

Wastewater and Stormwater Rules and Regulations



CAPITAL REGION | WATER™

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1.0	Definitions	1
2.0	Binding Effect; Rates; Adjustments	22
2.1	Rules and Regulations Established by Capital Region Water	22
2.2	Wastewater and Stormwater Service Rates	22
2.3	Applicability	22
2.4	Compatibility with Other Requirements.....	23
2.5	Civil Liability.....	23
2.6	Administrative Policies and Procedures	23
3.0	Requirements for Service	24
3.1	Request for Wastewater and/or Stormwater Service	24
3.2	Connections and Conditions Required to Establish Service	25
3.3	Period When Wastewater and/or Stormwater Service May Be Refused	26
3.4	Information on Request for Wastewater and Stormwater	26
3.5	Wastewater and Stormwater Service Submittal Requirements	27
3.6	Approval of Requests for Wastewater and Stormwater Service	28
3.7	Request for Wastewater and Stormwater Service is a Prerequisite to Service	28
3.8	Delinquent Payments.....	28
3.9	Individual Liability.....	29
3.10	New Request Upon Change in Ownership or Conditions of Use	29
3.11	Renewal of Service.....	29
3.12	Condition of Plumbing and Property Drainage System	30
3.13	Service Line Connections by Capital Region Water	30
4.0	Deposits	30
4.1	General	30
5.0	Service Connections	32
5.1	General Connection Requirements.....	32
5.2	Requirements for Installation of Wastewater and Stormwater Connections	33
5.3	Installation and Connection of a Sewer Lateral, Storm Lateral, or Surface Outlet	35
5.4	Installation – Interceptors and Separators.....	37
5.5	Maintenance – Sewer Laterals, Storm Laterals, and Surface Outlets	38
5.6	Extensions and Additions to the CRW Sewer System and CRW MS4	39
5.7	Shared Lateral Responsibility	41
5.8	Abandoned Laterals	43
6.0	Stormwater Management Requirements.....	43
6.1	Land Management Plans for Natural Lawns.....	43

Wastewater and Stormwater Rules and Regulations

Table of Contents

6.2	Proper Drainage of Property	44
6.3	Good Housekeeping Requirements	44
6.4	Street Cleaning	45
6.5	Accumulation of Refuse	46
6.6	Existing Stormwater Management Facilities	46
7.0	Harmful Discharges	46
7.1	Prohibited Wastewater Connections and Discharges	46
7.2	Prohibited Stormwater Connections and Discharges to the CRW Sewer System	49
7.3	Prohibited Discharges to the CRW MS4 System and Waters of this Commonwealth	50
7.4	Stormwater Management Requirements for Industrial Ratepayers.....	52
7.5	Requirements for Fats, Oils, and Grease (FOG) Dischargers	52
7.6	Requirements for Solid Waste Handling	60
7.7	Illegal Dumping Prohibited	62
7.8	Pet Waste Management.....	63
7.9	Requirements for Solid Waste Handling Facilities	64
7.10	Hazardous Materials	64
7.11	Requirements for Vehicles and Vehicle Service	65
7.12	Car Washes	66
7.13	Junk Yard and Automobile Salvage Yard	66
7.14	Requirements for Swimming Pools, Whirlpools and Similar Devices	66
8.0	Industrial Wastewater Control	67
8.1	Wastewater Discharge Permit Requirements	67
8.2	Rates and Charges.....	71
8.3	Categorical Pretreatment Standards	72
8.4	State Standards	73
8.5	Specific Discharge Limitations.....	73
8.6	Ratepayer Pre-Treatment and Sampling Facilities.....	74
8.7	Upset, Slug, or Accidental Discharges and Notice Requirements	75
8.8	Compliance Reports	76
8.9	Prior Notice of Discharge of Hazardous Waste.....	76
8.10	Confidentiality of Proprietary Information.....	77
8.11	Compliance Monitoring and Inspection	77
8.12	Stormwater Management Requirements for Industrial Ratepayers.....	77
8.13	Enforcement and Penalty.	77
9.0	Requirements for Development and Construction.....	78
9.1	Applicability Requirements for All Sites.....	78
9.2	Conditions/Restrictions Applicable to All Regulated Development Activities	79

9.3	General Requirements	80
9.4	Exemptions and Modifications	81
9.5	Site Layout Requirements	84
9.6	Performance Standards for Property Drainage Systems	88
9.7	Performance Standards for Stormwater Management Facilities	91
9.8	Erosion & Sedimentation Requirements during Earth Disturbance Activities	97
9.9	Improvement Construction Assurances	99
9.10	Application and Submittal Requirements	105
9.11	Site Inspections and Final Approvals	114
10.0	Long-term Operation and Maintenance Requirements	117
10.1	Sewer and Storm Lateral Maintenance	117
10.2	Operation and Maintenance Agreements	118
10.3	Operation and Maintenance Responsibilities	120
10.4	Alteration of Site Improvements	121
11.0	Fees, Rates, Bills, Payment, Appeal, and Termination of Service	121
11.1	Wastewater and Stormwater Rate Structure	121
11.2	Ready to Serve Charges	122
11.3	Imposition of a Sewer Service Fee	122
11.4	Imposition of Stormwater Service Fee	122
11.5	Specific Charges for Ratepayers Receiving Specialized Services	124
11.6	No Abatement of Rentals or Charges	126
11.7	Wastewater and Stormwater Service Rates	127
11.8	Place of Payment	127
11.9	Basis for Preparation of Bills	127
11.10	Bills Rendered and Due	128
11.11	Involuntary Termination of Wastewater Service	129
11.12	Capital Region Water to File Liens and Assumpsit Actions	129
11.13	Capital Region Water May Discontinue Water Service	129
11.14	Landlord/Tenant Situations	129
11.15	Establishment and Administration of Wastewater and Stormwater Service Funds	129
11.16	Stormwater Credits	130
11.17	Stormwater Fee Appeal Procedures	131
12.0	General	132
12.1	Interference with Capital Region Water's Property	132
12.2	Only Rules Binding	132
12.3	Cessation of Harmful Activities	132
12.4	Notice of Violation	132

12.5	Service of Notices	133
12.6	Termination or Suspension of Service or Permit.....	133
12.7	Reinstatement of Permit and Restoration of Service	133
12.8	Complaints	134
12.9	Service Not Guaranteed.....	134
12.10	Miscellaneous Work and Services Furnished by Capital Region Water	135
12.11	Availability of Rules and Regulations	135
13.0	Inspection and Enforcement	135
13.1	Inspection.....	135
13.2	Work and Services Furnished by CRW	137
13.3	Enforcement	137
13.4	Schedules and Specifications	137
14.0	Severability.....	138

Appendices

- A. Sanitary Sewer Service Request
- B. Storm Sewer Service Request
- C. Drinking Water Service Line and Wastewater Lateral Assistance Program Request
- D. Fats, Oils and Grease Wastewater Discharge Permit Request
- E. Industrial Wastewater Discharge Request
- F. Application for Consideration of Stormwater Management Plan
- G. Residential Stormwater Operation and Maintenance Agreement
- H. Stormwater Facilities and Best Management Practices Operations and Maintenance Agreement
- I. Credit Assistance Program Request
- J. Stormwater Management Program Fee Credit
- K. Stormwater Fee Adjustment Appeal
- L. Collections Policy

1.0 Definitions

Unless the context specifically indicates otherwise, the meaning of the terms used herein shall be as follows:

- 1.1 “Accelerated Erosion” means the removal of the surface of the land through the combined action of human activity and the natural processes at a rate greater than would occur because of the natural process alone.
- 1.2 “Accidental Discharge” means a discharge not caused by the fault of any person, and one that could not have been prevented by any means suggested by common prudence, which would interfere with the operation of the Advanced Wastewater Treatment Facility (AWTF).
- 1.3 “Activities Exposed to Stormwater” means all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt and/or runoff.
- 1.4 “Advanced Wastewater Treatment Facility” or “AWTF” means the primary Wastewater treatment facility owned and operated by Capital Region Water, located on Cameron Street in Harrisburg, Pennsylvania.
- 1.5 “Agricultural Activities” means activities associated with agriculture such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops, tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops, or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.
- 1.6 “Applicant” means either:
 - A. A Ratepayer who submits a Wastewater and Stormwater Service forms for Service with Capital Region Water, or
 - B. A landowner, Developer, or other person who has filed an application for approval to engage in regulated development activities at a project site within the Service Area; or.
 - C. All persons holding title to facilities or improvements for which a permit for the Discharge into the CRW Sewer System and/or the Discharge into the CRW MS4 is required.
- 1.7 “BMP Stormwater Manual” means the Pennsylvania Stormwater Best Management Practices Manual as published by the Department of Environmental Protection, Bureau of Watershed Management, document number 363-0300-002, effective date December 30, 2006, and as revised.

- 1.8 “Building” means any structure which is enclosed and isolated by exterior walls and roof, built or used for residential, commercial, industrial, or other public or private purposes, including accessory structures. Where the context requires, the word “Building” shall be construed as if followed by the words “or part or parts thereof.” For the purposes of this chapter, each portion of a structure separated from other portions by a fire wall shall be considered as a separate Building.
- 1.9 “Capital Region Water” or “CRW” means Capital Region Water, a Pennsylvania municipal authority.
- 1.10 “Catch Basin” (a.k.a., storm drain inlet, curb inlet) means an inlet to the storm drain system that typically includes a grate or curb inlet where stormwater enters the catch basin and a sump to capture sediment, debris, and associated pollutants. They are also used in combined sewer watersheds to capture floatables and settle some solids. Catch basins act as pretreatment for other treatment practices by capturing large sediments. The performance of catch basins at removing sediment and other pollutants depends on the design of the catch basin (e.g., the size of the sump), and routine maintenance to retain the storage available in the sump to capture sediment.
- 1.11 “Categorical Pretreatment Standards” mean any regulation containing Pollutant Discharge limits promulgated by the United States Environmental Protection Agency in accordance with Section 307(b) and (c) of the Federal Act, 33 U.S.C. § 1317(b) and (c), which applies to a specific category of Industrial Ratepayers.
- 1.12 “CFR” means Code of Federal Regulations.
- 1.13 “Cistern” means an underground reservoir or tank for storing rainwater.
- 1.14 “City” means the City of Harrisburg, Dauphin County, Pennsylvania.
- 1.15 “Clean Streams Law” means the Act of June 22, 1937, P.L. 1987, as amended and reenacted by Act of October 10, 1980, P.L. 894, 35 P.S. §§ 6911 to 6917.02.
- 1.16 “Clean Water Act (aka Federal Water Pollution Control Act)” means a federal statute enacted by Public Law 92-500, October 18, 1972, 33 U.S.C. § 1251 et seq., as amended by Public Law 95-217, December 28, 1977; Public Law 97-117, December 29, 1981; Public Law 97-440, January 8, 1983; and Public Law 100-04, February 4, 1987.
- 1.17 “Collection System” means the municipal wastewater collection and transmission system formerly owned and operated by the City, and currently owned and operated by Capital Region Water, including sewers, manholes, and other associated appurtenances designed to

collect and convey municipal sewage and wastewaters (domestic, commercial, and industrial) to the conveyance system.

- 1.18 “Combined Sewer System” means the conveyance system and the portion of the Collection System designed to convey municipal sewage and wastewaters (domestic, commercial, and industrial) and Stormwater in the same system of pipes to the AWTF, and to each combined sewer overflow (CSO) Outfall.
- 1.19 “Combined Sewer Outfall (CSO Outfall)” means a designated location within the Combined Sewer System from which combined sewage and storm water are discharged and which are so designated in the currently applicable NPDES permit.
- 1.20 “Combined Sewer Overflow or CSO” means any discharge from the Combined Sewer System at a CSO Outfall designated in the currently applicable NPDES permit.
- 1.21 “Commercial Establishment” means any premises or improvements not a dwelling unit or Industrial Establishment.
- 1.22 “Compliance Monitoring” means the act of checking specific conditions or requirements of the Industrial Ratepayer permit.
- 1.23 “Conventional Pollutants” means Pollutants which are usually found in domestic, commercial, or industrial wastes, such as phosphorus, total Suspended Solids, biochemical oxygen demand, fecal coliform, adverse pH levels, and oil and grease.
- 1.24 “Conveyance System” means the sewer conveyance system owned by CRW and formerly operated by the City, and currently owned and operated by CRW, including the conveyances which receive both wastewater and stormwater runoff from residential, commercial and industrial and combined sewage sources. The Conveyance System includes pump stations, interceptor sewers, force main, combined sewer outfalls, and associated regulators.
- 1.25 “Cooling Water” means the water Discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only Pollutant added is heat.
- 1.26 “CRW Design Manual” means design guidelines, typical details, standard specifications, and/or other information adopted by CRW as Administrative Policies under Section 2.6 of these Wastewater and Stormwater Rules and Regulations.
- 1.27 “CRW MS4” means the Municipal Separate Storm Sewer System owned and operated by CRW, consisting of the subsurface system of stormwater conveyances (i.e., inlets, catch basins, storm sewers, manholes, control facilities) located within the right-of-way of the City of Harrisburg.

- 1.28 "CRW Sewer System" means the Collection System, Conveyance System, and AWTF, collectively.
- 1.29 "Credit" means a Stormwater Fee reduction that a Ratepayer receives for implementing and complying with the practices and policies contained in these Rules and Regulations, and any related Credit Policy promulgated under Section 2.6 of the Rules and Regulations.
- 1.30 "Culvert" means a structure with appurtenant works that carries a stream and/or stormwater runoff under or through an embankment or fill.
- 1.31 "Customer Service Center" means 3003 North Front Street, Harrisburg, Dauphin County, Pennsylvania 17110 or other authorized location.
- 1.32 "Date of Presentation" means the date upon which a bill or notice is mailed, as evidenced by the United States Post Office mark.
- 1.33 "Dam" means an artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.
- 1.34 "DEP" means the Pennsylvania Department of Environmental Protection.
- 1.35 "Design Storm" means the magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a twenty-five-year storm) and duration (e.g., 24 hours), used in the design and evaluation of stormwater management systems. Also see "return period."
- 1.36 "Detention Basin" means an impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.
- 1.37 "Developed Property" means a parcel that contains Impervious Area equal to or greater than 400 square feet.
- 1.38 "Developer" means a person, partnership, association, corporation, or other entity, or any responsible person therein or agent thereof, that undertakes any regulated development activity under these Rules and Regulations.
- 1.39 "Development Site (Site)" means the specific tract of land for which a regulated development activity is proposed. Also see "project site."

- 1.40 “Disturbed Area” means an unstabilized land area where an earth disturbance activity is occurring or has occurred.
- 1.41 “Domestic Wastes” or “Domestic Wastewater” means the wastes produced from noncommercial or nonindustrial activities, and which result from normal human living processes, which are of substantially similar origin and strength to those typically produced in homes, including wastes from sanitary conveniences.
- 1.42 “Drainageway” means any natural or artificial watercourse, trench, ditch, pipe, swale, channel, or similar depression into which surface water flows.
- 1.43 “Dwelling Unit” means any room, group of rooms, apartment, house trailer, Building or other enclosure connected, directly or indirectly, to the Separate Sanitary Sewer System and occupied or intended for occupancy as separate living quarters by a family or any other group of Persons living together or by a Person living alone.
- 1.44 “Easement” means a right granted by a landowner to a grantee, allowing entry for the purpose of inspecting, maintaining, and repairing the CRW Sewer System, the CRW MS4, a Property Drainage System, a Stormwater Management Facility, or a Sewer or Storm Lateral.
- 1.45 “Earth Disturbance Activity” means a regulated development activity involving construction or another human activity which disturbs the surface of the land or involves the alteration or development of land in a manner that may affect stormwater, including, but not limited to: clearing and grubbing; grading; excavations; embankments; construction of new or additional impervious or semipervious surfaces; construction of new buildings or additions to existing buildings; diversion or piping of any natural or man-made stream; installation of Stormwater Management Facilities; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials. Earth disturbance activity is subject to regulation under 25 Pa. Code, Chapter 92, 25 Pa. Code, Chapter 102, or the Clean Streams Law.
- 1.46 “Environmental Protection Agency (USEPA)” means an agency or administrative department of the United States, or any other agency or administrative department of the United States hereafter exercising all or any portion, as appropriate, of the powers or jurisdiction presently being exercised thereby.
- 1.47 “Erosion” means the movement of soil particles by the action of water, wind, ice or other natural forces.
- 1.48 “Erosion and Sediment Controls” mean activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation. Various erosion and sediment controls and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual), No. 363-2134-008 (April 15, 2000), as amended and updated.

- 1.49 "Existing Condition" means the initial condition of a project site prior to the proposed construction. If the initial condition of the site is undeveloped land, the land use shall be considered as "meadow" unless the natural land cover is proven to generate lower curve numbers or Rational "C" value, such as forested lands.
- 1.50 "FEMA" means the Federal Emergency Management Agency.
- 1.51 "Flood" means a general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers and other Waters of This Commonwealth.
- 1.52 "Floodplain" means land area susceptible to inundation by water from any natural source.
- 1.53 "FEMA Floodplain" means a floodplain delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Map as being a special flood hazard area. Included are lands adjoining a river or stream that have been or may be inundated by a one-hundred-year flood. Also included are areas that comprise Group 13 soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (DEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by DEP).
- 1.54 "Floodway" means the channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the one-hundred-year-frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the one-hundred-year-frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.
- 1.55 "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, or consumption of food. "Grab Sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- 1.56 "Grab Sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- 1.57 "Grade" means a slope, usually of a road, channel, or natural ground, specified in percent and shown on plans as specified herein. To grade is to finish the surface of a roadbed, top of embankment or bottom of excavation.

- 1.58 “Groundwater Recharge” means replenishment of existing natural underground water supplies.
- 1.59 “Hazardous Material” means any material in solid, liquid, or gaseous form which, due to its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to the health and safety of persons or to the environment in the event of its release, discharge, or deposit and includes, but is not limited to, petroleum products, flammable or combustible liquids and corrosive substances which burn, irritate, or destroy organic tissue.
- 1.60 “Holding Tank Waste” means any waste from Holding Tanks of vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- 1.61 “Hydrologic Soil Group (HSG)” means categories representing soil infiltration rates affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of interest may be identified from a soil survey report, which can be obtained from the local NRCS office or the Dauphin County Conservation District office.
- 1.62 “Illicit Discharge” means any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, as defined at 40 CFR 122.26(b)(2), except for discharges authorized under an NPDES permit (other than an NPDES permit for discharges from the MS4), discharges resulting from fire-fighting activities, and the following discharges (unless determined to be a significant contributor of pollution to the waters of the Commonwealth of Pennsylvania):
- A. Discharges from potable water sources including water line flushing and fire hydrant flushing if such discharges do not contain detectable concentrations of Total Residual Chlorine (TRC).
 - B. Non-contaminated irrigation water, water from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.
 - C. Diverted stream flows and springs.
 - D. Non-contaminated pumped ground water and water from foundation and footing drains and crawl space pumps.
 - E. Non-contaminated HVAC condensation and water from geothermal systems.

- F. Residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized.
 - G. Non-contaminated hydrostatic test water discharges if such discharges do not contain detectable concentrations of TRC.
- 1.63 "Impervious Area (Impervious Surface)" means a surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include but are not limited to roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, and any new streets and sidewalks. Any surface area proposed to initially be gravel or crushed stone shall be assumed to be impervious, unless designed for infiltration within a Stormwater Management Facility.
- 1.64 "Indirect Discharge" means the Discharge or the introduction of nondomestic Pollutants from any source regulated under Section 307(b), (c) or (d) of the Federal Clean Water Act [33 U.S.C. § 1317(b), (c) or (d)] into the AWTF. For the purposes of this definition, Holding Tank wastes shall be considered an indirect Discharge.
- 1.65 "Industrial Establishment" means any Nonresidential Establishment discharging sewage and wastes, other than normal waste-carried domestic sewage and wastes and cooling water, directly or indirectly to the AWTF.
- 1.66 "Industrial Ratepayer (IR)" means a source of indirect discharge which does not constitute a discharge of Pollutants under regulations issued pursuant to Section 402 of the Federal Clean Water Act (33 U.S.C. § 1342).
- 1.67 "Industrial Wastes" or "Industrial Wastewater" means all Wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation from which Wastewater is discharged, and which is not otherwise classifiable as domestic Wastewater.
- 1.68 "Inlet" means a surface connection to a closed drain; a structure at the diversion end of a conduit; the upstream end of any structure through which water may flow.
- 1.69 "Interference" means the inhibition or disruption of the AWTF Treatment processes or operation which contributes to a Violation of any requirement of Capital Region Water's NPDES permit. The term includes Pollution which prevents the use or disposal of sewage slug by the AWTF in accordance with Section 405 of the Federal Clean Water Act (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or the Toxic Substances Control Act.

- 1.70 “Karst” means a type of topography or landscape characterized by depressions, sinkholes, limestone towers and steep-sided hills, underground drainage, and caves. Karst is formed on carbonate rocks, such as limestone or dolomite and sometimes gypsum.
- 1.71 “Land Development” means the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving: a group of one or more buildings; or the division or allocation of land or space between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- 1.72 “Limit Of Disturbance” means a line provided on the SWM site plan that indicates the total area to be disturbed during a proposed earth disturbance activity.
- 1.73 “Local Limits” means a locally established limit deemed to be a Pretreatment standard for the purpose of Section 307(d) of the Clean Water Act. Editor's Note: See 33 U.S.C. § 1317(d). The limit is specific to the Advanced Wastewater Treatment Facility (AWTF) and is based on the potential for pass-through, interference, Slug contamination or capacity to cause damage or hazards to structures, equipment, or personnel of the Advanced Wastewater Treatment Facility (AWTF) by the Discharge of any Pollutant by an Industrial User.
- 1.74 “Low Impact Development (LID)” means systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater in order to protect water quality and associated aquatic habitat.
- 1.75 “Meters” means, collectively, Capital Region Water Meters and Ratepayer Meters.
- 1.76 “MS4” means Municipal Separate Storm Sewer System, or conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), which is (a) owned or operated by a state, city, town, borough, township, county, district, association or other public body (created under state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater or other wastes; (b) designed or used for collecting or conveying stormwater; (c) not a combined sewer; and (d) not part of a publicly owned treatment works as defined at 40 CFR § 122.2.
- 1.77 “National Pollutant Discharge Elimination System (NPDES)” means the federal government’s and Commonwealth of Pennsylvania’s system for issuance of discharge permits under the federal Clean Water Act (“CWA”), the Pennsylvania Clean Streams Law and Storm Water Management Act. The Pennsylvania Department of Environmental Protection (“DEP”) has been delegated the responsibility to implement the federal CWA NPDES program in Pennsylvania.

- 1.78 “New Source” means any facility from which there is, or may be, a discharge of Pollutants, the construction of which began after the publication of the proposed Pretreatment Standards pursuant to § 307(c) of the Act, which will apply to the facility if the standards are promulgated, provided certain location and construction criteria as defined in 40 CFR § 403.3 (m) are met. “Nonresidential Establishment” means any building, structure, room, group of rooms, establishment, or facility other than a residence which discharges sewage and wastes, including industrial wastes, directly or indirectly to the AWTF.
- 1.79 “Non-Significant Categorical Industrial Ratepayer” or “NSCIR”, means an Industrial Ratepayer subject to a Categorical Standard that never discharges more than 100 gallons per day of total Categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the Categorical Standard) and which has: (1) consistently complied with all applicable Categorical Standards, (2) never discharges any untreated concentrated Wastewater, and (3) annually submits the certification statement required by 40 CFR § 403.12(q) together with the information necessary to support the certification statement. An industrial Ratepayer shall be an NSCIR only upon the approval of Capital Region Water.
- 1.80 “Non-Single-Family Residential” (“NSFR” or “NR”) - Any Developed Property not fitting the definition of single-family residential. NSFR shall include, but not be limited to, apartments, boarding houses, hotels and motels, churches, industrial properties, commercial and retail properties, manufactured home or mobile home parks, commercial and office Buildings, storage areas, parking lots and other Impervious Areas, parks, recreation properties, public and private schools and universities, hospitals and convalescent centers, office Buildings, government properties, and mixed-use properties.
- 1.81 “NRCS” means the USDA Natural Resources Conservation Service (previously SCS).
- 1.82 “North American Industrial Classification System (NAICS)” means a classification pursuant to the North American Industrial Classification System Manual issued by the Executive Office of the President, Office of Management and Budget (1998), as amended.
- 1.83 “Occupied Building” means any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage, industrial waste or both are or may be Discharged.
- 1.84 “Open Channel” means a drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes not under pressure.

- 1.85 “Operation and Maintenance” means the associated costs of equipment and facilities, energy, manpower, materials, transportation, and services required to collect, convey, detain, pump and transport Wastewater or Stormwater, keep equipment, infrastructure, and facilities functioning satisfactorily and economically, administer the Stormwater Management Program and shall include sums paid to defray costs of Capital Region Water’s improvements to the MS4.
- 1.86 “Operation and Maintenance Agreement” means an agreement as described in Section 10.0 of these Wastewater and Stormwater Rules and Regulations pertaining to the Operation and Maintenance of a proposed or existing Stormwater Management Facility, Property Drainage System, or Area Exposed to Stormwater.
- 1.87 “Outfall” means either: the point where water flows from a conduit, stream, or drain; or the point source, as described in 40 CFR § 122.2, the point where Capital Region Water’s MS4 discharges to the Waters of this Commonwealth.
- 1.88 “Owner” or “Property Owner” means any Person having an interest, whether legal or equitable, sole or partial, in any Property.
- 1.89 “Pass-Through” means a discharge which exits the AWTF into Waters of this Commonwealth in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a Violation of Capital Region Water’s NPDES permit.
- 1.90 “Peak Discharge” means the maximum rate of stormwater from a specific storm event.
- 1.91 “Person” means an individual, partnership, public or private association or corporation, or a governmental unit, public utility, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- 1.92 “Pervious Area” means any area not defined as impervious.
- 1.93 “Pollutant” means any dredged solid waste, incinerator residue, sewage, Garbage, sewage slug, munitions, chemical waste, wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand and cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
- 1.94 “Pollution” means the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.
- 1.95 “Polychlorinated Biphenyls (PCBs)” means the sum or Aroclors 1016, 1221, 1232, 1242, 1248, 1254, or 1260.

- 1.96 "Planning Commission" means the Harrisburg Planning Commission.
- 1.97 "Pretreatment or Treatment" means the reduction of the amount of Pollutants, the elimination of Pollutants or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into the AWTF. The reduction or alteration can be obtained by physical, chemical, or biological process, or process changes by other means, except as prohibited by 40 CFR 403.6(d) (dilution).
- 1.98 "Pretreatment Requirement" means any substantive or procedural requirement related to Pretreatment other than a Pretreatment standard imposed on an Industrial Ratepayer.
- 1.99 "Pretreatment Standard" means any National Categorical Pretreatment Standard, local limit, or discharge prohibition regulation.
- 1.100 "Process Wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. Sanitary noncontact cooling and boiler blowdown Wastewaters are excluded unless they become process makeup water.
- 1.101 "Project Site" means the specific area of land where any regulated development activities in the Service Area are planned, conducted, or maintained.
- 1.102 "Property" means the Property or area, including improvements thereto, which uses, benefits from, is or will be provided Sewer and/or Stormwater Service and, as used herein, shall be taken to designate each of the following:
- A. "Residential Establishment," "Commercial Establishment," or "Industrial Establishment," under one roof, owned or leased by one Ratepayer; or
 - B. A group or combination of Buildings owned by one Ratepayer, in one common enclosure, occupied by one family or one organization, corporation or firm as a "Residential Establishment," "Commercial Establishment," or "Industrial Establishment," or as a hospital, church, public or private school or similar institution, except as otherwise noted herein; or
 - C. Each side or part of a house or building occupied by one Dwelling Unit; or
 - D. Each apartment, office or suite of offices, and/or place of business located in a Building or group of Buildings, even though such Buildings in a group are interconnected by a

tunnel or passageway, covered areaway, or patio or by some similar means or structure;
or

- E. A public Building devoted entirely to public use, such as a town hall, schoolhouse, fire engine house; or
 - F. A single vacant lot or park or playground; or
 - G. Each Dwelling Unit; or
 - H. Each individual and separate place of business and/or occupancy located in one Building or group of Buildings commonly designated as shopping centers, supermarket areas and by such other terms; or
 - I. Each Dwelling Unit in a public housing development owned and operated by the United States of America, a municipal subdivision of the Commonwealth of Pennsylvania, or an agency or instrumentality of the United States or the Commonwealth of Pennsylvania; by a philanthropic foundation or organization or some such similar body or organization; or operated under private Ownership; or
 - J. Each mobile Dwelling Unit, whether located on owned or leased land.
- 1.103 "Property Drainage System" means the Storm Laterals, Stormwater Management Facilities, surface drainage features, grading, and Activities Exposed to Stormwater on a Property
- 1.104 "Publicly Owned Treatment Works (POTW)" means a Treatment works, as defined by Section 212 of the Clean Water Act, which is owned by a state or municipality [as defined by Section 502(4) of the Clean Water Act]. Editor's Note: See 33 U.S.C. §§ 1292 and 1362(4), respectively. This definition includes any devices and systems used in the storage, Treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey Wastewater to a Treatment facility.
- 1.105 "Qualified Professional" means any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by these Rules and Regulations.
- 1.106 "Rate Control Storage" means the volume of runoff that is captured and released during or after a storm event into Waters of this Commonwealth at a controlled rate.
- 1.107 "Ratepayer" means a Person receiving service from Capital Region Water or otherwise using, benefitting from, or connected to the Wastewater and Stormwater System or required to connect.

- 1.108 “Rate Schedule” means the entire body of effective rates and other charges, as adopted and published from time to time by Capital Region Water.
- 1.109 “Redevelopment” means any physical improvement to a previously developed lot that involves earth disturbance or the removal, modification, or addition of impervious surfaces.
- 1.110 “Refuse” means all nonhazardous solid wastes, except body wastes, and shall include garbage, ashes and rubbish.
- 1.111 “Regulated Development Activities” mean activities, including earth disturbance activities, which involve the alteration or development of land in a manner that may affect stormwater runoff. Regulated activities shall include, but not be limited to:
- A. Land development subject to the requirements of the City of Harrisburg Subdivision and Land Development Ordinance;
 - B. Earth disturbance, including any alteration of land within an existing property, but exclusive of agricultural activities;
 - C. Removal of ground cover, grading, filling, or excavation; replacing existing impervious surface with new (reconstructed) impervious surface, such as repairs to parking lots that require disturbing the stone base of the parking lot;
 - D. Construction of new or additional impervious or semi-impervious surfaces (driveways, parking lots, etc.), and associated improvements;
 - E. Construction of new buildings or additions to existing buildings;
 - F. Installation or alteration of Stormwater Management Facilities;
 - G. Diversion or piping of any watercourse;
 - H. Demolition or razing of all or a portion of an existing structure; and
 - I. Any other regulated activities where CRW determines that said activities may affect any existing watercourses, the CRW Sewer System, stormwater management facilities, or stormwater drainage patterns.
- 1.112 “Release Rate” means the percentage of predevelopment peak rate of runoff from a site or subwatershed area to which the post-development peak rate of runoff must be reduced to protect downstream areas and/or reduce combined sewer overflows.

- 1.113 "Release Rate District" means those subwatershed areas in which post-development flows must be reduced to a certain percentage of predevelopment flows as required to meet the plan requirements and the goals of Act 167.
- 1.114 "Replacement" means the associated costs of obtaining and installing equipment, infrastructure, accessories, or appurtenances which are necessary during the Service life of the CRW's Sewer System so as to maintain the capacity and performance for which said system was designed and constructed; shall also include costs associated with improvements to the Stormwater Control Measures.
- 1.115 "Residential Establishment" means any room, group of rooms, Building or other enclosure 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, excluding institutional dormitories, hotels, and motels, but including personal care boarding homes licensed by the Commonwealth.
- 1.116 "Removed Runoff" means the volume of runoff that is captured and not released directly into the Waters of This Commonwealth during or after a storm event.
- 1.117 "Return Period" means the average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the probability of a twenty-five-year storm occurring on any one given year is 0.04 (i.e., a 4% chance).
- 1.118 "Rubbish" means any and all waste materials which result from the ordinary conduct of housekeeping, except garbage as defined in these Rules and Regulations and except ashes in those cases where specific provision is made relating to ashes which are the waste products of coal and other fuels used for heating or cooking purposes, and shall include but not be limited to glass, metal, paper, plant growth, wood or nonputrescible solid wastes. (See "refuse.")
- 1.119 "Runoff" means any part of precipitation that flows over the land surface.
- 1.120 "Sanitary Sewage" means the normal water-carried household and toilet wastes from any Property.
- 1.121 "Sanitary Sewer Overflow or SSO" means an overflow, spill, diversion, or release of wastewater from or caused by the CRW Separate Sanitary Sewer System. This term shall include: (i) discharges to Waters of this Commonwealth or United States from the CRW Separate Sanitary Sewer System and (ii) any release of wastewater from the CRW Separate Sanitary Sewer System to public or private property that does not reach Waters of this Commonwealth or the United States. Wastewater releases caused by the Property's Sewer Lateral or Storm Lateral, as determined by CRW, are not SSOs.

- 1.122 "Sediment" means soils or other materials transported by surface water as a product of erosion.
- 1.123 "Sedimentation" means the process by which mineral or organic matter is accumulated or deposited by the movement of water.
- 1.124 "Sediment Pollution" means the placement, discharge, or any other introduction of sediment into Waters of This Commonwealth occurring from the failure to properly design, construct, implement or maintain control measures and control facilities in accordance with the requirements of this Part 9.
- 1.125 "Self-Monitoring" means sampling and analysis performed by the Industrial Ratepayer to ensure compliance with permit provisions.
- 1.126 "Separate Sanitary Sewer System" means any portion of the Collection System designed to convey municipal sewage and wastewaters (domestic, commercial, and industrial) to the AWTF in one system and storm water in a separate system.
- 1.127 "Service" means all activities performed by Capital Region Water to collect, convey, treat, and otherwise manage Wastewater and Stormwater from a property.
- 1.128 "Service Area" means the geographical region where Capital Region Water is authorized and able to provide Service within the jurisdictional boundary of the City of Harrisburg and any additional areas where Service is authorized by Resolution of the CRW Board.
- 1.129 "Sewer" means any pipe, main, or conduit constituting a part of CRW's combined sewers, separate sanitary and separate stormwater systems and used or usable for collection and transportation of Sanitary Sewage and Industrial Wastes.
- 1.130 "Sewer Lateral" means a pipe physically connecting a Building's Plumbing to the CRW Sewer System.
- 1.131 "Signatory" means a responsible corporate officer, general partner, proprietor, or duly Authorized Representative of that individual.
- 1.132 "Significant Industrial Ratepayer" means all categorical Industrial Ratepayers or any noncategorical Industrial Ratepayers that:
- A. Have a Discharge flow of 25,000 gallons or more per average workday of Process Wastewater; or

- B. Have an average process flow which makes up 5% or more of the average dry-weather hydraulic or organic capacity of the Treatment plant; or
- C. CRW determines to have a reasonable potential to adversely affect the AWTF through inhibition, pass-through of Pollutants, Slug contamination or endangerment of AWTF workers or to violate any Pretreatment standard or requirement.

1.133 "Significant Noncompliance" means one or more violations of:

- A. Pretreatment Standards or Requirements, including chronic violations, technical review criteria violations or any Discharge which, alone or in combination, causes interference or pass-through or endangers the health or welfare of AWTF personnel, the public or environment or results in the AWTF exercising its emergency authority to halt or prevent such Discharge;
- B. Best Management Practices;
- C. Compliance schedule milestones;
- D. Reporting Requirements;
- E. Accurately reporting noncompliance; or
- F. Any other violation or group of violations CRW considers to be significant.

1.134 "Single Family Residential" ("SFR") – Developed Property containing one (1) structure which contains one (1) or more rooms with a bathroom and kitchen facilities designed for occupancy by one (1) family and shall include single-family units, single-family houses (both attached and detached), condominiums, townhomes, manufactured homes, and mobile homes located on individual lots or parcels of lands. Developed Properties may be classified as "single-family residential" despite the presence of incidental structures associated with residential uses such as garages, carports or small storage Buildings. "Single-family residential" shall not include developed land containing structures used primarily for non-residential purposes; manufactured homes and mobile homes located within manufactured home or mobile home parks.

1.135 "Slug Discharge" means any discharge of a non-routine, episodic nature including but not limited to an accidental spill or a non-customary batch discharge which has a reasonable potential to cause Interference or Pass Through, or in any other way violate any provision of these Rates, Rules, & Regulations, or the conditions in a Permit issued under these Rates, Rules, & Regulations.

- 1.136 "Spill Prevention and Control Plan" means a plan prepared by an Industrial Ratepayer to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.
- 1.137 "Standard Methods" means the "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association/American Water Works Association/Water Environment Federation, 40 CFR Part 136 Guidelines for Establishing Test Procedures for the Analysis of Pollutants.
- 1.138 "State Water Quality Requirements" mean the regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.
- 1.139 "Stormwater" means water from any precipitation or snow melt event that flows across the land and eventually into rivers, creeks, lakes, ditches, and canals.
- 1.140 "Stormwater Control Measure" means a structural or non-structural action taken to control the rate, volume, and/or pollution of stormwater, including Stormwater management facilities, good housekeeping practices, and pollution prevention activities.
- 1.141 "Storm Lateral" means a pipe or other conveyance connecting the Property Drainage System to the CRW's Sewer System.
- 1.142 "Stormwater Management Facility" means a permanent, man-made structure installed to capture, convey, store, infiltrate, evaporate, transpire, harvest, and/or treat stormwater runoff. Stormwater Management Facilities include, but are not limited to, a wide variety of practices and devices, from stormwater collection and conveyance systems to large-scale detention or retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, Stream Setbacks, sand filters, detention basins, and manufactured devices.
- 1.143 "Stormwater Management Plan" means the Dauphin County Stormwater Management Plan for managing stormwater runoff in Dauphin County as required by the Act of October 4, 1978, P.L. 864 (Act 167), and known as the "Stormwater Management Act."
- 1.144 "Stormwater Management (SWM) Site Plan" means the plan, prepared by the applicant or its representative, indicating how stormwater will be managed at the site of an Earth Disturbance Activity during and after construction, in accordance with these CRW Rules and Regulations, the City Stormwater Management Ordinance, state law, NPDES Permits issued by the state, and implementing regulations.

- 1.145 “Stormwater Management Program or SMP” means the comprehensive program developed and implemented by Capital Region Water to address Stormwater issues, including, but not limited to, reductions in storm runoff rate and volume, improvements to water quality, compliance with state/federal regulatory permit (e.g. NPDES and MS4 Permit) requirements and, to provide for the satisfactory management of the CRW’s Sewer System.
- 1.146 “Stormwater Management Program Credit or Credit Policy” means a policy developed to provide guidance and procedures to apply for and maintain credits and rebates that reduce Stormwater Service Fees by undertaking and implementing approved activities that will reduce the rate and/or volume of Stormwater and/or reduce the Pollutants in Stormwater.
- 1.147 “Stormwater Fee” means the sums assessed, imposed, and to be collected from each Developed Property which uses, benefits from, or receives Stormwater Service from CRW’s Sewer System and CRW’s MS4 system, Stormwater Management Facility, or other similar facility owned, operated, or maintained by CRW, as defined in these Rules and Regulations.
- 1.148 “Stream Setback” means a vegetated area, bordering perennial and intermittent streams and wetlands, that preserves the floodplain storage of the Stream, allows for the natural, lateral movement of the Stream, and prevents structures from being impacted by natural streambank erosion. A Stream Setback with natural vegetation is left in its natural state, typically vegetated to provide floodplain storage, stream stabilization and water quality benefits through infiltration.
- 1.149 “Subdivision” means the division or redivision of a lot, tract, or parcel of land, by any means, into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres not involving any new street or easement of access or any residential dwellings shall be exempt (Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247).
- 1.150 “Subwatershed Area” means the smallest drainage unit of a watershed for which stormwater management criteria have been established in the stormwater management plan.
- 1.151 “Suburban Municipalities or Suburban Municipal Authorities” means the Borough of Penbrook, Borough of Paxtang, Borough of Steelton, Township of Swatara, Township of Lower Paxton, and the Township of Susquehanna and, as applicable, Swatara Township Authority, Lower Paxton Authority, and Susquehanna Township Authority, collectively or individually, as appropriate.

- 1.152 "Surface Outlet" means a stabilized, properly graded overland flow path between a Property Drainage System and an off-site Storm Inlet, Stormwater Management Facility, or Water of this Commonwealth.
- 1.153 "Suspended Solids" means the total suspended matter that floats on the surface of or is suspended in water, Wastewater, or other liquids and which is removable by laboratory filtering.
- 1.154 "Swale" means a low-lying stretch of land that gathers or carries surface water runoff.
- 1.155 "Tall Grass and Weeds" mean all grasses, annual plants and vegetation, other than trees or shrubs. This term shall not include cultivated flowers and gardens, natural lawns governed by Land Management Plans approved by CRW, or vegetation specifically placed to absorb stormwater in a designated, recorded, and properly maintained stormwater management facility authorized and approved by CRW.
- 1.156 "Temporary Service" means Service for circuses, bazaars, fairs, construction work, trailers or trailer camps and similar uses that because of their nature will not be used steadily or permanently; provided, however, that such Temporary Service shall not be provided for a period in excess of 365 days, unless, prior to the expiration of any such 365-day period, the Ratepayer has resubmitted an application for Temporary Service and such application has been approved, for an additional period not to exceed 365 days.
- 1.157 "Time of Concentration (Tc)" means the time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.
- 1.158 "Toxic Material or Pollutant" means any Pollutant or combination of Pollutants listed as Toxic in Regulations promulgated by the EPA under Section 307(a) of the Federal Act
- 1.159 "Treatment Plant" means the plant for the Treatment of sewage conveyed thereto by the Collection System, and the equipment and facilities thereof; the AWTF.
- 1.160 "Unauthorized Release" means any overflow, spill, diversion, or release of wastewater within the CRW Combined Sewer System at a location other than a CSO Outfall. This term shall include any release of wastewater from the Combined Sewer System to public or private property that does not reach Waters of this Commonwealth or United States. Wastewater releases caused by the Property's Sewer Lateral or Storm Lateral, as determined by CRW, are not Unauthorized Releases.

- 1.161 "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with the Pretreatment Standards because of factors beyond the reasonable control of the Industrial Ratepayer. An Upset does not include noncompliance to the extent caused by operational error, improperly designed Treatment facilities, inadequate Treatment facilities, lack of preventative maintenance or careless or improper operation.
- 1.162 "USDA" means United States Department of Agriculture.
- 1.163 "Violation" means the act of not meeting specific conditions or requirements (i.e., noncompliance).
- 1.164 "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any Pollutants which may be present, whether treated or untreated, which are contributed into or permitted to enter CRW's Sewer System.
- 1.165 "Watercourse" means a channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.
- 1.166 "Watershed" means the region or area drained by a river, watercourse, or other body of water, whether natural or artificial.
- 1.167 "Waters of this Commonwealth" means any and all rivers, streams, creeks, rivulets, natural impoundments, watercourses, lakes, dammed water, Wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.
- 1.168 "Wetland" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (The term includes but is not limited to Wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)

2.0 Binding Effect: Rates: Adjustments

2.1 Rules and Regulations Established by Capital Region Water

- A. Capital Region Water has exercised its power and authority to make these rules and regulations which relate to the supplying of Wastewater and Stormwater Services by Capital Region Water and are deemed necessary and proper in the public interest. These rules and regulations shall be binding on all Ratepayers and/or Property Owners that use, benefit from, or receive these services.
- B. Capital Region Water hereby reserves the right so often as it may deem necessary to alter, amend, and/or repeal its Rates and/or these Rules and Regulations, or any part. Accordingly, Capital Region Water may substitute new Rates, Rules and Regulations which so altered and amended shall forthwith become and thereafter be binding on all Ratepayers and/or Property Owners until further adjusted or amended.
- C. Capital Region Water hereby reserves the right so often as it may deem necessary to alter, amend, and/or repeal the Rates and/or these Rules and Regulations, or any part thereof. Accordingly, Capital Region Water may substitute new Rules and Regulations which so altered and amended shall forthwith become and thereafter be binding on all Ratepayers and/or property owners until further adjusted or amended.

2.2 Wastewater and Stormwater Service Rates

Capital Region Water shall from time to time establish by resolution a Rate Schedule setting forth the rates, fees and charges for the various Services provided for hereunder, which Rate Schedule shall be used in accordance with the provisions of these Rules and Regulations.

2.3 Applicability

The following are subject to regulation by these Rules and Regulations:

- A. All Persons, infrastructure, buildings, and properties within the Service Area that affect and/or utilize the CRW Sewer System.
- B. Any Person desiring to connect to and/or discharge directly or indirectly to the CRW Sewer System, drain onto an adjacent property, right-of-way, or easement; and/or drain to Waters of this Commonwealth.
- C. All Earth Disturbance Activities within the Service Area.

- D. All activities within the Service Area related to the proper design, implementation, operation and maintenance of Property Drainage Systems and Stormwater Management Facilities discharging into the CRW Sewer System, or directly into Waters of this Commonwealth.
- E. All activities in the Service Area that may result in an Illicit Discharge to the CRW MS4 System or to Waters of this Commonwealth.
- F. All activities in the Service Area that may affect the quantity or quality of combined sewer overflows, sanitary sewer overflows (SSO), Unauthorized Releases from the CRW Combined Sewer System, discharges to the CRW MS4, and/or discharges to Waters of this Commonwealth.

These CRW Rules and Regulations shall be implemented in conjunction with applicable requirements of City Code, state law, NPDES Permits issued by the state, the partial Consent Decree between CRW, the City, EPA and DEP, and implementing regulations.

2.4 Compatibility with Other Requirements

Approvals issued and actions taken under these Rules and Regulations do not relieve the applicant of the responsibility to comply with or to secure required permits or approvals for activities regulated by any other applicable codes, laws, rules, statutes, or ordinances. To the extent that these Rules and Regulations impose more rigorous or stringent requirements for stormwater management, the specific requirements contained in these Rules and Regulations shall be followed.

2.5 Civil Liability

The degree of water, wastewater, and stormwater management sought by the provisions of these Rules and Regulations is considered reasonable for regulatory purposes. These Rules and Regulations shall not create liability on the part of CRW, any appointed or elected official of CRW, the City, the Dauphin County Conservation District or any officer, engineer, or employee thereof for any erosion, sedimentation, degraded water quality, or flood damages that result from reliance on these Rules and Regulations or any administrative decision lawfully made thereunder.

2.6 Administrative Policies and Procedures

CRW may promulgate Administrative Policies and Procedures, including a CRW Design Manual, Stormwater Credit Policy, billing procedures or other procedures necessary for the proper administration, implementation and enforcement of these Rules and Regulations. This authority is in addition to that granted in any Section of these Rules and Regulations.

Such Administrative Policies and Procedures shall have the same force and effect as the provisions of these Rules and Regulations, and any violation thereof shall be deemed a violation of the applicable chapters for enforcement purposes in Section 13.0.

3.0 Requirements for Service

3.1 Request for Wastewater and/or Stormwater Service

A written Request for Wastewater and/or Stormwater Service, prepared on the form furnished by Capital Region Water and substantially in the form attached hereto as Appendix A and/or Appendix B must be submitted to Capital Region Water for the purpose of requesting Wastewater and/or Stormwater Service when any of the following criteria are met:

- A. Upon a change in the Owner and/or the Occupant of the Property; OR
- B. Where a change in the Land Use of the Property substantively changes the quantity and/or quality of Wastewater and/or Stormwater generated within the Property, as determined by Capital Region Water based on standard engineering practices; OR
- C. Where a change in the Land Use, operations, plumbing, and/or Property Drainage System may, as determined by Capital Region Water, increase the risk of an Illicit Discharge to the CRW MS4 and/or to Waters of this Commonwealth.

Unless otherwise permitted by Capital Region Water, said Request for Wastewater and/or Stormwater Service must be signed by the Occupant of the Property, the Owner of the Property, or his/her duly authorized agent. Said Request for Wastewater and/or Stormwater Service is subject to the requirements hereunder relative to deposits, if required, and charges as then in effect. The Request for Wastewater and/or Stormwater Service, together with the Rules and Regulations of Capital Region Water, shall regulate and control the service of Wastewater and/or Stormwater to such Property.

A Request for Wastewater and/or Stormwater Service must be submitted to Capital Region Water at least seven (7) calendar days before service of Wastewater and/or Stormwater is required.

When a Request for Service has been made, it is assumed that all plumbing, piping, fixtures, Property Drainage Systems, and Areas Exposed to Stormwater which will be Serviced are in order to receive the Service. Capital Region Water shall not be liable in any case for any accident, breaks, or leakage arising in any way in connection with the acceptance of

Wastewater and Stormwater Rules and Regulations

Wastewater or Stormwater flow or failure to accept Wastewater or Stormwater flow, or the freezing of pipes or fixtures, nor for any damage to the Building or Property which may result from the usage or non-usage of Wastewater and Stormwater Service provided to the Property.

3.2 Connections and Conditions Required to Establish Service

- A. It shall be unlawful for any Person owning Property within the Service Area to establish a physical connection to the CRW Sewer System, or to otherwise discharge Wastewater or Stormwater from their Property, except as provided for herein or under any other applicable Rules, Regulations, or specifications of Capital Region Water.
- B. All Persons owning any Occupied Building now erected upon Property Accessible to the CRW Sewer System shall, if not already connected, at their own expense, have connected such building with the CRW Sewer System by April 4, 1959.
- C. All Persons owning any Property Accessible to the CRW Sewer System upon which an Occupied Building is hereafter erected shall, at the time of the erection of such building and at their own expense, connect the same with the CRW Sewer System.
- D. All Persons owning any Occupied Building upon Property which hereafter becomes Accessible to the CRW Sewer System shall, at their own expense, connect such building to the CRW Sewer System within 30 days after notice to do so from CRW.
- E. All Persons owning Property within the Service Area shall manage all stormwater within the boundary of the Property according to these Rules and Regulations. and shall direct all stormwater not retained on the property to the CRW Sewer System, or where no CRW Sewer System exists, to Waters of this Commonwealth according to these Rules and Regulations.
- F. Any Person owning Property accessible to the CRW Sewer System that fails to connect each Occupied Building on such Property to the CRW Sewer System, or that fails to properly manage all Stormwater as required, shall be served a written notice requiring such connection / management to be made. The notice shall further state that its Requirements shall be complied with within 30 days from the date thereof.
- G. All Persons owning and/or occupying Property within the Service Area shall manage the Building plumbing, Wastewater, Property Drainage Systems, Stormwater Management Facilities, and Activities Exposed to Stormwater on the Property in compliance with these Rules and Regulations, applicable federal, state and local laws, ordinances, resolutions, rules, and Regulations now in force and effect, and such applicable federal, state and

local laws, ordinances, resolutions, rules, and Regulations as may, from time to time, be enacted, adopted, approved, or promulgated by any federal, state or local authority, or may be otherwise provided by law.

- H. Ratepayers receiving Wastewater and Stormwater Service from Capital Region Water are advised that they are likewise subject to all local resolutions and ordinances governing Wastewater and Stormwater, whether or not specifically set forth herein. If a conflict exists between the rules and regulations stated herein, and any CRW resolution or City Ordinance, the more stringent regulation or requirement shall apply and control.

3.3 Period When Wastewater and/or Stormwater Service May Be Refused

Requests for Service involving the installation of a Sewer and/or Storm Lateral, Surface Outlet, wastewater pretreatment facility, Property Drainage System, and/or Stormwater Management Facility, at the option of Capital Region Water, may be refused during periods of inclement weather rendering installation impracticable or uneconomical.

3.4 Information on Request for Wastewater and Stormwater

Each Ratepayer applying for a Service Line Connection for Wastewater and Stormwater service will be required to sign a form or forms provided by Capital Region Water, giving such data as may be required by Capital Region Water.

A written Request for Wastewater and/or Stormwater Service submitted to Capital Region Water for the purpose of requesting Wastewater and Stormwater Service when any of the following criteria are met:

- A. A new Property with an estimated Wastewater flow of at least 125 gallons per day is connecting to an existing CRW Sewer System or the plumbing of an existing Property; OR
- B. An existing Property is expanded in such a way that the estimated increase in the generation of Wastewater equals or exceeds 125 gallons per day. Flow estimates shall be made by Capital Region Water based on standard engineering practices; OR
- C. Where the Property is required to obtain Sewer Services pursuant to the Pennsylvania Uniform Condominium Act (or other similar Act): OR
- D. An Earth Disturbance Activity larger than 1,000 square feet will be performed on the Property and/or part of a common plan of development involving the Property.

No connection shall be made, construction commenced, or Impervious Surface Stormwater Discharge allowed unless and until Capital Region Water has reviewed the Wastewater and

Stormwater Service Connection form and approved the Ratepayer to receive Service. All Wastewater and Stormwater Service forms must be accompanied by the required fee as established pursuant to established Fee Schedule.

When a Wastewater and Stormwater Service forms are required as part of a land development or subdivision plan, the required development plans shall be submitted to Capital Region Water concurrently with submission to the municipality.

3.5 Wastewater and Stormwater Service Submittal Requirements

Wastewater and Stormwater Service forms must be submitted to Capital Region Water at least thirty (30) calendar days before Wastewater and Stormwater Service is established, including any Earth Disturbing Activity and/or installation of a Sewer Lateral, Storm Lateral, Surface Outlet, Property Drainage System, and/or Stormwater Management Facility. The Wastewater and Stormwater Service forms will identify, for approval by CRW:

- A. The location, type, and dimension of any Sewer Lateral to the CRW Sewer System;
- B. The design of any wastewater pretreatment facility to be installed by the Ratepayer to meet the sewer use requirements defined in Section 8.0 of these Rules and Regulations;
- C. The location and drainage area of any Storm Lateral, and/or Surface Outlet from the Property Drainage System to CRW Combined Sewer System, CRW MS4, Waters of this Commonwealth; and/or an appropriately sized Property Drainage System of an adjoining property;
- D. A description of non-structural Stormwater Controls Measures to be implemented for Activities Exposed to Stormwater;
- E. The location, drainage area (including off-site drainage) and design of any Property Drainage System and/or Stormwater Management Facility to be installed by the Ratepayer to meet the stormwater management requirements defined in Section 9.0 of these Rules and Regulations; and
- F. Product and material data sheets are required with the Request.

Upon approval of a properly completed Wastewater and Stormwater Service forms, accompanied by the proper fee, Capital Region Water shall issue a Sewer connection permit and/or a Stormwater Discharge permit, except that such a permit shall not be issued unless and until a development plan, if applicable, is finally approved and recorded in the Office of the Recorder of Deeds of Dauphin County. In addition, the City will not issue a building permit without an approved Wastewater and Stormwater Service from Capital Region Water.

Sewer connection permits shall expire six (6) months after the date of issuance. All fees associated with a request for Sewer Services are non-refundable.

3.6 Approval of Requests for Wastewater and Stormwater Service

Requests for Wastewater and Stormwater Service are merely written requests for Sewer and Stormwater Service. Wastewater and Stormwater Service is provided subject to approval of Capital Region Water and subject to payment of all required deposits or fees, and compliance with all Rules and Regulations relative thereto prior to commencement of the work or Service requested therein. Capital Region Water has the right to refuse approval if Capital Region Water:

- A. Is unable to provide adequate Wastewater and/or Stormwater Service as determined by Capital Region Water, or
- B. Is prohibited by any statute, law, ordinance, regulation, citation or order, whether local, state or federal, from providing Wastewater and/or Stormwater Service, or for any other reason which, in the reasonable judgment of Capital Region Water, prevents the provision of Wastewater and/or Stormwater Service.

3.7 Request for Wastewater and Stormwater Service is a Prerequisite to Service

The Request for Wastewater and Stormwater Service shall be a prerequisite to the provision of Wastewater and Stormwater Service to Ratepayer from Capital Region Water. Rates for Wastewater and Stormwater Service shall commence and accrue from the date the Wastewater and Stormwater Service has been connected and/or any Wastewater or Stormwater discharge occurs from the Property.

3.8 Delinquent Payments

Unless otherwise waived by Capital Region Water, no Wastewater and Stormwater Service will be provided to any Ratepayer:

- A. Until all arrears for rates and other charges due for any service supplied to the Property by CRW shall have been paid or until satisfactory arrangements for payment of such unpaid bills shall have been made;
- B. Until all arrears for rates and other charges due for any service supplied by CRW from the Ratepayer at any Property then or theretofore owned or occupied by him/her shall have been paid or until satisfactory arrangements for payment of such unpaid bills shall have been made;

- C. If the Ratepayer seeking Wastewater and Stormwater Service is an agent of a Ratepayer to whom service has been denied because of delinquency; or
- D. If the Ratepayer seeking Wastewater and Stormwater Service defaulted on past due service charges as part of a rental or other agreement.

3.9 Individual Liability

Two or more parties who join to make application for Service shall be jointly and severally liable.

3.10 New Request Upon Change in Ownership or Conditions of Use

A new Request for Wastewater and Stormwater Service or, as determined appropriate by Capital Region Water, a Request for Transfer of Service Ownership must be submitted and approved by Capital Region Water upon any change in ownership of the Property or upon any change in the service as described in the Request for Wastewater and/or Stormwater Service. Capital Region Water shall have the right to terminate service in accordance with the provisions of Section 10.4 hereof unless and until such new Request for Wastewater and/or Stormwater Service has been submitted and approved by Capital Region Water.

In connection with a change in Service, any Ratepayer making any material change in the size, character or extent of equipment or operations utilizing Wastewater and/or Stormwater Service, or whose change in operations results in a substantial increase in the discharge of Wastewater volume/pollutants, and/or the discharge of Stormwater volume/pollutants to the CRW Sewer System, and/or Waters of this Commonwealth, shall immediately give Capital Region Water written notice of the nature of the change and, if necessary, amend its Wastewater and Stormwater Service forms. For purposes of this paragraph, "substantial increase" shall mean an increase of 15% or more of past average or seasonal Wastewater volume/pollutants and/or an increase of 25% or more of past average or seasonal Stormwater volume/pollutants during a comparable period of time under comparable circumstances.

3.11 Renewal of Service

Wastewater and Stormwater Service will be renewed under a proper Request for Wastewater and Stormwater Service when the conditions under which such Service was discontinued or terminated are corrected and upon the payment of all charges provided in the Rate Schedule or these Rules and Regulations due from the Ratepayer.

3.12 Condition of Plumbing and Property Drainage System

- A. The Ratepayer's Plumbing, Property Drainage System, Stormwater Management Facilities, Sewer and/or Storm Laterals, and any related pipes, corporation stops, valves, or other related fixtures on the Property of the Ratepayer shall be in satisfactory condition, based on an inspection by Capital Region Water, as a condition of providing or continuing Wastewater and/or Stormwater Service.
- B. Capital Region Water shall not be liable in any case for any accidents, Stormwater pollutant discharges, blockages, breaks or leakage that in any way are due to the provision of Wastewater and/or Stormwater Service, or failure to provide the same, or for the freezing of the Sewer and Storm Laterals or any related pipes, corporation stops, valves, or other related fixtures of the Ratepayer.
- C. If the Ratepayer's Plumbing, Property Drainage System, Stormwater Management Facilities, Sewer and/or Storm Laterals, Surface Outlet, and/or any related pipes, corporation stops, valves, or other related fixtures are not suitable for a connection and/or maintained in good operating condition, the Ratepayer shall render them suitable, failing which Capital Region Water may so do at the expense of the Ratepayer.
- D. Any damage to the CRW Sewer System, impairment of Waters of this Commonwealth, Illicit Discharges to the CRW MS4 and/or Waters of This Commonwealth, or costs incurred by Capital Region Water in shutting off water supply which result from the condition of the Ratepayer's Plumbing, Property Drainage System, Stormwater Management Facilities, Sewer and/or Storm Laterals, Surface Outlet, and/or any related pipes, corporation stops, valves, or other related fixtures on the Property of the Ratepayer shall be the responsibility of the Ratepayer.

3.13 Service Line Connections by Capital Region Water

After the Request for Wastewater and Stormwater Service has been submitted and a permit has been obtained for the street excavation, Service Line Connections will be installed by the property owner pursuant to Capital Region Water's authorization and under Capital Region Water's supervision.

4.0 Deposits

4.1 General

The following general conditions shall apply to deposits made for the provision of Wastewater and Stormwater Service:

Wastewater and Stormwater Rules and Regulations

- A. Cash deposits are required from Ratepayers taking service for a period of less than thirty (30) calendar days, in an amount equal to the estimated gross bill for such temporary period.
- B. Capital Region Water reserves the right to require, from time to time, cash deposits prior to the provision of wastewater and stormwater service. In no instance will deposits, if required, be in excess of the estimated gross bill for three (3) billing cycles, if the billing cycle is monthly and for one (1) billing cycle, if the billing cycle is quarterly with a minimum deposit in such amount as may be established from time to time by Capital Region Water.
- C. Payment of bills shall be governed by the procedures of Capital Region Water's Rule and Regulations, as applicable. Copies of the Rules and Regulations are available at the Customer Services Center during regular business hours.
- D. The cash deposit referenced in Section 4.1(a) will not bear interest.
- E. Any Ratepayer having a deposit will pay bills for wastewater and stormwater service as rendered in accordance with the Rules and Regulations of Capital Region Water, and the deposit shall not be considered as payment on account of a bill during the time the Ratepayer is receiving wastewater and stormwater service.
- F. Stormwater service may not be discontinued unless all impervious surfaces are removed, or the Ratepayer can prove to the satisfaction of Capital Region Water that all Stormwater is completely retained on the Property during two back-to-back storms with a 100-year recurrence frequency.
- G. Where the Ratepayer may desire to discontinue wastewater service, the following procedures shall govern:
 - i. Where the Ratepayer desires to discontinue wastewater service without having the Sewer Lateral disconnected from the CRW Sewer System, so long as the Ratepayer remains the Owner of the Property, the Ratepayer shall remain liable for the ready-to-serve charge for such Property.
 - ii. Where the Ratepayer desires to discontinue wastewater service and will no longer be the Owner of the Property after such discontinuance, or if the Owner arranges with Capital Region Water to disconnect the Sewer Lateral from the CRW Sewer System, the Ratepayer will no longer remain liable for the ready-to-serve charge after such transfer of Ownership or such disconnection.

If the Ratepayer has terminated wastewater or stormwater service in the manner contemplated by subparagraph F or G(ii) above, Capital Region Water will apply the

Ratepayer's deposit, if any, to the final bill once the transfer of Ownership or disconnection has occurred. If the Ratepayer has discontinued wastewater service in the manner contemplated by subparagraph G(i) above, Capital Region Water will retain the cash deposit to be applied toward any delinquency of payment of the ready-to-serve charge for which the Ratepayer will remain liable.

5.0 Service Connections

5.1 General Connection Requirements

- A. No Person may discharge, permit to be discharged, or cause to be discharged any material to the CRW Sewer System, or Waters of this Commonwealth except through approved connections meeting the requirements of this Section. Any Violation of this provision shall result in fines as set forth in the Rate Schedule.
- B. Except as otherwise provided in these Rules and Regulations, each Property shall be connected separately and independently with a separate Sewer Lateral for Wastewater discharges to the CRW Sewer System, and a separate Storm Lateral and/or Surface Outlet for Stormwater discharges to the CRW Combined Sewer, CRW MS4 System, Waters of this Commonwealth, and/or appropriately sized Property Drainage System of an adjoining Property.
- C. Stormwater shall not be allowed to enter a Sewer Lateral or CRW's Separate Sanitary Sewer System. Wastewater shall not be allowed to enter a Storm Lateral, a Property Drainage System, the CRW MS4, or Waters of this Commonwealth.
- D. An existing Combined Sewer Lateral conveying Wastewater and Stormwater to CRW's Combined Sewer System is allowed if in satisfactory condition but must be replaced with separate Sewer and Storm Laterals if found to be in poor condition and/or as a condition of approval of any Wastewater and Stormwater Service Information Sheet.
- E. Capital Region Water may, in its sole discretion, grant an exception allowing Property Owners to connect multiple properties, *i.e.* a multi-home condominium unit, through a single Sewer Lateral and/or Storm Lateral. Such an agreement shall be subject to such terms and conditions as Capital Region Water may deem necessary and proper to provide adequate Service to the Property.
- F. All costs and expenses for constructing a Sewer Lateral, Building Plumbing, Storm Lateral, Surface Outlet, Property Drainage System, or Stormwater Management Facility, including testing, shall be borne by the Owner of the Improved Property; and such Owner shall indemnify and hold harmless Capital Region Water from all loss or damage which may

be occasioned, directly or indirectly, as a result of said construction. Whenever, in the opinion of the engineer or other duly authorized representative of Capital Region Water, special conditions require additional safeguards or more stringent specifications to be observed, then, and in that event notwithstanding any other provisions of these Rules and Regulations or requirements of the City Building Code, Capital Region Water specifically reserves the right to refuse to permit a connection to be made to the CRW Sewer System until such special requirements or specifications as may be stipulated by Capital Region Water or its agent have been satisfied.

5.2 Requirements for Installation of Wastewater and Stormwater Connections

- A. All Sewer Laterals, Storm Laterals, and/or Surface Outlets shall be installed and properly maintained by the Ratepayer according to standards established by Capital Region Water in the Rules and Regulations.
- B. Capital Region Water shall provide Wastewater Service to a Property under the following conditions:
 - i. A Sewer Lateral must connect the Property's plumbing to the CRW Sewer System located adjacent to the Property and in the opinion of Capital Region Water, with adequate capacity for the required Wastewater Service. Capital Region Water reserved the right to approve Sewer Laterals at such locations that are in the best interests of Capital Region Water.
 - ii. In its discretion, based on sound engineering practices, Capital Region Water shall have the sole authority to determine whether a Property shall connect to the CRW Separate Sanitary Sewer System using a pressure Building Sewer Lateral and Sewer pump or a gravity Building Sewer Lateral and sewer pump.
- C. Capital Region Water shall provide Stormwater Service to the Property under the following conditions:
 - i. No Illicit Discharges to the CRW MS4 or Waters of this Commonwealth exist on the Property;
 - ii. All Activities Exposed to Stormwater are managed with approved Stormwater Control Measures to the Maximum Extent Practicable, as determined by Capital Region Water;
 - iii. Stormwater shall be retained in an approved Stormwater Management Facility on each Property to, in the opinion of Capital Region Water, the maximum extent

- possible without damaging occupied structures on the Property or infiltrating into Sewer Laterals.
- iv. Once the Stormwater retention capacity within the Property is reached, Stormwater must be conveyed through a Storm Lateral connected to the CRW Sewer System, or through a Surface Outlet to a public right of way with adequate surface drainage features for conveying Stormwater to an Inlet to the CRW Sewer System, a Stormwater Control Measures operated by Capital Region Water, or directly to Waters of this Commonwealth.
 - v. Property Drainage Systems should promote flow across vegetated portions of the Property where possible.
 - vi. Capital Region Water may require installation of a separate Storm Lateral to Capital Region Water's MS4 or Combined Sewer System if, in the opinion of Capital Region Water, a Surface Outlet would damage an occupied structure on the Property and/or discharge to an adjacent Property.
 - vii. The Ratepayer may continue to use existing Storm Laterals in good repair for Stormwater Service until applying for a new Service connection or for an earth disturbance permit under this Section.
- D. The Property Owner who is approved for connection to the CRW Sewer System shall be responsible for all direct and indirect costs associated with providing said connection including the cost of excavating the main, making the actual connection and surface restoration.
- E. Sewer and Storm Laterals shall be laid in separate trenches, and no Sewer or Storm Lateral shall be laid in the same trench with a water or gas pipe or with any facility of a public service company, or within three feet of any excavation or vault without written approval of Capital Region Water.
- F. Regardless of the type of connection required, all fixtures relating to the provision of Wastewater and Stormwater Service, including but not limited to, pipes, fittings, traps, plugs, caps, cleanouts, and any other fixture necessary to provide Service shall be the size, material, and any other specifications established by Capital Region Water. Trenches and backfill necessary for the installation of Sewer and Storm Laterals shall also meet the specifications established by Capital Region Water.
- G. Capital Region Water may change the required specifications without notice. Before installing or repairing any Sewer or Storm Lateral, contact Capital Region Water to obtain the most recent specifications.

- H. At its discretion, Capital Region Water may waive any required specification if such a waiver is deemed to be in the best interest of its Ratepayers. Such a waiver is not effective unless obtained in writing.
- I. A new connection to the CRW Sewer System shall not be permitted until the installation has been inspected, tested, and approved in accordance with Capital Region Water's specifications, these Rules and Regulations, and all applicable local, state, and federal laws.
- J. At the time of the inspection of a Sewer Lateral, Storm Lateral, or Surface Outlet, the Owner shall permit Capital Region Water's designated inspector full and complete access to all pipes and appurtenances in each Building and in and about all parts of the Property. No portion of the work shall be covered over, or in any manner concealed, until after it is inspected and approved by the inspector.
- K. Notwithstanding any other provisions to the contrary, Capital Region Water shall at all times reserve the right to withhold the issuance of any permit for Wastewater or Stormwater Service until the Owner provides collateral or security as Capital Region Water in its sole and absolute discretion deems adequate. Such security is to provide a fund from which all costs and expenses can be paid for the construction of any necessary connection from the existing CRW Sewer System to the Property of the Owner in the event the Owner or any successor fails to complete the construction.

5.3 Installation and Connection of a Sewer Lateral, Storm Lateral, or Surface Outlet

- A. A Sewer Lateral, Storm Lateral, or Surface Outlet may be installed by a Property Owner, a home or unit Owner's association, or a Person or firm acting as an agent of or on behalf of the Property Owner or association ("Installer"). A Property Owner or Installer must be in full compliance with the following provisions:
 - i. Installers shall complete and submit to Capital Region Water an appropriate Sewer Installer's Certification Form.
 - ii. The Installer shall certify that (1) the Installer is familiar with all Capital Region Water specifications and these Rules and Regulations and that the Installer shall comply with those requirements; (2) the Installer has Automobile Liability, General Liability, and Worker's Compensation insurance coverage in force in the minimum required legal limits shown below and will keep such coverage in force with respect to any Sewer installations to be performed within Capital Region Water's Service Area; and (3) an indemnification of Capital Region Water for any damages and claims arising from the installation of Sewers.

- iii. Upon request by Capital Region Water, the Installer shall provide proof of compliance with this section including submitting current insurance certificates.
- B. Capital Region Water reserves the right to prohibit any Property Owner, Person, or firm from installing a Sewer Lateral or any other fixture connecting to the CRW Sewer System, or Storm Lateral or any other fixture connecting to the CRW Combined Sewer or MS4 System, or for reasons including, but not limited to:
 - i. Violation of any provision of these Rates, Rules, and Regulations or any other Capital Region Water, Federal, State, or local requirement;
 - ii. Unsatisfactory completion of previous installation(s);
 - iii. The need for excessive expenditure of Capital Region Water's personnel time and effort to monitor, inspect or otherwise supervise or process such installation project(s);
 - iv. Failure to comply with the terms of the Installer's Certificate.
- C. After review of an Installer's Sewer Installer's Certification Form, Capital Region Water reserves the right to have Sewer Laterals, Storm Laterals, and Surface Outlets connected by a contractor chosen by Capital Region Water. Capital Region Water's election to use its chosen contractor shall in no way diminish the Ratepayer's responsibility to pay the cost arising out of or relating to any installation.
- D. Installers of Sewer Laterals, Storm Laterals, and Surface Outlets shall comply with all Federal, State, and local requirements, including applicable regulations and ordinances; Capital Region Water's Standard Construction Specifications; and these Rules and Regulations.
- E. The Property Owner shall be ultimately responsible for installing all Sewer Laterals from the Building Plumbing to CRW's Sewer System, and all Storm Laterals and Surface Outlets from the Property Drainage System to the CRW Combined Sewer System, the CRW MS4, or Waters of this Commonwealth, according to Capital Region Water's requirements. In addition, the Property Owner shall be solely responsible to enforce any specific contractual requirements between himself, herself, or itself and other Persons or firms who actually perform installation. Capital Region Water expressly disclaims any responsibility for contractual matters between Property Owners and Installers.
- F. The installation of all Sewer Laterals, Storm Laterals, and Surface Outlets is subject to the submission of a written application as provided in Section 3 hereof to Capital Region Water, to such requests being reasonable, to approval of the written application by

Capital Region Water, and to the payment of, inter alia, such charges for the Sewer Lateral, Storm Lateral, and Surface Outlet installation as are in effect at the time of the application, said charges to be payable in advance. Where the governmental unit charges a fee for issuing a permit or permits for street or road opening, or for any other reason in connection therewith, the total fee will be charged to the Applicant in addition to the other charges.

- G. Capital Region Water reserves the right to determine the size and the kind of the Sewer Laterals, Storm Laterals, and Surface Outlets, with such specifications to be set forth in the CRW Design Manual: Standard Specifications and Details.
- H. Prior to laying of new concrete sidewalks, making changes in Grade or other changes in sidewalk construction, the Ratepayer must relocate at it's the expense the curb box, cleanout, and/or other Sewer Lateral, Storm Lateral, and Surface Outlet appurtenances at the proper Grade.
- I. The curb box, cleanout, and/or other Sewer Lateral, Storm Lateral, and Surface Outlet appurtenances shall be relocated or adjusted, as appropriate, by the Ratepayer at the proper height. If the appurtenance or appurtenances are covered or concreted over, thereby necessitating additional expense to Capital Region Water for finding and relocating the same, the Ratepayer shall be billed for such additional expense and Capital Region Water will, under no circumstances, be responsible for damages to the sidewalk.

5.4 Installation – Interceptors and Separators

- A. Harmful discharges to the CRW Sewer System, CRW MS4 System, and Waters of this Commonwealth by Ratepayers are prohibited. In its sole discretion, applying sound engineering principles, Capital Region Water may require the installation of any of the following types of Interceptor or Separator deemed necessary to protect the integrity and safety of the Sewer System, MS4 System, and Waters of this Commonwealth:
 - i. Grease Control Equipment - required to receive the grease-laden drainage located in food preparation areas of certain Commercial, Industrial, or Residential Establishments, including but not limited to restaurants, motels, hotels, bars, cafeterias, or schools.
 - ii. Oil interceptors- required to receive drainage from work areas of certain Commercial or Industrial Establishments where petroleum products may become mixed with Wastewater, including but not limited to repair garages, gasoline stations, and factories.

- iii. Special purpose interceptors- required at any Property where the nature of the operation of that Property could cause a detrimental substance to enter the Wastewater or Stormwater, including but not limited to sand or grit, laundry materials, animal parts, and any other harmful materials.
- B. Each interceptor and separator shall be installed so as to be readily accessible for service and maintenance, whether by the Property Owner or by Capital Region Water or its agents. The Property Owner shall be responsible for maintaining the interceptor and separator by removing, as necessary, accumulated grease, oil, solids, or any other material which may impair the flow of Wastewater and/or Stormwater, or damage the separator, interceptor, Sewer System, MS4 System, and/or Waters of this Commonwealth.
- C. Each interceptor and separator and any related connections to the Sewer System and/or MS4 System shall be installed in compliance with CRW Design Manual, including the style, type, and location of said interceptor or separator.
- D. Capital Region Water personnel may make periodic inspections of any Property to assure proper installation, maintenance, and disposal procedures are being followed. Written documentation from the Property Owner may be required to evidence required maintenance and lawful disposal of any accumulated material.

5.5 Maintenance – Sewer Laterals, Storm Laterals, and Surface Outlets

- A. All Sewer Laterals, Storm Laterals, and Surface Outlets and other fixtures installed by the Ratepayer shall be maintained by the Ratepayer or Property Owner in satisfactory condition. When repairs, renewals or replacements or other necessary work are required on the aforesaid facilities of the Ratepayer, the Ratepayer shall employ, without delay, competent tradesmen to do the work. All work shall be done at the expense of the Ratepayer. All leaks in the service or any other pipe or fixture or in or upon the premises supplied must be repaired immediately by the Owner or occupant of the Property.
- B. In the event that the Ratepayer is unable or unwilling to make the necessary repairs immediately, Capital Region Water may excavate and make the necessary repairs or employ a subcontractor to make the necessary repairs.
- C. Once any of the aforesaid actions is initiated, all costs incurred during said actions will be at the expense of the Ratepayer. Failure to reimburse Capital Region Water for said costs may result in the placement of a lien against real Property of the Ratepayer for the collection of said cost or both.

- D. If the Ratepayer or Property Owner replaces or repairs any Sewer Lateral, Storm Lateral, and Surface Outlet or other fixture, the Ratepayer or Property Owner shall notify Capital Region Water in a timely fashion. Any such repair or replacement shall be subject to inspection and approval by Capital Region Water. Capital Region Water may, in its discretion, require the Ratepayer or Property Owner, at his, her, or its expense, to modify any replacements or repairs that are inconsistent with any Capital Region Water specification or are otherwise detrimental to the Sewer System or MS4 System.
- E. Capital Region Water shall in no event be responsible for maintaining any portion of facilities owned by the Ratepayer, or for damage done by Wastewater or Stormwater escaping therefrom, or from lines or fixtures on the Property; and the Ratepayer shall at all times comply with municipal regulations.
- F. For Sewer Laterals four (4) inches or less in diameter, Capital Region Water may absorb the cost of maintaining, repairing, and/or replacing a Sewer Lateral for the portion of the Sewer Lateral from the point of demarcation at the curb line or cleanout to the connection at the CRW Sewer System. Ratepayers shall remain responsible for their Sewer Laterals from the point of demarcation to the Ratepayer Property being served. A Ratepayer who meets the eligibility criteria should complete the Wastewater Lateral Assistance Program Request as furnished by Capital Region Water and substantially in the form attached hereto as Appendix C.

5.6 Extensions and Additions to the CRW Sewer System

- A. Extension from Owners of Existing Properties
 - i. Whenever any Person desires the extension of the Sewer System and/or MS4 System to Service a new area, such Person may petition for an extension, which must be signed by the Owners of not less than fifty-one percent (51%) in footage fronting on the proposed extension. The petition shall set forth the total number of feet of CRW Sewer System extension required, the total number of potential Property Owners located along the proposed extension, and whether such Ratepayers and/or Property Owners are residential, commercial, or industrial.
 - ii. Upon receipt of the petition, Capital Region Water may undertake the extension of its facilities if such extension is beneficial in the opinion of Capital Region Water. Notice of Capital Region Water's determination shall be given to the Person who submitted the petition.

B. Extension and Additions in Connection with Subdivision or Land Development Projects

- i. Upon request for Service, Capital Region Water will extend the CRW Sewer System and/or CRW MS4 to Service any area required to accommodate such Ratepayer, provided that such Ratepayer pay the entire cost related to the extension of Service. Such cost shall be estimated by an engineer contracted by Capital Region Water, and the full estimated cost shall be deposited in a special escrow account prior to construction of any extension. The Ratepayer shall be responsible for any additional costs in excess of the amount estimated by the engineer. Capital Region Water shall not render Service to such a Ratepayer until all costs for the extension are paid or a payment plan is agreed upon in writing.
- ii. In its discretion, Capital Region Water may require the Ratepayer to hire a consulting engineer to design and implement the extension to the CRW Sewer System and/or CRW MS4, or Capital Region Water may contract directly with a consulting engineer to design and implement the extension. In either case, the Ratepayer shall be responsible for payment of the full cost of any such consulting engineer.
- iii. Any extension or plans for such extension must meet all Capital Region Water specifications and shall be subject to approval by Capital Region Water. Any Ratepayer must submit all plans for an extension to Capital Region Water prior to beginning construction on said extension. Capital Region Water may charge a fee for reviewing any plans for an extension.
- iv. After review of any plans for extension, Capital Region Water may, in its sole discretion, approve, disapprove, or make alterations to such a plan. No Ratepayer may begin construction on an extension unless and until the plans for such an extension are approved by Capital Region Water.
- v. Capital Region Water may require the construction of a pumping station or other facilities necessary to render adequate Service to the Ratepayer's Property. Unless otherwise agreed to in writing, all pumping stations or similar facilities shall be dedicated by the Ratepayer to Capital Region Water. Such Deed of Dedication shall be prepared by the Ratepayer at the Ratepayer's expense and shall be delivered to Capital Region Water no later than thirty (30) days after the completion of the construction of any pumping station or other facility. This requirement may be enforced by a petition to the Court of Common Pleas of Dauphin County for specific performance of this provision.
- vi. The Ratepayer shall obtain all necessary permits and approvals prior to beginning construction on any extension.

5.7 Shared Lateral Responsibility

Certain Ratepayers utilize private Sewer or Storm Laterals that are shared by and provide Service to two or more properties ("Party Lines"). A break or blockage in one portion of a Party Line may result in a disruption in Service to other properties using the Party Line. In order to better serve Ratepayers utilizing Party Lines, the following guidelines shall apply:

- A. A Party Lines may serve two or more Ratepayers only if the Party Line existed on or before January 1, 2018 and is functioning properly or may be repaired to a functional state. No other Party Lines are permitted.
- B. A Violation of these Rules & Regulations by any Ratepayer using a Party Line shall constitute a Violation for all properties connected to the Party Line, except that any Property Owner who did not cause said Violation may be given a reasonable opportunity to install an individual lateral.
- C. Ratepayers served by each Party Line shall be jointly and severally liable for each Party Line including, but not limited to, any necessary repairs to the Party Line. Where multiple properties use a Party Line, CRW encourages the Property Owners to enter into a maintenance agreement between all of the Owners using or connected to the Party Line to ensure that there is a mechanism in place to pay for required repairs and/or replacement of the Party Line or any portion thereof. In general terms, a common method is to proportion the costs of the maintenance, repair, or replacement among the Property Owners sharing the Party Line.
- D. If Ratepayers conduct maintenance, repair, or replacement work to a Party Line, all construction must be performed in accordance with the most recent construction specifications, these Rules & Regulations, and any other permit requirements, subject to inspection by a Capital Region Water Engineer or other designated inspector at the Ratepayer's expense.
- E. In the event that repairs to or replacement of a Party Line are necessary and the Ratepayers fail, refuse, or neglect to conduct adequate repairs or replacement, Capital Region Water reserves the right to enter any Property using the Party Line to make any and all repairs or replacements necessary to ensure Service to all properties connected to the Party Line, to protect the health, safety, and welfare of Ratepayers, and to ensure compliance with these Rules & Regulations. Except in the event of an emergency, Capital Region Water shall provide a Notice of Intent to Repair to all Ratepayers using the Party Line no later than seven (7) days prior to beginning repairs. Capital Region Water and its authorized agents shall have the right of access, at all reasonable hours, to any Property served by the Party Line to perform any work associated with the repair or replacement

including, but not limited to, inspection of the Party Line and the performance of any other functions relating to Service rendered by Capital Region Water.

- F. All repair or replacement work shall be performed at the Ratepayers' sole cost and expense. The Ratepayers shall be jointly and severally liable for the total cost of such repair or replacement. Capital Region Water shall invoice all Ratepayers connected to the Party Line for the cost of the work. Nothing in this Section is intended to prohibit any Ratepayer from seeking indemnification from any other Ratepayer connected to the Party Line. Capital Region Water, however, bears no responsibility for apportionment of costs of repairs between or among Ratepayers. Capital Region Water may file a lien against Property owned by Ratepayers using the Party Line if the costs of the repairs to the Party Line are not paid within 30 days of receipt of the invoice described herein.
- G. After inspection or during the course of any attempted repair of any Party Line, Capital Region Water may require a Ratepayer(s) to replace the Party Line or portions thereof with individual water or Sewer Laterals connected directly to the Capital Region Water main located in the public right of way if any of the following criteria are met:
 - i. An Engineer determines that the shared Party Line is not functioning properly and cannot reasonably be repaired;
 - ii. The cost of replacing the Party Line with an individual line is less than or approximately equal to the cost of repairing the Party Line; or
 - iii. All Ratepayers connected to the Party Line needing repair agree in writing to allow the Party Line to be replaced with individual lines and agree to bear the cost of said replacement jointly and severally.

Should CRW require the Ratepayer(s) to directly connect to the CRW Sewer System through an individual lateral, rather than a Party Line, said Ratepayer(s) shall be solely responsible for the total cost of any replacement. Nothing in this Section is intended to prohibit any homeowner from seeking indemnification from any other homeowner connected to the Party Line. Capital Region Water bears no responsibility for the apportionment of the cost of the replacement.

- H. Where a Party Line is used for two or more properties held in one Ownership and a division of such Ownership occurs, whether by sale or otherwise, each Property shall, thereafter, have its own Service connection and lateral installed at the expense of the Ratepayer.

5.8 Abandoned Laterals

- A. Whenever any Ratepayer, Property Owner, an agent, employee or lessee shall abandon or cause to be abandoned any Sewer or Storm Lateral, such Sewer or Storm Lateral shall be removed and capped at the sewer main by such Ratepayer, Property Owner, agent, or lessee, unless such Person shall have obtained permission from the proper officials of Capital Region Water to leave such abandoned Sewer or Storm Lateral in place. Any such applications shall be accompanied by a plan or sketch showing the location or locations of all such abandoned Sewer or Storm Lateral within the lines of such Public Right-of-Way. No official of Capital Region Water shall grant such permission unless such Ratepayer, Property Owner or lessee shall agree to maintain any facilities available for inspection.
- B. A street cut and excavation permit must be obtained from the City Engineer prior to the removal of abandoned Sewer Lateral lying under or within the lines of the Public Right-of-Way, with all work performed according to the terms of this permit.

6.0 Stormwater Management Requirements

6.1 Land Management Plans for Natural Lawns

- A. Any Ratepayer using, benefitting from, or receiving Stormwater Services may apply to CRW for approval of a Land Management Plan for a Natural Lawn, one where the grasses exceed fifteen (15) inches in height.
- B. The Land Management Plan shall be a written document which contains a legal description of the lawn upon which the grass will exceed eight (8) inches in length, a statement of intent and purpose for the lawn, a general description of the vegetational types, plants, and plant succession involved, and the specific management and maintenance techniques to be employed. The management plan must include provisions for cutting at a length not greater than fifteen (15) inches the terrace area, that portion between the sidewalk and the street or a strip not less than four (4) feet adjacent to the street where there is no sidewalk, and at least a three (3) foot strip adjacent to neighboring property lines unless waived by the abutting property owner on the side so affected. All lawn and grass areas shall be cut between.
- C. Each application for a Land Management Plan shall be on a form provided by the Chief Executive Officer of CRW. A copy of the application shall be mailed by the applicant or given personally by the applicant to each of the owners of record, as listed in the Real Estate Registry, who are owners of the property situated in whole or in part within two hundred (200) feet of the boundaries of the properties affected. The Chief Executive

Officer of CRW shall provide the list of the property owners who are to be notified of the application. The applicant shall certify, under oath, on a form to be furnished by the Chief Executive Officer of CRW, that such owners have been duly notified and the manner in which they have been notified. If, within fifteen (15) days of receipt of a copy of the application, at least fifty-one percent (51%) of such property owners file written objections to the application with the Chief Executive Officer of CRW, the Chief Executive Officer of CRW shall refer the application to the Board of Directors of CRW for hearing and decision.

- D. The Ratepayer may appeal from a decision of the Director of the Chief Executive Officer of CRW refusing to grant a Land Management Plan. All appeals shall be to the Board of Directors of CRW which shall hear such appeals once a month, March through September. All applications for appeal shall be submitted within fifteen (15) days of notice of denial of the Land Management Plan.

6.2 Proper Drainage of Property

- A. All buildings on Properties receiving stormwater service shall be provided with adequate Property Drainage Systems and shall be free of leakage and water accumulation except within designated Stormwater Management Facilities designed and maintained as specified by these Rules and Regulations.
- B. All portions of the Property shall be properly graded and maintained to afford proper drainage of all parts either to on-site Stormwater Management Facilities, to a public right-of-way, to the CRW Combined Sewer System, or to the CRW MS4 System, as specified by these Rules and Regulations. Proper site grading, Property Drainage Systems, and maintenance shall prevent the drainage of water to the foundation or walls of cellars or buildings upon the Property or upon adjoining Properties. Drainage is to meet the standards and conform to the Property Maintenance Code of the City of Harrisburg.

6.3 Good Housekeeping Requirements

- A. Every Property receiving Stormwater Service from CRW shall be kept free from the growth of noxious weeds and other offensive vegetation and be consistent with any approved Land Management Plan for Natural Lawns.
- B. Every Ratepayer receiving Stormwater Service shall maintain their Property in a clean and sanitary condition, kept free from any accumulation of rubbish, dirt, garbage, and similar materials and shall be kept free of vector infestation.
- C. It shall be the duty of each Ratepayer receiving stormwater service, except as otherwise provided by these Rules and Regulations, to keep in a clean condition that portion of the

Property which such Ratepayer occupies or over which such Ratepayer has exclusive control.

- D. Every Owner of a Property containing one or more Ratepayers receiving Stormwater Service shall maintain in a clean and sanitary condition the shared or public areas of the Property.
- E. It shall be the responsibility of every Ratepayer receiving Stormwater Service and every Owner of a Property containing one or more Ratepayer receiving Stormwater Service, to conform to the standards of cleanliness and sanitation of the City of Harrisburg's Public Health Code.
- F. Persons owning, occupying, or having charge of Property receiving Stormwater Service from CRW shall make reasonable efforts to keep the sidewalks, entranceways and all other portions of the Property free of litter or similar matter and shall not deposit litter or similar matter from the sidewalk into the street or gutter thereof.
- G. Notwithstanding the foregoing, where the street is posted for street cleaning, leaves may be swept from the public sidewalk into the street or gutter thereof on the day prior to the cleaning or on the day of the cleaning, provided that the deposit of leaves shall be done before the hour of the posted cleaning, but such leaves shall not be deposited on a storm sewer inlet. Leaves on property outside the public Right-of-Way, such as from front, side and rear yards, however, shall not be swept into the street or gutter.

6.4 Street Cleaning

- A. CRW will work with the City of Harrisburg's Director of the Department of Public Works to develop a schedule of four-hour routes to sweep, remove snow or otherwise clean each City street twice per month.
- B. Said schedule shall be filed with Capital Region Water, the City Clerk, and the City Engineer and will be available for inspection during normal business hours.
- C. The four-hour periods during which street cleaning is to be affected shall be clearly posted at intervals along each City street.
- D. No parking shall be permitted on the side of the street scheduled for cleaning during such four-hour period.
- E. Any vehicle parking in a restricted area shall be subject to towing and impoundment pursuant to City Code Chapter 3-135, Removing and Impounding of Motor Vehicles, in

addition to the fines and penalties for unlawful parking to which the owner may be subject.

6.5 Accumulation of Refuse

All premises and exterior property within the Service Area shall be maintained free from any accumulation of refuse.

6.6 Existing Stormwater Management Facilities

- A. All storm sewers, inlets, drainage swales, Stormwater Control Facilities and other Stormwater Management Facilities on the Property must be maintained in good operating condition, as defined in Section 10 of these Rules and Regulations.

The Property Owner is responsible for any flooding, erosion, sinkholes, pollutant discharges, or damage caused by Stormwater Management Facilities on their Property.

The Property Owner must comply with all Operation and Maintenance Agreements executed under Section 10.2 of these Regulations.

The Property Owner must meet all requirements under Section 9.0 of these Rules and Regulations prior to modifying a Stormwater Management Facility, initiating an earth-disturbing activity, and/or changing site grading, imperviousness, drainage, or an Activity Exposed to Stormwater.

7.0 Harmful Discharges

7.1 Prohibited Wastewater Connections and Discharges

- A. Capital Region Water reserves the right to refuse permission to connect and/or allow discharges to the CRW Sewer System and/or the CRW MS4, to compel discontinuance of use of the Sewer System and/or MS4, or to compel Pretreatment of Wastewaters by any Person using the Sewer System and/or MS4 in order to prevent discharges deemed harmful, or to have a deleterious effect upon any portion of the Sewer System and/or MS4, or to any Waters of this Commonwealth and/or ground water receiving discharges from Capital Region Water's Sewer System and/or MS4 and/or from a Stormwater Management Facility installed on the Property; provided, however, that Nonresidential Establishments are subject to the additional requirements in this Section.
- B. No Person owning any Property accessible to the Capital Region Water Sewer System and/or the CRW MS4 shall erect, construct, use, or maintain, or cause to be erected,

constructed, used, or maintained, any privy, cesspool, sinkhole, septic tank, or other receptacle on such Property for receiving sewage after April 4, 1959, or at any time erect, construct, use, or maintain any pipe, conduit, drain, or other facility for the discharge of Sanitary Sewage except into the Capital Region Water Sewer System. No Person shall make a connection to the Capital Region Water Sewer System and/or MS4 from any cesspool, privy, vault, or other depository.

- C. No waste or wastewaters shall be discharged to the Capital Region Water MS4, to a Water of this Commonwealth, or to a groundwater without an NPDES permit from DEP.
- D. No waste or wastewaters shall be discharged to the Capital Region Water Sewer System:
 - i. Having heat in such quantities that the discharge causes the temperature at the AWTF to exceed 40° C. or 104° F.
 - ii. Containing fats, grease and oils of animal origin in excess of 100 mg/l;
 - iii. Containing fats, wax, grease, or oils of petroleum origin, whether emulsified or not, in excess of 15 mg/L, or petroleum oil, nonbiodegradable cutting oil or petroleum products of mineral origin in amounts that will cause Interference or Pass-Through at the AWTF;
 - iv. Containing any gasoline, benzene, naptha, fuel oil or other explosive liquids, solids or gases or any other Pollutants which will create a fire or explosion hazard, including but not limited to waste streams with a closed-cup flashpoint of less than 140° F. or 60° C. using the testing methods specified in 40 CFR 261.21;
 - v. Containing any Garbage that has not been ground by household garbage disposal;
 - vi. Garbage/ Food waste from commercial grinders;
 - vii. Yard waste to include grass clippings, leaves, mulch, dirt, gravel, and tree trimmings;
 - viii. Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solids or viscous substances capable of causing obstructions or other Interferences with proper operation of the Sewer System;
 - ix. Having a pH lower than 5.0 or higher than 10.0 standard units, or having any other corrosive properties capable of causing damage or hazards to structures, equipment, or personnel of the Sewer System;

- x. Containing Toxic or poisonous substances in sufficient quantity to injure or interfere with any Wastewater Treatment process, to constitute hazards to humans or animals or to create any hazard in waters which receive treated effluent from the Sewer System Treatment Plant. Toxic wastes shall include, but not be limited to, wastes containing cyanide, chromium, cadmium, mercury, copper or nickel or any characteristic or listed hazardous waste;
- xi. Containing noxious or malodorous gases or substances capable of creating a public nuisance;
- xii. Containing solids of such character and quantity that special and unusual attention is required for their handling;
- xiii. Containing any substance which may affect the AWTF's effluent and cause Violation of the NPDES permit requirements;
- xiv. Containing any substance which would cause the AWTF to be in noncompliance with sludge use, recycling, or disposal criteria pursuant to guidelines or regulations developed under Section 405 of the Federal Act, the Clear Air Act or regulations or criteria for sludge management and disposal as required by the DEP;
- xv. Containing color which is not removed in the Treatment processes;
- xvi. Containing any radioactive wastes or isotopes;
- xvii. Containing any Pollutant, including Conventional Pollutants, released at a flow rate and/or Pollutant concentration which would cause Interference with the AWTF;
- xviii. Containing substances which may solidify or become viscous at temperatures between 0° C. or 32° F. and 60° C. or 140° F.;
- xix. Containing any Emerging Contaminant or Contaminant of Concern as identified by the USEPA. Emerging Contaminants shall include, but not be limited to, wastes containing perchlorate, perfluorooctane sulfonic acid (PFOS), perfluorooctanoic acid (PFOA), and other per- and polyfluoroalkyl substances (PFAS), or any characteristic or listed contaminant or endocrine disruptor;
- ii. Containing chemical constituents which, alone or in combination, result in the release of toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems.

- E. When Capital Region Water determines that a Ratepayer is contributing any of the above substances in such amounts as to exceed stated limits or to interfere with the operation of the AWTF, Capital Region Water shall:
 - i. Advise the Ratepayer of the impact of such discharges on the operation of the AWTF; and
 - ii. Categorize the Ratepayer as a Significant Industrial Ratepayer subject to Wastewater Discharge Permitting requirements under Section 8.0; and
 - iii. Develop effluent limitations for those discharges to correct the Interference with the operations of the AWTF; and
 - iv. Direct the Ratepayer to comply with the effluent limitations as provided in Section 8.0; and
 - v. Deny all Requests for Service under Section 3.0 until the Ratepayer is in compliance with the Wastewater Discharge Permit; and
 - vi. Utilize the enforcement provisions of Section 13.0.
- F. No Person shall discharge any waste or Wastewater directly into a manhole or other opening in the Capital Region Water Sewer System and/or MS4, other than an approved Sewer Lateral to the CRW Sewer System, unless such Person has been issued a special permit to do so by Capital Region Water. Such permit shall be of limited duration, and the permittee shall comply with all applicable provisions of this chapter.
- G. The discharge of any trucked or hauled waste, Wastewater, and/or other Pollutants is prohibited except at discharge points designated in a special permit approved by Capital Region Water. Such permit shall be of limited duration, and the permittee shall comply with all applicable provisions of this chapter.
- H. No Ratepayer shall discharge any holding tank or septic tank wastes unless such Person has been issued a special permit to do so by Capital Region Water. Such permit shall not be assignable or transferable.

7.2 Prohibited Stormwater Connections and Discharges to the CRW Sewer System

- A. No Stormwater shall be discharged into, or allowed to infiltrate into, the Capital Region Water Separate Sewer System, or a Sewer Lateral connected to the Capital Region Water Separate Sewer System.

- B. The Owner of a Property found to discharge or infiltrate Stormwater into the CRW Separate Sewer System, or into a Sewer Lateral connected to the CRW Separate Sewer System, must remove the Stormwater, as required under these Rules and Regulations, through one or more of the following methods:
 - i. Repair or replacement of the Sewer Lateral;
 - ii. Improvements to the Property Drainage System to direct Stormwater away from the CRW Separate Sanitary Sewer System and the Sewer Lateral;
 - iii. Participation in CRW Programs to reduce Infiltration/Inflow to the CRW Separate Sanitary Sewer System;
- C. Failure to remove the Property's Stormwater from the CRW Separate Sewer System and/or Sewer Lateral may, at the discretion of Capital Region Water, result in loss of Wastewater and Water Service and other Enforcement Actions defined in Section 14 of these Rules and Regulations.

7.3 Prohibited Discharges to the CRW MS4 System and Waters of this Commonwealth

- A. Any drain (including indoor drains and sinks) or conveyance, whether on the surface or subsurface, that allows any Illicit Discharge to enter Capital Region Water's MS4 or to enter the Waters of this Commonwealth is prohibited.
- B. No Person shall allow, or cause to allow, discharges into Capital Region Water's MS4, or discharges into Waters of this Commonwealth, which are not composed entirely of Stormwater, except (1) as provided in Subsection D below and (2) discharges allowed under a state or federal permit.
- C. Any drain or conveyance that is connected and/or discharges from a commercial or industrial land use to Capital Region Water's MS4 and that has not been documented in plans, maps, or equivalent records and approved by Capital Region Water or the City is prohibited.
- D. The following discharges to Capital Region Water's MS4 or to the Waters of this Commonwealth are authorized unless identified by Capital Region Water or DEP as a significant contributor of Pollution to Capital Region Water's MS4 or to the Waters of this Commonwealth:
 - i. Discharges from firefighting activities
 - ii. Potable water sources including dechlorinated water line and fire hydrant flushing

- iii. Irrigation drainage
 - iv. Air conditioning condensate
 - v. Springs
 - vi. Water from crawl space pumps
 - vii. Pavement wash waters where spills or leaks of toxic or Hazardous Materials have not occurred (unless all spill material has been removed) and where detergents are not used
 - viii. Diverted stream flows
 - ix. Flows from riparian habitats and Wetlands
 - x. Uncontaminated water from foundations or from footing drains
 - xi. Lawn watering
 - xii. Dechlorinated swimming pool discharges
 - xiii. Uncontaminated groundwater
 - xiv. Water from individual residential car washing
 - xv. Routing external Building wash down (which does not use detergents or other compounds)
 - xvi. Rising groundwaters
- E. In the event that Capital Region Water or DEP determines that any of the discharges identified in Subsection D significantly contribute Pollutants to Capital Region Water's MS4 or to the Waters of this Commonwealth, Capital Region Water or DEP will notify the responsible Person(s) to cease the discharge.
- F. Upon notice provided by Capital Region Water or DEP under subsection E, the person responsible for the discharge will have a reasonable time, as determined by Capital Region Water or DEP, to cease the discharge, consistent with the degree of Pollution caused by the discharge.

7.4 Stormwater Management Requirements for Industrial Ratepayers

- A. Each property owner must demonstrate to CRW that they are in full compliance with all applicable DEP NPDES Permits for discharges from industrial activities, including permits for stormwater discharges, permits for process waters, etc.
- B. A Significant Industrial Ratepayer must provide pretreatment before discharging into CRW's Sewer System, as defined in Section 8.0 of these Regulations.

7.5 Requirements for Fats, Oils, and Grease (FOG) Dischargers

A. Applicability

- i. Wastewater that contains FOG shall be discharged into the sewer system only under the conditions of this Section. The following facilities shall discharge all wastewater from sinks, dishwashers, drains, and any other fixtures through which grease may be discharged, into adequately sized, properly maintained and functioning grease control equipment before the discharge enters the sewer system:
 - 1. Every commercial food service establishment.
 - 2. All food courts.
 - 3. All other generators discharging grease in amounts that, alone or in concert with other substances from the discharges of other facilities, will have a reasonable chance to impede or stop the flow of the sewer system.
- ii. All areas of intensified dwelling, including, but not limited to, adult day care facilities, assisted living facilities, convalescent homes, day nursing and childcare facilities, in which food preparation occurs, homes for the mentally challenged, hotels, maternity homes, motels in which there is a commercial food preparation service, nursing homes, retirement and life care communities and homes, and truck stops with commercial food service, shall be required to have grease control equipment.
- iii. Grease control equipment shall not be required for single-family residences, duplexes, triplexes, quadplexes, or apartment complexes, unless an authorized agent first determines there are discharges from the property that may create problems in the sewer system. The determination shall be made based upon an investigation of the property. Upon a determination that the discharges will create problems in the sewer system, CRW may require the installation of sufficiently sized grease control equipment to treat the discharges.

B. Permit Requirements

- i. It is unlawful for any existing facility or new facility to discharge wastewater from grease control equipment without authorization in the form of a FOG permit. Request for a FOG discharge permit shall be prepared on the form furnished by Capital Region Water and substantially in the form attached hereto as Appendix D. If, after examining the information contained in the FOG permit application, it is determined by CRW that the proposed discharge does not conflict with the provisions of this Section, or any other Federal, State, or local requirement or regulation, a FOG permit shall be issued, at the same time the food establishment license is paid and issued, allowing the existing facility or new facility to discharge into the sewer system. A FOG permit shall be issued for a set time and under such terms as may be set from time to time by CRW. The terms and conditions of the FOG permit may be subject to modification by CRW at any time during the term of the FOG permit as limitations or requirements as identified in this section are modified or other just causes exist. The generator shall be informed of any proposed change(s) in writing by the CRW. Any changes or new conditions in the FOG permit shall include a reasonable time schedule for compliance.
- ii. As a condition precedent to the granting of a FOG permit, the permittee agrees to hold harmless CRW from any liabilities arising from the permittee's operations under the FOG permit.
- iii. The generator shall apply to become licensed by fully completing and signing CRW's FOG permit application and paying a fee in an amount as established from time to time by resolution of CRW's Board of Directors, which may be amended by only the Board of Directors from time to time. Such fee shall be payable to Capital Region Water and until all applicable fees, charges and expenses have been paid in full, the application shall be considered incomplete, and no action shall be taken on any applications or appeal.
- iv. Renewal of the FOG permit shall take place annually. The generator will be provided with the renewal application during their annual inspection and given the opportunity to complete it at that time.

C. Discharge Criteria

- i. None of the following agents shall be placed directly into a grease interceptor, or into any drain that leads to the grease interceptor:
 1. Emulsifiers, de-emulsifiers, surface active agents, enzymes, degreasers, or any type of product that will liquefy grease interceptor wastes.

2. Any substance that may cause excessive foaming in the sewer system.
3. Any substance capable of passing the solid or semi-solid contents of the grease interceptor to the sewer system.
4. Illegal discharge items, such as hazardous wastes including, but not limited to, acids, strong cleaners, pesticides, herbicides, paint, solvents, or gasoline.
5. Use of grease interceptor treatment products, including bacteria designed to digest grease, is specifically prohibited without prior written consent from CRW.
 - a. Acceptance of such products for use may be considered only where a valid screening test, showing the product's ability to treat wastewater and to produce an effluent in compliance with this Section, has been performed in accordance with methods outlined and approved by CRW.
 - b. If a product is approved, each generator must obtain written permission from CRW to use each proposed product.
- ii. The influent to grease interceptors shall not exceed 140° F. The temperature at the flow control device inspection port shall be considered equivalent to the temperature of the influent.
- iii. Toilets, urinals, and other similar fixtures shall not discharge through a grease interceptor.
- iv. All waste shall only enter the grease interceptor through the inlet flow control device, then the inlet pipe.
- v. Solids screens or strainers with a maximum of 1/8 inch perforations shall be provided to capture the solids discharge from dish/pot washing sinks to minimize the solids loading on under the sink grease traps/Interior active interceptors.
- vi. Where food-waste grinders are installed in a nonresidential establishment, the waste from those units shall discharge directly into the building drainage system without passing through a grease interceptor.

D. Grease Control Equipment Requirements

- i. Under the sink grease traps/Interior active interceptors. Grease traps/Interior active interceptors shall be installed in accordance with Section 5, Service Connections. Each facility shall operate and maintain its grease traps/interior active interceptors in accordance with the following criteria:

1. Examination, cleaning, and maintenance. Each facility shall be solely responsible for the cost of grease trap/interior active interceptor installation, examination, cleaning, and maintenance. Each facility shall contract with a grease hauler for cleaning services, or it may develop a written protocol and perform its own grease trap/interior active interceptors cleaning and maintenance procedures. Cleaning and maintenance must be performed when the total volume of captured grease and solid material displaces more than 25% of the total volume of the grease trap/interior active interceptor. All grease traps/interior active interceptors shall be opened, examined, cleaned, and maintained at a minimum of once every 30 days. CRW may require more frequent cleaning, depending on loading and trap efficiency.
 2. Repairs and replacement. The facility shall be responsible for the cost and scheduling of all repairs or replacement of its grease trap(s)/interior active interceptor(s). Repairs or replacement required by CRW shall be completed within 30 calendar days after the date of written notice of required repairs or replacement is received by the facility. CRW may authorize an extension of time to achieve compliance for an additional 60 days. If additional time is necessary to come into compliance, the facility may be issued a compliance schedule which establishes a schedule of certain milestones for bringing the facility into compliance. If the repair or replacement requires municipal approval and/or permitting, it shall be the responsibility of the facility to obtain such approval or permit prior to repair or replacement.
 3. Recordkeeping. The facility shall maintain records of the date and time of all examinations, cleanings and maintenance of each grease trap/interior active interceptor, a notation as to where any removed grease was disposed of, and the volume of grease disposed in a logbook and shall make this book available for inspection by an authorized agent upon request. The facility shall also maintain the written protocol concerning grease trap/interior active interceptor cleaning and maintenance procedures and shall make this available to CRW staff upon request. All records required by this chapter shall be maintained for a minimum of three years.
- ii. Grease interceptors. Grease interceptors shall be designed and installed in accordance with Section 5, Service Connections. Each facility shall operate and maintain its grease interceptor in accordance with the following criteria:

1. Examination, cleaning, and maintenance.

Each facility shall be responsible for the costs of installing, examining, pumping, cleaning, and maintaining its grease interceptor. All facilities that have grease interceptors shall contract with a grease hauler that performs the following service during each cleaning: initial complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids from the grease interceptor, as well as scraping and removing excessive solids from the walls, floors, baffles, and all pipe work.

It shall be the responsibility of each facility to examine its grease interceptor during the cleaning procedure to ensure that the grease interceptor is properly cleaned and that all fittings and fixtures inside the grease interceptor are in working condition and functioning properly.

2. Grease interceptor cleaning frequency.

Each facility shall have its grease interceptor(s) cleaned at a minimum of once every 90 days, or more frequently when:

- a. The floatable grease layer exceeds six inches in depth as measured by an approved measuring method;
- b. The settleable solids layer exceeds eight inches in depth as measured by an approved measuring method;
- c. The total volume of captured grease and solid material displaces more than 25% of the capacity of the grease interceptor as calculated using an approved measuring method; or
- d. The grease interceptor is not retaining/capturing oils and greases.

3. Exceptions to the ninety-day minimum cleaning requirement may be granted on a case-by-case basis.

4. Repairs and replacement. Each facility shall be responsible for the cost and scheduling of all repairs to or replacement of its grease interceptor(s). Repairs or replacement required by CRW shall be corrected within 30 calendar days after the date of written notice of requiring the repairs or replacement is received by the facility. CRW may authorize an extension of time for an additional 60 days to achieve compliance. If additional time is necessary to come into compliance, the facility may be issued a compliance schedule which establishes a schedule of certain milestones for bringing the facility into compliance. If the repair or

replacement requires municipal approval and/or permitting, it shall be the responsibility of the facility to obtain such approval or permit prior to repair or replacement.

5. Recordkeeping. Each facility shall maintain a logbook in which a record of all grease interceptor examinations and maintenance is entered, including the date and time of the examination, cleaning or maintenance, a notation as to the volume of grease, where the grease was disposed of, details of any repairs required and dates of repair completion and any other records pertaining to the grease interceptor. The logbook shall be made available for review upon request by CRW staff. All records required by this chapter shall be maintained for a minimum of three years.
- iii. Alternative grease removal devices or technologies. Alternative devices and technologies such as automatic grease removal systems shall be subject to written approval by CRW prior to installation. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of operation. CRW, at its sole discretion, may approve these types of devices depending on manufacturer's specifications on a case-by-case basis. The facility may be required to furnish analytical data demonstrating that facility discharge concentrations to CRW's sewer system will not exceed the limitations established in Section 7, Harmful Discharges of these Rules, and Regulations. Permission to use any specific technology does not invalidate any other chapter of these regulations and does not preclude any enforcement actions or remedies.

E. Disposal of Grease Control Equipment Waste

- i. All grease control equipment waste originating within the City shall be disposed of at approved disposal sites.
- ii. No person or organization shall provide grease interceptor hauling, pumping, cleaning, or inspection services in the City of Harrisburg unless licensed by PA DEP.
- iii. All wastewater removed from each grease control equipment shall be disposed of at a licensed disposal site. In no way shall the pumped material be returned to any private or public portion of the sewer system. Additionally, grease removed from a grease control equipment shall not be recycled so as to become a food product for animal or human consumption.
- iv. All grease haulers must be able to provide evidence of adequate insurance, in the form of current insurance certificates, for his firm or his subcontractors.

F. Compliance Date

- i. On or after the effective date of this Section, an existing facility shall be required to install approved, adequately sized, and properly operated and maintained grease control equipment when any of the following conditions exist:
 1. It is found by CRW to be contributing grease in quantities sufficient to cause sewer line stoppages or necessitate increased maintenance on the sewer system in order to keep main line stoppages from occurring.
 2. It is remodeling the food preparation or kitchen waste plumbing facilities in such a manner to be subject to a license.
 3. Its grease control equipment allows a discharge of oil and grease in excess of 100 milligrams per liter (mg/l).
 - ii. Existing facilities required by this or other applicable ordinances to maintain grease control equipment and that are not equipped with grease control equipment or are equipped with undersized grease control equipment shall, within 180 days of the effective date of this Section, install adequately sized grease control equipment in accordance with the specifications set forth in Section 5, Service Connections.
 - iii. Capital Region Water may waive the requirement for grease control equipment provided the generator can verify that only domestic wastewater is being discharged. CRW may require testing by the generator in connection with this request, with all costs for this testing being the generator's expense.
 - iv. New facilities required by this or other applicable ordinances to maintain grease control equipment shall install such a unit prior to commencement of discharge to the sewer system.
 - v. On or after the effective date of this Section, any existing facility or new facility that is required to utilize grease control equipment must obtain, within 90 days of the effective date of this Section, a FOG permit from Capital Region Water.
- G. Persons owning, occupying, or having charge of Property receiving stormwater service from CRW which is a place of business that prepares or sells food for takeout or consumption off the premises shall make reasonable efforts to place a private business receptacle at all public entrances and exits during normal hours of operation.

H. Inspections of Fats, Oils, and Grease Dischargers

- i. Periodic inspections. CRW may inspect facilities on an unscheduled and unannounced basis to verify continued compliance with the requirements of this Section. CRW staff may also use the inspection to determine if the practices contained in the Fats, Oil and Grease Best Management Practices Manual issued to the facility have been implemented.
- ii. Inspection report; deficiencies.
 1. All facilities identified as FOG dischargers may be inspected by CRW on a periodic basis. Inspections shall include equipment, food processing and storage areas and shall include a review of the processes that produce wastewater discharged from the facility through the grease control equipment. CRW staff shall also inspect the grease control equipment maintenance logbook, other pertinent data, the grease control equipment and may check the level of the grease control equipment contents and/or take samples as necessary. The facility owner shall remove the cover on the grease control equipment and shall reinstall the cover after the inspection is complete. CRW staff shall record its observations on an inspection report form. A copy of the inspection report form will be provided to the facility within 24 hours of the inspection. Any deficiencies shall be noted on the inspection report form, which may include but not be limited to the following:
 - a. Failure to properly maintain the grease control equipment in accordance with the provisions of this chapter.
 - b. Failure to report changes in operations, or wastewater constituents and characteristics.
 - c. Failure to report examination and cleaning activities or provide manifest forms or disposal receipts.
 - d. Failure to maintain logs or provide access for inspection or monitoring activities.
 - e. Inability of existing grease control equipment to prevent discharge of grease into the sewer system as evidenced by buildup of grease downstream of the grease control equipment.
 2. If any deficiencies are recorded by CRW staff during an inspection, the staff member may issue the facility a letter of violation with a compliance plan and timeline to correct the deficiency and provide a tentative date for a reinspection. Further enforcement steps will follow CRW's Fats, Oils, and Grease Enforcement Program.

iii. Frequency

1. Capital Region Water may inspect facilities on a periodic basis. Routine inspections shall not be more frequent than six times per year. CRW staff may reinspect facilities which were informed of deficiencies on the inspection report form after a routine inspection or reinspection. CRW shall inspect any repairs and shall provide verbal or written notice of its findings.
 2. In the event of continuing noncompliance, successive reinspections may be scheduled and appropriate fees shall be charged to the facility for the first and all successive reinspections. Reinspections shall be performed after a minimum of 30 calendar days have elapsed to allow for corrective action by facility to be completed
- iv. CRW may request that the City Health Officer revoke the license granted under Chapter 6-501 of City Code whenever it appears that the licensee or his or her agents or employees are operating the public eating and drinking establishment in violation of this Section or in such a manner so as to cause a blockage in or damage to CRW's Sewer System, or an illicit discharge to CRW's MS4 or Waters of this Commonwealth.

7.6 Requirements for Solid Waste Handling

- A. Every Ratepayer receiving Stormwater Service from CRW shall provide approved ash, garbage, and rubbish storage receptacles, except that in the case of multifamily dwellings, rooming houses, hotels and motels, the Owner or Operator shall be responsible for supplying such receptacles.
- B. No Person shall deposit or permit or cause to accumulate any ash, garbage, or rubbish in or upon any Areas of the Property Exposed to Stormwater, improved or vacant, or upon any open lot or alley
- C. Any lumber, boxes, barrels, bottles, cans, glass, scrap iron, wire, metal articles, pipe, broken stone or cement, broken crockery, broken plaster or rubbish of any kind in Areas Exposed to Stormwater must be stored in approved covered receptacles or placed on open racks that are protected from Exposure to Stormwater, elevated not less than 18 inches above the ground, and evenly piled or stacked; or disposed of as may be approved by the Pennsylvania Department of Environmental Protection.
- D. Garbage shall not be deposited in the same receptacle as that for rubbish or ashes.

- E. Approved garbage receptacles shall:
 - i. Be made of durable, watertight, rust-resistant material, such as metal or plastic;
 - ii. Have a tight-fitting lid which shall be kept on the receptacle at all times except when depositing or removing refuse;
 - iii. Have a capacity of not less than 10 gallons;
 - iv. Be kept in good condition so as to be free of leakage or drainage; and
 - v. Be kept clean by thoroughly rinsing and draining the receptacle to the CRW Sewer System as often as necessary so as not to provide food, harborage or a breeding area for insects, birds, or other vectors.
- F. Approved rubbish receptacles shall be made of metal or other strong material impervious to water of a capacity of not less than 1/2 bushel nor more than two bushels and shall be kept in good condition. Any such receptacle not having a lid shall be so used as to prevent the falling or dumping of rubbish upon the premises or streets.
- G. No Person shall dump, burn, bury, destroy, or otherwise dispose of refuse, except at an approved refuse disposal site.
- H. No Person shall collect, haul, transport or convey refuse in open, unenclosed or nonleakproof vehicles.
- I. All banking operations and other businesses that own or operate automated teller machines (ATMs) and/or devices that dispense paper into Areas Exposed to Stormwater shall supply a private business receptacle no greater than two feet away from said ATM. The receptacle shall be covered and designed in such a way as to prevent the paper from being carried by the elements onto any street, sidewalk, or other public place or onto private Property.
- J. Temporary Disposal and Storage Unit Regulations. All temporary disposal or storage units subject to the provisions of this Section are also subject to the following maintenance provisions:
 - i. All temporary disposal or storage units must be securely covered with a non-pervious material during times of inactivity.

- ii. No items may be placed in a temporary disposal or storage unit which may cause the draining of offensive fluid or fluid detrimental to the CRW Sewer and/or MS4 Systems, to neighboring properties, or to public streets.
- iii. Temporary disposal or storage units must not overflow or cause the scattering of debris or other items to neighboring Areas Exposed to Stormwater.

7.7 Illegal Dumping Prohibited

No Person shall throw, deposit or dump litter, injurious materials, debris, or bulk items on any open or vacant Property or public right-of-way within the CRW Service Area, whether owned or occupied by such Person or not, and it shall be the duty of the Owner of said open or vacant Property to prohibit such activity and to cause the same to be removed.

No Person shall deposit any refuse, offal, pomace, dead animals, decaying matter, or organic substance of any kind in or upon any private or public lot, building, structure, accessory structure, premises, or dwelling Exposed to Stormwater within the Service Area; or into any Waters of this Commonwealth, so that the same shall or may afford food, harborage or breeding areas for rats, flies, or other vectors.

Vacant Lots:

- A. Every vacant lot within the Service Area shall be kept free from the growth of noxious weeds and other offensive vegetation and shall be kept free of accumulations of rubbish, garbage, junk, abandoned vehicles, discarded property, and similar materials, and no person shall deposit or dump any such materials upon any vacant lot unless it has been designated as a disposal site by the City's Director of Public Works.
- B. It shall be the duty of the owner of a vacant lot to prohibit the dumping or littering thereof with rubbish, garbage, junk, discarded property, or other similar materials and to cause the same to be removed.
- C. No person shall maintain or permit to be maintained any vacant land on which pools of water stand or stagnate. Such vacant land shall be kept at all times clean, inoffensive, and free from the accumulation of water thereon.

No Person within the Service Area shall throw, deposit, dump or throw from a vehicle any litter, injurious materials, or similar matter:

- A. In or upon any street, sidewalk, other public place or upon private Property or shall permit the same to be done.

- B. In or upon any fountain, lake, pond, stream or other body of water or watercourse in a park or elsewhere within the Service Area, including the Susquehanna River and Paxton Creek, or shall permit the same to be done.
- C. In any storm inlet, catch basin, or storm sewer in the Service Area or shall permit the same to be done.

Persons shall place or deposit litter in public receptacles or authorized private business receptacles and shall do so in such a manner as to prevent the litter from being carried by the elements onto any street, sidewalk, or other public place or onto private premises.

No Person who is the owner, operator or agent of either the owner or operator of a vehicle, including a private automobile, which is used to collect or transport litter, debris or bulk items, whether such vehicle is used for said purposes in the normal course of business of the owner or operator or otherwise, shall knowingly cause to be deposited or deposit the vehicle's load or any part thereof upon any street, sidewalk or other public or private premises or into any fountain, lake, pond, stream or other body of water or watercourse anywhere in the Service Area, including the Susquehanna River or Paxton Creek, or shall permit the same to be done.

No Person shall knowingly cause to be deposited or deposit any hazardous waste or materials, as defined and/or numbered by the Pennsylvania Department of Environmental Protection and/or the United States Environmental Protection Agency onto any street, sidewalk or other public place or private premises or into any fountain, lake, pond, stream or other body of water or watercourse anywhere in the Service Area, including the Susquehanna River or Paxton Creek, or shall permit the same to be done.

No Person shall sweep into the street from the sidewalk any paper, dirt, rubbish, or other waste materials, nor shall any person throw, discard, or deposit upon the streets or sidewalks any paper, dirt, rubbish, or other waste materials.

The voiding of human urine or excrement on any street, sidewalk, public Property, or private Property is prohibited.

7.8 Pet Waste Management

All Persons within the Service Area who own and/or keep a pet, defined as a domesticated animal (other than a disability assistance animal) kept for amusement or companionship, are required to immediately and properly dispose of their pet's solid waste excrement deposited on any property, public or private, or in any Areas Exposed to Stormwater.

Pet waste shall be disposed in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

7.9 Requirements for Solid Waste Handling Facilities

No Person within the Service Area shall maintain a solid waste facility unless permitted by CRW and the City by Special Exemption and managed according to these Rules and Regulations.

The following standards shall apply to any new such solid waste facility approved by CRW and the City, except a State-approved demolition materials landfill:

- A. All solid waste storage, disposal, and incineration shall be at least two hundred (200) feet from the following: public street right-of-way, exterior lot line, 100-year floodplain, edge of a surface water body, or wetland of more than two (2) acres in area,
- B. All areas to be used for the storage, disposal, or incineration of solid waste shall be a minimum of three hundred (300) feet from any "residential lot line" or publicly owned recreation area or the banks of any perennial creek or river.

7.10 Hazardous Materials

The release, discharge, or deposit of hazardous materials upon or into any Property, Right-of-Way, CRW Sewer System, CRW MS4, and/or the environment within the Service Area is hereby declared a public nuisance and unlawful.

The persons described in this section shall be jointly and severally liable to CRW and the City for any and all costs incurred by CRW or the City to extinguish, confine, neutralize, contain, clean up, or otherwise abate the effects of any hazardous materials unlawfully released, discharged or deposited upon or into any property, facility or the environment:

- A. The Person or Persons whose negligent or willful act or omission causes the release, discharge, or deposit of the hazardous material;
- B. The Person or Persons who own or have custody or control of the hazardous material at the time of its release, discharge, or deposit, without regard to fault or causation; and

- C. The Person or Persons who own or have custody or control of the container which holds such hazardous material at the time of or immediately prior to its release, discharge, or deposit, without regard to fault or causation.

CRW shall work with the City's Fire Chief to arrange for or otherwise contract with an appropriate waste hauling entity for the removal of hazardous material or material used as an extinguishing or abatement agent, neutralizer or fire suppression agent which becomes contaminated by the hazardous material during the course of cleanup or abatement activity pursued hereunder. The persons described in Paragraph B of this Section shall be liable to CRW and the City for costs incurred by CRW and the City for such waste removal services so contracted.

In the event any Person undertakes, either voluntarily or upon order of CRW, the City's Fire Chief or other City officials, to clean up or otherwise abate the effects of any hazardous materials unlawfully released, discharged, or deposited upon or into any property, facility or the environment, the Fire Chief may take such action as is necessary to supervise or verify the adequacy of said cleanup or abatement. The Persons described in Paragraph B of this Section shall be liable to CRW and the City for any and all costs incurred as a result of such supervision or verification.

7.11 Requirements for Vehicles and Vehicle Service

Greasing or repair work. No vehicle shall stand on any street or sidewalk within the Service Area for the purpose of greasing or repair work except in case of emergency repairs.

Abandoned Vehicles and Storage of Vehicles on Streets. No Person shall abandon a motor vehicle in the Service Area. The term "abandoned vehicle" shall mean:

- A. A motor vehicle that is inoperable and is left unattended on public property for more than 96 hours;
- B. A motor vehicle that has remained illegally on a Property for a period of more than 96 hours; or
- C. A motor vehicle that has remained on a Property without the consent of the owner or person in control of the property for more than 96 hours.

Notwithstanding the above, vehicles and equipment used or to be used in construction or the operation or maintenance of Capital Region Water facilities, other public utility facilities, and which are left in a manner which does not contribute Stormwater Pollution, create an

Illicit Discharge, or interfere with the normal movement of traffic shall not be considered abandoned vehicles for the purpose of this chapter.

7.12 Car Washes

The following criteria must be met for a Ratepayer to operate a Car Wash within the Service Area:

- A. It must obtain a permit from CRW and the City and be operated according to these Rules and Regulations and City Code.
- B. It must establish a connection to CRW's Sewer System and be operated according to these Rules and Regulations.
- C. Water used in the operation shall not flow into streets, sidewalks, the CRW MS4 System, or Waters of this Commonwealth;
- D. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills;
- E. Greywater recycling shall be required.
- F. These regulations do not apply to washing cars owned by a resident at the person's residence, or to infrequent, non-permanent charity car washes.

7.13 Junk Yard and Automobile Salvage Yard

No Person within the Service Area shall maintain a junkyard, automobile salvage yard, or a place for the dumping or wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind or for the storage or leaving of dilapidated, wrecked or abandoned automobiles, trucks, tractors, machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by any other persons, unless permitted the City by Special Exemption and subject to the following criteria:

- A. Storage of garbage or biodegradable waste is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up; (City Code 6-313.9).

7.14 Requirements for Swimming Pools, Whirlpools and Similar Devices

CRW may exercise the right to require that the draining of swimming pools, whirlpools and other similar devices within the Service Area, and other work relative thereto, shall be subject

to the approval of CRW, notice thereof to be given by the applicant for such approval at least seventy-two (72) hours in advance of such action. The draining of swimming pools shall, in general, be subject to the following:

- A. All discharges from a swimming pool, hot tub, spa, or artificial pool structure containing chlorinated water, filter backwash, or other constituents must be directed to a CRW Sewer System and shall not be discharged during or immediately after a rainfall event.
- B. Except during or immediately after a rainfall event, a swimming pool, hot tub, spa, or artificial pool structure may be dewatered into the CRW MS4 System or across the ground surface if the discharge is dechlorinated, free of other constituents.
- C. The rate of discharge shall be subject to approval of CRW and shall not be excessive and/or cause any disturbance or flooding in the CRW Sewer System, CRW MS4, Property Drainage Systems, Public Rights-of-Way, and/or Waters of the Commonwealth receiving the drainage.
- D. The lines extending to and around the swimming pool shall be thoroughly flushed of waste to the CRW Sewer System until the water is clear and, if necessary, the water shall be passed through the pool filters prior to discharge into the pool or pools. The pool shall be thoroughly flushed and cleaned before closing of the drain valves.

8.0 Industrial Wastewater Control

This Section shall apply to all Significant Industrial Ratepayers of the CRW Sewer System. This Section sets forth uniform requirements in compliance with State and Federal laws and regulations.

8.1 Wastewater Discharge Permit Requirements

- A. CRW shall issue a Wastewater Discharge Permit to all Significant Industrial Ratepayers subject to this Section prior to approving a Request for Service under Section 3.0.
- B. Any Industrial Establishment desiring to discharge or is currently discharging, directly or indirectly, wastes into the Capital Region Water Separate Sanitary Sewer System, or planning to change operations so as to materially alter the characteristics and/or volumes of Wastewaters discharged into the Capital Region Water Separate Sanitary Sewer System, shall notify Capital Region Water and any affected Suburban Municipality in writing at least 30 days before making such connection or changing its operations and shall obtain a permit from Capital Region Water to do so. Request for such permit shall be prepared on the form furnished by Capital Region Water and substantially in the form attached hereto as Appendix E and shall be accompanied by all information requested

by Capital Region Water for the determination of waste volumes, characteristics, and constituents. The cost for obtaining such information shall be borne by the Applicant. Any SIC shall make application for a new permit within 30 days of the effective date of this section.

Persons seeking a permit shall complete and file with Capital Region Water an application in the form prescribed by Capital Region Water and accompanied by any applicable fees. The Applicant shall submit, in units and terms appropriate for evaluation, information including but not limited to:

- i. Name, address, and telephone number of Applicant, and the name and current mailing address of the Owner of the premises from which Industrial Wastes are intended to be discharged.
- ii. NAICS number(s) according to the North American Industrial Classification System Manual, Office of Management and Budget, 1998, as amended
- iii. Volume of Wastewater to be discharged.
- iv. Wastewater constituents and characteristics, including, but not limited to, those set forth in § 9-501.7B, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with the procedures established by the United States EPA pursuant to Section 304(g) of the Federal Act, 33 U.S.C. § 1314(g), and the regulations promulgated thereunder, 40 CFR Part 136, as amended.
- v. Schedule of all process waste flows produced before and after Pretreatment, if any, at said premises, including the daily volume, and Wastewater constituents and characteristics as determined by representative samples and analyses performed by a qualified laboratory acceptable to Capital Region Water and in accordance with these Rates, Rules, and Regulations.
- vi. Estimated time and duration of discharge within a twenty percent (20%) tolerance.
- vii. Estimated hourly peak Wastewater flow rates, including daily, monthly, and seasonal variations within a twenty percent (20%) tolerance.
- viii. Site and plumbing plans showing all connections to the sewerage system and describing any Pretreatment facilities.
- ix. Pretreatment, Treatment, and flow Meter standard operating procedures manual.

- x. A schematic flow representation which shall include floor plans, mechanical and plumbing plans and details of all Sewers, Sewer connections and appurtenances, sizes, locations, and elevations;
 - xi. A schematic flow representation which shall include all Pretreatment or treatment plans and details, including appurtenances, sizes, locations, elevations;
 - xii. A description of activities, facilities, and plant processes on the premises, including all process waste materials which are, or could be, discharged, but excluding proprietary information concerning process and products.
 - xiii. Each product produced, listed by type, amount, and rate of production;
 - xiv. Type and amount of raw materials processed, average and maximum per day;
 - xv. Each substance considered Toxic, hazardous, noxious, or malodorous, including a description of the hazards associated with each substance;
 - xvi. The average number of employees and normal hours of work.
 - xvii. Certification of accuracy by the Applicant;
 - xviii. Any other relevant information as may be deemed by Capital Region Water to be necessary to evaluate the permit application.
- C. Wastewater Discharge Permits issued by CRW shall be subject to all provisions of this Section and all other applicable federal, state, and local laws, rules, Regulations, charges, and fees. The conditions of such permits shall be uniformly enforced by CRW in accordance with this Section and applicable federal, state, and local laws, rules and Regulations. Permits may contain, but shall not be limited to, the following conditions:
- i. The unit charge or schedule of special charges and fees or Wastewater surcharges to be paid CRW for the Wastewater to be Discharged into the Sewer System pursuant to such permit;
 - ii. The average and maximum allowable Wastewater constituent and characteristics;
 - iii. Equalization, neutralization, or other Requirements to control high pH or highly variable pH Discharge;
 - iv. Limits on rate and time of Discharge or Requirements for flow Regulations and equalization;

- v. Requirements for installation, maintenance and/or operation of monitoring, inspection, and sampling facilities;
 - vi. Pretreatment Requirements;
 - vii. Requirements for submission of technical reports or Discharge reports;
 - viii. Signatory Requirements for certification of technical reports or Discharge reports;
 - ix. Requirements for maintaining and retaining plant records relating to Wastewater Discharge for a minimum of three years or longer, as specified by CRW, and affording CRW access thereto;
 - x. Compliance schedules;
 - xi. Specifications for monitoring programs, including self-monitoring, sampling location, frequency and method of sampling, number, types and Standards for tests and reporting schedules;
 - xii. Requirements for notification of Pretreatment standard exceedance and repeat sampling and testing;
 - xiii. Requirements for notification of Slug or Accidental Discharge;
 - xiv. Requirements for a Spill or Slug Discharge Prevention and Control Plan in accordance with 40 CFR 403.8(f)(2)(vi)(A)(B)(C) and (D);
 - xv. Requirements for Best Management Practices;
 - xvi. Other conditions as deemed appropriate by CRW to ensure compliance with these Regulations.
- D. Wastewater Discharge permits shall be issued for a specified time period, not to exceed five years, subject to compliance with all of the provisions of this chapter and the Regulations promulgated thereunder. Any Applicant who does not meet the Standards of this chapter shall not be entitled to a five-year permit. All holders of a Wastewater Discharge permit must also comply with any Categorical Pretreatment Standards within 90 days of their promulgation or any revisions thereto.
- E. A Wastewater Discharge permit is not assignable or transferable to a new Ratepayer, owner or new use.

- F. Applications for a Wastewater Discharge permit must be signed by an Authorized Representative of the Significant Industrial Ratepayer, either:
- i. A principal executive officer of at least the level of vice president, if the Ratepayer is a corporation; or
 - ii. A general partner or proprietor, if the Ratepayer is a partnership or proprietorship, respectively; or
 - iii. A principal executive officer or ranking elected official, if the Ratepayer is a municipality, state, federal, or other public agency.
 - iv. A duly Authorized Representative of the individual designated in Subsection i), ii), or iii) above, if such representative is responsible for the overall operation of the facility or facilities from which the Discharge originates.

8.2 Rates and Charges

Capital Region Water shall adopt a schedule of charges and fees to cover the costs of implementation of the Pretreatment provisions of this Section. These fees are in addition to and separate from all other fees charged by Capital Region Water and will be assessed by Capital Region Water on all permit holders. Such charges and fees may include, but are not limited to, the following:

- A. Costs of monitoring, inspection, and surveillance procedures;
- B. Costs of reviewing permit applications;
- C. Administrative costs of appeals;
- D. Costs of reviewing Accidental Discharge reports;
- E. Costs of reviewing Pretreatment facility construction plans;
- F. Costs of consistent removal by the AWTF of Pollutants subject to Pretreatment Standards;
- G. Any other costs incurred by Capital Region Water in implementing the requirements of this Section.

A Significant Industrial Ratepayer discharging, directly or indirectly, into the CRW Sewer System having an average five-day Biochemical Oxygen Demand (BOD) greater than 290 mg/l, or a Suspended Solids content (SS) greater than 380 mg/L, or total phosphorus (P) content greater than 10 mg/L shall pay to Capital Region Water a strength-of-waste

surcharge in addition to applicable volume charges. Such surcharges shall be determined in accordance with rates set forth in the Rate Schedule and shall be billed by Capital Region Water to the Significant Industrial Ratepayer. The strength of Wastewaters to be used for establishing the amount of surcharges shall be determined at least once annually either:

- H. By suitable sampling and analysis of Wastewaters for three consecutive days during a period of normal discharge
- I. From estimates made by Capital Region Water; or
- J. From known relationships of products produced to strengths of Wastewaters for those Ratepayers for which such factors have been established.

In establishing Wastewater strengths for surcharge purposes by analysis, analyses shall be made in accordance with procedures outlines in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, Inc., or any method approved by the EPA. Owners of Industrial Establishments discharging domestic and/or industrial Wastewater to the Separate Sanitary Sewer System shall furnish Capital Region Water, upon request, all information deemed essential for determination of applicable Sewer rental surcharges for excess-strength wastes. The cost of obtaining such information shall be borne by the owners of such Industrial Establishments.

8.3 Categorical Pretreatment Standards

Upon promulgation of Categorical Pretreatment Standards or any federal standard for a particular industry or subcategory, the Standards referenced in 40 CFR Chapter I, Subchapter N, Parts 405 to 471, if more stringent than the limitations contained in this chapter for such Discharges, shall immediately supersede the Standards set forth in this chapter. CRW shall notify all Significant Industrial Ratepayers of the applicable reporting Requirements under 40 CFR 403.12.

- A. The provisions of 40 CFR §403.6 and all Categorical Pretreatment Standards promulgated by the Environmental Protection Agency as set forth at 40 CFR Chapter I, Subchapter N are hereby incorporated fully as if set forth in full.
- B. Industrial Ratepayers subject to Categorical Pretreatment Standards shall comply with all of the requirements thereof, including the reporting requirements for compliance with discharge standards and best management practices, as set forth at 40 CFR §403.12. For Industrial Ratepayers classified by Capital Region Water as Non-Significant Categorical Industrial Ratepayer, the reporting requirements of §403.12(e)(1) do not apply.

- C. Capital Region Water may, if deemed necessary and appropriate, impose equivalent mass or equivalent concentration limits for certain Categorical standards, as provided by 40 CFR §403.6(c)(5) and (6).
- D. As provided by 40 CFR §403.12, Capital Region Water may modify sampling and reporting requirements for Categorical Industrial Ratepayers for Pollutants that are not present (§ 403.12(e)(2)), and for Categorical Industrial Ratepayers that meet the reduced discharge criteria set forth at 40 CFR §403.12(e)(3).

8.4 State Standards

Any State Requirements and limitations on Discharge which have been or may be adopted which are more stringent than the federal limitations or those contained in this chapter shall supersede both federal and CRW Standards. CRW shall notify all affected Ratepayers of any such change.

8.5 Specific Discharge Limitations

No Industrial Ratepayer shall Discharge, directly or indirectly, into the CRW Sewer System any material containing in excess of the following Pollutant in milligrams per liter:

Pollutant	Daily Maximum	Instantaneous Maximum
Arsenic (T)	2.81	5.62
Cadmium (T)	0.75	1.50
Chromium (T)	1.31	2.62
Copper (T)	2.99	5.98
Cyanide (T)	2.15	2.15
Lead (T)	0.55	1.10
Mercury (T)	0.04	0.08
Molybdenum (T)	6.78	13.56
Nickel (T)	1.00	2.00
PCBs (T)	1.28	2.56
Selenium (T)	2.14	4.28
Silver (T)	15.46	30.92
Zinc (T)	2.20	4.40

The limits may be changed, by regulation of CRW or by the EPA, to whichever limitation is more stringent.

8.6 Ratepayer Pre-Treatment and Sampling Facilities

- A. Upon notification by CRW, Pre-Treatment Facilities shall be installed within 90 days of the date of such notice, at the sole cost of the Significant Industrial Ratepayer, to meet CRW Requirements in this Section. In no event shall dilution be acceptable as a means of Pre-Treatment to meet the Requirements of this Section. Any order to install Pre-Treatment Facilities may be appealed to CRW as provided in Section 14.
- B. CRW reserves the right to require Nonresidential Ratepayers having large variations in rates of Wastewater Discharge to install suitable regulating devices for equalizing Wastewater flows to the CRW Sewer System.
- C. When directed by CRW or by one of the Suburban Municipalities at the request of CRW, Industrial Ratepayers shall install, within 90 days of the directive, at their sole cost and expense, and thereafter maintain a manhole and such other devices as may be approved by CRW to facilitate observation, measurement, and sampling of Wastewaters Discharged into the CRW Sewer System. The duly Authorized Representatives of CRW shall, at all times, be permitted to:
 - i. Enter upon any and all properties of Industrial Ratepayers for the purpose of inspecting for compliance, observing, measuring, and sampling Wastewaters Discharged into the CRW Sewer System;
 - ii. Set up and use monitoring equipment;
 - iii. Inspect and copy industrial waste Discharge, monitoring and production records or any other records pertinent to compliance with this chapter; and
 - iv. Have access to any meters used for establishing or determining water consumption, water excluded from the CRW Sewer System and Wastewater Discharged into the CRW Sewer System. If an Individual Ratepayer has security measures in force which physically limit entry to the premises of such Ratepayer, the Industrial Ratepayer shall, within 30 days of the effective date of this section, immediately provide CRW with whatever is necessary to allow authorized CRW representatives to enter the premises, without delay, for the purpose of performing their duties and responsibilities.

CRW and any Suburban Municipality may require any Industrial Ratepayer to provide information needed to determine compliance with this chapter.

The Pre-Treatment provisions and all other Requirements of this chapter shall apply to any person currently discharging into, directly or indirectly, or otherwise using, the CRW

Sewer System or any person who shall in the future Discharge into, directly or indirectly, or otherwise use, the CRW Sewer System.

8.7 Upset, Slug, or Accidental Discharges and Notice Requirements

Each Significant Industrial Ratepayer shall provide protection from an Upset of Pre-Treatment Facilities, Slug or Accidental Discharge of prohibited materials and any other substances regulated by this chapter. Facilities to prevent and plans to mitigate an Upset, Slug or Accidental Discharge shall be provided and maintained at such Ratepayer's expense. Facilities to prevent Accidental Discharge of prohibited materials shall be provided and maintained at such Ratepayer's expense. No Significant Industrial Ratepayer which commences Discharge into the CRW Sewer System shall be permitted to introduce Pollutants into the CRW Sewer System until a Spill Prevention and Control Plan has been approved by CRW. Approval of such plans and procedures shall not relieve such Ratepayer of the responsibility to modify such Ratepayer's facility as necessary to meet the Requirements of this Section.

In the event of an Upset, Slug, or Accidental Discharge, it shall be the responsibility of the Significant Industrial Ratepayer to:

- A. Make immediate notification to CRW of location of Discharge, date and time thereof, type of waste, including concentration and volume, and corrective action taken; and
- B. Within five days following an Upset, Slug or Accidental Discharge, submit to CRW a written report which shall specify:
 - i. Description of the Upset, Slug or Accidental Discharge, the cause thereof, and the impact on the Industrial Ratepayer's compliance status, including location of Discharge, type, concentration, and volume of waste;
 - ii. Duration of noncompliance, including exact date and times of noncompliance, and, if the noncompliance continues, the time by which compliance is reasonably expected to occur;
 - iii. All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an Upset, Slug or Accidental Discharge or other conditions of noncompliance.

The notification required by this section shall not relieve the Significant Industrial Ratepayer of any expense, loss, damage, or other liability incurred to the AWTF, CRW, the City, any State or federal department or authority, or any damage to person, Property or environment, nor

will this notification relieve the Significant Industrial Ratepayer of any fines, penalties or any other liability which may be imposed by Chapter 14 or any other applicable law.

8.8 Compliance Reports

- A. Within 90 days following the date for final compliance or, if a new source, the commencement of Discharge, any Ratepayer subject to the Pre-Treatment Provisions of this Section shall submit to CRW a report indicating the nature and concentration of Pollutants and the average and maximum flows of the Discharges which are limited by such Pre-Treatment Standards and Requirements. The report shall state whether the applicable Pre-Treatment Standards and Requirements are being met and, if not, what additional Pre-Treatment Facilities or additional operations and maintenance tasks are necessary to bring such Ratepayer into compliance with the applicable Pre-Treatment Standards and Requirements. This statement shall be signed by an Authorized Representative of the Ratepayer and certified by a qualified individual.
- B. Any Significant Industrial Ratepayer subject to the provisions of this chapter shall submit to CRW, at least on a semiannual basis, a report containing the information required by its permit. The reports required by this subsection shall be certified by an Authorized Signatory of the Ratepayer and submitted within 30 days following the end of the reporting period, unless CRW authorizes, in writing, another submission date or schedule.
- C. If any sampling and testing required by Subsections **A** and **B** hereof indicate a violation of a Pre-Treatment Standard, the Industrial Ratepayer shall notify the CRW within 24 hours of becoming aware of the violation, repeat sampling and testing within 72 hours, or the first day representative of normal operation, and submit, in writing, the results of the repeat analysis within 30 days.
- D. In addition to the Requirements of Subsections A, B and C hereof, if CRW has reason to believe that a Significant Industrial Ratepayer is not meeting the Pre-Treatment Standards on a consistent basis, such Ratepayer may be required to submit interim compliance reports on a regular or irregular schedule.
- E. Any reports required by this section shall be maintained and retained for a minimum of three years or longer, as specified by CRW, and access by CRW afforded thereto.

8.9 Prior Notice of Discharge of Hazardous Waste

No Industrial Ratepayer shall introduce any untreated process waste or Process Wastewater into the Sewer System containing any hazardous waste constituent identified in 40 CFR

Part 261 without prior written notification to CRW. Any notification shall provide the identity of the waste, the hazardous waste constituent and number and an estimation of the mass and concentration of hazardous waste to be Discharged and shall be accompanied by a statement certifying that a waste reduction program is in place. In no case shall the introduction of any hazardous process waste or nonprocess waste constituent be permitted as a substitute for the proper Treatment and disposal of any such waste.

8.10 Confidentiality of Proprietary Information

Any information submitted to CRW pursuant to this chapter, or any rules and Regulations promulgated thereunder may be claimed as confidential by the submitter. Any such claim shall be asserted at the time of submission by the stamping or placing of the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submission, CRW may make the information available to the public without further notice. If a claim is asserted, the information shall be treated in accordance with the procedures in 40 CFR Part 2 (Public Information); provided, however, that any information regarding effluent data shall be available to the public without restriction.

8.11 Compliance Monitoring and Inspection

Compliance monitoring and inspection will be performed by CRW. This duty will be based on a schedule determined by the type of facility, type and concentration of Pollutants in the Discharge, and the past performances of compliance by the Industrial Ratepayer.

8.12 Stormwater Management Requirements for Industrial Ratepayers

Each Ratepayer must demonstrate to CRW that they are in full compliance with all applicable DEP NPDES Permits for discharges from industrial activities, including permits for stormwater discharges, permits for process waters, etc.

8.13 Enforcement and Penalty

Any Person who violates any provision of this Section shall be subject to the penalty and enforcement provisions of Section 13, including the right of CRW to disconnect service.

- Notice of Violation
- Injunctive Relief
- Civil Penalty
- Criminal Penalty
- False Statement/Swearing
- Publication of Significant Noncompliance
- Service of Notice

9.0 Requirements for Development and Construction

9.1 Applicability Requirements for All Sites

Section 9.0 shall apply to the following regulated development activities within the Service Area, including but not limited to the following:

- A. The development of any parcel of vacant land which is to be improved in the Service Area and involves the construction of an impervious surface (e.g., one or more residential or nonresidential buildings, paved areas) whether proposed initially or cumulatively, regardless of the number of occupants or tenure.
- B. The construction or substantial rehabilitation of any impervious surface (e.g., building or buildings, paved areas) in a single development, whether proposed initially or cumulatively.
- C. Permanent Stormwater Management Facilities constructed as part of any land development, construction, and other earth disturbing activities within the Service Area.
- D. Stormwater management and erosion and sediment control during construction activities.

Requirements Subject to Exemptions

Section 9.0 shall apply to the following regulated development activities within the Service Area, unless shown as exempt under Section 9.4:

- A. Earth disturbance, including any alteration of land within an existing property, but exclusive of agricultural activities.
- B. Land development.
- C. Subdivision.
- D. Construction of new or additional impervious or semipervious surfaces (driveways, parking lots, etc.).
- E. Reconstruction of an existing impervious or semipervious surface (driveways, parking lots, etc.).
- F. Construction of new buildings, exterior remodeling, or additions to existing buildings.

- G. Diversion or piping of any natural or man-made stream channel.
- H. Installation of stormwater management facilities or appurtenances thereto.

9.2 Conditions/Restrictions Applicable to All Regulated Development Activities

The following conditions and restrictions apply to all regulated development activities:

- A. CRW shall not approve of any Request for Water Service, or any Request for Wastewater or Stormwater Service under Section 3.0 of these Rules and Regulations, until all applicable land development plan reviews and approvals defined in this Section occur.
- B. All subdivision and land development plans for regulated development activities within the Service Area must identify all points of connection with the CRW Sewer System and/or the CRW MS4 and include a Stormwater Management Site Plan and Report. This information is subject to the approval of Capital Region Water per the requirements of these Rules and Regulations and must be approved by Capital Region Water prior to City approval of the final subdivision or land development plan.
- C. No subdivision or land development of any lot, tract or parcel of land located in the Service Area shall be effected; no regulated development activities or earth disturbance shall begin; and no street, sanitary sewer, water main, Property Drainage System, Stormwater Management Facility, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings thereon, unless and until a final subdivision or land development plan has been approved by Capital Region Water, the City Council and the Harrisburg Planning Commission and publicly recorded in the manner prescribed herein, nor otherwise except in strict accordance with the provisions of this code.
- D. No lot in a subdivision may be sold or leased, no permit to erect or alter any building upon land in a subdivision or land development may be issued, and no building may be erected or altered in a subdivision or land development unless and until a final subdivision or land development plan has been approved by Capital Region Water, City Council and the Planning Commission and recorded and until construction of the improvements required in connection therewith has been guaranteed in the manner prescribed herein.
- E. Preliminary and final plans shall indicate the location of each structure and clearly define each unit; and shall indicate public easements, common areas, streets, sanitary sewers, water mains, Property Drainage Systems, Stormwater Management Facilities, and other improvements; and all easements appurtenant to each unit and improvements to the public right-of-way.
- F. Unit or condominium subdivision of real property is included within the meaning of subdivision and land development as defined herein and must comply with these regulations. Such compliance shall include, but not be limited to, the filing of preliminary

and final plans, payment of established fees and charges, location of each structure, and clear definition of each unit, public easements, common areas, streets, sanitary sewers, water mains, Property Drainage Systems, Stormwater Management Facilities, and other improvements; and all easements appurtenant to each unit.

- G. All subdivision and land development plans are subject to City zoning regulations as they apply to use and density requirements, setbacks, height, parking, and other such features.

Notwithstanding any provision(s) of these Rules and Regulations, including exemptions, any landowner or any person engaged in a regulated development activity shall implement such measures:

- i. As are reasonably necessary to prevent injury to health, safety, or other property;
- ii. That satisfy a request for Wastewater and Stormwater Service from CRW according to the requirements of Section 3 of these Rules and Regulations;
- iii. That comply with all relevant portions of these Rules and Regulations;
- iv. That do not damage, either directly or indirectly, the CRW Sewer System and the CRW MS4; and
- v. As are required to manage the rate, volume, direction, and quality of resulting stormwater runoff in a manner which otherwise adequately protects health, property, and water quality.

9.3 General Requirements

For all regulated development activities, unless specifically exempted in Section 9.4:

- A. Preparation and implementation of Preliminary and Final Development Plans is required, showing:
- i. The portions of the CRW Water System, CRW Sewer System, and/or CRW MS4 where access to service from CRW is requested,
 - ii. Any modifications or extensions of the CRW Water System, CRW Sewer System, and/or CRW MS4 that will be constructed as part of the development activity,
 - iii. The location of proposed Sewer Laterals, Storm Laterals, and Surface Outlets to the CRW Sewer System, the CRW MS4, and/or Waters of this Commonwealth; and

- iv. A Stormwater Management Site Plan and Report approved per Section 9.0 of these Rules and Regulations.
- v. An Operation and Maintenance (O&M) Agreement for the Stormwater Management Facilities constructed by this project approved per Section 10.0 of these Rules and Regulations.
- B. No regulated development activities or earth disturbance shall commence until CRW issues an Earth Disturbance Permit per Section 9.8 of these Regulations, contingent upon written approval of a Final Development Plan that demonstrates compliance with all requirements these Rules and Regulations.
- C. The approved Final Development Plan shall be on site throughout the duration of the regulated development activities.
- D. Erosion and sediment controls shall be designed, approved, and installed prior to any earth disturbance activity, and operated and maintained during regulated development activities (e.g., during construction) to meet the purposes and requirements of these Rules and Regulations and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law. Various controls and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual), Technical Guidance Number 363-2134-008 (March 2012), as amended and updated.
- E. Stormwater flows onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without a Stormwater Management Site Plan approved by CRW and written notification of the adjacent property owner(s) by the Developer. Such stormwater flows shall be subject to the requirements of these Rules and Regulations.
- F. For any of the regulated development activities not eligible for the exemptions provided in Section 9.4, the final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any earth disturbance activity, may not proceed until the applicant has received written approval from CRW of a Stormwater Management Site Plan and Report and an Operation and Maintenance (O&M) Agreement.

9.4 Exemptions and Modifications

Requirements for All Sites. Under no circumstance shall the applicant be exempt from implementing such measures as necessary to:

- A. Meet state water quality standards and requirements.

- B. Protect health, safety, and property.
- C. Meet special requirements for high-quality (HQ) and exceptional value (EV) watersheds.
- D. Provide Sewer Laterals, Storm Laterals, and/or Surface Outlets suitable for connection to the CRW Sewer System and/or the CRW MS4, as defined by these Rules and Regulations.
- E. Prevent illicit discharges and improper connections to the CRW Sewer System.
- F. Properly control Harmful Discharges and Activities Exposed to Stormwater during and after construction, as defined in Section 7 of these Rules and Regulations.

Minimum Requirements for Consideration of Exemptions. The Applicant must demonstrate that the following measures are being utilized to the maximum extent practicable to receive consideration for the exemptions:

- A. Design around and limit disturbance of floodplains, wetlands, natural slopes over 15%, existing native vegetation, and other sensitive and special value features.
- B. Limit grading and maintain nonerosive flow conditions in natural flow paths.
- C. Maintain existing tree canopies near impervious areas.
- D. Minimize soil disturbance and reclaim disturbed areas with minimal compaction of topsoil and vegetation.
- E. Direct runoff to pervious areas.
- F. The applicant also must demonstrate that the proposed development/additional impervious area will not adversely impact the following:
- G. Capacities of the CRW Sewer System, the CRW MS4, overland flow paths within public rights of way, and/or Waters of this Commonwealth.
- H. Velocities and erosion.
- I. Quality of runoff if direct discharge is proposed.
- J. Existing known problem areas.
- K. Safe conveyance of the additional runoff.
- L. Downstream property owners.

Wastewater and Stormwater Rules and Regulations

Exemption criteria. An applicant proposing regulated development activities, after demonstrating compliance with Subsections A, B and C of Section 9.4, may be exempted from various requirements of this Section 9 according to the following table:

Table 1 - Exemption Criteria for Proposed Land Development and Construction Projects

New/Disturbed Impervious Area (ft ²)		Stormwater Controls Required				
To CRW Combined Sewer System	To CRW MS4 or Waters of Commonwealth	Site Layout/Property Drainage	Volume Control	Rate Control	SWM Plan/Report	Record Drawing
0 to 250	0 to 1,000	Yes	No	No	No	No
250 to 5,000	1,000 to 5,000	Yes	Yes	No	Yes	No
>5,000	>5,000	Yes	Yes	Yes	Yes	Yes

Alternative Stormwater Controls. The purpose of granting exemptions to standard control measures is to ensure consistency of stormwater management planning between local ordinances and NPDES permitting (when required) and to ensure that the applicant has a single and clear set of stormwater management standards to which the applicant is subject. CRW may accept alternative stormwater management controls, provided that:

- A. The applicant, in consultation with CRW, DEP and/or DCCD, demonstrates that meeting the requirements of the volume controls or rate controls of Section 9.8 is not possible or creates an undue hardship.
- B. The alternative stormwater management controls, proposed by the applicant, are documented to be acceptable to CRW, DEP and/or DCCD for NPDES requirements pertaining to post construction stormwater management, control of Combined Sewer Overflows, and/or flood mitigation.
- C. The alternative stormwater management controls are in compliance with all other sections of Section 9.0,

Forest management and timber operations are exempt from rate and volume control requirements and Stormwater Management Site Plan and Report preparation requirements of this Section 9.0, provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102. It should be noted that temporary roadways are not exempt.

Agricultural activities are exempt from the requirements of this Section 9.0, provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102.

Linear roadway improvement projects that create additional impervious area are not exempt from the requirements of Section 9.0. However, alternative stormwater management strategies may be applied at the joint approval of CRW and the Dauphin County Conservation

District (if an NPDES permit is required) when site limitations (such as limited right-of-way) and constraints (as shown and provided by the applicant), preclude the ability of the applicant to meet the enforcement of the stormwater management standards in this Section 9.0. All strategies must be consistent with DEP's regulations, including NPDES requirements.

Criteria for Granting an Exemption. CRW may, after an applicant has demonstrated compliance with Section 9.4 A, B and C, grant a modification of the requirements of one or more provisions of this Section 9.0 if:

- A. The literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Article 5 is observed; and
- B. The applicant submits a request for a modification, in writing, stating in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Section 9 involved, and the minimum modification necessary.

9.5 Site Layout Requirements

Requirements for all sites. The approved SWM Site Plan for all regulated development activities shall include, to the maximum extent practicable, measures to:

- A. Protect health, safety, property, CRW Sewer System, the CRW MS4, and Waters of this Commonwealth.
- B. Meet the water quality goals of these Rules and Regulations by implementing measures to:
 - i. Protect and/or improve the function of floodplains, wetlands, natural slopes, existing native vegetation and woodlands.
 - ii. Create, maintain, protect, or extend Stream Setbacks_and protect existing forested buffers.
 - iii. Provide trees and woodlands adjacent to impervious areas whenever feasible.
 - iv. Minimize the creation of impervious surfaces and the degradation of Waters of this Commonwealth and promote groundwater recharge.
 - v. Protect natural systems and processes (drainageways, vegetation, soils, and sensitive areas) and maintain, as much as possible, the natural hydrologic regime.

- vi. Incorporate natural site elements (wetlands, stream corridors, mature forests) as design elements.
- vii. Prevent and/or reduce erosive flow conditions in natural flow pathways.
- viii. Minimize soil disturbance and soil compaction.
- ix. Minimize thermal impacts to waters of the commonwealth.
- x. Disconnect impervious surfaces by directing runoff to pervious areas wherever possible and decentralize and manage stormwater at its source.
- xi. Incorporate the techniques for low-impact development practices described in the BMP Manual and/or the CRW Design Manual to comply with the requirements of these Rules and Regulations and the state water quality requirements.

Requirements for All Stages of a Common Plan of Development.

- A. The measurement of impervious areas shall include all of the impervious areas in the total proposed development, even if development is to take place in stages.
- B. For development taking place in stages, the entire development plan must be used in determining conformance with these Rules and Regulations.
- C. Any new and existing impervious area that is within the new proposed limit of disturbance is subject to the requirements of these Rules and Regulations.
- D. Limits of existing impervious surfaces shall be determined based upon the predominant land use of the subject tract(s) using the limits in place during the development of the Paxton Creek or Spring Creek Act 167 Plans, as depicted on the 2003 photogrammetric mapping (not the composite existing Land Use Maps), but not greater than the maximum impervious coverage prescribed by the current City of Harrisburg Zoning Ordinance.

Requirements for Vegetation and Landscaping

- A. A planting plan is required for all vegetated Stormwater Management Facilities.
- B. All trees and other vegetation shall be planted in accordance with the standards and regulations set forth in these CRW Rules and Regulations and applicable City codes and ordinances.

- C. Native or naturalized/noninvasive vegetation suitable to the soil and hydrologic conditions of the development site shall be used unless otherwise specified in applicable state and local codes and regulations, including but not limited to the BMP Stormwater Manual, the CRW Design Manual, or other suitable standards provided by CRW.
- D. Invasive Vegetation may not be included in any planting schedule. (See Invasive Plants in Pennsylvania by the Department of Conservation and Natural Resources [DCNR].)
- E. The limit of existing native vegetation to remain shall be delineated on the plan, along with proposed construction protection measures.
- F. Prior to construction, a tree protection zone shall be delineated in accordance with the no less than at the dripline of the tree canopy. All trees scheduled to remain during construction shall be marked; however, where groups of trees exist, only the trees on the outside edge need to be marked. A barrier, such as a forty-eight-inch-high snow fence or forty-eight-inch-high construction fence mounted on steel posts located eight feet on center, shall be placed along the tree protection boundary. No construction, storage of material, temporary parking, pollution of soil, or regrading shall occur within the tree protection zone.
- G. All planting shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the American Association of Nurseryman, Inc., in the American Standard of Nursery Stock.
- H. Planting designs are encouraged to share planting space for optimal root growth whenever possible.
- I. No staking or wiring of trees shall be allowed without a maintenance note for the stake and/or wire removal within one year of planting.

Landscaping Requirements for Parking Lots

- A. Plans for the use or improvement of land for new or expanded parking facilities shall fully describe Stormwater Management Facilities, Property Drainage Facilities, driveways, and the other requirements relative thereto as set forth in City ordinance - Chapter 7-327, Off-Street Parking and Loading.
- B. Any development or expansion of five (5) or more new parking spaces shall be required to provide shade trees within or immediately around the edges of paved areas. This requirement shall not apply to development of underground parking or multi-level parking. Capital Region Water may recommend, and the City may permit, some or all of these required trees to be planted within the public right-of-way.

- C. One deciduous tree shall be required for every three thousand (3,000) square feet of paved area.
- D. All parking lots shall be required to install a plant screen with a minimum height of three (3) feet along the length of the lot line. Any fencing shall be placed on the inside of the landscaped or plant screen area.

Shade Trees

- A. Reasonable effort should be made by the Developer to preserve existing trees. In addition, trees approved by the City Arborist, with a minimum caliper of 2 1/2 inches, should be provided in accordance with the approved landscaped plan. Trees should be planted between the sidewalk and the building setback line, at least five feet from the sidewalk or between the curb and the sidewalk, provided that the tree can receive adequate water.

Protection of Native Soil Infiltration Properties

- A. The soil infiltration properties of all existing and proposed pervious areas of the Site shall be maintained or restored to replicate a meadow in good condition in the Hydrologic Soils Group B soils.
- B. Areas proposed for Stormwater Management Facilities shall be protected from sedimentation and compaction during the construction phase to maintain maximum infiltration capacity. Staging of earthmoving activities and selection of construction equipment should consider this protection.
- C. Stormwater Management Facilities shall not be constructed nor receive runoff from disturbed areas until the entire contributory drainage area to the Stormwater Management Facility has achieved final stabilization, unless otherwise authorized by CRW.
- D. Minimization of impervious surfaces and infiltration of runoff through Stormwater Management Facilities incorporating seepage beds, infiltration trenches, etc., are encouraged, where soil conditions and geology permit, to reduce the size or eliminate the need for extended detention facilities.
- E. Stormwater Management Facilities should be dispersed throughout the site, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of these Rules and Regulations.

- F. The design of facilities over karst shall include an evaluation and implementation of measures to minimize adverse effects.

Easement and Access Requirements

- A. A minimum ten-foot-wide access easement for inspection and maintenance shall be provided for all Stormwater Management Facilities not located within a public right-of-way. Easements shall provide for ingress and egress to a public right-of-way.
- B. Drainage easements shall be provided for the entire Property Drainage System, either existing or proposed, as identified on the Stormwater Management Site Plan. Drainage easements shall be provided to contain and convey the one-hundred-year frequency flood.

Special Water Quality Protection Requirements

- A. CRW may require additional stormwater control measures for stormwater discharges to special management areas, including but not limited to:
- B. Water bodies listed as "impaired" on Pennsylvania's Clean Water Law 303(d)/305(b) Integrated List.
- C. Any water body or watershed with an approved total maximum daily load (TMDL).
- D. Critical areas with sensitive resources (e.g., state-designated special protection waters, cold-water fisheries, carbonate, or other groundwater recharge areas highly vulnerable to contamination, drainage areas to water supply reservoirs, source water protection zones, etc.)

9.6 Performance Standards for Property Drainage Systems

Off-Site Drainage Requirements

- A. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the applicant must:
 - i. Document that an adequate Property Drainage System exists to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding, or other harm will result from the concentrated discharge.
 - ii. Provide an executed easement for newly concentrated flow across adjacent properties.

- B. Property Drainage Systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by Stormwater Management Facilities or open channels consistent with these Rules and Regulations.

Downstream Hydraulic Capacity Analysis. Any downstream capacity hydraulic analysis conducted in accordance with this Section 9.0 shall use the following criteria for determining adequacy for accepting increased peak flow rates:

- A. Natural or man-made channels or swales must be able to convey the increased runoff associated with a five-year return period event within their banks at velocities consistent with protection of the channels from erosion. Acceptable velocities shall be based upon criteria included in the DEP Erosion and Sediment Pollution Control Program Manual.
- B. Natural or man-made channels or swales must be able to convey the increased five-year return period runoff without creating any hazard to persons or property.
- C. Culverts, bridges, storm sewers, or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with DEP, Chapter 105 regulations (if applicable), and, at a minimum, pass the increased five-year return period runoff, except for facilities located within a designated floodplain which must, at a minimum, conform to FEMA and local floodplain ordinance requirements.
- D. CRW Sewer System must pass or convey flows from the tributary area for a five-year return period plus the peak sewage flows from the tributary service area, (4.0 x average daily flow). The resulting energy grade line (EGL) in the main shall remain one foot below the basement floor elevations of properties serviced by the sewer. Increases in peak flow from a proposed development shall be considered as part of the proposed development's Act 537 sewage facility planning.

On-Site Property Drainage System Standards

- A. The applicant shall install storm sewers and related facilities as necessary to ensure the drainage of all low points along the line of streets and collect and convey stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.
- B. Property Drainage Systems must be designed in accordance with the CRW Design Manual.
- C. Where adequate existing mains in the CRW Sewer System are readily accessible, the subdivider must connect the development's Property Drainage Systems to these existing mains by means of a manhole.

- D. Roof drains and all site drainage must be directed to an on-site pervious overland flow path and/or Stormwater Management Facility, as defined in the approved SWM Site Plan. Roof/site drainage shall be managed in a manner that minimizes standing water outside Stormwater Management Facilities, that does not create on-site or off-site flooding, and that does not cause infiltration / inflow to a CRW Separate Sanitary Sewer System or to a Sewer Lateral. When it is not possible to meet this requirement, the applicant shall consider pervious overland flow paths and/or Stormwater Management Facilities within the public Right of Way that meet all City requirements, and/or at an off-site location. CRW will consider exemptions under Section 9.4 on a case-by-case basis where the applicant demonstrates that neither on-site or off-site stormwater management is feasible.
- E. Parking, loading facilities, driveways and vehicle sales display areas shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
- F. All Property Drainage Systems shall be subject to approval by CRW and the City Engineer. All parking lots shall have curb cuts approved by CRW and the City Engineer at all points of ingress and egress.
- G. Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete or decorative paving block or such other material as may be approved by CRW and the City Engineer.
- H. CRW and the City Engineer may approve a stone parking area if it is used for industrial purposes and is located to the rear of buildings and is served by a paved driveway, or if the parking area is used for recreational park purposes.
- I. No fence or wall shall obstruct a drainage swale or other needed easement without approval from CRW and the City.
- J. In the design of Property Drainage Systems, consideration must be given to prevent runoff onto adjacent developed properties. In no case may a change be made in the existing topography which would result in increasing any portion of the slope steeper than one foot of vertical measurement for four feet of horizontal measurement for fills or one foot of vertical measurement for four feet of horizontal measurement for cuts within a distance of 20 feet from the property line unless an adequate retaining wall or other structure is provided.
- K. All slopes must be protected against erosion.

- L. A street must be designed so as to provide for the discharge of surface water from its right-of-way. The slope of the crown on a street shall be 2% per foot. Adequate facilities must be provided at low points necessary to intercept runoff.
- M. Property Drainage Systems shall be designed in accordance with the CRW's Engineering Specifications.
- N. Curbs shall be installed on each side of the street surface in accordance with the following specifications:
 - i. Curbs shall be constructed according to the specifications set forth in Section 630 of the Pennsylvania Department of Highways Specifications, 1987, Form 408, of the Pennsylvania Department of Transportation, as amended, except that fiber reinforcement shall be added to cement construction IAW manufactures instructions¹.
 - ii. Where vertical curbs are provided, they shall not be less than seven inches wide at the top and eight inches wide at the bottom. The overall depth of the curb shall not be less than 18 inches. Eight inches of curb reveal at the street is required. Curbs must have expansion joints every 20 feet and be placed between abutting material. The curb shall rest on a six-inch crushed stone base or concrete footing at the joints if, in the opinion of CRW and the City Engineer, conditions warrant. The City may require that the curb material be of the same material as curbs surrounding the site.

9.7 Performance Standards for Stormwater Management Facilities

General Performance Standards

- A. For all regulated development activities, Stormwater Management Facilities shall be designed, implemented, operated, and maintained to meet the purposes and requirements of these Rules and Regulations and to meet all requirements under Title 25 of the Pennsylvania Code, the Clean Streams Law, and the Storm Water Management Act.
- B. Various Stormwater Management Facilities and their design standards are listed in the BMP Manual, the CRW Design Manual, or other suitable standards provided by CRW.

¹ Editor's Note: So in original.

- C. The low-impact development practices provided in the BMP Stormwater Manual and in the CRW Design Manual shall be utilized for all regulated development activities to the maximum extent practicable.
- D. Stormwater Management Facilities shall be designed to the maximum extent practicable to fit the site constraints and limitation and located to maximize use of natural on-site infiltration features while still meeting the other requirements of these Regulations. Pretreatment shall be provided for runoff into Stormwater Management Facilities unless shown to be unnecessary.
- E. Stormwater Management Facilities intended to receive runoff from developed areas shall be selected based on suitability of soils and Development Site conditions and shall be constructed on soils that have the following characteristics:
 - i. A minimum depth of twenty-four (24) inches between the bottom of the facility and the limiting zone, unless it is demonstrated to the satisfaction of CRW that the Facility has design criteria which allow for a smaller separation.
 - ii. A stabilized infiltration rate sufficient to accept the additional stormwater load and drain completely as determined by field tests conducted by the Applicant's professional designer.
 - a. The stabilized infiltration rate is to be determined in the same location and within the same soil horizon as the bottom of the infiltration facility.
 - b. The stabilized infiltration rate is to be determined as specified in the BMP Manual or the CRW Design Manual.
 - iii. The design of all Stormwater Management Facilities over karst shall include an evaluation of measures to minimize adverse effects, where such evaluation shall be carried out in accordance with Section X of these Regulations.
 - iv. Existing on-site natural Stormwater Management Facilities shall be used to the maximum extent practicable.
 - v. CRW may, after consultation with the City, DEP and/or DCCD, approve measures for meeting the State Water Quality Requirements other than those in these Rules and Regulations, provided that they meet the minimum requirements of, and do not conflict with, state law, including, but not limited to, the Clean Streams Law.
 - vi. Applicants have the option to propose a regional stormwater management plan or participate in a regional stormwater management plan developed by others. A

regional stormwater management plan may include off-site volume and rate control, as appropriate and supported by a detailed design approved by CRW in accordance with this Section. A regional stormwater management plan must meet all of the volume and rate control standards required by this chapter for the area defined by the regional stormwater management plan, but not necessarily for each individual development site. Appropriate easement and O&M agreements must be established to ensure the requirements of this chapter and the requirements of the regional stormwater management plan are met.

- vii. Should any Stormwater Management Facility require a dam safety permit under DEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety which may be required to pass storms larger than a one-hundred-year event.
- viii. Any Stormwater Management Facilities regulated by these Rules and Regulations that will be located on or discharged onto state highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).

Volume Control Storage Required

- A. Each Stormwater Management Facility shall include Volume Control Storage intended to maintain existing hydrologic conditions for small storm events by promoting groundwater recharge and/or evapotranspiration and minimizing the rate of discharge of the remaining volume. The procedures described in this section shall be used to determine the size and operation of the Volume Control Storage.
- B. Delineate the site of each Stormwater Management Facility and the total area draining to the Facility. Within this drainage area delineate the existing impervious surfaces, proposed limit of earth disturbance, and any new impervious surfaces.
 - i. In order to receive an approved Stormwater Management Site Plan and Report, Stormwater Management Facilities must control the area within the proposed limit of earth disturbance as required by these Regulations.
 - ii. Stormwater Management Facilities sized to control additional runoff from within the proposed limit of earth disturbance and/or any additional areas that will drain to the Facility may be eligible for Stormwater Credits according to Section 11.0 of these Rules and Regulations.
 - iii. The maximum loading ratio for volume control features in Karst areas shall be 3:1 impervious drainage area to infiltration area and 5:1 total drainage area to infiltration

area. The maximum loading ratio for volume control features in non-Karst areas shall be 5:1 impervious drainage area to infiltration area and 8:1 total drainage area to infiltration area. A higher ratio may be approved by CRW if justification is provided. Hydraulic depth may be used as an alternative to an area-based loading ratio if the design hydraulic depth is shown to be less than the depth that could result from the maximum area loading ratio.

- C. Determine the Volume Control Storage required using the Design Storm Method described in Subsection B.iii.a, the Simplified Method described in Subsection B.iii.b or through continuous modeling approaches or other means as described in the BMP Manual, the CRW Design Manual, or from other applicable sources acceptable to CRW.
 - i. The Design Storm Method (CG-1 in the BMP Manual) is applicable to any sized regulated development activity. This method requires detailed modeling based on site conditions and use of hydrologic methods and parameters approved by CRW. Apply the hydrologic model to size the Volume Control Storage to capture the increased post-development total runoff volume for all storms equal to or less than the two-year, twenty-four-hour storm event and dispose it in the manner described by these Regulations. For modeling purposes:
 - 1. Design rainfall volumes and model hydrologic parameters specified in the BMP Manual or the CRW Design Manual, whichever is more stringent, shall be used unless alternative parameters are approved by CRW.
 - 2. Existing (predevelopment) non-forested pervious areas must be considered meadow in good condition in the Hydrologic Soils Group B soils.
 - 3. When the existing project site contains impervious area, 20% of existing impervious area to be disturbed shall be considered meadow in good condition in the model for existing conditions, except for repair, reconstruction, or restoration of public roadways, or repair, reconstruction, or restoration of rail lines, or construction, repair, reconstruction, or restoration of utility infrastructure when the site will be returned to existing condition.
 - ii. The Simplified Method (CG-2 in the BMP Manual) is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to regulated development activities greater than one acre. For new impervious surfaces, Stormwater Management Facilities shall capture at least the first one (1) inch of runoff from all new impervious surfaces.

1. Infiltration Test Requirements. Actual field infiltration tests at the location of the proposed elevation of the Volume Control Storage is required when 1,000 square feet or greater of new impervious surface is added. Infiltration tests shall be conducted in accordance with BMP Manual or the CRW Design Manual. The infiltration tests for new impervious surfaces of 5,000 square feet or greater shall be certified by a registered geologist or professional geotechnical engineer in the commonwealth, certified soil scientist or geomorphologist. CRW shall be notified 24 hours prior to infiltration tests being conducted so as to provide an opportunity for CRW to witness the tests. Infiltration rates of all approved stormwater control facilities shall be field verified during construction, immediately prior to installing of the device.
2. Use the findings of infiltration testing conducted according to Subsection B.iv.____ to determine the portion of the Volume Control Storage able to infiltrate, evaporate, and/or transpire within 96-hours from the start of the design storm event, Infiltration shall not be required when existing Karst conditions, as determined by CRW, do not allow for this volume of infiltration.
3. Define additional volume that will be stored and directed to non-potable uses elsewhere on the Property within 96-hours from the start of the design storm event,
4. Dewater any remaining volume that is not infiltrated, evaporated, transpired, or re-used in no less than 48 hours and no more than 96-hours from the start of the design storm event.
5. The Applicant may use stormwater credits for Non-Structural BMPs in accordance with the BMP Stormwater Manual. The allowable reduction will be determined by CRW.
6. All applicable worksheets from Chapter 8 of the BMP Manual must be used when establishing volume controls.
7. Any portion of the volume control storage that meets the following criteria may also be used as rate control storage:
 - Volume Control Storage that depends on infiltration is designed according to Subsection 9.7 (B).
 - The Volume Control Storage which will be used for rate control is that storage which is available within 24 hours from the end of the design storm based on the stabilized infiltration rate and/or the evapotranspiration rate.

- Volume control storage facilities designed to infiltrate shall avoid the least permeable hydrologic soil group(s) at the development site.

D. Rate Control Storage Required. Rate control for large storms, up to the one-hundred-year event, is essential to protect against immediate downstream erosion and flooding.

- i. Match Pre-development Hydrograph. Applicants shall provide infiltration facilities or utilize other techniques which will allow the post-development 100-year hydrograph to match the pre-development 100-year hydrograph, along all parts of the hydrograph, for the Development Site. To match the pre-development hydrograph, the post development peak rate must be less than or equal to the pre-development peak rate, and the post development runoff volume must be less than or equal to the pre-development volume for the same storm event. A shift in hydrograph peak time of up to five minutes and a rate variation of up to five percent (5%) at a given time may be allowable to account for the timing effect of BMPs used to manage the peak rate and runoff volume. "Volume Control" volumes as given in Subsection 9.8(B) above may be used as part of this option.
- ii. If the pre-development hydrograph cannot be matched and release rates have been established under an approved Act 167 stormwater management plan [Paxton Creek and Spring Creek (West)]:
 - a. Post-development discharge rates shall not exceed the predevelopment discharge rates for the one-year, fifty-year, and one-hundred-year storms.
 - b. For the two-, ten-, and twenty-five-year storms, the post-development peak discharge rates shall be in accordance with the approved Act 167 plan release rate map, or, for areas situated outside the limits of the Paxton Creek or Spring Creek watersheds, the post-development discharge rates shall not exceed the predevelopment discharge rates.
- iii. If the pre-development hydrograph cannot be matched and no release rates have been established under an approved Act 167 stormwater management plan, post-development discharge rates shall not exceed the predevelopment discharge rates for the one-year, two-year, ten-year, twenty-five-fifty-year and one-hundred-year storms.
- iv. If the pre-development hydrograph cannot be matched and the Project Site is contained within a Paxton Creek Watershed Provisional No-Detention District, post-development peak runoff may be discharged without detention facilities.

- v. The applicant must prove that the CRW Combined Sewer, CRW MS4, or Property Drainage System which transports runoff from the site has adequate capacity to safely transport unattenuated increased peak flows for a ten-year storm in accordance with this Section. Also, in the case of the site draining to the CRW Combined Sewer System, peak sewage flows shall be included in the hydraulic analysis. If there is inadequate capacity, the applicant shall either use 100% release rate control or provide increased capacity of downstream drainage facilities to convey increase peak flows consistent with this Section. When determining if adequate capacity exists in the CRW Combined Sewer, CRW MS4, or Property Drainage Systems, the applicant must assume that the entire local watershed is developed per current zoning and that all new development will use the least restrictive runoff controls specified by this Section.
- vi. Off-site areas that drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rate; however, on-site drainage facilities shall be designed to safely convey off-site flows through the development site. Drainage Off-site flows to on-site BMP(s) could qualify the Property Owner for stormwater credits in accordance with Section 11.17
- vii. For a proposed development site which is located within two or more release rate districts, the maximum runoff discharged at any point shall be equal to the release rate for the district in which the discharge point is located. In the event that a portion of the site is located in a provisional no-detention area, no runoff from portions of the site located in areas subject to release rate controls may be drained to or through the provisional no-detention area.
- viii. Peak rate control is not required for off-site runoff. Off-site runoff may be by-passed around the site provided all other discharge requirements are met. If offsite runoff is routed through rate control facilities, runoff coefficients for off-site discharges used to design those rate control facilities shall be based on actual land use assuming winter or poor land conditions.

9.8 Erosion & Sedimentation Requirements during Earth Disturbance Activities

The applicant shall meet requirements as contained in 25 Pa. Code, Chapters 92 and 102, as required, and applicable as follows:

- A. The implementation and maintenance of erosion and sediment control BMPs.
- B. Development of written plans.

- C. Submission of plans for approval.
- D. Obtaining erosion and sediment control and NPDES permits.
- E. Maintaining plans and permits on site.

Evidence of any necessary plan or permit approval for earth disturbance activities from DEP or the Dauphin County Conservation District must be provided to the CRW prior to approval of the Stormwater Management Site Plan and Report, and must be obtained before any earth disturbance activity begins.

A copy of the approved erosion and sediment control plan and any other permit, as required by DEP or the Dauphin County Conservation District, shall be available at the project site at all times if required under 25 Pa. Code Chapter 102.

Construction of temporary roadways (e.g., for utility construction, timber harvesting, etc.) shall comply with all applicable standards for erosion and sedimentation control and stream crossing regulations under 25 Pa. Code, Chapters 102 and 105. The Erosion and Sedimentation Control Plan shall be submitted to the Dauphin County Conservation District for approval and shall address the following, as applicable:

- A. Design of the roadway system, including haul roads, skid roads, landing areas, trails, and storage and staging areas.
- B. Runoff control structures (e.g., diversions, culverts, detention ponds, etc.).
- C. Stream crossings for both perennial and intermittent streams.
- D. Access to public roadways, including design of rock construction entrance for mud and debris control.
- E. A remediation plan for restoring the disturbed area through regrading, topsoil placement, reseeding, and other stabilization techniques, as required.

Additional erosion and sedimentation control design standards and criteria that must be applied where infiltration Stormwater Management Facilities are proposed include the following:

- A. Areas proposed for infiltration Stormwater Management Facilities shall be protected from sedimentation and compaction during the construction phase, as to maintain their maximum infiltration capacity.

- B. Infiltration Stormwater Management Facilities shall be protected from receiving sediment-laden runoff.
- C. The source of protection for infiltration Stormwater Management Facilities shall be identified (i.e., orange construction fence surrounding the perimeter of the BMP).

9.9 Improvement Construction Assurances

Preconstruction Requirements

- A. Developers shall be responsible to obtain at their own cost prior to construction all required permits regarding the required facilities including but not limited to (but only if applicable): DEP Water Quality Management Permits; DEP or county permits pertaining to soil erosion and sedimentation control; and PADOT or local highway occupancy permits. All permit documents, if required, shall be prepared by qualified professional engineering personnel. All permit documents shall be submitted to CRW to be reviewed and approved by CRW. Developers shall revise and/or amend the permit documents, if necessary, until such approval is given. CRW's approval of the permit documents shall not be unreasonably withheld, delayed, or conditioned.
- B. Pursuant to the conditions set forth below, Developers shall deposit with CRW a sum determined by CRW which shall be held in a non-interest-bearing escrow account to pay for costs incurred by CRW to ensure that the required facilities meet the requirements set forth herein:
 - i. The amount of the deposit shall be determined by CRW based on its estimated costs which include but not by way of limitation: inspection of the construction of the required facilities and reimbursement of reasonable and actual charges to CRW by its engineer and solicitor for services rendered and the required facilities prior to acceptance of dedication.
 - ii. The above deposit shall be made before construction of the required facilities may begin.
 - iii. Should the funds deposited exceed CRW's actual costs, the balance remaining upon dedication of the required facilities shall be refunded in full to Developers, but should the deposit be insufficient, Developers shall pay the deficiency to CRW within five (5) days of written request. CRW shall have no obligation to provide services unless and until the deposit is restored to an acceptable level.

- iv. With respect to the charges and billings of CRW to Developer under this Section, the requirements and procedures set forth in §5607(d)(30) of the Municipality Authorities Act are incorporated herein by reference.
- C. Developer shall post financial security with CRW to insure completion of the required facilities in accordance with the plans and specifications, in an amount equal to one hundred ten percent (110%) of the estimated cost of the required improvements as set forth in a construction cost estimate prepared by the Developers' engineer and approved by the Director of Engineering.
- D. Prior to CRW notifying Developer that work may begin on the required facilities, Developers shall deliver to CRW either:
 - i. A "Performance Bond" covering faithful and satisfactory construction of the required facilities herein described in an amount not less than one hundred and ten percent (110%) of the cost, to CRW, of completion, estimated as of ninety (90) days following the date scheduled for completion by Developers; and a "Payment Bond" in an amount not less than one hundred and ten percent (110%) of the construction costs covering payment in full for all services rendered (including reasonable rentals of equipment for certain periods), materials furnished, and labor supplied or performed. The above noted construction costs shall be based upon a cost estimate approved by the Director of Engineering. The Bonds shall be issued by a Surety Company authorized to transact business in the Commonwealth of Pennsylvania. The same Surety Company must execute both Bonds. It is agreed that this financial security shall be for the benefit of CRW and shall constitute compliance with the applicable provision of the Municipality Authorities Act.
 - or;
 - ii. Financial security in the form of cash, certified check, or irrevocable letter of credit or restrictive escrow account in a Federal or Commonwealth chartered lending institution authorized to conduct such business within the Commonwealth of Pennsylvania. Such financial security for the construction of the required facilities shall be in an amount of one hundred and ten percent (110%) of the cost, to CRW, of completion, estimated as of ninety (90) days following the date scheduled for completion by Developers. If said financial security is in the form of an irrevocable letter of credit, such letter of credit shall be a "sight draft," and shall not expire without advance written notice to CRW and CRW's opportunity to draw down on the same.

- iii. The financial security as described in this Section shall be first approved by CRW and shall be used to reimburse CRW for all costs and expenses incurred by it (as evidenced by itemized bills thereof), in completion of the required facilities in the event that:
 - a. Either of Developer become insolvent before completing the required facilities; or
 - b. Developer do not complete the required facilities within three (3) years from the date of posting such financial security. If Developers require more than one year from the date of posting such financial security to complete the required facilities, then upon CRW's written notice to Developers the amount of financial security may be increased by an additional ten percent (10%) for each one year period beyond the first anniversary date from the posting of financial security or to one hundred ten percent (110%) of the cost of completing the required facilities as reestablished on or about the expiration of the preceding one (1) year period by the method specified in this Section; or
 - c. Developer fails to pay any deficiency or projected deficiency occurring in the escrow account, as described in this Section, within thirty (30) days of said request of payment by CRW.
- iv. As the construction of the required facilities proceeds, Developers may request CRW to release, from time to time, such portions of the financial security necessary for payment to the contractor, contractors, or sub-contractors performing the work. Any such request shall be in writing addressed to the CRW, and CRW shall have forty-five (45) days, from receipt of such request, within which to allow the Director of Engineering to certify, in writing, to the CRW that such portion of the work upon the project has been completed in accordance with this Section. Upon such certification, CRW shall release or authorize release by the bonding company or lending institution of an amount as estimated by the Director of Engineering which fairly represents the value of the project completed. CRW may, prior to the final release at the time of completion and certification by the Director of Engineering, require retention of ten percent (10%) of the estimated cost of the aforesaid project.
- E. Developer shall give CRW ten (10) days advance written notice of Developers' intention to begin construction of the required facilities so that its construction may be properly inspected. Any work which has begun before the expiration of such ten (10) day period shall not be approved.

Construction Requirements

- A. Developers shall hire and employ and pay their own contractor, contractors, or subcontractors to construct the Facilities according to the plans and specifications, and CRW shall have no responsibility or liability for payment of any part of the costs or expenses arising out of or relating to the construction of the required facilities or the labor, materials, and equipment used therein and/or thereon.
- B. The required facilities shall be constructed by Developers in strict conformance with the plans and specifications. During the course of construction all material, workmanship, and compliance with the plans and specifications shall be subject to the inspection and approval of CRW. When the required facilities have been completed in accordance with the plans and specifications and upon request by Developers, CRW shall provide a letter confirming the satisfactory completion of the required facilities.
- C. Developers and their contractors shall be solely responsible for construction site safety, safety practices, supervision, direction of personnel, use of equipment, and the means, methods, and manner of construction employed by the contractor. CRW will neither perform nor be responsible for any hiring, firing, supervision, superintendence, direction of personnel, use of equipment, construction site safety, safety programs or the direction of the manner or method of construction employed by the contractors, their subcontractors, agents, servants, or employees; nor will CRW or its engineer be liable for any matters or claims arising therefrom. CRW and its engineer shall be under no obligation or liability arising from the work of or injuries to Developers' contractors, its subcontractors, agents, servants, or employees on the required facilities.
- D. Developers shall at all times indemnify and hold harmless CRW and its engineer and all their officers, agents, and employees for all claims, liabilities, suits, judgments, verdicts, actions, or proceedings at law or equity of any kind whatsoever arising out of, connected with, or caused by any operation or matter in, of, or related to the construction of the Facilities, including, among other things, injury to property, and injury to and sickness, and death of each and every person or persons whatsoever, including without limitations, members of the public and officers, agents, and employees of Developers, Developers' contractors, or subcontractors unless caused solely by CRW's negligent, willful, wanton, or malicious conduct. Developers shall, if required by CRW or its engineer, produce evidence of settlement of any such claims, suits, liabilities, judgments, verdicts, suits, actions, or proceedings, groundless or not, which may be commenced against CRW or its engineer or their officers, agents, and employees, and Developers shall cause to be paid any and all judgments which may be secured in any such actions, claims, liabilities, judgments, verdicts, proceedings, or suits, and Developer shall defray or cause to be defrayed any and all expenses, including costs and attorneys' fees, which may be incurred

in or by reason of such actions, claims, liabilities, judgments, verdicts, proceedings, or suits. Therefore, such defense and indemnification shall be provided by including CRW and its engineer and all of their officers, agents, and employees as additional insured parties under the policies of Developer, its contractors and subcontractors which pertain to this project. Developer shall be required to include a reference to this Section in all agreements or contracts with its contractor, contractors, or subcontractors.

- E. CRW reserves the right to inspect the construction, all materials, workmanship, compliance with the approved plans, and testing of the required facilities and the connection to the AWTF, the CRW Water System, CRW Sewer System, and/or CRW MS4, and such construction and testing shall be in accordance with CRW's specifications and performed to the approval of CRW. CRW shall have the right to charge Developer the reasonable costs for such inspection. The parties hereby agree that any inspection requested by CRW shall be on a part-time basis. CRW's approvals required under this Section shall not be unreasonably withheld, delayed, or conditioned.
- F. In the event the materials and/or workmanship are found by CRW not to be in compliance with the previously described specifications, CRW may revoke its approval and proceed with construction if the Developer fail to cure or fail to take reasonable and diligent steps toward curing the identified non-compliance within fourteen (14) days of written notice of the same by CRW. Developer hereby agrees to cease immediately construction operations and replace and/or correct the noncompliant materials and/or workmanship. The approval to proceed with construction will be reissued only upon receipt of written procedures from Developer to prevent future noncompliant occurrences. Developers shall also be responsible for compliance with inspection requirements of applicable governmental agencies, utility companies, and property owners in connection with the construction. Upon completion of the construction of the required facilities and prior to connection thereto, the engineer for CRW will certify the satisfactory completion of the required facilities to CRW.

Post-Construction Requirements and Release of Performance Security

- A. Promptly upon completion of the required facilities, Developer shall offer the required facilities for dedication by notifying CRW in writing that the construction has been completed and is ready for final inspection. The Director of Engineering will certify the satisfactory completion thereof to CRW. After CRW has determined that the required facilities have been constructed in accordance with the plans and specifications, CRW may accept the dedication of the same from Developers. CRW shall make such determination of whether to accept the dedication of the required within forty-five (45) days after notification from Developer of the final completion. CRW's engineer's

certification and CRW's determination to accept dedication shall not be unreasonably withheld, delayed, or conditioned.

- B. As a condition of CRW accepting dedication of the required facilities, within thirty (30) days after CRW notifies Developer that it intends to accept the required facilities, Developers shall:
 - i. Prepare and submit to CRW two (2) sets of record (as-built) drawings and one (1) electronic copy of the record drawings of the required facilities in the Portable Document Format (PDF) at Developers' expense;
 - ii. Execute, acknowledge, and submit to CRW a deed of dedication for the required facilities in the form required by CRW; and
 - iii. If desired by Developer, a proposed reimbursement agreement pursuant to §5607(d)(31) of the Municipality Authorities Act.
- C. In the event a deed of dedication is not offered to CRW and within the time specified herein, CRW shall be entitled to specific performance of this requirement and the costs of enforcing this requirement, including reasonable attorneys' fees, which shall be paid by Developers and shall be made a part of the Order of Court in granting specific performance.
- D. Prior to release of the performance security as provided under the Municipality Authorities Act and/or CRW's or this Section, Developer shall furnish CRW with financial security to secure the structural integrity and functioning of the required facilities in accordance with the plans and specifications. The financial security shall have a term of eighteen (18) months from the date of acceptance by CRW of the dedication of the required facilities. The financial security shall be in the amount of fifteen percent (15%) of the cost of construction of such system and shall be of the same type as set forth in this Section.
- E. Upon receipt by CRW of the deed of dedication, the required facilities shall become and remain the sole, absolute, and permanent property of CRW, free and clear of any lien, obligation, or other liability in favor of Developer, their successors or assigns, their contractors, laborers, or suppliers, and any of their creditors, or in favor of any other person or corporation, to the same end and effect as if CRW had constructed the required facilities at its own expense. Thereafter, CRW shall maintain, repair, rebuild, and otherwise act toward the required facilities as its own property and at its own cost and expense and Developers shall have no further obligation, responsibility, or authority with regard to the Facilities except as otherwise provided herein. Nothing herein shall be

construed to discharge or dilute any contractual obligation which exists between Developers and his contractor regarding guarantees of workmanship and maintenance of trenches and paving or other matters.

- F. No project shall be considered in compliance with this Section until Property Drainage System, Storm Management Facilities for dedication or those which affect adjacent properties, and/or street sanitary sewer facilities for dedication (exclusive of laterals), water supply facilities (exclusive of laterals), fire hydrants, have been installed in accordance with this Section.

9.10 Application and Submittal Requirements

A. Final Development Plans Required

- i. The Final Development Plan and site report shall consist of all applicable calculations, maps, and plans. All Final Development Plan materials shall be submitted to CRW in a format that is clear, concise, legible, neat, and well organized; otherwise, the Final Development Plan shall be rejected. Appropriate sections from these Regulations, the City Subdivision and Land Development Ordinance, and other applicable local ordinances, shall be followed in preparing the Final Development Plan.
- ii. Final Development plans shall be prepared by an engineer or a surveyor, and final land development plans shall be prepared by an engineer, a surveyor, or a landscape architect.

B. Final Development Plans: General Information

- i. Plans on sheets no larger than 24 inches by 36 inches and in a form that meets the requirements for recording in the office of the Recorder of Deeds of Dauphin County.
- ii. The name of the development; name and location address of the property site; name, address, and telephone number of the applicant/owner of the property; and name, address, telephone number, e-mail address, and engineering seal of the individual preparing the SWM site plan.
- iii. The date of submission and dates of all revisions.
- iv. A graphical and written scale on all drawings and maps.
- v. A North arrow on all drawings and maps.
- vi. A location map at a minimum scale of one inch equals 1,000 feet.

- vii. Metes and bounds description of the entire tract perimeter.
 - viii. A key map showing all existing man-made features beyond the property boundary that may be affected by the project.
- C. Final Development Plans: Existing site features
- i. Existing contours for a preliminary/final plan or the contours identified with the preliminary plan if altered shall be shown. Such contours shall show elevations at a minimum vertical interval of two feet for land with average natural slope of 4% or less and at a minimum vertical interval of five feet for more steeply sloping land. Contours shall be accompanied by the location of the benchmark and a notation indicating the datum used. City datum or United States Geological Survey (USGS) datum must be used for establishing elevations. This information may be provided on separate sheets and is not subject to recording with the final plan.
 - ii. The names of all immediately adjacent landowners and the names and plan book record numbers of all previously recorded plans for adjacent projects shall be contained therein.
 - iii. Existing water bodies within the project area, including streams, lakes, ponds, field-delineated wetlands or other bodies of water, sinkholes, flood hazard boundaries (FEMA-delineated floodplains and floodways), areas of natural vegetation to be preserved, the total extent of the upstream area draining through the site, and overland drainage paths.
 - iv. The location of unbuildable portions of the site, historic structures or other significant features shall be shown.
 - v. The following items when located within 50 feet of the subject tract shall be indicated:
 - 1. The approximate location and name of existing right-of-way and cartways for streets, access drives and service streets.
 - 2. The approximate location of the following features and any related rights-of-way: CRW Sewer System, CRW MS4, water supply mains, fire hydrants, and Stormwater Management Facilities which affect the stormwater runoff on the subject tract.
 - 3. The size, capacity, and condition of the existing Stormwater Management Facilities, Property Drainage System, and any other facility that may be used to convey storm flows from the subject tract.

4. The location of wetlands, unbuildable portions of the site, historic structures, or other significant features.
 - vi. The following items when located within the subject tract shall be identified:
 1. The location, name, and dimensions of existing rights-of-way and cartways for streets, access drives, driveways, and service streets.
 2. The location and size of the following features and any related rights-of-way: CRW Sewer System, CRW MS4, water supply mains, fire hydrants, buildings, and Stormwater Management Facilities. This information may be provided on separate sheets and need not be recorded with the final plan.
 3. The location of existing rights-of-way for electric, gas and oil transmission lines and railroads.
 - vii. The size, capacity, and condition of the existing Stormwater Management Facilities and Property Drainage System and any other facility that may be used to convey storm flows.
 - viii. The location of all existing and proposed utilities, on-lot wastewater facilities, water supply wells, sanitary sewers, and water lines on and within 50 feet of property lines.
 - ix. Soil names and boundaries with identification of the Hydraulic Soil Group classification.
- D. Final Development Plans: Proposed Site Layout
- i. The proposed limit of disturbance line and associated proposed disturbed acres.
 - ii. Proposed structures, roads, paved areas, and buildings, including plans and profiles of roads and paved areas and floor elevations of buildings.
 - iii. Construction details of any improvements made to sinkholes.
 - iv. Identification of short-term and long-term ownership, operations, and maintenance responsibilities.
 - v. Notes and statements.

E. Final Development Plans: Stormwater Management Site Plan and Report

- i. Horizontal alignment, vertical profiles, and cross-sections of all open channels, pipes, swales, and other components of the Property Drainage System.
- ii. The location and clear identification of the nature of permanent Stormwater Management Facilities.
- iii. The location of all erosion and sedimentation control facilities.
- iv. A minimum twenty-foot-wide access easement around all Stormwater Management Facilities that would provide ingress to and egress from a public right-of-way. In lieu of providing an easement to the public right-of-way, a note may be added to the plan granting CRW or its designees access to all easements via the nearest public right-of-way.
- v. Construction details for all Property Drainage Systems and Stormwater Management Facilities.
- vi. A statement, signed by the landowner, acknowledging that the Property Drainage Systems and Stormwater Management Facilities are fixtures that cannot be altered or removed without prior approval by CRW.
- vii. A statement referencing the operation and maintenance (O&M) agreement and stating that the O&M agreement is part of the Stormwater Management Site Plan and Report.
- viii. A note indicating that record drawings will be provided for all Property Drainage Systems and Stormwater Management Facilities prior to occupancy or the release of financial security.

F. Final Development Plans: Certification

- i. The following signature block for the qualified professional preparing the Stormwater Management Site Plan and Report:

"I, _____, hereby certify that the Stormwater Management Site Plan meets all design standards and criteria of CRWs Wastewater and Stormwater Rules and Regulations."

Wastewater and Stormwater Rules and Regulations

- ii. The following signature block for the qualified professional preparing the Stormwater Management Site Plan and Report as applicable:

"I, _____, hereby certify that there (are/are not) wetlands on the subject property, the proposed project (will/will not) impact off-site wetlands, and permits (are/are not) required from the state or federal government."

- G. Final Development Plans: SWM Site Report. SWM site reports shall include (but not be limited to):

- i. The name of the development; name and location address of the property site; name, address, and telephone number of the applicant/owner of the property; and name, address, telephone number, e-mail address, and engineering seal of the individual preparing the SWM site report.
- ii. Project description narrative, including expected project time schedule.
- iii. Location map showing the project site and its location relative to release rate districts.
- iv. Drainage area maps for all watersheds and inlets depicting the time of concentration paths.
- v. A detailed description of the existing site conditions. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas such as brownfields.
- vi. Complete hydrologic, hydraulic, and structural computations, calculations, assumptions, and criteria for the design of all Stormwater Management Facilities.
- vii. Description of and justification and actual field results for infiltration testing with respect to the type of test and test location for the design of infiltration Stormwater Management Facilities.
- viii. Calculations showing the total drainage area and impervious area loading rates to each Stormwater Management Facility.
- ix. The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing CRW Combined Sewer System and/or CRW MS4 System and/or Water of this Commonwealth that may receive runoff from the project site.

- x. Description of the proposed changes to the land surface and vegetative cover, including the type and amount of impervious area to be added.
 - xi. All applicable worksheets from Chapter 8 of the BMP Manual when establishing volume controls.
 - xii. Identification of short-term and long-term ownership, operation, and maintenance responsibilities as well as schedules and costs for inspection and maintenance activities for each permanent Stormwater Management Facility and Property Drainage System, including provisions for permanent access or maintenance easements.
 - xiii. Supplemental information to be provided prior to recording of a Stormwater Management Site Plan and Report, as applicable:
 - xiv. Signed and executed operations and maintenance agreement.
 - xv. Signed and executed easements, as required for all on-site and off-site work.
 - xvi. An erosion and sedimentation control plan and approval letter from the Dauphin County Conservation District.
 - xvii. An NPDES permit.
 - xviii. Permits from DEP and ACOE.
 - xix. A geologic assessment.
 - xx. A wetland delineation report.
 - xxi. A highway occupancy permit from PennDOT when utilization of a PennDOT storm drainage system is proposed or when proposed facilities would encroach onto a PennDOT right-of-way. [1]: Editor's Note: See Part 5 (7-500), Subdivision Regulations, of Title 7, Planning and Zoning Code.
- H. Final Development Plans: Proposed Extensions of and Sewer or Storm Lateral connections to CRW Sewer and MS4 Systems.
- i. The Final Development Plan shall contain a Utility Plan, which shall include the size, material, and vertical and horizontal locations of extensions to the CRW Sewer and MS4 Systems, as follows:

1. All calculations, assumptions, criteria, and references used in the design of the Stormwater Management Facilities, the establishment of existing facilities' capacities and the pre- and post-development discharges.
 2. All plans and profiles of the proposed Stormwater Management Facilities, including the horizontal and vertical location, size and type of material.
 3. For all proposed Stormwater Management Facilities, a plotting or tabulation of the storage volumes and discharge curves with corresponding water surface elevations, inflow hydrographs and outflow hydrographs.
 4. The guidelines for lot grading within the subdivision. This information shall identify the direction of stormwater runoff flow within each lot and the areas where stormwater runoff flows will be concentrated, and the Property Drainage System receiving these flows. This information shall be shown by topographical data.
 5. Soil characteristics report and information on erosion and sediment control from the Dauphin County Soil and Water Conservation District through the Natural Resources Conservation Service.
- ii. This information may be provided on a sheet with other data or on separate sheets. In the case of any dispute in methodology used in the design of any Stormwater Management Site Plan and/or in the presentation of such information, the Director of Engineering shall make the final determination.
- I. Final Development Plans: Supplemental Information
- i. The following certificates, notifications and reports shall be attached to the final Stormwater Management Site Plan:
 1. When applicable, notification from the Department of Environmental Protection that either approval of the sewer facility plan revision (plan revision modular for land development) or supplement has been granted or that such approval is not required.
 2. Lighting, screening, drainage, and dimensions of all off-street parking areas.
 3. The following certifications:
 - a. Signature block for the CRW Director of Engineering, City Engineer, the Dauphin County Planning Commission, the Harrisburg City Planning Commission, and the Harrisburg City Council.

Wastewater and Stormwater Rules and Regulations

- b. The submission of a maintenance agreement when an application proposes to establish a street which is not offered for dedication to public use.
 - c. For all Stormwater Management Facilities that affect an existing Water of this Commonwealth or have an upland drainage area greater than 1/2 square mile, notification from the Department of Environmental Protection of approval or that no approval is required.
- J. Preapplication Meeting. Applicants are encouraged to schedule a preapplication meeting to review the overall Stormwater Management concept plan with CRW staff and Engineer. The preapplication meeting is not mandatory and shall not constitute formal filing of a plan with CRW. Topics discussed may include the following:
 - i. Available geological maps, plans and other available data
 - ii. Findings of the site analysis, including identification of any environmentally sensitive areas, wellhead protection areas, Stream Setbacks, hydrologic soil groups, existing natural drainageways, karst features, areas conducive to infiltration to be utilized for volume control, etc.
 - iii. Results of infiltration tests.
 - iv. Applicable City Subdivision and Land Development and/or Zoning Ordinance provisions.
 - v. The conceptual project layout, including proposed Property Drainage Systems and Stormwater Management Facilities.
- K. Final Stormwater Management Site Plan and Report Submission
 - i. The applicant shall submit the Final Stormwater Management Site Plan and Report as part of the Final Development Plan for the regulated development activity.
 - ii. Four copies of the Stormwater Management Site Plan and Report shall be submitted to CRW and may be distributed as follows:
 - 1. Two copies for CRW accompanied by the requisite review fee, as specified in this Section 9.
 - 2. One copy for the City Engineer.
 - 3. One copy for the City Planning Department

4. Additional copies shall be submitted as requested by the City of Harrisburg, Tri-County Regional Planning Commission, Dauphin County Conservation District or DEP.
- L. Stormwater Management Site Plan and Report Review
- i. CRW shall require receipt of a complete Final Stormwater Management Site Plan and Report as specified in this Article 5. CRW shall review the Final Stormwater Management Site Plan and Report for consistency with the purposes, requirements, and intent of this Section 9.
 - ii. CRW shall not approve any Final Stormwater Management Site Plan and Report that is deficient in meeting the requirements of this Section 9. At its sole discretion and in accordance with this chapter, when a Final Stormwater Management Site Plan and Report is found to be deficient, CRW may disapprove the submission and require a resubmission, or in the case of minor deficiencies, CRW may accept submission of modifications.
 - iii. CRW shall notify the applicant in writing within 45 calendar days whether the Final Stormwater Management Site Plan and Report is approved or disapproved, if the Final Stormwater Management Site Plan and Report is not part of a subdivision or land development plan. If the Final Stormwater Management Site Plan and Report involves a subdivision or land development plan, the timing shall follow the subdivision and land development process according to the City of Harrisburg Planning Code.
 - iv. The City shall not issue a building permit for any regulated development activity if the Final Stormwater Management Site Plan and Report has been found to be inconsistent with this Article 5, as determined by CRW. All required permits from DEP must be obtained prior to issuance of a building permit.
- M. Modification of Plans. A modification to a submitted Final Stormwater Management Site Plan and Report for a development site that involves a change in Stormwater Management Facilities, Property Drainage Systems, or techniques; or that involves the relocation or redesign of Stormwater Management Facilities or Property Drainage Systems; or that is necessary because soil or other conditions are not as stated on the Final Stormwater Management Site Plan and Report as determined by CRW, shall require a resubmission of the modified Final Stormwater Management Site Plan and Report in accordance with this Section 9.

- N. Resubmission of Disapproved Final Stormwater Management Site Plan and Report. A disapproved Final Stormwater Management Site Plan and Report may be resubmitted, with the revisions addressing CRW's concerns documented in writing, to CRW in accordance with this Section 9. The applicable review fee must accompany a resubmission of a disapproved Final Stormwater Management Site Plan and Report.
- O. Term of Validity; Revocation of Approval. CRW's approval of a Final Stormwater Management Site Plan and Report authorizes the development activities contained in the Final Stormwater Management Site Plan and Report for a maximum term of validity of five years following the date of approval. CRW may specify a term of validity shorter than five years in the approval for any specific Final Stormwater Management Site Plan and Report. Terms of validity shall commence on the date CRW signs the approval for a Final Stormwater Management Site Plan and Report. If Stormwater Management Facilities or Property Drainage Systems included in the approved Final Stormwater Management Site Plan and Report have not been constructed, or if any record drawing of these facilities has not been approved within this time, then CRW may consider the Final Stormwater Management Site Plan and Report disapproved and may revoke any and all permits or approvals.

9.11 Site Inspections and Final Approvals

A. Record Drawings; Completion Certificate; Final Inspection

- i. The applicant shall be responsible for providing record drawings of all Stormwater Management Facilities and Property Drainage Systems included in the approved Final Stormwater Management Site Plan and Report. The record drawings and an explanation of any discrepancies with the approved Final Stormwater Management Site Plan and Report shall be submitted to CRW.
- ii. The record drawings shall include a certification of completion signed by a qualified professional verifying that all permanent Stormwater Management Facilities and Property Drainage Systems have been constructed according to the approved Final Stormwater Management Site Plan and Report.
- iii. After receipt of the record drawings and certification of completion, CRW may conduct a final inspection

B. Easements

- i. Easements shall be established to accommodate the existence of drainageways.

- ii. Easements shall be established for all on-site Stormwater Management Facilities and Property Drainage Systems, including but not limited to detention facilities (above or below ground), infiltration facilities, drainage swales, and drainage facilities (inlets, manholes, pipes, etc.).
- iii. Easements are required for all areas used for off-site stormwater management.
- iv. All easements shall be a minimum of 20 feet wide.
- v. Easements shall provide ingress to and egress from a public right-of-way. In lieu of providing an easement to the public right-of-way, a note may be added to the plan granting CRW or its designees access to all easements via the nearest public right-of-way.
- vi. Where possible, easements shall be centered on side and/or rear lot lines.
- vii. The following note shall be placed on the recorded plan: "Nothing shall be planted or placed within the easement which would adversely affect the function of the easement or conflict with any conditions associated with such easement."
- viii. A note shall be placed on the Final Stormwater Management Site Plan and Report identifying the party responsible for assuring the continued functionality and required maintenance of any easement.

C. Fees and Expenses

- i. The fee required by this Section 9 is the CRW review escrow fee. The CRW review escrow fee shall be established by CRW to defray review costs incurred by CRW. The applicant shall pay all fees at the time an Application for Consideration of Stormwater Management Plan is submitted on the form furnished by Capital Region Water and substantially in the form attached hereto as Appendix F.
- ii. The fees required by this Section 9 shall, at a minimum, cover:
 - a. Administrative and clerical costs.
 - b. Review of the Final Stormwater Management Site Plan and Report by CRW.
 - c. Preconstruction meetings.
 - d. Inspection of Stormwater Management Facilities and Property Drainage Systems during construction.

- e. Final inspection upon completion of the Stormwater Management Facilities and Property Drainage Systems presented in the Final Stormwater Management Site Plan and Report.
- f. Any additional work required to enforce any permit provisions regulated by this Section 9, correct violations, and assure proper completion of stipulated remedial actions.
- iii. The owner of any land upon which permanent Stormwater Management Facilities and Property Drainage Systems will be placed, constructed, or implemented, as described in the Final Stormwater Management Site Plan and Report, shall record the following documents in the Office of the Recorder of Deeds of Dauphin County, within ninety (90) days of approval of the Final Stormwater Management Site Plan and Report by the CRW:
 - a. The Final Stormwater Management Site Plan and Report.
 - b. Operations and maintenance (O&M) agreement.
 - c. Easements under § 9-911.
- iv. CRW may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this section.
- v. The applicant shall provide a financial guarantee to CRW for the timely installation and proper construction of all Stormwater Management Facilities and Property Drainage Systems, as required by the approved Final Stormwater Management Site Plan and Report and this Section 9.
- vi. At the completion of the project and as a prerequisite for the release of the Financial Guarantee, the applicant shall:
 - a. Provide a certification of completion, from an engineer, architect, surveyor or other qualified professional, verifying that all permanent facilities have been constructed according to the Final Stormwater Management Site Plan and Report and approved revisions thereto.
 - b. Provide a set of record drawings.
 - c. Request a final inspection from CRW to certify compliance with this Section, after receipt of the certification of completion and record drawings by CRW.

10.0 Long-term Operation and Maintenance Requirements

10.1 Sewer and Storm Lateral Maintenance

- A. All Sewer and Storm Laterals and other fixtures installed by the Ratepayer shall be maintained by the Ratepayer in satisfactory condition. When repairs, renewals or replacements or other necessary work are required on the aforesaid facilities of the Ratepayer, the Ratepayer shall employ, without delay, competent tradesmen to do the work. All said work shall be done at the expense of the Ratepayer. All leaks in the service or any other pipe or fixture or in or upon the premises supplied must be repaired immediately by the Owner or Occupant of the Property, under penalty of discontinuance of service by CRW.
- B. In the event that the Ratepayer is unable or unwilling to make the necessary repairs immediately, CRW may take any or all of the following steps to remedy the existing situation:
 - i. Excavate and terminate service at the Sewer Main;
 - ii. Make the necessary repairs; or
 - iii. Employ a subcontractor to make the necessary repairs.
- C. Once any of the aforesaid actions is initiated, all costs incurred during said actions will be at the expense of the Ratepayer. Failure to reimburse CRW for said costs may result in (a) discontinuation of service or (b) the placement of a lien against real property of the Ratepayer for the collection of said cost or both.
- D. CRW shall in no event be responsible for maintaining any portion of the Sewer or Storm Lateral owned by the Ratepayer, or for damage done by water escaping therefrom, or from lines or fixtures on the Ratepayer's Property; and the Ratepayer shall at all times comply with regulations with reference thereto and make changes therein required on account of change of grade, relocation of mains or otherwise.
- E. It shall be the duty of the Owners of all Property within the Service Area to repair all leaks or breaks that may occur in the Sewer and Storm Laterals serving their respective Property within seventy-two (72) hours after service of notice to do so by CRW. The notice shall be considered properly served when left with an adult person residing upon the premises.

- F. If any Owner or Occupant fails, refuses or neglects to comply with the notice hereinbefore mentioned, CRW shall proceed forthwith to make or have made the necessary repairs and collect the costs thereof from the Owner of the Property in question according to law. CRW shall also have the right to cut off the water supply to such premises until the repairs are made or the cost thereof is paid by the Owner of the Property.
- G. Notwithstanding anything contained in Section 10.1 above, if CRW determines that such leaks or breaks occurring in the Sewer or Storm Laterals create a threat of imminent danger to any part of the CRW Sewer System, the CRW MS4, and/or an adjoining Property, CRW shall have the right to terminate water service to the Property where such leak or break has occurred. Such notice of termination of service shall be served along with the notice described in Section 13.03(a) above and in the manner described in said Section 13.03(a).

10.2 Operation and Maintenance Agreements

A. Responsibilities of Developers and Property Owners

- i. Stormwater Management Facilities and Stream Bank Protection Areas approved pursuant to 25 Pa. Code, Chapter 102 are subject to the requirements of this Section 10.0.
- ii. Stormwater Management Facilities and Stream Bank Protection Areas not within a dedicated public Right-of-Way within the Service Area shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or conservation easements that run with the land.
- iii. O&M Plans for Stormwater Management Facilities and Stream Bank Protection Areas shall be recorded as a restrictive deed covenant that runs with the land.
- iv. CRW may take enforcement actions against an Owner for any failure to satisfy the provisions of these Rules and Regulations.

B. Operation and Maintenance Agreements

- i. An Operation and Maintenance (O&M) Agreement for the Property Drainage System, including all Stormwater Management Facilities and Stream Setbacks which are to be privately owned, is required for each Land Development Project subject to Section 9.0 and each Stormwater Management Facility eligible for a Stormwater Credit under Section 11.0.

- ii. The O&M Agreement shall identify the party responsible for operating the Property Drainage System and include a schedule describing the maintenance activities required to keep the Property Drainage System in good operating condition. Other items may be included in the O&M Agreement where determined necessary to guarantee the satisfactory operation and maintenance of all components of the Property Drainage System.
- iii. Prior to final approval of the Stormwater Management Site Plan and Report, the applicant shall sign the O&M Agreement covering all components of the Property Drainage System that are to be privately owned either the Residential Stormwater Operation and Maintenance Agreement attached hereto as Appendix G, or the Stormwater Facilities and Best Management Practices Operations and Maintenance Agreement attached hereto as Appendix H.
- iv. CRW shall review the maintenance activities and schedule and approve it if the maintenance requirements for the various components of the Property Drainage System are adequately addressed, per the BMP Manual, the CRW Design Manual, and/or other resources acceptable to CRW.
- v. The O&M Agreement shall be recorded with the Stormwater Management Site Plan and made a part thereof.
- vi. The Owner, successor and assigns shall operate and maintain all components of the Property Drainage System in accordance with the approved schedule(s) in the O&M Agreement.
- vii. The Owner shall convey to CRW conservation easements to assure access for periodic inspections by CRW and maintenance, as necessary.
- viii. The Owner shall keep on file with CRW the name, address, and telephone number of the person or company responsible for operation and maintenance activities. In the event of a change, new information shall be submitted by the Owner to CRW within ten (10) working days of the change.
- ix. The Owner is responsible for operation and maintenance (O&M) of the Property Drainage System. If the owner fails to adhere to the O&M Agreement, CRW may perform the services required and charge the Owner appropriate fees. Nonpayment of fees may result in a lien against the property.
- x. An example agreement is provided in the CRW Design Manual.

10.3 Operation and Maintenance Responsibilities

- A. The Stormwater Management Site Plan and Report for the Project Site shall describe the future operation and maintenance responsibilities. The operation and maintenance description shall outline required routine maintenance actions and schedules necessary to ensure proper operation of the Property Drainage System and its component Stormwater Control Facilities .
- B. The Stormwater Management Site Plan and Report for the Project Site shall establish responsibilities for the continuing operation and maintenance of the proposed Property Drainage System and its component Stormwater Management Facilities, consistent with the following principles:
 - i. If a development consists of structures or lots that are to be separately owned and in which streets, sewers, and other public improvements are to be dedicated to the City of Harrisburg, stormwater control facilities/BMPs may be dedicated to and maintained by Capital Region Water.
 - ii. If a development site is to be maintained in a single ownership or if Property Drainage Systems and other public improvements are to be privately owned and maintained, then the ownership and maintenance of Stormwater Management Facilities shall be the responsibility of the Owner or private management entity.
 - iii. Facilities, areas, or structures used as Stormwater Management Facilities shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or easements that run with the land.
 - iv. The Stormwater Management Site Plan and the O&M Agreement shall be recorded as a restrictive deed covenant that runs with the land.
 - v. Capital Region Water may take enforcement actions against an applicant for failure to satisfy any provision of this Section 10.0.
 - vi. Capital Region Water, upon recommendation of the Director of Engineering, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the Stormwater Management site plan and report. Capital Region Water may require a dedication of such facilities as part of the requirements for approval of the Stormwater Management Site Plan. Such a requirement is not an indication that Capital Region Water will accept the facilities. Capital Region Water reserves the right to accept or reject the ownership and operating responsibility for any portion of the Property Drainage System and its component Stormwater Management Facilities.

- vii. If Capital Region Water accepts ownership of a Stormwater Management Facility, Capital Region Water may, at its discretion, require a fee from the applicant to Capital Region Water to offset the future cost of inspections, operations, and maintenance.
- viii. It shall be unlawful to alter or remove any permanent Property Drainage System and its component Stormwater Management Facilities required by an approved Stormwater Management Site Plan, or to allow the property to remain in a condition, which does not conform to an approved Stormwater Management Site Plan, unless Capital Region Water grants an exception in writing.

10.4 Alteration of Site Improvements

A. Alteration of Property Drainage Systems and Stormwater Management Facilities

- i. No person shall modify, remove, fill, landscape, or alter any existing Property Drainage System and its component Stormwater Management Facilities, areas, or structures, unless it is part of an approved maintenance program, without the written approval of Capital Region Water.
- ii. No person shall place any structure, fill, landscaping, or vegetation into the Property Drainage System and its component Stormwater Management Facilities, areas, structures, or within a drainage easement which would limit or alter the functioning of the BMP without the written approval of Capital Region Water.

11.0 Fees, Rates, Bills, Payment, Appeal, and Termination of Service

11.1 Wastewater and Stormwater Rate Structure

Wastewater Rate and Stormwater Fee shall be charged to each Property within the Service Area for their use and benefit of the CRW Sewer System and the CRW MS4, and for other Wastewater and Stormwater Services provided by CRW. The CRW Board shall approve by Resolution the specific rates and fees charged for Wastewater and Stormwater Service based upon an assessment of the actual services provided. These rates shall be composed of four components whose charge is proportionate to the cost of service received by each Ratepayer:

- A. A Wastewater Rate proportionate to the metered water delivered to each Ratepayer, less an allowance for water consumption at the property determined based upon standard practice and charged at a rate per 1000 gallons of water consumed per month as established by the CRW Board.

- B. A Stormwater Fee proportionate to the amount of stormwater discharged from the Property into the CRW Sewer System or directly to Waters of this Commonwealth, based upon the impervious area of the property and charged at a rate per 1000 impervious acres per month as established by the CRW Board.
- C. Specific Charges to those subsets of Ratepayers receiving specialized services from the CRW.

11.2 Ready to Serve Charges

The Owner of any Property that is required by law to connect to the Capital Region Water Sewer System but fails to do so shall be given notice that they must connect to the system. If such a Property Owner fails to connect within sixty (60) days of Service of such a notice, Capital Region Water shall charge the Property Owner a fee in an amount equal to the minimum quarterly charge applicable to the type of Property that has not connected to the system but is required to do so. Such charges shall be billed and collected in the same manner as charges assessed to Ratepayers.

11.3 Imposition of a Sewer Maintenance Fee

Sewer Maintenance Fees are imposed upon each and every Occupied Building or portion thereof within the Service Area that discharges Wastewater and receives Wastewater Services from CRW. The Sewer Maintenance Fee includes the operation, maintenance, repair, extension, and enhancement of portions of the CRW Sewer System that collects, conveys, treats, and disposes Wastewater, as well as other CRW Wastewater Services that protect the health, safety, and welfare of the public and reduce water quality impacts to the Waters of this Commonwealth. A description of CRW's Wastewater Services and the existing cost of these services used to determine the Sewer Maintenance Fee are provided in annual rate study.

11.4 Imposition of Stormwater Fee

- A. Stormwater Fees are imposed upon each and every Developed Parcel, Building or portion thereof within the Service Area that discharges Stormwater and uses, benefits from, or receives Stormwater Services from CRW to collect, convey, treat, and dispose Stormwater in a manner that protects health, safety, and welfare of the public and reduces water quality impacts to the Waters of this Commonwealth.
- B. Such Stormwater Fees shall be payable by and collected from the Owners or of such developed lots, parcels of land or Buildings according to established CRW billing policies as hereinafter provided and shall be determined as set forth below.

Wastewater and Stormwater Rules and Regulations

- C. The Stormwater Fee shall be calculated as the product of the Property's Representative Impervious Area, in square feet, and a Stormwater Rate, in \$ per 1000 square feet, as defined by the CRW Board and published in the CRW Rate Schedule, as set forth in subsection 11.4(D) below.
- D. Each Property containing a single-family detached residential dwelling shall be assigned to one of the following tiers ("tier" or "tiers") and its Representative Impervious Area defined according to the following schedule:

Tier	Range of Measured Impervious Areas	Base Stormwater Units
Tier 0	Less than 400 square feet	0.0
Tier 1	400 to 700 square feet	0.5
Tier 2	701 to 2,200 square feet	1.0
Tier 3	Greater than 2,200 square feet	Measured IA/1000

- E. The Representative Impervious Area for Tier 3 single-family residential properties and all other developed, non-single family detached parcels within the Service Area shall be based upon the number of square feet of measured impervious area, as determined through aerial photography and area feature evaluation processes.

Example Calculation for Single-Family Residential Tier 3 and Non-Single-Family Properties

$$Fees_{SWS} = Rate_{SWS} * IA / 1,000$$

where:

$Fees_{SWS}$ = Monthly Stormwater Service fee on Ratepayer Bill (\$ per month)

$Rate_{SWS}$ = Monthly rate for Stormwater Services (\$ per month per 1,000 sq. ft.)

IA_{Rep} = Impervious area associated with a Ratepayer (sq. ft.)

- F. The Stormwater Service Fee assigned to a Property may be reduced if a stormwater credit is granted to the Property according to Section 11.16 of these regulations.
- G. Public roads are be defined as part of the MS4 or Combined Sewer System and excluded from the fee. In addition, certain parcels with public right-of-way that have parcel IDs ending in PDH, PHD, or ROW are not considered to be billable. Private roads and drives are considered part of the adjacent property, however, and their impervious area is included in the fee calculations described in the other sections.

- H. Capital Region Water will review and update the Stormwater Fees fixed and established by these Rules and Regulations by resolution every five years or sooner as deemed necessary.

11.5 Specific Charges for Ratepayers Receiving Specialized Services

- A. **Inspection Fees:** Capital Region Water shall charge an inspection fee to any Ratepayer who makes an extension to Capital Region Water's CSS System or MS4 System. The fee shall be calculated on a case-by-case basis and shall be determined by Capital Region Water's actual expenses in conducting the inspection including, but not limited to, the cost of contracting with a third-party, the hourly rate and number of hours expended by Capital Region Water staff, and any resources expended by Capital Region Water. An Inspection Fee, set forth in the Rate Schedule, shall be charged to any Property Owners connecting, repairing, or capping Laterals to the Sewer System and/or MS4 System.
- B. **Capital Fees:** Pursuant to Section 5607(d)(24) of the Municipality Authorities Act, Capital Region Water shall charge certain fees, designated as "Capital Fees," to Property Owners who desire to or are required to connect to the Capital Region Water Sewer System or the CRW MS4.
- i. **Connection Fee:** A fee shall be imposed on a Property Owner for any Sewer or Storm Laterals. The Property Owner shall pay the estimated cost of the Connection Fee into an escrow account prior to the installation of such a Lateral. Any excess payments made into the escrow account shall be refunded to the Property Owner. The Property Owner shall be responsible for any costs in excess of the amount paid into the escrow account.
 - ii. **Tapping Fee:** A Tapping Fee shall be charged to any Property Owner seeking to connect to the system. The amount of the Tapping Fee shall be calculated based on four criteria: (1) Capacity- When any new Building or changes to an existing Building creates an estimated Wastewater flow of 180 gallons per day or more, Capital Region Water shall charge to the Property Owner a fee based on the estimated increased capacity on the system. The Capacity Fee may be recalculated based upon actual usage 90 days after the Property has been connected to the system; (2) Collection- a fee shall be charged based on the increased cost imposed on Capital Region Water's Sewer System based on the amounts set forth in the Rate Schedule; (3) Special Purpose- shall be charged where, in the sound engineering judgment of Capital Region Water, the cost of the facility's connection to the Sewer System creates an extraordinary burden on the system as a whole; (4) Reimbursement- shall be charged to recover costs which are to be refunded to Property Owners, consistent with the terms of 53 Pa.C.S. § 5607(d)(30),(31).

- iii. The Tapping Fee shall apply to each Ratepayer applying for Service regardless of whether Capital Region Water determines that two Properties may connect via a single Sewer Lateral.
- iv. Property Owners shall pay all applicable fees at the time they apply to connect to the Sewer System, unless otherwise agreed to in writing by Capital Region Water. Multi-unit properties such as a condominium or apartment complex may be allowed to pay an initial payment toward any required fees. Such payment and any resultant payment plans shall be determined by Capital Region Water and set forth in writing.
- C. Sewer Rental Charges: Charges for Sewer Rentals shall be computed in accordance with the applicable Capital Region Water Rate Schedule and shall be imposed upon and collected from Ratepayers connected to the Sewer System for use of the system and shall be calculated and billed by Capital Region Water on a monthly or quarterly basis.
- D. Sludge and Industrial Waste Disposal Charges: Any Ratepayers discharging sludge or industrial waste into the Sewer System or directly to the Advanced Wastewater Treatment Facility shall pay an additional fee as set forth in the Rate Schedule. Capital Region Water may impose additional charges on such Ratepayers for failure to take necessary steps to mitigate any harmful effects caused by the discharge of sludge or industrial waste into the Sewer System.
- E. Excess Pollutant Charges: Capital Region Water reserves the right to make, from time to time, a survey of the discharge from Commercial or Industrial Establishments including a suitable sample and analysis of the Wastewater for up to three consecutive days. Based on the results of such a survey, Capital Region Water may impose additional charges if the concentration of Pollutants exceeds the recommended concentrations as set forth in the 23rd edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, Inc. Such charges shall include the cost of the survey and the cost of any depreciation or harm to the Sewer System caused by excess Pollutants. Capital Region Water may also require the Ratepayer to install or replace such equipment as is necessary to bring the discharged Pollutants into compliance with applicable standards.
- F. Miscellaneous Fees and Charges
 - i. Job charges: Capital Region Water shall invoice a Ratepayer for Services performed by Capital Region Water related to the provision of Wastewater and/or Stormwater Services.

- ii. Consulting: Capital Region Water may enter into a written agreement to provide substantive consulting services to individuals, municipalities, corporations, or other entities and shall agree to all charges for such services prior to providing any consulting services.
- iii. Attorney's fees: Pursuant to Section 7101 of the Municipal Claims Act, 53 P.S. § 7101, Capital Region Water may charge and seek to recover any attorney's fees expended in the collection of any claim to the extent and in a manner allowable by law. At least 30 days prior to assessing or imposing attorney's fees in connection with the collection of a delinquent account, or after the 10th day of any required second notice, Capital Region Water will mail to the Owner a notice that it intends to impose or assess attorney's fees. Said notice will include instructions on how the Owner may avoid the payment of attorney's fees.
- iv. Returned Funds: Capital Region Water shall impose upon all Ratepayers making payment for rentals, charges, or fees a charge listed in the Rate Schedule for a returned deposited item from a financial institution due to nonsufficient funds, closed account, stop payment or other reason deemed appropriate by the institution. The charges will be levied against the Ratepayer's account, subject to appropriate late fees and/or penalties, and the fee listed in the Rate Schedule will be added. This fee will be recovered first, upon receipt of payment, prior to application of the balance of payment to all other charges.

11.6 No Abatement of Rentals or Charges

Except as follows, there shall be no abatement of Sewer rentals, Stormwater Service Fees, and other applicable charges imposed under these Rules and Regulations because a Property connected to the Sewer System, MS4 System, or Waters of this Commonwealth shall have been vacant or unoccupied:

- A. In the event that a Property Owner physically and legally disconnects his Property from the Sewer System in a manner satisfactory to Capital Region Water, Capital Region Water shall fully abate Sewer rentals and other applicable charges from the date of disconnection forward.
- B. Upon written request from a Property Owner, Capital Region Water may in its sole discretion partially or fully abate Sewer rentals and other applicable charges in certain very limited circumstances where the Property cannot be physically or legally occupied. This may include, but not by way of limitation: severe Property loss due to fire or other casualty, or condemnation by a government agency. As a condition of granting a waiver,

Capital Region Water may require plugging or capping the Sewer and/or Storm Lateral at the direction of Capital Region Water.

- C. A tapping fee credit of 50% will be allowed on all new residential developments in which a minimum of 50% of the units constructed are designed for low-income housing. A tapping fee credit will also be applied on redeveloped properties, provided water and wastewater service to the property was active within the previous five-years from the date of the tapping fee application. The property must be in good credit standing with Capital Region Water, and the credit will equal the difference between the current tapping fees in place at the time of application and the fees that were in place when the property was last billed for water and wastewater usage
- D. There shall be no abatement of Stormwater Service Fees charges to a Property Owner.

11.7 Wastewater and Stormwater Service Rates

Wastewater and Stormwater Rates have been established by a duly adopted resolution of Capital Region Water. A Rate Schedule containing the currently applicable Wastewater and Stormwater Rates and any other charges is available at the Capital Region Water website. Please note that the Wastewater and Stormwater Rates may, at the discretion of Capital Region Water, be amended from time-to-time by appropriate resolution of Capital Region Water.

11.8 Place of Payment

All bills are payable at the Customer Service Center, or any pay agency as may be designated from time to time by Capital Region Water.

11.9 Basis for Preparation of Bills

All bills for services furnished by Capital Region Water will be based on the published Rate Schedule of Capital Region Water. Except as otherwise provided herein and in the Rate Schedule, all bills shall be rendered and are due and payable monthly or quarterly at the option of Capital Region Water.

Stormwater Fees shall be assessed and billed by or on behalf of Capital Region Water based on the Stormwater Assessment issued on December 6, 2019. Reassessment will occur at a minimum of every 5 years.

For existing Ratepayers of Capital Region Water, the Wastewater and Stormwater Fees shall be included as a separate and readily identifiable line on the CRW water bill which is typically prepared and mailed by Capital Region Water (or its designee or contractor) on or about the 15th day of each month.

Wastewater and Stormwater Rules and Regulations

Owners or Occupants of Developed Properties within the Service Area that are not currently Water and/or Wastewater Ratepayers will receive a Stormwater Fee only bill every month.

In all instances, the invoice date, period of Service, and due date of the Wastewater and Stormwater Fees shall be consistent with and match the corresponding elements of the Water charges.

The charges for Wastewater and Stormwater Services, charges for Temporary Service, and other miscellaneous charges will be in accordance with the charges as set forth in the Rate Schedule.

11.10 Bills Rendered and Due

It is the policy of Capital Region Water to collect all amounts due for wastewater and stormwater services. All practical action will be taken to collect such amounts in accordance with the Collection Policy as furnished by Capital Region Water.

Capital Region Water may provide financial relief for income-qualified residential Ratepayers receiving wastewater service. Residential Ratepayers must meet the low-income criteria of annual household income at or below 150% of the Federal Poverty Level as demonstrated by proof of program eligibility. A residential Ratepayer who meets the eligibility criteria should complete the Credit Assistance Program Request as furnished by Capital Region Water and substantially in the form attached hereto as Appendix I. Eligible Ratepayers may need to provide current proof of eligibility annually.

Except as otherwise provided herein, bills will be rendered monthly or quarterly at the option of Capital Region Water and are due upon receipt and payable within the number of days indicated on the bill. Acceptance or remittance of bills on the last day of this period shall be determined as evidenced by the postmark of the United States Post Office. Payment of the bill after the expiration of the allowable period will incur such penalty being added to the bill as is in effect from time to time.

If bills are not paid within the required period, service may be terminated as provided in Section 11.11 hereof.

If service is thus discontinued it will not be restored until all unpaid bills and charges, including the termination and restoration fees set forth in the Rate Schedule, are paid or satisfactory arrangement is made for such payment.

Capital Region Water shall mail or deliver the bills and notices to the Ratepayer at the address given in the Request for Water Service for service unless the Ratepayer notifies Capital Region Water of a change in address. Failure to receive bills will not be an excuse for nonpayment.

Any check received by Capital Region Water in payment of any bill due to Capital Region Water, which check is returned unpaid by the drawee bank for any reason, shall be charged against the account involved and, in addition, charges shall be made against said account for cost of handling and for any other costs involved, such charges as may be determined from time to time

11.11 Involuntary Termination of Wastewater Service

Termination of wastewater service for any reason other than a voluntary request by the Ratepayer shall be performed by Capital Region Water in accordance with these Rules and Regulations.

11.12 Capital Region Water to File Liens and Assumpsit Actions

Capital Region Water reserves the right to file liens and actions in assumpsit to collect from delinquent accounts amounts which are due and payable to Capital Region Water.

11.13 Capital Region Water May Discontinue Water Service

Capital Region Water reserves the right discontinue water Service to any Ratepayer whose account is at least 30 days overdue pursuant to The Water Services Act, 53 P.S. § 3102.502, or other applicable law, until all amounts due and payable to Capital Region Water are paid.

11.14 Landlord/Tenant Situations

The Owner of a residential rental Property having legal title to such Property shall be liable for the payment of Wastewater, Stormwater, and ready-to-serve charges assessed against such Property. If any Property is to be sold and conveyed under a sales agreement which is not recorded at the Dauphin County Recorder of Deeds office, the Owner holding legal title to such Property is liable for the Wastewater, Stormwater, and ready-to-serve charges assessed against such Property.

11.15 Establishment and Administration of Wastewater and Stormwater Service Funds

- A. All sums collected from the payment of Wastewater and Stormwater Service fees shall be deposited into separate CRW Wastewater and Stormwater Management Funds.
- B. The Wastewater Management Fund shall be used by CRW solely for i) the implementation and management of wastewater program; ii) constructing, operating, and maintenance of wastewater facilities; and iii) payment for other project costs and performance of other functions or duties authorized by law in conjunction with the maintenance, operation, repair, construction, design, planning and management of wastewater facilities, programs and operations. All wastewater facilities shall be operated in accordance with

all applicable laws. CRW shall have all reasonable and lawful authority to construct, operate, repair, relocate and maintain the wastewater facilities and shall have the authority to enforce the provisions of this chapter."

- C. The Stormwater Management Fund shall be used by CRW solely for i) the implementation and management of stormwater program; ii) constructing, operating, and maintenance of stormwater facilities; and iii) payment for other project costs and performance of other functions or duties authorized by law in conjunction with the maintenance, operation, repair, construction, design, planning and management of stormwater facilities, programs and operations. All stormwater facilities shall be operated in accordance with all applicable laws. CRW shall have all reasonable and lawful authority to construct, operate, repair, relocate and maintain the stormwater facilities and shall have the authority to enforce the provisions of this chapter.

11.16 Stormwater Credits

- A. CRW may provide a system of credits against stormwater management fees for properties on which stormwater facility construction or maintenance substantially mitigates the peak discharge or runoff pollution flowing from such properties or substantially decreases CRW's cost of providing Stormwater Service. CRW will develop written policies to implement the credit system. The amount of credit for maintenance may be limited to properties that have a specified minimum impervious surface area. Such system of credits may be set forth from time to time by CRW in the policies and procedures promulgated hereunder. Refer to CRW's Wastewater and Stormwater Policies and Procedures.
- B. The above credits are provided in recognition of the use and utility of the above properties as corridors with independently, regularly improved and maintained stormwater management systems that pass through numerous private and public properties and that collect and control the drainage through those properties.
- C. If Capital Region Water cannot complete a review of an application for Stormwater Management Program Fee Credit prepared on the form furnished by Capital Region Water and substantially in the form attached hereto as Appendix J within sixty (60) days, then the Credit application will be temporarily approved pending a full review of the request. A temporarily approved Credit will be applied to the next billing cycle, but the Credit can be adjusted or revoked upon full review of the Credit application.
- D. CRW may issue a maximum credit to a property owner as specified in the application provided by CRW if the property contains a stormwater control measure and the system is maintained in accordance with the operation and maintenance requirements.

- E. Upon written notice, Capital Region Water, in its sole discretion, may revoke any previously approved Credit when the Owner has failed to meet the conditions of the Credit, the conditions of the Operation and Maintenance Agreement and/or has delinquent SMP, Sanitary Sewer fees, or water fees. The Owner will be notified in writing of the reason for Credit termination and will be provided with the corrective measures required to have the Credit reinstated.

11.17 Stormwater Fee Appeal Procedures

- A. Any Owner who believes the provisions of these Rates, Rules and Regulations have been applied in error may appeal in the following manner and sequence.
- B. An appeal of the rate and charge must be filed in writing with Capital Region Water or its designee within thirty (30) days of the charge being mailed or delivered to the Property Owner. Any appeal must state the reasons for the appeal and be submitted using the forms provided by Capital Region Water for such purpose. See Appendix K. Acceptable reasons for an appeal include (1) incorrect parcel – the customer does not own the parcel for which they are being billed, (2) inaccurate property classification, (3) inaccurate impervious area – the total impervious area being billed for the parcel is incorrect, (4) incorrect billing tier – the customer is billed a fee based on an incorrect billing tier, (5) reallocation of the SMP fee among multiple water accounts on a single parcel – a parcel owner may request a different allocation of impervious area among the water accounts for the SMP fee. If a Ratepayer believes that Capital Region Water's determination of the IA for their Property is erroneous, they may file an IA Adjustment Appeal. Please note that appeals are different from Credits. It is the Ratepayer's responsibility to demonstrate that Capital Region Water's calculation of IA is erroneous. Following submission of a Stormwater Fee Adjustment Appeal, the Ratepayer shall grant Capital Region Water permission to enter the parcel at reasonable times and without unreasonable disruption, to inspect the parcel to ensure that the information provided in the adjustment appeal accurately represents the current parcel conditions. There is no fee associated with submitting an adjustment appeal, however, the Ratepayer is solely responsible for any costs incurred in the preparation and submission of the adjustment appeal and all required appeal documentation.
- C. Using information provided by the appellant, Capital Region Water (or his/her designee) shall conduct a technical review of the conditions on the Property and respond to the appeal in writing within sixty (60) days. In response to an appeal, Capital Region Water may adjust the SMP Fees applicable to the Property in accordance with the provisions of these Rates, Rules and Regulations. If Capital Region Water fails to respond within sixty (60) days, the appeal shall be deemed denied. If the adjustment appeal results in a revised calculation of IA, then the SMP Fee will be corrected to reflect the revised IA

determination for the next billing cycle and will include an adjustment to the existing month's SMP Fee.

- D. Any appeals from a decision of the CRW Appeals Board shall be made to the Court of Common Pleas of Dauphin County, Pennsylvania in accordance with the Local Agency Law of the Commonwealth of Pennsylvania

12.0 General

12.1 Interference with Capital Region Water's Property

No workman, Owner, Tenant, or other unauthorized Person shall interfere with Capital Region Water's Property. For unauthorized operation of any fixture or connection relating to the provision of Sewer Service, the Person owning the Property served by the Sewer or Storm Lateral connected to said fixture or connection shall be required to pay any costs required in connection with damage to, reinspection of, or Service in connection with those facilities and any other estimated costs resulting from such unauthorized operation.

12.2 Only Rules Binding

No agent or employee of Capital Region Water shall have authority to bind Capital Region Water by any promise, agreement, or representation not provided for in these Rules and Regulations or otherwise authorized by Capital Region Water's Board of Directors in writing or by duly adopted resolution.

12.3 Cessation of Harmful Activities

After informal notice to halt or prevent a discharge which reasonably appears to present an imminent endangerment to the health or welfare of persons, the AWTF, the sewerage system or the environment, the person responsible for the discharge shall immediately stop or eliminate the contribution. In the event of failure of the person to cease or cause to be ceased such contribution, the Director of Wastewater Operations shall notify the CEO, who shall authorize any actions as deemed necessary to halt or prevent such contribution, including immediate severance of the sewer connection, to prevent or minimize damage to the sewerage system and/or the AWTF, the environment or to any individuals.

12.4 Notice of Violation

Whenever the Director of Wastewater Operations finds that any person has violated or is violating any provisions of these Rules, any permit issued thereunder, or any applicable federal, state or local regulation, the Director or a designee shall serve or cause to be served upon such person a written notice stating the nature of the violation and requiring the

submission, within 30 days of the date of the notice, of a plan for the satisfactory correction of such violation. If the violation has occurred outside the City, the Director or designee shall mail a copy of such notice to the appropriate suburban municipality or municipal authority.

12.5 Service of Notices

- A. All notices and bills relating to Capital Region Water, or its business shall be deemed to have been properly served if left with an adult individual at the Property of the Ratepayer or if mailed to the Ratepayer, directed to, or left at his address as shown on the records of Capital Region Water. Failure on the part of the Ratepayer to receive a notice or a bill following proper service by Capital Region Water shall not excuse the Ratepayer for payment of all amounts due, including penalties for late payment.
- B. Capital Region Water will send all such notices and bills to the address given on the Sewer Service Information Form until a notice of change, in writing, has been filed with Capital Region Water by the Ratepayer.
- C. All notices of a general character, affecting or likely to affect a large number of Ratepayers, shall be deemed to have been properly given or served if advertised in the newspaper designated by Capital Region Water.

12.6 Termination or Suspension of Service or Permit

Pursuant to the notice requirements of Section 12.3, CRW may suspend wastewater treatment and/or a discharge permit when such suspension is necessary, in the opinion of the CRW, in order to stop an actual or threatened discharge which:

- A. Presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment;
- B. Causes or may cause interference with the operations of or damage to the AWTF; or
- C. Causes the CRW to violate any condition of its NPDES permit.

12.7 Reinstatement of Permit and Restoration of Service

CRW shall reinstate a permit and/or restore service under the following conditions, as applicable Demonstration to the satisfaction of CRW that such permittee is now utilizing good:

- A. Demonstration to the satisfaction of CRW that such permittee is now utilizing good management practices to prevent or reduce the contribution of pollutants to the sewer system. Good management principles include, but are not limited to, preventive

operating and maintenance practices to reduce the quantity or improve the quality of effluent discharged and the control of plant spillage, leaks and drainage from storage areas; and

- B. Submission to CRW of proof of elimination of any noncomplying discharge; and
- C. Submission, within 15 days of the occurrence, of a detailed report describing the causes of the noncomplying discharge and the measures taken to prevent any future occurrence; or
- D. Access to the premises in question for enforcement purposes is assured; or
- E. Submission of a detailed report describing the measures taken to ensure present and future compliance with the terms and conditions of a permit; or
- F. Evidence of compliance with federal, state, and local laws, rules and regulations is submitted; or
- G. Payment in full of all delinquent bills, fees and charges and all charges incurred by CRW in damages or as costs of enforcement is made.

12.8 Complaints

Complaints relative to the character of the Service furnished or of bills rendered must be made in writing and mailed to the Customer Service Center of Capital Region Water.

12.9 Service Not Guaranteed

- A. Nothing in these Rules and Regulations, nor representation, verbal or written, of Capital Region Water or any of its employees shall be taken or construed in any manner to be or constitute a guarantee to furnish Service, whether for domestic, commercial, industrial, manufacturing or other general uses, or for public purposes, or for any other special purposes; but Capital Region Water will at all times and under all conditions endeavor to maintain the efficiency of its Service. No deduction in rates will be allowed for failure on the part of Capital Region Water to supply Service.
- B. Capital Region Water shall have the right to temporarily disconnect the CRW Sewer System and/or CRW MS4 in the case of breaks, emergencies, or for any other cause, in order to make necessary repairs, connections and do such other work. In such cases, Capital Region Water shall not be liable for any damage or inconvenience or any claim for interruption of Service, SSO, Unauthorized Release, and such other results.

12.10 Miscellaneous Work and Services Furnished by Capital Region Water

- A. The cost of repair and/or restoration of Capital Region Water facilities damaged due to the actions of others shall be paid for by those responsible therefor.
- B. The cost of the foregoing work and any miscellaneous services furnished by Capital Region Water, except as otherwise set forth herein, shall be determined on the basis of cost. All bills for such work and services furnished by Capital Region Water shall be rendered by Capital Region Water and be due and payable within thirty (30) calendar days after the Date of Presentation. Acceptance or remittance of such bills on the last day of this thirty (30) day period shall be determined as evidenced by the postmark of the United States Post Office.
- C. Payment of such bills after expiration of the thirty (30) day period will incur a penalty in effect at such time, and as may be modified from time to time.
- D. Capital Region Water, if necessary, will take appropriate legal action to recover all moneys due if payment is not made to Capital Region Water.

12.11 Availability of Rules and Regulations

Copies of these Rules and Regulations may be obtained at the Customer Service Center of Capital Region Water for \$5.00 per copy at all times during regular business hours. Copies are also available at <https://capitalregionwater.com>.

13.0 Inspection and Enforcement

13.1 Inspection

For the purpose of enforcing the provisions of these Rules and Regulations with respect to the operation of the CRW Sewer and MS4 System and for the purpose of advancing and protecting the public health, Capital Region Water reserves the right to enter upon the premises of any Person, firm, or corporation receiving Wastewater and Stormwater Services to inspect the following for the purpose of determining compliance with the requirements of Capital Region Water:

- A. Fixtures connected to the CRW Sewer System, including but not limited to Sewer Laterals, Interceptors, and plumbing;
- B. Drainage features of the Property, including but not limited to Storm Laterals Property Drainage Systems, and Stormwater Management Facilities;

- C. Areas Exposed to Stormwater, activities within these areas that may affect Stormwater Pollution, and features of these areas that mitigate Stormwater Pollution;
- D. Verification of Property features that affect its Stormwater Fee, including delineation of Impervious Surfaces, design, operation, and maintenance of Stormwater Management Facilities, and other Property features eligible for a Credit on Stormwater Fees.
- E. Areas which could result in Wastewater discharges including manufacturing areas, chemical storage areas, and Pretreatment facilities;
- F. In addition, Capital Region Water shall have the right to access, inspect, and copy any and all information related to Spill Prevention and Control Plan procedures, hazardous waste generation, and industrial Self-Monitoring equipment and procedures and records.
- G. In the event that Capital Region Water's duly authorized representatives are denied access to any Ratepayer's premises for these purposes, Capital Region Water reserves the right to discontinue water Service to such premises until inspection is permitted and compliance with the requirements of Capital Region Water has been determined.
- H. Compliance Monitoring and inspection will be performed by Capital Region Water. This duty will be based on a schedule determined by the type of facility, type and concentration of Pollutants in the discharge, and the past performances of compliance by the Ratepayer.
- I. The Owner will have sixty (60) days following the receipt of the Notice of Non-Compliance to provide Capital Region Water written documentation and evidence satisfactory to Capital Region Water staff that the issues described in the Notice of Non-Compliance have been corrected. If the Owner fails to provide a written response within the designated time frame or if the issues described in the Notice of Non-Compliance have not been corrected, CRW may take the following actions:
 - i. Stormwater Credits will be suspended the following billing cycle. The Credit suspension will remain in effect a minimum of three (3) months. The Owner may reapply for the Credit once it has documentation, satisfactory to Capital Region Water staff, that the issues described in the Notice of Non-Compliance have been corrected and that the BMP has been functioning in compliance with the requirements for a minimum of three (3) months.
- J. CRW shall have the power to make such excavations as are required for the proper execution of the work.

- K. When water has been turned off because of an unpaid bill or other charge or violation of the terms of the application of the Rules and Regulations of CRW, a restoration fee, as currently in effect at the time of the restoration of water service and as set forth in the Rate Schedule, must be paid prior to the renewal of service.

13.2 Work and Services Furnished by CRW

- A. The cost of repair and/or restoration of CRW facilities damaged due to the actions of others, including the cost of mitigating flooding and/or pollutant discharges, shall be paid for by those responsible therefor.
- B. The cost of the foregoing work and any miscellaneous services furnished by CRW, except as otherwise set forth herein, shall be determined on the basis of cost.
- C. All bills for such work and services furnished by CRW shall be rendered by CRW and be due and payable within thirty (30) calendar days after the date of presentation. Acceptance or remittance of such bills on the last day of this thirty (30) day period shall be determined as evidenced by the postmark of the United States Post Office.
- D. Payment of such bills after expiration of the thirty (30) day period will incur a penalty in effect at such time, and as may be modified from time to time.
- E. CRW, if necessary, will take appropriate legal action to recover all moneys due if payment is not made to CRW.

13.3 Enforcement

Notwithstanding any other provisions or implications of these Rules and Regulations to the contrary, Capital Region Water reserves the right at all times to refuse to render or to continue to render Water, Wastewater, and Stormwater Service to any Property or through any lines whenever it appears that the connection of the Property to the CRW Sewer and/or MS4 System has been improperly made or whenever it appears there has been a Violation of the rules and regulations of Capital Region Water. In the event that Capital Region Water shall elect to discontinue Service to any Ratepayer connected to its lines, except as otherwise provided. All practical action will be taken to collect such amounts in accordance with the Collection Policy as furnished by Capital Region Water and substantially in the form attached hereto as Appendix L of the Drinking Water Rules and Regulations.

13.4 Schedules and Specifications

- A. All connections to and construction, maintenance, or repairs related to the CRW Sewer System shall be performed at a minimum in accordance with the Standard Specifications

and Details of Capital Region Water. Copies are available at the office of Capital Region Water and the Customer Service Center. Rates for construction, maintenance, and repair works shall be set forth in the Rate Schedule described in Section 2.2 herein.

- B. The Standard Specifications and Details, the Rate Schedule, and the Capital Region Water Local Discharge Limitations are incorporated herein and are available at the Capital Region Water Customer Service Center.

14.0 Severability

If any provision(s) of these Rules and Regulations is (are) found to be unlawful for any reason, the remaining provisions shall not be affected and shall continue in full force and effect.



Appendices



capitalregionwater.com
888-510-0606

Sanitary Sewer Service Request

Requester Name: _____

Account Address: _____

Mailing Address (If Different from Requester Address): _____

Property Owner: _____

Contact Person: _____ Phone: _____

Email Address: _____

Plumbing Permit No.: _____ *Street/Sidewalk Cut Permit No.: _____

Type of Account: ☐ Residential ☐ Commercial

☐ Industrial ☐ Other (Specify): _____

Lateral Line Size: _____ inches

Equivalent Dwelling Units: _____

Estimated Maximum Daily Discharge: _____ gallons per day

Date Service Required: _____

New Construction: ☐ Yes ☐ No Ownership Transfer: ☐ Yes ☐ No

Signature of Requester

Date

Request for installation of a new sanitary sewer service must be submitted at least 30 days before service is required and must be accompanied by two (2) sets of detailed plans for review by Capital Region Water. Product and material data sheets are required with this Request.

Notes:

- *If you need to make a street/sidewalk cut as part of this request, you must obtain a Street/Sidewalk Cut Permit by completing and submitting an application form. See [Street-Sidewalk Cut Permit Request Form](#).
- Request is not approved until signed by Capital Region Water.

A Fee of \$100.00 payable to "Capital Region Water" must accompany this Request.

Submit form, detailed plans, and payment in-person or by mail to:

Capital Region Water
Customer Service Center
3003 North Front Street
Harrisburg, PA 17110

Capital Region Water Use Only

Fee Calculation: \$2,820/EDU x _____ EDUs = _____ Date Fee Paid: _____

Inspection Date: _____ Inspector: _____

Main Size: _____ Tap Size: _____

Type (Material) of Service: _____

Location of Service: _____

CRW Approval: _____

Signature

Title

Date



capitalregionwater.com
888-510-0606

Storm Sewer Service Request

Requester Name: _____

Account Address: _____

Mailing Address (If Different from Requester Address): _____

Property Owner: _____

Contact Person: _____ **Phone:** _____

Email Address: _____

Plumbing Permit No.: _____ ***Street/Sidewalk Cut Permit No.:** _____

Type of Account: ☐ Residential ☐ Commercial
☐ Industrial ☐ Other (Specify): _____

Lateral Line Size: _____ inches

Equivalent Dwelling Units: _____

Estimated Maximum Daily Discharge: _____ gallons per day

Date Service Required: _____

New Construction: ☐ Yes ☐ No **Ownership Transfer:** ☐ Yes ☐ No

Signature of Requester

Date

Request for installation of a new storm sewer service must be submitted at least 30 days before service is required and must be accompanied by two (2) sets of detailed plans for review by Capital Region Water. Product and material data sheets are required with this Request.

Notes:

- *If you need to make a street/sidewalk cut as part of this request, you must obtain a Street/Sidewalk Cut Permit by completing and submitting an application form. See [Street-Sidewalk Cut Permit Request Form](#).
- Request is not approved until signed by Capital Region Water.

A Fee of \$100.00 payable to "Capital Region Water" must accompany this Request.

Submit form, detailed plans, and payment in-person or by mail to:

Capital Region Water
Customer Service Center
3003 North Front Street
Harrisburg, PA 17110

Capital Region Water Use Only

Fee: \$2,820.00 **Date Fee Paid:** _____

Inspection Date: _____ **Inspector:** _____

Main Size: _____ **Tap Size:** _____

Type (Material) of Service: _____

Location of Service: _____

CRW Approval: _____

Signature

Title

Date



capitalregionwater.com
888-510-0606

Drinking Water Service Line and Wastewater Lateral Assistance Program Request

Requester Name: _____ Account Number: _____

Requester Address: _____

Mailing Address: (If Different from Requester Address): _____

Property Type (Select One): ☐ Owner Occupied ☐ Rental/Tenant Occupied ☐ Vacant

Property Owner Name: _____

Phone Number: _____ Email Address: _____

Type of Account (Select One): ☐ Residential ☐ Commercial ☐ Industrial ☐ Institutional

Background Information:

Assistance Request Type: (Select One): ☐ Drinking Water Service Line ☐ Wastewater Lateral

Water Service Line: (Select One): ☐ Replace ☐ Repair ☐ Tap

Wastewater Lateral: (Select One): ☐ Replace ☐ Repair ☐ Tap

Please describe the issue you are experiencing with your service line/lateral:

How many times in the recent past have there been issues? Please describe.

Have you previously requested Program assistance?

Do you have an outside clean-out for the wastewater lateral? ☐ Yes ☐ No ☐ N/A

Do the defects within the line persist outside your property lines (street, sidewalk, easement)? ☐ Yes ☐ No

Has a private contractor provided a Closed-circuit Televised Inspection (CCTV) or other means of inspection?

☐ Yes ☐ No

Has a claim been submitted to your homeowner's insurance provider? ☐ Yes ☐ No

Claim Number: _____

Insurance Provider: _____

Claim Adjuster Name: _____

Status of Claim (Select One): ☐ Granted ☐ Pending ☐ Denied

Do you have Underground Utility Line Coverage or a Service Line Coverage Endorsement on your Homeowner's Insurance Policy? ☐ Yes ☐ No

Date Service Required: _____ Street/Sidewalk Cut Permit #: _____

Plumbing Permit #: _____ Line/lateral Size: _____

Material: _____ Age: _____



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888-510-0606

Drinking Water Service Line and Wastewater Lateral Assistance Program Request

Please attach:

- Two written quotes as provided by licensed contractors or a Work Report as provided by Capital Region Water.
- Schedule of work, including the anticipated start and completion dates (if available).
- Any additional condition information including, but not limited to, sketches and video/CCTV footage (if available).

By signing this Request, I hereby certify that I have the authority as the property owner to make this Request and that the information is complete and factual. As the Requester, I give permission to Capital Region Water or its authorized agent to verify eligibility and agree to abide by the Rules and Regulations of Capital Region Water and any provisions governing the terms and conditions of the Service Line and Lateral Assistance Program.

I further declare that I have full and exclusive ownership of the full length of the service line or sewer lateral that connects the Property to the main line. The line is not functioning properly and requires repair within the public right of way or public easement. Any assistance provided by Capital Region Water shall not affect ownership of the line or impose any obligation on Capital Region Water for maintenance, repair, or replacement of the line. Capital Region Water does not warranty any work for which Capital Region Water disbursed funds.

Signature of Requester

Date

Please complete and return. Electronic submissions are preferred at CAP@capitalregionwater.com.

Submit form and attachments in-person or by mail to:

**Capital Region Water
Customer Service Center
3003 North Front Street
Harrisburg, PA 17110**

After your Request is reviewed, written notice will be provided explaining your eligibility and any assistance you may receive. Please allow 30 days for a response.

Important Information:

- Reimbursement will be provided directly to the contractor completing repair only after receiving a copy of the quote or invoice for the repair work and Capital Region Water's approval. Any repair may be subject to Capital Region Water's inspection.
- A Street/Sidewalk Cut Permit for water or sewer line repairs/replacements is required for work in the public right-of-way that involves excavating a street or sidewalk. Work is not permitted to begin until an approved Street/Sidewalk Cut Permit is issued by Capital Region Water. As applicable, the Street/Sidewalk Cut Permit Request is available at <https://capitalregionwater.com/forms/>.



Drinking Water Service Line and Wastewater Lateral Assistance Program Request

Capital Region Water Use Only

Proof of Eligibility: ☐ Yes ☐ No

Inspection Date: _____ **Inspector:** _____

Main/Line Size: _____ **Meter Size:** _____ **Meter Number:** _____

Tap Size: _____ **Type (Material) of Service:** _____

Location of Service: _____

Curb Box to Grade: ☐ Yes ☐ No

Curb Box Accessible: ☐ Yes ☐ No

Valve on Curb Side of Meter: ☐ Yes ☐ No

Sewer Cleanout: ☐ Yes ☐ No

Assistance Approved: ☐ Yes ☐ No

Amount/Term: _____

CRW Approval: _____
Signature Title Date



capitalregionwater.com
888-510-0606

Fats, Oils and Grease Wastewater Discharge Permit Request

Facility Information:

Name of Facility: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

Location (If different from address):

Contact Information:

Business Owner: _____

Mailing Address: _____

Phone: _____ Fax: _____

Email: _____

Primary Contact: _____

Title: _____

Phone: _____ Fax: _____

Email: _____

Property Owner Information:

Owner Name: _____

Mailing Address: _____

Phone: _____ Fax: _____

Email: _____



Fats, Oils and Grease Wastewater Discharge Permit Request

Type of Facility (check one):

- ☐ Full-Service Restaurant
- ☐ Fast Food Restaurant
- ☐ Carry Out
- ☐ Food Court
- ☐ Church
- ☐ Club/Organization

- ☐ Bakery
- ☐ Ice Cream/Yogurt/Gelato
- ☐ Coffee Shop
- ☐ Sandwich Shop
- ☐ Grocery Store
- ☐ Convenience Store

- ☐ School
- ☐ Retirement Home
- ☐ Hotel
- ☐ Garage
- ☐ Car Wash
- ☐ Other: _____

Seating Capacity: _____

Days/Hours of Operation: _____

Number of Shifts: _____

Number of Employees per Shift: _____

Number of Meals per Day: _____

Grease Interceptor/Oil and Grit Separator Information:

Device No. 1

Type (check one): ☐ Grease Trap ☐ Grease Interceptor ☐ Oil and Grit Separator

Location: _____

Size (gallons): _____ Service Frequency: _____

Device No. 2

Type (check one): ☐ Grease Trap ☐ Grease Interceptor ☐ Oil and Grit Separator

Location: _____

Size (gallons): _____ Service Frequency: _____

Use additional sheets if more than 2 devices and submit copies of any other information regarding the interceptor or separator, such as drawings, cut sheets, etc.

Also, please submit a facility plumbing plan showing all equipment, facilities, and other devices such as garbage disposals, interceptor location, etc. and their discharge points to the sanitary sewer. The plan can be a simple hand drawn schematic or an engineer's plumbing drawing.



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Fats, Oils and Grease Wastewater Discharge Permit Request

Hauler Information:

Name of Hauler: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

*****Please attach a copy of latest manifest*****

Disposal Information:

Briefly describe the disposal methods for fats, oils and grease, and, if applicable, complete the information regarding the establishment at which it is disposed:

Name of Establishment: _____

Address: _____

Phone: _____ Fax: _____

Email: _____



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Fats, Oils and Grease Wastewater Discharge Permit Request

This permit application is to be signed by an authorized representative of your facility after adequate completion of the form and in accordance with the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief true, accurate, and complete. I understand that this statement is subject to penalties applicable under law pursuant to 18 Pa. C. S. Sec. 4904 (unsworn falsification to authorities)."

Company Representative (printed)

Title

Signature

Date

Note: Request is not approved until a Permit is issued by Capital Region Water.

A Fee of \$50.00 payable to "Capital Region Water" must accompany this request.

Submit form, facility plumbing plan, and payment in-person or by mail to:

Capital Region Water
Customer Service Center
3003 North Front Street
Harrisburg, PA 17110

Capital Region Water Use Only

Date Request Received: _____

Request Received By: _____

Permit Number: _____

Comments: _____



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Industrial Wastewater Discharge Request

Company Name: _____

Division Name: _____

Mailing Address: _____

Facility Address: _____

Principal Signatory: _____

Authorized Representative: _____

The above Industrial Discharger classified by NAICS code _____ and engaged in the manufacture and/or service of _____ does hereby request an Industrial User Permit to discharge industrial wastewater into the public sewer system serving the municipality of _____, Dauphin County and to the Advanced Wastewater Treatment Facility of Capital Region Water.

Prior to issuance of such Industrial User Permit, the undersigned must furnish:

- A plan of the property showing all process and sewer drains that exist.
- Plans and specifications of any proposed work under this permit.
- A completed Baseline Monitoring Report questionnaire in all areas applicable to the industrial processes.
- **A fee of \$900.00 payable to "Capital Region Water" must accompany this Request.**

Before Capital Region Water will grant an Industrial User Permit, the undersigned shall also agree to:

- Furnish any additional information relating to the installation or use of the sewer system for which this permit is requested as may be requested by Capital Region Water.
- Accept and abide by all provisions of the applicable Rules and Regulations of Capital Region Water, and any rules, regulations or ordinances promulgated thereunder.
- Operate and maintain any waste pretreatment facilities, as may be required as a condition of acceptance into the sewer system of the industrial wastes involved, in an efficient manner at all times, and at no expense to Capital Region Water.
- Cooperate with Capital Region Water at all times in its inspection sampling of the industrial wastes and any pretreatment facilities.



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Industrial Wastewater Discharge Request

- Notify Capital Region Water of any accidental discharges or substances prohibited by this Industrial User Permit, or any other rules, regulations or sewer ordinances and amendments thereof, and any future regulations as may be adopted.
- **To pay an annual Industrial User Permit fee of \$900.00.**

Submit form, attachments, and payment in-person or by mail to:

Capital Region Water
Customer Service Center
3003 North Front Street
Harrisburg, PA 17110

Capital Region Water Use Only

CRW Authorized Representative: _____ Date: _____
(Title)

Permit Fee Paid: _____ Check Number: _____ ☐ Cash

Application for Consideration of Stormwater Management Plan

The undersigned hereby applies for consideration of a stormwater management plan, as required by Capital Region Water's Stormwater Rules and Regulations, Section 9 Requirement for Development and Construction.

1. Plan Name: _____
2. Project Location: _____
Tax Map/Parcel Identification: _____
3. Property Owner(s) Name: _____
Address: _____
Email Address: _____ Phone: _____
4. Applicant/Consultant Name: _____
Address: _____
Email Address: _____ Phone: _____
5. Project Description: _____

6. Total Acreage: _____ No. of Lots: _____ No. of Units: _____
7. Total Area Disturbed (SF): _____ Total Proposed Impervious Area (SF): _____
8. Total Impervious Area to be Removed (SF): _____
9. Escrow Fee, due with application: \$1,000
Mail Application and Check to: Capital Region Water
Attn: Finance Department
3003 North Front Street
Harrisburg, PA 17110

The undersigned hereby represents that, to the best of my knowledge and belief, all information listed above is true, correct, and complete. Undersigned agrees to the Escrow Agreement Terms and Conditions attached to this Application.

Signature

Date

Escrow Agreement Terms and Conditions

Escrow Fee:

As provided in Stormwater Rules and Regulations, Section 9.11.C. Fees and Expenses, the applicant is required to pay an escrow fee to establish an escrow fund to defray application review costs incurred by CRW.

Review Costs:

These review costs include, but are not limited to:

- a. Administrative and clerical costs.
- b. Review of the Final Stormwater Management Site Plan and Report by CRW.
- c. Preconstruction meetings.
- d. Inspection of Stormwater Management Facilities and Property Drainage Systems during construction.
- e. Final inspection upon completion of the Stormwater Management Facilities and Property Drainage Systems presented in the Final Stormwater Management Site Plan and Report.
- f. Any additional work required to enforce any permit provisions regulated by Section 9, correct violations and assure proper completion of stipulated remedial actions.

Escrow Fund Management:

Monies in the applicant's escrow fund will be used to cover the cost of CRW engineering time, plus any costs incurred by external professional consultants, as needed, to complete the plan review. Time incurred against the escrow will be charged in accordance with the hourly rate schedule below:

CRW Engineering Hourly Rates:

Project Engineer:	\$50/hour
Sr. Engineer:	\$80/hour

External Professional Consultant: Hourly rate charged to CRW

Plan review costs in excess of the escrow fund will be billed on a monthly basis until the plan review has been completed. Payment is due within 30 days of billing. Past due payments may delay completion of the review process. All plan review fees must be paid in full prior to the release of the approval for the plan.

In the event plan review costs are less than the escrow fund, the unused funds will be refunded to the applicant upon completion of the review process.



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Residential Stormwater Operation and Maintenance Agreement

Homeowner's Name: _____

Phone Number: _____ Alt. Number: _____

Email: _____

Property Address: _____

Mailing Address: _____

Account Number: _____ Parcel ID Number: _____

SW Fee Credit Renewal Date: _____

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between _____, (hereinafter the "Homeowner"), and the Capital Region Water ("Authority");

WITNESSETH:

WHEREAS, the Homeowner installed certain Best Management Practices to manage stormwater impacts associated with the Property;

WHEREAS, the Authority and the Homeowner, for itself, agree that the health, safety, and welfare of city residents and the protection and maintenance of water quality require that stormwater practices and conveyances be properly constructed and maintained on the Property;

WHEREAS, the Authority, through the implementation of the Operation of Maintenance Plan (the Plan), that stormwater practices as designed in said Plan be adequately operated and maintained by the Homeowner.

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto, intending to be legally bound hereby, agree as follows:

1. The Homeowner shall operate and maintain the stormwater facility on the property as shown on the Plan in good working order in accordance with the specific maintenance requirements noted on the Plan for the duration of the approved credit period.
2. The Homeowner agrees to all specifications made by the Capital Region Water Stormwater Credit Policy Manual, the stormwater rules and regulations of Capital Region Water for which the property is located, applicable PADEP requirements, and any documents referenced by the previously mentioned.
3. The Homeowner hereby grants permission to the Authority, its authorized agents, and employees to enter upon the property at reasonable times and upon presentation of proper credentials to inspect the stormwater facilities periodically at the discretion of the Authority. Authority shall notify the Homeowner prior to entering the property.



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Residential Stormwater Operation and Maintenance Agreement

4. The Homeowner shall inspect the stormwater management/BMP facility and submit an inspection report to the Authority no later than six (6) months prior to your credit renewal date. The purpose of the inspection is to assure the safe and proper functioning of the facilities. The inspection shall cover the entire facilities, plantings, berms, outlet structure, pond areas, access roads, etc. Deficiencies shall be noted in the inspection report (See CRW BMP Inspection form).
5. The Homeowner should not undertake, or permit alteration, abandonment, modification, or discontinuation of the stormwater facility in coordination with the Authority. These actions may result in the revocation of stormwater fee credits see Item 7.
6. The Homeowner should undertake necessary repairs and replacement of the stormwater facility at the direction of the Authority.
7. In the event the Homeowner fails to Operate and maintain the stormwater facility as specified in the Plan, the Authority reserves the right to revoke any credits awarded by the stormwater credit system. Following the procedure per Section 4.8 Requirements for Continuation of a Credit of Capital Region Water Stormwater Policies and Procedure.
8. It is the intent of this agreement to ensure the proper maintenance of the facility or facilities by the Homeowner; provided, however, that this Agreement shall not be deemed to create or affect any additional liability of any party for damage alleged to result from or caused by stormwater runoff.
9. The Homeowner, its executors, administrators, assigns, and other successors in interest, shall release the Authority from any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives for the construction, presence, existence, or maintenance of the stormwater facility by the Homeowner or the Authority.
10. Any assignment of this Agreement must first be approved by the Authority.

SIGNATURES:

For the Homeowner:

Print Name

Signature

Date: _____

For the Authority:

Claire Maulhardt, PLA
City Beautiful H₂O Program Manager

Claire Maulhardt
Signature

Date: _____

Please complete and return to:

Capital Region Water
ATTN: Stormwater Program – Credit
3003 North Front Street
Harrisburg, PA 17110
Email: stormwater@capitalregionwater.com

Tax Parcel I.D. Number XX-XX-XXX

[insert Tax Parcel I.D. Number]

Tax Parcel I.D. Number XX-XX-XXX

Tax Parcel I.D. Number XX-XX-XXX

Tax Parcel I.D. Number XX-XX-XXX

Tax Parcel I.D. Number XX-XX-XXX

Tax Parcel I.D. Number XX-XX-XXX

**STORMWATER FACILITIES AND BEST MANAGEMENT PRACTICES
OPERATIONS AND MAINTENANCE AGREEMENT
BETWEEN**

[INSERT LANDOWNER NAME IN CAPS] AND CAPITAL REGION WATER

This **STORMWATER FACILITIES AND BEST MANAGEMENT PRACTICES OPERATIONS AND MAINTENANCE AGREEMENT** ("Agreement") is made and entered into this [] day of [], 2021, by and between [insert name of Landowner] (hereinafter the "Landowner"), and Capital Region Water, Dauphin County, Pennsylvania.

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property located in Harrisburg, Dauphin County, Pennsylvania (hereinafter "Property"), identified as Tax Parcel No(s). XX-XX-XXX, [insert all applicable Tax Parcel Nos. XX-XX-XXX]; and

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the Stormwater Management Site Plan (hereinafter "Plan") for the property identified herein, prepared by [insert name of Landowner] and dated [insert date of Plan] [], 202X which is incorporated herein as Exhibit "A", as approved by Capital Region Water, provides for management of stormwater within the confines of the Property through the use of Best Management Practices (BMP's); and

WHEREAS, Capital Region Water, the Landowner, their successors and assigns, agree that the health, safety and welfare of the residents of Capital Region Water and the protection and maintenance of water quality require that on-site stormwater Best Management Practices be constructed and maintained on the Property; and

WHEREAS, Capital Region Water requires, through the implementation of the Plan, that stormwater management BMPs, as required by said Plan, and the City of Harrisburg

Stormwater Management Ordinance, be constructed and adequately maintained by the Landowner, their successors and assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The foregoing recitals of this Agreement are incorporated into the body of this Agreement as if set forth at length herein.
2. The onsite BMP facilities shall be constructed by the Landowner in accordance with the plans and specifications identified in the Plan.
3. The Landowner shall operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to Capital Region Water and in accordance with the specific maintenance requirements noted on the Plan.
4. The Landowner hereby grants permission to Capital Region Water, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper identification, to inspect the BMP(s) whenever it deems necessary; provided, however, that unless there is reasonable cause to believe that the stormwater management facilities are not operating properly, such inspections shall not occur more frequently than annually. Whenever possible, Capital Region Water shall notify the Landowner prior to entering the Property. When inspections are conducted, Capital Region Water shall give the Landowner, or their respective successors and assigns, copies of the inspection report with findings and evaluations, if such a report is prepared.
5. In the event the Landowner fails to operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to Capital Region Water, Capital Region Water shall give written notice to the Landowner setting forth the specifics of such failure to operate or maintain, the remediation required, and a reasonable deadline to complete such action. After failure of the Landowner to remedy within the specified time limit, Capital Region Water or its representatives may, upon presentation of proper identification, enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). This provision shall not be construed to allow Capital Region Water to erect any permanent structure on the land of the Landowner. It is expressly understood and agreed that Capital Region Water is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on Capital Region Water.
6. In the event Capital Region Water, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work or labor, use of equipment,

supplies, materials and the like, the Landowner shall reimburse Capital Region Water, within forty-five (45) days of receipt of an invoice thereof, for all reasonable costs incurred by Capital Region Water hereunder.

7. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMP(s) by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.
8. Capital Region Water may inspect the BMP(s) at a minimum of once every year to ensure their continued functioning.
9. This Agreement, when executed, approved and delivered, shall constitute the entire agreement between the parties, and there are no other representations or agreements, oral or written, except as expressly set forth in this Agreement. This Agreement may be amended or modified only by an instrument in writing executed by the parties.
10. This Agreement shall be recorded at the Office of Recorder of Deeds, Dauphin County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs, and any other successors in interests, in perpetuity.

IN WITNESS WHEREOF, the parties hereto, each intending to be legally bound, have caused this Agreement to be executed as of the date first above written.

ATTEST:

CAPITAL REGION WATER

Secretary

By: _____
Chairperson

[INSERT LANDOWNER NAME IN CAPS]

By: _____
(Name)

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF DAUPHIN :

On this ____ day of _____, 20__, before me, a Notary Public, the undersigned officer personally appeared, _____, known to me (or satisfactorily proven) to be the Chairperson of Capital Region Water, described in the foregoing Stormwater Facilities and Best Management Practices Operations and Maintenance Agreement, who acknowledged that he/she executed the same in the capacity therein stated, and for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF DAUPHIN :

On this ____ day of _____, 20__, before me, a Notary Public, the undersigned officer personally appeared, _____, known to me (or satisfactorily proven) to be the _____ of _____, described in the foregoing Stormwater Facilities and Best Management Practices Operations and Maintenance Agreement, who acknowledged that he/she executed the same in the capacity therein stated, and for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public



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888-510-0606

Credit Assistance Program Request

Requester Name: _____ Account Number: _____

Requester Address: _____

Mailing Address: (If Different from Requester Address): _____

Residential Property Type (Select One): ☐ Owner Occupied ☐ Rental/Tenant Occupied

Property Owner Name: _____

Contact Person (If Different from Requester Name): _____

Phone Number: _____ Email Address: _____

How did you learn about the Program? ☐ CRW Communication ☐ CRW Customer Service ☐ Service Provider
☐ Other (Specify): _____

Capital Region Water will accept ONLY the following as proof of program eligibility. Please select from the list below and attach the relevant information*:

- ☐ Low-Income Home Energy Assistance Program (LIHEAP) Award Letter
- ☐ Low-Income Household Water Assistance Program (LIHWAP)
- ☐ Supplemental Nutrition Assistance Program (SNAP) Award Letter
- ☐ Pennsylvania Rent Rebate Program Award Letter
- ☐ UGI Assistance Program Confirmation
- ☐ PPL Electric Assistance Program Confirmation

If you are income-eligible, but do not have an award letter or program confirmation, please contact Capital Region Water to review other forms of acceptable documentation.

***Note: Any and all of the above items must be current and submitted annually.**

Capital Region Water is pleased to provide eligible customers an indoor water conservation kit featuring a range of water-saving tools. Please indicate your interest in receiving a free kit: ☐ Yes ☐ No

By signing this Request, the Requester gives permission to Capital Region Water or its authorized agent to verify their eligibility and agrees to abide by the Rules and Regulations of Capital Region Water and any provisions governing the terms and conditions of the Customer Assistance Program.

Signature of Requester

Date

Please complete and return. Electronic submissions are preferred at CAP@capitalregionwater.com. Mail physical copies to: Capital Region Water, Customer Service Center, 3003 North Front Street, Harrisburg, PA, 17110.

After your Request is reviewed, written notice will be provided explaining your eligibility and the assistance you will receive. Please allow 30 days for a response.

Capital Region Water Use Only

Proof of Eligibility: ☐ Yes ☐ No

Assistance Approved: ☐ Yes ☐ No

Amount/Term: _____

CRW Approval: _____

Signature

Title

Date



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Stormwater Management Program Fee Credit

Ratepayer Information

Name: _____ **Date:** _____
Email: _____ **Phone:** _____
Account Number: _____
Billing Street Address: _____
City, State, Zip: _____

Tier: _____ Impervious Area: _____

Tier and Impervious Area (IA) information can be found on the Stormwater Assessment Notice

Is this Request for the renewal of credits: ☐ Yes ☐ No

This form shall be used for both initial Request and renewal.

1. Stormwater Credit Calculation

Percent Fee Reduction Equation: $A \times B \div C = D$

Example (below): $50\% \times 8,000 \div 10,000 = 40\%$

	A	B	C	D
Credit Type See Next Table	Maximum Credit Available for Credit Type See New Table	Total Square Feet Drainage Area i.e., area of IA that drains to BMP	Total Square Feet Feet of IA ¹	Percent Fee Reduced
Example: Rain garden/bioretention	50%	8000	10000	40%
TOTAL % FEE REDUCTION				

Stormwater Management Program Fee Credit

2. Credit Types and Maximum Available Credit

Peak/ Rate Controls - 10 to 40%	Volume Controls/ Green Infrastructure - 50%	Water Quality Controls - 25%	Non-Structural Controls - 10%	NPDES Industrial Stormwater Permitted Sites - 50%
10-year event (10%)	Pervious pavement with infiltration bed	Constructed wetland	Downspout Disconnection	Properties with an active, fully- compliant NPDES Permit from the PADEP
25-year event (20%)	Infiltration basin	Constructed Filter Proprietary Water Quality Filters & Hydrodynamic Devices		
50-year event (30%)	Rain garden/ bioretention	Vegetated Filter Strip		
100-year event (40%)	Subsurface infiltration bed	Tree Trench with Soil Restoration or Amendment		
	Green Roof	Vegetated Swale		
	Infiltration trench Runoff Capture & Reuse - Cistern			
	Dry Well/ Seepage Pit			
	Impervious Area Removal with Soil Restoration and Vegetation			

Stormwater Management Program Fee Credit

2a. Structural Best Management Practice (BMP) for Stormwater Control

Check all boxes that apply:

- ☐ I have a BMP that controls for rate
- ☐ I have a BMP that controls for volume
- ☐ I have a BMP that controls for water quality
- ☐ I have a BMP but I'm not sure what it does

Please attached any supporting information.

2b. Downspout Disconnection

Please enter either the number of disconnected downspouts or the percentage of roof area connected to disconnected downspouts:

_____ Total number of downspouts connected to the roof

_____ Total number of downspouts connected to an eligible containment device.

Please attach any supporting documentation.

2c. Additional Credits

If you are making a request for any of the following Credits, Capital Region Water will contact you to discuss the details of the Credit after you submit Page 1.

- NPDES Industrial Stormwater Permit Compliance
- Separate MS4 Permit
- Education Credit
- Riparian Buffer
- Stream Restoration
- BMP Easement
- Pervious Pavement
- Green Roofs
- Innovation Credit

Stormwater Management Program Fee Credit

3. Required Documentation

Requests for SWM Fee credits shall be submitted with the following documents specific to their property type. Incomplete requests will be returned and not considered for further review until all required information is submitted.

Residential Properties:

Residential properties must submit a legible sketch plan, on 8 ½" x 11" paper, which includes, at a minimum, the information listed below. (A residential sketch plan may be a legible hand drawing of the property or annotated print from Google Earth or other satellite image with dimensions noted.)

- Complete and submit the Residential Stormwater Operation and Maintenance Agreement.
- Total lot area in square feet (Lot Area = Lot Width x Lot Depth)
- Location and area of all existing impervious surfaces (buildings, patios, sidewalks, etc.)
- Location and description of stormwater management facilities (BMPs) including, at least, date of construction, BMP type, BMP size, BMP volume
- Total impervious area in square feet, outlined on the sketch, managed by each stormwater management facility (BMP)
- Photo(s) of BMP(s) A copy of an approved Small Projects Application (First Flush) may be submitted, along with photo(s) of BMP(s), in lieu of the sketch plan for residential credit submissions.

Non-Residential Properties:

- As-built plans at an appropriate scale and showing the site, overland flow paths, drainage flow arrows, stormwater facilities, and the surrounding area.
- Maps delineating drainage areas and/or watersheds, indicating which impervious areas flow to the BMP.
- Photo(s) of BMP(s)
- Calculations to verify drainage system has capacity to meet the design criteria for the requested credit.
- Proposed maintenance schedule detailing property owner's maintenance activities for the stormwater facility.
- Executed right-of-entry agreement
- All the above documents and topographic details and 100-year flood elevations, if applicable.

If applicable:

- A copy of Permit for facilities with an active, fully compliant Industrial Stormwater NPDES Permit from the PADEP.

A copy of an approved Land Development Plan may be submitted, along with photo(s) of BMP(s), in lieu of the items listed above for credit submissions.



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Stormwater Management Program Fee Credit

Confirmation of Credit Conditions and Capital Region Water Access Rights

I, (please print name) _____ agree to all conditions of the Credits I have applied for as outlined in the *Capital Region Water Stormwater Policies and Procedures*. Additionally, I agree that Capital Region Water may at reasonable times enter my Property to inspect the Property or condition or operation of BMPs.

Signature of Requester

Date

Please complete and return to:

Capital Region Water
ATTN: Stormwater Program – Credit
3003 North Front Street
Harrisburg, PA 17110
Email: stormwater@capitalregionwater.com

4. Education Program

Please provide adequate documentation to demonstrate to Capital Region Water Program that sufficient focus and instruction upon stormwater management issues and water quality protection are covered in the time frame suggested. Please summarize all appropriate documentation below, and attach additional supporting documentation, which may include educational posters, take-home materials, classroom lessons, field trips photos, etc. Please contact the Program Manager, Claire Maulhardt (stormwater@capitalregionwater.com, or 717-216-5269) for more information on suggested teaching materials, credits amounts, and renewal process.

Educational Institute Information

All Grade Levels Offered: _____ to _____ School Year: _____ to _____

Total Attendance of Students in School: _____

Stormwater Management Program Fee Credit

Program 1. Title: _____

Grade Level(s) in Program: _____

Percent of Total Students in Program: _____

Total Number of Students Served by Program: _____

Description of Program 1:

Program 2. Title: _____

Grade Level(s) in Program: _____

Percent of Total Students in Program: _____

Total Number of Students Served by Program: _____

Description of Program 2:

Program 3. Title: _____

Grade Level(s) in Program: _____

Percent of Total Students in Program: _____

Total Number of Students Served by Program: _____

Description of Program 3:



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Stormwater Fee Adjustment Appeal

Appeal Instructions

1. This form is provided to Capital Region Water Ratepayer who believe the Impervious Area (IA) calculation for their Property is incorrect. Ratepayers should also use this form if it is believed that Stormwater Fee has been assigned for a parcel they don't own.
2. Please fill out all sections of the form, except for the last section marked "For Capital Region Water Use Only".
3. You may attach supporting documentation to the form. Please note that any submitted documentation will not be returned to the Ratepayer.
4. A CRW representative will review the Stormwater Fee Adjustment Appeal within five (5) business days of receipt of the completed form.
5. Approved adjustments will be applied to the current stormwater bill and all future billings.

Verification of Appeal Information

All appeals will be subject to verification via geographic information systems using aerial photography and or satellite imagery. At the discretion of Capital Region Water Stormwater Program staff, a site visit may be conducted for ground measurement of the impervious surface in question.

Property owners may not appeal the inclusion of gravel surfaces as an impervious surface on their stormwater fee. Refer to our FAQ <https://capitalregionwater.com/what-we-do/cbh2o/stormwater-fee/> for more information.

Capital Region Water's Stormwater Program staff will review the Stormwater Fee Adjustment Appeal, and a response will be mailed to the address as indicated under the contact information provided below. Please allow sixty (60) days from the delivery of the appeal form for a reply. If Capital Region Water fails to respond, the appeal shall be deemed denied.

Approved adjustments will be applied to the current Stormwater bill and all future billings, unless during the assessment phase of the Program as outlined above.



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Stormwater Fee Adjustment Appeal

Appeal Information

(Check all the boxes that apply and provide documentation where indicated)

Type of Appeal:

☐ Impervious Surface Calculation ☐ Ownership

Property Type:

☐ Residential ☐ Non-Residential

Ratepayer IA Estimate (optional): _____

☐ **Location:** Impervious surfaces or structures are not at this location.

Please describe your appeal in the fee appeal description area provided on page two of this form. Please indicate the location of the surfaces or structures in question as identified and billed by Capital Region Water, then indicate the location of the surfaces or structures as to where you believe them to be located.

☐ **Existence:** Impervious surfaces or structures whose existence or identification is believed to be incorrect as billed.

Please describe your appeal in the fee appeal description area provided on page two of this form. Please indicate which structures or surfaces that have been either removed by you or which structures or surfaces have been misidentified by Capital Region Water on your stormwater utility bill. Please include a photo of the area in question either in printed form or attached in digital form to an email.

☐ **Area:** Impervious surfaces or structures differ in size than billed.

Residential

Tier 1 and Tier 2 Parcels – Please provide the measurements of all impervious surfaces at this location on an attached sketch or a certified survey or recorded plat created within the past 12 months, indicating the area in square feet of all impervious surfaces on the property.

Tier 3 Parcels – Please provide a copy of a certified survey or recorded plat created within the past 12 months, indicating the area in square feet of all impervious surfaces on the property. A sketch with the measurements of all impervious surfaces may acceptable for smaller Tier 3 properties.

Non-Residential

Please provide a copy of a certified survey or recorded plat created within the past 12 months, indicating the area in square feet of all impervious surfaces on the property.

☐ **Incorrect Stormwater Tier:** Tier category for this parcel incorrectly assigned based on impervious area for the parcel. Please provide the same documentation as in "Area" above.

☐ **Construction:** Impervious surfaces in question are identified incorrectly or have been specifically engineered to be pervious (or porous) as defined by the PA Stormwater BMP Manual.



capitalregionwater.com
888-510-0606

Stormwater Fee Adjustment Appeal

☐ **Multiple Water Accounts – Reallocation of Stormwater Charge:**

Please provide a list of account numbers and the preferred allocation of impervious area per account number. Capital Region Water's Customer Services and Billing will review and make the requested account adjustments. Please allow 60 days from delivery of the appeal form for the billing adjustments to be reflected in the bills.

Ratepayer Information

Name: _____ **Date:** _____
Email: _____ **Phone:** _____
Account Number: _____
Billing Street Address: _____
Address Line 2: _____
City, State, Zip: _____
Additional Supporting Information: _____

Certification

I certify that the information contained in the form is, to the best of my knowledge, correct and represents a complete and accurate statement. By signing below, I agree to allow Capital Region Water Stormwater Program staff or inspectors on site to review and verify the above information.

Signature of Requester

Date

Please complete and return to:

Capital Region Water
Attn: Stormwater Program – Appeals
3003 North Front Street
Harrisburg, PA 17110
Email: stormwater@capitalregionwater.com



capitalregionwater.com
888-510-0606

Stormwater Fee Adjustment Appeal

Capital Region Water Use Only

- ☐ CRW SW Staff Assigned
- ☐ Site Visit Conducted
- ☐ Notes (Please see attached sheet)

- ☐ Corrected impervious area
- ☐ Corrected Tier
- ☐ Date correction made to billing/official correspondence sent to customer

☐ Petition for Review Denied: Date Denied: _____

Reason for Denial: ☐ Insufficient information ☐ Tier correct ☐ Other _____

☐ Petition for Review Approved Date Approved: _____

☐ Appeal Requested Date: _____

☐ Appeal Heard by Appeals Board Date: _____

☐ Appeal Denied Date Denied: _____

Reason for Denial: _____

☐ Appeal Granted Date Approved: _____

Action Approved: _____

CAPITAL REGION WATER

RESOLUTION NO. 2022-061

COLLECTIONS POLICY, EFFECTIVE JANUARY 1, 2023

WHEREAS, Capital Region Water, is a municipal authority incorporated under the Act of May 2, 1945 (P.L. 382, No. 164), known as the Municipality Authorities Act of 1945, as amended; and

WHEREAS, Capital Region Water desires to adopt and implement a uniform and consistent Collections Policy to ensure prompt and efficient collection of payments and reduce the current level of delinquencies; and

WHEREAS, Capital Region Water intends to adopt the Collections Policy, effective January 1, 2023.

NOW THEREFORE, BE IT RESOLVED by the Board, that Capital Region Water hereby adopts the Collections Policy, effective January 1, 2023, which shall be attached hereto as Exhibit "A".

Duly adopted this 21st day of December 2022 by the Board of Capital Region Water in lawful session duly assembled.

ATTEST:



Secretary



CAPITAL REGION WATER

By: 

Chairperson

CERTIFICATE

I, the undersigned Secretary of Capital Region Water, certify that the foregoing Resolution was adopted by a majority vote of the entire Board of the Authority at a meeting duly convened according to law and held on December 21, 2022, at which meeting a quorum was present; said Resolution was adopted by an aye or nay vote; said Resolution and the vote thereon showing how each member voted have been recorded in the minutes of said Board; and said Resolution remains in effect, unaltered and unamended as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and official seal of Capital Region Water, this 21st day of December 2022.




Secretary

Purpose:

By providing Ratepayers with a written billing and collections policy and subsequently implementing uniform and consistent practices, Capital Region Water intends to ensure prompt and efficient collection of payments and reduce current delinquencies to a reasonable and manageable level.

This Policy replaces and supersedes any prior policy on this subject.

Background:

Ratepayers are responsible for the rates, fees, and charges for various Services to a Property provided by Capital Region Water. Capital Region Water has no obligation to provide Service to a Ratepayer until all arrears for rates and other charges for Service have been paid or until satisfactory arrangements for payment of such unpaid bills have been made.

Definitions:

1. "Capital Region Water" means Capital Region Water, a Pennsylvania municipal authority.
2. "Customer Service Center" means 3003 North Front Street, Harrisburg, Pennsylvania 17110 or other authorized location.
3. "Owner" means any Person or entity having an interest, whether legal or equitable, sole or partial, in any Property.
4. "Delinquent Notice" means the formal communication delivered to a delinquent Ratepayer via U.S. Mail informing the Ratepayer that their account is overdue.
5. "Notice After Termination" means the formal communication provided to the Ratepayer or attached to a Ratepayer Property after termination of Service, which shall include the address and telephone number of Capital Region Water.
6. "Officer" means a person duly appointed by the Board of Directors serving in an official capacity to manage daily business and carry out policies on behalf of Capital Region Water.
7. "Owner" means any Person having an interest, whether legal or equitable, sole or partial, in any Property.
8. "Person" means an individual, partnership, corporation, company, firm, association, society, trust, governmental body or any agency, department or political subdivision thereof or any other group or entity.

9. "Property" means the property or area, including improvements thereto, to which service is provided and, as used herein, shall be taken to designate each of the following:
- A. A building under one roof owned or leased by one Ratepayer and occupied as one residence or one place of business; or
 - B. A group or combination of buildings owned by one Ratepayer, in one common enclosure, occupied by one family or one organization, corporation or firm as a residence or place of business or for manufacturing or industrial purposes, or as a hospital, church, public or private school or similar institution, except as otherwise noted herein; or
 - C. Each part of a house or building occupied by one Dwelling Unit; or
 - D. Each apartment, office or suite of offices, and/or place of business located in a building or group of buildings, even though such buildings in a group are interconnected by a tunnel or passageway, covered areaway, or patio or by some similar means or structure; or
 - E. A public building devoted entirely to public use, such as a town hall, schoolhouse, fire engine house; or
 - F. A single vacant lot or park or playground; or
 - G. Each Dwelling Unit; or
 - H. Each individual and separate place of business and/or occupancy located in one building or group of buildings commonly designated as shopping centers, strip malls and by such other terms; or
 - I. Each Dwelling Unit in a public housing development owned and operated by the United States of America, a municipal subdivision of the Commonwealth of Pennsylvania, or an agency or instrumentality of the United States or the Commonwealth of Pennsylvania; by a philanthropic foundation or organization or some such similar body or organization; or operated under private ownership; or
 - J. Each modular unit or mobile Dwelling Unit situated for steady occupancy, whether located on owned or leased land.
10. "Ratepayer" means a Person receiving Service(s) from Capital Region Water or otherwise connected to the Water and/or Wastewater and Stormwater System or is required to connect.
11. "Rate Schedule" means the entire body of effective rates and other charges, as adopted and published from time to time by Capital Region Water.

12. "Request for Water Service" shall mean the form required to gather the necessary information from a Requester in order to transform that Person's status to a Ratepayer receiving Water Service and bill said Ratepayer for Water Service provided by Capital Region Water.
13. "Service" or "Services" means the provision of public drinking water, wastewater, and/or stormwater management.
14. "Tenant" means a Person who takes delivery of the Services rendered to a Property pursuant to a rental arrangement for such Property, but who is not the Owner.
15. "Termination Notice" means a written statement which includes any or all of the following information:
 - A. The reason for the proposed termination;
 - B. An itemized statement of all amounts currently due, including any required deposit;
 - C. A statement that a service restoration fee will be required to restore service after it has been terminated;
 - D. The date on or after which service will be terminated unless payment in full is received or a payment agreement is executed;
 - E. A statement that the Ratepayer should immediately contact Capital Region Water to attempt to resolve the matter, including Capital Region Water's address and telephone number;
 - F. A serious illness notice;
 - G. Information indicating that special rights are available for tenants if the landlord is responsible for paying the bill;
 - H. Information indicating that all adult occupants of the Property whose names appear on the mortgage, deed or lease are responsible for payment of the bill; and
 - I. Information in Spanish directing Spanish-speakers to the number to call for information and translation assistance.
16. "Third Party Designee" means the consenting adult individual or agency designated by a Ratepayer, which shall receive notification, by letter, of any reminder notice, past due notice, delinquent account notice or termination notice which has been sent to the Ratepayer. If such designated third-party contacts Capital Region Water, Capital Region Water will advise the third party of the pending action and the efforts which the Ratepayer must take to avoid termination of service.

Policy Statement:

Collections on accounts will be pursued consistently, regardless of: race, gender, language, age, religion, employment, education, relationship, community standing, and any other discriminatory differentiating factor. Neither Board member nor staff member may attempt to unduly influence the consistent collection of accounts.

Reasonable collection efforts will be made to collect payment on all accounts. Reasonable collection efforts may include all current and future invoicing/billing, letters, notices, telephone calls, electronic communications, payment agreements, service termination, fees and penalties, municipal liens, legal action, and other methods of collections that Capital Region Water deems reasonable.

1.0 Billing; Notice to Ratepayers

1.1. Initial Bill & Late Penalty

To avoid penalties and service interruptions, accounts must be paid in full upon receipt of the bill or an approved payment arrangement must be established.

Capital Region Water shall mail or deliver the bills and notices to the Ratepayer at his/her address given in the Request for Water Service unless the Ratepayer notifies Capital Region Water of a change in address. Failure to receive a bill shall not entitle a Ratepayer to an extension of time for payment. All bills shall be due and payable within the billing due date appearing on the bill. The Ratepayer has the duty to notify Capital Region Water if he/she has not received a bill.

All bills for Services shall be issued to each Ratepayer by Capital Region Water and will be based on the published Rate Schedule of Capital Region Water. All bills shall inform Ratepayers of the amount due, the issue date, the due date, forms and methods of payment permitted, and that a penalty of ten percent (10%) will be assessed on the current billed amount not paid by the due date.

1.2. Delinquent Notice

For each bill that is not paid in full by its due date, Capital Region Water shall issue a Delinquent Notice, which shall be delivered to each delinquent Ratepayer via regular U.S. mail. The Delinquent Notice shall inform the Ratepayer that their account is overdue and that a penalty of ten percent (10%) of the current outstanding billed amount has been assessed.

1.3. Termination Notice

When payment in full is not received within ten (10) days after the date of the Delinquent Notice, Capital Region Water shall advise the Ratepayer that the Property is subject to termination of Service after an additional ten (10) days if full payment is still not received. Capital Region Water will leave a Termination Notice either with the Ratepayer or post it on the Ratepayer's Property if full payment is not received by that time. A service termination notice fee will be assessed at the time a Termination Notice is created due to a lack of payment in full. A copy of the Termination Notice will be sent to the Ratepayer and/or the person whom the Ratepayer has named as a Third-Party Designee (if any).

1.4. Termination and Notice After Termination

When full payment is not received within ten (10) days after the date on the Termination Notice, Capital Region Water shall terminate Water Service at any time thereafter, and leave a Notice After Termination with the Ratepayer, or attached to the Ratepayer's Property.

- A. If Service is terminated due to delinquency of the bill or any other payment due to Capital Region Water under its Rules and Regulations, Service shall not be restored until the Ratepayer has made acceptable arrangements with Capital Region Water to pay all outstanding balances, inclusive of late fees, interest, service restoration, unpaid liens, and all stormwater, wastewater, and drinking water charges, all in accordance with the most current Rate Schedule and of all other costs and expenses incurred by Capital Region Water related to collection of such delinquent bill.
- B. Termination of Service shall be in accordance with the Termination of Service provisions of Capital Region Water's Rules and Regulations.
- C. After termination of service, a designated Capital Region Water employee shall update the termination list to ensure that the Bureau of Codes Enforcement, Bureau of Police and Bureau of Fire are notified of such termination of water service.

1.5. Termination of a Tenant's Service for Nonpayment by a Property Owner

When a determination has been made that Service shall be terminated for nonpayment of an amount due by an owner of Property occupied by a Tenant, Capital Region Water must follow the procedures set forth in the Utility Service Tenants Rights Act (Act 299 of 1978). Generally, service to a Property cannot be terminated without a 30-day written notice to Tenants giving them the opportunity to assume utilities. A copy of the Utility Tenants Rights Act is available from Capital Region Water upon request.

1.6. Emergency Medical Conditions

- A. Capital Region Water may not terminate or refuse to restore service to an affected Property when an occupant therein is certified by a licensed physician, physician's assistant or nurse practitioner to be seriously ill or affected with a medical condition which will be aggravated by a cessation of service or by a failure to restore service.
- B. The Ratepayer may verbally communicate to Capital Region Water the existence of an emergency medical condition affecting an occupant of the Property. Upon such verbal communication, the subsequent Termination Notice shall not be delivered for a period of ten (10) days, during which the Ratepayer shall furnish a written physician's certification.
- C. Ratepayer shall provide to Capital Region Water a written certification of the emergency medical condition affecting an occupant of the Property, which certification shall be endorsed by the licensed physician, physician's assistant, or nurse practitioner treating the afflicted person.

All written physician certifications must include:

- i. The name and address of the Ratepayer for account purposes;
 - ii. The name and address of the afflicted person and relationship to the Ratepayer;
 - iii. The nature and anticipated length of the affliction;
 - iv. The specific reason for which the Service is required; and
 - v. The name, office address, and telephone number of the certifying physician, physician's assistant, or nurse practitioner.
- D. Service will not be terminated, and notices of termination will not be sent for the time period specified in the physician's certification, provided that the maximum length of the certification does not exceed 30 days. If no time period is specified or if the time period is not readily ascertainable, Service will not be terminated for a period of 30 days.
- E. When Service is to be restored pursuant to a certified emergency medical condition, Capital Region Water will make a diligent effort to restore Service on the day the physician's certification is received. In any case, Service will be restored no later than the end of the next working day. Ratepayer is responsible for any additional incurred

cost, including but not limited to a service restoration fee or fee for requested restoration outside of normal business hours.

- F. Whenever Service is restored, or a termination postponed pursuant to a certified medical emergency condition, the Ratepayer remains liable for and has a duty to arrange to make payment on delinquent account charges.
- G. If the account is still delinquent when the physician's certification has expired, and no arrangement for payment has been recorded, Capital Region Water shall reinstate water termination procedures.

1.7. Bad Checks

Checks made payable to Capital Region Water that are returned due to insufficient funds will be assessed a returned check fee, in accordance with the latest Rate Schedule, and will be added to the outstanding account balance for the Property.

1.8. Payment Agreements

Capital Region Water encourages Ratepayers to make a timely request for a payment agreement in order to avoid penalties or service termination. A Ratepayer may petition Capital Region Water for a payment agreement to allow the Ratepayer to make systematic, scheduled partial payments on the entire balance of the account in amounts and on a payment schedule agreed to by the Ratepayer and Capital Region Water based on the prior activity of the account. A down payment subject to affordability is required to establish a payment agreement.

If a Ratepayer has not made payments on the account during the previous year in a timely manner and petitions for a payment agreement, such payment agreement may be denied. If a Ratepayer fails to abide by the terms of a previous payment agreement at any time within the past two years, a petition for another payment agreement may be denied. Any agreement entered into with the Ratepayer shall be reasonable, as determined by Capital Region Water, for the purpose of assuring that the best interests of Capital Region Water are served.

Payment agreements shall be recorded in the Ratepayer's file. All payment arrangements must include keeping accounts current and paying subsequent bills that arise during the payment agreement period in a timely manner. Failure to meet any term of the payment agreement shall give Capital Region Water the right to immediately continue the collection process without future notice. Making a partial payment alone without the express written consent of Capital Region Water does not constitute a payment agreement, even if Capital

Region Water accepts a partial payment. Payment agreements are granted at the discretion of Capital Region Water. Specific circumstances may warrant alternative arrangement.

i. Payment Schedule

1. If the delinquent balance is between \$200.00 and \$500.00, the payment agreement shall not exceed 6 months.
2. If the delinquent balance is \$500.01 to \$1,000.00, the payment agreement shall not exceed 12 months.
3. If the delinquent balance is \$1,000.01 to \$2,500.00, the payment agreement shall not exceed 18 months.
4. If the delinquent balance is greater than \$2,500.00, Capital Region Water will assess each account on a case-by-case basis to determine if a payment agreement will be authorized and the length of time that will be allowed to repay the delinquent balance.

Notwithstanding the foregoing, Capital Region Water will attempt to work with Ratepayers to ensure payment schedules are affordable. A Ratepayer may only have one payment agreement active at any given time.

1.9. Disputing Bills

If a Ratepayer believes a bill to be in error and wishes to dispute the bill, the Ratepayer shall present the written claim by mail or in person at the Capital Region Water Customer Service Center within ten (10) business days of the issuance of the bill. Capital Region Water shall render a decision as to whether the bill is correct or whether an adjustment is necessary.

The request must specify the nature of your dispute and include documentation to substantiate the challenge that charges were assessed in error. The request must be signed and include a statement that the request is not for purpose of delay.

1.10. Responsibility of Ratepayer

Capital Region Water may charge and collect a service restoration fee, per the Rate Schedule and Capital Region Water's Rules & Regulations, prior to the restoration of Service to an affected Property. The restoration fee may be included as part of any payment agreement.

Each Ratepayer shall pay for Services furnished to his/her Properties until written notice has been given to Capital Region Water and opportunity has been provided to take final meter

readings and attend to other details in connection with discontinue of Service. When Service is discontinued at any Ratepayer's Properties, a bill for Service will be rendered and shall be payable up to and including the due date indicated on the bill.

Where the Ratepayer desires to discontinue Service without having the Service Line disconnected from the Distribution Main, the Ratepayer shall remain liable for the ready-to-serve charge. Where the Ratepayer desires to discontinue Service and will no longer be the Owner of the Property after such discontinuance, or if the Ratepayer arranges with Capital Region Water to disconnect the Service Line from the Distribution Main, the Ratepayer will no longer remain liable for the ready-to-serve charge after such transfer of ownership or such disconnection.

1.11. Allocation of Payments

Capital Region Water reserves the right to allocate payment among penalties and each of the Services Capital Region Water provides to the Property as Capital Region Water sees fit in its sole discretion.

2.0 Civil Actions and Liens

2.1. Notice of Intent to Lien

A. General

- i. Delinquent bills may be collected by filing liens pursuant to the Municipal Liens and Tax Claims Act, 53 P.S. § 7101, *et seq.* (the "Municipal Claims Act").
- ii. The Municipal Claims Act provides that a municipal claim, including a claim for unpaid sewer and water charges, may become a lien against the Property to which Service was rendered from the date of assessment. A lien claim must be filed with the Prothonotary and is public record.
- iii. After a lien has been filed against the Property, that Property cannot thereafter be transferred to a third party free of the lien of the municipal claim unless the lien is paid in full, except as may be permitted by law.
- iv. If a title company or prospective buyer of a Property inquires with Capital Region Water as to the amount of any unpaid account balance, the amount identified should include the amount of any liens filed and interest accumulated against the Property.

- v. Many times, properties will be transferred and bills, even though lien against the Property, will not be paid. Unless Property is acquired free and clear of all liens through a Judicial/Repository Sale, any and all liens recorded in the Prothonotary's office will transfer to the new Owner. Therefore, it is the responsibility of the buyer to have a title search done before purchasing Property. Furthermore, any delinquencies associated with the account that are not included in a lien will also transfer to the new Owner (unless purchased free and clear).
- vi. The Municipal Claims Act requires that lien claims for all unpaid bills be filed with the Prothonotary within three (3) years of the date of the initial unpaid bill. If greater than three (3) years has elapsed, Capital Region Water staff and/or Officers and General Counsel will determine on a case-by-case basis whether a lien can still be filed.

B. When to File

At the sole discretion of Capital Region Water, liens may be filed in lieu of, or in conjunction with the retaining of a third-party collection agency to pursue past due balances. In general, Termination of Service procedures would have been completed for Properties with which liens have been filed. Service will not be restored, nor will a lien be removed, until payment in full has been arranged.

C. Enforcement of Liens

At the request of Capital Region Water, the General Counsel shall institute proceedings to enforce municipal liens in accordance with the enforcement provisions of the Municipal Claims Act. Furthermore, a writ of scire facias may be issued under the Municipal Claims Act, to enforce the lien by sale of the Property.

D. Satisfaction of Liens

- i. Capital Region Water shall prepare a list of all lien properties whose accounts have been paid in full. Capital Region Water staff or Officers shall promptly file with the Prothonotary a satisfaction of liens with respect to all properties on such list.
- ii. At the request of a Ratepayer, Capital Region Water may request a satisfaction of liens with respect to a particular Property provided that (i) all delinquent charges have been paid in full; and (ii) the Ratepayer shall pay for all recording costs.
- iii. Liens may be satisfied and past due accounts negotiated by the Capital Region Water Chief Executive Officer or Chief Financial Officer in instances where:

- The property is part of a drug forfeiture to Federal, State, or local authorities, in which proceeds from the sale of the property will be used to combat drug trafficking , or
- The property is to purchased by a non-profit organization to create affordable housing within our service area.

2.2. Foreclosure / Sheriff Sale

Capital Region Water has the option to proceed with foreclosure if all other efforts have not resulted in payment in full of the delinquent account.

A. Initiated by Capital Region Water

Capital Region Water shall review and will provide the General Counsel with properties for Sheriff Sale. Any and all costs relating to the Sheriff Sale will be added to the Ratepayer's account including, but not limited to, court costs and attorney's fees including the filing fee to the Sheriff's Office. A Property purchased at Sheriff Sale remains subject to any and all liens and encumbrances.

Sheriff Sales may be stopped by the following:

- i. the writ being stayed, (i.e., all proceedings involving the sale are stopped by the attorney for the Plaintiff);
- ii. a court order; or
- iii. an active bankruptcy.

B. Initiated by Other Party

Capital Region Water shall print and review Sheriff Sale Lists from the Sheriff's web site for properties with a delinquent balance. Capital Region Water shall create a list including the sale number, account number, Ratepayer's name, Property address, tax parcel number, and amount due pro-rated to the date of sale. The list shall be submitted to the Sheriff's Office at least one (1) week before the date of the sale.

After the Sheriff Sale, Capital Region Water shall check the web site for the results of the sale and make changes to accounts as appropriate.

2.3. Filing of Civil Complaint with District Justice

Capital Region Water may provide a list of accounts recommended for filing a civil complaint to its General Counsel prior to filing. The Ratepayer will be responsible for all court costs, attorney's fees, and other fees incurred as a result of filing a civil complaint including, but not limited to, filing costs, postage, service costs, constable costs, appearance fees, etc.

- A. A judgment will be sought in the Magisterial District Court for accounts under \$12,000. Once the judgment is filed, personal Property of the Ratepayer may be seized if Ratepayer refuses to pay.
- B. Upon 30 days of default in payments under the judgment, if there is no personal Property, or at the directive of the General Counsel, the judgment may be certified and filed with the Prothonotary's office. This action places the judgment with the Court of Common Pleas and becomes public information. At this point, bank accounts may be garnished.

A judgment will be obtained at the Common Pleas Court for accounts over \$12,000.

3.0 Bankruptcy Matters

Upon receipt of a notice that a Ratepayer has filed for bankruptcy, Capital Region Water shall immediately cease all efforts to collect any unpaid account balance incurred prior to the Ratepayer filing for bankruptcy. Capital Region Water will be responsible for creating pre- and post-bankruptcy accounts. Capital Region Water shall file Proofs of Claim for any Ratepayer with a balance on the pre-bankruptcy account and handle all bankruptcy related matters.

4.0 Uncollectible Debt

In the event reasonable collection efforts have been exhausted and do not result in collection of all or a portion of the delinquent amount, delinquent accounts may be deemed uncollectible. The Officers are authorized to exercise their sound business judgement to determine that there is little likelihood of recovery of the delinquent amount. Ratepayers with delinquent accounts that have been deemed uncollectible, are ineligible to receive Service until the delinquent amount is paid in full.

5.0 Miscellaneous Items

6.1. Effective Date; Implementation

This Policy shall become effective per the approval of Capital Region Water. Capital Region Water personnel shall come into full compliance with the Policy within six (6) weeks of the effective date.

6.2. Noncompliance with Policy; No Private Right of Action

The failure of any Capital Region Water employee to comply with any provisions of the Policy shall not create any private right of action in favor of any Ratepayer; provided, however, that any such failure may be raised as an affirmative defense to any enforcement action taken by Capital Region Water.

6.3. Amendments to Policy

This Policy may only be amended in writing. Any amendments shall not become effective until duly adopted by Capital Region Water at a regularly scheduled meeting.