

SUSQUEHANNA TOWNSHIP AUTHORITY

**RESOLUTION AMENDING THOSE CERTAIN TERMS AND CONDITIONS FOR THE
ISSUANCE OF SEWER CONNECTION PERMITS FOR CERTAIN PORTIONS OF THE
ASYLUM RUN BASIN AND THE ENTIRE PAXTON CREEK BASIN IN RESPONSE TO
REVISED CONNECTION ALLOCATIONS AND LIMITATIONS IMPOSED BY THE
DEPARTMENT OF ENVIRONMENTAL PROTECTION, COMMONWEALTH OF
PENNSYLVANIA**

WHEREAS, Susquehanna Township Authority (hereinafter, "Authority") has in existence certain Rules, Rates and Regulations for the operation and maintenance of the sewer system of Susquehanna Township by Authority, which Rules, Rates and Regulations duly adopted by the Authority and amended from time to time to specifically provide for a procedure for the issuance of tapping/connection permits (hereinafter, "Permits") for connection with Susquehanna Township Authority's sewer transmission system and the time period in which Permits can be used; and

WHEREAS, the Department of Environmental Protection, Commonwealth of Pennsylvania (hereinafter, "DEP"), has advised Authority that it believes there may exist hydraulic overloading conditions in certain existing portions of Authority's sewer collection system in Susquehanna Township, to specifically include the area known as the Asylum Run Basin and Paxton Creek Basin during periods of wet weather events and has, pursuant to the legal authority contained in 25 Pa. Code, Chapter 94, "Municipal Wasteload Management", required the Authority to submit certain plans and schedules to reduce said overload; and

WHEREAS, Susquehanna Township Authority in 2013 was advised of limitations or a limited moratorium by DEP with regard to the issuance of sewer connection permits to certain portions of the Asylum Run Basin and the entire Paxton Creek Basin in Susquehanna Township and, in response thereto, pending adoption of and entering into a corrective action plan with DEP, the Authority did amend any and all previous Rules, Rates and Regulations relative to the issuance of sewer permits at the time in the areas so affected by the then limited moratorium which limited and permitted issuance of no more than twenty (20) sewer connections per month for the three month period commencing March 1, 2013 for connections in the Paxton Creek Basin and no connections permitted in the Asylum Run Basin; and

WHEREAS, DEP then revised the limitations or limited moratorium with regard to the Paxton Creek Basin and a portion of the Asylum Run Basin reducing the sewer connections in the Paxton Creek Basin to fourteen (14) connections per month and up to six (6) connections per year in the Asylum Run Basin; and

WHEREAS, DEP as of January 9, 2017, has approved a total annual allotment of connections in the entire Paxton Creek Basin and Asylum Run Basin for which the Authority is responsible for allocating in accordance with the connection restriction plan, and, the Authority has been advised by DEP that connections in excess of the annual allotment shall not be awarded further for any specific commercial development outside of and not utilizing said annual allotment to the Authority. The Authority accordingly adopts the following terms and conditions with regard to issuance of sewer connection permits in such areas pending said further action and agreement of DEP and the Authority; and

WHEREAS, the Authority affirms the terms and conditions with regard to the issuance of sewer connection permits in such areas pending further action and agreement with DEP and the Authority as set forth in Resolution Nos. 2013-01 and 2013-04 with said revised limitations as hereinafter set forth.

A. Paxton Creek Basin and Asylum Run Basin

1. The Authority shall allocate and issue permits on a first come, first serve basis, or, in the sequence of receipt of a fully completed application and fee accompanied by written evidence of receipt of all other required governmental approvals until all available permits for that monthly period have been issued. In no event in any one (1) month may an applicant or affiliated entity of an applicant apply and/or receive more than eight (8) DEP connection permits for residential development. If there are no other residential connection permit applicants at the end of a monthly period, the Authority Board in its sole discretion may award additional permits. In no event in any one (1) month may an applicant or affiliated entity of an applicant apply and/or receive more than eight (8) DEP connection permits for a commercial development. If there are no other commercial development connection permit applicants at the end of a monthly period, the Authority Board in its sole discretion may award additional commercial development permits.
2. It is noted in the case of a development for which the use is commercial in nature, a permit may be issued only upon additional submission of fully executed agreement of sale and filing an acceptance of a land development plan with the Susquehanna Township.
3. The Authority Board shall allocate the total allotment of DEP connections awarded annually by DEP in anticipation of an upcoming year between residential and commercial development as the Authority Board may deem appropriate. The allocation by the Authority Board shall take place within thirty (30) days after notice of DEP's awarded allotment is received by the Authority, or the first regularly scheduled Authority Board meeting in January annually, whichever shall last occur.
4. If in any monthly period if there are more applicants than permits available, a listing shall be created and those applicants not receiving permits in any monthly period shall be placed on the list for the next monthly period and receive permits requested as herein limited prior to any other party receiving permits hereunder in a previous monthly period.
5. It shall be a condition of any residential permit issued pursuant to this resolution, that the applicant must commence construction within 120 days of issuance of the last DEP connection permit issued by the Authority. For commercial developments, the applicant must commence construction within 120 days from the last DEP connection permit issued by the Authority which completes the total connections required for an approved planning module. The Authority Board may at any time reallocate between residential and commercial development any remaining and available DEP connections as well as reduce the maximum number of DEP connection permits to be received by an applicant or affiliate of an applicant in any one month.

If the permittee does not commence construction within said period, the permit shall lapse and be returned to the Authority for issuance to another applicant, other than the permittee, unless no other applications are in file in which case said permit may be reissued to the permittee. For the purposes of this condition, a permit shall be considered "issued" on the earlier date on which date the permittee receives the permit from the Authority or two (2) business days following the date the Authority notifies the permittee by certified mail, return receipt requested, that the permit is ready to be picked up. A failure for whatever reason to strictly adhere to this condition of permit issuance will result, in the Authority's sole discretion, a forfeiture of up to one-half of the permit fee. The applicant shall furthermore, as a condition of the issuance of the permit, notify and confirm to the Authority on or before the running of the 120-day period of adherence in

compliance with this Resolution regarding commencement of construction which commencement shall be of a material nature and not nominal or insignificant notice and thereafter continuously proceed.

- B. In the event Authority would be required to expend any administrative, engineering and/or legal expenses and costs in obtaining compliance with this Resolution, the applicant/owner shall be obligated to timely reimburse Authority for all such reasonable expenses incurred.
- C. At such time that the limited nature of Permits available by reason of DEP's supervision is modified in a material manner at any time in the future, the Authority staff shall promptly notify the Board, who shall then timely consider further procedures to implement such modifications by DEP to address any and all future needs of property owners who may wish to further develop their property and, therefore, contribute to the sanitary wastewater flow into the Asylum Run Basin.
- D. In the event any provisions, sections, sentence, clause or other part of this Resolution shall be held to be invalid, such invalidity shall not effect or impair any remaining provision, section, sentence, clause or other parts of this Resolution, it being the intent of the Authority that the remainder of the Resolution shall be and shall remain in full force and effect.
- E. The introductory paragraphs shall become a part of this Resolution where not inconsistent herewith.
- F. All past Resolutions or parts thereof inconsistent with this Resolution are repealed.
- G. This amendment to the Authority's Rules, Rates and Regulations shall be effective immediately.
- H. The Authority staff shall take such reasonable and necessary actions to communicate the contents of this Resolution to any known applicants and take all reasonable and necessary actions to implement said Resolution.

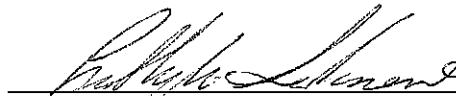
March, 20 17. **RESOLVED AND ENACTED** by the Susquehanna Township Authority this 7 day of _

ATTEST:



Yves E. Pollart, P.E.
Secretary

SUSQUEHANNA TOWNSHIP AUTHORITY



Anthony W. Salomone
Chairman

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