

AMENDED AND RESTATED RULES AND REGULATIONS

CONCERNING EXTENSION OF, CONNECTIONS TO

AND USE OF SANITARY SEWER SYSTEM

OF THE MOUNT JOY BOROUGH AUTHORITY

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## **ARTICLE I. DEFINITIONS**

The following definitions are applicable throughout these Rules and Regulations:

Act: The Municipality Authorities Act, 53 Pa.C.S. Ch. 56 as amended from time to time.

Additional Space: Any renovations, structural alterations or construction to Improved Property which increases the number of square feet available for use on such Improved Property or which increases the number of EDU's discharged to the Sewer System from such Improved Property.

Authority: Mount Joy Borough Authority.

Authority Engineer: An engineer retained or employed by the Authority, including any authorized member of the staff of such engineer.

Building Sewer: Shall mean that part of the main building or house drain or Sewer line inside the walls of the building and extending through the wall to the Service Line or House Connection.

Commercial Establishment: Any enterprise using Sewer service, including a School, and not included in the terms "Dwelling Unit" or "Industrial Establishment".

Connection: The jointure, or the process of making the jointure, of the Service Line with the Lateral Sewer.

Connection Fee: A single charge levied against the property Owner for each physical or actual Connection of a Service Line to the Lateral Sewer which charge is related to the actual cost of making such Connection.

DEP: Commonwealth of Pennsylvania, Department of Environmental Protection.

Dwelling Unit: A premises intended to be occupied as a home by a single family and having separate kitchen and toilet facilities. In apartment houses and multiple family residences, each apartment or unit therein shall be considered a Dwelling Unit and will be separately charged in accordance with the rates hereinafter set forth.

Equivalent Dwelling Unit: ("EDU") means one Equivalent Dwelling Unit and shall be equal to 235 gallons of Sewage discharge per day, which gallons of Sewage discharge per day figure may be adjusted and reset from time to time by the Authority Board by action at a public meeting. Each Dwelling Unit shall be treated as an EDU.

Extendor: Any Person who desires to extend the Sewer System.

Improved Property: Any property upon which there is erected any structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.

Industrial Establishment: Any premises used for manufacturing, fabricating, processing and assembling any product, commodity or article.

Industrial Waste: Any liquid, gaseous or solid substance or form of energy ejected or escaping or resulting from any manufacturing or industrial processes.

Lateral Sewer or Service Connection: That part of the Sewer System extending from a Sewer (i) to a point up to five (5) feet behind the curb line or, (ii) if there shall be no curb line, to a point up to five (5) feet beyond the edge of the Street abutting the property affected or, (iii) if no curb or street, to the edge of the right-of-way.

Industrial Waste Resolution: Shall mean the then current version of those Resolutions adopted by the Authority Board from time to time regulating the discharge of Industrial Waste into the Sewer System.

Mixed-Use Connection: Any Connection where a single Service Line provides service to at least one Dwelling Unit as well as at least one Commercial Establishment.

Municipalities: The Borough of Mount Joy and the Townships of East Donegal, Mount Joy and Rapho and any other political subdivisions which may from time to time enter into any Sewer Service Agreement with the Authority, and "Municipality" shall mean any of the Municipalities.

Owner: Any Person vested with ownership, legal or equitable, sole or partial, of any property situated in the service area of the Authority.

Person: Any individual, partnership, company, association, society, corporation or other group.

Plumbing Fixture: Any receptacle intended to receive and discharge any liquid, water, or water carried waste into a Service Line.

Sanitary Facilities: Toilets, sinks and other plumbing fixtures and related piping intended to receive and discharge Sanitary Sewage into a Service Line.

Sanitary Sewage: The normal water carried household and toilet waste from any Improved Property, excluding, however, the effluent from septic tanks or cesspools, rain, storm and ground water, as well as roof or surface water, drainage or percolating or seeping waters, or accumulation thereof, whether underground or in cellars or basements.

Sanitary Sewer: A Sewer which is part of the Sewer System and which carries Sanitary Sewage and/or Industrial Waste permitted to be discharged into the Sewer System.

School: Means any premises used as a school.

Service Area: That geographic area served by the Authority within the boundaries of the Municipalities.

Service Connection: That portion of, or place in, a Sanitary Sewer where the Lateral Sewer connects to the Service Line.

Service Line: That part of the main house drain or sewer line extending from the outer building wall or foundation wall to its Connection with the Lateral Sewer or Service Connection.

Sewage: Means household waste, liquids, human or animal excretion and all substances commonly known as Sewage, but shall not include roof or surface or subsurface waters, exhaust steam, oils, tar, grease, gasoline, benzine or other combustible gases and liquids, and offal or insoluble solids, Industrial Waste or substances which would impair, impede, affect, interfere with or endanger the Sewer System or any part thereof in any manner whatsoever, or the functioning of the process of Sewage treatment.

Sewer: Any pipe or conduit constituting a part of the Sewer System and used or usable for Sewage collection or transportation purposes.

Sewer System: Sewer mains, Lateral Sewers from a sewer main to Service Line, sewage pumping stations, sewer force mains, and all appurtenant facilities operated by the Authority in furnishing sewage service.

Sewage Treatment Plant: Devices and/or structures or facilities owned by the Authority for the treatment and disposal of Sanitary Sewage and Industrial Waste.

Storm Sewer or Storm Drain: A pipe or conduit which carries storm, surface water, drainage and certain industrial water discharges, such as cooling and air-conditioning waters.

Street: A public way including any highway, Street, road, lane, court, public square, alley or other passageway.

Tapping Fees: A charge levied against the Owner of each Improved Property connecting to the Sewer System, computed on an Equivalent Dwelling Unit (EDU) basis which is authorized by the Act as amended from time to time.

Technical Specifications: Means the Technical Specifications For Construction Of Sewer Mains And Appurtenances To Be Connected To The Public Sewer System as adopted from time to time by the Authority. The Technical Specifications are a part of the Authority's Rules and Regulations and are incorporated herein by reference.

Water Supplier: The public agency or private company furnishing water service to the property connected to the Sewer System.

**ARTICLE II.**  
**ADMINISTRATIVE RULES AND REGULATIONS**

**SECTION 1.   Conditions of Service**

A.     No Connection, through which Sanitary Sewage or Industrial Waste does or may enter the Sewer System, shall be constructed, altered, repaired, or allowed to exist, which does not comply with these Rules and Regulations, the Authority's then current Industrial Waste Resolution and the Authority's then current Rules and Regulations regarding Industrial Waste which are incorporated by reference herein.

**SECTION 2.   Request for Service, Issuance of Permit and Connection**

A.     General Conditions. In addition to those requirements as may be set forth in the Technical Specifications:

(1)     No Person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any Sewer without first making application for and obtaining a permit, in writing, from the Authority. Application to the Authority for a permit required hereunder shall be made by the Owner of the Improved Property to be served, in such form as may be prescribed by the Authority. The application shall be accompanied by such Tapping Fee and Connection Fee as may be required by the Authority from time to time.

(2)     The application and its acceptance by the Authority shall constitute, from the date of acceptance by the Authority, a contract obligating the applicant to pay rates and charges as established by the Authority from time to time and to comply with the Rules and Regulations which shall be established from time to time.

(3)     Sewer service shall be furnished only after:

(a)     The Owner of the Improved Property to be served shall have installed, at his own cost and expense, the Service Line and Lateral Sewer in accordance with the Rules and Regulations; and

(b)     The Authority has tapped the Sewer or required the Owner/Developer to hire a contractor to perform this work at the Owner's expense. Once the Sewer is tapped, the Authority or the Authority's engineer shall inspect said Service Line and Lateral Sewer and approve such facilities as complying with the Rules and Regulations.

(4)     Whenever Improved Property which is connected to the Sewer System is vacated, the Owner shall give prompt notice to the Authority.

(5)     Whenever Improved Property which is connected to the Sewer System is sold, or otherwise conveyed, the purchasers and/or the seller shall promptly notify the Authority of such sale or conveyance.

B. Connection Fee. There is hereby imposed and fixed upon the Owner of each Improved Property making a Connection to the Sewer System a Connection Fee in an amount equal to the actual costs incurred by the Authority in respect of each Connection to the Sewer System.

Where the Authority constructs and installs a Lateral Sewer or taps the Sewer main and installs fittings for a Service Connection, such cost shall include actual labor costs at the Authority's then current rates plus an overhead percentage to cover employee benefits, the cost of all materials used to construct the Connection and the reasonable rental value of all equipment used by the Authority for such Connection.

Where the Owner (or his predecessor) of the property connecting to the Sewer System shall have constructed, at his own expense a Lateral Sewer, the Connection Fee shall be equal to the Authority's actual labor costs at the then current rates (plus overhead percentage for employee benefits) to make inspections of such Connection to determine that such Connection is made in accordance with the Authority's then current Rules and Regulations.

The Authority shall publish, on at least an annual basis, a schedule of its then current rates for labor and equipment. The schedule of rates and charges will be available for inspection by the public during the Authority's regular business hours.

C. When Payable. At the time a property Owner makes an application for a permit to connect to the Sewer System pursuant to the Authority's then current Rules and Regulations, the Authority shall estimate the Connection Fee to be payable with respect to such Connection. The estimated Connection Fee shall be payable at the time application is made for a Connection permit. The estimated amount held by the Authority shall be applied to the Authority's actual costs for making such Connection. After the Connection is completed, if the combined amount of estimated Connection Fee was in excess of the actual costs of such Connection, the Authority shall refund the excess to the property Owner within thirty (30) days following the completion of the Connection. If the combined estimated Connection Fee is less than the Authority's actual costs for making such Connection, the Authority shall bill the property Owner for the additional costs which bill shall be payable within thirty (30) days of the date of said bill.

D. Tapping Fee. There is hereby fixed and imposed upon the Owner of each Improved Property making Connection to the Sewer System, a Tapping Fee in the amount set forth on the Authority's Schedule of Rates and Charges in respect of each EDU or estimated EDU of Sewage to be discharged into the Sewer System from such property. The Tapping Fee may consist of a capacity component, a collection component, a special purposes or special facilities component and reimbursement component, each in the amount set forth on the Authority's Schedule of Tapping Fees. The capacity component, collection component and special purposes component have been calculated by the Authority's Engineers based on the requirements of the Act. The Authority's Engineers' calculation of the Tapping Fee is available for inspection by the public during the Authority's regular business hours and is incorporated by reference herein. The reimbursement component Tapping Fees have been calculated in accordance with applicable agreements between the Authority and certain developers to whom such reimbursement is owed.



E. When Payable. Tapping Fees imposed under Section F hereof, shall be paid to the Authority at the time a Owner of Improved Property makes an application for a permit to connect to the Sewer System pursuant to the Authority's then current Rules and Regulations. In the event that an Owner is required to connect to the Sewer System fails to do so within the time allowed for such Connection by the Authority's then current Rules and Regulations, the Tapping Fee due hereunder shall be due and payable on the day next following the last permissible day for such construction. In such event, a separate bill for the Tapping Fee will be mailed to the property Owner by the Authority. Upon payment of the Tapping Fee, the Authority will issue a connection permit specifying the amount of Tapping Fee paid and the amount of capacity allocated to the property.

Where an Owner fails to pay a Tapping Fee when due and owing, such Tapping Fee shall constitute a lien against the Improved Property and the Authority may file a municipal lien against such Improved Property and may take all other actions allowed by law or in equity to secure and enforce payment of such Tapping Fee.

F. Tapping Fee Separate. The Tapping Fees imposed hereunder with respect to an Improved Property shall be in addition to any Connection Fees, rental or other charges fixed or imposed by the Authority pursuant to the Act by reason of the use, or availability for use, of the Sewer System by such property.

G. Additional Units. In the event a property Owner desires to add or construct: (i) Additional Space to an Improved Property, or (ii) additional Dwelling Units or suites to an Improved Property, the additional EDU's created by the addition or construction shall not be connected to the Sewer System until the property Owner:

- (1) Secures a permit from the Authority for Connection as provided in the Authority's Rules and Regulations; and
- (2) Pays the Authority the appropriate Connection Fee; and
- (3) Pays to the Authority the appropriate Tapping Fee imposed by the Authority's then current Rules and Regulations for such additional EDU's.

H. Additional Usage. All applications for Connection permits submitted by Owners of Commercial Establishments and Industrial Establishments shall include an estimate of the gallons per month of expected discharge into the Sewer System. Each Commercial Establishment or Industrial Establishment shall be allotted one or more EDU's based on the expected average water usage amount on the Connection permit. The Tapping Fee payable with respect to such applications shall be calculated on the basis of the estimated discharge set forth in the permit application and such estimate shall be included on the permit issued by the Authority. The minimum allocation for each Commercial Establishment and each Industrial Establishment shall be one EDU each, no matter what the actual usage is or is expected to be.

After Commercial Establishments or Industrial Establishments have been connected to the Sewer System, the Authority will monitor the flows from all Commercial Establishments and Industrial Establishments and will, on an annual (calendar year) basis, calculate the average monthly flows discharged by each such Improved Property based on the previous one year of

flows discharged into the Sewer System. If any Commercial Establishment or Industrial Establishment has average monthly flows (calculated on a calendar year basis) which exceed its EDU allotment, then the Commercial Establishment or Industrial Establishment shall be billed a Tapping Fee on a per gallon basis for each gallon of Sewage exceeding its EDU allotment, being discharged into the Sewer System. The property Owner shall have 30 days from the date of such bill to pay to the Authority the additional Tapping Fee. Upon receipt of said Tapping Fee, the Authority shall modify the Connection permit for such property to reflect the increased average monthly flows permitted from such property. Once additional gallons or EDU's have been purchased by an Owner, the Authority shall not be responsible for repurchasing or reimbursing the Owner if the Owner's usage demand should change.

For all Industrial Establishments and Commercial Establishments connected to the Authority's Sewer System as of January 1, 2012, the Connection Permits of such properties shall be modified, where necessary, (or where no Connection Permit was previously issued, a Connection Permit shall be issued) to reflect an average monthly flow calculated as follows: The average monthly flow for the highest eight (8) quarters of usage, during the period January 1, 2007 through December 31, 2011 shall be determined. The Connection Permit shall be modified or issued for the amount of such usage. No Tapping Fee shall be payable for this initial issuance or adjustment to such permits. Thereafter, any increase in average monthly flows discharged into the Sewer System (calculated on an annual basis) shall be subject to the provisions of this Section. In the event the calculation of the adjustment based on the period January 1, 2007 through December 31, 2011, provides a hardship to the Customer, the Customer may petition the Authority Board to recalculate the adjustment based on average monthly flows calculated in a different manner or in a different timeframe. The decision on whether to allow such readjustment or lack thereof, shall rest entirely in the discretion of the Board of the Authority.

### SECTION 3. Individual Service Lines and Connections

A. Each Improved Property shall have its own individual Service Line. Each unit of a duplex, townhouse or row home having a solid vertical partition wall shall be considered a separate property requiring individual Sewer Connections. Under unique circumstances and at the Authority's Board's sole discretion, the Authority Board may consider a waiver of this provision on behalf of a customer.

B. Where premises in single ownership consist of more than one building, the Authority reserves the right to determine, under the circumstances of each case, whether each separate building must have a separate Sewer Connection or whether all buildings together may use a single Connection.

### SECTION 4. Application for Sewer Service Through Existing Lines

Any Owner desiring Sewer service through an existing Service Line from the Authority's main must (i) comply with all requirements set forth in the Technical Specifications, and (ii) make an application to the Authority, at least 48 hours before service is required, which must be properly approved by the Authority or its duly authorized agent. The Owner of the Improved

Property shall be responsible for the payment to the Authority of all charges incurred for Sewer service, whether or not an Improved Property has been leased to a third party.

#### SECTION 5. Arrears and Past Due Charges

No Sewer service will be rendered by the Authority to any applicant until all arrears and charges due by the applicant at any Improved Property now or theretofore owned or occupied by such applicant shall have been paid, or satisfactory arrangements made in regard thereto. The Authority, at its option, may request the water supplier to terminate water service to an Improved Property until all arrears and overdue charges for sewer service have been brought current.

#### SECTION 6. Partial Periods

Whenever application is made for Connection of an Improved Property not previously served or whenever a change of service is made which increases the quarterly charge to any Premises already served, there shall be paid to the Authority, as a condition for the permission to make such Connection or change, a prorated portion of the quarterly charge for service at the new or increased rates for the balance of the calendar quarter; provided, however, that no charge shall be made for a period of less than 30 days.

#### SECTION 7. Liability - General

When a prospective customer has made application for a new service or has applied for the reinstatement of an existing service, it is assumed that the piping and fixtures which the service will supply are in order to receive same. The Authority will not be liable, in any case, for any accident, breaks or leakage arising, in any way, in connection with Sewer service provided by the Authority or failure to supply same, or the freezing of Sewer lines or fixtures of the customer, nor for any damage to the property which may result from the usage or nonusage of Sewer service supplied to the Premises.

#### SECTION 8. Vacating the Premises

A. When Premises are vacated, the property Owner must give written notice at the office of the Authority. The Owner will be responsible for the Sewer rent until such notice is given, and the water service to the Premises has been turned off. Consistent with recognized weatherization standards, the Owner will be responsible for weatherizing the Premises prior to vacating it, so that no freezing or damage to the water meter can occur. In the event there is damage to the meter, the meter will be repaired or replaced at the sole cost and expense of the Owner.

B. A new application must be made for any change in occupancy of Improved Property or for any change in the use to which Sewer service is being put, as described in any application, and the Authority may discontinue the Sewer service until such new applications have been made and approved.

C. New applications may be refused by the Authority for proper cause, at any time, upon giving 5 days' notice of such refusal.

D. At the request of the Property Owner, the Authority may shut off water to a vacated premises to ensure that no sewer service will be available to the vacated building. A charge payable by the property Owner, will be made for shutting off water and a separate charge payable by the property Owner, will be made for turning the water service back on under this Rule. The amount of such charges shall be determined by the Authority from time to time and shall be published with the Authority's Water Rate Schedule.

E. In the case where two or more apartment units are to be served through a master flow meter or a master water meter, the property Owner shall not be responsible for a minimum quarterly billing per apartment unit until one or more of the apartment units served through the master meter becomes occupied. At that time, the property Owner shall become responsible for minimum quarterly billing per occupied apartment unit served through the master meter. Once an apartment unit has been occupied, the property Owner shall continue to be responsible for a minimum quarterly billing for an EDU, whether or not the apartment remains occupied.

If a building or complex of units served through a master flow meter becomes completely vacant for a period of not less than 90 days, the water service may be shut off upon receipt of written request from the property Owner. The conditions set forth in the Subsections 8A through 8D shall apply in such case. Charges for shutting the water off and turning the water back on will be payable by the Property Owner as set forth in the Authority's then current water rate schedule. During the period of time when water service is shut off, no Sewer charges will be incurred by such property.

#### SECTION 9. Vacated Property May Lose Capacity.

Where any Dwelling Unit, Commercial Establishment or Industrial Establishment has been vacated for more than two (2) years, or water service to such property has been turned off for more than two (2) years, the Connection Permit for sewer service for such property shall expire and the sewer capacity allocated to such vacated property shall terminate unless additional steps are taken by the Owner of the Improved Property to preserve the sewer capacity for such Improved Property.

The Owner of any Improved Property which has been vacated or which has had water shut off to the property, may maintain the sewer Connection Permit and the sewer capacity allocated to such Improved Property by continuing to pay the minimum quarterly charges for sewer service to the Authority, during the period of time such property is vacant or has had water turned off.

If an Owner fails to take the steps necessary to maintain an existing sewer Connection Permit for a vacated property, in order to obtain sewer service for such property after the Connection Permit has expired, Owner will be required to pay the Authority's then current Tapping Fees to obtain a new sewer Connection Permit.

#### SECTION 10. Investigation of Bills of Doubtful Accuracy

Any Person, upon receipt of a bill, having reason to doubt its accuracy shall bring or mail the bill, within 5 calendar days, to the Authority for investigation.

#### SECTION 11. Failure to Receive Bill

Failure to receive a bill shall not exempt any customer from loss of discount or the accruing of a penalty, as the case may be. The presentation of a bill to the customer is only a matter of accommodation and not a waiver of these Rules.

#### SECTION 12. Maintenance and Repair of Service Lines and Grinder Pumps

All Service Lines and Grinder Pumps shall be maintained and repaired by the Owner at the cost of the Owner of the Improved Property. Such repairs shall be subject to the approval and inspection of the Authority.

#### SECTION 13. Repairs and Replacements of Lateral Sewer

All repairs and replacements of the Lateral Sewer shall be at the Authority's expense.

#### SECTION 14. Inspection of Premises

The Authority, by its agents and employees, shall have the right at all reasonable times, to enter any premises connected with or about to be connected with the Sewer System in order to enforce compliance with the Authority's Rules and Regulations.

#### SECTION 15. Existing Service Lines

Existing Service Lines may be utilized providing they have been inspected by the Authority and found to be reasonably true to grade and alignment, in good condition for the purpose of conveying Sanitary Sewage or Industrial Wastes, and have tight joints of approved materials. The integrity of an existing Sewer Line shall be determined by performing either the water or air test described in the Authority's Technical Specifications. If the existing lines do not conform to this requirement, the line shall be corrected or a new line shall be laid at the expense of the property Owner in accordance with the specifications contained herein. All testing by the Authority shall be at the expense of the Owner.

##### SECTION 15.1. Mixed-Use Connections

No Mixed-Use Connection will be permitted in the Municipalities except for those already established before May 1, 2012. If a property with an existing Mixed-use Connection is modified in any material manner, including, but not limited to, the addition of a kitchen, bathroom, or other rooms, change in the zoning use of the property, or any fundamental changes to the property's plumbing such that a building permit is required for modification (a "Modified Property"), then the Modified Property shall henceforth, from the time of modification, 1) be configured such that there shall be separate meters for the Dwelling Unit portion of the property and the Commercial Establishment portion of the property; and 2) be allotted an EDU for each

Dwelling Unit or Commercial Establishment on the property. If any such Modified Property shall exceed the amount allotted for its EDU, then it shall be charged by the gallon for the overage.

#### SECTION 16. Extensions by Extenders

A. General. The Authority will permit the extension of existing Sewer mains where necessary, to provide sewer service provided the party wishing to extend the Authority's Sewer mains enters into an agreement with the Authority agreeing to comply with the Authority's then current rules and regulations with respect to Sewer main extensions. Relevant rules and regulations shall include the Authority's then current: (i) Technical Specifications, (ii) Industrial Waste Resolution and Regulations promulgated thereby (where applicable), (iii) Sewer System Rate Schedules; and (iv) schedule of Tapping Fees.

B. Application. The Extendor shall submit a properly completed and executed application on the Authority's then current form and make payment of the current application fee to the Authority.

C. Cost Opinion. The Extendor shall submit a cost opinion of sewer improvements, signed and sealed by a professional engineer, to be used for improvement and maintenance guarantees.

D. Developer's Agreement. The Extender shall submit two (2) signed copies of a Developer's Agreement satisfactory to the Authority and a check to establish an escrow fund as stipulated in said Agreement.

E. Sewer Capacity Form. The Extendor shall submit a completed reservation of sewer capacity form and make payment of the associated deposit or total tapping fee.

F. Planning Module Forms. The Extendor shall submit completed Act 537 DEP Planning Module forms if applicable.

G. Plans and Specifications. Three copies of the plans and specifications for all proposed Sewer main extensions shall be presented to the Authority, with a fourth copy to the Authority's Consulting Engineer. All drawings shall be prepared by a registered professional engineer, or other registered professional authorized by law to prepare such plans, and such plans shall show the location of Sewer lines, Lateral Sewers, Service Lines, Sewer Connections, as applicable, valves, other utilities and other necessary appurtenances required for the completion of the work. All drawings shall incorporate both a plan view and profile drawing which shall contain the proposed location of the water lines, along with the location of the Sanitary Sewer lines, storm Sewer lines, and other underground utilities which are existing or proposed. All design work evidenced on the plans and specifications shall comply with at least the minimum standards set forth in the Authority's then current Technical Specifications. The minimum allowable pipe diameter for sewer main extensions is eight (8) inches. The Authority shall have the exclusive right to determine the type, size, alignment, materials and specifications of Sewer mains and appurtenances.

In the case of plans and specifications which are clearly incomplete or which are significantly non-responsive to the Authority's Technical Specifications for Sewer System additions and extensions, the Authority will reject the proposed plans and specifications without extensive review, pending the receipt of plans which reasonably address the Authority's requirements. It shall not be the Authority's responsibility to design or redesign such extensions or additions.

All Sewer mains shall extend to the far property line of the last property proposed to be served during a given extension or addition to the Authority's existing Sewer System.

When plans describing the work proposed to be done are found to be acceptable for construction, four copies of the final plans shall be submitted to the Authority for its use during observation of construction. As necessary, additional sets of drawings may be required for attachments to legal agreements which address the provisions through which the extension or addition to the Sewer System will be constructed.

#### H. Application Review.

(1) After receiving the completed application and documents, the Authority will, within ten (10) business days of receipt, review the application and documents for completeness. If defective, the application shall be returned to the Extendor with a statement that the application is incomplete and the reasons for incompleteness within the ten (10) day period; otherwise the application shall be deemed accepted for filing as of the date of submission. Acceptance shall not, however, constitute a waiver of any deficiencies or irregularities. If the application and related documents are in order, they will be forwarded to the Authority's engineer and Administrator for review and comment.

(2) The Authority's engineer and Administrator will review the application, plans and documents for compliance with than current Administrative Rules and Technical Specifications. The Authority's Engineer and Administrator will generate comments and forward such comments in writing to the Authority. The Authority will review and forward consolidated comments to the Extendor. The Authority's comments will be generated and released within thirty (30) calendar days of receipt of application and documents.

(3) The Extendor shall satisfactorily address, in writing, to the municipality and the Authority, each of the Authority's comments. The Authority will review and issue a letter of acceptance of plans or further comments. A municipality will not approve plans until the Authority gives written approval of the utility plans; provided, however, that a municipality may approve plans conditioned on the Authority's approval of the utility plans. In no case will construction and/or connection permits be issued unless comments regarding compliance with Borough Authority Rules and Regulations are satisfactorily addressed.

I. Conduct of Work. The Extendor extending the Authority's Sewer System, acting through its contractor, shall make use of all reasonable means to maintain the normal flow of traffic on municipal Streets and state highways during all phases of construction. Should it become necessary to close or encroach upon any Street or highway, contractor shall obtain the

necessary permits prior to making such closure or encroachment. The contractor shall comply with the applicable PennDOT traffic control procedures and guidelines.

If any part of a main extension intended to be dedicated to the Authority is to be installed anywhere other than in publicly dedicated Streets, before the Authority gives its final approval to commence construction, the Developer shall provide the Authority with rights-of-way or easements in form and substance satisfactory to the Authority and its counsel, evidencing the right of the Developer and the Authority to install, maintain and reconstruct Sewer lines across private property.

J. Highway and Street Permits. The Extendor performing the extension, acting through its contractor, shall secure the necessary state highway and municipal permits for working within state highway and municipal Streets. The contractor shall comply with all Pennsylvania Department of Transportation ("PennDOT") and municipal laws, rules, regulations, and ordinances including, but not limited to, furnishing bonds and insurance required and costs of inspection of the work. All PennDOT highway inspection fees charged by the Pennsylvania Department of Transportation shall be paid by the Developer or contractor. All charges imposed by the Authority for observation of construction work shall be paid by the Developer or Owner.

Where the Authority is required, by PennDOT regulations, to apply for a highway occupancy permit and to post bonds and provide insurance for a Sewer main extension, the Developer or Owner constructing the extension, shall be responsible for paying for or reimbursing the Authority for the costs of such bonds and insurance. Furthermore, before the Authority shall execute and file any application for highway occupancy permit with PennDOT, the Authority shall have received from the Developer and/or contractor an agreement of indemnity from the Developer or Owner and contractor, wherein the Developer/Owner shall agree to indemnify and hold harmless the Authority from any and all liability incurred in connection with the Project and from all costs and expenses imposed on the Authority by PennDOT in connection with such application and naming the Authority as an additional insured on the contractor's general liability policy, it being the intention of such agreement that any and all costs and expenses incurred by the Authority as a result of the PennDOT application process for a highway occupancy permit shall be paid in full by the Developer/Owner. The Developer shall carry contractual liability insurance in amount and form satisfactory to the Authority, insuring the indemnification.

K. Observation of Construction Work. The Extendor shall establish with the Authority or, at the option of the Authority, with the Borough of Mount Joy, an escrow account in an amount sufficient to cover the estimated costs of construction observation, engineering expenses, administrative expenses, legal expenses and other charges related to the Developer's proposed extension. The amount of escrow fund for activities related to the Developer's extension shall be established by the Authority or its consulting engineer. The Developer, acting through its contractor, shall notify the Authority at least three working days in advance of commencing construction work, so that appropriate construction observation times may be scheduled. No work may be undertaken at the site in the absence of construction observation and any work performed without construction observation shall be reexcavated, exposed and observed by the Authority's representatives as ordered by the Authority. Any defective work, or any work not conforming to the plans and specifications approved by the Authority shall be



replaced to the satisfaction of the Authority at the Extendor's cost and expense. Allowable work days for projects are Monday through Friday of any week, excluding holidays. If the escrow account is depleted prior to the completion of construction, additional escrow funds shall be deposited by the Developer with the Authority. Any unused escrow fund shall be returned to the Developer upon completion of the construction and dedication of the facilities by the Developer to the Authority and acceptance by the Authority of such facilities.

L. Acceptance of Extension. After all construction of any Sewer line extension has been completed, tested and approved by the Authority, or its consulting engineers, the Extendor shall prepare proper legal documentation, to the satisfaction of the Authority and its counsel, in order to formally transfer Ownership of the Sewer main and facilities to the Authority. The Extendor shall provide a maintenance guaranty for eighteen months following the date of acceptance of the Sewer line and facilities by the Authority. This guarantee shall include all equipment, materials or appurtenance installed as a portion of the project to be dedicated. It shall be the sole responsibility of the Extendor to repair or replace any equipment, materials or appurtenances deemed defective by the Authority during the eighteen month guaranty period. The guaranty shall include restoration and/or settlement of excavated areas either in public or private rights-of-way. The Extendor shall be solely responsible for refilling excavations and restoring surfaces damaged due to settlement during that period of time. As to work performed in state highways, the maintenance guaranty shall be extended to two years following the acceptance of the facilities by the Authority or such longer time as PennDOT's then current regulations regarding warranties shall require. Should the Extendor, or its contractor, not promptly address defects which may be identified by the Authority, the Authority will terminate service to the Sewer System extension until such time as the defects have been corrected.

SECTION 17. Reservation of Capacity in Sewer System. The Authority reserves the right, but not the obligation, to allow the reservation of capacity in the Public Sewer System as follows:

A. Method of Allocation of Capacity. The Authority shall allocate capacity in the Sewer System in terms of Equivalent Dwelling Units. Applicants for allocation of capacity for a particular tract of land shall determine the estimated number of EDUs in accordance with the applicable provisions of the Authority's then current Rules and Regulations concerning tapping and Connection Fees and rates.

B. Method of Reservation of Capacity. The Authority shall reserve the allocated capacity for a particular tract of land within the Authority's service area, and such capacity cannot be transferred to any other tract.

C. Requests for Allocation and Reservation of Capacity. All requests for allocation and reservation of capacity in the Sewer System shall be made in writing and shall supply such information as requested by the Authority and its Consulting Engineer concerning the location of the property to be served, the size of the tract, the proposed use, status of subdivision and/or land development application, if any, the estimated flows in gallons and the EDUs. Such requests shall be accompanied by a check or money order in an amount equal to \$500 per EDU times the number of EDUs for which reservation of capacity is being requested. Requests shall be logged in by the Administrative Secretary of the Authority or her authorized agent in the order that written applications are received from Applicants.

D. Allocation of Capacity. Capacity remaining in the System shall be allocated on a first-come, first-served basis. The order in which capacity shall be allocated shall be determined by the order in which requests are received and logged in by the Administrative Secretary of the Authority. The entire request for capacity of an Applicant shall be allocated before any remaining capacity is allocated to a subsequent applicant.

E. Reservation of Capacity. After capacity has been allocated to a particular tract, it shall be reserved for the tract of land set forth in the application. All reservations of capacity shall be made in accordance with the provisions of these Rules and Regulations and, in particular, with this Section 16.

(1) All reservations of capacity for a tract of land, except as provided in subparagraph (a), shall remain valid for five (5) years from the date of the meeting at which the Authority authorized the initial allocation and reservation of capacity for the tract of land.

(a) If, after allocation and reservation of capacity, the Applicant receives subdivision and/or land development approval for his proposed use which would permit less intensive development than that for which capacity was requested, any EDUs which are not required by the development as approved through the subdivision and land development process shall be available for reallocation. For example, if an Applicant requests allocation and reservation of capacity for a 100 Dwelling Unit development, but the land development plan as approved permits the erection of only 75 Dwelling Units, then 25 EDUs shall become available to the Authority for reallocation by the Authority. In such case, the reservation fees paid for the 25 EDU's shall be applied as a credit to the Tapping Fees payable on the 75 EDU's.

(2) If an Applicant transfers the tract of land to which an allocation and reservation of capacity has been made, the allocation and reservation may be transferred with the tract provided that the required number of EDUs for the transferee's proposed use remains constant. The transferee of the tract of land shall not be allocated any additional EDUs as a result of the transfer or any proposed change in the use of the tract. The Authority must be notified of any such transfer and provided with documentation indicating the new Owner of the tract.

(3) Capacity which has been reserved cannot be transferred to another tract of land.

(4) If an Applicant has not connected to and commenced using the System within the five (5) year period set forth in Section 16(E)(1) herein, the reservation of capacity will expire and the capacity which has been allocated to the tract shall be available for reallocation by the Authority unless the Applicant shall take the steps set forth herein to preserve the reservation of capacity.

(a) If an Applicant desires to preserve a reservation of capacity for a tract of land beyond the original five (5) year period, the Applicant may pay all tapping and Connection Fees on or before the day on which the reservation will expire. Payment of such fees will extend the reservation of capacity for an additional three (3) years from the date upon which the reservation would have automatically expired.

(b) If the Applicant has not connected to and commenced using the System within the three (3) year extended reservation period, such reservation shall automatically expire and the capacity which has been allocated to the tract shall become available for reallocation by the Authority unless the Applicant commences to pay the minimum user fees for the number of EDUs of capacity which have been reserved. If the Applicant is delinquent in the payment of such minimum user rates for a period of sixty (60) days, the reservation of capacity shall automatically expire and the capacity which has been allocated to the tract shall become available for reallocation.

F. Reservation Fees.

(1) Initial reservation fees shall be those set forth in the Authority's then current fee schedule. The initial reservation fee is \$500 and shall reserve capacity for five (5) years.

(2) All reservation fees payable hereunder shall be credited towards the Sewer Tapping Fees imposed by the Authority from time to time.

(3) All reservation fees are non-refundable.

G. Construction of Extensions of the System and Connection to the System. Extensors shall be required to provide financial security to the Borough to guarantee the completion of all extensions of the Sewer System in accordance with applicable state and federal laws and regulations. Connections to the Sewer System shall be made in accordance with the Authority's policies and rules and regulations. Nothing contained herein shall be considered to modify or abrogate the requirements of such policies, resolutions, rules, regulations and/or statutes.

H. Existing Allocations and Reservations of Capacity. All Developers or other persons to whom capacity has been allocated and reserved prior to December 17, 1991 shall comply with the provisions of this Section 16 and specifically with the provisions of subsection 16E herein. For the purposes of computing the time periods set forth in Section 16(E), December 17, 1991 shall be considered the date at which capacity was allocated and reserved.

I. Applicability. This Section 16 shall be applicable to all Developers and other persons who wish to reserve water capacity in excess of 10 EDUs for any project. For projects of 10 EDUs or less, the Applicant may elect not to reserve capacity. In such cases, no capacity will be reserved for such project and Connection to the Authority's water system shall be made upon application to the Authority only where such capacity is available at the time of application and the Applicant has complied with the Authority's then current rules and regulations regarding Connection to the Authority's water system. If the Applicant requires a capacity letter from the Authority in order to obtain other governmental permits or approvals, then, notwithstanding the size of the project, the Applicant shall comply with these Rules and Regulations in order to reserve the necessary Sewer capacity.

J. Reduction in Capacity. In the event any governmental or regulatory body or court having competent jurisdiction to do so ever reduces the Authority's capacity in its Sewer System

and such reduction makes it impossible for the Authority to honor the reservations of capacity previously approved by the Authority, the Authority shall take the following steps:

(1) Reallocate its remaining capacity (after such reduction) among all applicants who have received approved capacity reservations from the Authority, such reallocation to be made on a proportionate basis among all holders of capacity reservations in the same proportion as such applicants' reservations bear to the total reservations then in effect.

(2) Apply any reservation fees paid for capacity lost to each applicant, as a credit to the Tapping Fees owed by the applicant for the remaining capacity which has been reallocated to such applicant. In the event the amount of reservation fees so applied exceeds the total Tapping Fees payable for the reallocated capacity, the Authority will refund to the applicant the excess reservation fees paid over and above Tapping Fees payable in connection with the reallocated capacity.

(3) The Authority shall, in the event of a reduction in capacity, give written notice to all parties holding capacity reservations, informing them of the cause of the reduction in capacity, providing a calculation of the reduction in capacity and the amount of capacity reallocated to such applicant. The notice shall also contain a calculation of the amount of Tapping Fees which will be payable in connection with the reallocated capacity and shall apply a credit equal to the reservation fees for the lost capacity to the Tapping Fees of the reallocated capacity and, where applicable, will show if a refund is due the applicant.

(4) This subsection 16J can be illustrated by the following hypothetical situation. The Authority previously approved 1,000 EDU's of reserve capacity for the following developers in the following amounts:

Extendor A - 500 EDU's = 50% of total capacity committed;

Extendor B - 300 EDU's = 30% of total capacity committed;

Extendor C - 200 EDU's = 20% of total capacity committed.

If DEP, or any other regulatory agency with proper jurisdiction, requires the Authority to modify its NPDES permit or otherwise take steps to reduce the Authority's capacity to collect and treat sewage, thereby reducing the Authority's available capacity in the Sewer System to 500 EDU's, the 500 EDU's of capacity shall be reallocated to Developers A, B and C in proportion to their previously reserved capacity as follows:

Developer A shall receive 250 EDU's (equal to 50% of available capacity);

Developer B shall receive 150 EDU's of capacity (equal to 30% of available capacity); and

Developer C shall receive 100 EDU's of capacity (equal to 20% of available capacity).

The reservation fees paid by Developer A in connection with the 250 EDU's of capacity which have been lost as a result of the reduction in capacity, will be applied as a credit toward the tapping fee payable by Developer A in connection with the 250 EDU's of reallocated capacity. Likewise, the reservation fees paid by Developer B and Developer C shall be applied as a credit towards their Tapping Fees for the capacity reallocated to them.

#### SECTION 18. Special Conditions and Requirements

A. No hotel, restaurant, boarding house, or public eating place shall connect to the Sewer System, or modify an existing connection, without first installing grease traps, of a type and size approved by the Authority, on the Service Lines at a location approved by the Authority.

B. No service station, garage, factory building, or Commercial Establishment which handles oils, petroleum or similar products, or which washes cars, trucks, or other types of machinery, shall connect to the Sewer System, or modify an existing connection, without first installing grease and sand traps, of a size and type approved by the Authority, on the Service Lines or at a location approved by the Authority.

#### SECTION 19. Service Lines

The Service Line from the Lateral Sewer to the premises shall be installed and maintained by and at the expense of the property Owner. The Lateral Sewer and Service Line installed by the property Owner shall comply with the minimum standards established by the Authority from time to time, and shall not be covered until the Authority has inspected the service and until Service Line is tested. If any defects in workmanship are found, the service will not be turned on until such defects are remedied. The Authority will not be responsible for the maintenance or repair of the Service Line, and will not bear the cost of the same. Service Lines shall not be installed when the Service Line passes over or through premises which, at the time of installation, are the property of persons other than the Owner of the premises to be provided with Sewer service, unless the Owner of the premises supplied is permitted by recorded document to install and maintain the Service Line through said premises. No Service Line shall be installed at a time when, in the judgment of the Authority, working conditions are unreasonable for such installation.

#### SECTION 20. Street Opening Permits and Restoration of Surface

A. Unless otherwise determined by the Authority and except as herein provided with respect to extensions by developers, whenever the surface of any public Street, sidewalk, or cartway is disturbed by construction of Service Connections, it will be the responsibility of the Authority to secure and maintain Street opening permits from the municipality in which the work is being done, or highway occupancy permits from the Pennsylvania Department of Transportation.

B. Unless otherwise required, all surfacing material will be restored in kind by the Authority and no charge, other than the applicable Tapping Fee and Connection Fee, will be made by the Authority in respect of the construction by the Authority of a Sewer Lateral and the attendant Connection.

## SECTION 21. Standard of Quality

A. All construction, reconstruction, and alterations of Sewer Connections and appurtenances shall be performed in a competent, workmanlike manner in accordance with recognized standards of the plumbing trade and the Authority's technical specifications currently on file with the Authority. The Authority in its sole discretion may stop, or require reconstruction of, any work not conforming to these standards or specifications.

## SECTION 22. Supervision and Inspection

A. The construction of Service Lines and Lateral Sewer shall at all times be subject to the supervision and inspection of the Authority or its duly authorized representative and shall conform to the Authority's technical specifications. No Owner shall permit Lateral Sewers or Service Connections or Service Lines to be covered or backfilled until authorized by the Authority to do so. All inspections required by this Section shall be performed within twenty-four (24) hours unless the expiration of said twenty-four (24) hour period falls on a Saturday, Sunday or holiday in which case the inspection shall be performed during the next business day; provided, however, that the Authority may extend the time for inspection in the event of emergencies or other unforeseen conditions.

## SECTION 23. Restrictions on Use of Sewer System

A. No Person shall discharge or cause to be discharged into the Sewer System any storm water, surface drainage, ground drainage, roof runoff, subsurface drainage, cooling water, drainage from tile fields or unpolluted process waters. No sump pumps, subsurface floor drains or similar devices may be connected to the Sewer System. In addition, no Person shall discharge or cause to be discharged into the Sewer System any materials or substances which are in violation of the Authority's then current Industrial Waste Resolution.

## SECTION 24. Pre treatment Facilities

A. Whenever a Person requests permission from the Authority to discharge any polluted water, Sanitary Sewage or Industrial Waste containing any of the substances or possessing any of the characteristics referred to in the Authority's then current Industrial Waste Regulations, the Authority may, in its sole discretion, require as a condition to its granting approval for such discharge that said Person provide, at his own expense, pre treatment of such waters or wastes to reduce or eliminate objectionable substances or characteristics prior to discharge into the Sewer System, or to control the quantities or rates of discharge of such waters or wastes.

B. Whenever a Person is required by the Authority to provide pre treatment facilities, no construction of such facilities shall be commenced until: (1) construction drawings, specifications and other pertinent information relating to the proposed facilities are submitted by said Person to the Authority's Consulting Engineer, and (2) the Authority's Consulting Engineer gives written approval for the construction of the proposed facilities.

C. Whenever pre treatment facilities are approved by the Authority and are placed in operation, said facilities shall be continuously maintained in satisfactory and effective operation

by the Person who installed them or by the Owner thereof, at his own expense. The Authority's Consulting Engineer shall have the right to inspect said facilities at any reasonable time to insure such are being properly maintained and operated in accordance with the then current Rules and Regulations of the Authority.

#### SECTION 25. Repairs to Sewer Mains and Appurtenances

Whenever repairs to Service Lines, Lateral Sewers, Sewer mains or other appurtenances of the Authority's Sewer System are made necessary as a result of the carelessness, recklessness, negligence or other acts of third parties, the Person or persons found responsible for said act or acts shall be held fully responsible for all costs of repairs and will be billed by the Authority for the costs of all repairs deemed necessary by the Authority.

#### SECTION 26. Authority of Agents and Employees

No agent or employee of the Authority shall have authority to bind it by any promise, agreement or representation not provided for in these Rules and Regulations, unless such authority is given in writing, signed by an Officer or the Administrator of the Authority.

#### SECTION 27. Technical Specifications

The Authority, from time to time, shall publish Technical Specifications setting forth minimum standards for construction of Sewer mains and appurtenances to be connected to the Authority's Sewer System. The Technical Specifications, as amended from time to time, are hereby incorporated by reference.

#### SECTION 28. Rate Schedules

The Authority hereby imposes rates and charges for providing Sewer service to Improved Property under these rules and regulations and for providing various other services as described in these rules and regulations.

The Authority, from time to time, shall publish Schedules of Rates and Charges for providing Sewer service to Improved Properties under these rules and regulations and for various services as described in these rules and regulations. The Schedules of Rates and Charges established by the Authority, as amended by the Authority from time to time, are hereby incorporated by reference.

## SECTION 29. Violations of Rules and Regulations

A. Any Person who discharges or causes to be discharged any polluted water, Sanitary Sewage or Industrial Waste containing any of the substances or possessing any of the characteristics referred to in the Authority's Industrial Waste Regulations in violation of these Rules or Regulations, upon notice from the Authority or its designated representative, shall immediately cease and desist from such violation. If such Person fails to cease such violation after notice has been given, then the Authority shall have the right to order same to disconnect from the Sewer System.

B. Any Person who causes harm or damage to the Sewer System as a result of a violation of these Rules and Regulations shall be liable to the Authority for the full cost of such harm or damage.

C. The remedies specified in this Section 28 are in addition to and not in limitation of the remedies available to the Authority, at law, in equity or otherwise, for violations of the Authority's Rules and Regulations.

## SECTION 30. Uniform and Equitable Treatment of All Customers

The Authority will develop and implement policies and procedures designed to treat all Customers of the Public Sewer System in a uniform and equitable fashion. If, through no fault of the Authority, the United States Environmental Protection Agency, the Pennsylvania Department of Environmental Protection or any other regulatory body with jurisdiction over the Public Sewer System promulgates or issues administrative orders which make it impossible for the Authority to fully fulfill its stated municipal purpose, the Authority will endeavor to put in place a solution that is fair and equitable to all Customers of the Public Sewer System to address this regulatory issue.