

**SPRING-BENNER-WALKER JOINT AUTHORITY  
RESOLUTION # 2013-04**

A RESOLUTION OF THE SPRING-BENNER-WALKER JOINT AUTHORITY (AUTHORITY), CENTRE COUNTY, PENNSYLVANIA, AMENDING SECTION I, PARAGRAPHS (A), (B), (C) & (D) AND ADDING PARAGRAPH (I) TO RESOLUTION NO. 2006-01, ADOPTED FEBRUARY 13, 2006, PROVIDING FOR AN INCREASE IN THE AMOUNT OF THE INFLOW CHARGE, INSPECTIONS BY THIRD PARTIES APPROVED BY THE AUTHORITY AND THE IMPOSITION OF A CHARGE FOR RECONNECTION OF A PREVIOUSLY DISCONNECTED UNLAWFUL HOOK-UP TO THE AUTHORITY'S SEWER SYSTEM

WHEREAS, the Spring-Benner-Walker Joint Authority (Authority) is a Pennsylvania municipal authority created and existing under the provisions of the Pennsylvania Municipal Authorities Act of 1945, as amended, (Act), which provides public sewer service to industrial, commercial and residential customers in its incorporating Municipalities.

WHEREAS, the Authority previously adopted Resolution 2006-01, effective February 13, 2006, imposing an inflow charge on its customers in order to identify and correct unauthorized connections to its sewer system and to otherwise prevent the introduction of water other than domestic sewage into its sewer system contrary to its policies and Rules and Regulations.

WHEREAS, the Authority has operated under the policies and procedures established by Resolution 2006-01 for a period in excess of seven (7) years.

WHEREAS, by utilizing the policies and procedures established by Resolution 2006-01 the Authority has identified and corrected numerous sources of and otherwise prevented the introduction of significant amounts of water other than domestic sewage into its sewer system.

WHEREAS, the Authority believes that certain amendments to the policies and procedures established by Resolution 2006-01 are necessary to better carry out its purpose, to include increasing the amount of the inflow charge, permitting customers to have inspections completed by third parties approved by the Authority and to establish a charge to be assessed against a

customer who reconnects a previously disconnected unauthorized connection to its sewer system.

**NOW THEREFORE, be it resolved by the Board of the Spring-Benner-Walker Joint Authority that Resolution 2006-01 is amended as follows:**

**Section I. Inflow Charge.**

(A) Amount. An Inflow Charge shall be imposed against each customer of the Authority's sewer system, in a quarterly amount equal to three (3) times the quarterly sewer rental charges then in effect. 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 or a third party approved by the Authority, at its sole discretion, to conduct such an inspection 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.

In the event a customer elects to have an approved third party conduct the inspection, he or she will be responsible for hiring the approved third party, making arrangements for the inspection to be completed within the required time period and paying all fees, costs and expenses charged by the approved third party to conduct the inspection.

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 or an approved third party 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 or an approved third party 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 or an approved third party.

(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 or an approved third party. 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 or an approved third party 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 or an approved third party 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 or an approved third party 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.

(I) Reconnection of Unlawful Hook-up. If following a notice of violation a customer, the Authority or an approved third party disconnects an unlawful hook-up to the Authority's sewer system and the customer subsequently reconnects said unlawful hook-up to the Authority's sewer system a charge of One Thousand (\$1,000.00) shall be imposed against the customer.

## **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.**

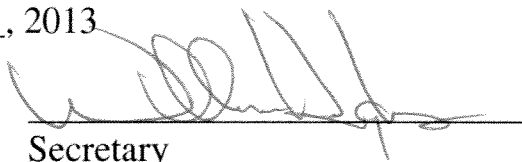
All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, shall be, and are hereby, repealed. However, nothing in this Resolution shall impact the Authority's legal right to conduct administrative inspections.

## **Section V. Effective Date.**

This Resolution shall be effective January 1, 2014.

The undersigned Secretary of the Spring-Benner-Walker Joint Authority, hereby certifies that the foregoing Resolution was duly adopted by the Authority at a regular meeting held on December 9<sup>th</sup>, 2013 and that proper public notice of said meeting was duly given by posting and publication in accordance with the Sunshine Act, Act No. 84 of the 1986 General Assembly of the Commonwealth of Pennsylvania, as amended, and that said Resolution has not been rescinded or amended and remains in full force and effect.

Witness the signature of the undersigned and the seal of the Authority this 9<sup>th</sup> day of December, 2013



Secretary  
Spring-Benner-Walker Joint Authority

[SEAL]