into the public sewer system.

WHEREAS, In accordance with The International Plumbing Code, Section 1101.3, The regulations established by the PA Department of Environmental Protection and the Rules and Regulations of the Spring-Benner-Walker Joint Authority prohibit the introduction of Rain, Surface, Ground, Runoff or other waters into the public sewer system.

**Now, Therefore, be it resolved by the Board of the Spring-Benner-Walker Joint Authority the following:**

**Section I. Inflow Charge.**

(A) Amount. An Inflow Charge shall be imposed against each customer of the Authority's sewer system, in the quarterly amount of Sixty-Two Dollars and Fifty Cents (\$62.50). This Inflow Charge shall be added to the quarterly billing for each customer of the system, in accordance with the provisions hereof. Said fee to be used to generate income for the Authority to treat unauthorized inflow being generated from sump pumps and other similar unlawful devices.

Said charge to be in addition to the quarterly sewer rental charges billed to each customer account. The Inflow Charge shall be billed and collected on the same schedule as the quarterly sewer rental charge. The Board may increase or decrease the inflow charge by appropriate resolution.

(B) Notice. The Authority shall give each customer fifteen (15) days notice of the pending imposition of the Inflow Charge. The Inflow Charge shall be imposed on all customers on a staggered basis so as to provide each customer with ample opportunity to obtain an inspection of their property by representatives of the Authority and, if necessary, make the changes necessary to avoid imposition of this fee, as provided for herein. Along with the notice provided by this Section, each customer shall also be provided with a written explanation as to how this fee can be avoided pursuant to this Resolution.

Notice under this section shall be given via U.S. Mail. The date of the inflow inspection shall, in all cases, be before the Inflow Charge is imposed; however, the date of the inspection must be within 30 calendar days of the notice. If the customer does not allow the Authority to undertake the inflow inspection as scheduled, or make alternative scheduling arrangements with the Authority, the quarterly fee will be imposed on the customer's next quarterly bill and all subsequent quarterly bills, until the customer allows for an inspection by the Authority and/or the correction of any unlawful hook-ups. Additionally, the owner of the property, if different, will be notified, in writing. If an inspection uncovers an unauthorized source of inflow into the system, and same is not corrected as provided for herein, the quarterly fee will be imposed on the customer's next quarterly bill, and all subsequent quarterly bills, until the customer corrects any unlawful hook-ups and allows for a follow-up inspection by the Authority.

(C) Inflow Inspection. With the notice provided for herein, each customer shall be given a date and time for an inflow inspection by the Authority. If the customer is unavailable at the date and time given, he/she may contact the Authority to arrange for an alternate date and time. The purpose of this inspection is to permit the Authority to inspect the premises for sump pump and other unauthorized inflow causing devices being tied into the sewer system. This inspection shall occur not more than thirty (30) days from the date of the notice provided for herein and, in no case, will a customer be subject to the Inflow Fee without first having been given the opportunity to have an inspection of the premises completed and any needed remedial actions taken. Should an illegal

connection be found, the customer will be assessed an inspection fee of \$50.00 for this initial inspection. If it is determined at the initial inspection there are not any illegal connections, there is no charge for the inspection. If an inspection is scheduled and the customer is not present to allow Authority personnel to enter the property, a \$50.00 fee will be assessed.

Upon inspection, the Authority shall relieve the customer of the Inflow Charge if it determines the customer is not contributing to unauthorized inflow into the system, or has satisfactorily and in a timely manner complied with the Notice of Violation issued by the Authority as provided for herein.

(D) Notice of Violation. If the Authority determines that a device contributing to unlawful and unauthorized inflow is located on a premises, the Authority shall immediately notify the customer and owner, if different, in writing, of the presence of said device and the customer or owner shall, thereafter, have fifteen (15) days from the date of the Notice of Violation from which to disconnect the device. Upon the expiration of the fifteen (15) day period, the Authority shall conduct a follow-up inspection in order to verify compliance with the Notice of Violation. Additional compliance inspections may also be conducted. If a user complies with the Notice of Violation issued, no inflow charge shall be imposed.

(E) Appeal. Any customer or owner who receives a written Notice of Violation may file a written appeal with the Authority not later than ten (10) days from the date of the Notice of Violation. The filing of an appeal will temporarily stay the requirement that the unlawful and unauthorized inflow causing device be dismantled, but it will not stay the imposition of the Inflow Charge.

(F) Injunction. The Authority shall require the elimination of any unlawful and unauthorized inflow causing device. The Authority may pursue an order from the Centre County Court of Common Pleas requiring the elimination of the device if the customer or owner fails to comply with any Notice of Violation issued by the Authority. The customer or owner shall be responsible for the Authority's cost and expenses, including its attorney fees, if the Authority is required to pursue legal action in order to accomplish the dismantling or removal of unlawful and unauthorized inflow causing device. In addition to the above, the Authority, in such a situation, may take all other actions provided for by law. Until the device in question is eliminated, the fee provided for herein shall apply to the account and not be refunded.

(G) Periodic Charge. If it is deemed necessary by the Board of the Authority, the inflow charge and associated actions by the Authority, may be imposed annually, or more frequently, as the Board of the Authority so determines. The assessment and inspection schedule for all future impositions of this inflow charge shall be at the discretion of the Board of the Authority.

(H) Schedule of Initial Assessments. So as to provide ample opportunity for inspection by the Authority, and fee avoidance by the Authority's customers, the initial inflow fee will not be charged to all customers of the system simultaneously, but will be introduced in stages at the discretion of the Authority Director.

**Section II. Tenant/Owner Responsibilities.**

The Inflow Charge will be assessed, if necessary, against the registered customer of the Authority. If the customer is not the property owner, responsibility for compliance with this Resolution will fall primarily to the owner as with all Authority charges and fees, ultimate responsibility will be that of the property owner. The Authority advises all parties in a landlord-tenant relationship to work together to comply with this Resolution.

**Section III. Severability.**

In the event any provision, section, sentence, clause or part of this Resolution shall be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of the Authority that such remainder shall be and shall remain in full force and effect.

**Section IV. Repealer.**

All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, shall be, and are hereby, repealed. However, nothing in this Resolution shall impact the Authority's legal right to conduct administrative inspections.

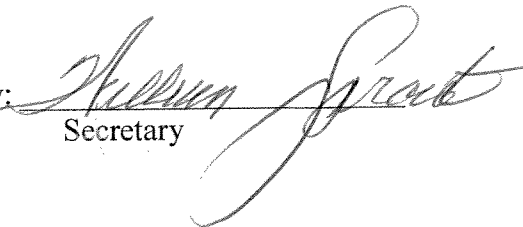
**Section V. Effective Date.**

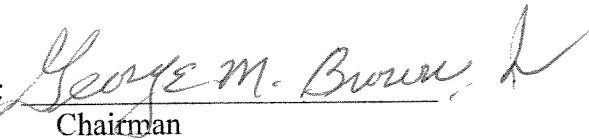
This Resolution shall be effective February 13, 2006.

Duly adopted this 13<sup>th</sup> day of February, 2006, by the Board of the Spring-Benner-Walker Joint Authority, Bellefonte, Centre County, Pennsylvania, in lawful session, duly assembled.

ATTEST:

SPRING-BENNER-WALKER  
JOINT AUTHORITY

By:   
Secretary

By:   
Chairman

{Seal}