

GREATER HAZLETON JOINT SEWER AUTHORITY
(Luzerne County, Pennsylvania)

RESOLUTION NO. 001 OF 2013

A RESOLUTION

OF THE BOARD OF GREATER HAZLETON JOINT SEWER AUTHORITY IMPOSING RATES AND OTHER CHARGES FOR USE OF THE SEWER SYSTEM ACQUIRED, CONSTRUCTED, OWNED AND OPERATED BY THE AUTHORITY AND FOR SERVICES RENDERED BY THE AUTHORITY IN CONNECTION THEREWITH; PROVIDING FOR COLLECTION OF SAID RATES AND OTHER CHARGES; REGULATING THE DISCHARGE OF SEWAGE INTO SAID SEWER SYSTEM; AND ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS.

The Board of Greater Hazleton Joint Sewer Authority hereby resolves as follows:

ARTICLE 1 - DEFINITIONS

Unless the context clearly and specifically indicates otherwise, the meaning of terms and phrases used in this Resolution shall be as follows:

A. "**Authority**" shall mean Greater Hazleton Joint Sewer Authority, a municipality authority incorporated, organized and existing under provisions of the Pennsylvania Municipality Authorities Act, 53 Pa.C.S. §5601 *et seq.*, as amended and supplemented.

B. "**Boarder**" shall mean a person who rents and occupies a designated area in another's house but acquires no property interest in that area.

C. "**Boarding House**" shall mean a house connected directly or indirectly to a Sewage Collection System where Boarders are generally and habitually kept.

D. "**B.O.D.**" (Biochemical Oxygen Demand) shall mean the quantity of oxygen, expressed in ppm, utilized in the biochemical oxidation of organic matter under standard

laboratory procedure for five (5) days at twenty (20) degrees Centigrade using laboratory procedures that are standard for the industry.

E. **"Commercial Establishment"** shall mean (i) any Boarding House and (ii) any room, group of rooms, building or other enclosure connected directly or indirectly to a Sewage Collection System and used or intended for use in the operation of one business enterprise for the sale and distribution of any product, commodity, article or service.

F. **"Dwelling Unit"** shall mean any room, group of rooms, house trailer, building or other enclosure connected directly or indirectly to a Sewage Collection System and occupied or intended for occupancy as separate living quarters by a family or other group of Persons living together or by a Person living alone.

G. **"Hazle Township"** shall mean the Township of Hazle, Luzerne County, Pennsylvania.

H. **"Improved Property"** shall mean any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Waste shall be or may be discharged.

I. **"Industrial Establishment"** shall mean any room, group of rooms, building or other enclosure connected directly or indirectly to a Sewage Collection System and used or intended for use, in whole or in part, in the operation of one business enterprise for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article or from which any process waste, as distinct from Sanitary Sewage, shall be discharged.

J. **"IPP Resolution"** shall mean the Industrial Pretreatment Program (IPP) Resolution, No. 008 of 2007 adopted by the Authority, on May 21, 2007, establishing an industrial pretreatment program and other rules controlling discharges to the Sewer System, as such term is defined therein.

K. **"Industrial Waste"** shall mean any solid, liquid or gaseous substance or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from Sanitary Sewage.

L. **"Institutional Establishment"** shall mean any room, group of rooms, building or other enclosure connected directly or indirectly to a Sewage Collection System which does not constitute a Commercial Establishment, a Dwelling Unit or an Industrial Establishment.

M. **"Municipality"** or **"Municipalities"** means, individually or collectively, as applicable, the City of Hazleton, the Borough of West Hazleton, all of Luzerne County, Pennsylvania, Hazle Township and/or Sugarloaf Township.

N. **"Owner"** shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

O. **"Person"** shall mean any individual, firm, partnership, company, association, society, trust, corporation or other group or entity.

P. **"pH"** shall mean the logarithm of the reciprocal of the weight of hydrogen ions, expressed in grams per liter of solution, and indicates the degree of acidity or alkalinity of a substance.

Q. **"ppm"** shall mean parts per million, by weight.

R. **"Sanitary Sewage"** shall mean the normal water-carried household and toilet waste discharged from any Improved Property.

S. **"Sewage"** shall mean Sanitary Sewage and/or Industrial Waste.

T. **"Sewage Collection System"** shall mean all facilities of a Municipality or of the Authority, as of any particular time, used or usable for collecting, transporting, pumping and disposing of Sanitary Sewage and/or Industrial Waste, which facilities are to be connected to and/or served by the Sewage Disposal System.

U. **"Sewage Disposal System"** shall mean all facilities, as of any particular time, used or usable for collecting, transporting, pumping, treating and disposing of Sanitary Sewage and/or Industrial Waste, acquired, constructed, owned and operated by the Authority.

V. **"Sewage Treatment Rates"** shall mean all rates and charges imposed by the Authority in connection with the treatment of Sewage by the Authority's Sewage Disposal System.

W. **"Sewage Transmission Rates"** shall mean all rates and charges imposed by the Authority in connection with the collection and transmission of Sewage in a Sewage Collection System.

X. **"Sewer Rates"** shall mean all Sewage Treatment Rates and Sewage Transmission Rates, collectively.

Y. **"Sewer System"** shall mean the Sewage Collection System and the Sewage Disposal System, collectively.

Z. **"Sugarloaf Township"** shall mean the Township of Sugarloaf, Luzerne County, Pennsylvania.

ARTICLE 2 - SEWER RATES AND OTHER CHARGES

A. *Sewage Treatment Rates.* Sewage Treatment Rates for use of the Sewage Disposal System and for services rendered by the Authority in connection therewith established under Article 3 hereof are imposed upon each Improved Property which shall be connected with a Sewage Collection System, whether the benefit resulting from such connection shall be direct or indirect, which Sewage Treatment Rates shall commence and shall be effective on and after the

date of connection of such Improved Property to a Sewage Collection System and shall be payable as provided in this Resolution.

With respect to each Improved Property connected to the Authority’s Sewage Collection System and each Improved Property connected to the Sewage Collection System in Hazle Township, the Sewage Treatment Rates shall be billed and collected by the Authority from the Owner of each such Improved Property.

With respect to each Improved Property connected to the Sewage Collection System in Sugarloaf Township, Sewage Treatment Rates shall be billed and collected by the Authority directly from Sugarloaf Township, as a single, bulk customer of the Authority.

B. *Sewage Transmission Rates.* Sewage Transmission Rates for use of the Authority’s Sewage Collection System and for services rendered by the Authority in connection therewith established under Article 3 hereof are imposed upon and shall be collected from the Owner of each Improved Property which shall be connected with the Authority’s Sewage Collection System, whether the benefit resulting from such connection shall be direct or indirect, which Sewage Transmission Rates and other charges shall commence and shall be effective for sewer service rendered on and after the date of connection of such Improved Property to the Authority’s Sewage Collection System and shall be payable as provided in this Resolution.

ARTICLE 3 - COMPUTATION OF SEWAGE TREATMENT RATES AND OTHER CHARGES

Sewage Treatment Rates and other charges imposed under Article 2 of this Resolution shall be computed in accordance with the following schedule of rates and classifications:

A. *Dwelling Units*

Each Dwelling Unit - \$360.00 per annum, payable at the rate of \$90.00 per quarterly billing period.

Each Dwelling Unit located in one building or house, in a row of connecting houses or in an apartment shall be billed and considered as a separate entity.

B. *Commercial Establishments, Industrial Establishments, Institutional Establishments*

1. All Owners of Commercial Establishments, Industrial Establishments and Institutional Establishments which shall be connected to a Sewage Collection System shall pay Sewage Treatment Rates and other charges based upon actual water consumption, with exceptions as hereinafter noted. All Sewage Treatment Rates and other charges for Commercial Establishments and Institutional Establishments shall be based upon water consumption computed at the rate of \$6.65 per 1,000 gallons (or part thereof) in excess of 13,500 gallons consumed during the quarter annum for which the billing is rendered and for Industrial Establishments computed at the rate of \$6.65 per

1,000 gallons of water in excess of 4,500 gallons consumed during the month for which the billing is rendered; provided, however, that the minimum Sewage Treatment Rate or other charge for each Commercial Establishment and Institutional Establishment shall be \$90.00 per quarterly billing period, and for each Industrial Establishment shall be \$30.00 per monthly billing period; subject, however, to provisions of subsections B5, B6 and B7 of this Article 3.

2. The volume of water to be used for billing Sewage Treatment Rates and other charges to Owners of Commercial Establishments, Industrial Establishments and Institutional Establishments which shall be connected to a Sewage Collection System shall include any and all water purchased from the Hazleton City Authority - Water Department or any other private or public water company and, in addition, all water obtained from any other source (wells, springs, streams, etc.), as determined: (a) by meters installed and maintained by the Hazleton City Authority - Water Department or any other private or public water company; or (b) by meters maintained and installed by the Owner of such Commercial Establishment, Industrial Establishment or Institutional Establishment, as approved by the applicable Municipality and/or the Authority; or (c) by meters installed and maintained by a Municipality; or (d) from estimates or measurements made by a Municipality or the Authority, where such Municipality or the Authority consider metering impractical.

3. Exclusion from the Sewage Disposal System of non-contaminated waste waters may be required by the Authority. When such non-contaminated waste waters are so excluded, the Sewage Treatment Rates and other charges will be based on total water consumed, less water excluded, at the rate stipulated under Subsection B1 above.

Volumes of non-contaminated waste waters excluded from the Sewage Disposal System may be determined from meters installed and maintained by the Owner of the Commercial Establishment, Industrial Establishment, or Institutional Establishment, as approved by the applicable Municipality or the Authority, or by measurement of the volume of waste actually discharged to a Sewage Collection System as hereinafter provided.

4. A Municipality or the Authority, as applicable, may require an Owner of an Industrial Establishment or the Owner of an Industrial Establishment may elect to install, pay for and maintain a meter approved by such Municipality or the Authority for measuring waste discharged into a Sewage Collection System, in which case the Sewage Treatment Rates and other charges shall be based on the actual volume of waste discharged into a Sewage Collection System; said Sewage Treatment Rates and other charges shall be computed at the rate of \$6.65 per 1,000 gallons (or part thereof) in excess of 4,500 gallons of waste discharged into a Sewage Collection System during the month for which the billing is rendered; provided, however, that the minimum Sewage Treatment Rates or other charge for each Industrial Establishment shall be \$30.00 per monthly billing period, subject, however, to provisions of subsections B5, B6 and B7, respectfully, of this Article 3.

5. The average Sewage Treatment Rates and other charges for schools shall

be not less than \$24.40 per pupil per year or \$6.10 per pupil per quarter, or its adjusted equivalent for service period less than one quarter, based upon the average number of pupils enrolled on days when the schools were in session during the full school term immediately preceding the date of each bill rendered. Teachers, administrators and employees of schools shall be classified as pupils for purposes of calculation of Sewage Treatment Rates and other charges.

6. Industrial Establishments discharging sewage into a Sewage Collection System having an average B.O.D. greater than 200 ppm and a suspended solids content in excess of 250 ppm shall pay a strength of waste surcharge, in addition to applicable volume charges set forth under subsection B1 above, equal to 50/100 of one percent for each ppm by which the B.O.D. exceeds 200 ppm, plus 50/100 of one percent for each ppm by which the suspended solids exceed 250 ppm. Surcharges shall be applicable to billings for Sewage Treatment Rates and other charges under subsections B1, B2, B3 and B4 above. The strength of waste to be used for establishing the amount of surcharge shall be determined at least once annually either: (a) by suitable sampling and analysis of the waste for a 3-day period during which time the strength of waste discharged or production is at a maximum; or (b) by relating production and waste strength at the time of sampling of waste strength at maximum production if sampling is not performed at the time of maximum production; or (c) from estimates made by a Municipality or the Authority; or (d) from known relationships of products produced to strengths of waste for those industries where such factors have been established. The method utilized in establishing strength of waste surcharges shall be subject to approval by the Authority. In establishing waste strengths for surcharge purposes, analysis shall be made in accordance with procedures outlined in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.

7. Additional classifications and Sewage Treatment Rates and other charges or modifications of the above schedule of Sewage Treatment Rates and other charges may be established by the Authority from time to time as deemed necessary.

Pursuant to the Authority's Amended Rate Resolution, No. 002 of 2011, adopted November 9, 2011, the Sewage Treatment Rates and charges set forth above became effective for the January 31, 2012 billing and for all bills with a due date of February 15, 2012 or later.

ARTICLE 3.1 –COMPUTATION OF SEWAGE TRANSMISSION RATES AND OTHER CHARGES

Sewage Transmission Rates and other charges imposed under Article 2 of this Resolution shall be computed in accordance with the following schedule of rates and classifications:

A. Dwelling Units

Each Dwelling Unit - \$120.00 per annum, payable at the rate of \$30.00 per

quarterly billing period.

Each Dwelling Unit located in one building or house, in a row of connecting houses or in an apartment shall be billed and considered as a separate entity.

B. Commercial Establishments, Industrial Establishments, Institutional Establishments

1. All Owners of Commercial Establishments, Industrial Establishments and Institutional Establishments which shall be connected to a Sewage Collection System shall pay Sewage Transmission Rates and other charges based upon actual water consumption, with exceptions as hereinafter noted. All Sewage Transmission Rates and other charges for Commercial Establishments and Institutional Establishments shall be based upon water consumption computed at the rate of \$2.21 per 1,000 gallons (or part thereof) in excess of 13,500 gallons consumed during the quarter annum for which the billing is rendered and for Industrial Establishments computed at the rate of \$2.21 per 1,000 gallons of water in excess of 4,500 gallons consumed during the month for which the billing is rendered; provided, however, that the minimum Sewage Transmission Rate or other charge for each Commercial Establishment and Institutional Establishment shall be \$30.00 per quarterly billing period, and for each Industrial Establishment shall be \$10.00 per monthly billing period; subject, however, to provisions of subsections B5 and B6 of this Article 3.1.

2. The volume of water to be used for billing Sewage Transmission Rates and other charges to Owners of Commercial Establishments, Industrial Establishments and Institutional Establishments which shall be connected to a Sewage Collection System shall include any and all water purchased from the Hazleton City Authority - Water Department or any other private or public water company and, in addition, all water obtained from any other source (wells, springs, streams, etc.), as determined: (a) by meters installed and maintained by the Hazleton City Authority - Water Department or any other private or public water company; or (b) by meters maintained and installed by the Owner of such Commercial Establishment, Industrial Establishment or Institutional Establishment, as approved by the applicable Municipality and/or the Authority; or (c) by meters installed and maintained by a Municipality; or (d) from estimates or measurements made by a Municipality or the Authority, where such Municipality or the Authority consider metering impractical.

3. Exclusion from the Sewage Collection System of non-contaminated waste waters may be required by the Authority. When such non-contaminated waste waters are so excluded, the Sewage Transmission Rates and other charges will be based on total water consumed, less water excluded, at the rate stipulated under Subsection B1 above.

Volumes of non-contaminated waste waters excluded from the Sewage Collection System may be determined from meters installed and maintained by the Owner of the Commercial Establishment, Industrial Establishment, or Institutional Establishment, as approved by the applicable Municipality or the Authority, or by measurement of the volume of waste actually discharged to a Sewage Collection System as hereinafter provided.

4. A Municipality or the Authority, as applicable, may require an Owner of an Industrial Establishment or the Owner of an Industrial Establishment may elect to install, pay for and maintain a meter approved by such Municipality and the Authority for measuring waste discharged into a Sewage Collection System, in which case the Sewage Transmission Rates and other charges shall be based on the actual volume of waste discharged into a Sewage Collection System; said Sewage Transmission Rates and other charges shall be computed at the rate of \$2.21 per 1,000 gallons (or part thereof) in excess of 4,500 gallons of waste discharged into a Sewage Collection System during the month for which the billing is rendered; provided, however, that the minimum Sewage Transmission Rate or other charge for each Industrial Establishment shall be \$10.00 per monthly billing period, subject, however, to provisions of subsections B5 and B6, respectfully, of this Article 3.1.

5. The average Sewage Transmission Rates and other charges for schools shall be not less than \$8.12 per pupil per year or \$2.03 per pupil per quarter, or its adjusted equivalent for service period less than one quarter, based upon the average number of pupils enrolled on days when the schools were in session during the full school term immediately preceding the date of each bill rendered. Teachers, administrators and employees of schools shall be classified as pupils for purposes of calculation of Sewage Transmission Rates and other charges.

6. Additional classifications and Sewage Transmission Rates and other charges or modifications of the above schedule of Sewage Transmission Rates and other charges may be established by the Authority from time to time as deemed necessary.

The Sewage Transmission Rates and charges set forth above shall become effective for the March 31, 2013 billing, and for all bills with a due date of April 20, 2013 or later.

ARTICLE 3.2 –COLLECTION AND MISCELLANEOUS CHARGES

A. *Posting of Delinquent Properties with a Water Termination Notice.* All Owners shall be assessed a Posting Fee of \$20.00 per property that is posted with a water termination notice.

B. *Termination of Water Service.* All Owners shall be assessed a Water Termination Fee of \$40.00 per property whose water service has been terminated.

C. *Filing of a Municipal Lien.* All Owners shall be assessed a Lien Fee of \$300.00 for filing a municipal lien against the delinquent property by the Authority, and/or its agents.

D. *Return Check Charge.* All Owners shall be assessed a charge of \$20.00 per check or ACH Bank Draft returned from a bank or lending institution for any reason.

ARTICLE 4 -TIME AND METHOD OF PAYMENT

A. Sewer Rates and other charges imposed on all Owners of a Dwelling Unit, Commercial Establishments, and Institutional Establishments by this Resolution, shall be billed quarterly and payable on the twentieth day of the month next succeeding the end of the quarterly billing period and shall cover a quarterly billing period consisting of the entire preceding three calendar months.

Sewer Rates and other charges, imposed upon all Owners of Industrial Establishments shall be payable monthly on the twentieth day of each calendar month and shall cover a monthly billing period consisting of the entire preceding month.

B. Sewer Rates and other charges shall be due and payable upon the applicable billing date as provided for in Subsection A of this Article 4 and the appropriate amount computed in accordance with this Resolution shall constitute the net bill. If Sewer Rates and other charges are not paid within twenty (20) calendar days after each billing date, an additional sum of 10% shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such twenty (20) calendar day period shall constitute payment within such period. If the end of such twenty (20) calendar day period shall fall on a legal holiday or a Sunday, payment made on or mailed and postmarked on the next succeeding weekday, which is not a legal holiday, shall constitute payment within such period.

ARTICLE 5 -COLLECTION OF SEWAGE RATES AND OTHER CHARGES

The Authority shall collect promptly all Sewer Rates and other charges imposed by this Resolution in any manner permitted by law.

ARTICLE 6 -PROHIBITED WASTE

A. Pursuant to the IPP Resolution, the Authority reserves the right to compel discontinuance of use of the Sewer System by any person, or to require a Municipality to compel pretreatment of Industrial Waste by any Industrial Establishment, in order to comply with provisions hereof and to prevent discharges deemed harmful or to have a deleterious effect upon the Sewer System.

B. The Authority may require each Municipality to enact and keep in full force and effect an ordinance providing that no Person shall discharge or cause to be discharged into a Sewage Collection System any storm water, surface water, ground water, roof runoff or subsurface drainage.

C. No Sanitary Sewage or Industrial Waste shall be discharged into the Sewer System as set forth in Article III, Section 3.02 of the IPP Resolution.

D. The Authority may require a Municipality to compel the Owner of an Improved Property connected to a Sewage Collection System to install suitable pretreatment facilities in order to comply with the IPP Resolution.

Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of waste shall be addressed in the manner set forth in the IPP Resolution.

E. Nothing contained in this Article 6 shall be construed as prohibiting any special agreement or arrangement between the Authority and any Municipality whereby Industrial Waste of unusual strength or character may be admitted into the Sewer System by the Authority, either before or after preliminary treatment.

ARTICLE 7 - INFORMATION REGARDING INDUSTRIAL WASTE

A. The Authority has adopted the IPP Resolution, and each Municipality has enacted the same by ordinance of the respective Municipality (collectively, the "Municipal Ordinances").

B. With respect to Industrial Waste, pursuant to the Municipal Ordinances, the Authority has been appointed the agent for administering the Industrial Pretreatment Program.

ARTICLE 8 - ADDITIONS TO AND CHANGES OF SEWER RATES AND OTHER CHARGES; ADOPTION OF ADDITIONAL RULES AND REGULATIONS

A. The Authority reserves the right to adopt and promulgate, from time to time, modifications of the schedule of Sewer Rates and other charges as set forth in this Resolution, which modified Sewer Rates and other charges shall be construed as a part of this Resolution.

B. The Authority reserves the right to adopt and promulgate, from time to time, such additional rules and regulations as it shall deem necessary and proper for use and operation of the Sewer System, which rules and regulations shall be construed as a part of this Resolution.

ARTICLE 9 - EFFECTIVE DATE

This Resolution shall become effective as of January 1, 2013.

ARTICLE 10 - CONSTRUCTION AND SEVERABILITY

In the event that any provision, section, article, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, article, 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.

ARTICLE 11 - DECLARATION OF PURPOSE

It hereby is declared that the adoption of this Resolution is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Municipalities.

ARTICLE 12- REPEALER

All resolutions and parts of resolutions inconsistent herewith shall be and the same hereby expressly are repealed.

DULY ADOPTED this 28th day of January, 2013, by the Board of GREATER HAZLETON JOINT SEWER AUTHORITY, Luzerne County, Pennsylvania, in lawful session duly assembled.

GREATER HAZLETON JOINT SEWER AUTHORITY

By: Ray Venema
Chairman

ATTEST:
M. A. Call
Secretary


(SEAL)

CERTIFICATE

I, the undersigned, Secretary of Greater Hazleton Joint Sewer Authority (the "Authority"), certify: that the foregoing is a true and correct copy of a Resolution which duly was adopted by affirmative vote of a majority of all members of the Board of the Authority at a meeting duly held on January 28, 2013, at which meeting a quorum was present, after due notice to the member of the Board of the Authority and to the public and which was at all times open to the public; that said Resolution duly has been recorded in the minute book of the Authority; and that said Resolution is in full force and effect, without amendment, alternation or repeal, as of the date of this Certificate.

I further certify that the Authority met the public notice requirements of the Sunshine Act, 65 Pa.C.S. §701 *et seq.*, by advertising the place, date and time of said meeting in a newspaper of general circulation and by posting a notice of the place, date and time of said meeting at the meeting place of the Board of the Authority, and by giving notice to parties upon request as required under Section 709 of the Sunshine Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Authority, this 11th day of March, 2013.



Secretary

(SEAL)