

TOWNSHIP OF HAMILTON,
Monroe County, Pennsylvania

RESOLUTION NO. 2013-07-23rc

OF THE BOARD OF SUPERVISORS OF HAMILTON
TOWNSHIP, MONROE COUNTY, PENNSYLVANIA,
ESTABLISHING USER CHARGES, TAPPING FEES
AND OTHER FEES AND CHARGES IMPOSED ON
CUSTOMERS OF THE SEWER SYSTEM IN THIS
TOWNSHIP, AND PROVIDING FOR THE PAYMENT
AND COLLECTION OF THE SAME; AND
ESTABLISHING RULES AND REGULATIONS
GOVERNING THE USE OF THE SEWER SYSTEM
IN THIS TOWNSHIP.

SECTION 1 - DEFINITIONS

The following words and terms, as used herein, shall have the meanings respectively ascribed to them by this Section, unless the context clearly indicates a different meaning:

Agreement of Lease shall mean the Agreement of Lease and Management Services between the Townships of Pocono and Hamilton, effective as of November 19, 2010, and any subsequent amendment or supplement thereto.

Ammonia Nitrogen as:N shall mean ammonia nitrogen as determined pursuant to the procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by American Public Health Association, Inc.

BCRA shall mean the Brodhead Creek Regional Authority, acting through its governing Board, as Owner and operator of the Treatment Plant and, in appropriate cases, as agent of the Township hereunder;

Board of Supervisors shall mean the Board of Supervisors of the Township.

B.O.D. (Biochemical Oxygen Demand) shall mean the quantity of oxygen, expressed in milligrams per liter, utilized in the carbonaceous biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20°) degrees centigrade, which standard laboratory procedure shall be as set forth in the latest publication of 40 CFR 136 or any successor regulation.

Building Sewer shall mean the extension from the sewage drainage system of any Improved Property to the Lateral serving such Improved Property.

Commercial Establishment shall mean any room, group of rooms, building or enclosure, or group thereof, connected, directly or indirectly, to the Sewer System and used or intended for use in the operation of a business enterprise for the sale and distribution of any product, commodity, article or service, which maintains separate toilet, sink or other plumbing facilities in the room or group of rooms utilized for such business enterprise.

Commonwealth shall mean the Commonwealth of Pennsylvania.

Connection Fee – connection fee described in Act 57 of 2003 for the actual cost of the sewer service laterals, sewer meter, meter pit, labor and other costs associated with the installation by the Township of a service Lateral from the sewer main to the Improved Property line for connection to the Building Sewer, unless provided by the Township through grants or otherwise.

Connection Ordinance shall mean the Ordinance enacted by this Township requiring Owners of certain Improved Property located in the Township to connect to such Sewer and use the same in such manner as this Township may ordain.

Connection Permit shall mean the permit issued by the Township authorizing an Owner to connect an Improved Property to the Sewer System.

Cooperation Agreement shall mean the Amended and Restated Intermunicipal Cooperation Agreement dated May 1, 2010, as well as the First Supplement to the Amended and Restated Intermunicipal Cooperation Agreement dated November 1, 2010, all between the Borough of Stroudsburg, the Township of Hamilton, the Township of Pocono, the Township of Smithfield, the Township of Stroud, the Stroud Township Sewer Authority, and the Brodhead Creek Regional Authority and any subsequent amendment thereto.

County shall mean the County of Monroe, Pennsylvania.

Customer Facilities Fee is the customer facilities fee described in Act 57 of 2003 for the actual cost of the Building Sewer (i.e. facilities, including labor and other costs associated with the installation thereof, serving the Improved Property from the property line or the curb stop to the dwelling or building to be served) when installed by the Township. The fee also includes the cost of a grinder pump unit furnished by the Township for pick-up and installation by the Owner.

DEP shall mean the Pennsylvania Department of Environmental Protection or any successor agency of the Commonwealth of Pennsylvania.

Developed Property shall mean any property within the Sewered Area which was an Improved Property on October 20, 2009

Domestic Sanitary Sewage shall mean normal water-borne from a typical Dwelling Unit, such as wastes from kitchens, water closets, lavatories and laundry facilities, discharged from any Improved Property, as well as water-borne wastes of similar character from similar facilities in offices, hotels, stores, restaurants, hospitals, schools and other Commercial, Educational, Industrial and Institutional Establishments, but in all cases excluding Prohibited Wastes.

Dwelling Unit shall mean any room, group of rooms, single family home, house trailer, apartment, condominium, cooperative or other enclosure and occupied or intended for occupancy as living quarters by an individual, a single family or other discrete group of persons, excluding institutional dormitories.

DRBC shall mean the Delaware River Basin Commission.

Educational Establishment shall mean any room, group of rooms, building or other enclosure connected, directly or indirectly, to the Sewer System and used or intended for use, in whole or in part, for educational purposes, including both public and private schools or colleges.

EPA shall mean the Environmental Protection Agency of the United States of America, or any successor federal department or agency.

Equivalent Dwelling Unit or EDU shall mean the unit of measure deemed to constitute the estimated, equivalent amount of Domestic Sanitary Sewage discharged by a single-family Dwelling Unit, equal to 247 gallons/day or 7,410 gallons/month of metered water consumption determined by BCRA, and used for determining the following:

- a. The User Charge;
- b. Tapping Fees payable by a new User;
- c. Additional Tapping Tees payable by existing Users (to the extent provided by the Connection Ordinance) who:
 1. construct an addition to an existing Improved Property;
 2. expand an existing use of an Improved Property;
 3. change the use of an Improved Property;
 4. increase metered water consumption for any reason other than an unidentified loss of water which is remediated within three (3) months of determination of where the loss is occurring; and

Extra Strength Wastes shall mean Sewage which exceeds the limits set forth in Exhibit "B" attached hereto and incorporated herein by reference, and/or as otherwise mandated from time to time by any Regulatory Authority.

Fats, Oils, and Grease (FOG) shall mean fats, oils and grease as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 CFR 136 or any successor regulation.

Grease Interceptor shall mean a large tank or device so constructed as to separate and trap or hold fats, oil, and grease substances from the sewage discharged from a facility in order to keep fats, oil, and grease substances from entering the sewer system.

Improved Property shall mean any property in the Sewered Area of the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Domestic Sanitary Sewage and/or Industrial

Wastes shall be or may be discharged into the Sewer System, and is subject to the Connection Ordinance.

Industrial Establishment shall mean any Improved Property used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other Improved Property from which wastes, in addition to or other than Domestic Sanitary Sewage, shall or may be discharged.

Industrial Wastes shall mean any and all wastes discharged from an Improved Property and/or any wastewater having characteristics which may have the potential to be detrimental to the Treatment Plant, other than Domestic Sanitary Sewage.

Institutional Establishment shall mean any room, group of rooms, building or other enclosure connected, directly or indirectly, to the Sewer System, including institutional dormitories and Educational Establishments, which do not constitute a Commercial Establishment, a Dwelling Unit or an Industrial Establishment.

Interference shall mean a discharge from the Sewer System that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the Treatment Plant, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the NPDES Permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent Commonwealth or local regulations: Section 405 of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251, et seq.; the Solid Waste Disposal Act, including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any Commonwealth regulations contained in any Commonwealth sludge management plan prepared pursuant to Schedule D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

Lateral shall mean that part of the Sewer System extending from a Sewer to the curb line; or if there is no curb line, to the Improved Property line, or if no such extension is provided, then "Lateral" shall mean that portion of, or place in, a Sewer that is provided for connection of any Building Sewer.

Legal Requirements shall mean, collectively, all applicable environmental (including influent, treatment and discharge standards and permits then in effect), land use or other laws, regulations, orders, ordinances, codes, restrictions, permits and other requirements imposed by Regulatory Authorities or by agreement, including but not limited to the Cooperation Agreement and the Sewage Treatment Agreement.

Material Change shall be established where a non-residential commercial or industrial User has increased its water consumption by greater than fifty (50%) percent of the next higher EDU based on the previous year's consumption for any reason other than unintentional loss of water by the User due to leakage.

Medical Waste shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Meter shall mean a device approved for measuring the quantity of water consumed by the Owner which consumption is the basis for determining the User Charge for sewer service.

National Categorical Pretreatment Standard or Pretreatment Standard shall mean any regulation containing pollution discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial users.

Owner shall mean any Person vested with title, legal or equitable, sole or partial, of any Improved Property, and the party ultimately responsible for the payment for sewer service.

Pass Through shall mean a discharge from the Sewer System which exits the Treatment Plant into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the NPDES Permit, including an increase in the magnitude or duration of a violation.

Person shall mean any individual, partnership, company, association, society, trust, corporation or other group or entity, including municipalities, municipality authorities, school districts and other units of government.

pH shall mean the logarithm of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance.

Pocono shall mean the Township of Pocono, Monroe County, Pennsylvania, a political subdivision of the Commonwealth of Pennsylvania, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its agents, including BCRA or other authorized representatives.

ppm shall mean parts per million parts sewer, by weight.

Regulatory Authorities shall mean collectively, BCRA, EPA, DEP, DRBC, PaPUC, Pocono, and any other local, county, regional, Commonwealth or Federal authority having jurisdiction on the date hereof or that may have jurisdiction at any time in the future over any aspect of the Sewer System, including influents, collections, conveyance, operations, land use, effluents, rate setting, solid wastes and emissions.

Rules and Regulations means the prescribed methods adopted by the Township, Pocono pursuant to the Agreement of Lease and/or BCRA from time to time by resolution or ordinance, implementing the rates and charges payable, connections to and general use of, the Sewer System and/or the Treatment Plant.

Septage shall mean any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks; provided that such term shall not include any Sewage transported to the

Treatment Plant by or at the direction of BCRA due to a new connection, a temporary reduction or disruption in the flow of Sewage through the Sewer System.

Sewage shall mean the liquid and water-carried Domestic Sanitary Sewage or industrial Wastes from Dwelling Units, and Commercial, Educational, Industrial and Institutional Establishments, whether treated or untreated. The terms "waste" and "wastewater" shall be deemed as Sewage by definition.

Sewage Treatment Agreement shall mean the Sewage Treatment Agreement between Pocono and BCRA dated as of March 1, 2011, including all modifications, amendments, supplements and restatements thereto made and delivered from time to time and at such time constituting part hereof.

Sewer shall mean any pipe or conduit constituting a part of the Sewer System used or usable for collection of Domestic Sanitary Sewage and/or Industrial Wastes.

Sewer System shall mean all facilities, at any particular time, acquired, constructed or operated by, or on behalf of, the Township for collecting, pumping, transporting, treating and/or disposing of Domestic Sanitary Sewage and/or Industrial Wastes discharged by an Improved Property within this Township and subject to the Connection Ordinance.

Sewered Area shall mean that geographic area or areas of the Township served or to be served by the Sewer System, including all existing or future sewer areas or districts established and approved, from time to time, pursuant to Act 537 and other applicable laws;

Shall means mandatory.

Significant Violation shall mean either (a) the discharge of one or more Prohibited Discharge(s) into the Sewer System, (b) the occurrence of an event or circumstance, caused in whole or in part by a User's non-compliance with/violation of this Resolution or any of the Rules and Regulations, such that the Township's and/or Pocono's ability to fully comply with all agreements and other requirements to which it is, or they are, subject in relation to the Sewer System and/or the Treatment Plant, or otherwise relating to its operation of the Sewer System, may be hindered, delayed or jeopardized, and/or (c) be the cause, in whole or in part, of the Township and/or Pocono being subjected to Violation Costs and/or surcharges, as defined in, and as provided for, in the Sewage Treatment Agreement.

Slug, Slug Discharge, or Slug Load shall mean any Discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards. A "Slug Discharge" is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which as a reasonable potential to cause Interference or Pass Through, or in any other way violates the Rules and Regulations or Legal Requirements,

Street shall mean and shall include any street, road, lane, court, cul-de-sac, alley, public way or public square, including such streets as are dedicated to public use, and such streets as are owned by private Persons.

Suspended Solids shall mean 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.

Tapping Fee shall mean the tapping fee described in Act 57 of 2003 payable by the Owner of any Improved Property in the area served by the Sewer System which actually connects or is required to be connected pursuant to the Connection Ordinance then in effect requiring such connection or which otherwise connects to the Sewer System.

Total Dissolved Solids (TDS) shall mean total dissolved solids as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 CFR 136 or any successor regulation.

Total Phosphorous (P) shall mean total phosphorous as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 CFR 136, or any successor regulation.

Total Residual Chlorine (TRC) shall mean residual chlorine as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 CFR 136 or any successor regulation.

Total Suspended Solids (TSS) shall mean total suspended solids as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 CFR 136 or any successor regulation.

Township shall mean the Township of Hamilton, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its agents, including Pocono, BCRA or other authorized representatives.

Treatment Plant shall mean the Sewage treatment and disposal system facilities owned and operated by BCRA, Pocono or the Township, together with all appurtenant facilities and properties, and together with any additions, improvements, enlargements and/or modifications thereto from time to time acquired or constructed.

Types of Service: -

- a. Commercial - Improved Property where the User is engaged in trade and/or commerce.
- b. Industrial - Improved Property for use in manufacturing, processing and distribution activities.
- c. Municipal or Public - A political subdivision of the Commonwealth of Pennsylvania or agency thereof, a municipal authority, school district or other similar public bodies.
- d. Residential - Sewer service for residential households for customary sanitary purposes.

User shall mean the Owner, a tenant or other Person who contributes, causes or permits the contribution of Domestic Sanitary Sewage and/or Industrial Wastes into the Sewer System from an Improved Property

User Charge shall mean the periodic charge imposed for services, or availability of services, provided by the Sewer System, as established by resolution of the Township, from time to time.

Violation shall mean (a) the discharge of any Extra Strength Waste by a User, or (b) any other breach by a User of any provision of any connection or Industrial Waste permit, this Resolution or any Rule or Regulation, which violation does not constitute a Significant Violation.

Violation Costs shall mean all direct and indirect costs and expenses, fines, penalties, liabilities, damages and other costs or expenses (including legal and engineering fees and expenses) incurred by the Township as a result of a Violation and/or a Significant Violation by a User.

In these Rules and Regulations, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 2 - CONDITIONS OF SERVICE

2.1 CONDITIONS OF SERVICE

- A. Use of the Sewer System by a User shall be in accordance with this and other applicable resolutions and ordinances of this Township, and the Rules and Regulations.
- B. The Township will furnish sewer service in consideration of the timely payment by User of the applicable Tapping Fee, Connection Fee, Customer Facilities Fee, User Charge, and other charges described herein and set forth on the Schedule of Public Sewer Rates and Charges attached hereto as "Schedule 1" and incorporated herein by reference, as the same may be amended or supplemented from time to time. The Township hereby reserves the right, as often as it may deem necessary, to alter or amend such rates and charges, as well as the Rules and Regulations.

2.2 APPLICATION FOR SERVICE AND CONTRACTS; SEWER RATES; TAPPING FEES

- A. Sewer service shall not be provided to any Improved Property until application shall have been made to the Township, or its agent, by the Owner of such Improved Property or by his authorized agent in accordance with the Connection Ordinance, and a Connection Permit issued by the Township authorizing same. Such application shall be made upon a form prescribed by the Township, wherein the Owner shall state fully all purposes for which he shall desire such service and shall answer accurately all necessary questions. The application for sewer service (regardless of User or applicant) shall constitute a binding, legal representation by the Owner of such Improved Property. Upon approval of the application, issuance of the Connection Permit, and payment of the appropriate fees and charges, the Owner shall install and connect (unless otherwise provided by the Township) the Building Sewer to the Lateral, at the sole cost and expense of the Owner.

B. The application shall be subject to payment of all Tapping Fees, Connection Fees and Customer Facilities Fees then in effect and applicable to the Improved Property which is the subject of the application. The application, the Connection Ordinance, this resolution, as amended, and the Rules and Regulations shall regulate the sewer service to such Improved Property. The Township may require, prior to approval of service, special contracts or agreements in addition to an application for sewer service, if:

1. Service is for a new sub-division and/or land development;
2. Construction of extensions and/or other facilities are necessary;
3. A person shall contract with the Township to lay service pipe to the Improved Property, it being normal procedure for the Township not to furnish material or labor for use upon private Improved Property;
4. An Improved property will operate a private sanitary sewage treatment or pre-treatment facility; or
5. Deemed necessary by the Township.

C. EDUs shall be attributed to an Improved Property as follows:

1. Single family Dwelling Units shall be attributed one (1) EDU.
2. Commercial, Educational, Industrial, multi-residential, mixed use (commercial/residential) and Institutional properties served by a metered water supply shall be attributed the number of EDUs determined from their maximum monthly average (i.e. highest month of the year) metered water usage, based upon water meter data for (i) the year 2011 for a Developed Property, and (ii) the twelve (12) month period preceding the date of connection for all other Improved Properties.
3. Commercial, Educational, Industrial, multi-residential, mixed use (commercial/residential) and Institutional properties that do not have metered water service shall be attributed EDUs calculated in accordance with the provisions of Exhibit "C" attached hereto and incorporated herein by reference.
4. Improved Properties which, prior to connection, are operating a private sanitary sewage treatment plant to provide sewer service for that Improved Property, shall have the option to be attributed EDUs in accordance with either the provisions of Section 2.2.C.2. above, or based upon the maximum gallons per day of discharge permitted the DEP discharge permit in existence for that private sanitary sewage treatment plant. Failure of the Owner of the Improved Property to make an election as part of the application for a Connection Permit shall result in the attribution of EDUs in accordance with the provisions of Section 2.2.C.2. above.

For any Improved Property connected, or proposed to be connected, to the Sewer System does not have metered water service, the Township may, at the Township's sole cost and expense, install a water meter, and utilized the data from that meter for the purpose of attributing EDUs.

D. Address of Owner.

The Owner of an Improved Property, when initially connecting to the Sewer System, shall provide the Township or its designated agent with, and shall thereafter keep the Township or its designated agent advised of, the Owner's current address.

E. Change in Ownership, Tenancy or Conditions of Water consumption

The Township must be notified upon any change in the ownership of an Improved Property regardless of the User. The Township will prepare a final bill for the seller of the Improved Property and future billings shall be the responsibility of the new Owner. Any User making any Material Change in the size, character, or extent of equipment or operations utilizing sewer service, or whose change in operation results in a substantial increase in the consumption of water, shall immediately give the Township written notice of the nature of the change, and either amend its application, if an application exists with the Township, or submit a new application. The Township shall adjust the applicable EDUs to impose additional Tapping Fees and User Charges based on a new application and/or an increase in water consumption due to such Material Change, and based on a recalculation of the actual increase of water consumption as herein defined. Tapping Fees shall not be returned if water consumption is subsequently decreased. Failure to file an application will not relieve a User of the obligation to pay for additional User Charges or additional Tapping Fees pursuant to the three (3) month recalculation, as set forth herein. The Township shall have the right, upon ten (10) days' notice, to discontinue (or cause to be discontinued) sewer and/water or service until such an application has been submitted and approved.

F. Changes in Governmental Regulations

All permits and contracts for sewer service shall be subject to such changes or other modifications as may be required or appropriate to reflect changes in applicable law, rule or regulation of a governmental body, including the BCRA.

G. 1. A Tapping Fee is hereby imposed against the Owner of any Improved Property to be served by the Sewer System which actually connects to, or is required to be connected thereto pursuant to the Connection Ordinance then in effect, or by special agreement between such Owner and the Township, governing such connection. Calculation and itemization of the maximum lawful Tapping Fee is attached hereto as Exhibit "A" and made a part hereof.

2. The Tapping Fee shall be due and payable the earlier of: (1) the time application is made to the Township to make connection to the Sewer System or, if applicable, the date when the Township shall connect any such Improved Property to the Sewer System, at the cost and expense of the Owner, when such Owner shall have failed to make such connection as required by the Connection Ordinance in effect requiring such connection, or (2) in the case of Developed Properties required to be connected following initial construction of the Sewer System, by the date set forth in the written notice from the

Township to the Owner to connect, which will not be less than the time period set forth in the Connection Ordinance for such connection to be completed. Owners of an Improved Property which is attributed an additional number of Equivalent Dwelling Units as defined by the Township rate structure herein shall pay a corresponding additional Tapping Fee at the time of being attributed with the new EDU computation as set forth in a written notice thereof to such Owners.

3. The Township may (but is in no way required to) utilize grant funds to pay a portion of the Tapping Fee for Developed Properties connecting to the Sewer System during the initial connection period following completion of construction of the Sewer System.

H. Contracts with Delinquents

An applicant seeking sewer service who has outstanding charges owed to the Township or BCRA for sewer or water services on other Improved Properties of, or occupied by, such Person, past or present, must pay all such charges for the connection application for the new sewer service to be approved.

2.4 BILLS AND PAYMENTS

A. User Charge

1. A User Charge is hereby imposed upon the Owner of each Improved Property which is or shall be required to be connected to the Sewer System, for use of the Sewer System, whether such use is direct or indirect, and for services rendered by or on behalf of the Township, and shall be payable as provided herein. Such User Charge may be imposed upon the Owner of an Improved Property who fails or refuses improperly to connect such Improved Property to the Sewer System, as compensation for the availability of service by the Township in connection with the Sewer System. The User Charge shall be payable by the Owner of each Improved Property commencing the earlier of: (1) the date of actual, physical connection of an Improved Property to the Sewer System, or (2) the expiration of the time period for connection specified in the written notice from the Township to the Owner to connect, which will not be less than the time period set forth in the Connection Ordinance. All bills are payable in person at, or by mail or bank wire funds transfer to, a location designated by the Township. The basic User Charge will be imposed based upon the number of EDUs attributed to the Improved Property. EDU's attributed and User Charges are recalculated on a yearly basis.

2. All non-single family Dwelling Units supplied with sewer through one connection shall be charged by determining their EDU count calculated to the nearest whole EDU (rounded up to the next whole EDU if metered water consumption exceeds 50% of such additional EDU).

3. Thereafter, subject to limitations in the Connection Ordinance, if the User increases its water consumption more than fifty (50%) percent in excess of the next higher EDU to be attributed, over a three (3) month period, that User's EDU attribution shall be adjusted by the Township to reflect the increase for purposes of calculating User

Charges. If the increase in water consumption described above continues for a period of one (1) year, then the property shall be attributed additional EDUs at the then current Tapping Fee amount.

4. In the event a non-single family residential Improved Property Owner can demonstrate to the satisfaction of the Township that the User has permanently reduced its long term water consumption by more than ten percent (10%) then such Owner may request a recalculation of EDU attribution to that Improved Property. The recalculation shall be based upon an averaging of its previous six (6) months metered water consumption. If the Owner is able to satisfactorily demonstrate that a reduction in EDUs attributed to the Improved Property should be, and such a reduction is in fact, granted by the Township, then the Owner shall receive a commensurate reduction of the basic User Charge effective with the first complete billing cycle occurring after such determination.

5. In the event a reduction in EDUs attributed to an Improved Property is granted, the Owner shall forfeit an equal amount of sewer capacity previously allocated to that property. The Owner shall not, as a result of the granted decrease in the EDU attribution, be entitled to the refund of, or credit for, User Charges previously paid or payable. Further, subject to the express exception set forth in Paragraph 2.4.A.6. below, the Owner shall not be entitled to refund of, or credit for, Tapping Fees previously paid for such EDUs. Any future increase in the number of EDUs attributed to such Improved Property, as described in Paragraphs 2.2.E. or 2.4.A.3. above, shall result in the imposition of additional Tapping Fees and User Charges.

6. The foregoing notwithstanding, if within sixty (60) days after the expiration of the first twelve (12) months of being connected to the Sewer System (the "Initial Connection Period"); the Owner of any Commercial, Industrial, multi-residential, mixed use (commercial/residential), Educational, Institutional or public (non-residential) Improved Property whose EDU attribution was based upon the maximum monthly average (i.e. highest month of the year) BCRA metered water usage data for the year 2011, may request a recalculation of the EDU attribution for that Improved Property based upon its maximum monthly average metered water consumption for the Initial Connection Period. If that recalculation establishes that the number of EDUs attributed to such Improved Property at the time of initial connection was greater than the attribution that would have been made on the basis of the maximum monthly average metered water consumption for the Initial Connection Period, the EDU attribution to that Improved Property shall be reduced according; the Owner shall receive a commensurate reduction of the basic User Charge effective with the first complete billing cycle occurring after such determination; the Owner shall forfeit an equal amount of sewer capacity previously attributed to that Improved Property; and the Owner shall be entitled to a refund of, or credit for, Tapping Fees previously paid for such forfeited sewer capacity. Any future increase in the number of EDUs allocated to such Improved Property, in excess of the reattributed count, shall result in the imposition of additional Tapping Fees and User Charges.

A. In addition, solely with respect to any Commercial, Industrial, multi-residential, mixed use (commercial/residential), Educational, Institutional or public (non-residential) Improved Property which, prior to connection, was operating a private sanitary sewage treatment plant to provide sewer service for that Improved Property, and with respect to which EDUs were initially attributed to such Improved Property in accordance with the provisions of Section 2.2.C.2. above, the Owner of that Improved Property may request a recalculation of the EDU attribution for that Improved Property based upon its maximum monthly average metered sewer flow for the Initial Connection Period, provided, in the opinion of the Township, the Improved Property had a properly operating and properly calibrated sewer meter installed and operating for the Initial Connection Period. If that recalculation establishes that the number of EDUs attributed to such Improved Property at the time of initial connection was greater than the attribution that would have been made on the basis of the maximum monthly average metered sewer flows for the Initial Connection Period, the EDU attribution to that Improved Property shall be reduced according; the Owner shall receive a commensurate reduction of the basic User Charge effective with the first complete billing cycle occurring after such determination; for all future purposes of billing and attribution of EDUs, provided the sewer meter remains installed, properly calibrated and properly operating, monthly metered sewer flows shall be utilized in lieu of metered water consumption; the Owner shall forfeit an equal amount of sewer capacity previously attributed to that Improved Property; and the Owner shall be entitled to a refund of, or credit for, Tapping Fees previously paid for such forfeited sewer capacity. Any future increase in the number of EDUs allocated to such Improved Property, in excess of the reattributed count, shall result in the imposition of additional Tapping Fees and User Charges.

7. Nothing herein contained shall be deemed to prohibit this Township from entering into separate or special agreements with Owners of Improved Property or other Persons with respect to the User Charge or surcharge to be imposed in those cases where, due to special or unusual circumstances, the User Charge set forth herein shall be deemed by this Township, in its sole discretion, to be inequitable, or where it is in the best interests of this Township to do so.

B. Basis for Preparation of Bills

1. All bills for sewer services furnished by the Township will be issued monthly based upon the current Schedule of Public Sewer Rates and Charges of the Township. Sewer bills based on water consumption will be rendered monthly for metered water during the preceding month.

2. The User Charge shall be non-abatable for non-use of sewer service, and non-cumulative against subsequent use. In the case of fractional bills covering less than a month, minimum charges and allowances of sewer shall be pro-rated for new connections only.

3. The Owner of an Improved Property shall be fully liable for payment if a tenant or other User moves out without paying the bill. Tenants shall not be billed directly by the

Township and the Owner shall be responsible for passing the bill onto the tenant for payment, if the lease agreement calls for the tenant to pay sewer bills.

C. Payment of Bills

1. All bills are due and payable within twenty-one (21) days after the date of the bill, and a late fee equal to 10% per annum of the amount of such bill for the number of days such bill is delinquent (calculated on the basis of a year of 365 days), will be added to all bills if not paid when due. Acceptance of remittance of bills on the last day of this twenty-one (21) day period shall be determined by the date of actual receipt of the User's payment at the designated payment office.
2. If a User has not served written protest to the Township within fifteen (15) days after the date of a bill, it shall be considered an undisputed bill.
3. If a bill is paid by check and the check is returned by the bank for any reason, a charge of \$20.00, as such charge may be amended from time to time, shall be paid by the User in addition to the amount of the bill and the late fee.
4. Payment schedules can be obtained on a case-by-case basis pending the Township's approval.
5. Failure of any person to receive bills for User Charges and other charges shall not be considered an excuse for non-payment, nor shall such failure result in an extension of the period of time during which the bill shall be payable.
6. Every Owner of Improved Property shall remain liable for the payment of User Charges and surcharges until the later of: (1) the receipt by the Township of written notice by such Owner that the Improved Property has been sold, containing the correct name and mailing address of the new Owner, or (2) the date on which title to the Improved Property is transferred to a new Owner. Failure to provide notice renders an Owner continuously liable for any charges that may accrue until such time as the Township has been properly notified of any change in ownership as described above.
7. Tapping Fees, User Charges and all other charges imposed by this Resolution shall be a lien on the Improved Property from the date imposed.

D. Unpaid Bills

1. If the Owner fails or neglects to pay, for a period of thirty (30) days from the due date thereof, any sewer bill or payment due, the Township shall provide to such Owner ten (10) days notice in writing of the fact that such payment has become delinquent and that the Township intends to shut off sewer service, and/or to shut off, or request BCRA to shut off, the water supply to the Improved Property. This notice will also be posted at a main entrance of the Improved Property. If during such (10) day period the Owner delivers to the Township a written statement, under oath or affirmation, stating that he has a just defense to the claim, or part of it, for such rentals or charges, then the sewer

service and the water supply shall not be shut off until the claim has been judicially determined. This statement shall also contain a declaration under oath or affirmation that it was not executed for the purpose of delay.

2. The Township shall, in addition to the above, have the right to exercise any and all rights and remedies granted by the Connection Ordinance or applicable law; bring a legal action to recover any amount due to it and/or to enter a municipal lien or claim against the Improved Property in the Office of the Prothonotary of Monroe County, and to collect the same in the manner provided by law for the collection of such liens or claims, all of which rights and remedies shall be cumulative.

2.10 RENEWAL OF SERVICE

If sewer service (or water service) for a specific Improved Property has been discontinued, it will be restored after proper application when the conditions under which such service was discontinued are corrected, and upon the payment of all delinquent fees and charges attributable to such Improved Property have been paid, or an arrangement satisfactory to the Township, or its agent, for payment of the arrearage is made, including all charges, costs and expenses related to shutting off and restoring sewer service and/or water service. References herein to termination or restoration of sewer service for delinquencies in payment of bills or otherwise, shall also refer to public water service provided to such Improved Property by BCRA.

G. Service of Notices

1. With the exception of the notice to connect, all notices and bills relating to the Sewer System shall be deemed to have been properly served if left upon the Improved Property served, if mailed to the Owner, or served in person to the Owner at the Owner's address as shown on the records of the Township.
2. The Township will send all such notices and bills to the address given on the application for sewer service until a notice of change of address, in writing, has been filed with the Township by the Owner.
3. All notices of general character, affecting or likely to affect all or a large number of Users, shall be deemed to have been properly given or served if advertised in the newspaper designated by the Township.

H. Surcharge

1. The Owner of any Improved Property which shall discharge Extra Strength Wastes to the Sewer System shall, in the discretion of the Township, pay a surcharge. Surcharges shall be paid in addition to all User Charges computed in accordance with provisions of Section 2.4 and shall be computed on such basis, and payable at such times, as this Township may from time to time establish. In imposing any surcharge, the Township will consider the provisions of any agreements to which this Township is a party

governing the treatment of Domestic Sanitary Sewage or Industrial Wastes. Determination of surcharge quantities for Extra Strength Waste discharges shall be made based upon: (1) suitable sampling and analysis methods specified by the Township; or (2) from estimates made by the Township; or (3) from known relationships of products produced to strengths of such wastes for those industries where such factors have been established. In establishing such waste strengths for surcharge purposes by analysis, analyses shall be made in accordance with procedures outlined in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, Inc.

2. In addition to the foregoing, if Extra Strength Wastes are being discharged, the Owner shall be liable for the cost and expense of laboratory testing in relation to the same, and shall reimburse the Township and/or BCRA for any such costs and expenses upon demand.

3. All monitoring cost and expenses shall be the sole liability and responsibility of the Owner.

2.5 COMPLAINTS

1. Complaints relative to the character of the service furnished, the reading of water meters, or concerning bills rendered shall be in writing and mailed to the billing office of the Township or its designated billing agent.

2. If an employee of the Township, or its agent, is called out after normal business hours in response to a complaint by a User and if the cause of such complaint is not deemed to be the responsibility of the Township, then the User will be charged on the basis of time and materials with a minimum service charge of \$50.00, which fee may be changed from time to time.

2.6 CONDITIONS OF PLUMBING SYSTEM

The piping and fixtures on the Improved Property shall be in satisfactory condition at the time facilities are connected and sewer service furnished. The Township shall not be liable for any accidents, breaks, or infiltration resulting from connection of a Building Sewer to a Lateral or Sewer. The Township is not responsible for piping and fixtures of any User or for any damage to the Improved Property which may result from the Building Sewer or Lateral constructed by the User.

2.7 INDIVIDUAL LIABILITY FOR JOINT SERVICE

Two or more Persons who jointly make application for sewer service shall be jointly and severally liable for all bills issued by the Township, its agent or BCRA pertaining to the same. The Township reserves the right in such individual cases when deemed necessary to make one or more of said parties the guarantor for payment of said bill and to send a single bill.

2.8 INSPECTION

Authorized employees of the Township, or its agent, presenting an identification card, shall have access to the Improved Property at all reasonable hours, for the purpose of sewer facility inspection, installation, repair and/or replacement; inspection, setting, reading, repairing, and removal of the water meter or sewer meter; and for all other justifiable purposes in related to the Sewer System.

2.9 INTERFERENCE WITH THE SEWER SYSTEM

For the protection of the Sewer System, no Person shall damage, injure, molest, disturb, or interfere with any part of the Sewer System. Where any such damage, injury or molestation, disturbance, or interference takes place, any Person observing or becoming aware of the same shall notify the Township immediately.

SECTION 3 – PROHIBITED WASTES

3.1 No Person shall discharge, or shall cause or allow to be discharged, into the Sewer System any storm sewer, surface water, artesian well water, spring water, ground water, roof runoff, subsurface drainage, building foundation drainage, cellar drainage, untreated swimming pool drainage, condensate, de-ionized water, noncontact cooling water or drainage from roof leader connections.

3.2 Except as otherwise provided, no Person shall discharge, or cause or allow to be discharged, into the Sewer System any matter or substance:

A. Having a temperature higher than one hundred forty degrees Fahrenheit (140° F.) or less than thirty-two degrees Fahrenheit (32° F.), or which will inhibit biological activity in the Treatment Plant resulting in Interference, but in no case which causes the temperature at the introduction into the Treatment Plant to exceed 104 degrees F (40 degrees C);

B. Which causes Pass Through or Interference;

C. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the Treatment Plant or to the operation of the Treatment Plant, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F using methods in 40 CFR 261.21. At no time shall two (2) successive readings on an explosion hazard meter, at any point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limits (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Township, the Commonwealth or EPA has notified the User is a fire hazard or a hazard to the Sewer System;

D. Containing any solid wastes with particles greater than one-half inch (1/2") in any dimension, resulting from preparation, cooking and dispensing of food and from handling, storage and sale of produce, which wastes commonly are known as garbage, which have not been ground by household type garbage disposal units or other suitable garbage grinders;

E. Containing any solids or viscous substances which may cause obstruction to flow in the Sewer System or other interference with the proper operation of the Sewer System and/or the Treatment Plant such as, but not limited to: animal guts or tissues, paunch manure, bones, hair, hides or fleshings, feathers, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, strings, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes, dental floss, wool or other fibers;

F. Having a pH lower than 5.0 or higher than 10.0, or having any other corrosive property capable of causing damage or hazards to structures or equipment of the Sewer

System or any Sewer or to any Person engaged in operation and maintenance of the Sewer System;

G. Containing toxic or poisonous substances, or which result in the presence of toxic gases, vapors or fumes, in sufficient quantity to injure or to interfere with any sewage treatment process, to constitute hazards to humans or animals or to create any hazards in sewers which shall receive treated effluent from the Sewer System;

H. Containing dyes or other materials with objectionable color, from any source that will result in a Treatment Plant effluent exceeding limits in compliance with applicable state or federal regulations, and/or the Treatment Plant's NPDES permit;

I. Any substance which may cause the Treatment Plant's effluent or any other product of the Treatment Plant, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the Treatment Plant cause the Township to be in non-compliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or Commonwealth criteria applicable to the sludge management method being used;

J. Containing radio-active substances and/or isotopes of such half-life or concentration that will result in a Treatment plant effluent exceeding limits in compliance with applicable state or federal regulations;

K. Having a chlorine demand in excess of twelve (12) mg/l at a detention time of twenty (20) minutes;

L. Prohibited by any permit issued by the Commonwealth or the EPA;

M. Containing wastes which are not amenable to biological treatment or reduction in existing treatment facilities, specifically non-biodegradable complex carbon compounds;

N. Having a B.O.D. 5 content greater than three hundred fifty (350) ppm (except as authorized by written agreement);

O. Having a Suspended Solids content greater than three hundred (300) ppm (except as authorized by written agreement);

P. Having a Total Phosphorus as P content greater than twenty-five (25) ppm (except as authorized by written agreement);

Q. Having an Ammonia Nitrogen as N content greater than forty (40) ppm (except as authorized by written agreement);

R. Having any waste containing toxic or poisonous substances in excess of the following limits, measured at the point of discharge to the Sewer System:

<u>Substance</u>	<u>Discharge Limit mg/l</u>
Arsenic	5.0
Barium	100.0
Benzene	0.5
Cadmium (as Cd)	1.0
Carbon Tetrachloride	0.5
Chlordane	0.03
Chlorobenzene	100.0
Chloroform	6.0
Chromium	5.0
o-Cresol	200.0
m-Cresol	200.0
p-Cresol	200.0
Cresol	200.0
2,4-D	200.0
1,4-Dichlorobenzene	10.0
1,2 Dichloroethane	7.5
1,1 Dichloroethylene	0.5
2,4 Dinitrotoluene	0.7
Endrin	0.13
Heptachlor	0.02
Hexachlorobenzene	0.008
Hexachlorobutadiene	0.13
Hexachloroethane	0.5
Lead	3.0
Lindane	5.0
Mercury	0.4
Mexthoxychlor	0.2
Methyl ethyl ketone	10.0
Nitrobenzene	200.0
Pentachlorophenol	2.0
Pyridine	100.0
Selenium	5.0
Silver	1.0
Tetrachloroethylene	5.0
Toxaphene	0.7
Trichloroethylene	0.5
2,4,5 - Trichlorophenol	0.5
2,4,6 - Trichlorophenol	400.0
2,4,5 - TP (Silvex)	2.0
Vinyl Chloride	1.0
	0.2

S. Containing any substance not mentioned in the foregoing list that will cause Interference or Pass Through at the Treatment Plant and exceed the maximum permitted levels for such substance under the requirements of the EPA, DRBC, BCRA, the Commonwealth or other governmental agencies having jurisdiction;

T. Any other substance prohibited by resolution, rule, regulation or agreement of the Township hereafter enacted or adopted from time to time;

U. Sludges, screenings or other residues from the pretreatment of industrial wastes;

V. Consisting of medical wastes, except as specifically authorized by the Township in a wastewater discharge permit;

W. Causing, alone or in conjunction with other sources, the Treatment Plant's effluent to fail a toxicity test;

X. Consisting of detergents, surface-active agents or other substances which may cause excessive foaming in the POTW; or

Y. Consisting of fats, oil or greases of animal or vegetable origin in concentrations which exceed 100 mg/l or otherwise cause Interference or Pass Through.

Z. Containing total solids of such character and quantity that unusual attention or expense is required to handle such materials at the Treatment Plant, except as may be approved in writing by BCRA and supported by the BCRA's engineers.

AA. Containing trucked or hauled pollutants.

BB. Consisting of noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

CC. Containing cesspool, septic tank, porta-potty, holding tank discharges, or other septage, unless approved or consented to by the Township.

DD. Containing sewage, water or waste of such character and quantity that unusual attention or expense is required to handle such materials at the Treatment Plant, except as may be approved in writing by BCRA and supported by BCRA's engineers.

EE. Containing sewage, water or waste containing substances in demonstrated sufficient quantities, which when admixed in the total Treatment Plant influent wastewaters, will interfere with the biochemical processes of the Treatment Plant or the ultimate disposal of sludge or that will pass through the Treatment Plant and cause the effluent to exceed any Legal Requirements. No specific limits have been set herein. Actual Treatment Plant performance will be the basis for setting such limits.

FF. Containing Total Dissolved Solids (TDS) which cannot be removed by the treatment process, which consequently passes on to the Treatment Plant's effluent, thereby violating the Treatment Plant's NPDES permit except as may be approved in writing by the BCRA and supported by the BCRA's engineers.

3.3 Under no circumstances shall any Person discharge or cause to be discharged into the Sewer System any of the substances listed above, without first securing written permission to do so from the designated representative of the Township.

3.4 Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Resolution for sources in that subcategory, shall immediately supersede the limitations imposed under this Resolution. The Township shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

3.5 No User shall ever increase the use of process wastewater or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Township or the Commonwealth.

3.6 Whenever a Person is authorized by the Township and the appropriate governmental agencies to discharge any polluted sewer, Domestic Sanitary Sewage or Industrial Waste containing any of the substances or possessing any of the characteristics described above, such discharge shall be subject to the continuing approval, inspection and review of the Township. If, in the opinion of the Township, such discharges are causing or will cause damage to the Treatment Plant, or will cause the Township to be in violation of any agreement or order, the Township shall order the Person causing such discharge to cease doing so forthwith, or to take other appropriate action, including exercising the remedies provided in the Connection Ordinance, or delegating to another party duties to take appropriate action, to eliminate the harmful discharge.

3.7 Whenever the Township determines that a User is contributing to the Sewer System a Prohibited Discharge, the Owner shall be so notified and shall be required to take such corrective actions as are necessary to correct and alleviate such discharge.

3.8 Nothing contained herein shall be construed as prohibiting any special agreement or arrangement between the Township and the Owner of an Improved Property or other Person allowing Industrial Wastes of unusual strength or character to be admitted into the Sewer System.

3.9 Where necessary or appropriate, in the opinion of the Township or BCRA, the Owner of an Improved Property shall provide, at the sole expense of the Owner, suitable pretreatment facilities acceptable to the Township and BCRA.

3.10 Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of Industrial Wastes shall be submitted

for approval of the Township and BCRA. No construction of any such facility shall commence until approval has been obtained, in writing, from the Township and BCRA, and until approval has been obtained from any and all regulatory bodies having jurisdiction.

3.11 Such facilities for preliminary treatment and handling of Industrial Wastes shall be continuously maintained, at the sole expense of the Owner, in good operating condition satisfactory to the Township and BCRA. The Township and BCRA shall have access to such facilities at reasonable times for purposes of inspection and sampling

SECTION 4 – INDUSTRIAL WASTES

4.1 No person shall discharge or cause to be discharged into the Sewer System any Industrial Wastes without prior application for and receipt of a written permit from the Township.

4.2 Any Person desiring to make or use a connection through which Industrial Wastes shall be discharged into the Sewer System shall file with the Township/BCRA a completed "Industrial Wastes Questionnaire", furnished by the Township/BCRA, which shall supply pertinent data, including estimated quantity of flow, characteristics and constituents of the proposed discharge. The cost of obtaining all such data shall be borne by the Person desiring to make or use the connection to the Sewer System.

4.3 Ten (10) days prior to the first day of January, April, July and October of each year, each major contributor of Industrial Wastes shall file with the Township a report on the quality and quantity of their discharge. Major contributors shall consist of those whose total estimated or metered discharge exceeds 15,000 gallons per day, have in their waste a toxic pollutant or, in the judgment of the Township, would have potential for or a significant impact on the Sewer System or the quality of its effluent.

A. When required by the Township, the Owner of any Improved Property serviced by a Building Sewer carrying Industrial Wastes shall install, at his expense, a suitable control manhole, together with such necessary meters and other appurtenances in the Building Sewer, to facilitate observation, sampling and measurement of the waste flow.

B. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made herein shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater", published by the American Public Health Association, Inc., and shall be determined by or under the direct supervision of a "qualified analyst" at the control manhole provided, or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Sewer System to the point at which the Building Sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewer System and (if applicable) Treatment Plant, and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of an Improved Property is appropriate or whether a grab sample or samples must be taken.)

4.4. Any Industrial Establishment discharging Domestic Sanitary Sewage and/or Industrial Wastes into the Sewer System and contemplating a change in the method of operation which will alter the characteristics and/or volume of such wastes being discharged shall notify the Township and BCRA, in writing, at least thirty (30) days prior to institution of such change.

SECTION 5 – INTERCEPTORS, GARBAGE GRINDERS AND EQUALIZATION

5.1 Grease traps, Sand Traps and regulation of Fats, Oils and Grease generally shall be administered and regulated by the BCRA or Pocono pursuant to the Rules and Regulations adopted by BCRA and/or Pocono with respect to the same, and the Township hereby grants and delegates all necessary rights, authority and duties of the Township to the Pocono and BCRA (as applicable), as the agent of the Township and on its behalf, for that purpose.

5.1. Grease, oil and sand interceptors shall be provided by the Owner of any Industrial, Commercial, Educational or Institutional Establishment, at his or its sole cost and expense, when required by the Township, Pocono and/or BCRA, for the proper handling of liquid wastes containing excessive grease, inflammable wastes, sand or other harmful substances. All interceptors shall be of a type and capacity approved by Pocono and/or BCRA, and be constructed or installed at a satisfactory location in accordance with plans approved by the Township, Pocono and/or BCRA prior to installation or commencement of construction.

5.2. The use of mechanical garbage grinders in an Industrial, Commercial, Educational or Institutional Establishment shall not be permitted without prior written approval from the Township.

5.3. The Township may require Industrial, Commercial, Educational or Institutional Establishments having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the Sewer System.

SECTION 6 – GRINDER PUMPS

6.1 The Owner of any Improved Property, upon direction of the Township, shall install (unless otherwise agreed to by the Township), operate and maintain at such Owner's cost and expense, a grinder pump or similar apparatus satisfactory to the Township in the manner and at the location directed by the Township. Such grinder pump shall be installed at the time such Improved Property is connected to the Sewer System and shall be subject to inspection and approval together with the remainder of the Building Sewer.

6.2 The Township shall supply all grinder pumps, and the Owner shall reimburse the Township for the cost of the same at or before the time the grinder pump is supplied by Township.

SECTION 7 – VIOLATIONS

7.1 For any Violation or Significant Violation the Township may pursue any or all of the following enforcement rights and remedies as the Township, in its sole discretion, may elect:

A. The Township shall have all Enforcement rights and remedies as set forth in Article VI of the Connection Ordinance, all of which rights and remedies are incorporated herein by reference; and/or.

B. If a User is the source or cause, in whole or in part, of a Significant Violation and the Township either incurs, or is put on notice that it must pay, Violation Costs and/or a surcharge imposed by BCRA in relation to such Significant violation, the Township shall provide notice thereof to the User, and shall have the right to impose, demand and collect payment of/reimbursement for all such Violation Costs and surcharges imposed by BCRA upon the Township with respect to each such Significant Violation, which shall be due and payable by the User to the Township upon demand; in addition the Township may require that the User (i) indemnify and hold harmless the Township from, and pay, any and all resulting uninsured liabilities associated with such Violation Costs, (ii) pay any subrogation claims of the Township and/or (iii) pay any costs relating to obtaining any new permits and/or any increases in the insurance premiums payable by the Township resulting from such Violation or Significant Violation and/or.

C. The User shall pay to the Township upon demand any surcharge(s) imposed upon the User by the Township pursuant to Section 2.4.H. of this Resolution; and/or

7.2. In addition to the foregoing, the User shall take immediate action, with the approval of the Township, to alleviate the cause(s) of the Violation or Significant Violation, at the sole cost and expense of the User. The Township reserves all legal rights and remedies, including without limitation, the right to injunctive relief to enforce the obligation of the User to take such corrective action

SECTION 8 – MISCELLANEOUS

8.1 The Township, Pocono and BCRA and their respective agents shall have the right of access, at all reasonable times, to any part of any Improved Property as necessary for purposes of inspection, observation, measurement, sampling and testing and for performance of other functions relating to service rendered by the Township, Pocono and/or BCRA. Where the Owner/User has security measures in force which would require proper identification and clearance before entry onto their premises, the Owner/User shall make the necessary arrangements with their security guards/personnel so that upon presentation of suitable identification, personnel from the Township, Pocono and BCRA will be permitted to enter onto the Owner's/User's premises, without delay, for the purposes of performing their specific responsibilities.

8.2 The Owner of any Improved Property shall be liable for all acts of tenants or other occupants of such Improved Property, as may be permitted by law, insofar as such acts shall be governed by the provisions of this Resolution.

8.4 The Township shall adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with the use and operation of the Sewer System (as well as BCRA in the case of the Treatment Plant), which rules and regulations

shall be, shall become and shall be construed as part of this Resolution. Rules and regulations adopted by Pocono and/or BCRA applicable to the use and operation of the Sewer System and/or the Treatment Plant, as the same may be supplemented from time to time, are incorporated herein by reference. Should any of the provisions of the rules and regulations expressly set forth in this Resolution conflict with or be inconsistent with, rules and regulations adopted by BCRA, the more restrictive provision shall control to the extent of such conflict or inconsistency.

8.5 Should any provision hereof be finally determined by a court of competent jurisdiction to be illegal or invalid, no other provision of this Resolution shall be affected, and this Resolution shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

8.6 This Resolution shall be effective immediately.

8.7 Township shall have the right to assign any of its rights, or delegate any its duties, hereunder to a municipal authority or to another local government unit, in the Township's sole discretion.

DULY ADOPTED, by the Board of Supervisors of the Township of Hamilton, Monroe County, Pennsylvania, in lawful session duly assembled, this 23rd day of July, 2013.

TOWNSHIP OF HAMILTON,
Monroe County, Pennsylvania

By: Alan J. [Signature]
Chairman of the Board of Supervisors

ATTEST:

[Signature]
Secretary of the Township

(TOWNSHIP SEAL)

SCHEDULE 1

**TOWNSHIP OF HAMILTON,
Monroe County, Pennsylvania**

SCHEDULE OF PUBLIC SEWER RATES AND CHARGES

EFFECTIVE
, 2013

I. Periodic rate for public sewer service

User Charge:

\$1,250/EDU* per annum, payable at the rate of \$104.17/EDU* per monthly billing period.

II. Fees payable at time of connection to the Sewer System (or increase in EDU count):

Tapping Fee: \$3,750/EDU**

Connection Fee: Actual cost of Lateral constructed by the Township to serve an Improved Property (not charged if Owner constructs Lateral, subject to inspection fee)

Customer Facilities Fee**** (pressure sewers only): Actual cost of the grinder pump to be installed by Owner as part of the Building Sewer.

*Unless otherwise established by written agreement.

**Owners connecting a Developed Property within the Sewered Area (as the Sewered Area existed on 10/1/2012) to the Sewer System AND paying the applicable Tapping Fee within ninety (90) days of receiving notification from the Township to do so, shall be credited with Township grant funds in the amount of \$1,250/EDU resulting in a net Tapping Fee of \$2,500/EDU.

****Customer Facilities Fee consists of the cost of the grinder pump unit furnished by the Township for pick-up by the Owner or contractor at designated location.

EXHIBIT "A"

**HAMILTON TOWNSHIP, MONROE COUNTY, PENNSYLVANIA
SEWER SYSTEM
MAXIMUM TAPPING FEE CALCULATION**

**PENNSYLVANIA ACT 57
(AMENDS ACT 203)**

**DRAFT
TAPPING FEE STUDY FOR THE
POCONO AND HAMILTON TOWNSHIPS
SEWER SYSTEM**

POCONO TOWNSHIP
Monroe County, Pennsylvania

October 16, 2012

Prepared by:

R.K.R. HESS ASSOCIATES
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Landscape Architects, and Environmentalists*
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R.K.R. Hess Project No. 08038.16

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INTRODUCTION

PA Act 57 of 2003, which amends PA Act 203 of 1990, delineates and defines the components that may be used to calculate Tapping Fee that may be charged to a new customer to connect to Municipal Sewer System. According to the Act, a Tapping Fee may be made of four components: capacity, collection, special purpose, and reimbursement. Capacity covers the cost of facilities for treatment, storage and sludge processing. Collection covers sewage collection and conveyance systems, including pumping stations and valve stations. The Special Purpose Part is for facilities constructed for a particular group of customers or for serving a particular purpose or a specific area. (e.g. booster pumping station for an individual housing development), and was not applied for the purpose of this study. Lastly, the Reimbursement Part is to recover costs to reimburse the person or entity at whose expense the facilities were constructed as set forth in a written agreement between the Township and such person or entity at whose expense the facilities were constructed. Commonly, only the Capacity and Collection Parts are calculated for determining a Tapping Fee for a new system. The Special Purpose and Reimbursement Parts are calculated if and/or when required. Only the Capacity and Collection Parts have been calculated for this Tapping Fee Study.

Act 57 specifies that the cost of the facilities used in the tapping fee study should be based upon the historical cost trended to the current cost using published cost indexes, or upon the historical cost plus interest and other financing fees paid on debt financing such facilities. To the extent that historical cost is not ascertainable, tapping fees may be based upon an engineer's reasonable written estimate of current replacement cost. As the Pocono and Hamilton Township Sewer System is a new collection and conveyance system, the estimated capital cost of the project was applied to determine the Collection Part of the Tapping Fee. Pocono Township's estimated share of the Capital Contribution to the upgrade of the BCRA Joint Municipal Treatment Plant was applied to determine the Capacity Part of the of the Tapping Fee.

Based on the calculations and assumptions presented in this study, The Pocono and Hamilton Township Sewer System Tapping Fee (to be collected by Pocono Township), which is comprised of the Capacity and Collection Parts, has been determined to be a maximum of \$4,411/EDU.

NOTE: PA Act 57 of 2003 which amends the PA Act 203 of 1990 defines the method used to determine a connection fee and a customer facilities fee. A connection fee covers the costs of facilities from the sewer main to the property line or right-of-way line. A customer facilities fee covers the costs of facilities from the property line or right-of-way line to the dwelling. The Act differentiates these two from the Tapping Fee. Therefore, these two fees are not to be calculated in this Tapping Fee Study. However, these two fees can usually be based upon the actual cost of the installations or upon an average cost for previous installations of similar type and size. In the case of Pocono/Hamilton Township, we recommend that the Connection Fee and Customer Facilities Fee (if applicable), be based upon straight reimbursement of Township expenses basis.

The methodologies used in this study are from the guidance-received at a seminar provided by the Pennsylvania Municipal Authorities Association and the Pennsylvania Builders Association on April 18, 1991 and from the Act 203 and Act 57 prepared by the Members of the General Assembly. Information was also taken from the Amendments to the Municipal Authorities Act, which is an insert to the 2003 Edition of the Pennsylvania Municipal Authorities Act.

I. SYSTEM DESIGN CAPACITY

The design capacity of the Pocono and Hamilton Sewer System is **2,000,000 gallons per day (or 2.0 MGD)** as a daily average over a month period, based upon the allocation of Pocono and Hamilton Township's share of Treatment Capacity in the Joint Municipal Wastewater Treatment Plant; as stated in the Sewage Treatment Agreement dated March 1, 2011. The Pocono and Hamilton Townships Sewer System is a brand new system with no existing customers.

II. CAPACITY PART

A. Pocono Township Capital Contribution to Joint Municipal Wastewater Treatment Plant (WWTP)

Total Pocono Capital Contribution -----	\$ 26,368,773
Less Grants Allocated to Capital Contribution -----	\$ 639,169

Subtotal \$25,729,604

B. Capacity Part of Tapping Fee

The capacity Part of the Tapping Fee is the cost to be used by future customers divided by the Total Available Capacity Remaining.

Total Cost of Capacity Facilities attributed to Debt- Used for Tapping Fee Calculations:	\$25,729,604
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Cost of Capacity Part per gallon of Sewage Flow in Design Capacity:	$\$25,729,604 / 2.0 \text{ MGD} =$ \$12.86/gallon
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III. COLLECTION PART

A. Sewer Collection and Conveyance, including Pump Stations and Valve Stations

Total Capital Cost of Collection and Conveyance Systems -----	\$ 49,159,996
Less Grants Allocated to Capital Cost of Collection and Conveyance Systems -----	<u>\$ 39,140,600</u>
Subtotal	\$10,019,396

B. Collection Part of Tapping Fee

The Collection Part of the Tapping fee is the cost of the Collection and Conveyance Facilities divided by the Total Available Capacity Remaining.

Total Cost of Collection/Conveyance Facilities attributed to Debt-
Used for Tapping Fee Calculations:

\$10,019,396

Cost of Collection/Conveyance Part per gallon of Sewage Flow
in Design Capacity:

$\$10,019,396 / 2.0 \text{ MGD} =$
\$5.00/gallon

IV. TAPPING FEE

The estimated Sewer System Tapping Fee for Pocono and Hamilton Townships, is recommended not to exceed the following amounts:

Capacity Part -----	\$ 12.86/gallon
Collection Part -----	<u>\$ 5.00/gallon</u>
Total Tapping Fee-----	\$17.86/gallon

V. TAPPING FEE ALLOCATION PER EQUIVALENT DWELLING UNITS
(EDUs)

Consumption: -----90 Gallons/Day/Person
(from Act 57 for Sewer)

Persons/Household (or EDU): ----- 2.74
(Based on Monroe County, PA Census 2010)

Allocation Rate/EDU: ----- 247 Gallons/Day

Nominal System Design Capacity (MGD): ----- 2.0 MGD

Predicted System Design Capacity (EDUs) = ----- 8279 EDU's
(Source: Regional Act 537 Sewage Facilities Plan Approved 10/20/09)

Total Tapping Allocated per EDU = \$17.86/gallon x 247 gallons per EDU

\$4,411/EDU Maximum Recommended Tapping Fee

NOTE: A Tapping Fee may also include a Reimbursement Component and a Special Purpose Component. However, these components refer to special instances and are more suitably calculated on a case-by-case basis. A Reimbursement Component is charged to recover costs of facilities constructed at the expense of another developer. A Special Purpose Component is a fee for a Special Purpose Facility to serve a particular group of customers.

APPENDIX A

**Pocono Township
 Summary of Sources and Uses
 October 16, 2012
 (All figures are approximate)**

Project	Collection & Conveyance Sewer System	Joint WWTP (Capacity)	Totals
Uses			
Construction/Engineering/Const. Obsv. Costs			
Pocono Share of Joint WWTP Upgrade Capital Contribution*	43,244,428	0	43,244,428
Legal/Land/Contingency/Misc. Costs**	4,566,401	24,606,658	24,606,658
Capitalized Interest/Cost of Issuance	1,349,167	0	4,566,401
Totals	<u>49,159,996</u>	<u>26,368,773</u>	<u>75,528,769</u>
Sources			
PennWorks Grant (\$5.0M)			
TIF Funding (\$3.2M)***			
HRSA grant (\$10.0M)			
EPA STAK Grant (\$0.241M)			
H2O grant (\$9.0M)			
PennVest Phase II Grant (\$11.7M)			
PennVest Phase III Loan (\$8.3M)			
PennVest BCRA to Poc. (\$6.162M)			
Economic Rec Zone Bond (\$4.5M)			
LSA Share BCRA to Poc (\$0.639M)			
GSRN Series 2011 - Landmark Bank (\$3.9M)			
GSRB Series A 2010 - 1st. Keystone (\$7.5M)			
GSRB Series B 2010 - Wayne Bank (\$4.5M)			
GO Note 2010 (Firm. Amb. Bldg.) - 1st. Keystone (\$0.887)			
Total	<u>1,832,396</u>	<u>8,300,000</u>	<u>8,300,000</u>
	<u>7,300,000</u>	<u>6,162,000</u>	<u>6,162,000</u>
	<u>0</u>	<u>4,500,000</u>	<u>4,500,000</u>
	<u>887,000</u>	<u>0</u>	<u>887,000</u>
Grant Subtotals	<u>49,159,996</u>	<u>26,368,773</u>	<u>75,528,769</u>

*Represents Pocono Township's 61.62% Share of Joint STP Cost from June 2011 Drawdown Schedule from BCRA, (after award of STP Construction Contracts) plus includes Preconstruction, Contingency and Pocono Share of Lumber Yard Land Cost.
 ** Includes estimated Contingency Costs = \$1,706,030
 *** For purposes of this calculation, TIF Funding is considered as a "Grant" and is not treated as "Debt" related to the Sewer Project.

**EXHIBIT B
EXTRA STRENGTH WASTES**

- Proposed Wasteload Limitations to Pocono Township Sewer Collection System

Flow	EDUs Assigned (Buildout)	CBOD ₅		NH3-N		Total P		Total Suspended Solids		Total Dissolved Solids		Fats, Oil & Grease ⁴		pH	
		Avg. (mg/l)	Avg. (ppd)	Avg. (mg/l)	Avg. (ppd)	Avg. (mg/l)	Avg. (ppd)	Avg. (mg/l)	Avg. (ppd)	Max. (mg/l)	Max. (ppd)	Avg. (mg/l)	Avg. (ppd)	Min. (pH Units)	Max. (pH Units)
Avg. (MGD)	1 EDU = 247 GPD														
2.00	8279	306	5100	36	600	21	350	258	4400	593	9878	87	1451	6.0	9.0
0.350	1417	300	876.3	30	87.6	17	49.7	250	730.3	1800	5257.9	50	146.1	6.5	8.5
1.650	6862		4223.7		512.4		300.3		3669.7		4620.1		1304.9	6.0	9.0

Flow	EDUs Assigned (Buildout)	CBOD ₅		NH3-N		Total P		Total Suspended Solids		Total Dissolved Solids		Fats, Oil & Grease ⁴		pH	
		Avg. (mg/l)	Avg. (ppd)	Avg. (mg/l)	Avg. (ppd)	Avg. (mg/l)	Avg. (ppd)	Avg. (mg/l)	Avg. (ppd)	Max. (mg/l)	Max. (ppd)	Avg. (mg/l)	Avg. (ppd)	Min. (pH Units)	Max. (pH Units)
Avg. (MGD)	1 EDU = 247 GPD														
2.00	8279	306	5100	36	600	21	350	258	4400	593	9878	87	1451	6.0	9.0
0.350	1417	300	876.3	30	87.6	17	49.7	250	730.3	1800	5257.9	50	146.1	6.5	8.5
1.650	6862		4223.7		512.4		300.3		3669.7		4620.1		1304.9	6.0	9.0

nt WWTP based Exhibit "E" to Sewage Treatment Agreement.
 r Inflow Waste Limits to Joint WWTP based upon projected concentrations at system buildout (2.0 MGD).
 Limits based Special Wastewater Service Agreement Dated 10/3/03.
 and at restaurants, diners and other food service establishments, where applicable under the Rules and Regulations of the sewer system.

Limits are based upon a 24 hour Composite Sample, except for pH which is based upon an individual, grab sample.

EXHIBIT "C"

Equivalent Dwelling Unit (EDU)
Schedule as Basis for Tapping Fee and User Fee Calculations for Commercial, Educational,
Industrial, Multi-Residential, Mixed Use (Commercial/Residential) and Industrial
Properties that do not have Metered Water Service

1.01 Classification and Equivalent Dwelling Units - The Classification and Equivalent Dwelling Unit for each type of property (category) listed below that do not have metered water service shall be as follows:

<u>CATEGORY</u>	<u>EQUIVALENT DWELING UNITS</u>
Two (2) Family Dwelling (per each family unit)	1
Multi-Family Dwelling (per each family unit)	1
High-rise and Multi Apartment Complex (per each family unit)	1
Apartment House (per each family Unit)	1
Mobile Homes, Trailers	1
Each Hotel, Motel or Boarding House (per each four (4) rental Units or fraction thereof)	1
Barber Shop, whether or not attached to or forming a part of owners residence/property, per each two (2) chairs	1
Each retail store, business, industry or office attached to or forming a part of owner's residence/property:	
(1) Having ten (10) or fewer employees	1

(2) Each additional ten (10) employees or fraction thereof	1
Each retail store, business, industry or office not attached to or forming part of owner's residence/property	
(1) Having five (5) or fewer employees	1
(2) Having six (6) to ten (10) or fewer employees	2
(3) Each additional ten (10) employees or fraction thereof	1
Each restaurant, tavern and club with or without alcoholic beverages, per fifteen (15) seats or fraction thereof; or drive-in, per four (4) car spaces or fraction thereof	1
(1) Each additional fifteen (15) seats or fraction thereof	1
Each service station, garage, and automobile repair shop, without car wash facilities	1
Each shop, with carwash facilities, each bay	5
Each Laundromat, per washer	½
Beauty shop, whether or not attached to or forming part of owner's residence/property per each two (2) chairs	1
Each commercial swimming pool	3
Each school, public or private, or daycare facility having:	

(1) Toilet facilities only, per
twenty five (25) pupils* or
fraction thereof 1

(2) Toilet facilities and kitchen
per twenty (20) pupils* or fraction
thereof 1

(3) Toilet facilities and gymnasium
with shower facilities per fifteen
(15) pupils or fraction thereof 1

(4) Toilet facilities, kitchen, and
gymnasium with shower facilities
per twelve (12) pupils or fraction
thereof 1

*Pupils shall include students, employees, teachers,
aids, administrative personnel, supervisory personnel,
custodians and kitchen personnel.

Each business or industry providing showers
for employees:

(1) Seven (7) or fewer employees 1

(2) Each additional seven (7)
employees or fraction thereof 1

Fraternal or Social Service Club
(per 30 seats or fraction thereof) 1

Gym/Fitness Center:

(1) With showers and toilets (per
fifteen (15) patrons or fraction
thereof) 1

(2) Without showers but with toilets
(per twenty (20) patrons or fraction
Thereof) 1

Racquet or Tennis Club:

(1) First four (4) courts	1
(2) For each additional court in excess of four (4)	1/4
Church Complex (including hall) or Community Building	1
Parsonage and/or Rectory	1
Post Office, Fire House (less social Quarters)	1
Nursing Home/Hospital, per bed	1/2
Funeral Home	2
Stadium (with toilet facilities)	1
Commercial Banquet Hall	1
Non-profit Service Hall	1
Municipal Building (having ten (10) or fewer employees and Occupants)	1
Municipal Building (having more than ten (10) employees and Occupants)	2
Outdoor picnic area	1
Movie Theaters and Drive-In Theaters, per seventy-five (75) seats or seventy-five (75) car spaces	1
Any user having a commercial (i.e., three-quarters (3/4) HP or greater) garbage grinder per each such grinder	1
Warehouse, Distribution Center of Trucking Terminal (based on the number	

of full-time office employees) per
ten (10) employees or fraction thereof.

1

1.02 For properties (categories) not listed, the Township, through its Building Code Official or other authorized designee, will determine EDU's based on consideration of these existing categories and the flows set forth in 25 Pa. Code §73.17, or any successor section, as the same may be amended from time to time, on a case-by-case basis.

1.03 Businesses employing part-time employees shall be attributed the applicable number of EDUs based on the number of full-time equivalent employees (i.e., forty (40) hours per week). For example, if five (5) people work twenty-four (24) hours per week, the number of full-time equivalent employees is three (3).

1.04 An employee is defined as any person participating in the operation of the business, including the owner or owners, employees and/or volunteers. An employee is also a person who spends twenty-five percent (25%) or more of their time on the property being serviced by the Sewer System (i.e., if the business has a delivery person who merely picks up a truck in the morning and drops the truck off in the afternoon, such person would not be considered an employee).

1.05 Properties, having a primary use of residential, shall be assessed a total of one (1) equivalent dwelling unit even if such property has a secondary use of a business under the following conditions: the secondary business either: 1) is not provided wastewater service (i.e., no service lateral line exists), or 2) it does not provide separate wastewater facilities associated with the business (i.e., a restroom specifically for the business is not available).

1.06 As to such of those Users for which the number of EDUs attributable to such Users are computed on the basis of the average daily number of full and part-time employees (including the owner(s) or employer(s)), the Owners of such facilities shall be responsible for advising the Township in writing of the number of employees upon connection to the Sewer System and upon request of the Township. As to such of those Users for which the number of EDUs attributable to such Users are computed on the basis of the number of occupants, pupils, faculty, administrators and staff, the Owner(s) of such facilities shall be responsible for advising the Township in writing of the number of occupants, pupils, faculty, administrators and staff in attendance as an average daily figure upon request of the Township.

1.07 Subject to the provisions of Section 1.05 above, in the case of a multiple use Improved Property sharing a common connection to the Sewer System or a common structure, each such classification of Improved Property shall pay a separate User Charge, as though it was housed in a separate structure and had a direct and separate connection to the Sewer System.