

RULES & REGULATIONS FOR SEWERAGE SERVICE

LEHIGH COUNTY AUTHORITY

EFFECTIVE 10 AUGUST 2009

It is our pleasure to welcome you as a Lehigh County Authority wastewater customer. We look forward to providing prompt, reliable service.

Our professional staff is available twenty-four hours each day, seven days per week. During our normal business hours of 8:15 a.m. - 4:45 p.m., Monday through Friday, inquiries should be directed to our customer service representative by telephone at 610-398-1444 or by email at service@lehighcountyauthority.org. After-hour emergencies may be reported by calling 610-398-2503.

To help us better serve you, please be familiar with the location of sewer facilities on your property, and be sure that they are readily accessible.

We will strive to be responsive to your needs and look forward to serving you. Should you want more information about LCA, or your wastewater service, please feel free to call us. General information is also provided at the Authority's website - www.lehighcountyauthority.org.

RULES & REGULATIONS FOR SEWERAGE SERVICE

1. DEFINITIONS

- a. Applicant: A person who applies for Service.
- b. Authority: Lehigh County Authority ("LCA"), 1053 Spruce Street, P.O. Box 3348, Allentown, Pennsylvania 18106-0348.
- c. Authority Lateral: The pipe from the sewer main to a point at or near the street right-of-way line.
- d. BOD (5-day Biochemical Oxygen Demand): the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, expressed as a concentration of mg/l measured analytically according to prescribed standard methods.
- e. Capital Recovery Charges: The up-front charges, set forth in the *Schedule of Wastewater Rates and Charges*, including Connection, Customer Facilities and Tapping Fees.
- f. Connection Fee: The fee established in §7.1 herein which is based on the cost of connecting to the Authority sewer main and extending the Authority Lateral to the property line.
- g. Customer: Any person who receives Service from the System.
- h. Customer Facilities Fee: The fee established in §7.1 herein reflecting the Authority's cost of providing a Customer Lateral and/or other customer facilities.
- i. Customer Lateral: The pipe connecting the Authority Lateral to the premises.
- j. Extension of Service: Providing facilities that connect to the System for one or more premises not previously connected.
- k. General Specifications for Sanitary Sewer Construction: The Authority's published standard specifications that outline materials, methods of installation, and testing requirements.

- l. Lien Administration Fee: The fee established in §7.r herein representing the Authority's administrative costs resulting from the filing of a municipal lien due to a customer's failure to make timely payment of service charges.
- m. Main: A pipeline in a street or right-of way, suitable for the connection of a lateral.
- n. Main Extension: Extension of Service requiring additional main construction.
- o. Meter: A device for measuring the quantity of water used or sewage discharged.
- p. Meter Fee: A fee, set forth in the *Schedule of Wastewater Rates and Charges*, for the cost of a meter provided by the Authority for installation by the owner.
- q. Meter Inspection Fee: A fee, set forth in the *Schedule of Wastewater Rates and Charges*, for each inspection of the meter setting and installations.
- r. Meter Installation Fee: A fee, set forth in the *Schedule of Wastewater Rates and Charges*, for having a meter installed and sealed by the Authority.
- s. Meter Test Fee: A fee, established herein, charged for performance of a special test to determine the accuracy of a meter and set forth in the Authority's *Schedule of Wastewater Rates and Charges*.
- t. Non-sufficient Funds (NSF) Fee: A fee charged if a customer's check is returned by the bank for insufficient funds, closed account or other such reasons, established herein and set forth in the Authority's *Schedule of Wastewater Rates and Charges*.
- u. Person: An individual, family, household, partnership, company, corporation, association, corporate political body, joint ownership, or any other entity capable of functioning in the context used herein.
- v. Plan Review Deposit: A deposit to fund Authority administrative, engineering, legal and other justifiable expenses incurred in the review of preliminary or final plans submitted for new Service.
- w. Plan Review Fee: A fee to reimburse the Authority for administrative, engineering, legal and other related expenses incurred in the review of sketch plans submitted for new Service.
- x. Premises: A single billable premises shall be the property, building or other site to which Service is furnished, comprising, but not limited to the following:
 - (1) a building under one roof occupied by one person; or
 - (2) a nonresidential building under one roof occupied by more than one person; or
 - (3) each combination of nonresidential buildings owned, or leased and occupied, by one person and served by a single Authority Lateral; or
 - (4) each side of a double house, or each townhouse or condominium unit, each apartment, or each trailer site; or
 - (5) such other situations as the Authority shall deem applicable.

- y. Pretreatment Plant: The facility constructed by the County of Lehigh, but presently operated by the Authority, which is located at the corner of Industrial Boulevard and Route 100 in Upper Macungie Township.
- z. Property Owner or Owner: The person(s) in whose name the property is deeded.
- aa. Schedule of Wastewater Rates and Charges: Schedules of user charges, fees and capital recovery charges titled *Schedule of Wastewater Rates and Charges* and adopted by the Authority for various sections of the System.
- bb. Service: (1) Providing or readiness to provide for the collection of wastewater for any premises or any services in connection therewith; and/or (2) any installation or improvement or change in the Customer Lateral or the System facilities at the customer's request or as required by the Authority; and/or (3) any Authority activities related thereto.
- cc. Service Initiation Fee: A fee, set forth in the *Schedule of Wastewater Rates and Charges*, to defray the labor and administrative costs associated with the establishment of a new sewer account.
- dd. Service Restoration Charge: A charge established in §7.p herein for restoring Service to a premises which has had Service terminated or discontinued, as set forth in the *Schedule of Wastewater Rates and Charges*.
- ee. Site Visit Charge: A charge for Authority personnel to visit a customer's property established herein and set forth in the *Schedule of Wastewater Rates and Charges*.
- ff. Site Revisitation Charge: A charge established in §7.s. herein and set forth in the *Schedule of Water Rates and Charges*, to recover the Authority's costs for a return visit due to inadequate preparation or follow through by the party requesting the appointment.
- gg. Suspended Solids: the quantity of solid particles that float on the surface of, or are suspended in, sewage flows, measured analytically according to prescribed standard methods.
- hh. System: All facilities owned and/or operated by the Authority, along with acquired property interests, used for collecting, pumping, transporting, treating and/or disposing of sewage, except the Pretreatment Plant.
- ii. Tapping Fee: A fee by a new customer contributing its fair share of the Authority's cost of constructing the existing System which was available for the new customer's connection and use.
- jj. Tenant: A person who leases or rents a premises.
- kk. TKN (Total Kjeldahl Nitrogen): the quantity of both organic nitrogen and ammonia whereby the organically-bound, reduced nitrogen can be determined after a digestion which converts the nitrogen in those compounds to ammonia and is then measured analytically according to prescribed standard methods.

- ii. Western Lehigh Interceptor: A system of transmission mains that transports wastewater from a number of municipalities in western Lehigh County to the City of Allentown Kline's Island Treatment Plant for treatment, including facilities constructed to provide relief for overloaded Authority and City interceptors, such as the Little Lehigh Relief Interceptor.

2. APPLICATION FOR SERVICE

a. Application and Contract:

- (1) Premises abutting existing mains may obtain service by filing a wastewater treatment allocation application, obtaining a construction permit, submitting plumbing and site development plans for review, paying all applicable fees and charges and fulfilling all other requirements of the Authority. If the premises requires a main extension from the Authority System for service, the terms established in §6 also apply. The location of the premises determines the appropriate allocation application to file. For connections to a system, which ultimately flows to the Western Lehigh Interceptor, it is also necessary to obtain certification by the municipality where the property is located that municipal requirements have been met.

Approval of the wastewater treatment allocation application is contingent on sufficient allocation existing. Allocation purchased must be used for the Premises for which it was purchased and purchased allocation cannot be resold or transferred by the owner to another Person for a different Premises. Rules in regard to unused allocation for wastewater that will ultimately flow through the Western Lehigh Interceptor are set forth in agreements among the municipal entities that use the Western Lehigh Interceptor. Unused allocation for wastewater that will not ultimately flow through the Western Lehigh Interceptor shall return to the Authority for re-use if the Premises for which the allocation was purchased is abandoned or has not discharged wastewater for five (5) years; the subdivision or land development approvals for the Premises for which the allocation was purchased lapses; upon voluntary return by the owner of the allocation; or any circumstance where a Premises is completed and there is remaining allocation for which there is no practical use in regard to the Premises within a reasonable time in the future.

- (2) The provision of Service to a property by the Authority shall constitute the contractual relationship between the Authority and the customer based upon the terms set out in these *Rules & Regulations* for Sewerage Service, as well as any other applicable Authority policies.

- b. Separate Application for Each Premises: Any person who desires Service at more than one premises must make separate application for each premises. In the situation where the Authority allows multiple premises to be served by a single Customer Lateral, each premises connected to the single Customer Lateral would nevertheless be billed separately.

- c. Premises with Tenant: The property owner is responsible to submit an application for Service whenever a premises is occupied by a tenant or there is any change in tenancy. The owner may give written permission for the Authority to bill the tenant directly; however, the Authority will determine if such billing arrangement is acceptable, and if acceptable, the property owner shall retain ultimate responsibility for all bills for Service provided to the premises.
- d. Industrial and commercial customers: Federal law and regulation require that certain industrial and commercial dischargers to public sanitary sewer systems must establish pretreatment of their waste if certain pollutants are present in their wastewater discharge.

For industrial and commercial customers who discharge to systems connected to the Western Lehigh Interceptor system, wastewater is treated at the City of Allentown treatment plant at Kline's Island. In this case, it is the City's permit that contains such requirements and therefore the City has developed and implemented an industrial pretreatment program. The Authority has entered into an agreement with the City making the conditions and requirements of the City sewage and industrial wastes ordinance applicable to Authority industrial and commercial customers and authorizing the City to administer the program with such customers. Application for the necessary industrial discharge permits, however, shall be made to the Authority who will forward it to the City for processing.

In Authority systems where wastewater is not treated by the City, these federal laws and regulations are still applicable and the program will be administered by the Authority.

3. CONDITIONS OF SERVICE

- a. Service to Another Premises: Service may not be extended by a customer from the customer's premises to any other premises.
- b. Authority Lateral: The Authority Lateral shall run perpendicular to the adjacent property or right-of-way line extending from the sewer main directly toward the building. If an Authority Lateral does not exist, the customer may also construct it rather than have the Authority do so and be reimbursed by lowered Tapping and Connection Fees. The Authority is responsible for maintenance of its lateral. The Authority may, solely at its option, provide a single lateral for more than one premises, with branches for each premises.
- c. Customer Lateral: The customer shall construct the Customer Lateral to Authority standards, from the end of the Authority Lateral to the inside wall of the premises. The customer is responsible for maintenance of the Customer Lateral.
- d. System Facilities Prohibition: No person other than Authority personnel shall handle, operate or enter any of the System facilities, including manholes, cleanouts, pumps, etc. except with the written permission of the Authority.

4. GENERAL REGULATIONS

- a. After connection to the System, all sewage from a premises shall be discharged to the System, subject to such restrictions established herein; the provisions established to administer federal industrial pretreatment programs to applicable industrial and commercial users; and all other conditions imposed by municipal or regulatory entities.
- b. Upon connection to the System, any sewage disposal system then in existence shall be dealt with in accordance with municipal requirements and at property owner's expense.
- c. No person shall make connection of roof downspouts, floor drains, exterior foundation drains, area drains or other sources of drainage directly or indirectly to the System. Where existing surface water or roof drains are connected to the System, they shall be removed within thirty (30) days of receipt of a notice from the Authority to remove such connection. In the event such connection is not removed, the Authority shall cause such connection to be removed at the property owner's expense.
- d. No person or premises shall discharge or cause to be discharged into the System, any of the following:
 - (1) stormwater, surface water, groundwater, or drainage;
 - (2) gasoline, benzene, fuel oil, paint products or other flammable or explosive liquids;
 - (3) unground garbage or efflux from mechanical garbage grinders not meeting Authority standards; and
 - (4) ashes, cinders, sand and mud, straw, shavings, metals, glass, rags, feathers, tar, plastics, wood, bentonite, lye, building materials, rubber, hair, grease, manure, bones, leather, porcelain, china, ceramic wastes or other substances capable of obstructing the System.

The above list of unacceptable discharges shall apply to all residential, commercial and industrial discharges to the System and is supplemented by requirements listed in the current City of Allentown sewage and industrial wastes ordinance, when the sewage is ultimately treated at the City's treatment plant at Kline's Island, and Authority sewage and industrial waste rules and regulations.

- e. In addition, only domestic strength waste may be discharged to any System where the sewage is not ultimately treated at the City's treatment plant at Kline's Island; domestic strength discharge has an assumed average strength (based upon averaging the results of 24-hour composite samples taken on seven consecutive days) with the following parameters:

BOD - 250 ppm
TSS - 275 ppm
TKN - 35 ppm

- (1) It shall be the property owner's responsibility to lower any wastewater discharges that are in excess of these domestic strength limitations immediately upon knowledge of exceeding the limitations or notice from the Authority, whichever occurs first.
 - (2) If it is impossible or impractically difficult for the property owner to reduce the strength of its discharge, the property owner shall provide written notice to the Authority of such situation and request that the Authority take action to accept the property owner's strength. If the Authority determines it is possible and the Authority is willing to accept such waste, the property owner shall be solely responsible to compensate the Authority for the additional capital and operating expenses the Authority incurs to handle the property owner's exceptional strength waste discharge.
 - (3) Penalties for exceeding the domestic strength limitations are set forth in §8.b. If the property owner discharges wastewater in excess of the strength limitations set forth in this Agreement which result in actual direct damages to the Authority owned or operated wastewater system, the property owner shall be responsible for such damages in addition to such penalties to the extent that such direct damages are directly attributable to such excess discharges by the property owner.
- f. No provision in these *Rules & Regulations* shall be interpreted to deny the Authority, solely at its option, the ability to accept wastewater exceeding parameters established herein or by federal, state or local government regulations (including those of the City of Allentown) from facilities upstream of the Pretreatment Plant if after treatment at the Pretreatment Plant any such parameters are then met.
- g. Leakage directly or indirectly to the System by unrepaired leaks or by wilful action is unacceptable. Where such leakage exists and is within a property owner's control, it shall be repaired or remedied by the owner within thirty (30) days of receipt of a notice from the Authority to do so. However, where the Authority's system is endangered from unrepaired leaks or by wilful action, the owner shall immediately effect repairs upon receipt of a notice from the Authority to do so. In the event there is not such timely repair or remedy, the Authority shall cause such repair or remedial work to be performed at the property owner's expense.

5. CONNECTIONS/CUSTOMER LATERALS

- a. No person shall uncover, connect with, make any opening into or use, alter or disturb, any portion of the System without first making application for connection, paying all applicable fees and charges, and receiving approval from the Authority. For commercial and industrial users, an application for an *Industrial Waste Discharge Permit* must also be submitted and approved. Such applications shall be made on forms provided by the Authority.
- b. All connections to the System and installation of any Authority or Customer Lateral from any premises shall be accomplished in conformance with all applicable policies, rules, regulations, and specifications of the Authority, including the *General*

Specifications for Sanitary Sewer Construction. In the absence of provisions in the *General Specifications for Sanitary Sewer Construction*, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials and the Water Pollution Control Federation *Manual of Practice* shall apply.

- c. Only persons properly approved by the Authority shall be permitted to make Authority or Customer Lateral installations.
- d. Except as otherwise approved by the Authority, each premises shall be connected separately and independently to a main by means of a Customer Lateral and Authority Lateral.
- e. All costs and expenses of construction of a Customer Lateral and Authority Lateral as well as all costs and expenses of connection of the same to the System, including testing and inspection, shall be borne by the property owner. The property owner shall indemnify the municipality and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction or connection of an Authority or Customer Lateral to the System.
- f. Where a premises proposes to connect to the System, the existing sewer line may be cut on the structure side of any sewage disposal system or device and, with proper fittings, such existing sewer line may be connected to a Customer Lateral. All existing sewer lines must be inspected and pressure-tested to point of connection to the building, and if there are any pressure leaks, these lines must be uncovered and repaired.
- g. Every Customer Lateral shall be maintained in a sanitary and safe operating condition by the property owner at the owner's expense. If any person shall fail or refuse, upon receipt of a written notice of the Authority, to remedy any unsatisfactory condition with respect to a Customer Lateral within ten (10) days of receipt of such notice (unless notification by the Authority states a different time period based upon the severity of the situation), the Authority may:
 - refuse to permit such person to discharge into the System until such unsatisfactory condition is remedied to the satisfaction of the Authority, or
 - the Authority may make such maintenance or repairs as may be necessary and charge the owner for the costs.
- h. The property owner shall remove all trees, tree roots and other obstructions, including oils and grease, to the Customer Lateral, and where necessary the Authority Lateral or System. Where such maintenance or repairs are neglected by the property owner, ten (10) days after mailing written notice to the owner, the Authority may make, or cause to be made, such maintenance or repairs as may be necessary and charge the property owner for the cost thereof.
- i. Where an existing Customer Lateral and Authority Lateral connected to the System are to be abandoned by reason of demolition of buildings and structures or for any

other reason, the Customer Lateral shall be disconnected and the Authority Lateral permanently sealed at the property line or at the main, as directed by the Authority, at the expense of the property owner.

- j. All restaurants or bars with commercial kitchens and all food processing establishments shall have and maintain a grease trap acceptable to the Authority. Among discharge limits to the System is the oil and grease discharge limit of 50 mg/l (milligrams per liter). If any discharge limits are exceeded, the Property Owner shall be charged for additional testing costs in accordance with the *Schedule of Wastewater Rates and Charges* and for measures to rectify the situation as detailed in §5h above.

6. EXTENSION OF SERVICE

- a. General: For new construction, the Authority shall only provide Service where the municipality approves such Service, which may be by subdivision or land development approvals. Owners of premises abutting existing mains may obtain Service by filing an *Application for Wastewater Treatment Allocation*; obtaining a construction permit; submitting plumbing and site development plans for review; paying all applicable fees and charges and fulfilling all other requirements of the Authority. In addition, owners of premises requiring a main extension from the System to serve the premises must also comply with the terms established in the Authority's *Sewer Main Extension Policy*, and owners of premises that will discharge industrial and/or commercial waste shall be subject to the requirements of the City of Allentown, where applicable, and Authority sewage and industrial waste rules and regulations.
- b. Construction Permit: Owners of premises abutting existing mains and connecting to the System without requiring a main extension to either serve the premises or comply with these *Rules & Regulations*, shall apply for and comply with a construction permit from the Authority. The connection of one single-family residential dwelling shall be exempt from the construction permit requirement.
- c. Plan Review for Service: Whenever new Service is requested, the applicant shall submit plans, acceptable to the Authority, showing how Service will be provided. The Authority may waive this requirement if it determines the plans will be of minimal value. The applicant shall complete a Plan Review Application and pay the applicable fees and charges before review of the plans.

With the plan review application, the applicant shall pay either a non-refundable Plan Review Fee when a sketch plan is submitted or a Plan Review Deposit when either a preliminary or final plan is submitted. The amount of the Plan Review Fee or Plan Review Deposit shall be based upon whether the plan submitted is for land development, small subdivision (less than twenty lots), or large subdivision (twenty lots or greater).

The Plan Review Deposit shall be used by the Authority for recovery of engineering, legal, administrative and other related expenses incurred in the review of submitted plans. Payment for such review shall be based on the actual costs incurred. Each

deposit account will be reviewed regularly during periods of activity. An additional deposit will be required before the review will continue if the balance is deemed by the Authority to be insufficient to complete review. Any unspent funds will be refunded to the applicant without interest within forty-five (45) days following review completion or plan withdrawal. When a municipality permits the applicant to omit the sketch plan phase of a plan review and the Authority determines during the preliminary or final plan review it is not feasible for the Authority to serve the premises, the difference between the Plan Review Deposit and the Plan Review Fee will be refunded to the applicant by the Authority.

7. RATES AND CHARGES

- a. General: This section establishes and discusses fees and charges applying to Service by the Authority. While there are additional Authority fees and charges included in other Authority policies, the terms for payment and collection established in this Section apply to all Authority rates, fees and charges, unless different terms are specified elsewhere for a particular fee or charge.
- b. Charges for Service: Charges for Service shall be in accordance with the *Schedule of Wastewater Rates and Charges*. Each premises shall be subject to separate billing calculations.
- c. Time Period & Basis of Billing: Billing for Service is based either on water consumption, an estimated usage amount, metered sewage discharge, a flat rate per premises, or any combination thereof. Designation of the basis used for a particular division of the System, is detailed in the applicable *Schedule of Wastewater Rates and Charges*.

When wastewater billing is based on water consumption or metered sewage discharge:

Residential customers served by a community water system and all nonresidential customers shall be based on either metered water usage or sewage discharge, with a separate meter for each premises. Where a sewage meter is available, the customer's bill is based on the sewage meter reading. Where there is no sewage meter but there is a water meter, a residential user is billed based on the first calendar quarter water usage for properties connected using connection fees associated with the Western Lehigh Interceptor. For properties connected using connection fees associated with non-Western Lehigh Interceptor systems, residential users are billed based upon the actual metered water usage for each period. Commercial and industrial users in all systems are billed based upon the water usage for each period.

Where a meter is unable to be read; where a premises has not been occupied for the entire first quarter for first calendar quarter water usage determination as described above; where a meter is out of service during a billing period or where the sewage discharge or water usage is not metered, the Authority's discharge estimate will be used for billing. For residential users, discharge estimates are based on the customer's metered discharge or water usage history, if available;

otherwise the discharge estimates are based on a calculation of average daily flow per residential premises for each system as follows:

- (1) Upper Milford Township discharge estimate is 180 gallons per day per residential premises.
- (2) Weisenberg Township discharge estimate is 220 gallons per day per residential premises.
- (3) Washington Township discharge estimate is 250 gallons per day per residential premises.
- (4) Discharge estimates described above are effective January 1, 2009 and will be evaluated periodically in conjunction with normal rate-making calculations and approvals by the Authority's Board of Directors.

For commercial or industrial users, estimates are based upon historical usage or such other methods deemed reasonable by the Authority.

Where a customer-owned sewage meter is used for sewage billing, the customer shall have the meter tested and calibrated annually with a report sent to the Authority.

- d. Meters: The *Water Meter Installation for Wastewater Billing Purposes Policy* and the section of the *Rules and Regulations for Water Service* discussing meters are incorporated by reference and applicable to all usage of meters for Service billing purposes.
- e. Fractional Bills: Fractional bills shall be prorated to the nearest day.
- f. Due Dates: All bills shall be due and payable on the due date as indicated on the original bill. For purposes of determining timely payment, the Authority will use the payment receipt date.
- g. Delinquencies: If a bill is not paid by the due date, a five percent (5%) charge will be added to the bill and a delinquent notice will be issued.

If the bill remains unpaid 23 additional days after the due date another late payment charge of five (5) percent of the bill will be added. If termination of sewage or water service for nonpayment of a sewage bill is the course of action selected by the Authority, a warning notice shall be issued by regular mail, with a Certificate of Mailing by the post office, to the last address given the Authority for billing purposes and will specify the procedure which will be followed to discontinue service if payment is not received.

If the entire amount due is not paid by the date of the warning notice, or if there are circumstances involving a delinquency requiring collection action at an earlier date, the Authority may pursue any collection procedure - including without limit, filing a

municipal lien against the property, suing for payment, seeking termination of sewage or water service - or a combination thereof. At this point additional interest charges will be added in the amount of one and one-half percent (1.5%, or in the case where a lien has been filed, the maximum percentage allowed by law) of the principal amount each month or fraction thereof.

Instituting and following the dispute resolution of §7.k and/or termination procedures shall not preclude the Authority from pursuing other legal options to collect the delinquency.

The customer will be assessed a Site Visit Charge if it becomes necessary for Authority personnel to visit a premises with a termination notice, which fee will apply even if Service is not terminated. The customer must pay the initial bill, any subsequent delinquent bills, all penalties, interest and the Site Visit Charge or Service will be terminated. In addition to the Authority fees and charges, customer will be responsible for the applicable fees and charges of the water provider if it becomes necessary to terminate water service. Personal checks will be accepted, unless the Authority has had previous checks by that person rejected by the bank for insufficient funds or other reasons. Authority personnel cannot make change with cash payments when performing a site visit; therefore, any overpayment will be credited to the customer's account.

In situations where the charges for Service to a premises are being paid by a landlord rather than the tenant, the termination procedure will follow the provisions of the *Pennsylvania Utility Service Tenants Rights Act*.

- h. Failure to Receive Bill: Since Service was provided to a premises, failure to receive a bill shall not exempt any customer from the obligation to pay the bill by its due date.
- i. Returned Check: If a customer's check is returned by the bank for insufficient funds, closed account or other such reasons, the customer's account will be treated as though no payment was received as of that date and a NSF Fee will be added to that customer's account.
- j. Questions Regarding Billings: Any customer doubting the accuracy of a bill shall bring or mail such bill, together with an explanatory note, at least ten (10) days prior to its due date to the office of the Authority for investigation. The Authority, upon receipt, will check the billing in question and either confirm the original billing or issue a corrected bill. In cases where special tests are required, or in the case of the correction of billing error, the due date will be adjusted by the time required to check and reissue the bill.

If a customer doubts the accuracy of a meter used for wastewater billing purposes and requests a special test, the Authority shall perform such test upon payment of the Meter Test Fee, which shall be non-refundable. If the Authority questions the accuracy of such a meter, it shall request the customer to provide written certification by a properly trained person as to performance of a meter test and the accuracy of the meter as proven by the meter test. The Authority will perform this test upon request

by the customer, payment of the Meter Test Fee and written permission by the owner of the water meter if the meter is not owned by the customer.

- k. Dispute Resolution: Except as covered in §7.j above, if a customer disputes a bill, payment shall still be made in full by the due date; however, the customer may make this payment under protest by including a letter with the payment indicating such and detailing the reason for the disagreement or presenting the dispute in person to the customer service representative at the Authority's office.

Should the customer not be satisfied with the proposed handling of this dispute by the customer service representative or that person's supervisors, then a request should be made for a hearing with Authority Board of Directors for review of the dispute. This hearing shall be held prior to termination of service, if applicable.

Thereafter, if the customer wishes to pursue the billing dispute, the customer must deliver to the customer service representative a written statement, under oath or affirmation, describing the details of the dispute and further declaring that the written statement is not being executed for the purpose of delay. After receiving this statement, the Authority will not terminate service until the claim has been judicially determined; however, the customer shall continue to pay all billings under protest thereafter, until judicial resolution, into an escrow account to be established by the Authority for this purpose. If after ninety (90) days the customer has not instituted judicial proceedings to resolve the dispute and has not continued to make payment of all billings, the Authority may begin the termination proceedings at the warning notice stage, as set out in §7.g above, with the customer having waived its ability to file a dispute on the same issues.

- l. Capital Recovery Charges: Such charges shall be paid before initiation of service to a new connection at the rates set forth in the *Schedule of Wastewater Rates and Charges*, including Connection, Customer Facilities and Tapping Fees.
 - (1) Connection Fee: A capital recovery fee charged for each new Service that shall be based on the cost of connecting to the System, inspecting the Customer Lateral, and installing and/or inspecting the Authority Lateral.
 - (2) Customer Facilities Fee: A fee reflecting the Authority's actual cost of installing a Customer Lateral and/or other customer facilities required for new Service.
 - (3) Tapping Fee: A fee reflecting the Authority's cost of constructing the existing System and a new customer's contribution toward those costs.
- m. Meter Inspection Fee: A fee, set forth in the *Schedule of Wastewater Rates and Charges*, for each inspection of either a water or sewer meter installation used in calculating sewer billing.
- n. Meter Installation Fee: A fee, set forth in the *Schedule of Wastewater Rates and Charges*, for having a meter installed and sealed by the Authority when a water meter is used to determine wastewater charges.

- o. **Service Initiation Fee:** A non-refundable fee, set forth in the *Schedule of Wastewater Rates and Charges*, due prior to initiation of a new sewer service account for a premises. This fee is established to defray the labor and administrative costs associated with the establishment of the new account. This fee will be waived for initiation of a new sewer service account if a Service Initiation Fee is being charged for establishment of a new water service account for the same premises.
- p. **Service Restoration Charge:** A charge, set forth in the *Schedule of Wastewater Rates and Charges*, shall be made for restoring any Service which has been discontinued because of a delinquent account, for violation of these *Rules & Regulations*, or where a customer has requested a temporary discontinuance of Service. This charge shall have two rates - one for situations where the customer requests Service to be restored during business hours and a larger amount, to reflect overtime costs, if the request is for restoration after business hours and on weekends. Once service is terminated, the customer must pay outstanding bills, penalties, interest, the Site Visit Charge and the Service Restoration Charge before service will be restored. Payment must be made by cash, money order or certified check. Since Authority personnel cannot make change when performing a service restoration visit, any overpayment will be credited to the customer's account. If there is restoration of service to another entity's system, the terms of that entity's rules, regulations and policies shall take precedence over the Authority's and the owner shall be responsible for both the other entity's fees and the Authority fees for restoration of service.
- q. **Security Deposits:** The Authority may require a security deposit in certain circumstances, an example being when the customer has a poor utility payment history. Such deposit will be one and one-half (1.5) times the estimated sewage bill for one billing period. If the customer follows these rules and regulations as stated, including prompt payment of all bills, the Authority will refund the security deposit upon request after one year.
- r. **Lien Administration Fee:** A fee, set forth in the *Schedule of Wastewater Rates and Charges*, for filing a municipal lien. This fee represents the Authority's administrative costs involved with this process, as well as the lien filing fee, and shall be charged in addition to any other fees charged by the appropriate government offices to process the lien.
- s. **Site Revisitation Charge:** A charge set forth in the *Schedule of Wastewater Rates and Charges*, for a return visit by the Authority to perform work or conduct an inspection when the originally scheduled appointment is unable to be completed due to inadequate preparation or follow through by the party requesting the appointment. The Charge will be assessed to the party requesting the appointment.

8. VIOLATIONS AND PENALTIES

- a. Unauthorized use and/or operation of the System is a prohibited activity, subject to the Authority penalties as set forth below. Among such prohibited activities are:

- (1) Unauthorized Use - an unauthorized sewage discharge to the System for any purpose.
- (2) Meter Tampering - where any meter seal under control of the Authority, or meter owned by a customer but used for billing purposes, has been broken.
- (3) Unauthorized Connections - unapproved connections to the System, which include, but are not limited to sump pumps, floor drains, and roof downspouts.
- (4) Unauthorized Operation of the System - occurrence of any unauthorized operation of or trespass on any Authority facilities, including manholes, cleanouts, pumps, etc.

Any prohibited activity in connection with the System shall be subject to a penalty of Fifty (\$50.00) Dollars per day or a single penalty of Five Hundred (\$500.00) Dollars, whichever is larger unless different penalties are set forth elsewhere in these *Rules & Regulations* or other Authority policies.

- b. Exceeding domestic strength limitations as set forth in §4.d. shall, in addition to any liabilities set forth in §4.d., result in the following penalties:
 - (1) If the property owner does not reduce the strength of the discharge within fifteen (15) days of notification, a penalty of 1.5 times the then current user rate shall be due for the volume of wastewater discharged from that property during that time period since the notification.
 - (2) If the property owner does not reduce the strength of the discharge within thirty (30) days of notification, instead a penalty of 2.0 times the then current user rate shall be due for the volume of wastewater discharged from that property during that time period since the notification.
 - (3) If the property owner does not reduce the strength of the discharge within forty-five (45) days of notification, instead a penalty of 3.0 times the then current user rate shall be due for the volume of wastewater discharged from that property during that time period since the notification.
 - (4) Payment by the property owner of such penalties shall not convey any right to the property owner to continue discharges in excess of the strength limitations.
- c. In addition to penalties, a charge for all consequential Authority costs and sewer user fees that would have been billed without the prohibited activity may also be levied.
- d. The application of any penalties shall in no way affect the enforceability of pertinent government statutes, fines and penalties, ordinances or regulations for the same offenses - including those established in the City of Allentown's industrial pretreatment program and sewage and industrial wastes ordinance, where applicable - nor the Authority's ability to take other remedial actions. The right to prosecute any person who shall have committed an unlawful act as a result of any violations is also preserved, including, if applicable, the provisions of §5607(d)(17) of the Municipality Authorities Act that provide for prosecution as a summary offense.

- e. Notice of Violation: When these *Rules & Regulations* have been violated, the Authority shall give the customer notice of the violation, what the customer must do to remedy the violation and the required deadline for completion of the remedy. If the customer fails to remedy the violation within the schedule set out in the notification, among the actions the Authority may pursue is termination of sewer and/or water service, as applicable, without any further notice, or remedy the situation itself and charge the costs to the customer.

- f. Supplemental Charges and Actions: The Authority reserves the right to charge against the responsible party any and all expenses incurred in exposing, correcting and/or litigating any violations, as well as any damages suffered by the Authority or other parties as a result of the action. The customer will be assessed a Site Visit Charge each time it becomes necessary for Authority personnel to visit a premises in regard to such a violation, which fee will apply even if the planned action is unable to be completed. Furthermore, in addition to any and all other penalties and damages, the enforcement provisions of the City of Allentown, where applicable, and Authority sewage and industrial waste rules and regulations shall pertain when appropriate.

9. MISCELLANEOUS

- a. Amendments: The Authority reserves the right to amend these *Rules & Regulations* at any time upon proper Board approval and without notice to customers.
- b. Access to Premises: Any authorized employee of the Authority, upon presentation of credentials, shall have access at all reasonable hours to any premises provided with Service by the Authority, for the purpose of reading meters, making inspections and securing such information relative to Service as may be deemed necessary by the Authority.

If such access is not required on an emergency basis, the Authority will contact the occupants of the Premises to arrange a mutually convenient time for accessing the Premises. Failure to allow access or to respond to such notice shall be considered a violation of these *Rules & Regulations* that are a condition of Service to the Premises and result in a penalty of \$100.00 per month until such access is allowed.

Furthermore, the Authority reserves the right to proceed with the provisions of §5607(d)(17) of the Municipality Authorities Act that provide for prosecution as a summary offense.

- c. Emergencies: In the event of an emergency, the Authority reserves the right to restrict or modify Service with or without prior notification. Any customer failing to cooperate with such emergency measures shall be subject to penalties as set out in the Violations and Penalties section.
- d. Waiver: The Authority retains the right to waive provisions of these *Rules & Regulations*, solely at its discretion. The waiver of a provision in one circumstance does not obligate the Authority to waive the same provision under the same or similar circumstances at another time; and further the act of waiving a provision one time shall not be interpreted to compromise the Authority's position in applying that provision at any time before or after such waiver.