

SUSQUEHANNA TOWNSHIP AUTHORITY

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

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**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**, Authority has further recently been advised of a limitation or limited moratorium by the Commonwealth of Pennsylvania, Department of Environmental Protection ("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 Second corrective action plan with the DEP, the Authority does amend any and all previous Rules, Rates and Regulations relative to the issuance of sewer permits in the areas so affected by the limited moratorium which limits and permits issuance of no more than twenty (20) sewer connections per month for the next three month period commencing March 1<sup>st</sup> for connections in the Paxton Creek Basin and presently no connections permitted in the Asylum Run Basin. The Authority accordingly adopts the following terms and conditions with regard to issuance of the sewer connection permits in such areas pending said further action and agreement of DEP and the Authority; and

**WHEREAS**, in order to, therefore, address the directive of DEP and respond to development activity involving properties which would transmit sewage into the Asylum Run Basin and Paxton Creek Basin, the Board of the Authority does amend its Rules, Rates and Regulations but only with regard to Permits in the areas of portions of the Asylum Run Basin and the entire Paxton Creek Basin and also pending further agreement of Authority and DEP, as follows:

**A. Paxton Creek 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 month may an applicant or affiliated entity of an applicant apply and/or receive more than four (4)

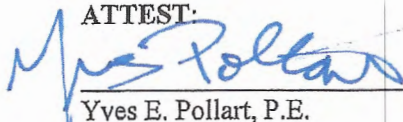
connection permits unless there are no other connection permit applicants at the end of said monthly period.

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. Upon request of the applicant, Authority shall cooperate and participate with communication and meetings with DEP to determine whether permits can be issued for such specific commercial development outside of and thereby not utilizing, the monthly limitation.
  3. 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.
  4. It shall be a condition of any permit issued pursuant to this resolution, that the applicant must commence construction within 120 days of issuance of a permit. If the permittee does not commence construction within said period, the permit shall lapse and be returned to the Authority for a 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.

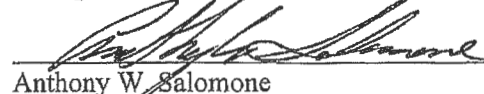
- G. This amendment to the Authority's Rules, Rates and Regulations shall be effective immediately.
- H. The Authority staff shall take such reasonable and necessary actions to communicate the contents of this Resolution to any known applicants and take all reasonable and necessary actions to implement said Resolution.

**RESOLVED AND ENACTED** by the Susquehanna Township Authority this 5<sup>th</sup> day of March, 2013.

ATTEST:

  
Yves E. Pollart, P.E.  
Secretary

SUSQUEHANNA TOWNSHIP AUTHORITY

  
Anthony W. Salomone  
Chairman

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