

GREATER HAZLETON JOINT SEWER AUTHORITY

RESOLUTION NUMBER 002 OF 2015

A RESOLUTION OF THE BOARD OF THE GREATER HAZLETON JOINT SEWER AUTHORITY (THE "AUTHORITY") ESTABLISHING RULES, REGULATIONS AND PROCEDURES MANDATING DISCONNECTION OF ILLEGAL STORMWATER AND GROUNDWATER CONNECTIONS TO THE AUTHORITY'S SANITARY SEWER SYSTEM.

WHEREAS, illegal storm, surface, and/or ground water connections to the sanitary sewer system are a leading contributor to sewage basement backups and sanitary sewer overflows, and create a public health nuisance; and

WHEREAS, the Greater Hazleton Joint Sewer Authority has determined it is reasonable and necessary to reduce the inflow of storm, surface, and groundwater into the Authority's sanitary sewer system; and

WHEREAS, the Greater Hazleton Joint Sewer Authority has determined that such regulations as adopted herein are reasonable and necessary for the health, safety, and welfare of the Authority's ratepayers; and

WHEREAS, by Agreement(s) dated March 5, 2013, the Authority acquired the sewage collection systems of the City of Hazleton and the Borough of West Hazleton; and

WHEREAS, the City of Hazleton and Borough of West Hazleton have promulgated Ordinances (City of Hazleton – Ordinance 2012-39; Borough of West Hazleton – Ordinance No. 2012-13) wherein the City of Hazleton and Borough of West Hazleton granted to the Authority all regulatory authority relative to the sanitary sewer system, and

WHEREAS, the Greater Hazleton Joint Sewer Authority has determined that the promulgation and enforcement of this Resolution is in accordance with the Authority's purposes in constructing, improving, maintaining and operating the sanitary sewer system:

NOW THEREFORE, BE IT RESOLVED, by the Board of Directors of the Authority, that it is hereby resolved as follows:

Definitions:

As used in this article, the following terms shall have the meanings indicated:

AUTHORITY

Greater Hazleton Joint Sewer Authority

CERTIFICATION OF SEWER LATERAL

A written statement from the proper administrative official of the Authority stating that relative to a specific property, there are no known illegal storm, surface, or ground water connections into the Authority's sanitary sewer system.

ILLEGAL STORM OR SURFACE WATER CONNECTIONS

The discharge of ground or surface water or the connection of downspouts, roof drainage, surface areaway drainage, sump pump(s) discharge or foundation drainage into the sanitary sewer system.

MUNICIPAL LIEN LETTER

A written letter from the proper official of the Authority or its Solicitor concerning municipal liens.

PERSON

Any person, company, associate, partnership, firm, corporation, institution, agency, authority, or other entity recognized by law as the subject of rights and duties.

SANITARY SEWER

A sewer which carries sewage discharged by residential, commercial, and industrial users, and to which storm, surface, and ground waters are not intentionally admitted.

Deteriorating or poorly constructed laterals and sewer service connections.

When, during the course of operations within the Authority's service area and regular monitoring and maintenance of public sewer lines and facilities, the employees, agents and/or designees of the Authority identify deteriorating or poorly constructed laterals and sewer service connections, causing infiltration and inflow of extraneous waters into the public sanitary sewer system of the Authority, then written notice shall be provided to the property owner or owners as to the condition of such laterals and sewer service connections, together with a statement that such deteriorating or poorly constructed laterals and sewer service connections must, at the property owner's expense, be promptly repaired, replaced or rehabilitated within 90 days of receipt of said notice. A copy of all written reports issued in connection with these examinations of deteriorating or poorly constructed laterals and sewer service connections shall be maintained as part of the official records of the Authority.

Powers of Greater Hazleton Joint Sewer Authority.

The Authority, its employees, agents and/or designees, in performing the duties and undertaking the programs identified in this Resolution, shall be empowered to enter upon any private property at all reasonable times, with proper notice to the owner, and in accordance with prevailing law, for the purpose of obtaining information, conducting inspections and/or enforcing this Resolution and shall have only those powers expressly set forth in this Resolution and in other Ordinances of the City of Hazleton and Borough of West Hazleton or provided by law to perform its functions consistent with such Ordinances.

Periodic Testing Authorized.

- A. No property owner or property user of the public sanitary sewer system of the Authority shall discharge or permit the discharge of any stormwater, surface water, roof runoff, subsurface drainage, sump pump(s) discharge, foundation drains, driveway drainage, and/or ground water into said sanitary sewer system.
- B. Greater Hazleton Joint Sewer Authority shall conduct periodic smoke and/or dye tests and any other appropriate test(s) or inspection(s) of all existing sewer systems and structures (including the inspection of the interior basement of the subject structure) in the City of Hazleton and Borough of West Hazleton to determine compliance with this Resolution and other laws pertaining to sewer systems and structures.
- C. Upon satisfactory completion of testing of any property by the Authority or upon the completion of required remedial action to maintain any property in compliance with the terms hereof, the property owner shall be issued a certification of sewer lateral setting forth the identification of the property owner, identification of the property by street address, the date, nature and results of testing and the completion of any required remedial action.
- D. Every owner, lessee or occupier of land within the territory serviced by the Authority shall submit to smoke and/or dye testing or other appropriate test(s) or inspection(s) by the Authority, its employees, agents and/or designees. The owner, lessee or occupier of the land shall permit said testing upon request and reasonable notice.
- E. When illegal stormwater or surface water connections have been discovered, all necessary remedial work to correct such connection shall be completed by the owner, lessee or occupier of the premises, weather permitting, within 90 days of the date such party receives notification of the illegal connection.

Violations and Penalties.

- A. Any person who is found to have violated any order of the Authority, or who willfully violated or failed to comply with any provision of this Resolution, or any ordinances of the City of Hazleton or Borough of West Hazleton and/or the orders, rules,

regulations and permits issued hereunder shall pay a fine or penalty of up to \$500 following conviction thereof by a Magisterial District Judge in a private civil complaint. Each day that a violation shall continue shall be deemed and shall be taken as a separate offense and shall be punishable as such. In addition, the Authority may recover damages, costs, reasonable attorney fees, court costs, and such other fees and expenses of litigation incurred by the Authority in the prosecution of said claim.

- B. Upon determination that a violation of this Resolution exists and refusal or failure to act by the property owner to undertake the repair, replacement or rehabilitation identified by written notice as herein provided, the Authority shall have the right to enter onto the subject property and into the interior basement of the subject property to conduct the necessary work to bring the property into compliance with this Resolution at the sole expense of the property owner, and further, upon the failure of the property owner to pay said expense, the Authority shall have the right to file a lien against the subject property for the amount of said expenses, together with costs of filing and perfecting of such lien.
- C. Proceedings before the Magisterial District Judge and/or the Luzerne County Court of Common Pleas on a violation or enforcement action, as aforesaid, shall be initiated by the Authority, without necessity for the joinder of the City of Hazleton or Borough of West Hazleton for such purposes.

Right to Refuse.

The Authority reserves the right to refuse to accept wastewater, or combinations of wastewater, which are discharged in violation of the terms or conditions of this Resolution, or in violation of the Authority's Rules and Regulations or the written directions of the Authority issued pursuant to the conditions of this Resolution. The Authority may take such steps as it deems necessary, as outlined in this Resolution, to compel discontinuance of use of the Sewer System in order to comply with the provisions of this Resolution or the Authority's Rules and Regulations.

- A. The Authority may suspend wastewater discharge when such suspension is necessary, in the opinion of the Authority, in order to stop an actual or threatened discharge which violates this Resolution or the Authority's Rules and Regulations, or causes the Authority to violate any condition of its NPDES Permit or any other Federal or State law, rule, regulation or permit condition.
- B. Any person notified of a suspension shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the notice, the discharge shall be considered an unauthorized discharge and the Authority shall take such steps as deemed necessary, including the immediate severance or plugging of the connection between the building sewer and the sewage collection system.

Severability.

The provisions of this Resolution are severable, and if any section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid or unconstitutional, the remaining portions of this Resolution shall not be affected or impaired thereby.

Remedies not Exclusive.

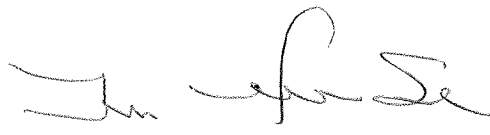
The enumeration of remedies of this Resolution do not restrict their application. The Authority's Rules and Regulations shall serve as a guide in applying remedies and penalties. The Authority reserves the right to take any action or combination of actions allowed by this Resolution or other applicable law, including concurrent actions, if it determines that those actions are necessary for the proper and prudent administration or enforcement of the Authority's Rules and Regulations.

Injunctive Relief.

If any person causes or permits an unauthorized discharge to occur, or otherwise violates the conditions imposed by the Authority's Rules and Regulations or written directions issued by the Authority, or any Federal or State Law, rule or regulation, the Authority may commence an action in the Court of Common Pleas of Luzerne County for Injunctive relief to stop the unauthorized discharge, or to require compliance with the Authority's Rules and Regulations.


DULY ADOPTED, this 20TH day of May, 2015, by the Board of Directors of the Greater Hazleton Joint Sewer Authority, in lawful session duly assembled.

ATTEST:



Secretary

**GREATER HAZLETON JOINT SEWER
AUTHORITY**

BY: 

Chairman

(SEAL)

